

“IT SMELLS LIKE A COVER-UP”

So sayeth one of Pincus and Warrick's two sources describing the content of John Rizzo's testimony. Mind you, that source remains anonymous, because "those in attendance were pledged to secrecy about the session." Of course, that didn't prevent Crazy Pete Hoekstra from blabbing to the NYT and others about it, but he's never believed that laws on secrecy should apply to him as well as staffers. Though, since I beat up Pincus yesterday for helping Bennett tamper with this investigation, let me just say that he offers, by far, the most interesting tidbit about Rizzo's testimony.

Two of those at the hearing said that Rizzo said that after the tapes were made in 2002, lawyers at the CIA discussed the possibility that the FBI and the 9/11 Commission might want to see them.

If Rizzo has testified that lawyers at the CIA knew the 9/11 Commission might want to see the terror tapes, it strongly reinforces Tom Kean and Lee Hamilton's claim that,

There could have been absolutely no doubt in the mind of anyone at the C.I.A. – or the White House – of the commission's interest in any and all information related to Qaeda detainees involved in the 9/11 plot. Yet no one in the administration ever told the commission of the existence of videotapes of detainee interrogations.

In fact, lawyers at the CIA knew that the 9/11 Commission would want to see **these specific tapes**. Which I guess is why George Tenet has lawyered up.

Meanwhile, the battle between Rodriguez, Rizzo,

and Goss seems to be heating up. Bob Bennett specifically named Rizzo and Goss to the NYT as those who should have told Rodriguez to retain the tapes.

“Nobody, to our knowledge, ever instructed him not to destroy the tapes,” Mr. Bennett said. “Had the director or deputy director or general counsel told him not to destroy the tapes, they would not have been destroyed.”

Though, as the NYT points out, Rodriguez didn’t seek their permission specifically.

Mr. Bennett acknowledged that Mr. Rodriguez did not seek permission from Mr. Rizzo, Porter J. Goss, then the C.I.A. director, or from any other C.I.A. official before giving the destruction order.

I suspect this is where we get back into questions of timing—including Pincus’ love letter to Bennett, which neglected to date the request from the Thai Station Chief to destroy the tapes. That’s because, for some reason, Porter Goss was discussing the torture tapes with John Negroponte in summer 2005, and Negroponte told Goss, in apparently clear terms, that he should not destroy those tapes. Was that conversation related to the Thai Station Chief’s request? Rodriguez and Goss appear to be banking that they’ll be able to prove an interrupted chain of command between them, yet then why was Goss discussing the torture tapes with Negroponte in the first place?

It sure seems like we ought to be hearing about Porter Goss being asked to testify to Congress. But strangely, for all Crazy Pete’s blabbing, he doesn’t seem to be talking about getting Goss to testify.

One more point about timing. I noted yesterday that Warrick and Pincus’ sources, at least,

appear to be obscuring a meeting involving Harriet Miers regarding the tapes, a meeting that almost certainly took place in 2005 when she was White House Counsel. Which is why this comment is so curious.

One of the two sources present said that White House officials did not seem as involved "as they might have or should have been" in 2005 decision making about the tapes.

How is it that folks are determining the involvement of the White House in 2005? Because there seems to be some fudging of facts about it, and I have a suspicion that there is White House involvement in 2005 that we're not hearing about.