

1997 and waiver

HW 7/5/78

I have given reasons for claiming the waiver. Now I want to add to them what I think is relevant in this case.

Their denial of all compliance for so long has destroyed the original use I intended for these records. Now I have no use at all for them other than making them available and including them in the public archive I have established.

Information has various uses. Those made by a newspaper are not identical with those of a magazine or a scholar. The passing of time influences the uses that are possible.

The Act requires compliance within a certain period of time. Their failure to comply with the provisions of the Act, even if they had in the end complied fully, eliminated my possibility of use of the records sought in the writing then planned.

However, they remain valuable records, on a subject in which I am an expert, so in continuing to seek them, I serve not personal but public interest. Assuming even that in seeking them for a book my interest could properly be called personal, as I think is not the case.

If provided within the time specified by the Act I could have used these records to obtain greater compliance in 1996. Now I cannot because I cannot spend the time on it. The official determination of waiver has already been made in 1996, in my favor.

(The fact is, as you know, that as soon as I received the records recently provided I made copies at my cost and gave them to a major newspaper, a public use, not a personal one.)

More later is you want it.

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