No. 24-102

In the Supreme Court of the United States

MANUEL ADAMS, JR.,
Petitioner,

v.

CITY OF HARAHAN, LOUISIANA,
Respondent.

AMICUS CURIAE BRIEF OF THE NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC. IN SUPPORT OF PETITIONERS

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Fifth Circuit

William J. Johnson
NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.
317 S Patrick St.
Alexandria, VA 22314

Philip S. Goldberg
SHOOK, HARDY & BACON L.L.P.
1800 K Street, NW
Suite 1000
Washington, D.C. 20006

Tristan L. Duncan
(*Counsel of Record)*
Christopher R. Wray
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108
(816) 474-6550
tlduncan@shb.com

Counsel for Amicus Curiae

August 30, 2024

TABLE OF CONTENTS

Page

TABLE OF AUTHORITIES

Page(s)

Cases

Other Authorities

INTEREST OF *AMICI CURIAE*[1]

The National Association of Police Organizations (NAPO) is a coalition of police units and associations from across the United States. It was organized to advance the interests of America's law enforcement officers. Founded in 1978, NAPO is the strongest unified voice supporting law enforcement in the country. NAPO represents more than 1,000 police units and associations, more than 241,000 sworn law enforcement officers, and more than 100,000 citizens who share common dedication to fair and effective law enforcement. NAPO often appears as *amicus curiae* in cases of special importance.

NAPO has a strong interest in this case because the Fifth Circuit's opinion creates legal uncertainty about a nationwide, important, and recurrent issue affecting law enforcement agencies and law enforcement officers. The Fifth Circuit's decision has created an impermissibly high and unworkable pleading standard for showing unconstitutional governmental deprivation of a law enforcement officer's occupational liberty. If this ruling is allowed to stand, it would impinge on the liberty interests of thousands of law enforcement professionals and sow confusion in the lower courts due to its divergence with the other Courts of Appeals.

---

[1] Pursuant to Rule 37.6, counsel for *amicus curiae* certifies that no counsel for a party authored this brief in whole or in part, and no person other than counsel for *amicus curiae* has made a monetary contribution to its preparation or submission. *Amicus curiae* has accepted no payment for submission of this brief. All parties were timely notified of the *amici's* interest in filing this brief.

INTRODUCTION AND SUMMARY OF THE ARGUMENT

This Court should grant the Petition to address a deep and widening conflict among the Courts of Appeals regarding the appropriate standard for determining when government action infringes upon an individuals' occupational liberty. In *Greene v. McElroy*, 360 U.S. 474, 492 (1959), the Court held that a person cannot be denied the right to follow a chosen profession without full hearings where accusers may be confronted and cross-examined. However, when this right is implicated and how much of a burden the government must place on that right in order to constitute a constitutional violation has divided the Courts of Appeals. This question warrants the Court's attention now because of the increasing incidents of police officers being deprived of their occupational interests in cases similar to the one at bar. As this case shows, the circuits, as well as the district courts, are implementing this Court's jurisprudence with little to no guidance—leading to disparate and unjust results.

The Fifth Circuit's decision in this case represents the harshest outlier, imposing the most restrictive test in the nation for challenging government interference with occupational liberty. Under its rule, a plaintiff must demonstrate the government *completely barred* a person from his or her chosen profession to establish a constitutional violation. In the Fifth Circuit's own words, showing it is "nearly impossible" to remain in the profession is not sufficient. Pet. App. 13a. This standard is too high to withstand constitutional scrutiny and conflicts with rulings in other circuits, which apply more flexible and less stringent

standards. In these other circuits, a violation of occupational liberty requires a showing only that the government placed *an obstacle* in the path of one's professional advancement. This approach is more consistent with this Court's due process jurisprudence.

The fundamental problem with the Fifth Circuit's ruling is it allows governments to infringe on an employee's occupational liberty interests without basic due process protections. As this case shows, the impact on law enforcement officers is particularly acute. Prosecutors and law enforcement agencies regularly maintain lists of officers who have been *alleged* to have credibility problems—so-called "*Giglio* lists." They avoid using those officers in judicial proceedings because the officers are prone to impeachment, which can harm a government's case. Accordingly, merely being placed on a *Giglio* list diminishes the ability of an officer to do his or her job and, therefore, effectively blacklists that officer from the policing profession.

However, the processes and procedures for being put on a *Giglio* list and, more concerning, being cleared and removed are entirely haphazard: they are standardless and disparate from jurisdiction to jurisdiction. As with Mr. Adams here, officers put on a *Giglio* list are afforded absolutely no due process protections for their occupational liberty interests. They can be put on—and left on—a *Giglio* list even when being placed on the list and/or left on it is unquestionably unjust and entirely devoid of due process protections, as happened with Mr. Adams.

Not surprisingly, litigation over *Giglio* lists is becoming more frequent. Officers across the country have sued over being added to *Giglio* lists improperly—for reasons ranging from retaliation by senior

officers to political persecution—and, as here, for not being removed from a *Giglio* list when fully cleared in a competent proceeding of the credibility issue that landed them on the list. Thus, this case is about protecting innocent and honest police officers against unconstitutional deprivations of liberty arising from wrongful placement or maintenance on *Giglio* lists with no due process rights for removal. To be clear, it is not about the validity of the lists themselves.

For these reasons, as detailed below, *amicus* respectfully requests that the Court grant the Petition and reverse the decision below. The Fifth Circuit's ruling results in a double blow to innocent law enforcement officers. Not only does it create the most stringent occupational liberty deprivation test in the country, but it does so in the context of professional rights being abridged arbitrarily and increasingly unjustly.

ARGUMENT

I. THE CIRCUITS ARE DIVIDED ON THE STANDARD FOR PLEADING IMPAIRMENT OF OCCUPATIONAL LIBERTY, AND IN THE CONTEXT OF *GIGLIO* LISTS, INNOCENT AND HONEST POLICE OFFICERS ARE DEPRIVED OF DUE PROCESS.

Giglio lists are a creation of this Court's jurisprudence, and review is needed in this case to give proper procedural guidance as to how such lists should be maintained. The foundation for *Giglio* lists was established in *Brady v. Maryland*, 373 U.S. 83, 87 (1963), where the Court held that criminal defendants are constitutionally entitled to exculpatory evidence. That rule was extended to impeachment evidence in *Giglio*

v. United States, 405 U.S. 150, 154-55 (1972). As a result, law enforcement agencies began to maintain lists—informally referred to as *Giglio* lists[2]—"of law enforcement officers with credibility issues that must be disclosed to a defendant in a criminal trial." *Hewitt v. Stephens*, 2023 WL 4494457, at *2 n.3 (S.D.W. Va. July 12, 2023). Officers on the list are required to be disclosed before trial so that the named officers can be impeached by a criminal defendant. *LaCoe v. City of Sisseton*, 2022 WL 17485843, at *1 n.1 (D.S.D. Dec. 7, 2022) (describing a *Giglio* list as an "Impeachment Disclosure List" that "contains the names of officers known in the jurisdiction to have been dishonest in the past"), *aff'd*, 82 F.4th 580 (8th Cir. 2023).

The type of information included, and potentially disclosed, on a *Giglio* list includes not just formal findings against an officer, but often, mere accusations. For example, the U.S. Department of Justice notes that information to be disclosed may include, but is not limited to: (1) "any finding of misconduct that reflects upon the truthfulness or possible bias," (2) "a finding of lack of candor during a criminal, civil, or administrative inquiry or proceeding," (3) "any past or

---

[2] Various terms are used to refer to *Giglio* lists. As one law review commentator explained, they are also "sometimes referred to as *Brady* indices, *Giglio* lists, 'no call lists,' 'do not call lists,' 'no fly lists,' 'liars lists,' 'bad cop lists,' 'damaged goods lists,' 'naughty lists,' 'exculpatory evidence schedules,' 'law enforcement integrity databases,' 'law enforcement automatic discovery databases,' 'potential impeachment disclosure' lists, 'police disclosure lists,' 'credibility disclosure notification lists,' 'law enforcement employee disclosure lists,' 'law enforcement activity disclosures,' 'witness review flowsheets,' 'impeachment databases,' or other state-specific titles." Rachel Moran, *Brady Lists*, 107 MINN. L. REV. 657, 658 n.2 (2022).

pending criminal charge," (4) "any *allegation* of misconduct bearing upon truthfulness, bias, or integrity that is the subject of a pending allegation," (5) prior findings that an officer "has testified untruthfully, made a knowing false statement in writing, engaged in an unlawful search or seizure, illegally obtained a confession, or engaged in other misconduct," or (6) instances of failures to follow requirements for the handling of evidence. U.S. Department of Justice, JUSTICE MANUAL § 9-5.100 (emphasis added); *see also Lynem v. Worthy*, 2022 WL 995562, at *2 (E.D. Mich. Mar. 31, 2022) (emphasis added) (observing a broad range of conduct can result in an officer being placed on the list, including "theft, dishonesty, fraud, false statement, bias, and bribery").

Further, the processes and procedures for how the lists are maintained "vary widely" and are "almost completely unregulated." Moran, *Brady Lists*, 107 MINN. L. REV. at 660. Some lists are expansive, whereas other law enforcement agencies fail to have them at all. *See id* at 659 (calling them "complicated in practice"); *see also* Jonathan Abel, *Brady's Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the Prosecution Team*, 67 STAN. L. REV. 743, 777 (2015) (recounting a "longtime federal prosecutor" who joined a local prosecutor's office and said he "quickly saw that we really weren't doing anything with respect to *Giglio*" material). Even the U.S. Department of Justice, which otherwise has a robust policy for what needs to be disclosed, leaves the decision of whether to maintain "a *Giglio* system of records" to the local prosecuting offices. *See* U.S. Department of Justice, JUSTICE MANUAL § 9-5.100.

The law governing disclosure of the lists seemingly varies just as widely. For example, there is a circuit split on whether *Giglio* evidence must be turned over when the government does not intend to call the named officer as a witness. *United States v. Morrow*, 2005 WL 3163806, at *8 (D.D.C. Apr. 13, 2005) (collecting cases showing the Circuit split on this issue); *compare United States v. Jackson*, 345 F.3d 59, 70 (2d Cir. 2003) (holding that "the government must disclose exculpatory and impeachment materials pertaining to non-testifying witnesses"), *with United States v. Green*, 178 F.3d 1099 (10th Cir. 1999) (holding that *Giglio* did not apply where the government "did not call" the person in question as a witness).

One thing, though, is a certainty: inclusion on a *Giglio* list inhibits a police officer's ability to be employed in law enforcement. First, it will prevent or limit their ability to testify in their own cases. *See Satterfield v. City of Chesapeake, Virginia*, 2021 WL 4812452, at *2 (E.D. Va. Oct. 14, 2021) (noting *Giglio* lists "flag officers with established credibility issues" to signal who can be used "as a witness in any future cases"). Second, as commentators have found, an "officer who cannot be counted on to testify also cannot be counted on to make arrests, investigate cases, or carry out any other police functions that might lead to the witness stand." Abel, *Brady's Blind Spot*, 67 Stan. L. Rev. at 780 (a *Giglio* "designation immediately puts a question mark on the officer's ability to testify, and that question mark has severe employment consequences"). And, third, prosecutors have declined to take cases from officers on *Giglio* lists. *See*, *e.g.,* Christine Byers & Joel Currier, *St. Louis Prosecutor Says She Will No Longer Accept Cases from 28 City Police*

Officers, ST. LOUIS POST DISPATCH (Aug. 31, 2018).[3] Even if an officer does remain employed, it may hamper his or her career; that officer may not be placed in divisions (such as homicide or special crimes units) where testimony is frequently required.

Thus, mere placement on a *Giglio* list significantly impairs both the current employment and future employability of a law enforcement officer. *See* Abel, *Brady's Blind Spot*, 67 Stan. L. Rev. at 781 (observing such "cops may thus find themselves fast-tracked for termination and hard-pressed to find future work"); *Allen v. Stephens*, 2024 WL 1204098, at *12 (S.D.W. Va. Mar. 20, 2024) (a plaintiff saying inclusion on the list "basically can ruin my career as an officer"); *Herring v. City of Ecorse*, 2023 WL 1802378, at *4 (E.D. Mich. Feb. 7, 2023) (referring to *Giglio* listing as "career ending"); *Adams v. Walker*, 2022 WL 457821, at *1 (E.D. La. Feb. 15, 2022) (alleging a "career in law enforcement is permanently impaired" by being on such a list); *Heller v. Elkins*, 340 F. Supp. 3d 18 (D.D.C. 2018) (noting a *Giglio* impairment means an officer "may face banishment to undesirable administrative tasks" and "may impact a law enforcement officer's career"); *Stockdale v. Helper*, 2017 WL 3503243 (M.D. Tenn. Aug. 16, 2017) ("Plaintiffs have alleged that the *Giglio* impairment renders a police officer incapable of obtaining employment in another police department and is a career-ending condition for any police officer."); Moran, *Brady Lists*, 107 MINN. L. REV. at 661 (collecting authorities on how "the lists unfairly

[3] Available at https://www.stltoday.com/news/local/crime-and-courts/st-louis-prosecutor-says-she-will-no-longer-accept-cases/article_6d8def16-d08d-5e9a-80ba-f5f5446b7b6a.html.

jeopardize officers' careers by labeling them as 'bad cops' or unreliable witnesses").

Yet, there are no due process protections surrounding placement on or removal from a *Giglio* list. Police officers can be placed on the list with no notice, and without opportunity to rebut their placement on it. *Hewitt*, 2023 WL 4494457, at *2 (a deputy stating she "received no written notice for her placement on the list, nor any written statement of reasons therefor," although she was told it related to a family court proceeding years before); *LaCoe*, 2022 WL 17485843, at *1 (an officer stating "she was not given a meaningful opportunity to rebut or defend herself before being placed on the list"). As academic commentary has noted, this is a recurring complaint among law enforcement professionals. Moran, *Brady Lists*, 107 MINN. L. REV. at 661 ("Police officers complain it is too easy to get on such lists and too hard to get off…").

In some instances, as with the case at bar, police officers are fully vindicated of the charges against them, including in a civil service or licensure appeal, but still cannot get themselves removed from the *Giglio* list. *Adams*, 2022 WL 457821, at *1 (a civil service appeals process "was inadequate because it did not have the power to remove Plaintiff's name from the *Giglio* list"). As the court found, "there is no legal basis for removal once an officer is placed on the list." *Id.* In one case, the officer was criminally charged for the conduct resulting in his *Giglio* placement; the "jury acquitted [him] on all charges," but he remained on the list. *Lynem*, 2022 WL 995562, at *1. These officers suffered severe career consequences from mere allegations with little notice or meaningful opportunity to challenge inclusion on a *Giglio* list.

This lack of uniformity and widely-varied practices across jurisdictions creates a maze for law enforcement officers to navigate and, as this case shows, raises major due process concerns. *Giglio* lists are a creation of this Court's jurisprudence; there are no legislative or regulatory bodies that established their need or set rules for their implementation. It is, therefore, incumbent on this Court to do so here and provide needed guidance on how *Giglio* lists can be used and maintained in ways that do not violate an officer's occupational liberty. The Fifth Circuit's rule that improperly allows the government to make it "nearly impossible" for an innocent police officer to be employed in his or her chosen profession cannot stand.

II. THE FIFTH CIRCUIT'S DECISION DEEPENS THE DIVIDE AMONG THE CIRCUITS OVER WHAT SHOWING IS REQUIRED FOR IMPAIRMENT OF A LIBERTY INTEREST.

The Court should also grant the Petition to resolve the circuit split for determining when a government entity has unconstitutionally deprived a person of his or her occupational liberty interests. Since *Greene*, this Court has held the Fifth Amendment's right to "liberty" and "property" provides the right to "follow a chosen profession free from unreasonable governmental interference," 360 U.S. at 492, but it never defined "unreasonable governmental interference." This term cannot be limited, as the Fifth Circuit held below, to mean only a complete bar to pursue one's chosen profession.

Specifically, the Fifth Circuit held the government can violate Captain Adams' occupational liberty interests by keeping him on the *Giglio* list—even though

he was cleared in a separate proceeding—so long as he was not "completely prevented" from "practicing his chosen profession." Pet. App. 13a-14a. It is not enough to show it would be "difficult" or even "nearly impossible" for Captain Adams to remain a police officer; he had to show the improper *Giglio* placement "prevent[ed] him from working" in the field entirely. Pet. App. 14a. The Fifth Circuit then concluded the *Giglio* placement did not result in "the prohibition—temporary, permanent, or otherwise—of [Adams'] career as a police officer." Pet. App. 15a.

The court reached this determination based solely on the pleadings at the motion to dismiss stage—not on facts developed through litigation. Even still, the pleadings belie any such finding. The complaint contains facts showing the whole point of *Giglio* placement is to "permanently destroy officer careers." Pet. App. 69a, 71a. In some instances it was used to "circumvent the . . . civil service system" so officers "still lost" even when clearing their names under the civil service statute—as here—because *Giglio* placement would not be retracted. *Id.* Thus, even under the Fifth Circuit's erroneous standard, when read in the light most favorable to Mr. Adams, as is required at the pleadings stage, the pleadings showed that Captain Adams' occupational liberty was completely prevented by being wrongfully kept on a *Giglio* list. That the Fifth Circuit found otherwise shows how unworkable and unattainable its standard is in practice.

There is no legal basis for creating such an unfeasibly high standard. In *Greene*, the Court applied a lower, more flexible approach for showing the government deprived an employee of his occupational liberty

interests. There, a government agency revoked an aeronautical engineer's security clearance, and this Court held the revocation impaired the engineer's liberty where his "work opportunities [were] severely limited" based on that revocation. 360 U.S. at 508. The inquiry, this Court stated, focuses on whether there was an "unreasonable governmental interference." *Id.* at 493. This Court did not require a complete prevention of future work, but a severe limitation based on the unreasonableness of the government action. Under this standard, Captain Adams' due process claim would easily pass muster. It is clearly *unreasonable* to keep someone on a *Giglio* list when he has been cleared by a competent, neutral tribunal, and being on the list *severely limits* his current and future employment opportunities in law enforcement.

Further, in analogous contexts, this Court has also not required rights to be completely deprived before there is an impairment to a liberty or property interest. For example, in due process jurisprudence regarding the right to a public education, this Court has held that a suspension of just a few days triggers due process protections. *Goss v. Lopez*, 419 U.S. 565, 575-76 (1975) (rejecting a view that school "suspensions may not be imposed without any grounds whatsoever," because the constitution requires "fundamentally fair procedures to determine whether the misconduct has occurred" since a "student's legitimate entitlement to a public education [is] a property interest which is protected" by constitutional safeguards).

In takings jurisprudence, this Court recently reaffirmed a complete physical taking is not needed to violate one's property rights: granting an easement for

part of a year triggered Fifth and Fourteenth Amendment's protections. *Cedar Point Nursery v. Hassid*, 594 U.S. 139, 152-53 (2021) (rejecting a view that a "regulation cannot amount to a *per se* taking" when the access to the property only occurs during part of the year, saying such a view "is insupportable as a matter of precedent and common sense").

Thus, an impairment of liberty does not require a *complete* impairment to trigger due process protections. A due process inquiry focuses on the "nature of the interest at stake," and balances the authority of the government to act against the rights of the affected person. *Goss*, 419 U.S. at 575-76.

The Fifth Circuit prematurely stopped its due process assessment, concluding that because the City never completely deprived Captain Adams of his "liberty interest," they "need not address" his arguments about the "degree of process he received." Pet. App. 16a. The Court of Appeals should have assessed the degree to which Adams' liberty interest was impaired and then determined whether the procedures in place to protect against that level of deprivation satisfied Adams' due process rights.

In fact, the D.C., First, Third, and Ninth Circuits require courts to look at both sets of factors, applying fact-specific approaches to determining whether the government has invaded someone's occupational interests. As the D.C. Circuit explained, the court must evaluate both whether the government action was "sufficiently stigmatic," as well as the "range of jobs that are available," in assessing "whether a due process liberty was implicated." *Kartseva v. Dep't of State*, 37 F.3d 1524, 1530 (D.C. Cir. 1994). Where the government action has "the effect of *seriously affecting*

… a plaintiff's ability to pursue his chosen profession," it has infringed on the person's liberty interest. *O'Donnell v. Barry*, 148 F.3d 1126, 1141 (D.C. Cir. 1998) (emphasis added).

The First Circuit focuses its inquiry on how unreasonable the government interference was that led to the liberty deprivation. *Mead v. Indep. Ass'n*, 684 F.3d 226, 232 (1st Cir. 2012). The Third Circuit similarly looks at whether a plaintiff "was unreasonably restricted in his ability to pursue his chosen occupation." *Latessa v. New Jersey Racing Comm'n*, 113 F.3d 1313, 1318 (3d Cir. 1997). And, the Ninth Circuit looks at the reasonableness of the government action. *Benigni v. City of Hemet*, 879 F.2d 473 (9th Cir. 1988) (looking at whether the government action was "excessive and unreasonable"). Each of these approaches compares the government action to the level of deprivation, rather than the Fifth Circuit's complete deprivation approach. The Fifth Circuit's ruling, in turning a blind-eye to the lack of due process protections, strays too far from *Greene* and conflicts with these other circuits.

Here, the lack of due process protections for honest and good police officers stuck on *Giglio* lists *combined with* the Fifth Circuit's restrictive standard for occupational liberty deprivations creates the perfect constitutional storm: the result is a clear and unequivocal violation of the rights of law enforcement officers who are unjustly on *Giglio* lists in Fifth Circuit jurisdictions. These officers have no recourse and bleak job prospects, and that is what Captain Adams now faces. Despite being vindicated of the charges lodged against him, neither the City nor the prosecutor removed him from the *Giglio* list, and neither has a process for protecting his rights. Due process, at a minimum, ought

to afford him some kind of post-listing removal procedure so that once vindicated, his good name can be restored. Instead, Captain Adams is caught up in a Kafkaesque nightmare of bureaucratic rabbit holes from which he cannot escape. This Court's intervention is needed to address the urgent issues with *Giglio* lists and provide guidance on the appropriate due process standards for occupational liberty violations.

Several generations ago, this country saw the damage done to civil liberties from improperly black-listing innocent individuals during the McCarthy era. *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 137-38 (1951) (calling the blacklisting of communists "patently arbitrary"); *Peters v. Hobby*, 349 U.S. 331, 348-49 (1955) (rejecting debarment from federal employment by a loyalty board "solely on the basis of [petitioner's] political opinions"). That episode led to significant protections and scholarship on the importance of the rule of law in distinguishing this country from totalitarian and oppressive regimes. *See, e.g., Youngstown Sheet & Tube Co. v. Sawyer*, 343 U.S. 579, 654 (1952) (Jackson, J., concurring ("The essence of our free Government is 'leave to live by no man's leave, underneath the law'—to be governed by those impersonal forces which we call law.").

No American, let alone police officers charged with protecting the public, should be subject to the mercy of others "without the chance for a fair hearing before a neutral judge." *Kisor v. Wilkie*, 588 U.S. 558, 613 (2019) (Gorsuch, J., concurring) (noting "[t]he rule of law begins to bleed into the rule of men" when everyday citizens are "a little unsure what the law is."). By setting the bar too high for such officers to show deprivation of their occupational liberty, the Fifth Circuit

has allowed *Giglio* lists to tread on the constitutional rights of police officers and veer into rule of men, not rule of law.

III. IMMEDIATE REVIEW OF THIS RECURRING QUESTION IS NECESSARY TO UPHOLD THE LIBERTY INTERESTS OF LAW ENFORCEMENT OFFICERS AND OTHERS.

Giglio lists may serve an important role in protecting innocent individuals charged with crimes, but the Court's intervention is needed here and now so these lists can achieve this mission while simultaneously protecting innocent police officers who also are wrongly charged with wrongdoing. Misuse of *Giglio* lists can ruin the careers of good, honest and dedicated police officers. Given the rise in cases surrounding *Giglio* lists, the issue has plainly become a recurring one of profound legal significance. The question presented is significant and impacts nearly every law enforcement agency and law enforcement officer.

The issues posed by the circuit split have sweeping implications, impairing the rights of millions of police officers and others whose employment opportunities can be unfairly infringed by the government. This Court should resolve this important question now. This case—which consists of pure questions of law regarding the proper standard for pleading occupational liberty violations by the government at the pleadings stage —is an excellent vehicle for doing so.

CONCLUSION

Amicus respectfully requests that the Court grant the Petition and reverse the decision below.

Respectfully submitted,

William J. Johnson
NATIONAL ASSOCIATION OF POLICE ORGANIZATIONS, INC.
317 S Patrick St.
Alexandria, VA 22314

Philip S. Goldberg
SHOOK, HARDY & BACON L.L.P.
1800 K Street, NW
Suite 1000
Washington, D.C. 20006

Tristan L. Duncan
(*Counsel of Record)*
Christopher R. Wray
SHOOK, HARDY & BACON L.L.P.
2555 Grand Blvd.
Kansas City, MO 64108
(816) 474-6550
tlduncan@shb.com

Counsel for Amicus Curiae

Dated: August 30, 2024