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

IN RE FOI/CRM 1626

January 17, 1977

E. Ross Buckley
Attorney in Charge, FOI/PA Unit
Criminal Division
Department of Justice
Washington, D.C. 20530

Dear Mr. Buckley:

This will acknowledge receipt of your letter dated January 7, 1977. I reply to that portion of your letter dealing with my request for records relating to the photographs and X rays of the Kennedy autopsy.

First, you state on page 2 of your letter that "physical evidence of the type you request (photographs, x-rays (sic)) would characteristically, not be contained in Criminal Division files." Please be informed that I have never requested copies of the photographs and X rays themselves, nor do I desire such items. My request has always been for records relating to those items.

Second, your denial of my request for expedited processing is distressing because the reasons you give suggest bad faith on your part. In your letter of December 14, 1976, you informed me that my request might be expedited if I could show "exigent or unique circumstances." I tried to meet that standard in my letter of December 18, 1976. In denying expedited processing in your letter of January 7, 1977, you explain that I have failed to deomonstrate sufficient "public interest" and have not shown that I will suffer "any irreparable injury." How can I be expected to make such a showing when you do not inform me that you will require it of me and in fact tell me that I must comply with a totally different standard? Obviously, "exigent or unique circumstances" is not the same as "public interest" and "irreparable injury."

What makes this more distressing to me is that these conflicting standards have been imposed arbitrarily by you; they are in no way a part of the Freedom of Information Act. In fact, under that Act the burden is on you to show that you are exercising due diligence in processing my request.

With regard to the issue of due diligence, I note that you have not responded to one question posed in my letter of December 18, 1976: "I would like to be informed why you waited over three months to tell me that my request could be expedited upon a proper showing by me. As you know, the law gives you ten working days to make a response."

I still await an explanation for the great delay in making any response to me at all. I also seek an explanation of why you have changed the standard I must meet to expedite my request.

I would also like to know when you anticipate complying with my request. If I feel your estimate is reasonable, I would be willing to wait and thus avoid litigation.

Sincerely,

Howard Roffman