U.S. Department of Justice

Office of the Inspector General

June 13, 2005

The Honorable Henry A. Waxman
Ranking Member
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Martin T. Meehan
Democratic Co-Chairman
Congressional Task Force on Tobacco
and Health
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressmen Waxman and Meehan:

This is in response to your letters dated June 8 and June 9, 2005, in which you asked the Office of the Inspector General (OIG) to investigate whether improper political interference influenced the Department of Justice (Department) to reduce the damages it is seeking in the ongoing tobacco litigation. In addition, in your June 9 letter, you asked the OIG to review allegations that the Department asked certain witnesses to change their testimony in that litigation.

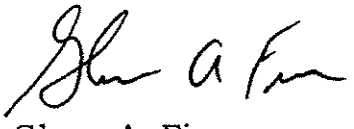
After careful review, we have concluded that the letters raise issues that the OIG does not have jurisdiction to investigate. The OIG has jurisdiction to investigate all allegations within the Department, except for allegations that involve the actions of Department attorneys acting in their capacity to litigate, investigate, or provide legal advice. Those matters have been assigned to the Department of Justice Office of Professional Responsibility (DOJ OPR) to investigate, according to Attorney General Order 1931-94 (codified in the DOJ Reauthorization Act of 2002 (Public Law 107-273; 5 U.S.C.A. App. 3, § 8E)).

As described in your letters, the allegations in this case fall within DOJ OPR's jurisdiction because they relate to the actions of Department attorneys concerning their authority to litigate, investigate, or provide legal advice. Therefore, we forwarded your letters to Marshall Jarrett, the head of DOJ OPR. He has informed us that DOJ OPR intends to initiate an investigation concerning these matters.

However, thank you for bringing these matters to our attention and for expressing confidence in the OIG's ability to conduct an independent investigation of these issues.

Please contact me if you have any questions about this response.

Sincerely,



Glenn A. Fine
Inspector General

cc: H. Marshall Jarrett, Counsel
Office of Professional Responsibility
Department of Justice