2/22/77: I received a call today at 2:00 pm from David Binney FBI in re my FOIA requests. He said there had been some confusion over them that he wanted to clear up.

FIRST, regarding my September 7, 1976 request re the autopsy film, designated FBI No. 27441, he said the FBI has nothing relevant to that request in its files. The reason, he said, is that the Kennedy family had asked that all records be turned over to them. I asked, "How do you know this?" Binney claimed not to understand my question. I explained that I wanted to know the authority or source for his assertion that such a request was made. Now he said, 'Apparently this is what happened." I replied, "First you tell me this is what happened, then you say it is apparently what happened. My whole purpose for making this request is to find out exactly what did happen regarding the chain of possession of the films." He said he understood that was my purpose, and that all he knows is what he was told. I'm sure I asked him who told him this story, but I don t remember a specific answer. I do remember that he was evasive on this point, and came down to saying something to the effect: "I don't know why they're not here, but there are no relevant records at the FBI. Everything the FBI had on this it gave to the Warren Commission." I mentioned that it did not give originals to the WC, but he still maintined there was nothing. He suggested that I contact the Navy for receipts and info because "after the autopsy all info from the Navy was given to the Kennedy family upon their request." Again, no source--just his understanding.

I reminded him of Kelley's last letter saying that the FBI had nothing "other than" what A had already given me. He said that the letter was misworded, that it should have read "nothing, period." He said I would be receiving a letter shortly so informing me. I asked that the letter specifically state that the language in Kelley's letter was inaccurate, and he said this would be done.

SECOND, regarding my request for 18 specific documents mentioned in the Senate report, he said he could not explain why I was sent two letters within 4 days, but this evidently was a mistake. He seemed to imply that these letters are done by computer. Further, he said that he knew that the FBI had all of these documents because he saw them while he was reviewing the FBI's assassination file, but he said that because they process requests chronologically, I would not receive copies for about 8 months, because mf other requests ahead of mine must be processed first. I asked why, if he knew that the documents were there and he knew where to find them, he couldn't just get them out and copy them for me to avoid the delay. He said he was sorry, he knew it was unfair, but that was the system. I then asked him if I could be written a letter stating what he had told me, that the documents were in the file, but that processing of my request would be delayed. He said that such a letter could not be written, and that I'd already been informed that my request has been received and is awaiting processing. I sensed that he was reluctant to commit himself,perhaps because he anticipates possible denial based on FOIA exemptions.

Binney was friendly and seemed to want to help, and at times was apologetic for the backlog. He said that things were very backed up and that processing so many requests was a hassle, but that 400 agents are being added this summer to try to ease the problem.

Howard Roffman