



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

*Washington, D.C. 20530*

March 25, 2009

The Honorable Sheldon Whitehouse  
Committee on the Judiciary  
United States Senate  
Washington, D.C. 20510

Dear Senator Whitehouse:

This responds to your letter, dated February 16, 2009, which requested information about the status of OPR's investigation concerning whether legal advice in the Office of Legal Counsel (OLC) memoranda regarding interrogation techniques was consistent with the professional standards that apply to Department of Justice attorneys. An identical response is being sent to Senator Durbin, who joined in your letter.

OPR has completed its investigation of this matter and in late December 2008, provided the draft report to Attorney General Mukasey and invited comment. Attorney General Mukasey shared the report with Deputy Attorney General Filip and OLC. Thereafter, Attorney General Mukasey, Deputy Attorney General Filip and OLC provided comments, and OPR revised the draft report to the extent it deemed appropriate based on those comments.

In addition, during the course of the investigation, counsel for the former Department attorneys asked OPR for an opportunity to review and comment on the report prior to any disclosure of its results to Congress or the public. Attorney General Mukasey and Deputy Attorney General Filip likewise requested that OPR provide the former Department attorneys with such an opportunity. For these reasons, OPR is now in the process of sharing the revised draft report with them. When the review and comment period is concluded, OPR intends to review the comments submitted and make any modifications it deems appropriate to the findings and conclusions. OPR will then provide a final report to the Attorney General and Deputy Attorney General. After any additional review they deem appropriate, the Department will determine what disclosures should be made. Due to the complexity and classification level of the draft report, the review process described above likely will require substantial time and effort.

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In determining appropriate disclosures, we will be mindful of the considerable interest that Congress has previously expressed in connection with this matter and will seek to accommodate the information needs of our oversight committees in response to requests from their chairmen. While we appreciate your request for a disclosure commitment, we can only fully evaluate the scope of appropriate disclosures once the review process is completed. We trust you understand that those decisions depend in part on the content and conclusions of the OPR final report and the outcome of any further Departmental review.

Thank you for your continued interest in this matter. We will supplement this response when additional information becomes available.

Sincerely,

A handwritten signature in cursive script that reads "M. Faith Burton".

M. Faith Burton  
Acting Assistant Attorney General