

Judge Who Blocked Release of Osama bin Laden Death Photos Now Blocks Release of US Senate Torture Report

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Global Research, May 27, 2015
[AllGov](#) 26 May 2015

Region: [USA](#)

Theme: [Intelligence](#), [Law and Justice](#),
[Terrorism](#)

Image: Judge James Boasberg (photo Diego M. Radzinski-National Law Journal)

A federal judge has thwarted an attempt to force the release of the Senate report on the [Central Intelligence Agency](#) (CIA) torture program.

The [American Civil Liberties Union](#) (ACLU) filed a Freedom of Information Act (FOIA) request for the release of the Senate Intelligence Committee's full report on the CIA interrogation program. The executive summary of the report was previously made public, albeit with numerous redactions.

But U.S. District Court Judge James Boasberg rejected the ACLU's request, [ruling](#) the report remains a congressional record and thus isn't subject to the FOIA. When Congress created FOIA in 1966, it made sure to exempt the legislative branch from its provisions.

Boasberg, who was appointed by President Barack Obama, appears to be the go-to judge if you don't want something released to the public. [Judicial Watch](#) filed an FOIA request in 2011 to force the release of images of Osama Bin Laden's death and burial, but Boasberg [ruled](#) (pdf) against the group.

"A picture may be worth a thousand words. And perhaps moving pictures bear an even higher value. Yet, in this case, verbal descriptions of the death and burial of Osama Bin Laden will have to suffice, for this Court will not order the release of anything more,"

Boasberg wrote to begin his decision.

In his latest ruling, Boasberg said letters sent to the CIA in 2009 and last year by Senator Dianne Feinstein (D-California), the former Senate intelligence chairman, revealed Congress has not relinquished control over the report, according to Josh Gerstein of *Politico*.

"Her [2014] letter does not evince Congressional intent to surrender substantial control over the Full SSCI report," Boasberg wrote.

"While it does bestow a certain amount of discretion upon the agencies to determine how broadly to circulate the Report, such discretion is not boundless. Most significantly, the dissemination authorized by the letter is

limited to the Executive Branch alone. It plainly does not purport to authorize the agencies to dispose of the Report as they wish — e.g. to the public at large.”

Feinstein has said she has no objections to the report being released, but she’s no longer in charge of the Senate intelligence panel, which now is led by Republican Senator Richard Burr of North Carolina. Burr opposes the report’s release to the public and has fought to have copies that were sent to federal agencies returned to his committee.

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