

RELEASE TUES., DEC. 27, 1966

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TAKE IT OR LEAVE IT

THE KENNEDY-MANCHESTER FEUD
CENTERS ON A WIDOW'S PRIVACY

BY ERNEST CUNEO
NORTH AMERICAN NEWSPAPER ALLIANCE

John F. Kennedy
KENNEDY
Circulation of President Kennedy

NEW YORK, DEC. 27-(NANA)-THE JOHNSON-KENNEDY FEUD IS ONE THING.

THE KENNEDY-MANCHESTER FEUD IS ANOTHER, AND TOTALLY DIFFERENT.

ONE OF THE MOST INTERESTING PHASES OF THE CONTROVERSY OF MRS. JACQUELINE KENNEDY AND MR. MANCHESTER OVER THE PUBLISHING OF "THE DEATH OF A PRESIDENT" IS THAT THE LEGAL ASPECTS ARE LIKELY TO BE SETTLED ON CONSIDERATIONS WHICH HAVE NO STANDING IN LAW. THE FIGHT HAS BEEN LABELED AS MRS. KENNEDY'S RIGHT TO PRIVACY AS AGAINST THE RIGHTS OF HISTORY. THERE IS NO SUCH THING AS THE RIGHTS OF HISTORY. MR. MANCHESTER HAS, OF COURSE, CONTRACTUAL RIGHTS, AS INDEED, HAS MRS. KENNEDY. BUT "HISTORY" AS SUCH HAS NO STANDING BEFORE THE COURT. IT IS NOT AND COULD NOT BE A LITIGANT.

HOWEVER, A WHOLE SCHOOL OF NONSENSE HAS DEVELOPED IN "THE RIGHT OF THE PUBLIC TO KNOW," PRESUMABLY BASED ON THIS FICTIONAL "RIGHT OF HISTORY."

THIS NEW "RIGHT OF HISTORY" HAS BEEN EXTENDED SO FAR THAT LORD MORAN, SIR WINSTON CHURCHILL'S PERSONAL PHYSICIAN, FELT THAT "HISTORY" REQUIRED THAT HE SET FORTH A DESCRIPTION OF THE PRIME MINISTER'S ILLNESSES AND THEIR TREATMENT. LORD MORAN'S VIEW IS STARTLING. NO COURT OF LAW COULD COMPEL HIM TO REVEAL HIS TREATMENT OF ANY PATIENT, MUCH LESS OF A WORLD STATESMAN, AND A CROSS-EXAMINING ATTORNEY WOULD PROBABLY BE CENSURED BY MOST TRIAL JUDGES FOR EVEN ASKING FOR DIVULGEMENT.

IN BLUNTEST TERMS, NEITHER THE PUBLIC NOR "HISTORY" HAS THE RIGHT TO KNOW EVERYTHING. SINCE IT IS SIMPLY NONE OF THEIR BUSINESS, IT IS EQUAL NONSENSE TO TALK OF "THE RIGHT OF A BOOK TO LIVE." THE DOCTRINE IMPLIES THAT IF INFORMATION TO WHICH A WRITER HAD NO RIGHT IN THE FIRST PLACE IS INCORPORATED IN MANUSCRIPT FORM, IT REQUIRES SPECIAL RIGHTS BECAUSE IT IS GOING TO BE BOUND AS A BOOK. YET THE TRIPLE CONCEPTS OF "HISTORY," "THE RIGHT OF THE PUBLIC TO KNOW," AND THAT A BOOK WOULD BE "KILLED" UNDOUBTEDLY WEIGHED HEAVILY IN THE SETTLEMENT, PRESUMABLY ON THE BASIS THAT IN PROTECTING HER RIGHT OF PRIVACY, MRS. KENNEDY WAS THWARTING THE AGES, CENSORING A PUBLIC DOCUMENT AND INDULGING IN AN ACT LITTLE SHORT OF PUBLIC BOOK-BURNING IN A TOTALITARIAN STATE.

(MORE)

File 51002

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NANA-10. ADD ONE CUNEO-PRIVACY

ACTUALLY, IN THE LEGAL MERITS, MRS. KENNEDY APPEARS TO HAVE A FORMIDABLE POSITION ON BREACH OF CONTRACT. FOR THE MOST PART, HOWEVER, THE REMEDY IN BREACH OF CONTRACT IS DAMAGES. MRS. KENNEDY SOUGHT NO DAMAGES, DECLARING THAT THE PUBLISHING ITSELF WILL CAUSE HER IRREPARABLE INJURY. SIMILARLY, LIBEL ACTION IS ALSO CONFINED TO REMEDY BY DAMAGES. COURTS, AS A RULE, WILL NOT STOP AN AUTHOR FROM PUBLISHING, BUT WILL ASSESS DAMAGES IF THE PUBLICATION IS LIBELOUS.

ON THE MEMORANDUM, AS PUBLISHED, BETWEEN THE KENNEDYS AND MANCHESTERS, IT WOULD APPEAR TO MOST THAT THE KENNEDYS RESERVED RIGHT OF APPROVAL. CLEARLY, MRS. KENNEDY SO BELIEVED, AND UPON THIS SAFEGUARD SHE APPARENTLY RELIED WHEN SHE UNBURDENED HERSELF TO THE AUTHOR. FROM THE EXCLUSIVE INTERVIEWS GRANTED, AND INDEED THE ANIMATED INTERACTION BY THE KENNEDYS IN BEHALF OF THE AUTHOR, IT MOST CERTAINLY MUST HAVE APPEARED TO HIM THAT THEY HAD EXTENDED CARTE BLANCHE TO ALL SOURCES AND HENCE HAD A VITAL, CONTINUING INTEREST IN HIS VERSION OF THE TRAGEDY. SINCE THE WORD "AUTHORIZED" WAS PART OF THE KENNEDY-MANCHESTER UNDERSTANDING, THE INFERENCE IS CLEAR THAT THE BOOK AS PUBLISHED WOULD BE UNAUTHORIZED IF IT DID NOT HAVE THE CONSENT OF THE KENNEDYS.

MRS. KENNEDY'S STATEMENTS ARE NOT AND COULD NOT BE AN OBJECTIVE ACCOUNT OF THE TERRIBLE CRIME. HER STATEMENTS ARE THOSE OF A YOUNG WIFE WHOSE HUSBAND WAS FOULLY MURDERED IN FRONT OF HER EYES. CONCEIVABLY, AS IN THE CASE OF PRESIDENT LINCOLN, "HISTORY" REQUIRES A DESCRIPTION OF THE WOUNDS OF THE DEAD PRESIDENT'S HEAD. BUT BY NO STRETCH OF THE IMAGINATION HAS "HISTORY," THE PUBLIC OR ANYONE ELSE "THE RIGHT TO KNOW" OF THE WOUNDS THEY LEFT IN HIS WIDOW'S HEART. IN DARING HER HEART, MRS. KENNEDY BELIEVED SHE WOULD HAVE THE RIGHT TO APPROVE PUBLICATION. ASIDE FROM ANYTHING ELSE, HER SECOND THOUGHTS MIGHT WELL BE THE MOST ACCURATE, HISTORICALLY.

AND IF THE LETTERS OF THE CHILDREN ARE NOT PROTECTED BY PRIVACY, THERE IS NO PRIVACY AT ALL.

END-CUNEO-PRIVACY-NANA-66.

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