



## U.S. Department of Justice

## Federal Bureau of Investigation

Washington, D.C. 20535

Subject of Request: Ruben SalazarFOIPA No. 221,380 /190- 34437

AUG 12 1982

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

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.

Section 552

- (b) (1)  
 (b) (2)  
 (b) (3)  
 (b) (4)  
 (b) (5)  
 (b) (6)

- (b) (7) (A)  
 (b) (7) (B)  
 (b) (7) (C)  
 (b) (7) (D)  
 (b) (7) (E)  
 (b) (7) (F)  
 (b) (8)  
 (b) (9)

Section 552a

- (d) (5)  
 (j) (2)  
 (k) (1)  
 (k) (2)  
 (k) (3)  
 (k) (4)  
 (k) (5)  
 (k) (6)  
 (k) (7)

Pursuant to your request, 151 pages were reviewed and 79 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.

The search for information in response to your request was limited to those records in our central records system which are maintained at FBI Headquarters, Washington, D. C. In certain specific instances, information collected in our field office files is not forwarded to FBI Headquarters. These instances include cases in which the perpetrators of the violation were not developed during the investigation; cases in which the United States Attorney declined prosecution; and cases in which the investigation revealed the allegations were unsubstantiated or not within the investigative jurisdiction of the FBI. Therefore, if you believe records which may be responsive to your inquiry are located within the files of an FBI field office and were never reported to Headquarters, you may write directly to any field office for those materials. If you direct a request to any field office, please indicate in your letter that FBI Headquarters in Washington, D. C., has processed your initial FOIPA request.

Mr. Steve Weingarten

You have been advised by the Department of Justice, Office of Legal Policy, that the Bureau has agreed to process references indexed to Ruben Salazar which are contained in files, the subjects of which are other individuals or organizations.

All references to Ruben Salazar in the central records system maintained at FBI Headquarters have now been searched and reviewed. The enclosed pages represent the final product of the processing of those documents which contain references to your subject.

Of the 79 pages withheld in their entirety 58 pages have been referred to other Government agencies for their direct response to you.

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.

August 30, 1982

Freedom of Information Appeal  
Office of Legal Policy  
Department of Justice  
Washington, D.C. 20530

re: Ruben Salazar  
FOIA No. 221,380/190-34437

Dear Sir:

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

On 18 August 1982 I received a 72-page disclosure of records concerning Ruben Salazar from the "See Reference" file of the FBI, with a cover letter informing me that 79 other documents were withheld, with 58 of those being referred to originating agencies for their evaluation concerning declassification or continued withholding.

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 information requested outweighs such possible damage, especially in light of the considerable time that has elapsed since Mr. Salazar died and when these FBI investigations were being conducted. Since his killing on August 29, 1970, Mr. Salazar has become a controversial and important figure in the Hispanic community. I am working on a biography of the newsman, as well as several magazine articles, and the requested information is necessary for documentation of his life and career.

Therefore, I ask that you review and overrule the decision to withhold in their entirety the 21 documents not referred to originating agencies outside of the FBI, as well as providing me with an index of the 58 documents sent for review outside the agency. If you choose instead to continue to withhold some or all of the material denied me, I ask that you provide me with an index of such material.

Sincerely,



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

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 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 82-1406. 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



U.S. Department of Justice

Office of Legal Policy

Office of Information and Privacy

Washington, D.C. 20530

DEC 14 1982

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

Re: Appeal No. 82-1406  
RLH:CJS:AF

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. I have interpreted your appeal to encompass only the documents to which the Bureau referred in its letter dated August 12, 1982.

After careful consideration of your appeal, I have decided to affirm the initial action in this case. Mr. Salazar is alluded to briefly in seventeen files, the subjects of which are other individuals or organizations. The Bureau has processed only the portions of those files which pertain to him. 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). This material is being referred to the Department Review Committee for review and determination whether it warrants continued classification under Executive Order 12356. 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 and/or confidential information furnished only by such sources. Names of Bureau agents 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, 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