

EL129

Tillery, Monica J

From: Buchwald, Todd F
Sent: Thursday, June 10, 2004 3:38 PM
To: Miller, Ronald W(S/WCI); McCowan, Mikael C
Cc: Dorosin, Joshua L; Cummings, Edward R (Main State)
Subject: RE: CLEARANCE: Kelly-Hagel Letter on Detainees

RELEASED IN PART
 B5



H-Hagel Letter on
 Detainees_d...

Thanks Ron. Comments attached - I guess we should see this again if DOD makes any significant changes.

-----Original Message-----

From: Miller, Ronald W
Sent: Thursday, June 10, 2004 12:19 PM
To: Buchwald, Todd F(Main State Room 6429)
Subject: FW: CLEARANCE: Kelly-Hagel Letter on Detainees

Over to you since Josh/Ed are out - thought you would want to take a look at this.

-----Original Message-----

From: Miller, Ronald W
Sent: Thursday, June 10, 2004 12:17 PM
To: Dorosin, Joshua L(Main State Room 6429); Cummings, Edward R (Main State)(Main State Room 5635)
Cc: Prosper, Pierre R
Subject: FW: CLEARANCE: Kelly-Hagel Letter on Detainees

Needs a L clearance.

-----Original Message-----

From: McCowan, Mikael C
Sent: Thursday, June 10, 2004 11:47 AM
To: Miller, Ronald W(S/WCI); Carpenter, Jonathan J(P); Ryu, Rexon Y(D); Dunne, Charles W(S/P)
Cc: NEA-I-POL-DL; McNamara, John F
Subject: CLEARANCE: Kelly-Hagel Letter on Detainees

B5

A/S Kelly has asked us to draft a letter from him to Sen. Hagel with details on how we plan to handle detainees following the transition.

[REDACTED] I took a stab at a response. Please provide comments/clearance today. (I'm running this by DOD separately.)

Mikael McCowan
 Iraq Desk Officer
 Ph. 7-7867

<< File: H-Hagel Letter on Detainees.doc >>



United States Department of State

Washington, D.C. 20520

Case No. 200303827

Segment L035

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

DEC 23 2004

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 122 additional documents from the Office of the Legal Adviser which we have grouped as Segment L035. After reviewing these documents, we have determined that 11 may be released in full, seven may be released with excisions, and 103 may not be released. The released documents are enclosed. A decision on one document requires interagency or intra-agency coordination. We will inform you when we receive the results of that coordination.

Material in 17 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.

Information in seven of the documents released in part and in 103 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).

In some cases, two exemptions 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.

Sincerely,



Margaret P. Grafeld

Director

Office of Information Programs and Services

Enclosures:

As stated.