

# A CHEAP PLOY TO AVOID GIVING TESTIMONY, JOSE RODRIGUEZ

Today's article from Joby Warrick and Walter Pincus answers a lot of questions we've been asking about the torture tapes—the biggest being that the tapes were stored and destroyed in Thailand. And it has a lot of interesting details I'll return to in a follow-up post, after I enjoy some rare MI sun with my dog. But the most important detail readers should take away is its function, as suggested by the following two passages. First, the recognition that John Rizzo will testify before HPSCI today.

John A. Rizzo, the CIA's acting general counsel, is scheduled to discuss the matter in a closed House intelligence committee hearing scheduled for today.

And second, the incorporation of long excerpts from a written statement from Bob Bennett to present Jose Rodriguez' justifications for his actions.

Those three circumstances pushed the CIA's then-director of clandestine operations, Jose A. Rodriguez Jr., to act against the earlier advice of at least five senior CIA and White House officials, who had counseled the agency since 2003 that the tapes should be preserved. Rodriguez consulted CIA lawyers and officials, who told him that he had the legal right to order the destruction. In his view, he received their implicit support to do so, according to his attorney, Robert S. Bennett.

[snip]

Rodriguez, whom the CIA honored with a medal in August for "Extraordinary

Fidelity and Essential Service," declined requests for an interview. But his attorney said he acted in the belief that he was carrying out the agency's stated intention for nearly three years. "Since 2002, the CIA wanted to destroy the tapes to protect the identity and lives of its officers and for other counterintelligence reasons," Bennett said in a written response to questions from The Washington Post.

"In 2003 the leadership of intelligence committees were told about the CIA's intent to destroy the tapes. In 2005, CIA lawyers again advised the National Clandestine Service that they had the authority to destroy the tapes and it was legal to do so. It is unfortunate," Bennett continued, "that under the pressure of a Congressional and criminal investigation, history is now being revised, and some people are running for cover." [my emphasis]

Much as I love Walter Pincus and usually respect Joby Warrick's work, this article is no better than the Steno Sue and Pool Boy article that appeared on the day Judy Miller testified, outlining in detail how Scooter Libby would like her testify. Pincus and Warrick allowed themselves to be used by Bennett (who, incidentally, was apparently leaking strategic bullshit to Pincus back in the Iran-Contra days, too—see Firewall, p. 422) to present his client's perspective after that client refused to go before Congress and present that perspective under oath. The article basically allowed John Rizzo and Jose Rodriguez to coordinate the stories they'll tell to Congress and John Durham, which may well have hurt the chances that either Congress or John Durham will be able to get to the truth about the terror tapes.

Jeebus, Pincus. Congress, thus far, appears to have learned the lesson of Iran-Contra, not to

taint criminal investigations by offering immunity willy-nilly. But here you are, more than fifteen years later, doing Bob Bennett's dirty work once again.