

By Mary Louis Kelly

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John Rizzo, up for the top legal job at the CIA, dodged questions during 90 minutes of questioning by the Senate Intelligence Committee. Senators tried to press him on some of the CIA's more controversial operations since Sept. 11, 2001. Rizzo has served as the CIA's acting general counsel for the past three years.

RENEE MONTAGNE, host:

During intense questioning yesterday before the Senate Intelligence Committee, John Rizzo managed not to say much. Rizzo is up for the top legal job at the CIA. He's already served as the CIA's acting general counsel for the past three years, and in his confirmation hearing, Senators tried to press him on some of the agency's more controversial post-9/11 operations.

Here's NPR's Mary Louise Kelly.

MARY LOUISE KELLY: John Rizzo has more than three decades experience as a CIA lawyer, and it seems he has learned a thing or two over the years about how to dodge questions on activities the CIA would prefer to keep quiet. Yesterday's hearing marked senators' first chance to question Rizzo publicly on matters such as extraordinary renditions and detainee interrogations. But Rizzo's responses were not exactly expansive. Here's an exchange with Democrat Carl Levin.

Senator CARL LEVIN (Democrat, Michigan): At the time that it was approved in 2002, did you

think that the CIA's interrogation program was humane?

Mr. JOHN RIZZO (Nominee, CIA General Counsel): I'm trying to be responsive in a way that - without getting into a detailed explanation. We believed then and we have believed throughout this process that the CIA program, as it was conceived, when taken in toto, justifies the conclusion that the program was, from the outset, and remains conducted in a humane fashion.

Sen. LEVIN: Why is it so complicated to answer a very direct question? Did you think the CIA's interrogation program was humane at the time that it was approved?

KELLY: Eventually, Levin elicited a two-word answer - yes, sir. So Levin tried again.

Sen. LEVIN: Have detainees been rendered by us, including the CIA, to countries that use torture?

Mr. RIZZO: You know, that's an important question. The only way I could give it a proper answer would be in a classified session.

Sen. LEVIN: I'm not asking you which countries. I'm just asking you whether we've ever rendered detainees to countries which use torture.

Mr. RIZZO: Well, again, if you don't mind, Senator, it's difficult to give a yes or no answer to that in an open session.

KELLY: Next up was another Democrat, Senator Ron Wyden. Wyden tried to nail down Rizzo's views on the notorious 2002 memo from the Justice Department, which defined torture as any technique that causes pain equivalent to, quote, "Organ failure, impairment of bodily function, or even death." Rizzo had said earlier that while he found this an aggressive reading of the law, he had not objected to the memo. Senator Wyden asked whether, in hindsight,

Rizzo wished he had.

Mr. RIZZO: I honestly - I can't say I should have objected at the time.

KELLY: Senator Wyden called that response unfortunate.

Senator RON WYDEN (Democrat, Oregon): Because it seems to me that language, on a very straightforward reading, is over the line. And that's what I think all of us wanted to hear, is that you wished you had objected.

KELLY: California Democrat Dianne Feinstein also expressed reservations about Rizzo because of his role these past few years in laying what she called a flawed legal foundation that, she said, allowed torture.

Senator DIANNE FEINSTEIN (Democrat, California): If you were part of that legal foundation, it's very difficult for me to vote for you because I believe that one of the reasons we are so hated abroad is because we appear to be hypocrites. We say one thing, and we practice another.

KELLY: Still, John Rizzo's bid to head the CIA legal team on a permanent basis does not appear to be in any real danger. Fewer than half of the Intelligence Committee senators showed up for the hearing. And the two Republicans present, John Warner and committee Vice Chair Kit Bond, sounded likely to vote in favor of Rizzo's nomination.