



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

May 1, 2007

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington DC 20510

The Honorable Arlen Specter
Ranking Minority Member
Committee on the Judiciary
United States Senate
Washington DC 20510

Dear Mr. Chairman and Senator Specter:

This responds to your letter of April 25 requesting that the Attorney General supplement his oral testimony with answers to those questions he was unable to answer on April 19, by “searching and refreshing [his] recollection.”

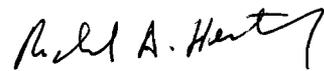
The Attorney General answered the questions put to him to the best of his ability and recollection. As you noted in your letter, the Attorney General spent considerable time preparing for the hearing and refreshed his recollection to the extent possible by reviewing the voluminous documents provided to the Committee in this matter and the transcripts of public testimony. The Attorney General decided in advance of the hearing that he would not seek to refresh his recollection by consulting the confidential interview transcripts of other witnesses because of the factual nature of the ongoing investigations being conducted by the Senate and House Committees on the Judiciary and the Department’s Office of the Inspector General and Office of Professional Responsibility.

The Attorney General therefore has done everything possible to refresh his recollection while ensuring the integrity of those investigations. If, in the process of preparing for future testimony or for whatever reason, the Attorney General recalls additional information that would be responsive to the unanswered questions of Committee members, we will supplement the record. The Department is also in the process of responding to the requests made by Committee members during the course of the April 19 hearing for specific information and will provide responses to the Committee in a timely manner.

Honorable Patrick J. Leahy
Honorable Arlen Specter
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The Attorney General looks forward to continuing to cooperate with the Committee's investigation and to work with the Committee on other issues of importance to the country.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard A. Hertling". The signature is fluid and cursive, with a prominent loop at the end.

Richard A. Hertling
Acting Assistant Attorney General