

By David Kravets

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The Supreme Court on Monday let stand a lower court decision that said federal officials cannot be sued for damages for the torture of Americans on U.S. soil.

Without comment, the justices set aside a [petition](#) (.pdf) from [Jose Padilla](#), the so-called “dirty bomber.” Padilla claims high-ranking Defense Department officials and others are liable for developing “the global detention and interrogation policies” that paved the way for his torture while he was secretly held without charges at a Navy brig in South Carolina for more than

three years.

The 4th U.S. Circuit Court of Appeals in January [ruled that the judiciary had no role in the matter](#)

Special factors do counsel judicial hesitation in implying causes of action for enemy combatants held in military detention. First, the Constitution delegates authority over military affairs to Congress and to the president as commander in chief. It contemplates no comparable role for the judiciary. Second, judicial review of military decisions would stray from the traditional subjects of judicial competence. Litigation of the sort proposed thus risks impingement on explicit constitutional assignments of responsibility to the coordinate branches of our government.



Jose Padilla. Photo: Justice Department

Ben Wizner, an American Civil Liberties Union lawyer representing Padilla, said the high court's move gives the government a blank check "to commit any abuse in the name of national security, even the brutal torture of an American citizen in an American prison."

President George W. Bush declared Padilla an "enemy combatant" after he was seized in 2002 at O'Hare Airport and originally held as a "material witness" in the September 11, 2001 terror

attacks.

Padilla, of Brooklyn, was charged originally in connection to an al-Qaeda plot to unleash a radioactive “dirty bomb” in the United States. He is serving a 17-year sentence after being convicted of unrelated charges of conspiring to commit murder overseas.

His lawsuit demanded \$1 in damages from each of the defendants and a declaration that his constitutional rights were breached.

Monday’s outcome likely means the justices won’t disturb a May decision by the 9th U.S. Circuit Court of Appeals. In that case, Padilla sued John Yoo, the Bush administration lawyer who wrote memos used to rationalize American torture of suspected terrorists.

The appeals court said Yoo should be immune from the suit because it was [not clearly established that harsh treatment was unconstitutional](#)

. Padilla claims he “suffered gross physical and psychological abuse” by government authorities, which included death threats, psychotropic drugs, shackling and manacling, and being subjected to noxious fumes and constant surveillance.