

**U.S. Department of Justice****Office of Professional Responsibility**

950 Pennsylvania Avenue, N.W., Suite 3266
Washington, D.C. 20530

FEB 19 2008

The Honorable Richard J. Durbin
United States Senate
Washington, DC 20510

The Honorable Sheldon Whitehouse
United States Senate
Washington, D.C. 20510

Dear Senators Durbin and Whitehouse:

In your February 12, 2008 letter to this Office (OPR) and to the Office of the Inspector General, you requested an investigation into the role of Department of Justice officials in authorizing and overseeing the use of waterboarding by the Central Intelligence Agency. I am writing to advise you that the issues raised in your letter are included in a pending OPR investigation into the circumstances surrounding the drafting of the August 1, 2002 memorandum from the Department's Office of Legal Counsel to Alberto R. Gonzales, then Counsel to the President, captioned "Standards of Conduct for Interrogation under 18 U.S.C. §§ 2340-2340A," and related, subsequent OLC memoranda. Among other issues, we are examining whether the legal advice contained in those memoranda was consistent with the professional standards that apply to Department of Justice attorneys.

Upon completion of our investigation, we will provide you with our results. Moreover, because of the significant public interest in this matter, OPR will consider releasing to Congress and the public a non-classified summary of our final report.

Thank you for bringing your concerns to our attention. We hope you will find this information useful.

Sincerely,

A handwritten signature in black ink, appearing to read "H. Marshall Jarrett".

H. Marshall Jarrett
Counsel