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LP142

Eley, Darlyce M

From: Brooks, Waldo W
Sent: Friday, April 30, 2004 4:09 PM
To: Buchwald, Todd F; Bradley, Curtis A; Dibble, Philo L (NEA); 'James_Burger (E-mail)
Cc: Jost, Aaron W (NEA/NGA)
Subject: Proposed Response to Patton Boggs Lawyers

RELEASED IN PART
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Gentlemen,

I propose the following response to the Patton Boggs lawyer, his letter is attached as a tif document.

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Thanks Chip Brooks

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DOS-001433



United States Department of State

Washington, D.C. 20520

Case No. 200303827

Segment L0026

DEC 22 2004

Mr. Amrit Singh
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004-2400

Dear Mr. Singh:

I refer to our previous correspondence regarding the release of certain Department of State material you had requested under the Freedom of Information Act (Title 5 USC Section 552) in your letters of October 7, 2003 and May 25, 2004.

We have retrieved 36 additional documents from the Office of the Legal Adviser that appear responsive to your request, and have grouped them as Segment L0026. After reviewing these documents, we have determined five may be released with excisions and 19 must be withheld in full. All released material is enclosed. Twelve documents originated with other government agencies and have been referred to those agencies for review and direct reply to you.

Material in the excised portions of one of the documents released in part and in nine of the documents withheld in full is currently and properly classified under Executive Order 12958 in the interest of national defense or foreign relations. As such, it is exempt from release under subsection (b)(1) of the Freedom of Information Act.

Material in the excised portions of one of the documents released in part and in one of the documents withheld in full is specifically exempted from disclosure by statute, to wit, the Central Intelligence Agency Act of 1949 (Title 50 USC Section 403g). As such, it is exempt from release under subsection (b)(3) of the Freedom of Information Act.

Information in 11 of the documents withheld in full is exempt from release under subsection (b)(5) of the Freedom of Information Act because it is protected by the deliberative process privilege, attorney client privilege, attorney work

product privilege, and/or another privilege incorporated by subsection (b) (5).

Material in the excised portions of four of the documents released in part and in one of the documents withheld in full is of such a nature that its release would constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b) (6) of the Freedom of Information Act.


Material in the excised portions of five of the documents released in part and in two of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to interfere with enforcement proceedings. As such, it is exempt from release under subsection (b) (7) (A) of the Freedom of Information Act.

Material in the excised portions of five of the documents released in part and in two of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to constitute an unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b) (7) (C) of the Freedom of Information Act.

In some cases, two or more exemptions may apply to the same document. In the case of a document released in part, all non-exempt material that is reasonably segregable from the exempt material has been released.

The search of the other files has been completed, and we will let you know as the review of the various segments has been accomplished.

Sincerely,


Margaret P. Grafeld
Director

Office of Information Programs
and Services

Enclosures:
As stated.