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Intelligence Committee Hears from CIA Acting General Counsel Rizzo on Tape Destruction

Washington, D.C. – Chairman Silvestre Reyes, D-TX, of the House Permanent Select Committee on Intelligence, released the following statement today following the committee’s closed hearing with Mr. John Rizzo, the Acting General Counsel of the Central Intelligence Agency (CIA), regarding the destruction of CIA videotapes in 2005:

“Today the House Intelligence Committee received testimony from the Acting General Counsel of the CIA, John Rizzo. As the chief legal officer of the agency, he was involved in the legal decisions concerning the destruction of the videotapes – and he was involved in the discussions about briefing Congress.

“The videotapes depicted the use of so-called ‘enhanced interrogation techniques’ on two detainees in 2002. Directors Tenet and Goss, as well as senior officials at the White House and in the Office of the Director of National Intelligence, were consulted on whether to destroy the tapes. We will be questioning these officials so that we can learn what specific advice was given.

“One question of particular interest to the committee is why Congress was not appropriately informed that the tapes were destroyed. This should have been done in November 2005. It was not. I believe I speak for every Member of the committee when I say that the failure to notify Congress is unacceptable. We have to understand why the Executive Branch did not notify Congress, as required by the National Security Act.

“Let me make some broad points about our investigation:

- The committee launched an investigation into this matter on December 10, 2007. We will follow the facts wherever they lead. We will get to the bottom of this on behalf of the American people.
- Since announcing our investigation, we have held two hearings. The first was with Director Michael Hayden in December. The second was today.
- The CIA has produced to the committee more than 300 pages of documents, including emails, cables, memos, and other material relevant to this investigation. We did not have to subpoena the material; it was provided voluntarily by the agency. We know there is a lot more material out there,

and we intend to get it and review it thoroughly. We will also have to collect information from the Office of the DNI, the White House, and perhaps the Department of Justice.

· I want to note that we did not have to subpoena Mr. Rizzo; he appeared voluntarily. I recognize that appearing before Congress and swearing an oath to tell the truth entails some risk.

· We have also been in contact with attorneys for the following former CIA officials: George Tenet; Scott Muller, the former General Counsel; and Jose Rodriguez, the former director of the National Clandestine Service. We will be exploring with these gentlemen and their counsel the best way to obtain their testimony.

“Regarding Mr. Rodriguez, as you know, the committee subpoenaed him. He remains under subpoena. His counsel has indicated that his client wants to tell his story. However, his counsel has advised him not to answer the committee’s questions. That is his right. But we also have a responsibility to pursue this matter by developing the facts. Let me be clear: there have been no discussions regarding immunity for Mr. Rodriguez. I’m not sure this will ever be necessary. But I do know that today it is premature to talk about immunity. We want to develop additional facts in this case. Once we develop those facts, we can determine the best course of action with regard to Mr. Rodriguez. I am not prejudging anything.

“Another point: The Department of Justice has requested that the committee defer its investigation while the criminal probe goes on. I explained to the Deputy Attorney General and the Deputy Director of the FBI, in a phone call on Friday, that the committee would not defer its investigation, but that we would be respectful of the criminal investigation and not compromise it.

“It is imperative that Congress conduct a full, fair, and independent investigation of this matter. I do not believe we should leave the Executive Branch to police itself. Some have tried that in the past, and it has not worked out well.

“However, I offered to the Deputy Attorney General that my staff is willing to meet anytime with the investigators at the Justice Department to listen to any concerns they may have. This is not a one-time offer. This is a standing offer. All of Justice’s requests will be given fair consideration.

“Mr. Rizzo’s testimony today was highly detailed. He walked the committee through his involvement in this matter, dating back to 2002. We may have to recall him, and he indicated he would come back voluntarily.

“We will be identifying additional officials to talk to in the coming days and weeks. I urge Members of the Executive Branch to cooperate with this investigation and let the truth be told.

“I want to conclude by saying to the workforce of the intelligence community that we have enormous respect for what you do. Our oversight function is designed to strengthen the intelligence capability of the United States. Our investigation is of the policy-level decision making. I don’t want to discourage our officers from defending America.”