

## ARRB Rough Draft Suggestions for Interrogatories and Requests for Production

The following are some general suggestions that DOJ may wish to consider. They mostly are formulated as draft interrogatories, although Document Requests should be added as well.

### Definitions

Define “notes” to include a journalist’s working papers, interview notes, preparation for broadcasting, etc.

Define “Sheridan papers”/“subpoenaed materials”

Define “White Paper” and “Garrison investigation” as the program on Garrison broadcast by NBC on which Sheridan worked

Define “NBC employee” to include employees, officer, agent, reporters, “special correspondents” etc.

### Boilerplate addition to Wells draft

“documents created, generated or otherwise produced **or obtained** by Walter Sheridan”

### Sheridan as employee

1. Identify all contracts and all communications (oral and written) between Sheridan and NBC relating to terms and conditions of Sheridan’s employment with NBC (including contracts, amendments, addenda, etc.)
2. Identify all persons (including names, addresses, and telephone numbers) to whom Sheridan reported during the period that he worked on the White Paper or during the period that any of the subpoenaed materials were created.

### NBC Policy on Records

3. Identify all portions of all contracts or agreements between NBC and Sheridan that relate to NBC’s purported ownership interest in notes prepared by Sheridan in the course of his employment.
4. Identify with specificity all communications between NBC and Sheridan where NBC

articulated its purported property interest in Sheridan notes.

5. When did NBC first adopt a written policy regarding notes and outtakes?
6. Identify with specificity all policies and guidelines (both written and oral) of NBC regarding notes and outtakes that were in effect between 1965 and 1970.
7. Identify the NBC persons most knowledgeable about "NBC's longstanding policy and condition of employment that NBC owns all news gathering materials generated or collected by its employees in the course of their work for NBC, including all property rights in those materials." (NBC Memo at 6).
8. Produce all pre-1970 NBC internal memoranda, notes, statements, guidelines, etc. regarding NBC's position on notes and outtakes.
9. Identify all documents, persons, and sources on whom William O. Wheatley consulted or relied in the preparation of his 27 October 1997 affidavit.
10. Identify all written communications from NBC to any employee who worked for NBC prior to 1970 regarding the return of notes to NBC.
11. Does NBC take the position that any present or former employee who leaves NBC without giving to NBC all notes taken while in NBC employment has committed theft, conversion, breach of contract, etc.?
12. Identify all legal proceedings initiated by NBC against present or former employees for their having written books, articles, or other publications that have used, in whole or in part, information obtained while employees of NBC. (Or -- has NBC ever brought legal action against any of its present or former employees for disclosing information contained in their notes?)
13. Did NBC ever consider legal against Sheridan (with respect to the Sheridan notes) for breach of contract or for tort? If not, why not?
14. Identify all steps that NBC has taken to notify pre-1970 employees regarding its policy on notes and outtakes.

#### **White Paper**

15. Identify the names, addresses, and telephone numbers (to the extent they are in the possession of NBC or are reasonably available to NBC) of all NBC employees who worked on the White

Paper.

16. Was NBC aware that Sheridan made notes for preparation of the White Paper in 1967? (Or-- When was NBC first aware that Sheridan had made notes for the White Paper?)
17. When did NBC first attempt to obtain possession of the Sheridan notes?
18. Has NBC ever had physical possession of the Sheridan notes?
19. Identify all efforts taken by NBC to collect notes from present or former employees who worked on the White Paper.
20. Has NBC ever given or offered access to outtakes, notes, or papers to members of the public on the White Paper? [N.B. it is our understanding that NBC has made such offers --including in the broadcast itself.] If yes, identify all circumstances where members of the public were provided access to White Paper materials.
21. Identify with specificity all records, outtakes, notes, etc. that NBC now possesses on the White Paper.
22. Did NBC ever attempt to provide to the U.S. government any information that it learned in the course of its Garrison investigation that it did not disclose publicly? If so, identify which information it provided to the US government.