

12-16-66

Kennedy Book Fight Prompting Feelers To Avoid Court Test

12/16/66 2.1

By JOHN CORRY

Efforts are under way to avoid a court fight in Mrs. John F. Kennedy's battle to prevent the publication of "Death of a President," William Manchester's book on the assassination of her husband.

One source said, "There is a lot of maneuvering going on." Another said that "you might say there is a lot of talking back and forth."

There were reports that Senator Robert F. Kennedy was eager to avoid a public confrontation between Mrs. Kennedy and Mr. Manchester, Harper & Row, Publishers, Inc., and Look magazine, which plans to serialize the book.

Senator Kennedy, one reliable report said, had opposed Mrs. Kennedy when she decided last Friday to bring legal action. Mrs. Kennedy has stated that publication of the book violates 'accepted standards of propriety.'

Senator Kennedy was said to believe that court action was impractical, that it simply was not worth the effort.

One source said that the Senator once had rejected a suggestion that he sue Mr. Manchester, and that this offered some indication of Mr. Kennedy's feelings.

However, a spokesman for the Kennedy family insisted that "there is an absolute identity of views between Bob and Mrs. Kennedy."

"This absolute identity of

Continued on Page 41, Column 1

NEW YORK TIMES, FRIDAY, DECEMBER 16, 1966.

Continued From Page 1, Col. 6

views," he said, "extends even to going to court, which is apparently where we are going."

Nonetheless, sources in the publishing industry said that feelers for an informal settlement were being extended, although both sides were extraordinarily reluctant about commenting on them.

Simon Rifkind, the former Federal judge who will represent Mrs. Kennedy, said he would file a complaint in State Supreme Court either today or tomorrow. Edward Costikyan, who will assist Mr. Rifkind, declined to comment on the possibility of avoiding a court fight.

Mr. Costikyan, once the head of the regular Democratic organization in Manhattan, said only that "we are going ahead as we had planned."

One source who is close to Senator Kennedy refused to talk about Mr. Kennedy's position, although he offered his own belief that "Death of a President" could have political repercussions.

View of Johnson

He suggested that the book, at least as it was originally written, depicted President Johnson as rude and overbearing. He said that the author had allowed his own distaste for Mr. Johnson to color his narrative.

He said that, because Mrs. Kennedy and the Senator had authorized the book, even stating in a contract with Mr. Manchester that members of the Kennedy family would cooperate with no other author on stories of the assassination, "Death of a President" could be construed as a statement of Kennedy views.

As an example of Mr. Manchester's alleged feelings about Mr. Johnson, he cited a passage in the book that contrasted the code names the Secret Service used for both the Kennedys and Johnsons.

The name for Mrs. Johnson

was preposterous, he said, and he said that Mr. Manchester had written:

"But then Lady Bird never had much luck with names anyway."

Bennett Cerf, the chairman of the board of Random House, in an informal talk at Yale University Wednesday night, said that "Death of a President" pictured the Kennedys as being "shocked and infuriated" by Mr. Johnson's behavior in Dallas after the assassination.

Mr. Cerf said that Mr. Johnson's party had reached the airport first in the trip back to Washington and had immediately boarded the jet used by the President. Mrs. Kennedy and her friends were distressed, he said, when they returned with the President's body and found the plane occupied.

Approval Lacking

If a complaint is filed by Mrs. Kennedy, however, it will be based on an alleged breach of contract by Mr. Manchester. In a memorandum signed by the author and Senator Kennedy on March 26, 1964, it was agreed that the book must be approved by both Mrs. Kennedy and the Senator before publication. This, spokesmen for the Kennedy family said, has not been done.

The memorandum also says that the book cannot be published before Nov. 22, 1968, five years after the assassination. Harper & Row has scheduled the publication of "Death of a President" for next April. Look magazine plans to begin a serialization in the issue on sale Jan. 10.

Harper & Row said on Wednesday that Senator Kennedy had 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."

On this basis, the publishers said, it "proceeded to the final editing of the book."

However, colleagues of the Senator say that the telegram was sent simply to assure Mr.

Manchester that the book would ultimately be published. They insist that it did not void the original contract.

Legal sources in the publishing industry suggested that one issue that could arise if the dispute was carried to court is the intent of the contract: Does it mean that Mr. Manchester can never publish anything about the assassination without the approval of the Kennedys?

"Certainly," one attorney said, "there must be some reasonable limitation to the restraint put on Mr. Manchester."

The attorney, who was familiar with the contract, said that it provided only that approval be given by Mrs. Kennedy and Senator Kennedy, and that it did not specify how this approval was to be given.

"For instance," he said, "the defendants may say that Mr. Manchester received verbal approval to publish when he wanted to. They could advance the argument that he had been told, 'Go ahead and get it out. The timing is no longer important.'"

Meanwhile, Mr. Manchester

was in seclusion at a friend's home near his own in Middletown, Conn. Mr. Manchester's wife said that he was still recovering from the flu, which he had contracted last week in London.

Her husband, she said, thinks that the dispute "will all die down and that the book will stand on its own merits." Mr. Manchester, who was editor of the Wesleyan University press before he began work on "Death of a President," canceled his plans to issue a statement on the book yesterday.

If it is published, "Death of a President" is virtually certain to be a best seller. Look magazine paid more than \$650,000 for the serialization rights and has recovered more than half of this from the sale of the European rights.

In his talk at Yale, Mr. Cerf said "Death of a President" would "sell a million copies if it is allowed to be published, and although the Kennedys are kicking, I think it will be."

Meanwhile, the editor of a major magazine, who did not want to be identified, said that the publicity in the dispute

would almost certainly increase Look's newsstand sales.

However, he declined to estimate the size of the financial gain.

"I think," he said, "that it will be a dead heat between the publicity and the headaches."

Chicago Printers Begin

Special to The New York Times

CHICAGO, Dec. 15—The Chicago printers of Look magazine have started work on the first of the four-part serialization.

Officials of R. R. Donnelley

& Sons, Inc., were silent, however, on how far along the company was or what would be done if Look was enjoined from distributing the issue containing the serial.

"This is a matter for the publishers, not for us to discuss," said Arthur C. Prine Jr., director of communications services for Donnelley. "We have had questions like this come up before and it always has been our policy to refer them to the publishers."

DO NOT FORGET THE NEEDIEST!