

MRS. KENNEDY SUES TO HOLD UP BOOK ON ASSASSINATION

NYT 11/17/66
State Justice Sets a Hearing
for Dec. 27 and Orders 3
Defendants to Appear

QUICK DECISION PLEDGED

Widow of President Asserts
That the Author Had
Violated Her Rights

Texts of Principal Documents
Appear on Pages 18 and 19.

By JOHN CORRY

Mrs. John F. Kennedy asked a justice of the State Supreme Court yesterday to block the publication of "Death of a President," a book she said she once had authorized in the interest of "accuracy, good taste and dignity."

Saul S. Streit, the ranking justice of the court, said he would hold a hearing Dec. 27 on her contention that William Manchester had violated her rights with his plans to have published the unapproved manuscript of his book about the assassination of her husband.

Justice Streit said he would "decide the matter shortly" after the hearing.

He ordered Mr. Manchester; Harper & Row, Publishers, Inc., and Cowles Communications, Inc., the publisher of Look magazine, to appear before him to show cause why an injunction against the book should not be granted. All are defendants in Mrs. Kennedy's suit.

At Stake in the Suit

At stake are the following:

• A four-part series of 80,000 words from the book in Look magazine scheduled to begin in the issue on sale Jan. 10.

• The 300,000-word book,

scheduled to be published in March or April by Harper & Row.

• Plans for publication of the work abroad in book and serial form.

A spokesman for Look said that, if Mrs. Kennedy was upheld, a substitute issue would not be published. He said there was not enough time to prepare another issue.

The suit joins together in a court fight celebrated names in politics and publishing. It involves old friends from both sides, substantial amounts of money, and, indirectly, political tensions between Senator Kennedy and President Johnson.

It is being fought, Mrs. Kennedy's complaint said, because the publication of "Death of a President" would cause her "great and irreparable injury" and "result in precisely the sensationalism and commercialism which we—Robert F. Kennedy and I—have sought so strenuously to avoid."

Three Key Clauses

"The threatened publication is in total disregard of my rights and, if it goes forward, will utterly destroy them," she said.

The most important issue is whether the defendants had permission from the Kennedys to publish. Mrs. Kennedy and the Senator said they did not.

Three clauses in an 11-point memorandum signed by Mr. Manchester and the Senator on March 26, 1964, are involved.

The first says that Mrs. Ken-

edy and the Senator must approve the text of the book. The second says that Mr. Manchester may not dispose of subsidiary rights without their approval, and the third that the book may not be published before Nov. 22, 1968, exactly five years after the assassination of President Kennedy.

Harper & Row has said that Senator Kennedy told Mr. Manchester in a telegram last July that "members of the Kennedy family will place no obstacle in the way of publication of his book."

However, in a five-page affidavit in support of Mrs. Kennedy, the Senator said that the telegram makes no statement approving either text, or time, or mode of publication.

The telegram said:
"Should any inquiries arise

re the manuscript of your book I would like to state the following:

"While I have not read William Manchester's account of the death of President Kennedy, I know of the President's respect for Mr. Manchester as an historian and a reporter. I understand others have plans to publish books regarding the events of Nov. 22, 1963. 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 facts of or the events relating to President Kennedy's death."

Sent at 'Urging'

Mr. Kennedy said the telegram had been sent at the "urging of defendants Manchester and Harper."

"I was told by Harper's representatives," he said, "that Manchester was becoming ill from an obsession with the thought that the book might never be published."

He sent the telegram, the Senator said, "after repeated requests to send a message which would allay his fear..."

Mr. Kennedy said that before and after the telegram was sent Ryan Thomas, the editorial vice president of Harper & Row, and Mr. Manchester "assured me and others associated with me that nothing would be published without the approval of Mrs. Kennedy and myself."

The Senator said that on July 29, the day after he sent the telegram, he spoke with Mr. Manchester and that he had been "specifically and emphatically assured" that the original contract would be followed scrupulously.

On Aug. 4, the Senator said, he received the following telegram from Mr. Manchester and Mr. Thomas:

"Homer Bigart of Times is on to book and serial story and has gathered many facts including price of sale. We have been evasive in our replies regarding money. Under existing terms we expect book to be large [sic] single contributor to library and are delighted with that prospect. In the absence of any further discussion we must assume that original signed agreement prevails."

Senator Kennedy said he had answered Mr. Manchester and Mr. Thomas with the following reply:

"Re telegram where you say

quote in absence of any instructions signed agreement prevails unquote. Agree, and that provides that Mrs. Kennedy and I must give permission for publication of book and that has not yet been given."

Meet With Editors

Throughout the summer, representatives of the Kennedys notably Richard Goodwin, a former assistant to President Kennedy; John Siegenthaler, the editor of The Nashville Tennessean, and Edwin O. Guthman, the national news editor of The Los Angeles Times, met with editors of either Harper & Row or Look and suggested revisions in "Death of a President."

The defendants are expected to assert that these meetings indicated that the Kennedys

were willing to accept both the serialization of the book and the subsequent publication in the spring.

Spokesmen for the Kennedys have said, moreover, that they detected some feeling in the family that the dates specified in the contract might have been waived if material that was considered objectionable was removed.

However, in his affidavit, Senator Kennedy said it was incorrect to infer that because "certain of Mrs. Kennedy's friends and my friends read portions of the manuscript and made suggestions as to its text," Mrs. Kennedy and I have somehow approved the manuscript. The Senator said that he had never read "Death of a President" and that "no one who read the manuscript had authority to approve it on behalf of Mrs. Kennedy or me."

In her 11-page affidavit, Mrs. Kennedy said:

"I have never seen Manchester's manuscript. I have not approved it, nor have I authorized anyone else to approve it for me.

"I cannot be said to have approved what I have never seen, and yet, because it is widely known that I personally (and the Kennedy family) extended so much help to defendant Manchester, it will only be natural for the public to believe

that the manuscript is published with my approval."

Public Statement

Earlier this week, Mrs. Kennedy issued one of her infrequent public statements in which she said that the book contained "inaccurate and unfair references to other individuals."

She did not identify the other individuals, but those who have read the original manuscript insist that it presents President Johnson unfavorably, that it speaks of Mrs. Kennedy and her friends as being infuriated by his behavior after the assassination in Dallas, and that it contains gratuitous insults to Mr. Johnson.

Senator Kennedy and his colleagues are said to have believed that these characterizations of Mr. Johnson and references to Mrs. Kennedy's annoyance with him would strain future Johnson-Kennedy political alliances.



The New York Times

TO RULE ABOUT BOOK:
Supreme Court Justice Saul S. Streit ordered hearing Dec. 27 on action to block publication of the book.