



DRAFT

LEGAL SERVICES CORPORATION

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Alexander D. Forger
President

November 21, 1996

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Mr. Gregory J. English
Wyche, Burgess, Freeman & Parham
44 East Camperdown Way
P.O. Box 728
Greenville, South Carolina 29602

RE: Your Freedom of Information Act (FOIA) Appeal
Dated October 21, 1996 Concerning FOIA Request (96-57)

Dear Mr. English:

This letter is in response to your FOIA appeal dated October 21, 1996 and received in the Legal Services Corporation (LSC) Office of General Counsel October 22, 1996. You appealed the July 25, 1996 decision of Joann Gretch of the Office of General Counsel to withhold the records requested in your prior FOIA request of July 22, 1996, pursuant to the provisions of 5 U.S.C 552(b)(7)(A). The records requested were:

1) [Block from original denial letter]

2) [Block from original denial letter]

In your appeal, you cite several cases to support an argument for a narrow interpretation of this subsection. All these cases are prior to the Freedom of Information Reform Act of 1986 which significantly broadened the scope of exemptions under §552(b)(7). It broadened the coverage of this exemption from "investigatory records compiled for law enforcement purposes" to "records and

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information compiled for law enforcement purposes.^{1/} It also broadened the basis for withholding a record under exemption 7A, (with similar language for exemptions 7C, 7D and 7F) from "would interfere with enforcement proceedings" to "could reasonably be expected to interfere with enforcement proceedings." Thus, our denial of your FOIA request need not necessarily meet the standards cited in these cases, provided it is supportable under the language of the 1986 FOIA amendments.

The record in your complaint on behalf of Regional Management Corp. consists of the extensive documentation you submitted with the complaint and documentation assembled and information collected by LSC in the processing of the complaint. As to the documentation you submitted, it is releasable to you and any implication to the contrary that might exist in the initial denial is reversed. Since it is fairly extensive, you would be charged the applicable copying fees. As would you already have it, we doubt that you want us to copy it. If you do, please so indicate and we will immediately copy it and send it to you.

As for the remainder of information in our complaint file, we consider that the release of any of this information falls under the exemption cited in the original denial. A major reason why it "could reasonably be expected to interfere with enforcement proceedings" is that LSC follows a practice of keeping its documentation in all complaint proceedings confidential during the pendency of the complaint. This policy has several purposes, the relevant one of which is to facilitate gaining cooperation from parties to a complaint and other sources of information. If information submitted to LSC may become public even before the proceeding is complete, parties will be cautious in submitting information to LSC, thereby hindering both this and subsequent complaint investigations. Without cooperation, including cooperation from the parties being investigated, it would be very difficult for LSC to conduct complaint investigations.

Therefore, we find that premature release of documentation and other information obtained during this investigation could reasonably be expected to interfere with enforcement proceedings in this case and in other, subsequent cases. Accordingly, your appeal is denied. When the complaint investigation is complete, we will inform you and, if you still request these documents, we will

review them for any information not properly releasable and release them to you, subject to applicable fees.

[Insert 552(a)(4) notice]

Sincerely,

Alexander D. Forger
President