1996-waiver

Dear Jim, 1/17/75

On the balance of the JFK records and the waiver on the King records-

If not with this you will get a copy of McCreight's letter of 1/16 on that I can have them all for so much money because it is all one FOIA request. If they told the judge otherwise they should be prepared to face him or another judge with this as part of the case for them surrendering all of them peacefully.

He does not make a distinction between the two releases, regarding them as one if of two different dates. And he does state that it is my FOIA request-his singular.

They made a big mistake in arguing project distinction and in earlier saying they cannot fill subject requests. This means that they have not complied with any of my older requests even if those records are included in what I'll get. I have no way of either knowing it or finding them.

They claimed in the King case that this is the only way they can respond to those kind of request. They can hardly say otherwise now. This means that they have to give me the first 40,000 on this basis alone. As well as the one above.

If they are hardheaded tell them you'll file a complaint listing all my prior requests that are unanswered and they'll not be able to show compliance. I also think they will not want such a list in a court record. They have hooked themselves.

Now on King, I think the thing to do is renew the request and then if you do not get action in 10 days put it before Green. And include the initial search fees. They did charge me on what they called the "first" case. It is the second "case" that forced their hand and their decision to unload all on me. I asked that this be returned and John said it is a different "case" and he had no control.

I am not inclined to give Green anything she can grab as an out and force us to go up on appeal. I am also inclined to think that :
she will not go against Gesell's decision;
it will be good education for the FBI and the lawyers.

You might, in fact, raise the question verbally with Lynne, who I'm sure will see it all and can perhaps opt to return the rest on the basis of the Gesell decision. The cost of not is sure to be greater and if they win, which I think unlikely, they'll look very bad. This is a mutual problem they should be willing to wipe out the easy way.

Without wasting any more time or money to risk having to justify later.

Best,