



**U.S. Department of Justice**

Office of Legislative Affairs

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Office of the Assistant Attorney General

Washington, D.C. 20530

March 22, 2007

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

Dear Senator Durbin:

This responds to your letter of March 15, 2007, regarding allegations made in a National Law Journal article ("Aborted DOJ Probe Probably Would Have Targeted Gonzales") published the same day. The article discusses an Office of Professional Responsibility ("OPR") investigation into the conduct of Department of Justice lawyers relating to certain specific NSA activities publicly confirmed by the President (hereinafter, the "Terrorist Surveillance Program").

Within the Department of Justice, OPR sought assistance in obtaining security clearances to the Terrorist Surveillance Program to conduct its investigation. This request reached the Attorney General. The Attorney General was not told that he was a subject or target of the OPR investigation, nor did he believe himself to be. The Attorney General did not ask the President to shut down or otherwise impede the OPR investigation. The Attorney General recommended to the President that OPR be granted security clearances to the Terrorist Surveillance Program. The President made the decision not to grant the requested security clearances.

Sincerely,

A handwritten signature in black ink that reads "Richard A. Hertling".

Richard A. Hertling  
Acting Assistant Attorney General