

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

December 15, 1981

Director  
Federal Bureau of Investigation  
Washington, D.C., 20535  
Attn: FOI & Privacy Acts Branch

Dear Sir or Madam:

I am in the process of resolving a Freedom of Information Act request with the agency's Los Angeles Field Office. My request for FBI documents concerning Ruben Salazar is file number 190-725.

I am writing you to inquire about any documents you might have in your central indices other than those in the Los Angeles Field Office. If you have any, please send them to me under my same request.

I am enclosing copies of all past correspondence with the Los Angeles Field Office concerning my request.

Thank you for your prompt attention concerning this matter.

Sincerely,

*Steve Weingarten*

Steve Weingarten



## U.S. Department of Justice

## Federal Bureau of Investigation

Washington, D.C. 20535

MR STEVE WEINGARTEN  
432 S ALHAMBRA AVENUE  
MONTEREY PARK, CA 91754

Request No. 221380

RE: SALAZAR, RUBEN

JAN 05 1992

Dear Requester:

This is to acknowledge receipt by FBI Headquarters of your recent Freedom of Information-Privacy Acts (FOIPA) request and to advise you we will comply with your request according to Title 5, United States Code, Section 552 (a)(6)(A)(i) and other Federal statutes and regulations. Additional information, if needed, will be requested by separate letter.

A search of the indices to our records will be made to determine if we have the information you seek. If the search fails to locate record(s) pertaining to your request, you will be notified. If the search locates a record(s) which may be responsive to your request, it will be retrieved and processed according to the provisions of the FOIPA.

Your request has been assigned the number indicated above. Please use this number in all correspondence with us.

Sincerely yours,

Chief  
Freedom of Information-  
Privacy Acts ~~XXXXXX~~ SECTION  
Records Management Division



## U.S. Department of Justice

## Federal Bureau of Investigation

Washington, D.C. 20535

JAN 27 1982

Subject of Request: Ruben Salazar

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

FOIPA No. 221,380

Dear Mr. Weingarten:

This is in response to your Freedom of Information-Privacy Acts (FOIPA) request received by the Federal Bureau of Investigation (FBI). Information pertaining to your request has been set forth below in the appropriate paragraphs.

You must comply with the paragraph(s) requesting additional information or further action on your part before we can commence processing your request. Only those paragraphs which are marked X apply to your request.

A preliminary review of the index to our central records system disclosed references to a name(s) similar to the subject(s) of your request. Since we have reviewed only the index to our records, and not the actual records themselves, we do not know at this point if the records pertain to your request. In an effort to deal fairly with any request requiring the retrieval, processing, and duplication of documents, each request is being handled in chronological order based on the date of receipt. Please be assured that your request is being handled as equitably as possible and that all documents which can be released will be made available at the earliest possible date.

Based on the limited information you provided, it is not possible to make an accurate search of our records. Please furnish the complete name(s) and date and place of birth of the subject(s) of your request, as well as any specific data that would assist us in locating the documents you seek. Upon receipt of your additional information, we will review the index to our central records system. If there is no indication of the existence of the records you seek, you will be so advised. If we have the records you seek, all documents which can be released will be made available at the earliest possible date.

Before we can commence processing for release any documents which may pertain to you, it is necessary for you to submit your notarized signature. This procedure is designed to insure that information concerning an individual is released only to him/her.

Before we can commence processing your request for records pertaining to another individual, we must know whether you have been authorized by that individual to receive these documents. It will be necessary for you to submit to the FBI the original of a written authorization which has been duly attested by a Notary Public. In accordance with the spirit and intent of the FOIPA, it is the policy of the FBI not to indicate whether we do or do not have the records you seek until such an authorization is received.

For your information, background investigations for military and nonmilitary security clearances are conducted by many different Government agencies. The FBI actually conducts such background investigations in only a limited number of areas. You may wish to write directly to any agency which you believe might have caused a background investigation pertaining to you to have been conducted.

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

June 3, 1982

Assistant Attorney General  
Office of Legal Policy  
Attention: Office of Information and Privacy  
United States Department of Justice  
Washington, D.C. 20530

Dear Madam or Sir:

This is an appeal pursuant to subsection (a) (6) of the Freedom of Information Act, as amended (5 USC 552), for the denial of seventeen pages in my request for documents concerning Ruben Salazar. The FOIA number assigned to this case is 221,380/190-34437.

I received your letter dated May 6, 1982, informing me of the agency refusal to release the 17 documents based on exemptions (b) (1), (b) (7) (C), and (b) (7) (D). 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 be reasonably expected from disclosure." I feel the importance of the information outweighs any 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 speculation since his death on August 29, 1970. In addition, his role of journalist covering parts of the Caribbean Basin very much on the world stage today adds to the importance of this information's disclosure. I am requesting this material for the first 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



U.S. Department of Justice

Office of Legal Policy

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Washington, D.C. 20530

JUN 21 1982

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

Re: FBI No. 221,380

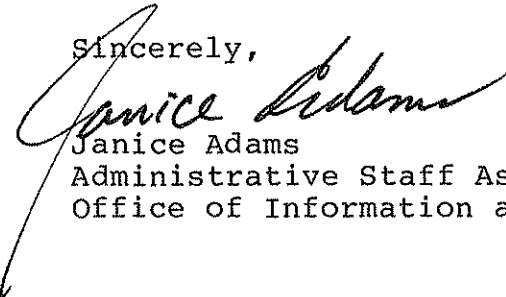
Dear Mr. Weingarten:

This is to advise you that your administrative appeal 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 June 8, 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 82-0894. 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,

  
Janice Adams  
Administrative Staff Assistant  
Office of Information and Privacy



U.S. Department of Justice

Office of Legal Policy

Washington, D.C. 20530

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

Re: Appeal No. 82-0894  
RLH:CJS:FTN

Dear Mr. Weingarten:

You appealed from the action 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 Bureau main file -- Internal Security-Cuba. Certain of the 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). The Department Review Committee has determined that this material warrants continued classification under Executive Order 12065. Please be advised that the applicability of the balancing test provision of the Executive Order was considered in the course of adjudicating this test. 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.

For your information, the Bureau has agreed to process for release references indexed to Ruben Salazar which are contained in files the subjects of which are other individuals or organizations and will notify you of the results. If you

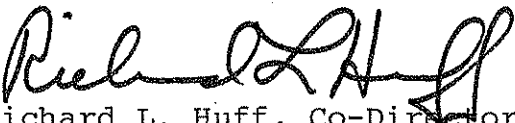
are dissatisfied with the ultimate action of the Bureau on these records, you may appeal again to this Office.

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, 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



UNITED STATES DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF INVESTIGATION  
 RECORDS DISCLOSURE COVER SHEET  
 FOI/PA BRANCH  
 RECORDS MANAGEMENT DIVISION  
 WASHINGTON, D. C. 20535

Subject of Request: Ruben Salazar

FOIPA No. 221,380 /190- 34437

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

MAY 6 1982

Dear Mr. Weingarten:

Enclosed are copies of documents from our files. Where noted on the enclosed documents, excisions have been made in order to protect materials which are exempted from disclosure by the following subsections of Title 5, United States Code, Section 552 and Section 552a. The exemption number(s) indicated by a mark appearing in the block to the left of the subsection cited constitutes the authority for withholding the deleted material. (See Form 4-694a, enclosed, for an explanation of these exemptions). You will note that whenever page(s) have been withheld in their entirety a sheet has been substituted listing the number of page(s), the identity of their location within the file, and exemptions under which they were withheld. When a deletion is made from the enclosed pages, the appropriate subsection exempting that information is noted opposite the deletion.

<u>Section 552</u>		<u>Section 552a</u>
<input checked="" type="checkbox"/> (b) (1)	<input type="checkbox"/> (b) (7) (A)	<input type="checkbox"/> (d) (5)
<input type="checkbox"/> (b) (2)	<input type="checkbox"/> (b) (7) (B)	<input type="checkbox"/> (j) (2)
<input type="checkbox"/> (b) (3)	<input checked="" type="checkbox"/> (b) (7) (C)	<input type="checkbox"/> (k) (1)
<input type="checkbox"/> (b) (4)	<input checked="" type="checkbox"/> (b) (7) (D)	<input type="checkbox"/> (k) (2)
<input type="checkbox"/> (b) (5)	<input type="checkbox"/> (b) (7) (E)	<input type="checkbox"/> (k) (3)
<input type="checkbox"/> (b) (6)	<input type="checkbox"/> (b) (7) (F)	<input type="checkbox"/> (k) (4)
	<input type="checkbox"/> (b) (8)	<input type="checkbox"/> (k) (5)
	<input type="checkbox"/> (b) (9)	<input type="checkbox"/> (k) (6)
		<input type="checkbox"/> (k) (7)

Pursuant to your request, 63 pages were reviewed and 17 pages were withheld in their entirety.

The decision to withhold exempt portions of our records is the responsibility of William H. Webster, Director of the FBI.

Unless noted and explained, a search of references to the subject of your request in the files of other individuals or organizations, i.e., "see" references, was not undertaken. To verify most "see" references requires information identifying the individual(s) and/or organization(s) with whom the subject of your request associated and the time frame of the association(s). Should you desire a search of "see" references, please advise of the details describing the specific incident or occurrence and time frame. Thereafter, efforts will be made to locate, retrieve and process any such record.



EXPLANATION OF EXEMPTIONS

## SUBSECTIONS 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, for example, information involving intelligence sources or methods
- (b) (2) materials related solely to the internal rules and practices of the FBI
- (b) (3) information specifically exempted from disclosure by statute (see continuation page)
- (b) (4) privileged or confidential information obtained from a person, usually involving commercial or financial matters
- (b) (5) inter-agency or intra-agency documents which are not available through discovery proceedings during litigation; documents, the disclosure of which would have an inhibitive effect upon the development of policy and administrative direction; or documents which represent the work product of an attorney-client relationship
- (b) (6) materials contained in sensitive records such as personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy
- (b) (7) investigatory records compiled for law enforcement purposes, the disclosure of which would: (A) interfere with law enforcement proceedings, including pending investigations; (B) deprive a person of the right to a fair trial or an impartial adjudication, or give one party of a controversy an undue advantage by exclusive access to such information; (C) constitute an unwarranted invasion of the personal privacy of another person; (D) reveal the identity of a confidential source or reveal confidential information furnished only by the confidential source; (E) disclose investigative techniques and procedures, thereby impairing their future effectiveness; and (F) endanger the life or physical safety of law enforcement personnel
- (b) (8) information collected by Government regulatory agencies from financial institutions
- (b) (9) geological and geophysical information, including maps, produced by private companies and filed by them with Government agencies.

## SUBSECTIONS OF TITLE 5, UNITED STATES CODE. SECTION 552a

- (d) (5) information compiled in reasonable anticipation of a civil action proceeding
- (j) (2) material reporting investigative efforts pertaining to the enforcement of criminal law including efforts to prevent, control, or reduce crime or apprehend criminals, except records of arrest
- (k) (1) information which is currently and properly classified pursuant to Executive Order 12065 in the interest of the national defense or foreign policy, for example, information involving intelligence sources or methods
- (k) (2) investigatory material compiled for law enforcement purposes, other than criminal, which would reveal the identity of an individual who has furnished information pursuant to a promise that his identity would be held in confidence
- (k) (3) material maintained in connection with providing protective services to the President of the United States or any other individual pursuant to the authority of Title 18, United States Code, Section 3056
- (k) (4) required by statute to be maintained and used solely as statistical records
- (k) (5) investigatory material compiled solely for the purpose of determining suitability eligibility, or qualifications for Federal civilian employment or for access to classified information, the disclosure of which would reveal the identity of the person who furnished information pursuant to a promise that his identity would be held in confidence
- (k) (6) testing or examination material used to determine individual qualifications for appointment or promotion in Federal Government service the release of which would compromise the testing or examination process
- (k) (7) material used to determine potential for promotion in the armed services, the disclosure of which would reveal the identity of the person who furnished the material pursuant to a promise that his identity would be held in confidence.

Mr. Steven Weingarten

If you desire, you may submit an appeal from any denial contained herein. Appeals should be directed in writing to the Assistant Attorney General, Office of Legal Policy (Attention: Office of Information and Privacy), United States Department of Justice, Washington, D. C. 20530, within thirty days from receipt of this letter. The envelope and the letter should be clearly marked "Freedom of Information Appeal" or "Information Appeal." Please cite the FOIPA number assigned to your request so that it may be easily identified.