

Central Intelligence Agency



Washington, D.C. 20505

19 December 2002

Ms. Maria Garcia
KVEA, Channel 52, Telemundo
1139 Grand Central Avenue
Glendale, CA 91201

Reference: F-2002-01542

Dear Ms. Garcia:

This is further to our letter of 3 October 2002 regarding your 12 September 2002 Freedom of Information Act (FOIA) request. Specifically, we understand your request to be for records pertaining to the following subjects:

- 1) **Eduardo Diaz Silveti, a Mexican citizen** **and**
- 2) **An operation on 18 December 1959 in Mexico City where Mr. Diaz claims he stopped a Soviet military convoy and assisted NASA scientists and CIA agents in stealing information and details from a rocket and the Lunik 9.**

(b)(6)

Further, you are requesting information proving the individuals listed below worked for the CIA and may have been involved in the operation:

- 3) **Warren Dean;**
- 4) **Winston Scott; and**
- 5) **Robert Zambernardini M. Luchi.**

For identification purposes we have assigned your request the number referenced above. Please refer to this number in future correspondence

With regard to information requested on foreign nationals (item 1), it is the CIA policy to neither confirm nor deny the existence or nonexistence of any CIA records. Unless officially acknowledged, such information would be classified for reasons of national security under Sections 1.5(c) [intelligence

sources and methods] and 1.5(d) [foreign relations] of Executive Order 12958. Further, the Director of Central Intelligence has the responsibility and authority to protect such information from unauthorized disclosure in accordance with Section 103 (c)(6) of the National Security Act of 1947 and Section 6 of the CIA Act of 1949. Accordingly, item 1 of your request is denied on the basis of FOIA exemptions (b)(1) and (b)(3). By this action, we are neither confirming nor denying the existence or nonexistence of such records.

With regard to **item 2**, the CIA can neither confirm nor deny the existence or nonexistence of records responsive to your request. Such information--unless it has been officially acknowledged--would be classified for reasons of national security under Executive Order 12958. The fact of the existence or nonexistence of such records would also relate directly to information concerning intelligence sources and methods. The Director of Central Intelligence has the responsibility and authority to protect such information from unauthorized disclosure in accordance with Section 103 (c)(6) of the National Security Act of 1947 and Section 6 of the CIA Act of 1949. Therefore, this portion of your request is denied under FOIA exemptions (b)(1) and (b)(3).

Regarding **items 3 and 5**, the CIA can neither confirm nor deny the past or present affiliation of individuals with the CIA--unless their CIA affiliation already has been officially acknowledged. Section 6 of the CIA Act of 1949 exempts from disclosure "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency," and Section 103 (c)(6) of the National Security Act of 1947 requires the Director of Central Intelligence to protect information pertaining to intelligence sources from unauthorized disclosure.

Therefore, to the extent your request might concern records containing information that would divulge the identity of an unacknowledged employee, this portion of your request is denied pursuant to FOIA exemption (b)(3). To the extent your request might concern records reflecting a covert Agency affiliation, those records would be classified pursuant to Executive Order 12958 and your request would be denied pursuant to exemptions (b)(1) and (b)(3).

The CIA official responsible for these determinations is Kathryn I. Dyer, Information and Privacy Coordinator. By this action we are neither confirming nor denying that any such information exists. You have the right to appeal this determination by addressing your appeal to the Agency Release Panel, in my care. Should you choose to do this, please explain the basis of your appeal. However, we will be unable to accept such an appeal until the processing of your request has been completed, at which time you may submit an appeal within 45 days from the date of our final response letter.

With respect to the part of your request that seeks other information, including that which might reflect an open or otherwise acknowledged Agency affiliation, we can search for responsive records on items 3 and 5.

To conduct an effective search of our files for information on an individual, we need as much identifying information as possible. Please provide us with your subjects' full name, date and place of birth, and citizenship status. Without these we may be unable to distinguish between individuals with the same or similar names.

In addition, the Privacy Act of 1974 requires that you furnish a signed, notarized statement from the individual authorizing us to release personal information. We can search without this authorization, but if we should locate relevant records, we would have to withhold information that, if released, would be an unwarranted invasion of that person's privacy. If the person is deceased, we need some evidence of death, such as a death certificate, an obituary, or press statement.

For your information, the FOIA authorizes federal agencies to collect fees for records services. You will note on the enclosed fee schedule that we charge search fees, including computer time where indices are computerized, and copying costs for releasable documents. Based upon the information provided in your letter, we have determined that your request falls into the "news media" fee category, which means that you will be required to pay only for the cost of reproducing released records. You will be assessed for document copies at the rate of ten cents per page for pages in excess of the first 100, to which you are entitled free. The enclosed 14 pages will be taken into account when assessing the final cost of this request. It is unlikely that these fees would exceed your \$500.00 limit.

With respect to **Winston Scott (item 4)**, we searched our database of previously released documents and located the enclosed four documents, totaling 14 pages, responsive to your request. These records were originally located as a result of searches conducted on behalf of earlier requesters on this subject. Searches of this database, containing over 500,000 pages, can be accomplished very expeditiously (since no review is required).

Meanwhile, we will hold your request in abeyance for 45 days pending receipt of the biographic data requested in paragraphs 8 and 9.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kathryn I. Dyer', written in a cursive style.

Kathryn I. Dyer
Information and Privacy Coordinator

Enclosures

(b)(3)
(b)(6)

CIO/IMS/IRRG/PIPD [redacted] /16 December 2002

Signature assigned by: [redacted]

(b)(3)
(b)(6)

Distribution:

Orig - Adse

1 - PIPD/F-2002-01542 SPR (45 days for bio)

Fee Category-N (representative of the news media)

[redacted]

(b)(5)

FOIA [redacted] 10542 Garcia SPR

(b)(3)
(b)(6)

Enclosures:

Fee Schedule

Explanation of Exemptions

MORI DocIDs: 118566, 118568, 449503, and 482080

[redacted]

(b)(3)
(b)(5)
(b)(6)