

For Immediate Release

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Court Denies Attempt to Dismiss Case Over Coal Council That Refused to Turn Over Trump-era Documents

Federal Judge Rejects Coal Council's Attempt to Evade Accountability for Flouting Federal Transparency Requirements

Great Falls, MT — Today, a federal court [denied](#) an attempt by Trump's Department of Energy (DOE) to dismiss a [lawsuit](#) challenging the National Coal Council's (NCC) refusal to disclose its meetings and records to the public, as the Federal Advisory Committee Act (FACA) requires. On behalf of the Western Organization of Resource Councils (WORC), Democracy Forward and the Western Environmental Law Center [sued](#) the Trump administration over the matter last October.

The NCC is an outside advisory group, which makes recommendations on federal policies related to the production and consumption of American coal. Under President Trump, the NCC worked exclusively to advance the coal industry's economic interests, and it did so behind closed doors. While the NCC is composed of two entities that are functionally identical — the Council chartered under FACA and a 501(c)(6) not-for-profit corporate entity called "NCC, Inc." — Trump's Department of Energy refused to grant the public access to NCC, Inc.'s materials and meetings.

"We are pleased that the court agrees that the National Coal Council deserves scrutiny, and we look forward to the final ruling, which should shed light on how over the years the Council has sought to silence the voices of ranchers, landowners, and coal mine neighbors," **said Marcia Westkott, Chair of Powder River Basin Resource Council and member of WORC.**

"The public deserves to know how, in the last administration, the National Coal Council used its federal charter to produce policy recommendations that single-mindedly advanced the coal industry's interests. Federal transparency laws were crafted to ensure as much," **said Democracy Forward Legal Policy Director and Counsel Aman George.** "We're pleased with today's decision and look forward to continuing our legal fight to obtain access to the materials that the Trump administration improperly withheld."

In today's ruling, the court concluded that — despite the NCC's refusal to release relevant records — WORC has plausibly alleged that "***NCC, Inc. operates as a federal advisory committee under FACA,***" that "***DOE does not maintain a passive role in NCC, Inc.'s operation,***" and that "***the development of [the***

NCC's] reports occurs largely behind closed doors in meetings of Council subcommittees."

The lawsuit was filed on October 15 in the U.S. District Court for the District of Montana. It seeks to compel release of the NCC's materials from 2017 to the present and prevent it from going about its work until it complies with FACA's requirements. Learn more about the case [here](#).

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[Democracy Forward](#) is a nonprofit legal organization that scrutinizes Executive Branch activity across policy areas, represents clients in litigation to challenge unlawful actions, and educates the public when the White House or federal agencies break the law.

The **[Western Organization of Resource Councils](#)** (WORC) is a network of eight grassroots organizations in seven Western states with 15,000 members, that works to build sustainable communities that balance economic growth with the health of people and stewardship of their land, water, and air resources. Headquartered in Billings, Mont., WORC also has offices in Colorado and Washington, D.C.

The **[Western Environmental Law Center](#)** uses the power of the law to safeguard the public lands, wildlife, and communities of the American West in the face of a changing climate. We envision a thriving, resilient West, abundant with protected public lands and wildlife, powered by clean energy, and defended by communities rooted in an ethic of conservation.

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