

HR; reur 2/22;78 to McCreight, FBI/FOIA:

You lay out a good case of special discrimination against your requests. I believe it may in time be helpful to Jim and me to be able to show that others who write other than as the FBI prefers are discriminated against.

For this reason right now I'm starting a separate file under FBI, Roffman FOIA. Please remind me when you write more about this or send whatever else they may write or send you.

I'm not shifting anything from the other files to here. I believe that for our possible purposes beginning with this letter may be enough to make the point.

By coincidence, as the enclose carbon shows, I suggested to Jim that the time had come to make a real issue of this. We did it with some effect in C.A.75-1996, more in C.A.77-2155.

Any suggestions along this line welcome.

Jim is leaving tomorrow, to return the night of the 5th. We have a status call in 1996 on the morning of the 7th. I sugges that it would be a good idea if you can keep what you would be sending him and when you send it keep it together by subject. He'll have quite a load by the time he returns. I plan to do as I suggest.

Best, HW 2/24/78

cc to JL, HW

5885 Edenfield Rd., Apt. B-29
Jacksonville, Fla. 32211

February 22, 1978

Allen H. McCreight, Chief
FOI/PA Branch
Records Management Division
U.S. Department of Justice
Federal Bureau of Investigation
Washington, D.C. 20535

Dear Mr. McCreight:

Thank you for your letter dated February 15, 1978, in response to mine dated July 16, 1977. Enclosed is a check for \$4.50, payable to the FBI for the documents referred to in your letter. These documents are those alluded to by Frank Sturgis in an interview with Midnight, a weekly tabloid.

While I appreciate your belated response, I am concerned about the manner in which the FBI has run roughshod over my other FOIA requests. I seek your help in redressing the wrong to which I believe I have been subjected, involving two FOIA requests I made of the FBI and which have been assigned numbers 27,441 and 40,111.

No. 40,111:

This request for itemized, specific documents was dated December 15, 1976 and was originally addressed to Attorney General Levi, who then forwarded it to the FBI. On February 22, 1977, I received a call from FBI Agent David Binney informing me that all of the documents I had requested had been located but that I would have to wait my turn for processing in light of the large number of requests ahead of mine. Since that time, the FBI has released most, if not all, of the documents I requested in its massive release in December, 1977. Yet, I have still not received the documents. I would appreciate copies of the documents requested in Request No. 40,111, and ask that copying costs be waived in light of the fact that my request was apparently ignored for over a year while the same documents were released to others.

No. 27,441:

This request relates broadly to the photographs and X-rays of President Kennedy taken during the autopsy. It is, as I pointed out on several occasions, a request for documents--all documents--relating in any way to those photographic materials, but not for the photos

and X-rays themselves. The request began with a letter to the Department of Justice dated September 7, 1976. In a letter dated January 25, 1977, Director Kelley informed me that the FBI had no records relevant to my request. I pursued this matter through additional correspondence with the FBI, as well as in a phone conversation with Agent Binney. Ultimately, I identified certain relevant records that I knew had to be in the FBI's files because the FBI had provided copies to the Warren Commission. Those records which I identified--and only those records--were sent to me on April 15, 1977, by Director Kelley.

I have learned that there were documents in the massive December 1977 release which were relevant to my Request No. 27,441 but which were never provided to me. I do not allege that the FBI deliberately withheld these records from me, but I cannot help but wonder what faith can be placed in the FBI's records searches when it long ago assured me, on more than one occasion, that it had searched its files and found nothing relevant to my request.

I can point to at least three documents released in December, 1977, and not furnished to me. I request copies of these and any other related documents. I will identify the three to the degree I can:


1. November 26, 1963 Memo from General Investigative Division Chief Alex Rosen to Alan Belmont, reporting availability of the photos and X-rays from the Secret Service but recommending that they not be requested unless a need for them appears.

2. An FBI document, apparently an internal memo, recounting that the Warren Commission's chief counsel, J. Lee Rankin, was told that the late President's family had requested that the "report from the U.S. Naval Hospital at Bethesda be kept^{as} confidential as possible."

3. A request from Rankin of a week later for information to refute published stories about the President's anterior throat wound, and an approval by J. Edgar Hoover for obtaining the "autopsy report," including Hoover's handwritten comment, "If the Warren Commission is going to re-run down every wild newspaper story it will never finish."

Additionally, Director Kelley's letters to me make clear that the only files searched were those in Washington, D.C., at headquarters. I request that the records of all relevant Field Offices also be searched to comply with my request No. 27,441. This would include, at a minimum, the Dallas and Baltimore Field Offices.

Sincerely,


Howard Roffman