

ACCORD REACHED ON KENNEDY BOOK; SUIT WITHDRAWN

Publisher and Author Agree
to Changes in Passages
Offensive to Widow

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

By DOUGLAS ROBINSON

The legal battle by Mrs. John F. Kennedy to prevent publication of the book "The Death of a President" ended yesterday when she withdrew her lawsuit in State Supreme Court.

The settlement of one of the most bitter fights of recent publishing history came when the publisher, Harper & Row, and the author, William Manchester, agreed to delete or modify some of the passages Mrs. Kennedy considered objectionable.

The dispute touched on the lives of President Kennedy and President Johnson and possibly also on the Presidential ambitions of Senator Robert F. Kennedy. It also joined together in legal conflict prominent persons who were friends of long standing.

Signs Consent Decree

Material in the original Manchester manuscript, which deals with the assassination of President Kennedy, brought Mrs. Kennedy to tears during the early stages of the argument. The pressure may also have affected Mr. Manchester's health.

The end of the legal action came shortly before 4 P.M. when State Supreme Court Justice Saul S. Streit signed a consent decree, clearing the way for publication of the modified book.

"The lawsuit has been amiably settled," the white-haired jurist told newsmen in his chambers. "All the parties have consented to a judgment and decree, which the court has signed and approved."

A few minutes later, former

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

Satisfaction Is Voiced

"I never like to speak in terms of victory or defeat in a law case," Mr. Rifkind said with a smile. "I'll just say we are satisfied."

Later, a close friend of Mr. Manchester noted that neither Mr. Rifkind nor anyone else connected with the Kennedys had claimed a victory.

"That's unlike Judge Rifkind," he said. "We were right, and we knew we were right. The agreement reflects that."

Mrs. Kennedy's objections to some passages in the book were that they contained personal material that would cause her "great and irreparable injury" and that her rights had been violated by Mr. Manchester's plans to have the unapproved

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manuscript of his book published.

Within a few hours of the settlement in Justice Streit's chambers, both Mr. Manchester and representatives of the Kennedy family held press conferences in which they outlined their versions of the dispute.

A third statement was issued by Cass Canfield, chairman of the executive committee of Harper & Row.

All three parties to the conflict, however, issued a joint statement in the State Supreme Court Building in Foley Square. It read:

"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 lawsuit. 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 ar-

rangements made at the outset."

Details of the modification were not made public. But Mr. Canfield, in his statement, said the "changes that 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.'"

The author, who wore a bright PT-109 tie clip of the sort made famous by President Kennedy, declined to answer questions after reading his prepared statement. He left almost immediately after completing his remarks, describing himself as a "very sick man" who was under "doctor's orders."

He spent two weeks in a hospital in Connecticut during the negotiations, suffering from pneumonia.

Mr. Manchester, in his statement, 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 Mr. 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 tragedy in Dallas.

Attending the briefing on behalf of Mrs. Kennedy were Richard N. Goodwin, a former assistant to President Kennedy; John Seigenthaler, editor of The Nashville Tennessean, and Edwin O. Guthman, national news editor of The Los Angeles Times.

All three men had read the original manuscript on behalf of Mrs. Kennedy.

Although the three discussed the nature of the controversy, they asked not to be quoted by name.

One of the spokesmen 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 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 sub-

ject.

Earnings Estimated

One Kennedy 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, all copies of the original manuscript will be destroyed within 45 days, with the exception of one copy each to be kept 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.

The 10 hours of taped conversation collected by the author from Mrs. Kennedy will be returned to her to be placed under seal at the Kennedy Memorial Library in Cambridge, Mass.

Much of the material objected to by Mrs. Kennedy was contained in these recorded interviews.

A close acquaintance 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. It was said he also had intended to present the original manuscript to the Government.

The decree resolving the dispute continues "in full force and effect until the expiration

of 100 years" from the time of signing.

The judgment also said that Harper & Row had licensed the Book-of-the-Month Club to distribute the book under its imprint at about the same time that Harper & Row issued its edition.

The agreement was not made public. However, it was understood that each book printed would 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 appearing in this book. The author, William Manchester, and the publishers assume complete and sole responsibility."

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

The agreement affects the publishing of a hard cover edition under the Harper & Row imprint and a paperback edition to be published at least a year later.

It was also understood that the agreement specified that Senator Kennedy waived his rights in a memorandum signed by him and 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.

The decree signed by Justice Streit bars all American news media from publishing the excised parts of the original manuscript without the consent of Mrs. Kennedy. Mr. Rifkind said copies of the decree would be sent to newspapers and magazines across the country.

Later, however, a spokesman for the Kennedys said that no member of the family was contemplating suing if the deletions were published in other books, newspapers or magazines.

In reading his prepared statement, Mr. Manchester, who had a thin ribbon of perspiration on his upper lip, said that Mrs. Kennedy had relied on 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 done so then—had her authority not been delegated to designated representatives of the family—we all would have forgone much anguish," he said.

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

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

He stressed that none of the deletions "are 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."

Mrs. Kennedy brought suit against Mr. Manchester, Harper & Row and Look magazine, published by Cowles Communications, Inc., last Dec. 16.

Five days later, after intensive talks with representatives of Look, that part of the dispute was resolved after the magazine had agreed to remove or modify passages relating to the personal life of Mrs. Kennedy and her children.

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

During the long dispute, Mr. Manchester defended his book by saying that President Kennedy, as a historian, "would have wanted his countrymen to know the truth of those terrible days."

"John Kennedy was my President," he said a few weeks ago. "To suggest that I would dishonor his memory or my association with him is both cruel and unjust."

Mr. Manchester is the author

of another book about President Kennedy entitled "Portrait of a President," a work that a review in The New York Times said "can only be described as adoring."

The relationships between some major participants in the conflict have been close and of long duration.

Evan Thomas, the vice president of Harper & Row, edited "Profiles in Courage," for which President Kennedy won a Pulitzer Prize. Mr. Canfield of Harper & Row has said repeatedly that he was "distressed" that Mrs. Kennedy was upset by the book.

Mr. Canfield, furthermore, was once the father-in-law of Mrs. Kennedy's sister, who is now Mrs. Stanislas Radziwill.

Although the legal action in this country has been ended, a lawsuit may be filed against the West German magazine Stern, which bought serialization rights from Look for \$72,500. The German weekly has refused to delete any of the material that Look agreed to delete.

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 in an interview.

"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 "absolute 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.

Fire Damages Yacht Basin

WILDWOOD, N.J., Jan. 16 (AP)—A fire in the Wildwood Yacht Basin early today damaged four pleasure craft, a boat shed, an office and an automobile. Damage was placed at \$100,000 by authorities here.