



United States Department of State

Washington, D.C. 20520

www.state.gov

JAN 12 2005

Case No. 200303827

Segment L0041

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 24 additional documents from the Office of the Legal Adviser and other sources that appear responsive to your request, and have grouped them as Segment L0041. After reviewing these documents, we have determined that ten may be released with excisions and nine must be withheld in full. All released material is enclosed. A decision on two documents requires interagency coordination; we will inform you when we receive the results of that coordination. Three 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 nine of the documents released in part 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 five of the documents released in part and in the nine 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 one of the documents released in part is of such a nature that its release would

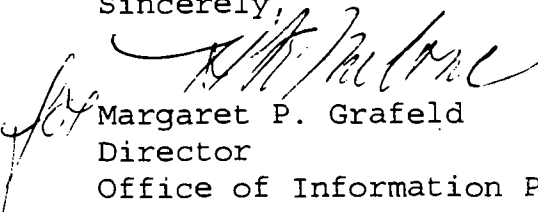
constitute a clearly unwarranted invasion of personal privacy. As such, it is exempt from release under subsection (b)(6) of the Freedom of Information Act.

Material in the excised portions of three of the documents released in part 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.

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.

This concludes our review of documents retrieved from the records of the Department of State in response to your request. With respect to documents originating in the Department of State, but referred to other agencies for their opinion, further information will be provided when available.

Sincerely,


Margaret P. Grafeld
Director
Office of Information Programs
and Services

Enclosures:
As stated.