

WHAT DOES DUSTY FOGGO KNOW ABOUT THE TORTURE TAPES?

The AP caught something rather curious.

Dusty Foggo, heading off to prison for his role in schemes involving Brent Wilkes, has a date to talk with John Durham, who is investigating the torture tape destruction, and because of that date, he'll get to put off reporting to prison for a week.

Mr. Foggo seeks this brief continuance because he has agreed to be interviewed by Special Prosecutor John H. Durham concerning the destruction of videotaped evidence by the Central Intelligence Agency. The interview is scheduled to be held in Washington, D.C. on April 8, 2009. However, Mr. Foggo is currently scheduled to report to USP McCreary in Pine Knot, Kentucky on April 7, 2009.

[snip]

Special Prosecutor Durham has consulted with the government and has informed counsel for Mr. Foggo that the prosecution team has no objection to the proposed continuance.

I find this curious for a few reasons.

First, Durham was reportedly almost done with his inquiry, having determined that he could not bring charges. Yet here he is just now interviewing the third-ranking CIA guy during the period the tapes were destroyed.

More interestingly, Foggo would likely badly like to get revenge on some of the people who allowed him to face criminal charges, whether in the Bush Administration or CIA or former CIA witnesses.

Just as one hypothetical, Porter Goss claimed to know nothing about Foggo's problematic past (including his counter-intelligence problems). Yet, as Laura Rozen has reported, that was a lie.

A former US intelligence source thought that Brent "nine fingers" Bassett was the Goss staffer who recommended the hire of Foggo as ExDir.

He said that Goss lied in his testimony, that he was not aware about the problems with Foggo when he hired him for executive director. He said that a major fight had broken out between Goss staffer Patrick Murray and then associate deputy director of operations Michael Sulick about the Foggo hiring. "Murray told ADDO/Counterintelligence Mary Margaret that if Dusty's background got out to the press, they would know who to come looking for. Mary Margaret tried to warn them that Dusty Foggo had a problematic counterintelligence file. Sulick defended Mary Margaret. Goss told [deputy director of operations Steve] Kappes he had to fire Sulick." After that, Kappes and Sulick quit. "Goss bears major responsibility here," the former intelligence official says. It was finally the "White House that demanded that Goss fire Dusty and he refused." So they both got fired.

Now, Goss' apparently false claims did not contribute directly to Foggo's decline; he was sunk long before Goss issued his statement on January 23 of this year.

Still, I can't help but remember how carefully Goss has covered his tracks on the torture tapes, from the warning John Negroponte gave him against destroying the tapes, and from the role he should have had warning Rodriguez not to destroy the tapes.

I think CIA managed to create plausible deniability among its lawyers. But that may not be true of Goss.

And if, for some reason, the close or not so close former Goss associate (remember, there were questions of whether Goss attended Dusty's poker games) Dusty Foggo wanted to cause some trouble—and maybe ease his own transition into prison—I can imagine that that might be of interest to John Durham.

Now, Foggo's testimony may have nothing to do with Porter Goss' role in the torture tape destruction. But he was in a position that might mean he knows things about the torture tape destruction, and the CIA surely didn't do any favors for Foggo as he headed to jail.