

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

Dep. Director \_\_\_\_\_  
 EAD-Adm. \_\_\_\_\_  
 EAD-CT/CI \_\_\_\_\_ **The Honorable Patrick J. Leahy**  
 EAD-Crim. \_\_\_\_\_  
 EAD-Intell. \_\_\_\_\_ **Chairman**  
 EAD-LES \_\_\_\_\_ **Committee on the Judiciary**  
 Asst. Dir.: \_\_\_\_\_  
 Adm. Serv. \_\_\_\_\_ **United States Senate**  
 CJIS \_\_\_\_\_  
 Ident. \_\_\_\_\_ **Washington, D.C. 20510**  
 Inters. \_\_\_\_\_  
 Crim. Inv. \_\_\_\_\_  
 Cyber \_\_\_\_\_  
 Finance \_\_\_\_\_ **The Honorable Jeff Sessions**  
 In. Res. \_\_\_\_\_ **Ranking Member**  
 Inspection \_\_\_\_\_  
 Inv. Tech. \_\_\_\_\_ **Committee on the Judiciary**  
 Laboratory \_\_\_\_\_ **United States Senate**  
 OE of Cong. Affs. \_\_\_\_\_  
 OE of the Gen. \_\_\_\_\_  
 Coon. \_\_\_\_\_ **Washington, D.C. 20510**  
 Off. of Intell. \_\_\_\_\_  
 Off. Pub. Aff. \_\_\_\_\_  
 Off. of Prof. Resp. \_\_\_\_\_  
 Rec. Mgnt. \_\_\_\_\_  
 Security \_\_\_\_\_  
 Training \_\_\_\_\_  
 Off. of ESOA \_\_\_\_\_ **FBI ExecSec, Room 6127**

**UPLOADED ON**

Date: **7-30-10**

By: \_\_\_\_\_

*Serial 510*

b6  
b7c

① AD Kelly  
 1 - \_\_\_\_\_  
 1 - OCA Member's Folder

1-62F-HQ-1077726

**U.S. Department of Justice****Federal Bureau of Investigation**

---

Washington, D.C. 20535

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

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