

# DETAINEE ABUSE PICTURES TO BE RELEASED MAY 28

Thanks, again, to the ACLU:

By orders dated June 9, 2006 and June 21, 2006, the Court directed the Government to release twenty-one photographs depicting the treatment of detainees in Iraq and Afghanistan. By opinion dated September 22, 2008, the Second Circuit affirmed this Court's orders. On November 6, 2008, Appellants filed a petition for rehearing en banc only as to the panel's decision on FOIA exemption 7(F); that petition was denied March 12, 2009. As the Government has now determined that it will not seek certiorari of the Second Circuit's decision, the Department of Defense is preparing to release the 21 photos at issue in the appeal and 23 other photos identified as responsive. In addition, the Government also is processing for release a substantial number of other images contained in Army CID reports that have been closed during the pendency of this case; these other images will be processed consistent with the Court's previous rulings on responsive images in this case. The parties have reached an agreement that the Department of Defense will produce all the responsive images by May 28, 2009. [my emphasis]

Whether you believe Obama is impeding investigation or playing 11 dimension chess to set it up without looking like the bad guy, his policy on FOIA has already begun to open up the floodgates that may enable public opinion make this happen.

I know we've been having our own fund-raiser,  
but if you can, please show some appreciation to  
the ACLU for fighting this fight. Multi-year  
FOIA fights don't come cheap.