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SendTo: CN=David Marwell/O=ARRB @ ARRB;CN=Laura Denk/O=ARRB @ ARRB
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Subject: NBC's objections

CALL REPORT: PUBLICDocument's Author: Jeremy Gunn/ARRB Date Created: 04/08/97 The Players Description of the Call Date: 04/07/97Subject: NBC's objectionsSummary of the Call:Carly Wells and I called Kummer and urged that NBC not contest the Sheridan subpoena. Kummer, Carly, and I had a frank and cordial exchange of opinions. We said that we would like to work out some accommodation if possible. He proposed to give us newspaper clippings and some other items as a resolution. I said that I would have to take that to the Board, but that I didn't think they would accept it.Kummer said that when Garrison went after Sheridan, NBC hired Miller to defend Sheridan. He also said many documents have nothing to do with the JFK assassination. I said that if that is the case, then we can work out an agreement on the non-relevant documents.I said that I understand NBC's concerns, but: (1) any privilege was waived by Sheridan's giving the docs to JFK Library for an inventory; (2) Sheridan recognized no ownership interest of NBC during his lifetime--witness his never having contacted NBC; (3) JFK Library did not see any NBC interest; (4) Sheridan was a former federal official and not really a pure journalist; (5) Miller showed no interest in NBC's interests until the subpoena was served; (6) if NBC voluntarily waives its privilege the journalist's privilege is unimpeded for other cases whereas if it litigates and loses, it could do damage to its privilege in other contexts. Thus, this is not a good case for NBC to litigate. I believe Kummer fully understood our points, although he did not tip his hand. He promised to talk to others at NBC and get back to us by the end of this week. He understands that we will seek recourse in the courts and that this is not NBC's strongest case. I don't know what NBC's final answer will be.

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