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Subject: NBC Matter

After Jack left yesterday, I finally was able to discuss in detail with Carlie Wells at DOJ her negotiations with NBC regarding our draft agreement with NBC. She informed me that NBC is now taking a "hard line" and that she is suspicious of its motives in the discussions. NBC is apparently taking the position that records related to Garrison's investigation of the assassination are "off limits" for the discussion and that it will permit a finding of historical importance solely to records that are directly related to the Dallas circumstances of the assassination. NBC said to Carlie that the Board's interest in Garrison-related records is "new" and a "change of position." Carlie said to NBC that that was incorrect, and that our understanding from the beginning was that these are records about Garrison's investigation and that they are relevant. Carlie also reminded them that Judge Tunheim had explicitly explained the importance to NBC of the New Orleans part of the story. In other words, to NBC, Dallas issues are relevant, New Orleans issues are not. We are now scheduled to have a conference call at 1:00 today to see if we can resolve the issue. I would like to hear NBC articulate its position and see to what extent there is wiggle room. If NBC ultimately takes the position that Carlie has said that they have taken, I am inclined to respond as follows: "The Board subpoenaed the DA records from NO. Connick denied that the Garrison records were assassination records. He lost on that point before Judge Livaudais. He lost on that point before the Fifth Circuit. And cert was denied in the Supreme Court. You cannot expect my clients to say that what they won in the Supreme Court they should now concede in negotiations." Carlie is currently of the opinion that NBC is simply playing around with us and that it is not serious. I hope she is wrong -- and I would like to find a simple resolution of this issue -- but if she is right and that Garrison records would be off the table, I believe that we should litigate. I will go forward with this unless I hear to the contrary.

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