

Steve Weingarten  
432 S. Alhambra Ave.  
Monterey Park, Ca., 91754  
213-288-1109  
August 18, 1981

Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C., 20505

Dear Sir or Madam:

This is a request under the Freedom of Information Act as amended (5 USC Section 552).

I wish to obtain a copy of all documents retrievable in a search for files listed for Ruben Salazar, the Los Angeles Times journalist who was killed on August 29, 1970. Mr. Salazar's social security account number was 465-34-0679; his passport number was F253220; his Certificate of Naturalization number was 7120672, issued on November 27, 1953 in El Paso, Texas. Mr. Salazar was born on March 3, 1928 in Ciudad Juarez, Mexico. As a foreign correspondent for the Los Angeles Times, Mr. Salazar traveled to the Dominican Republic in 1965, to Vietnam in 1966, to Mexico in 1967 (where he lived for approximately 18 months). While in Mexico, Mr. Salazar traveled widely across Central America and the Caribbean, including trips to Cuba authorized by the State Department on July 28, 1967; January 1, 1968; and July 19, 1968.

If all or any part of my request is denied, please list the specific exemptions which are being claimed to withhold information.

If you determine that some portions of the requested material are exempt, I will expect, as the Act provides, that you will provide me with the remaining non-exempt portions. I, of course, reserve the right to appeal any decision to withhold information and expect that you will list the address and office where an appeal can be sent.

As you know, the amended FOIA permits you to reduce or waive search and/or copying fees when release of the requested information would be "in the public interest." I believe that this request fits that category since the material will be for a magazine article I am writing, and I therefore ask that you waive such fees.

If you have any question regarding this request, please telephone me at the above number.

As provided in the FOIA, I will expect to receive a reply within ten working days.

Sincerely yours,

Steven Paul Weingarten  
SSA # 552-80-4491  
Born on May 8, 1951 in  
Cleveland, Ohio

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

1 SEP 1981

Steve Weingarten  
432 S. Alhambra Avenue  
Monterey Park, CA 91754

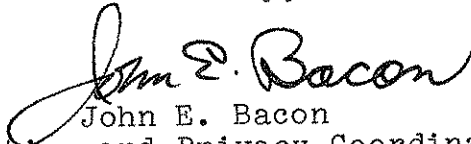
Dear Mr. Weingarten:

This is in response to your letter of 18 August 1981 in which you requested information from the files of this Agency under the Freedom of Information Act (FOIA). Specifically, you asked for information on Ruben Salazar, a deceased former Los Angeles Times correspondent.

We received a previous request concerning Mr. Salazar from two officials of the Chicano Studies Library of the University of California in Berkeley. This previous request is nearing completion and we suggest that you wait until it has been completed. If we release any material pertaining to Mr. Salazar in connection with the earlier request, we can make it available to you. Rather than charging you our normal search fees, you would only be charged our copying fee of 10¢ per page. If this is not satisfactory to you, please advise us.

For your information, enclosed is copy of our fee schedule. Thank you in advance for your patience and consideration in this matter.

Sincerely,



John E. Bacon  
Information and Privacy Coordinator

Enclosure

## CENTRAL INTELLIGENCE AGENCY

## 32 CFR Part 1900

Public Access to Documents and  
Records and Declassification  
Requests

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

EFFECTIVE DATE: November 13, 1980.

## § 1900.25 Fees for records services.

(a) Search and duplication fees shall be charged according to the schedule set forth in paragraph (c) of this section for services rendered in responding to requests for Agency records under this part. Records shall be furnished without charge or at a reduced rate whenever the Coordinator determines that a waiver or reduction of the charge is in the public interest because furnishing the information can be considered as primarily benefiting the general public. Thus, the Coordinator shall determine the existence and extent of any identifiable benefit which would result from furnishing the requested information and he shall consider the following factors in making this determination:

- (1) The public or private character of the information sought;
- (2) The private interest of the requester;
- (3) The numbers of the public to be benefited;
- (4) The significance of the benefit to the public;
- (5) The usefulness of the information to the public; and
- (6) The quantity of similar or duplicative information already in the public domain.

In no case will the assessment of fees be utilized as an obstacle to the disclosure of the requested information. The Coordinator may also waive or reduce the charge whenever he determines that the interest of the government would be served thereby. Fees shall not be charged where they would amount, in the aggregate, for a request, or a series of related requests, to less than \$6. Denials of requests for fee waivers may be appealed by writing to the Executive Secretary of the Information Review Committee, via the Coordinator.

(b) In order to protect the requester and the Agency from large, unexpected fees, when it is anticipated that the charges will amount to more than \$25, the processing of the request shall be suspended until the requester indicates his willingness to pay. The requester shall be notified and asked for his commitment to pay all reasonable search and duplication fees. At his option, the requester may indicate in advance a dollar limitation to the fees. In such an event, the Coordinator shall initiate a search of the system or systems of records deemed most likely to produce relevant records, instructing the system managers to discontinue the search as soon as the stipulated amount has been expended. Where an advance limit has not been stipulated, the Coordinator may, at his discretion or at the behest of the requester, compile an estimate of the search fees likely to be incurred in processing a request, or of such portion thereof as can readily be estimated. The requester shall be promptly notified of the amount and be asked to approve its expenditure. In those cases where the Coordinator estimates that the fees will be substantial, an advance deposit of 50 percent of the estimated fees will be required; in those cases where there is reasonable evidence that the requester may possibly fail to pay the fees which would be accrued by processing his request, an advance deposit of 100 percent of the estimated fees will be required. The notice or request for an advance deposit shall extend an offer to the requester whereby he is afforded an opportunity to revise the request in a manner calculated to reduce the fees. Dispatch of such a notice or request shall suspend the running of the period for response by the Agency until a reply is received from the requester.

(c) The schedule of fees for services performed in responding to requests for Agency records is established as follows:

- (1) For each one quarter hour, or fraction thereof, spent by clerical

personnel in searching for a record.  
\$1.50;

- (2) For each one quarter hour, or fraction thereof, spent by professional personnel in searching for a record.  
\$3.50;

(3) For each on-line computer search.  
\$11.00;

(4) For each off-line (batch) computer search of Central Reference files, \$27.00;

(5) For all other off-line computer searches of Agency files, \$8.00 per minute of Central Processing Unit (CPU) time;

(6) For copies of paper documents in sizes not larger than 8½ × 14 inches, \$0.10 per copy of each page;

(7) For duplication of non-paper media (film, magnetic tape, etc.) or any document that cannot be reproduced on a standard office copier, actual direct cost; and

(8) For extra copies of reports, maps, reference aids, and other Agency publications, actual cost.

(d) Inasmuch as the Agency's systems of records are highly decentralized, several computer searches may be required to process a request, depending upon its scope. The computer search costs given in paragraph (c), of this section, do not include whatever professional/clerical search time is needed to determine whether the records located are in fact responsive to the request.

(e) Search fees are assessable even when no records pertinent to the requests, or no releasable records are found, provided the requester has been advised of this fact and he has, that notwithstanding agreed to incur the costs of search.

(f) For requests which have accrued substantial search and duplication fees, or for requests for records which have been previously released, or where there is reasonable evidence that the requester may possibly fail to pay the accrued fees, then, at the discretion of the Coordinator, the requester may be required to pay the accrued search and duplication fees prior to the actual delivery of the requested records; otherwise, the requester shall be billed for such fees at the time that the records are provided. Payment shall be remitted by check or money order, made payable to the Treasurer of the United States, and shall be sent to the Coordinator. No appeals or additional requests shall be accepted for processing until the requester has paid all outstanding charges for services rendered under this part.

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

27 NOV 1981

Steve Weingarten  
432 S. Alhambra Avenue  
Monterey Park, CA 91754

Dear Mr. Weingarten:

This is a final response to your letter of 18 August 1981 in which you requested information on Ruben Salazar from our files under the Freedom of Information Act (FOIA).

As we explained, we were conducting a search under the name of Ruben Salazar for the Chicano Studies Library of the University of California, Berkeley. This search has now been completed. Enclosed are the following items which were released in sanitized form:

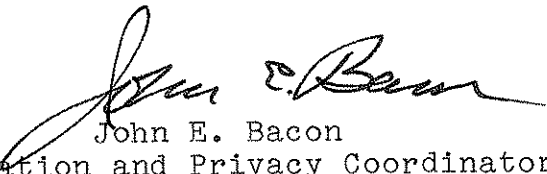
Documents

1. Memorandum, 6 September 1968.
2. Memorandum, 14 November 1968.
3. Memorandum, 10 August 1967.

(NOTE: Ruben Salazar was mentioned in the attachment to item 2. The attachment, however, was denied in toto.)

We are not charging you fees, since copying costs were under \$6. Thank you for your patience and consideration while we completed the processing of this request.

Sincerely,



John E. Bacon  
Information and Privacy Coordinator

Enclosures

Steve Weingarten  
432 S. Alhambra Ave.  
Monterey Park, CA., 91754  
213-288-1109

December 15, 1981

John E. Bacon  
Information and Privacy Coordinator  
Central Intelligence Agency  
Washington, D.C., 20505

Dear Mr. Bacon:

Your letter and disclosure of November 27, 1981, left me unclear about the agency's file for Ruben Salazar. Are these three documents composed of 28 pages all the documents you have concerning Mr. Salazar--barring the attachment to item 2 which was denied in toto?

If these three documents aren't the only items in your files, how many more are there, and under what Freedom of Information Act exemptions are they being withheld?

Thank you very much for your prompt attention to my questions.

Sincerely,

*Steve Weingarten*  
Steve Weingarten

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

31 DEC 1981

Steve Weingarten  
432 South Alhambra Avenue  
Monterey Park, CA 91754

Dear Mr. Weingarten:

This is in response to your letter of 15 December 1981 concerning Ruben Salazar. Specifically, you inquired about other items in the Salazar request which were not released.

In our 1 September 1981 letter to you, we stated that, in order to avoid search charges for you, we would send you the same releasable material which was being sought by an earlier requester. The cost for this search was \$156.00, which was billed to the original requester. The option to appeal denied documents is not ordinarily given to secondary requesters. Because this point was apparently not made clear to you, we will not charge you for the search fees but will provide you the following additional information.

In addition to what already has been given you, nine other items are being denied in toto under FOIA subsections (b)(1) and (b)(3). An explanation of exemptions is enclosed.

The denying official for the denied items was Mr. Louis J. Dube, Directorate of Operations Information Review Officer. We are advising you of your right to appeal these decisions by addressing your appeal to the CIA Information Review Committee, in my care. Should you choose to do so, please set forth the basis of your appeal.

Sincerely,

*for Charles E. Savage*  
John E. Bacon

Information and Privacy Coordinator

Enclosure

## EXPLANATION OF EXEMPTIONS

### FREEDOM OF INFORMATION ACT:

- (b) (1) applies to material which is properly classified pursuant to an Executive order in the interest of national defense or foreign policy;
- (b) (2) applies to information which pertains solely to the internal rules and practices of the Agency;
- (b) (3) applies to the Director's statutory obligations to protect from disclosure intelligence sources and methods, as well as the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency, in accord with the National Security Act of 1947 and the CIA Act of 1949, respectively;
- (b) (4) applies to information such as trade secrets and commercial or financial information obtained from a person on a privileged or confidential basis;
- (b) (5) applies to inter- and intra-agency memoranda which are advisory in nature;
- (b) (6) applies to information release of which would constitute an unwarranted invasion of the personal privacy of other individuals; and
- (b) (7) applies to investigatory records, release of which could (C) constitute an unwarranted invasion of the personal privacy of others, (D) disclose the identity of a confidential source, (E) disclose investigative techniques and procedures, or (F) endanger the life or physical safety of law enforcement personnel.

### PRIVACY ACT:

- (b) applies to information concerning other individuals which may not be released without their written consent;
- (j) (1) applies to polygraph records; documents or segregable portions of documents, release of which would disclose intelligence sources and methods, including names of certain Agency employees and organizational components; and, documents or information provided by foreign governments;
- (k) (1) applies to information and material properly classified pursuant an Executive order in the interest of national defense or foreign policy; and
- (k) (5) applies to investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, or access to classified information, release of which would disclose a confidential source.

Steve Weingarten  
432 S. Alhambra Av.  
Monterey Park, CA., 91754  
213-288-1109

January 22, 1982

CIA Information Review Committee  
Washington, D.C. 20505  
Attn.: Charles E. Lavige

Dear Sir:

This is an appeal pursuant to subsection (a) (6) of the Freedom of Information Act, as amended (5 USC 552).

On January 12, 1982, I received a letter from your agency informing me that nine documents from records maintained by your office on Ruben Salazar were being withheld in toto under FOIA subsections (b)(1) and (b)(3). As you know, section 3-303 of Executive Order 12065 states that, in order to withhold information, a senior agency official must "determine whether the public interest in disclosure outweighs the damage to national security that might reasonably be expected from disclosure." In this case, your letter dated 31 December 1981 informed me that Mr. Louis J. Dube, Directorate of Operations Information Review Officer, made the decision to withhold the files. I feel the importance of the information outweighs such possible damage. The circumstances of Mr. Salazar's death and his sometimes-strained relations with law-enforcement agencies during the last months of his life have been the subject of much concern and speculation during the last eleven years. In addition, his particular role as a journalist of Latin descent, traveling in parts of the Caribbean and Central America very much on the nation's mind adds importance to this information's declassification. I am requesting this material for a biography of Mr. Salazar, and documentation is imperative.

If you choose instead to continue to withhold some or all of the material which was denied in the original request to your agency, I ask that you give me an index of such material, together with justification for the denial of each item which is still withheld.

As approved by the Act, I will expect to receive a reply to this administrative appeal letter within twenty working days.

If you deny this appeal and do not adequately explain why the material withheld is properly exempt, I intend to initiate a lawsuit to compel its disclosure.

Sincerely,

*Steve Weingarten*

Steve Weingarten



CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

05 FEB 1982

Steve Weingarten  
432 South Alhambra Avenue  
Monterey Park, CA 91754

Dear Mr. Weingarten:

This is to acknowledge receipt of your letter of 22 January 1982, received on 3 February 1982, in which you appeal the determinations made in our letters of 27 November and 31 December 1981 concerning 12 documents. Arrangements will be made for consideration of your appeal by the Information Review Committee and you will be advised on the outcome as soon as our processing has been completed.

As you may be aware, we have a backlog of approximately 225 appeals. In order to process these appeals in the most equitable manner possible, we have adopted the policy of handling the appeals on a first-received, first-out basis. Please be assured, however, that your appeal will be processed as quickly as possible.

Sincerely,



John E. Bacon  
Information and Privacy Coordinator

CENTRAL INTELLIGENCE AGENCY  
WASHINGTON, D.C. 20505

12 APR 1982

Christopher Simpson  
3402 Newton Street  
Apartment 6  
Mt. Rainier, .MD 20712

Dear Mr. Simpson:

This is a final response to your letter of 18 January 1982 in which you requested information on Ruben Salazar from our files under the Freedom of Information Act (FOIA).

As we explained, we were conducting a search under the name of Ruben Salazar for the Chicano Studies Library of the University of California, Berkeley. This search and the subsequent review have now been completed and we are providing you with all of the released information. Enclosed are the following items as they were released:

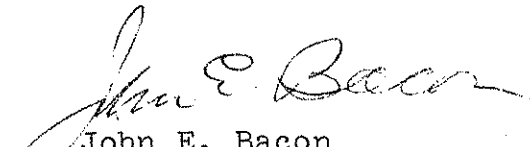
Documents

1. Memorandum, 6 September 1968.
2. Memorandum, 14 November 1968.
3. Memorandum, 10 August 1967.
4. Cable, 13 May 1968.

Note: Ruben Salazar was mentioned in the attachment to item 2. The attachment, however, was denied in toto.

We are not charging you fees, since copying costs were under \$6. Thank you for your patience and consideration while we completed the processing of this request.

Sincerely,

  
John E. Bacon  
Information and Privacy Coordinator

Enclosures

# CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

1 February 1983

Mr. Steve Weingarten  
432 S. Alhambra Avenue  
Monterey Park, California 91754

Dear Mr. Weingarten:

This is in response to your letter of 22 January 1982 in which you appeal, under the Freedom of Information Act, as amended, the decision of this Agency to deny you access to documents and portions of documents following your request for information on Ruben Salazar. Our response to you in our letter of 27 November 1981 was the result of a search and review on the same subject done for the Chicano Studies Library of the University of California, Berkeley.

Your letter has been presented to the Central Intelligence Agency Information Review Committee. Pursuant to the authority delegated under paragraph 1900.51(a) of Chapter XIX, Title 32, of the Code of Federal Regulations, Mr. John H. Stein, Deputy Director for Operations, has reviewed the documents, the determinations with respect to them and the propriety of the application of the exemptions to the Freedom of Information Act as cited.

A description of each appealed document, the determinations with respect to each and the exemption basis for withholding any information follow. In addition to the three documents mentioned in our letter of 27 November 1981 and the nine documents mentioned in our letter of 31 December 1981, there are six additional documents which were referred to us by the FBI; these are Doc. Nos. 13 through 18.

<u>Document No. and Description</u>	<u>Determination</u>	<u>FOIA Exemption Basis</u>
1. Memorandum, 6 Sep. 1968	Confirm partial release	(b)(1), (b)(3)
2. Memorandum, 14 Nov. 1968	Confirm partial release (attachment denied in entirety)	(b)(1), (b)(3)
3. Memorandum, 10 Aug. 1967	Confirm partial release	(b)(1), (b)(3)
4. Cable, 2 Mar. 1967	Confirm denial in entirety	(b)(1), (b)(3)
5. Dispatch, 24 Aug. 1967	Confirm denial in entirety	(b)(1), (b)(3)

6.	Dispatch, 6 Sep. 1967	Confirm denial in entirety	(b)(1), (b)(3)
7.	Cable, 6 Jan. 1968	Confirm denial in entirety	(b)(1), (b)(3)
8.	Memorandum, 9 Jan. 1968	Confirm denial in entirety	(b)(1), (b)(3)
9.	Cable, 26 Jul. 1968	Confirm denial in entirety	(b)(1), (b)(3)
10.	Memorandum, 2 Aug. 1968	Confirm denial in entirety	(b)(1), (b)(3)
11.	Cable, 7 Aug. 1968	Confirm denial in entirety	(b)(1), (b)(3)
12.	Memorandum, 14 Aug. 1968	Confirm denial in entirety	(b)(1), (b)(3)
13.	Memorandum, 9 Oct. 1967	Deny in entirety	(b)(1), (b)(3)
14.	Memorandum, 15 Feb. 1968	Deny in entirety	(b)(1), (b)(3)
15.	Cable, 13 May 1968	Release in part	(b)(1), (b)(3)
16.	Memorandum, 8 Mar. 1970	Deny in entirety	(b)(1), (b)(3)
17.	Memorandum, 8 Jan. 1968	Deny in entirety	(b)(1), (b)(3)
18.	List, 31 Aug. 1967	Deny in entirety	(b)(1), (b)(3)

For your information, exemption (b)(1) encompasses matters which are specifically authorized under criteria established by the appropriate Executive order to be kept secret in the interest of national defense or foreign policy and which are in fact currently and properly classified. Exemption (b)(3) pertains to information exempt from disclosure by statute. The relevant statutes are section 6 of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403g, as amended, which exempts from the

disclosure requirement information pertaining to the organization, functions, names, official titles, salaries or numbers of personnel employed by the Agency, and subsection 102(d)(3) of the National Security Act of 1947, 50 U.S.C. 403(d)(3), as amended, which makes the Director of Central Intelligence responsible for protecting intelligence sources and methods from unauthorized disclosure.

Enclosed you will find a copy of that portion of Document No. 15 which it has been determined can be released to you.

The Freedom of Information Act, as amended, provides for judicial review of the above determinations in a United States district court.

We appreciate your patience in this matter.

Sincerely,



Harry E. Fitzwater  
Chairman

Information Review Committee

Enclosure