

In June I was able to block a legislative provision that would have superseded FOIA and suppressed the release of photos documenting prisoner abuse under the Bush Administration. Unfortunately, that same measure has just been inserted into the conference report for the DHS funding bill. Despite my best efforts, it seems likely that this measure may be headed for a vote before the House and Senate.

The American Civil Liberties Union is currently suing under FOIA for the release of photos documenting detainee abuse. The courts have agreed that these photos should be released, and overruled the Obama Administration's objections.

Yet rather than honoring the separation of powers and the decisions of the judicial branch, conservatives in the Senate have once again sought to override those decisions with an anti-Democratic measure. The Freedom of Information Act is one of our most powerful tools for ensuring the transparency of our government, and should not be carved up to serve a political agenda.

The process for suppressing these photos is unfortunate. But even more so are the consequences for our democracy if that suppression succeeds. Equal justice under the law is a fundamental American value, and we must not sacrifice it for a false sense of security. If President Obama truly believes that those who committed the acts in these photos should not face punishment, then he should pardon them, not cover up their actions with a backdoor maneuver in the dark of night.

There are those who say that releasing these photos will let the world know what was done, and will inflame anti-American passion. The world already knows what was done, and anti-American anger is enflamed more by the knowledge that there is no justice for those who were abused.

This measure sends a message that transparency in government only extends until disclosure might embarrass powerful persons, and then can be cavalierly tossed aside. I am outraged that this was done in this manner and though it is too late to remove this particular measure I will continue to fight for true transparency and accountability in government.