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**WLF APPLAUDS OBAMA ADMINISTRATION
DECISION TO UPHOLD INVOCATION OF
“STATE SECRETS” PRIVILEGE**

(Mohamed v. Jeppesen Dataplan)

Attorneys representing the Obama Administration told a federal appeals court today that it stands behind the Bush Administration’s invocation of the “states secrets” doctrine to dismiss a lawsuit that seeks information about the federal government’s “extraordinary rendition” program. The statement was made during oral arguments today before a three-judge panel of the U.S. Court of Appeals for the Ninth Circuit in San Francisco.

“Extraordinary rendition” is the name often used to describe a CIA program under which suspected terrorists captured overseas are transported to other countries for purposes of detention, interrogation, or trial. Although such rendition has been employed for decades, its use rose significantly during the Clinton and Bush Administrations. Because many of the nations who participate in the program do not want their cooperation disclosed, the CIA program has always been kept top secret; even its existence is not publicly acknowledged. Opponents of the practice had hoped that the Obama Administration would allow court cases alleging abuse to proceed (some of those subject to rendition claim that they were tortured in the country to which they were sent). But based on today’s statements in the appeals court, along with a statement by CIA Director-designate Leon Panetta, the Obama Administration shares its predecessors’ view that secrecy is essential. Commenting on the events, WLF Chief Counsel Richard Samp said:

Regardless how the Administration wishes to address rendition programs going forward, it is to be applauded for recognizing the need to maintain the secrecy of CIA programs. The judicial branch is simply not the appropriate forum for airing these types of issues. Those who disagree with the extraordinary rendition program, or who disagree with the “state secrets” doctrine, should take their concerns to Congress or the Executive Branch. The CIA could not maintain the confidentiality of its affairs if those who oppose its policies were free to air their opposition in an open courtroom. Today’s actions should put to rest the spurious claim that the Bush Administration invoked the “state secrets” doctrine more indiscriminately than previous administrations.

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For further information, contact WLF Chief Counsel Richard A. Samp, (202) 588-0302. A copy of WLF’s brief is posted on its web site, www.wlf.org.