

IS JOHN RIZZO STALLING?

Boy, the press conference with Eric Holder today was jam-packed. In addition to using the Zazi arrest to push to renew the PATRIOT Act, Holder apparently updated reporters on the long-awaited OPR report.

The release of a long-awaited ethics report on the conduct of former Justice Department lawyers who authorized the use of harsh interrogation appears to be a ways off.

Attorney General **Eric Holder** said Tuesday the department is waiting for additional comments from “some of the lawyers who were involved.” The former Office of Legal Counsel lawyers under scrutiny already missed a May deadline for submitting their responses.

Speaking with reporters at Department of Justice headquarters in Washington, Holder said he expected the report to be cleared for release relatively soon. In June, he said the report, now more than four years in the making, would be ready in a “matter of weeks.”

The report explores whether legal advice in the interrogation memos, which have since been rescinded, met professional standards required of Justice Department lawyers. The Office of Professional Responsibility’s initial findings are said to be harshly critical of **Jay Bybee**, the former head of the Office of Legal Counsel, and **John Yoo**, a former deputy.

In spite of this report’s focus on Yoo and Bybee, I wonder whether they’re really the cause of the delay. After all, last we heard, the

report was delayed not just because Yoo and Bradbury got a chance to review the document and work the ref, but because CIA got to review the document, even while John Rizzo, a key participant in the report, remained as Acting General Counsel at CIA.

In other words, "some of the lawyers who were involved" may not be limited to the OLC lawyers. John Rizzo was "involved" over a longer time and in as central a role as any of the OLC lawyers. He may have as much incentive as they do to delay the report.