

Lies and Torture Cover-up: U.S. State Secrets Doctrine Is a Fraud

Covers up embarrassments and unlawful behavior

By [Judge Andrew P. Napolitano](#)

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“Three people can keep a secret if two of them are dead.” — Benjamin Franklin (1706-1790)

Last week, President George W. Bush’s torture regime reared its head in an unusual argument before the U.S. Supreme Court.

In 2002, [Abu Zubaydah](#) was captured by a militia in Pakistan and handed over to the [CIA](#), which brought [him](#) to Poland. Under the supervision of [CIA](#) agents and American psychologists, [he](#) was brutally tortured until [his](#) removal to the Guantanamo Bay Naval Base in Cuba in 2006.

The Bush administration argued Mr. [Zubaydah](#) was a high-ranking member of al-Qaida who possessed information needed to fight the war on terror. After [his](#) torture produced no actionable information, the [CIA](#) told the Department of Justice and the Senate that Mr. [Zubaydah](#) was not a member of al-Qaida. It had no evidence of wrongdoing by [him](#).

[His](#) lawyers filed a criminal complaint with the European Court of Human Rights against the [CIA](#), its psychologists, and the Polish intelligence agents who carried out the torture.

That court concluded that the torture occurred, and it referred to Polish prosecutors to proceed criminally against the defendants. During that criminal proceeding, Polish prosecutors asked the DOJ for the names of those who tortured Mr. [Zubaydah](#) and documentation of what they did to [him](#).

In the Supreme Court last week, the government's lawyer conceded that the names of the torturers and the nature of their horrible deeds are already known — the psychologists wrote a book about it — but the government will not confirm any of it because it constitutes state secrets.

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*Featured image: [Abu Zubaydah](#) is a citizen of the Palestinian territories held in Guantanamo Bay.
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