



John Rizzo

Dancing with the Spies

Over the 67-year history of the CIA, arguably no staff attorney there has ever wielded more influence than John Rizzo. A self-described “company man,” Rizzo joined the Central Intelligence Agency back in 1976. During the next third of a century he helped guide the agency through many controversies and scandals—from Iran-Contra to the extraordinary rendition of suspected terrorists. Rizzo retired from the CIA in 2009. But earlier this year he returned to the spotlight with a fascinating memoir called *Company Man: Thirty Years of Controversy and Crisis in the CIA*. In August, Rizzo spoke with *California Lawyer* contributing editor Martin Lasden. Here are edited excerpts from that videotaped discussion.

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Q: I'd like to start by reading to you a blurb that appears on the back cover of your book. It's from David Ignatius of the *Washington Post*. It says:

“Think of Tom Hagen, the Corleone family lawyer in *The Godfather*, and you begin to get the flavor of what Rizzo has seen and heard.” Now I can't imagine that you're entirely comfortable with this analogy, but are there similarities to be acknowledged between your role at the CIA and what this fictional character did for the Corleones?

Well, obviously I would not equate the CIA with an organized crime organization. But as you may recall, the Tom Hagen character was very close to the Corleone family. But he was not of the family. He was relied upon, confided in, but he always had a certain detachment about the advice he was giving. And in that way, I must say, there was a certain parallel between Tom Hagen's role and my role at the CIA.

Hagen, of course, was a consigliere, and as a consigliere wasn't he more in the business of telling his client how to break the law rather than how to comply with it?

Well, Marty, there is a danger here in taking the analogy too far.

You have, have you not, been called a “legal enabler”?

I have. And I don't think it was intended as a compliment, but I take it as such. First and foremost I did my damndest to ensure that the agency operated within U.S. law; I also provided advice and guidance that would allow the agency to carry out its vital intelligence mission to protect the country and defend the country's interest. That's what I thought my real role was ... to enable the CIA to do what it was created to do.

True or false? For all the talk about the CIA's rogue behavior, in the final analysis this agency, unlike any other in the federal government, reflects the vices and virtues of whoever happens to be president?

True. I served under seven presidents, beginning with Ford and ending with Obama. And they all came to view the CIA as their personal pop stand. Which makes it a very enticing, albeit risky, piece of national security machinery for the president to have at his disposal.

Your book says that as the CIA's chief legal officer you had the power to nip in the bud the agency's post-9/11 enhanced interrogation program—a program that you yourself acknowledge was “brutal” at times. So why didn't you stop it?

Well, as you recall, this was a time of unprecedented fear and dread in the country, when everyone expected that there would be a second attack on the homeland. And so here was a program that our experts believed would break the first high-level al-Qaeda operative that we had captured—a guy named Abu Zubaydah—who in our people's view was stonewalling. That was the situation I was facing.

Now I could have gone back to [CIA director] George Tenet and told him that this enhanced interrogation program was crazy and that it shouldn't go any further. And I think that I could have made that stick. But let's say a month or two later there was another

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massive attack on the homeland and then Zubaydah says, “Yeah, I knew about that and you couldn’t make me tell you.” From a personal, moral standpoint, I simply couldn’t live with that legacy.

But what you’re describing doesn’t sound to me like legal analysis.

No, my initial reaction was that the law really was secondary. But I also assessed that I wasn’t going to be the only lawyer to review this. I didn’t know what the legal precedents were. And that’s why I ultimately decided to go to the highest legal authority in the government, which was the Justice Department’s Office of Legal Counsel, to get a definitive, comprehensive answer.

Which some have likened to asking a family friend to write a prescription.

You may or may not believe this, but when it came to the legality of the program, I was agnostic. Honestly, if they concluded that it was all torture, that would have been fine with me. I honestly didn’t know, going in, how they would come out.

You’ve devoted 34 years of your life to the CIA—an organization that you obviously grew to love. Do you miss it?

Sometimes. But to be honest, I don’t miss it as much as I thought I would. First of all, 34 years is a long time. And secondly, my last several years there were particularly grueling. So when I left I did feel this great sense of relief. And, in fact, over the last five years I would say there was only one day when I really wished I was back there. That was the day they took down Bin Laden. 🇺🇸

Watch the full interview at www.callawyer.com.