



**FOR IMMEDIATE RELEASE**

September 23, 2009  
2:15 PM

**CONTACT: [ACLU](#)**

Rachel Myers, (212) 549-2689 or 2666; [media@aclu.org](mailto:media@aclu.org)  
Mandy Simon, (202) 675-2312; [media@dcaclu.org](mailto:media@dcaclu.org)

# **Proposed State Secrets Guidelines Don't Relieve Need for Real Reform**

## **Use of Privilege to Block Information From the Public Must Include Judicial and Legislative Oversight**

NEW YORK - September 23 - The Obama administration today announced it will put in place new voluntary guidelines for the executive branch's use of the state secrets privilege. In recent years, the executive branch under Presidents Bush and Obama has asserted the state secrets claim to block lawsuits and justify withholding information from the public about the extraordinary rendition program, illegal wiretapping, torture and other breaches of U.S. and international law. Legislation has also been introduced in both the House and Senate to narrow the state secrets privilege. The American Civil Liberties Union is urging Congress to pass those bills to ensure an outside check on the executive branch.

The following can be attributed to Ben Wizner, staff attorney with the ACLU National Security Project:

"On paper, this is a step forward. In court however, the Obama administration continues to defend a broader view of state secrets put forward by the Bush administration and to demand that federal courts throw out lawsuits filed by victims of torture and illegal surveillance. In recent years, we have seen the executive branch engage in grave human rights violations, declare those activities 'state secrets,' and thus avoid any judicial oversight or accountability. It is critical that the courts play a meaningful role in deciding whether victims of human rights abuse will have an opportunity to seek justice. Real reform of the state secrets privilege must affirm the power of the courts to reject false claims of 'national security.'"

The following can be attributed to Michael Macleod-Ball, Acting Director of the ACLU Washington Legislative Office:

"Legislative action is crucial to make certain that not only this administration, but future administrations, are bound by the rule of law when invoking state secrets. Bills currently pending in both the House and Senate would mandate court review of state secrets claims, adding a necessary check on executive claims of national security. The state secrets privilege allowed the Bush administration to successfully draw a curtain around many of its nefarious national security policies and up until today the Obama administration has chosen to allow that curtain to remain. Congress must

play a role in this reform to ensure an outside check on this broad executive power."

###

The ACLU conserves America's original civic values working in courts, legislatures and communities to defend and preserve the individual rights and liberties guaranteed to every person in the United States by the Constitution and the Bill of Rights.

---