



U.S. Department of Justice

Office of Professional Responsibility

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

MAY 10 2006

The Honorable Maurice Hinchey
Member, U.S. House of Representatives
2431 Rayburn House Office Building
Washington, D.C. 20515

Dear Congressman Hinchey:

We previously advised you, in our letters dated February 2, 2006 and March 21, 2006, that the Office of Professional Responsibility (OPR) had initiated an investigation into the role of Department of Justice attorneys in the authorization and oversight of warrantless electronic surveillance by the National Security Agency (the NSA program) and in compliance with the Foreign Intelligence Surveillance Act. We also stated that we would notify you of the results of our investigation when it was completed.

I am writing to inform you that we have been unable to make any meaningful progress in our investigation because OPR has been denied security clearances for access to information about the NSA program. Beginning in January 2006, this Office made a series of requests for the necessary clearances. On May 9, 2006, we were informed that our requests had been denied. Without these clearances, we cannot investigate this matter and therefore have closed our investigation.

Sincerely,

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

H. Marshall Jarrett
Counsel