

By Harrison Smith

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John Rizzo, a self-described “company man” who worked as a CIA lawyer for more than three decades, laying the legal groundwork for proxy wars, drone strikes and the “enhanced interrogation” program, in which suspected terrorists were tortured in secret prisons overseas, died Aug. 6 at his home in Washington. He was 73.

The cause was not yet known, said his son, James Rizzo.

Mr. Rizzo spent nearly his entire career at the CIA, where he offered legal advice on covert operations as well as on more mundane issues of environmental, contract and tax law. He was named the agency’s top lawyer two months after the 9/11 terrorist attacks and went on to serve as acting general counsel for more than six years, in two stints.

But he was ultimately denied the official role of general counsel, with his Senate confirmation blocked in 2007 by Democratic opposition over his role in the agency’s brutal detention and interrogation program. Under the George W. Bush administration, at least 39 detainees were subjected to sleep deprivation, waterboarding and other methods widely condemned as torture.

Mr. Rizzo said he did not object to the program, believing the techniques were necessary to extract intelligence that could help avert another strike against the United States. But he did anticipate future criticism and sought “legal cover,” [as he put it](#), by procuring Justice Department [memos](#) in 2002, in which the government argued that using the techniques would not violate U.S. law or foreign treaties. The methods were permitted, the memos argued, so long as they stopped short of causing organ failure or death.

He later [called himself](#) “the legal architect of the proposed list of techniques.”

A five-year Senate investigation into the interrogation program [concluded](#) in 2014 that it was more brutal and less effective than the agency had let on, with one CIA interrogator quoted as saying that some prisoners “literally looked like a dog that had been kenneled.” Waterboarding left one detainee, known as Abu Zubaida, “completely unresponsive,” according to the Senate report, “with bubbles rising through his open, full mouth.”

Mr. Rizzo, like the CIA directors under whom he worked, argued that the program yielded crucial intelligence before it was discontinued in the mid-2000s. He visited secret CIA “black sites” such as the Salt Pit in Afghanistan, where detainees were interrogated, and came away satisfied that the operation was well run. Top CIA officials said he temporarily shut down the program in response to changes to the law.

“Sure, I thought about the morality of it,” he told the Hill in a [2015 interview](#). “But as I say, the times were such that what I thought would have been equally immoral is if we just unilaterally dismissed the possibility of undertaking a program that could have potentially saved thousands more American lives.”

Critics accused him of being, in the [description](#) of national security journalist Spencer Ackerman on Twitter, “a torture apologist & a torture enabler.”

[Human Rights Watch](#)

said Mr. Rizzo and other U.S. officials should be investigated for crimes including conspiracy to torture. But he remained a beloved figure at Langley, where he was admired for his knowledge of national security law as well as his sartorial elegance — Gucci loafers, orange pocket squares, sparkling cuff links, pinstripe suits.

“In many ways John was sort of martyred to political correctness for doing the hard mission for the agency,” former CIA director Porter J. Goss told the Los Angeles Times [in 2009](#). Goss’s successor, Michael V. Hayden, called Mr. Rizzo “my No. 1” in a phone interview Wednesday, lamenting that he was never confirmed by the Senate.

“There was nobody more dedicated to the protection of CIA and its officers than John Rizzo,” George Tenet, who led the CIA when the interrogation program began, said in a statement. “He

had a first class legal intellect while at the same time being street smart and tough.”

Mr. Rizzo joined the agency in 1976, months after watching congressional hearings that shocked many Americans by exposing CIA assassination plots and domestic surveillance operations. He wasn't sure if the agency even had an in-house legal staff, he recalled, “but it occurred to me that if they don't have lawyers, they may need some now.”

He later coordinated with House and Senate investigators examining the Iran-contra affair, and developed rules for CIA operatives who were backing anti-communist rebels in Latin America.

According to the Times, he concluded that the agency could legally pay informants who were members of death squads — provided that they weren't the ones carrying out assassinations. Mr. Rizzo devised a “shoot in the air scenario,” in which operatives who were tapped to pull the trigger were permitted to participate in the mission, so long as they vowed to miss their target.

“This is a modern version of frontier law,” former CIA deputy director John E. McLaughlin said by phone, referring to the legal thicket Mr. Rizzo was frequently called upon to navigate. “When it comes to law governing intelligence operations, there is not a large body of precedent you can turn to. ... The CIA lawyer is often calling balls and strikes with a strike zone that is not well defined.”

As the CIA's top lawyer after 9/11, Mr. Rizzo approved targeted killings through drone strikes, which also killed and wounded numerous civilians. A manila envelope was delivered to him once or twice a month, containing information on suspected terrorists who were slated to be “blown to bits,” as he put it, if he signed off on the operation.

“It's basically a hit list,” he [told Newsweek in 2011](#), two years after retiring from the CIA. He then pointed a finger at the reporter's forehead and pretended to pull a trigger. “The Predator is the weapon of choice,” he remarked, referring to the drone, “but it could also be someone putting a bullet in your head.”

Mr. Rizzo said he sometimes wondered what his parents would have thought of the killings

and his role in them. “The thought never left my mind that I was giving legal approval for killings and I had never done that before,” he said in [an interview](#) for the book “Top Secret America,” by journalists Dana Priest and William M. Arkin. “I just had to stay focused and detached.”

John Anthony Rizzo was born in Worcester, Mass., on Oct. 6, 1947, and grew up outside Boston. His father was a department store executive, and his mother was a homemaker.

He studied political science at Brown University, receiving a bachelor’s degree in 1969, and graduated from George Washington University Law School in 1972. In his first job out of law school, he worked at the U.S. Customs Service, only to grow tired of what he described as its “stumbling bureaucracy.”

Within three years of joining the CIA, he had become the top lawyer for the Directorate of Operations, the agency’s clandestine service. He was the CIA’s acting general counsel from 2001 to 2002 and from 2004 to 2009; between those tenures, he served as the deputy to general counsel Scott W. Muller.

He retired with CIA honors including the Distinguished Career Intelligence Medal, and later was a senior counsel at the Washington law firm Steptoe & Johnson and a visiting fellow at the Hoover Institution, a conservative think tank at Stanford University.

His marriage to Priscilla Walton ended in divorce. In 1993 he married Sharon Knight, who later joined the CIA. She [died in April](#). Survivors include a son from his first marriage, James Rizzo of Washington; a stepdaughter, Stephanie Breed Darga of Boston; two sisters; and two grandchildren.

Mr. Rizzo often noted the irony that targeting and killing terrorism suspects, including through drones strikes, appeared to be “less legally risky” than capturing and interrogating them. “I have no doubt that if I had said the word, much if not all of the [interrogation program] would have quietly died before it was born,” he wrote in a 2014 memoir, “Company Man.” “It would have been a relatively easy thing to do, actually.”

But he said he had few regrets. “Mostly my conscience is clear,” he told [Brown Alumni Magazine](#). “I’m content.”