

# ACLU FOIAS WIKILEAKS CABLES

Back in April, the ACLU FOIAed a bunch of State Department cables that had been released via WikiLeaks. The State Department made no response. So now the ACLU is suing to get the cables.

The suit is interesting for several reasons. First, check out which cables ACLU has FOIAed:

The requested cables relate to the United States' diplomatic response to foreign investigations of United States abduction, interrogation, detention, and rendition practices; efforts by the Federal government to prosecute or release former and current Guantanamo detainees; the United States' use of unmanned aerial vehicles; and the diplomatic efforts surrounding President Obama's decision to oppose the release of photographs depicting U.S. interrogations of persons suspected of terrorism.

The ACLU is focusing on cables that cut to the heart of America's hypocrisy on human rights and international law.

As the suit suggests, it wants the government to have to confirm or deny whether the discussions depicted in the cables actually happened.

In spite of the urgent national interest and extensive media coverage surrounding the alleged diplomatic cables, at the time this FOIA request was made, DOS had not yet informed the American people whether the disclosed documents referred to actual federal government activity. Nor has it done so to date.

Mind you, we know they really happened—but by releasing the cables through FOIA, the State

Department will have to admit it. And if they have to admit it, it will become harder to keep quashing these investigations.

(As luck would have it, the European Parliament yesterday just passed a resolution that "Calls on the EU and Member States authorities, as well as the US authorities, to ensure that full, fair, effective, independent and impartial inquiries and investigations are carried out into human rights violations and crimes under international, European and national law, and to bring to justice those responsible, including in the framework of the CIA extraordinary renditions and secret prisons programme;" )

Plus, this suit will be an interesting parallel proceeding to the government's plodding formulation of guidelines that will allow Gitmo defense lawyers some access to the Gitmo Documents that describe their clients.

Finally, there's one other interesting wrinkle here. Many of these documents seemingly should have been turned over in the ACLU's (and CCR's) previous FOIAs on torture and rendition. So will this FOIA suit force the State Department to admit whether it was blowing off a FOIA in the past?

Here's the actual request from April. The cables they've requested are below:

---

SPAIN STILL INTERESTED IN GUANTANAMO DETAINEES,  
BUT NOT OPTIMISTIC ABOUT CONVICTION

SPAIN: PROSECUTOR WEIGHS GTMO CRIMINAL CASE VS.  
FORMER USG OFFICIALS

SPAIN: ATTORNEY GENERAL RECOMMENDS COURT NOT  
PURSUE GTMO CRIMINAL CASE VS. FORMER USG  
OFFICIALS

GARZON OPENS SECOND INVESTIGATION INTO ALLEGED  
U.S. TORTURE OF TERRORISM DETAINEES

GOT ASKS EUROPEANS NOT TO TAKE TUNISIAN  
GUANTANAMO DETAINEES

SUBJECT: REQUEST FOR EXPLANATION OF RETURNED  
DETAINEE ARM DISABILITY

COUNSELOR, CSIS DIRECTOR DISCUSS CT THREATS,  
PAKISTAN, AFGHANISTAN, IRAN

TO HELL AND BACK: GITMO EX-DETAINEE STUMPS IN  
LUXEMBOURG

FRENCH JUDGE SAYS C/T FOCUS IS ON "JIHADISTS TO  
IRAQ"

TWO EX-GTMO DETAINEES CHARGED WITH TERRORIST  
CONSPIRACY BUT ONE ORDERED RELEASED ON BAIL

DOD INTEL FLIGHTS: FCO CLARIFIES

EMERGING CONSTRAINTS ON U.S. MILITARY TRANSITS  
AT SHANNON

PORTUGUESE FM OFFERS TO RESIGN IF CIA FLIGHT  
ALLEGATIONS PROVE TRUE

GENERAL PETRAEUS' MEETING WITH SALEH ON SECURITY  
ASSISTANCE, AQAP STRIKES

GILANI TO CODEL SNOWE: HELP US HIT TARGETS

USDP EDELMAN'S OCTOBER 15 MEETINGS IN LONDON

SPECIAL ADVISOR HOLBROOKE'S MEETING WITH SAUDI  
ASSISTANT INTERIOR MINISTER PRINCE MOHAMMED BIN  
NAYEF

SWISS COUNTERTERRORISM OVERVIEW – SCENESETTER  
FOR FBI DIRECTOR MUELLER

GOS "HEADS UP": SWISS FEDERAL PROSECUTOR TO  
ANNOUNCE FINDINGS ON OVERFLIGHT INVESTIGATION

SECDEF MEETING WITH ITALIAN PRIME MINISTER  
SILVIO BERLUSCONI, FEBRUARY 6, 2011

NETHERLANDS: TOUR D'HORIZON WITH FOREIGN  
MINISTER BOT

AL-MASRI CASE – CHANCELLERY AWARE OF USG  
CONCERNS