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By [OpenCongress.org](#) • on June 5, 2009

Earlier this week I wrote about a [special provision](#) that the [Senate](#) had stuck inside the [Iraq/Afghanistan war](#) funding supplemental to block, at the discretion of the Pentagon, the public release of [photographs](#) of detainee torture. More specifically, the provision would block the release of any “photograph that was taken between September 11, 2001 and January 22, 2009 relating to the treatment of individuals engaged, captured, or detained after September 11, 2001, by the [Armed Forces](#) of the United States in [operations](#) outside of the United States.” The provision is sponsored by [Sen. Lindsey Graham \[R, SC\]](#) and [Sen. Joe Lieberman \[I, CT\]](#), and supported by President Obama.



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Now liberal [House Democrats](#) are threatening to block the bill – and funding for the wars – unless the photo suppression provision is taken out. Usually the liberal bloc of House Democrats don't have the numbers (or the will) to block major [legislation](#) that is supported by the Democratic House [leadership](#), but because of a separate provision to increase funding for the IMF, which is opposed by Republicans, they are in a position to actually make a meaningful demand. Jane Hamsher of Fire Dog Lake called up one of these liberal Democrats – [Rep. Barney Frank \[D, MA-4\]](#) – and got [the full scoop](#):

“The IMF bill is a much better bill,” he said. “The Republicans are taking advantage of the fact that the original vote was very lopsided in order to defeat the IMF. The dilemma is that the supplemental would pass anyway, and if enough of us don't stand up for it now the IMF provisions will fail.”

I asked him if he was basically saying that the IMF was a worthwhile trade-off for the supplemental. He shifted gears quickly, read me like a dirty book and said that it was also the only chance to get the Lieberman FOIA amendment out of there.

Huh?

“You can have the war and the IMF, or the war and the pictures,” he said.

I admit I didn't realize that when the Senate passed Joe Lieberman's [Detainee Photographic Records Protection Act of 2009](#) that it was attached to the supplemental. The amendment, supported by Obama, allows the government to suppress photographs of detainee abuse even if FOIA requires disclosure. It passed on a [voice vote](#), and as Chairman Frank was quick to point out, the Republicans and ConservaDems who were hinky about funding the IMF would have no trouble with Lieberman's FOIA travesty.

"I told them [the administration] that they have no chance of passing this if the pictures are in it," said Frank. "There are many Democrats who are very upset about that."

"So are the photos still in there?" I asked.

"I don't know," he said.

"Well, you say that the bill won't pass until the pictures are out — are they in the conference report?"

"This isn't a quiz!" he snapped. "There is no conference report. I believe it will come out. I let them know that if it doesn't come out, it won't pass. If they insist on the photos, they won't get the IMF."

I called the Speaker's office after we spoke and found out that despite the fact that the vote was scheduled for Friday, no conferees had yet been assigned. Which means that this whole thing is a mess.

[The Weekly Standard](#) is reporting this bit from an anonymous Hill staffer: "the conference on the supplemental may drop the photo amendment to appease the House Democratic Caucus." We'll wait and see, and report back.

Original source: <http://www.opencongress.org>:

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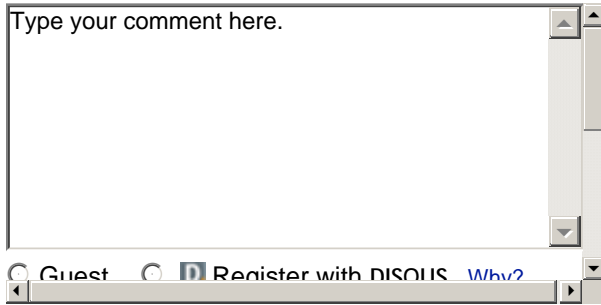
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