



**LEGAL SERVICES CORPORATION**

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Alexander D. Forger  
President

Writer's Direct Telephone  
(202) 336-8800

February 17, 1995

Mr. John A. Marino  
65 Euclid Avenue  
Hackensack, New Jersey 07601

Dear Mr. Marino:

This is in response to your Freedom of Information Act, 5 U.S.C. §552 *et seq.* ("FOIA"), appeal dated January 18, 1995, and received by the Legal Services Corporation ("LSC" or "Corporation") on January 25, 1995. Your appeal is of the Corporation's partial denial of your FOIA request of December 7, 1994, wherein you sought, among other things, 1) copies of every letter or document received from Bergen County Legal Services ("BCLS") or its director responding to complaints initiated by you; and 2) copies of all of LSC's records documenting and evaluating your complaints.

On January 11, 1995, we provided you with copies of certain records in response to your request. However, we informed you that eleven (11) pages of records were withheld because they were internal memoranda of a deliberative and predecisional nature.<sup>1</sup> It is the withholding of those records that you appeal.

Your letter of January 18th states that the withholding of the records denies you the "the very evidence needed to confirm or disprove [your] suspicions of deliberate misrepresentation to LSC by [the BCLS] program director." You also believe that access to the "latter stage of LSC's cogitational process is part and parcel of its final conclusion in this context . . . and therefore considered by [you] part and parcel of [the] entire allegation."

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<sup>1</sup> Under 5 U.S.C. §552(b)(5), if the record is predecisional and deliberative, it may be withheld. See Jordan v. United States Dep't of Justice, 591 F.2d 753 (D.C. Cir. 1978), and Vaughn v. Rosen, 523 F.2d 1136 (D.C. Cir. 1975).

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After careful review of the file, I have determined that eight (8) pages of the documents withheld from disclosure are appropriate for release. It is my finding that, although these documents are internal memoranda, the substance of the documents is not predecisional and does not constitute a direct part of the deliberative process as contemplated by FOIA exemption 5 U.S.C. §552(b)(5) and 45 C.F.R. §1602.9(a)(4). However, the remaining three (3) pages are exempt from release under FOIA as they are predecisional and evidence the deliberative process of LSC in that they make recommendations and express opinion on legal or policy matters. The intent of the relevant FOIA exemption is to protect the agency's decision-making process and prevent injury to the quality of agency decisions.<sup>2</sup>

I hope that this decision will satisfy your concerns. If you are not satisfied with this response, you have the right to appeal it in Federal district court. 5 U.S.C. 552(a)(4).<sup>3</sup>

Sincerely,



Alexander D. Forger  
President

Enclosures (8)

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<sup>2</sup> NLRB v. Sear, Roebuck & Co., 421 U.S. 132, 151 (1975).

<sup>3</sup> A FOIA complaint may be filed in the district court of the district in which the complainant resides, in the district in which the records are maintained, or in the District of Columbia. 5 U.S.C. §552(a)(4)(B).