



United States Department of State

Washington, D.C. 20520

DEC 18 2004

Case No. 200303827

Segment ER004

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.

A search of the Central Foreign Policy Records has been completed, resulting in the retrieval of 47 documents that appear responsive to your request. They have been grouped as Segment ER004. 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.

After reviewing the documents of Segment ER004, we have determined that 14 may be released in full, 20 may be released in part, and 11 may not be released. The released documents are enclosed. A decision on the remaining two documents requires coordination with another government agency or agencies. We will inform you when we receive the results of that coordination.

Material in the excised portions of 14 of the documents released in part and in all 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 the excised portions of three of the documents released in part 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 one document released in part 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 six 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 12 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.

Material in the excised portions of 12 of the documents released in part 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.

Sincerely,



Margaret P. Grafeld

Director

Office of Information Programs
and Services

Enclosures:
As stated.