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President, Board of Directors

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Executive Director

August 22, 2007

Ms. Mattie Cohan  
Senior Assistant General Counsel  
Office of Legal Affairs  
Legal Services Corporation  
3333 K Street, N.W.  
Washington, DC 20007

Re: Comments on Notice of Proposed Rulemaking – 1626.10

Dear Ms. Cohan:

I am writing to fully support LSC's proposed change of 45 C.F.R. 1626.10, as published on August 2, 2007 in the Federal Register.

The Compacts of Free Association and related agreements between the U.S. and the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau make clear that citizens of these countries are eligible for the Legal Services Corporation programs. (Section 105(h)(1)(A) of the Compact of Free Association Act, Pub. L. 99-239). The head of the Office of Insular Affairs of the U.S. Department of Interior, which is responsible for overseeing the implementation of the Compacts, states that "I can assure you that it is consistent with Federal Policy with the Compacts and the public laws enumerated above to allow FAS citizens lawfully resident in the United States to receive LSC services." (June 1, 2007 Letter from David B. Cohen, Deputy Assistant Secretary of Department of Interior). The State Department's attorney responsible for Compact issues agrees with Interior's interpretation.

Further, the chairs and ranking members of the Senate and House of Representatives committees with oversight responsibility for the Compacts, state that the LSC decision to deny eligibility to FAS citizens residing in the U.S. "was inconsistent with Congressional intent in enacting the Compacts. We ask that you review that decision and restore eligibility." (July 18, 2007 letter form Senators Jeff Bingaman and Pete V. Domenici, and House members Donna M. Christensen, Luis Fortuno, Neil Abercrombie, and Madeleine Bordallo).

The current regulation, 45 C.F.R. 1626.10, denying eligibility to FAS citizens lawfully residing in the U.S. is wrong under the law and needs to be changed. The proposed change to 1626.10 correctly restores eligibility for FAS citizens residing in the U.S. It is the right thing to do and the LSC Board as well as LSC Management, including President Helaine Barnett, Vice President

Karen Sarjeant, General Counsel Victor Fortuno and Senior Assistant General Counsel Mattie Cohan, should be applauded for making this change.

The need for legal aid for FAS citizens is great. There are over 12,000 FAS citizens in Hawai'i alone, and more than 40,000 throughout the U.S. Denying FAS citizens access to justice at the legal aid door is a guarantee that injustices will occur. Changing this regulation, as proposed, will go a long way towards addressing injustices for FAS citizens residing the U.S.

Finally, the response has been positive since this proposed regulation was published on August 2, 2007. The Honolulu Advertiser published an editorial on August 4<sup>th</sup>, stating that

Any move to level the playing field for people seeking justice is a cause for celebration. Here's one that affects the Aloha State's newest population: its estimated 12,000 Micronesians....The change rightly reverses the LSC's decade-old restriction that barred funding legal services for Micronesians living here, while providing them for Micronesians living at home. ...The revision will allow Legal Aid to resume helping people secure fair housing, consumer protection and other basic safeguards. It would remove an unnecessary barrier for people living here legally, under the Compact of Free Association.

Comments submitted to date from others are also very supportive of the proposed regulation change. (See letters from Micronesians United, Hawai'i Conference of United Church of Christ, Micronesians United – Hilo, Jones Center for Families, Richard Salvador, Volunteer Resource Center of Hawai'i and Bob Jacobson (Hawai'i County Council)).

Please enact this needed regulatory change, as proposed, immediately so that FAS citizens can receive critically needed legal aid services.

Thank you for your consideration.

Sincerely,



Charles Greenfield

