

ACCORD REACHED ON KENNEDY BOOK, SUIT WITHDRAWN

Publisher and Author Agree
to Changes in Passages
Offensive to Widow

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The texts of three statements
on Kennedy book, Page 25.

By DOUGLAS ROBINSON

A lawsuit by Mr. John F. Kennedy to block publication of the book, "The Death of a President," was withdrawn yesterday when Harper & Row, the publisher, and William Manchester, the author, agreed to delete or modify passages offensive to her.

The out-of-court settlement appeared to end one of the bitterest battles of recent publishing history and cleared the way for publication of the modified book. The agreement followed nearly a month of intensive negotiations.

The termination of legal action came shortly before 4 P.M. when State Supreme Court Justice Saul S. Streit signed a consent decree.

"The lawsuit has been amicably settled," he announced to newsmen. "All the parties have consented to a judgment and decree, which the court has signed and approved."

All three parties to the dispute, following the filing of court papers, issued statements outlining their positions in the dispute.

Joint Statement Released

A joint statement issued by the three principals said:

"Mrs. John F. Kennedy, Harper & Row and William Manchester have resolved the differences which led to legal action. Certain passages of concern to Mrs. Kennedy have been deleted or modified by mutual agreement of all the parties. Therefore, Mrs. Kennedy terminated her law suit. All parties agree that the historical record has not been censored in any way.

While the settlement regarding the book is satisfactory to all concerned, the parties regret

that the questions in dispute could not have been earlier settled. A number of problems arising over a period of several months had to be resolved.

"Harper & Row will in April publish William Manchester's book, 'The Death of a President' in accordance with arrangements made at the outset."

Seven Pages of Changes

When former Federal Judge Simon H. Rifkind, who represented Mrs. Kennedy in the dispute, was asked if the agreement represented a victory for the Kennedy family, he said:

"I never like to speak in terms of victory or defeat in a law case. I'll just say we are satisfied."

Although details of the modifications were not made public, Class Canfield, chairman of the executive committee of Harper & Row, said the "changes have been made involving a cumulative total of some

seven pages in a book of 654 pages of text have affected neither its historical interest nor its narrative power."

For his part, Mr. Manchester read a prepared statement at the Overseas Press Club, 54 West 40th Street, in which he said that "out-of-court settlements are often called 'compromises.'"

"In this case," he said, "a more accurate description would be a resolution of misunderstandings."

Mr. Manchester also took exception to a statement issued by Mrs. Kennedy's office last month that described portions of the book as "tasteless and distorted."

That judgment, the author said, "was based on isolated fragments which had been read to her by associates of the family."

Representatives of the Kennedy family, at a press briefing at Judge Rifkind's office at 575 Madison Avenue, issued a history of how the book had been born and told of the decision to allow Mr. Manchester to be the sole author to interview Mrs. Kennedy about the assassination of her husband.

A spokesman for the family said that "in retrospect, the whole agreement to have this book was a mistake."

In 1964, however, it seemed like a good idea," he said.

The Kennedy family spokesman also declined to alter Mrs. Kennedy's statements on the matter of whether the book was "tasteless" and said the family would have no further comment on the subject.

Earnings Estimated

The spokesman said that Mr. Manchester might make \$2.75-million from publication of the

work. He broke this down into \$1.5-million from paperback rights, \$650,000 from Look magazine, which is serializing the book, \$250,000 from The Book-of-the-Month Club, \$150,000 from hardcover sales and \$200,000 from foreign rights.

Under the agreement made among the parties, all copies of the original manuscript will be destroyed within 45 days, with the exception of one copy to be kept each by Harper & Row and Mrs. Kennedy and two copies to be kept by Mr. Manchester.

In addition, Mr. Manchester agreed to safeguard all source material gathered during preparation of the book and to return to Mrs. Kennedy all letters of a personal nature.

It was learned that the 10 hours of taped conversations between the author and Mrs. Kennedy would be returned, to be placed under seal at the Kennedy Memorial Library in Cambridge, Mass.

A close friend of Mr. Manchester said the author had originally intended to turn the tapes and all the supporting documents over to the Federal Archives in Washington, along with the original manuscript.

Much of the material objected to by Mrs. Kennedy apparently came from these recorded interviews.

The decree resolving the dispute continues "in full force and effect until the expiration of 100 years" from the time of signing.

Each book will contain a publisher's note stating:

"Harper & Row wishes to make it clear that neither Mrs. Kennedy nor Senator Robert F. Kennedy has in any way approved or endorsed the material in this book. The author, William Manchester, and the publishers assume complete and sole responsibility."

The Johnson Letters

Another point in the agreement, it was learned, would prohibit the publication of letters from President Johnson to Mrs. Kennedy and her children, Caroline and John, without the express consent of the President.

The agreement applies to the publishing of a hard cover edition under the Harper & Row imprint and a paperback edition that is not to be published for at least another year.

The judgment signed by Justice Streit said that Harper & Row had licensed The Book-of-the-Month Club to distribute the book under its imprint at about the same time Harper & Row issues its edition.

The agreement is said to specify that Senator Kennedy waived his rights to a memorandum agreed to with Mr. Manchester on March 26, 1964. The memorandum prohibited publication of the book until Nov. 22, 1968, five years after

the assassination.
The memorandum also said that Mrs. Kennedy and the Senator must approve the text of the book, and that Mr. Manchester could not dispose of subsidiary rights without the approval of the Kennedys.

At his crowded news conference at the Overseas Press Club, Mr. Manchester refused to answer questions after reading his prepared statement. He left almost immediately after he completed his remarks.

The author said that Mrs. Kennedy had relied upon friends to read the manuscript because those close to her "had hoped to spare her the ordeal of a full reading."

"In retrospect, it seems obvious that had she not done so then—had her authority not been delegated to designated representatives of the family—we all would have forgone much anguish," Mr. Manchester said.

He said he had made "certain alterations" at Mrs. Kennedy's request, and that her suggestions comprised "less than 1 per cent of the manuscript—that is, less than seven pages out of a 700-page book."

He said that during the discussions with Mrs. Kennedy, additional historical matter had been added.

Mr. Manchester said that none of the deletions were political in

character" and that the modifications were of a personal nature.

"Like Jacqueline Kennedy, I am distressed by flagrant publicity," he said. "Like her, I

cherish my privacy and regret the painful notoriety of the past several weeks, and I am aware that on occasion it has unjustly stung the President of the United States, who has been the victim of unauthorized, false and malicious versions of the manuscript's contents."

After reading his statement, Mr. Manchester quickly left the news conference, describing himself as "a very sick man" who was under "doctor's orders."

He had spent two weeks in a hospital in Connecticut during the negotiations after becoming ill with pneumonia.

Mrs. Kennedy brought suit against Mr. Manchester, Harper & Row and Look magazine last Dec. 16. She asserted that Mr. Manchester had violated her rights with his plans to have the unapproved manuscript published.

Five days later, after intensive talks with officials of Look magazine, that part of the dispute was resolved after Look agreed to remove or modify passages relating to the per-

sonal life of Mrs. Kennedy and her children.

The Look serialization, which will run to some 60,000 words, began Jan. 9. The second installment is scheduled to appear next Tuesday.

Meantime, the West German magazine, Stern, which bought serialization rights from Look

for \$72,500, has refused to delete any of the material agreed to by the American magazine.

Yesterday, Mr. Rifkind said that attorneys for the Kennedy family and Look were studying ways to initiate a lawsuit in West German courts against Stern.

The publication of the excised material, he said, "is incompatible with any taste or dignity."

Nevins Backs Publisher

Special to The New York Times

WASHINGTON, Jan. 16 — Allan Nevins, the Pulitzer Prize-winning biographer and historian, said today that he believed a publisher's obligation to history is more important than a family's "right" to control a book about one of its members.

Commenting on the bitter dispute between the Kennedy family and Harper & Row about William Manchester's "The Death of a President," he said:

"I object very much in principle to any veto power of a family as to the nature of the book to be written."

He described his sympathies as being "entirely" with the publisher.

Mr. Nevins wrote "official" histories of Henry Ford and John D. Rockefeller. He said today, in an interview at the Library of Congress, that he had received the full and frank cooperation of both families during his research and writing.

It was his opinion that Mr. Manchester, the publishers and the Kennedys should have first come to an agreement of "ab-

solute precision" and then trusted one another thereafter.

"An old complaint of biographers," he said, "is that they have to deal with the widows."

"If you have to deal with the family, you should make sure beforehand that you have a clear and open road," the 76-year-old writer said.

Mr. Nevins's major two-volume work, called "John D. Rockefeller: The Heroic Age of American Enterprise," was published in 1940.

Mr. Nevins, who won the Pulitzer Prize in 1933 for a biography of Grover Cleveland and again in 1937 for a work on Hamilton Fish, singled out two books on John F. Kennedy for praise.

They were "A Thousand Days" by Arthur M. Schlesinger Jr. and "Kennedy" by Theodore C. Sorensen.

He said it was extremely fortunate that a "gifted historian" and a "gifted political analyst" had worked closely with Mr.

Kennedy and then written books so "close to the event." This had happened to no other American President, he said.