

Steve Weingarten  
432 S. Alhambra Ave.  
Monterey Park, Ca., 91754  
213-288-1109  
August 25, 1980

Federal Bureau of Investigation  
Los Angeles Field Office  
11000 Wilshire Blvd.  
Los Angeles, Ca., 90024  
Attn: Freedom of Information Unit

Dear Sir or Madam:

This is a request under the Freedom of Information Act as amended (5 U.S.C. 552).

I am writing to request a copy of all files in your agency concerning Ruben Salazar. The reporter from the Los Angeles Times and television station KMEX was born in Juarez, Mexico on March 3, 1929 and died on August 29, 1970. His social security account was number 465-34-0679. I request a copy of all records pertaining to surveillance prior to Salazar's death and/or the inquest into his death.

The FOIA also provides that if only portions of a file are exempted from release, the remainder must be released. I therefore request that I be provided with all non-exempt portions which are reasonably segregable. I, of course, reserve my right to appeal the withholding or deletion of information.

As you know, the FOIA provides that what is withheld in the interest of national security information must have been properly classified pursuant to executive order. Executive Order 12065, section 3-303, 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." I believe that the public's interest in this matter outweighs the damage which might follow its release.

If you determine that some or all of the requested material is exempt from release, I would appreciate your advising me as to which statutory exemption(s) apply to the information you are not releasing.

I would also appreciate an estimate of the costs involved. As you know, the amended Act permits you to reduce or waive the fees if you determine it to be in the public interest "because furnishing the information can be considered as primarily benefiting the public." Since this information is to be used in a magazine article, I believe that the information requested clearly fits this category and hereby request that you waive any search fees.

I will expect to receive a reply within ten working days.

Sincerely,

*Steve Weingarten*



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION  
11000 Wilshire Boulevard  
Los Angeles, California 90024  
September 5, 1980

In Reply, Please Refer to  
File No.

190-725

Steve Weingarten  
432 South Alhambra Avenue  
Monterey Park, California 91754

Re: Ruben Salazar

Dear Mr. Weingarten:

This is in response to your Freedom of Information -  
Privacy Acts request dated August 25, 1980.

At present, we have a backlog of similar requests  
and in order to treat all requests equitably, requests are  
processed by date of receipt.

Your request will be processed as quickly as possible  
and all documents which can be released will be made available  
to you at the earliest possible time.

Your patience and cooperation will be appreciated.

Very truly yours,

JOSEPH V. CORLESS  
Acting Special Agent in Charge

By: *Richard A. Schussler*  
RICHARD A. SCHUSSLER  
Principal Legal Advisor



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION  
11000 Wilshire Boulevard  
Los Angeles, California 90024  
September 22, 1980

In Reply, Please Refer to  
File No. 190-725

Steve Weingarten  
432 South Alhambra Avenue  
Monterey Park, California 91754

Dear Mr. Weingarten:

This is in response to your Freedom of Information -  
Privacy Acts request dated August 25, 1980.

A search of the central indices of the Los Angeles  
Division was made pursuant to your request and has located  
information contained therein which is identifiable with Ruben  
Salazar. However, documents which were located are under a  
classification review. Upon completion of this review, a re-  
lease of documents, if appropriate, will be made available to  
you.

Your patience and cooperation will be appreciated.

Very truly yours,

JOSEPH V. CORLESS  
Acting Special Agent in Charge

By:   
JOHN T. HALL  
Supervisory Special Agent



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

11000 Wilshire Boulevard

Los Angeles, California 90024

April 13, 1981

In Reply, Please Refer to

File No. 190-725

Steve Weingarten  
432 South Alhambra Avenue  
Monterey Park, California 91754

Re: FOIPA request of  
Ruben Salazar

Dear Mr. Weingarten:

This letter and the enclosed copies of file materials are in response to your Freedom of Information - Privacy Acts request of August 25, 1980.

A search of the central indices of the Los Angeles Division was made pursuant to your request. Enclosed is a copy of 70 pages from our files. Excisions have been made from these pages and an additional 226 pages are being withheld in their entirety from disclosure by the following sub-sections of Title 5, United States Code, Section 552:

(b) (1) information which is currently and properly classified pursuant to Executive Order 12065 in the interest of the national defense or foreign policy;

(b) (7) investigatory records compiled for law enforcement purposes and disclosure of which would:

(C) constitute an unwarranted invasion of personal privacy;

(D) reveal the identity of an individual who has furnished information to the FBI under confidential circumstances or reveal information furnished only by such a person and not apparently known to the public or otherwise accessible to the FBI by overt means;

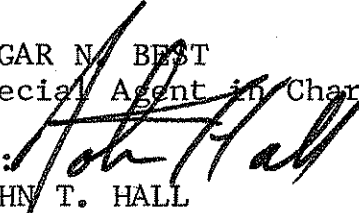
You have 30 days from receipt of this letter to appeal to the Associate Attorney General from any denial contained herein. The appeal should be directed in writing to the Associate Attorney General (Attention: Office of Privacy and Information Appeals), Washington, D. C. 20530.

The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal."

I regret the delay in the processing of your request. Your patience has been appreciated.

Very truly yours,

EDGAR M. BEST  
Special Agent in Charge

By:   
JOHN T. HALL  
Supervisory Special Agent

Enclosures 70

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

April 20, 1981

Freedom of Information Appeal  
Associate Attorney General  
Attn: Office of Privacy and Information Appeals  
Washington, D.C.

Dear Sir or Madam:

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

On April 14, 1981, I received a letter from John T. Hall, Supervisory Special Agent at the Los Angeles F.B.I. office denying me 226 pages of documents from the file of Ruben Salazar. I requested copies of all records pertaining to surveillance prior to the newsman's death on August 29, 1970, as well as that pertaining to the inquest of his death. I received no documents for the period from November 26, 1968 to August 29, 1970, although I believe surveillance occurred. I received 23 documents for the period from August 1, 1967 to November 25, 1968 which were heavily deleted. I believe these are only part of the file for that period. I am also interested in any records concerning cooperation between the FBI and Los Angeles Police Department and/or Los Angeles County Sheriff Department.

The reply indicated that an appeal letter could be sent to you. I am enclosing a copy of my exchange of correspondence with your agency so that you can see exactly what files I have requested and the insubstantial grounds on which my request has been denied.

Your agency has invoked the (b)(1) exemption to withhold information which I believe is of importance to public debate. 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, the importance of the information requested outweighs such possible damage. The circumstances of 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 ten years. I am requesting this information for an article that will attempt to put these rumors to rest with some conclusive documentation.

If you choose instead to continue to withhold some or all of the material which was denied in my initial 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 in 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 yours, Steve Weingarten



U.S. Department of Justice

Office of the Associate Attorney General

Washington, D.C. 20530

7 MAY 1981

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

Re: Ruben Salazar

Dear Mr. Weingarten:

This is to advise you that your administrative appeal to the Associate Attorney General from the action by the Federal Bureau of Investigation on your request for information from the files of the Department of Justice was received by this Office on April 24, 1981.

This Office has a substantial backlog of pending appeals received prior to yours and a shortage of attorneys. In an attempt to afford each appellant equal and impartial treatment, we have adopted a general practice of assigning appeals to Office Attorneys in the approximate order of receipt. Your appeal has been assigned number 81-0654. Please mention this number in any future correspondence with this Office concerning this specific appeal.

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

Sincerely,

*Janice Adams / tas*  
Janice Adams  
Administrative Staff Assistant  
Office of Privacy and Information  
Appeals

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

August 3, 1981

Janice Adams  
Administrative Staff Asst.  
Office of Privacy and Information Appeals  
Associate Attorney General  
Department of Justice  
Washington, D.C., 20530

Re: Appeal No. 81-0654

Dear Ms. Adams:

It has been three months since I received your advisement that my appeal concerning the withholding of 226 documents from Ruben Salazar's file had begun processing.

Can you give me some kind of idea when the appeal will result in a decision by your office? I fully understand the backlog of pending appeals and have been patient in my request. I appreciate your office's initial response within the twenty working days period allowed by the law. I'm sure that you will expedite this appeal soon.

Please notify me as soon as possible of the Associate Attorney General's decision, or at least, when I can expect your office's decision.

Sincerely,

*Steve Weingarten*

Steve Weingarten





U.S. Department of Justice

Office of Legal Policy

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Washington, D.C. 20530

AUG 7 1981

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

Re: Appeal No. 81-0654  
RLH:MMN:KJW

Dear Mr. Weingarten:

You appealed from the action of the Los Angeles Field Office of the Federal Bureau of Investigation on your request for access to records pertaining to Ruben Salazar.

After careful consideration of your appeal, I have decided to affirm the initial action in this case. Mr. Salazar is the subject of one Los Angeles Field Office main file -- Internal Security -- and is alluded to briefly in numerous files, the subjects of which are other individuals or organizations. In these latter instances, the Field Office has processed only those portions of the files which pertain to him. Most of the withheld material pertaining to Mr. Salazar is classified and I am affirming the denial of access to it on the basis of 5 U.S.C. 552(b)(1). This material is being referred to the Department Review Committee for review and determination whether it warrants continued classification under Executive Order 12065. Please be advised that the applicability of the balancing test provision of the Executive Order is considered in the course of adjudicating every case. You will be notified if the Committee's final decision results in the declassification of any information. Other materials were properly withheld from you pursuant to 5 U.S.C. 552(b)(7)(C) and (7)(D). These provisions pertain to investigatory records compiled for law enforcement purposes, the release of which would, respectively, constitute an unwarranted invasion of the personal privacy of third parties, in some instances by revealing an investigative interest in them on the part of

the F.B.I., and disclose the identities of confidential sources. Names of Bureau agents and other government personnel were among the items excised on the basis of 5 U.S.C. 552(b)(7)(C). None of the information being withheld is appropriate for discretionary release.


Your request for itemization of the materials withheld, with justification in each instance, is denied. In my opinion, such a listing is not required and would be unreasonably burdensome for this Department to compile at the administrative stage of processing Freedom of Information Act requests and appeals.

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, or in the Central District of California, which is where the records you seek are located.

Sincerely,

Jonathan C. Rose  
Assistant Attorney General

By:

  
Richard L. Huff, Acting Director  
Office of Privacy and Information Appeals



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

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Washington, D.C. 20530

JAN 28 1983

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

Re: Appeal No. 81-0654  
RLH:CJS:MAT

Dear Mr. Weingarten:

This is in further response to your appeal from the action of the Los Angeles Field Office of the Federal Bureau of Investigation on your request for access to records pertaining to Ruben Salazar. In our letter to you of August 7, 1981, you were advised that certain classified information pertaining to Mr. Salazar was referred to the Department Review Committee for its determination as to whether it warrants continued classification under Executive Order 12065, which has since been superseded by Executive Order 12356. Subsequent to the final action on your appeal, the F.B.I. and the Department Review Committee declassified portions of this information.

As a result of discussions between Bureau personnel and members of my staff, a supplemental release of records either has been or will soon be made directly by the F.B.I. I am affirming, however, the continued withholding of other declassified material pursuant to 5 U.S.C. 552(b)(2), (7)(C) and (7)(D). These provisions pertain to purely internal agency practices (source symbol numbers) and to investigatory records compiled for law enforcement purposes, the release of which would, respectively, constitute an unwarranted invasion of the personal privacy of third parties and disclose the identities of confidential sources and/or confidential information furnished only by such sources. Names of Bureau agents and other Bureau personnel were among the items excised on the basis of 5 U.S.C. 552(b)(7)(C). None of the information being withheld is appropriate for discretionary release.

The Department Review Committee has completed its review of the remaining classified information and determined that it warrants continued classification under Executive Order 12065, which was in effect at the time of its review. Accordingly, this information continues to be exempt from mandatory release on the basis of 5 U.S.C. 552(b)(1).

If you are dissatisfied with my action on this appeal, judicial review thereof is available to you as indicated in our letter of August 7, 1981.

Sincerely,

Jonathan C. Rose  
Assistant Attorney General

By:   
Richard L. Huff, ~~ss~~ Director  
Office of Information and Privacy



U.S. Department of Justice

Federal Bureau of Investigation

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Washington, D.C. 20535

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

APR 7 1983

Dear Mr. Weingarten:

This is in further response to your administrative appeal, number 81-0654, from denial of access by the Los Angeles Field Office to records concerning the late Ruben Salazar.

We have agreed with the Office of Information and Privacy, U. S. Department of Justice, to make the additional release of information. This attached supplemental release of seven pages is based upon the declassification of the information.

Sincerely yours,

James K. Hall, Chief  
Freedom of Information-  
Privacy Acts Section  
Records Management Division

Enclosure