July 28, 2010

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

Dear Senator Durbin:

Upon reviewing the transcript of the hearing today, Director Mueller realized that he misspoke. You asked the Director whether there is a requirement of "suspicion of wrongdoing" in order for the FBI to engage in surveillance of an individual or location under the FBI's Domestic Investigation and Operations Guide (DIOG). His answer should have been that there must be a proper purpose for the surveillance. Suspicion of wrongdoing could be a proper purpose, but it is not the only proper purpose. Further, as noted in the Director's answer to the next question, membership in a certain religion or ethnic group is not, standing alone, a proper purpose.

This correction will be made a part of the official transcript of the hearing.

Sincerely,

Stephen Kelly
Assistant Director
Office of Congressional Affairs
July 28, 2010

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

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Sincerely,

Stephen Kelty
Assistant Director
Office of Congressional Affairs

1 - The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, D.C. 20510

1 - The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, D.C. 20510