



**United States Department of State**

Washington, D.C. 20520

[www.state.gov](http://www.state.gov)

JAN 12 2005

Case No. 200303827

Segment L038

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 retrieved 118 additional documents from the Office of the Legal Adviser that appear responsive to your request, and have grouped them as Segment L038. After reviewing these documents, we have determined that eight may be released in full, eight may be released with excisions, and 92 must be withheld in full. All released material is enclosed. A decision on three documents requires interagency or intra-agency coordination; we will inform you when we receive the results of that coordination. Seven documents originated with another government agency and have been referred to that agency for review and direct reply to you.

The material in 44 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 the excised portions of the eight documents released in part and in 85 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).

The material 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.

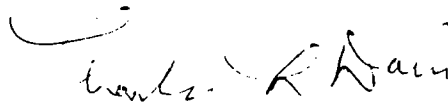
The material in 38 of the documents withheld in full is information compiled for law enforcement purposes which, if produced, could reasonably be expected to interfere with enforcement proceedings. As such, it is exempt from release under subsection (b)(7)(A) of the Freedom of Information Act.

The material in 22 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 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.