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# COURT DENIES WRIT IN HITLER BOOK ROW

Bars Temporary Injunction on  
Publication of 'Mein Kampf'  
Without Copyright

ISSUE IS LEFT FOR TRIAL

Authorized Publisher to Press  
Appeal—Defense Holds  
Hitler Was 'Stateless'

Federal Judge Alfred C. Cox  
denied yesterday an application by  
the Houghton Mifflin Company for  
a temporary injunction restraining  
Stackpole Sons from publishing an  
unabridged edition of Adolf Hitler's  
book, "Mein Kampf." Both publish-  
ers brought out complete editions  
of the book yesterday, but Hough-  
ton Mifflin, which holds the Ameri-  
can copyright, charges Stackpole  
with violation of copyright, while  
the latter firm contends the book  
is in the public domain.

Judge Cox said in his opinion  
that as the facts were in dispute  
and the issues could not properly  
be determined on affidavits, he did  
not think the case was clear enough  
to warrant a preliminary injunc-  
tion, although "it may be that the  
plaintiff will succeed at the trial,"  
at which a permanent injunction  
will be asked.

When the case was argued last  
week, counsel for Stackpole said  
Hitler had testified in a German  
court-martial of army officers that  
he had lost his Austrian citizenship  
before his book was copyrighted in  
Germany in 1925 and had remained  
"Stateless" until he assumed power  
in Germany in 1933. They con-  
tended that a "Stateless" person  
whose work was copyrighted abroad  
was not entitled to copyright pro-  
tection in this country.

Through its associated publishing  
firm, Reynal & Hitchcock, the  
Houghton Mifflin Company an-  
nounced it would appeal Judge  
Cox's decision to the Circuit  
Court, and would press its suit in  
the District Court for a permanent  
injunction and damages. Pending  
the disposition of all legal ques-  
tions, it added, it would withhold  
all payment of royalties to Franz  
Eher Nachfolger Verlag of Munich  
on behalf of Hitler.

Stackpole issued a statement that  
it had undertaken publication  
when it learned the abridged edi-  
tion, issued several years ago by  
Houghton Mifflin, had been sub-  
mitted for approval to and edited  
by the Germany Embassy in Lon-  
don. It named a committee that  
will supervise the distribution of  
proceeds to refugees in lieu of pay-  
ing royalties to Hitler or any one  
on his behalf.