

# JOHN RIZZO LATEST TARGET FOR DOJ PROBE INTO LEAKING

It pains me to defend John Rizzo. After all, his willful dumbness—or more likely, outright deceit—played a key role in our country’s approval of torture.

Still, I have mixed feelings about investigating—and probably reprimanding, but not prosecuting—him.

The Justice Department is investigating whether a former top U.S. intelligence official, John Rizzo, improperly disclosed classified information about the CIA’s drone campaign, one of the spy agency’s most secretive and politically sensitive programs.

People familiar with the matter say that the CIA’s general counsel’s office opened the probe in March, shortly after *Newsweek* published an article in which Rizzo — who had retired in 2009 after serving as the CIA’s acting general counsel — outlined an array of specific details about how CIA officials choose terrorists for drone strikes and which American officials sign off on actually carrying them out.

[snip]

Investigations into current or former senior CIA officials like Rizzo are exceptionally rare, and people familiar with the investigation said they expected this one to end with some sort of formal reprimand, and possibly a financial penalty such as a decrease in his government pension, rather than with his imprisonment. Until the Justice Department decides what it wishes to do, however, the CIA cannot take any action.

Rizzo may have spoken on the record for this article out of pique that his torturers, but not Obama's drone killers, had come under criticism (plus, I'd dispute that the drone strikes haven't come under criticism).

But this kind of information is actually crucial for citizens in a democracy to know:

How CIA staffers determine whether to target someone for lethal operations is a relatively straightforward, and yet largely unknown, story. The president does not review the individual names of people; Rizzo explains that he was the one who signed off.

[snip]

Under another Bush order, signed several years later, a variety of people who worked in terrorist camps could be targeted, and not just named terrorism suspects; at that point, the pool of potential candidates reviewed by CIA lawyers became much larger. Despite the secrecy surrounding these orders, their scope has become clear. "The authority given in these presidential findings is surely the most sweeping and most lethal since the founding of the CIA," William C. Banks, director of Syracuse University's Institute for National Security and Counterterrorism, told a House committee.

The hub of activity for the targeted killings is the CIA's Counterterrorist Center, where lawyers—there are roughly 10 of them, says Rizzo—write a cable asserting that an individual poses a grave threat to the United States. The CIA cables are legalistic and carefully argued, often running up to five pages.

[snip]

The cables that were "ready for prime time," as Rizzo puts it, concluded with

the following words: "Therefore we request approval for targeting for lethal operation." There was a space provided for the signature of the general counsel, along with the word "concurred." Rizzo says he saw about one cable each month, and at any given time there were roughly 30 individuals who were targeted. Many of them ended up dead, but not all: "No. 1 and No. 2 on the hit parade are still out there," Rizzo says, referring to "you-know-who and [Ayman al-] Zawahiri," a top Qaeda leader.

The NJ notes that Leon Panetta has made revealing comments on the record. I'd go further and observe that the descriptions of Panetta's approval of strikes offered in Joby Warrick's book suggest someone else has shared similar levels of detail on drone strike decision-making.

So are we investigating the Secretary of Defense, too?

And at the same time, if Rizzo is simply reprimanded for his on-the-record leaking, while whistleblowers like Jeffrey Sterling are investigated for years and prosecuted, it won't serve justice any more than simply ignoring Rizzo's obvious exposure of information that the government has declared state secrets over.

The truth of the matter is there are few secrets in Washington. Rather, there's just the profoundly undemocratic brokering of information serving to disempower citizens and protect the national security establishment. There's no way to make that system look like it operates under rule of law, because as it exists today, it is fundamentally arbitrary.

So, sure, if John Rizzo were punished, I'd take some pleasure that he was punished for ... something. But ignoring the crimes of torture while pretending our secrets exist under some

kind of legal regime is just silly.