Dear Howard (and Jim), 2/13/77

I think the Kelley letters of 1/25 and 1/26 are helpful to you and to us.

That they give you a number while denyin the one number they have given us is a real number and that they claim to now be working on requests of 4/76 when since last September they have had proof that I have older requests totally seveal dozen not yet touched inproves our record immeasureably and oub proofs of deliberate discrimination against me. Especially when they still claim as they have in court that they take each request chronologically.

You may not get far in correspondence but I'd make the effort.

First to get them to recognize the date of initial receipt rather than incorrect referral as the chronological date in their scheduling.

The Department has just informed Jim, for example, that they have just found his letter of last April.

Then your request was not limited to FBI, so perfect the record with the office of the deputy AG, demanding chronological handling outside the FBI, too. YOu've been without real response.

With the FBI tell them that the autopsy pictures are not ~~xxxx~~ "available" at the Archives, as they should very well know of they should not be writing ~~xxxx~~ letters, and that your request is not for the photographs themseves but for records relating to their possession and transfer.

I'd go a step farthur for reasons I think you will understand. I'd ask indignantly how the FBI could have conducted so diligent an investigation as directed by the President without any knowledge of the autopsy, without the proctocol or pictures, etc. You know the FBI better than that from TV, don't you?

Jim may want a different copy of the 1/26, on separate sheets, to attach to something he may file. I think he will. Until then I'll send himwhat you sent me.

We don't know how this is going to go but the best record on non-compliance, the best of deliberate evasion if not deliberate non-compliance and the best on Kelley not being able to run his own office or not wanting to can't hurt, especially with the new campaign to keep Kelley from going for a while. This morning I heard a news item quoting Senator (WVa)Byrd in this manner.

At some point we are going to be in court with this the issue as it relates to me, too, so the more you can perfect a record the better for us.

In addition to the testimony I have given subject to cross-examination not attempted, and to the documents I have provided without rebuttal on this business of deliberate discrimination I think your 1/26 is something Jim can use at the right time.

Until it is certain that Lane's book is frozen beyond thawing and the situation of this committee is settled I'm in no hurry on breaking anything else loose or making public use of what I have. Jim and Les Payne and I discussed this Thursday. I'll be seeing Les again Tuesday. What emerged is the beginning of a simplification of The King Conspiracies.

Thanks. Best,

NOTE: On 1/25/77, Kelley responds to what he calls my FOIA request of 12/8/76 (really, I suppose, my request of 9/7/76) and says FBI has nothing for me other than what Archives has. Then he writes me again, 1/26/77, re another FOIA request and says "We are now beginning to work on requests which we received during April, 1976."

Crazy!

HR

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

January 26, 1977

Mr. Howard Roffman
Apartment 156
1111 Southwest 16th Avenue
Gainesville, Florida 32601

Dear Mr. Roffman:

This is to acknowledge receipt by the FBI of your Freedom of Information-Privacy Acts (FOIPA) request relating to the 18 documents on the assassination of the late President Kennedy.

An exceedingly heavy volume of FOIPA requests has been received these past few months. Additionally, court deadlines involving certain cases of considerable scope have been imposed upon the FBI. Despite successive expansions of our staff responsible for FOIPA matters, substantial delays in processing requests continue.

Since January 1, 1975, the FBI has received a total of 30,156 FOIPA requests. Of these, our present backlog is 8,113. 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.

We are now beginning to work on requests which we received during April, 1976.

Mr. Howard Roffman

Your request has been assigned number 40,111 which you are requested to utilize in any correspondence with this Bureau regarding this request.

Your patience and understanding will be appreciated.

Sincerely yours,

Clarence M. Kelley
Director

Enclosure

OFFICE OF THE DIRECTOR

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

January 25, 1977

Mr. Howard Roffman
Apartment 156
1111 Southwest 16th Avenue
Gainesville, Florida 32601

Dear Mr. Roffman:

This is to acknowledge receipt of your Freedom of Information-Privacy Acts (FOIPA) request dated December 8, 1976, which was forwarded from the Department of Justice.

Please be advised that the photographs and X-rays taken at the autopsy of the late President Kennedy are available at the National Archives Building. We do not have any records other than the material The National Archives has already released to you.

If there is any further correspondence on the above-mentioned records, please forwarded your request to Archivist.

Sincerely yours,

Clarence M. Kelley
Director

1111 SW 16th Ave., Apt. 156
Gainesville, Fla. 32601

January 31, 1977

Clarence M. Kelley
Director
Federal Bureau of Investigation
U.S. Department of Justice
Washington, D.C. 20535

Dear Mr. Kelley:

Thank you for your letter of January 25, 1977. I hope you do not mind that I will not treat your letter as the final word from the FBI, as you desire. Your letter raises a number of questions.

First, you refer to my FOIPA request to the Department of Justice dated December 8, 1976, and seem to state that you have no records relevant to that request 'other than the material The National Archives has already released to you.' If you have such material, I would like copies of it, regardless of whether you believe I already have copies of similar documents from the Archives. Since you seem to be aware of just what records the FBI has relevant to my request, I imagine it would not be difficult to locate them and copy them for me. I am willing to pay copying costs.

Second, as you know, my December 8 request was merely a reminder that my original request of September 7, 1976, had not been answered as of that date. Our correspondence relating to that original request goes back several months, to your letter dated September 30, 1976. In your letter dated November 5, 1976, you informed me that there was a considerable backlog of requests at the FBI, and that mine had been numbered as 27,441. Your most recent letter makes no mention of this number or of my original request. Thus, I wish to know if I am to construe your letter of January 25, 1977 as the response to my request No. 27,441.

Third, your letter contains no details as to what files or indexes were searched in complying with my request. I would like to know this information so that I may be assured that a thorough, complete search was made.

Finally, your letter states that the autopsy photographs and X rays "are available at the National Archives Building." As you know, I have never requested those photographic materials, merely records relating to them. However, they are not "available" to me at the Archives, because the current restrictions on them prohibit my access. One of my purposes in instituting this FOIA request is to learn how those restrictions came to be.

Sincerely,

Howard Roffman