



**United States Department of State**

*Washington, D.C. 20520*

DEC 28 2004

Case No. 200303827

Segment L0040

Mr. Amrit Singh  
American Civil Liberties Union Foundation  
125 Broad Street, 18<sup>th</sup> 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 received 73 additional documents from the Office of the Legal Adviser which appear responsive to your request, and have grouped them as Segment L0040. After reviewing these documents, we have determined that seven may be released in full, three may be released with excisions, and 46 may not be released. The released documents are enclosed. A decision on five documents requires interagency or intra-agency coordination. We will inform you when we receive the results of that coordination. Twelve documents originated with another government agency and have been referred to that agency for review and direct reply to you.

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

Material in 11 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 two of the documents withheld in full is related solely to the internal personnel rules and practices of an agency. As such, it is exempt from release under subsection (b)(2) of the Freedom of Information Act.

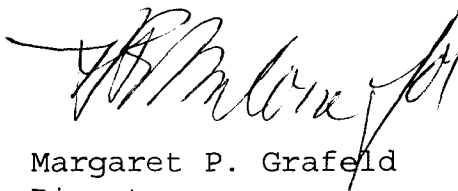
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The material in the excised portions of one of the documents released in part is of such a nature that its release would constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b) (6) of the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

Information in the excised portions of two of the documents withheld in part and in all 46 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 or more 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,

A handwritten signature in dark ink, appearing to read 'Margaret P. Grafeld', with a stylized flourish at the end.

Margaret P. Grafeld  
Director  
Office of Information Programs  
and Services

Enclosures:  
As stated.

**DOS-001764**