

EXHIBIT 6

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C.I.A. Document Details Destruction of Tapes

By MARK MAZZETTI

WASHINGTON -- Porter J. Goss, the former director of the Central Intelligence Agency, in 2005 approved of the decision by one of his top aides to destroy dozens of videotapes documenting the brutal interrogation of two detainees, according to an internal C.I.A. document released Thursday.

Shortly after the tapes were destroyed at the order of Jose A. Rodriguez Jr., then the head of the C.I.A.'s clandestine service, Mr. Goss told Mr. Rodriguez that he "agreed" with the decision, according to the document. He even joked after Mr. Rodriguez offered to "take the heat" for destroying the tapes.

"PG laughed and said that actually, it would be he, PG, who would take the heat," according to one document, an internal C.I.A. e-mail message.

According to current and former intelligence officials, Mr. Goss did not approve the destruction before it happened, and was displeased that Mr. Rodriguez did not consult him or the C.I.A.'s top lawyer before giving the order for the tapes to be destroyed.

It was previously known that Mr. Goss had been told by his aides in November 2005 that the tapes had been destroyed. But a number of documents released Thursday provide the most detailed glimpse yet of the deliberations inside the C.I.A. surrounding the destroyed tapes, and of the concern among officials at the spy agency that the decision might put the C.I.A. in legal jeopardy.

The documents detailing those deliberations, including two e-mail messages from a C.I.A. official whose name has been excised, were released as part of a Freedom of Information Act lawsuit filed by the American Civil Liberties Union.

The e-mail messages also reveal that top White House officials were angry that the C.I.A. had not notified them before the tapes were destroyed. The e-mail messages mention a conversation between Harriet E. Miers, the White House counsel, and John A. Rizzo, the C.I.A.'s top lawyer, in which Ms. Miers was "livid" about being told after the fact.

"Rizzo is clearly upset, because he was on the hook to notify Harriet Miers of the status of the tapes because it was she who had asked to be advised before any action was taken," according to one of the e-mail messages.

In 2002, C.I.A. operatives in Thailand videotaped the interrogations of Abu Zubaydah and Abd al-Rahim al-Nashiri, two Qaeda suspects whom the C.I.A. was holding in secret in that country. More than a hundred tapes were made, and many were kept in a safe in the C.I.A. station in Bangkok.

According to former C.I.A. officials, Mr. Rodriguez ordered the tapes destroyed in November 2005 because he feared that if the tapes were to become public it would put undercover C.I.A. officers in legal and physical jeopardy.

According to one of the e-mail messages released Thursday, Mr. Rodriguez told Mr. Goss that the tapes, taken out of context, would make the C.I.A. "look terrible; it would be devastating to us."

The destruction of the tapes is the subject of a Justice Department criminal investigation that has stretched on for more than two years. The investigation is led by John Durham, a federal prosecutor in Connecticut.

Mr. Goss and other former C.I.A. officers have testified before a grand jury hearing evidence as part of the investigation, former intelligence officials said.

A spokesman for Mr. Goss declined to comment on Thursday evening.

Paul Gimigliano, a C.I.A. spokesman, said: "For more than two years, a Department of Justice prosecutor has been looking into the matter. The agency has cooperated fully with that inquiry and will, of course, continue to do so. We hope that this issue is resolved soon."

In a telephone interview on Thursday, Mr. Rizzo said he was not at the meeting recounted in the e-mail messages, but said "Porter never once indicated to me that he agreed with the decision."

"I thought he was as upset as I was for not being told," he said.

Mr. Rizzo said that White House officials agreed with him that destroying the tapes was a bad idea, and that they expected to be informed before the C.I.A. made any decisions about their fate.

"They said don't do anything without telling them in advance," he said.

One American official familiar with the matter cautioned that the e-mail messages were merely the account of one unnamed C.I.A. official, not the results of a formal investigation.

"It's a little risky to draw cosmic conclusions from something like that," he said.

The destruction of the interrogation tapes was first revealed by The New York Times in December 2007.

PHOTO: Former C.I.A. Director Porter J. Goss is said to have agreed to the destruction of detainee interrogation tapes after the fact. (PHOTOGRAPH BY ANDREW COUNCILL FOR THE NEW YORK TIMES)