

Legal Opinion: GMP-0105

Index: 7.370, 7.411
Subject: FOIA Appeal: Title VI--1964 Civil Rights Act

July 31, 1992

Mr. Ronald E. Davis, Chair
Milwaukee Indian Economic
Development Agency, Inc.
1228 West Mitchell Street
Milwaukee, Wisconsin 53204

Dear Mr. Davis:

This is in response to your Freedom of Information Act (FOIA) appeal of August 21, 1991. You requested the case file on an investigation of a complaint of discrimination against the City of Milwaukee's Community Block Grant Administration Program. William P. Shaw, Freedom of Information Officer, Chicago Regional Office, denied your request under Exemption 7(A) of the FOIA in a letter dated August 1, 1991.

I have determined to affirm the initial denial.

Exemption 7(A) of the FOIA, 5 U.S.C. Section 552(b)(7)(A), exempts from disclosure:

records or information compiled for law enforcement purposes, but only to the extent that the production of such law enforcement records or information (A) could reasonably be expected to interfere with enforcement proceedings . . .

The Region V Office of Fair Housing and Equal Opportunity is investigating the complaint under Title VI of the Civil Rights Act of 1964 and Section 109 of the Housing and Community Development Act of 1974. The materials you have requested are part of the ongoing investigation by the Department for possible violations of the law. Premature release of these documents would interfere with the ongoing investigation and with possible conciliation and enforcement activities. Therefore, I am affirming the withholding of the information under FOIA's Exemption 7(A).

I have also determined that, pursuant to 24 C.F.R. Section 15.21, the public interest in permitting effective law enforcement activities necessitates withholding this information.

You have a right to judicial review of this determination under 5 U.S.C. Section 552(a)(4).

Very sincerely yours,

George L. Weidenfeller
Deputy General Counsel (Operations)

cc: Yvette Magruder
Lewis Nixon, 5G