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Surprise! Late last Friday night, November 13th, the Obama administration filed a brief in which Secretary of War Robert Gates purportedly invoked his authority to block the release of photos depicting the abuse – torture - of prisoners in U.S. custody overseas.

The brief was filed in an ACLU lawsuit requesting that the government release records, including photographs, related to the abuse of prisoners in U.S. custody at hellhole prisons. Gates was granted the authority to exempt certain images from disclosure under the Freedom of Information Act (FOIA) as part of the Homeland Security appropriations bill signed by President Obama in October. The government fears that the release of these torture photos will set off world-wide revulsion similar to that unleashed after other torture photographs picturing abuses at Abu Ghraib were revealed to the public. The release of these latest suppressed photos would demonstrate once again, to the entire world, that the U.S. government practices torture on a massive scale. And it would further expose the Obama administration to justified criticism that it has failed to hold high-level government officials accountable for their numerous crimes.

Legislation passed by the Democrat dominated Congress gave the Secretary of Defense the authority to suppress certain photographs deemed harmful to national security of the imperialist state. The Obama administration continued its record of covering up American crimes , and it took this cowardly and contemptible action in the dead of night on a weekend.

Gates invoked the supposed authority of the law, but his blanket certification stated that it applied to all of the photos. He failed to provide the individualized assessment that the law's language requires. The government also failed to provide any basis for the claim that disclosure of the photos would harm national security. As a result the ACLU plans to file a responsive brief.

Alex Abdo, a legal fellow with the ACLU's National Security Project stated in a press release:

"The government's argument for suppression of the photos sets a dangerous precedent – that the government can conceal evidence of its own misconduct precisely because the evidence powerfully documents gross abuses of power and of detainees. This principal is fundamentally anti-democratic. The American public has a right to see the evidence of crimes committed in their name."

Jameel Jaffer, Director of the ACLU National Security Project stated, "We are disappointed that Secretary Gates has invoked new legislation to keep the torture photos secret. These photos are an important part of the historical record and they are crucial to the ongoing debate about accountability. In withholding the photos, Secretary Gates has cited national security concerns, but no democracy has ever been made stronger by suppressing information about its own

misconduct."

But the Obama administration wants to suppress the historical record and the debate that would result from the release of more torture photos. It does not want the public to ask why no top-level criminals of the Bush regime are being held accountable. It does not want to have to answer why the Department of Justice under Obama has repeatedly gone to court to suppress cases that would further reveal the crimes committed by U.S. officials during the Bush regime. It does not want the public to know that Obama not only hasn't shut down Gitmo, he has expanded the hellhole prison at Bagram, Afghanistan and continued many of the illegal practices of the Bush regime, including not only torture, but rendition. We must demand that these photos and other evidence of U.S. government crimes be released and that all those responsible for the crimes committed by our government be prosecuted. This includes Bush and Cheney and all their criminal cohorts.

To see more evidence of these U.S. government crimes, see
<http://www.aclu.org/accountability/released.html>