

# Mrs. Kennedy Asks N.Y. Court to Stop Publication of Book

## Petitions Judge to Issue Injunction on Manchester and Publishers of Controversial Volume About Assassination

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Exclusive to The Times from the Washington Post

LAT-1/11/66

NEW YORK — Mrs. Jacqueline Kennedy filed suit Friday to bar publication in book or magazine form of William Manchester's account of her husband's death.

The suit, filed in New York Supreme Court, seeks an immediate and permanent injunction prohibiting publication. Judge Saul Streit ordered the defendants—Harper & Row book publishers, Cowles Communications, Inc., publishers of Look magazine, and Manchester—to appear at a hearing Dec. 27 to show cause why publication should not be barred.

Mrs. Kennedy charged in her complaint that the defendants violated a written agreement she had with Manchester giving her and Sen. Robert F. Kennedy (D-N.Y.) approval rights prior to publication of any part of Manchester's book, "Death of a President."

### Press Run Started

Look magazine has already begun its press run on the first of four excerpts from the book to run in its issue of Jan. 10. The entire book is scheduled for publication by Harper & Row in April. Spokesmen for both organizations said Friday they have not changed their plans, but had no other comment.

The public controversy over the book began last week when it was learned that Mrs. Kennedy objected to certain passages based on a series of interviews she had granted

Manchester. She announced Wednesday she would take legal action to prohibit what she called "shocking exploitation" of her emotional state at the time of the interviews.

Friday's complaint contained a number of supporting documents, some never before made public, including affidavits by Mrs. Kennedy and Sen. Kennedy, various letters exchanged between the parties, and a copy of the March 26, 1964, agreement between Manchester and the Kennedys.

The 1964 agreement is the crux of the dispute and is the legal basis on which Mrs. Kennedy's attorneys are proceeding. In the copy provided

with Friday's complaint, Item 3 of the agreement reads: "The completed manuscript shall be reviewed by Mrs. John F. Kennedy and Robert F. Kennedy, and the final text shall not be published unless and until approved by them."

Mrs. Kennedy said in her affidavit, "I have not given my consent or approval to any publication of Manchester's manuscript." She added that both Cowles and Harper had been repeatedly advised of her rights by herself, Sen. Kennedy and her attorneys.

Publication of the unapproved manuscript, Mrs. Kennedy states, "will result in precisely the sensationalism and commercialism which we—Robert F. Kennedy and I—sought so strenuously to avoid. The threatened publication is in total disregard of my rights and, if it goes forward, will utterly destroy them."

Manchester was chosen to write the history of the Kennedy assassination by Mrs. Kennedy, who had admired a previous book by Manchester about the late President. He was given exclusive access to files and was permitted to interview key figures in the tragedy, including Mrs. Kennedy and Sen. Kennedy.

In going ahead with the publication, Manchester has maintained that he received Kennedy family approval both verbally and in a telegram from Sen.

Kennedy in July of this year.

Sen. Kennedy, in his affidavit included in the complaint, flatly denied this.

### Author Distraught

Kennedy said he sent the July telegram because he had been informed that "Manchester was becoming ill from an obsession with the thought that the book might never be published."

The telegram, quoted in its entirety in the affidavit says, in part:

"As this is going to be the subject matter of a book and since Mr. Manchester in his research had access to more information and sources than any other writer, members of the Kennedy family will place no obstacle in the way of publication of his work.

"However, if Mr. Manchester's account is published in segments or excerpts, I would expect that incidents would not be taken out of context or summarized in any way which might distort the facts of, or the events relating to, President Kennedy's death."

Sen. Kennedy noted that "a careful reading" of the telegram shows that it neither waives the family's approval rights nor

endorses the contents or timing of publication of the Manchester manuscript.

The time is also at issue because the Manchester-Kennedy agreement puts an embargo on publication before Nov. 2, 1968. However, Sen. Kennedy is said to have decided that the book should come out in 1967, to avoid political implications in an election year.

Neither Mrs. Kennedy nor the senator has read the book, but passed it on to friends for review. In his affidavit Friday, Kennedy said, "Defendants may assert that, because

certain of Mrs. Kennedy's friends and my friends read portions of the manuscript . . . Mrs. Kennedy and I have somehow approved (it)."

#### Contractual Rights

Because it is widely known that the Kennedy family had given so much help to Manchester, the senator added, "It will be only natural for the public to believe that the manuscript has Mrs. Kennedy's and my approval . . . For this very reason, Mrs. Kennedy and I have both insisted and continue to insist upon our contractual rights to approve the text of the publication as well as the mode and time thereof."

Kennedy made clear in the affidavit that he has no intention of blocking publication of the book, once it is cleared for "accuracy and good taste of the text and the dignity of its presentation."

It is not known which portions of the book are considered objectionable by Mrs. Kennedy. Reports have it, however, that the section dealing with the plane ride back to Washington following the assassination with the President's body reflects poorly on President Johnson.

Mrs. Kennedy claimed that she spoke freely with Manchester and gave him exclusive access to other sources only because she felt she was protected by their agreement. She cited as evidence a letter from Manchester to Sen. Kennedy, attached to the complaint.

Written on March 9,

1964 (17 days before the agreement was signed), the letter said in part:

"I agree that it is important that Mrs. Kennedy and you should review the manuscript. If you had not suggested this, I would have . . ."

It is still not clear how Manchester got the impression that his book had been cleared by the Kennedys, assuming that he did. He has remained almost completely silent in the dispute.

In any case, Mrs. Kennedy charged that both Cowles and Harper, in the wording of their contracts with Manchester, induced him to break his agreement with the Kennedys.

If successful, the suit could prove to be a financial disaster for the Look organization. It has already printed 3 million copies of portions of its Jan. 10th issue, including sections of the Manchester article.

By the time the show cause hearing takes place Dec. 27, a high Look executive said Friday, "we will be pretty well finished with our total run, which is 7½ million. If we have to throw the Manchester stuff out, it is going to cost us a lot of money."

The spokesman would not say how much, but others in the magazine trade said it could involve hundred of thousands of dollars. Look paid Manchester \$665,000 for the rights to the excerpts.