

Steve Weingarten  
432 S. Alhambra Av.  
Monterey Park, Ca., 91754  
213-288-1109  
January 19, 1982

FOIA/Privacy Act Unit, I.N.S.  
Department of Justice  
Washington, D.C., 20530

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 retrieveable in a search for files listed for Ruben Salazar, the Los Angeles journalist who was killed on August 29, 1970. Mr. Salazar was born on March 3, 1928 in Ciudad Juarez, Chihuahua, Mexico. His Certificate of Naturalization number was 7120672, issued on November 27, 1953 in El Paso, Texas. To further help in any file search, Salazar's social security account number was 465-34-0679 and his passport number was F253220.

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 waive search and/or copying fees when release of the requested material would be "in the public interest." I believe that this request fits that category since the material will be for a book I am writing, and I therefore ask you to waive such fees.

If you have any questions regarding this request, please contact me at the above address or telephone number.

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

Sincerely,

*Steve Weingarten*

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



United States Department of Justice

Immigration and Naturalization Service

SALAZAR  
FOI/PA  
CO 2.12-C (2107)

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425 I Street NW  
Washington, D.C. 20536

February 2, 1982

Mr. Steven P. Weingarten  
432 S. Alhambra Avenue  
Monterey Park, CA 91754

Dear Mr. Weingarten:

SUBJECT: Your FOIA/PA request of January 19, 1982, concerning Ruben Salazar

Your request was received in this office on January 26, 1982.

We receive a large number of requests and cannot always respond promptly. In order to be fair to all, we answer requests in the order of receipt or as soon thereafter as the records can be located.

We will make every effort to serve you as soon as possible. We ask your patience and understanding of any delay.

Sincerely,

Russell A. Powell  
FOIA/PA Reviewing Officer



United States Department of Justice

Immigration and Naturalization Service

SALAZAR  
FOI/PA  
CO 2.12-C (2107)

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425 I Street NW  
Washington, D.C. 20536

February 12, 1982

Mr. Steven P. Weingarten  
432 S. Alhambra Avenue  
Monterey Park, CA 91754

Dear Mr. Weingarten:

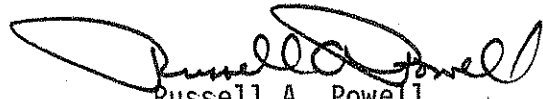
SUBJECT: Your FOIA/PA request of January 19, 1982, concerning Ruben Salazar

Your request was received in this office on January 26, 1982.

We have determined that the records needed to respond to your request are located at another office. Your request is being forwarded to the following Immigration office for consideration and direct response to you:

343 U.S. Courthouse  
P. O. Box 9398  
El Paso, TX 79984

Sincerely,

  
Russell A. Powell  
FOIA/PA Reviewing Officer

CC: District Director, El Paso

April 24, 1982  
Monterey Park

Immigration and Naturalization Service  
Freedom of Information Act Unit  
Room 5114  
425 "I" St., N.W.  
Washington, D.C. 20536

Dear Mrs. Robinson:

I'm sending you a photocopy of the first page of an article that appeared in The Nation magazine shortly after Ruben Salazar's death in 1970. I hope this will assure you that Mr. Salazar is in fact dead, and that the release of his file under my Freedom of Information Act request will not violate the Privacy Act.

As we discussed on the phone this week, I hope that receipt of this news item is sufficient for the quick release of the newsman's files in your possession. Thank you for your attention in this matter.

Sincerely,

*Steve Weingarten*

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



U.S. Department of Justice

Immigration and Naturalization Service

SALAZAR  
FOIA/PA  
CO 2.12-C (2-107)

Office of the Commissioner

4

JUN 1982

425 I Street, NW

Washington, D.C. 20536

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

Dear Mr. Weingarten:

SUBJECT: Ruben Salazar; your Freedom of Information Act and Privacy Act  
(FOIA/PA) request of January 19, 1982

Attached are copies of the documents contained in our administrative file relating to Mr. Salazar, with the exception of his Certificate of Naturalization. Reproduction of the certificate is prohibited by statute, 18 U.S.C. 1426(h); therefore it is also exempt from disclosure under the provisions of 5 U.S.C. 552(b)(3). However, for your information, Mr. Salazar was naturalized on November 27, 1953, at a term of the United States District Court at El Paso, Texas.

Your request for a waiver of fee has been denied. Writing a book, for which you will receive monetary compensation, does not mean that the release of the requested material would be in the public interest. Therefore, at the rate of ten cents (\$.10) per page as prescribed by Department of Justice regulations (23 CFR 16.9), the cost for duplication of the record is \$4.90. You will receive a bill for that amount.

In the event you wish to appeal this determination you may write to the Assistant Attorney General, Office of Legal Policy, Attention: Office of Information and Privacy Appeals, U.S. Department of Justice, 550 11th Street, N.W. 9th Floor, Washington, DC 20530, within thirty days of receipt of this letter. Both the letter and envelope should be clearly marked: "Freedom of Information Appeal," or "Information Appeal."

Sincerely,

Irvin Klavan  
Assistant Commissioner  
Information Services

by:

Marye D. Gannett, Chief  
Public Contact Section

Attachments

# UNITED STATES DEPARTMENT OF JUSTICE

Immigration and Naturalization Service  
425 "I" Street NW, RM 6321  
Washington DC 20536

## BILL TO:

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

BILL NO.

COW-2-87

DATE

6/10/82

ACCOUNT SYMBOL

152419.3

OBJECT

AMOUNT

\$4.90

TERMS: Net 30 days from the above date.

Charges for late payments are at the rate of  
13.22% ~~3.00%~~ PER ANNUM  
each 30 day period or portion thereof that  
the payment is delayed.

DRAW REMITTANCE TO ORDER OF:

Immigration and Naturalization Service,  
Department of Justice

To insure credit, please cite bill number  
on your remittance.

PERIOD		DATE	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
FROM	TO						
			<p>To reimburse Immig. &amp; Natz. Service for reproduction costs in connection with your Freedom of Information requested dtd. January 19, 1982.</p> <p>To insure proper credit, please cite your bill number on remittance.</p> <p>If you have any questions, please feel free to contact Mary Ann Ashford at (202) 633-4856.</p>	49	pages	.10	\$4.90
						TOTAL	\$4.90

MAIL TO: ADDRESSEE

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

June 14, 1982

Assistant Attorney General  
Office of Legal Policy  
U.S. Department of Justice  
550 11th Street, N.W.  
9th Floor  
Washington, D.C. 20530

Attn: Office of Information and Privacy Appeals

Dear Sir or Madam:

This appeal concerns the determination by the Immigration and Naturalization Service to charge me for the duplication of records kept by that agency for Ruben Salazar, the Los Angeles journalist killed on August 29, 1970. The denial of my request for the waiver of fees was communicated to me in the cover letter accompanying Mr. Salazar's near-complete file, dated June 4, 1982.

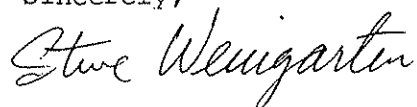
Again I insist that the release of any government files concerning the life and death of this controversial newsman is in the public interest. In particular, I mentioned in my original request to the INS, as I have done in similar requests to the FBI, CIA, Justice Department, and State Department, that this information is for use in published news articles and a biography of Mr. Salazar I hope to write. The INS letter informing me that the fee waiver had been denied argued that the money I will receive from a possible book implies that, somehow, the release of information isn't in the public interest, or that anyone who makes their living as a journalist therefore has a personal, rather than public, interest in the disclosure.

I hope that you will agree that this line of reasoning is faulty, and will overrule the decision to charge me \$4.90 for Mr. Salazar's file. I'm enclosing a copy of the bill sent to me by the INS, which I will not pay, pending your decision. As corroborating argument, let me say that neither the FBI's central files, Los Angeles Field Office files, CIA files, or State Department files were given to me with fees. They were all matters of the same public interest, and all given to me as FOIA disclosures, yet none were charged to me.

I have lost more money than I will conceivably ever make by pursuing the story of Mr. Salazar's life and death. This, also, should be a factor in your decision.

Thank you very much.

Sincerely,



Steve Weingarten



U.S. Department of Justice

Office of Legal Policy

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Washington, D.C. 20530

JUN 25 1982

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

Dear Mr. Weingarten:

This is to advise you that your administrative appeal from the action by the Immigration and Naturalization Service on your request for information from the files of the Department of Justice was received by this Office on June 18, 1982.

The Office of Legal Policy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number 82-0954. Please mention this number in any future correspondence with this Office concerning this specific appeal.

We will notify you of the decision of the Assistant Attorney General on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Janice Adams".

Janice Adams  
Administrative Staff Assistant  
Office of Information and Privacy



UNITED STATES DEPARTMENT OF JUSTICE  
Immigration and Naturalization Service  
425 I Street NW, Room 6321  
Washington, DC 20536

7-19-82

File Number  
CO 1017-C

JUL 30 1982

Mr. Steve Weingarten  
432 S. Alhambra Ave.  
Monterey Park, CA 91754

FIRST NOTICE

The accounts of this office indicate that the following bills, which were due and payable when rendered, have not been paid:

DATE	NUMBER	COMMODITY/SERVICE	AMOUNT
06/10/82	COW-2-87	Payment due INS for reproduction cost in response to your Freedom of Information request.	4.90
		LATE payment charge	.06
	THIS BILL IS 1 MONTH PAST DUE AS OF 8/9/82		
TOTAL			4.96

Prompt payment is requested.

Remittance should be drawn in favor of "IMMIGRATION AND NATURALIZATION SERVICE."

Call Mr. Baran at (202)633-4029 if you have any questions.

cc: C.O. Accounting Attach to G-251

August 9, 1982  
Monterey Park

Mr. Baran  
Immigration and Naturalization Service  
425 I Street, Room 6321  
Washington, D.C. 29536

Dear Mr. Baran:

An appeal has been lodged with the Justice Department's Office of Legal Policy to review your office's decision to bill me for the copying of Ruben Salazar's INS file, disclosed to me earlier this year under the Freedom of Information Act. I am enclosing copies of both my appeal letter, and acknowledgement of receipt by Janice Adams.

As I informed the Office of Information and Privacy Appeals in my letter, I have no intention of paying either the \$4.90 or any late penalties until this matter has been resolved. I am totally confident that your decision to charge me on the basis of an alleged personal, rather than public, interest in a free-lance reporter using the Act will be overturned. As I also say in the letter, none of the previous agencies that have disclosed some or all of their dossiers on Mr. Salazar have charged me. I'm sure that you understand that if your office sets a precedent, I can be liable for many other charges for much more extensive search and copying costs. All of this, of course, runs counter to the letter and spirit of the Freedom of Information Act.

I'm sorry that I didn't send you a copy of my appeal letter when I originally filed it in June. If possible, please reconsider your office's decision, and a quick, efficient decision can resolve the appeal. If that isn't possible, then you'll just have to wait until the entire appeal process is resolved for any payment from me. By the way, I am presently considering donating Mr. Salazar's INS file to the Los Angeles Library's Chicano Resource Center, the country's only such public-access facility outside of Texas. That, I'm sure, will finish off any argument your office might have had for considering the FOIA disclosure as personally beneficial to me.

Regards,

*Steve Weingarten*

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

August 30, 1982

Janice Adams  
Office of Information and Privacy  
Department of Justice  
Office of Legal Policy  
Washington, D.C. 20530

Dear Madam:

This letter concerns my appeal of the Immigration and Naturalization Service's decision to bill me for their disclosure of documents for Ruben Salazar which I requested under the Freedom of Information Act.

I'm informing you that I have donated a full set of all government documents disclosed to me under the FOIA, including the INS records, to the Chicano Resource Center of the county's public library system. My request for a waiver of search and copying fees was based on the use of the information for news articles and a biography of Mr. Salazar that I am working on. The INS claimed that this use wasn't in the public interest, but, rather, was for personal benefit. I'm sure now that you will agree that the release of all records concerning Mr. Salazar is to the direct benefit of the public, since they will now be able to view the disclosures in the library serving the community of East Los Angeles, where Mr. Salazar worked and was killed.

Sincerely,

A handwritten signature in cursive script that reads "Steve Weingarten".

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



U.S. Department of Justice

Office of Legal Policy

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Washington, D.C. 20530

SEP 9 1982

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

Dear Mr. Weingarten:

This is to advise you that your administrative appeal from the action by the Immigration and Naturalization Service on your request for information from the files of the Department of Justice was received by this Office on September 3, 1982.

The Office of Legal Policy, which has the responsibility of adjudicating such appeals, has a substantial backlog of pending appeals received prior to yours. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals in the approximate order of receipt. Your appeal has been assigned number 82-1405. Please mention this number in any future correspondence with this Office concerning this specific appeal.

We will notify you of the decision of the Assistant Attorney General on your appeal as soon as we can. The necessity of this delay is regretted and your continuing courtesy is appreciated.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janice Adams".

Janice Adams  
Administrative Staff Assistant  
Office of Information and Privacy



U.S. Department of Justice

Office of Legal Policy

Washington, D.C. 20530

001 1 98

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

Re: Appeal Nos. 82-0954  
and 82-1405  
RLH:LFE:MAC

Dear Mr. Weingarten:


You appealed from the refusal by the Immigration and Naturalization Service to grant your request for a waiver of the customary reproduction charges involved in the processing of your request for records pertaining to Ruben Salazar.

On the basis of the information available to me, it is my judgment that a waiver of fees in this case should not be granted. The single test I have applied is whether the actual release to you of the information in question can be said to be of primary benefit to the general public. The records in the INS file consist of routine correspondence and applications and it is my opinion that these materials are not of sufficient substantive value to benefit the public. Accordingly, your request for a fee waiver is denied.

Judicial review of my action on this appeal is available to you in the United States District Court for the judicial district in which you reside or have your principal place of business, or in the District of Columbia, which is also where the records you seek are located.

Sincerely,

Jonathan C. Rose  
Assistant Attorney General

By:   
Richard L. Huff, Co-Director  
Office of Information and Privacy