

U.S. Department of  
Homeland Security

United States  
Coast Guard



Commandant  
United States Coast Guard

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5720  
CG FOIA #06-0274

APR 28 2006

College of DuPage  
Keith Yearman, Assistant Professor of Geography  
425 Fawell Boulevard  
Glen Ellyn, Illinois 60137-6599

Dear Mr. Yearman:

This is in response to your Freedom of Information Act (FOIA) request in which you requested records concerning the repatriation of Haitian refugees caught at sea, to include communications, cables, reports, and directives, limited to the year 1991. You requested to be advised prior to processing your request if the associated fees were expected to exceed \$20.00. You were advised that fees were expected to be approximately \$57.50; subsequently, you requested a fee waiver, but indicated that you would be willing to pay the associated fees if your fee waiver request was declined.

Pursuant to your request, documents consisting of 1,127 pages were located. Of these, 55 pages were determined to be duplicative, and were therefore not reviewed for release. The remaining 1,072 pages were reviewed pursuant to the provisions of the FOIA, 5 U.S.C. § 552. Three hundred and seventy-seven pages are hereby released to you. One hundred and fifty-seven pages have been withheld in their entirety. Five hundred and sixteen pages originated with agencies other than the Coast Guard, and have been forwarded to those agencies for review. These three agencies, U.S. Immigration and Customs Enforcement, U.S. Department of State, and U.S. Department of Justice, will correspond with you directly regarding the release to you of any information within these documents that is appropriate for release via the provisions of the FOIA.

The 157 pages that have been entirely withheld from you are withheld pursuant to 5 U.S.C. § 552(b)(5), which allows the government to withhold inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency, and 5 U.S.C. § 552(b)(6), which allows the government to withhold information about individuals when the disclosure of such information would constitute a clearly unwarranted invasion of personal privacy.

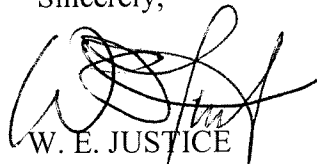
Selected information within the 377 pages that have been released to you has been withheld pursuant to 5 U.S.C. § 552(b)(5), 5 U.S.C. § 552(b)(6), 5 U.S.C. § 552(b)(2), which allows the government to withhold information related solely to the internal rules and practices of an agency, and 5 U.S.C. § 552(b)(7)(E), which allows the government to withhold law enforcement information that would disclose techniques and procedures for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

More specifically, the information that has been withheld includes the names and personal identifiers of agency personnel and third party individuals [(b)(6)], telephone numbers of agency personnel and third party individuals [(b)(2)], information and documents that are part of the deliberative process, and draft documents prepared in anticipation of litigation [(b)(5)], and a law enforcement constraint/capability [(b)(2) and (b)(7)(E)].

With respect to your request for a fee waiver, I find that although approximately one-third of the documents being released to you are already publicly available, and therefore not eligible for fee waiver consideration, the remaining documents are not publicly available, and are therefore eligible for fee waiver consideration. I find that the enclosed documents are likely to contribute to the public understanding of the Haitian immigration and repatriation policies of the United States. Additionally, I find that because you intend to share and use this information for classroom discussion with "literally hundreds" of students annually, a sufficient segment of the population will be exposed to this material to warrant a waiver of fees for this material. Accordingly, your request for a fee waiver is hereby granted.

Mr. Louis Orsini, Senior Law Enforcement Specialist of the Office of Law Enforcement and Lieutenant Commander Christopher Murray, legal counsel to the Office of Law Enforcement, participated with me in making this determination. Because this is a partial denial of your request, you have the right to appeal this decision. You may appeal by writing to: Commandant (CG-611), U.S. Coast Guard, 2100 Second Street SW, Washington, DC 20593-0001 within 30 days from the date of this letter. Clearly mark the envelope and the letter "Freedom of Information Act Appeal."

Sincerely,



W. E. JUSTICE

Rear Admiral, U.S. Coast Guard  
Director of Enforcement and Incident Management

Encl: Responsive documents