



U.S. Department of Justice

Office of the Inspector General

February 19, 2008

The Honorable Richard Durbin
United States Senate
Washington, DC 20530

The Honorable Sheldon Whitehouse
United States Senate
Washington, DC 20530

Dear Senators Durbin and Whitehouse:

This is in response to your February 12, 2008, letter to me and H. Marshall Jarrett, Counsel for the Department of Justice's (DOJ) Office of Professional Responsibility (OPR). In your letter, you request that the Office of the Inspector General (OIG) and OPR investigate the role of DOJ officials in authorizing or overseeing the use of waterboarding by the Central Intelligence Agency.

I appreciate your asking the OIG to review this issue. However, under current law, the OIG does not have jurisdiction to review the actions of DOJ attorneys acting in their capacity to provide legal advice. Legislation that would remove this limitation has passed the House and is pending in the Senate, but at this point the OIG does not have the jurisdiction to undertake the review you request.

In addition, I understand that OPR has an ongoing review that is examining DOJ's legal advice regarding these issues, and OPR's review will address the issues your letter raises. It is also my understanding that OPR Counsel Jarrett intends to respond to your letter directly.

Please contact me if you have any questions about this letter or the work of the OIG.

Sincerely,

A handwritten signature in black ink that reads "Glenn A. Fine".

Glenn A. Fine
Inspector General

cc: H. Marshall Jarrett