

Mrs. Kennedy Is Reported Nearing Accord With Look

12/21/66

By JOHN CORRY

There were indications last night that Look magazine and Mrs. John F. Kennedy were approaching agreement in their dispute over "The Death of a President." There was

a report that, if Look pledged not to publish any of Mrs. Kennedy's personal recollections that did not deal directly with the assassination of her husband, she would end her suit against the magazine.

Representatives of Harper & Row did not take part in the discussions yesterday, which involved only representatives of Look and Mrs. Kennedy.

Mrs. Kennedy has said that William Manchester, author of "The Death of a President," had misused the interviews she granted him when he was preparing the book.

Last Friday she filed a suit in State Supreme Court to prevent both the publication of the book by Harper & Row, Publishers, Inc., and its four-part, 80,000-word serialization in Look. The suit is to be heard on Dec. 27, and the serialization is to begin in the issue that will reach the newsstands on Jan. 10.

A source close to the dispute said the Kennedy family had shown some willingness to settle the dispute in the last two days.

He noted Senator Robert F. Kennedy's statement on Monday night that said Look and Harper & Row had "pushed us into the suit" by a refusal to show representatives of the Kennedy

Continued on Page 29, Column 2

Continued From Page 1, Col. 3

family the material they intended to publish. Look granted Mrs. Kennedy, Simon H. Rifkind, her attorney, and Richard N. Goodwin, an adviser, access to the disputed material last Saturday. Earlier, a participant in the dispute said this had not been done before for fear the Kennedys would demand too many additional changes.

The source who referred to Robert Kennedy's statement also noted that, in a television interview in Boston Monday night, Senator Edward M. Kennedy said he was "hopeful that someday the book will be published" and that he hoped for a compromise.

This, the source said, is a retreat from a "never" position.

The argument about the book, however, involves more than Mrs. Kennedy's desire for privacy. It touches on the political ambitions of Robert Kennedy, large sums of money and the popular picture of President Johnson.

Many who have read "The Death of a President" insist that it treats Mr. Johnson unsympathetically, and that it tells of the Kennedy's hostility to him. Some of Mr. Kennedy's advisers believe that publication of the book could further strain the delicate political relationship between the Senator and the President.

It is known that the Kennedy family feels there is more urgency in settling the disagreement with Look than the one with Harper & Row. If Mrs. Kennedy is upheld in the hearing Dec. 27, Look will be forced to cancel the issue scheduled to carry the beginning of the serialization.

A Look executive estimated that the cancellation could cost Cowles Communications, Inc., the publisher of Look, from \$3-million to \$5-million in advertising and circulation revenues.

If Mrs. Kennedy is upheld in the hearing and Look and Harper & Row appeal, Mrs. Kennedy could be asked to post an indemnity bond equal to Look's loss. If Look won the appeal, it would collect the bond.

However, the amount of any bond would be determined by Saul S. Streit, the ranking justice on the State Supreme Court, who will conduct the hearing. Look, which is expected to ask for the indemnity bond, would have to produce evidence of the size of the loss it would incur if the issue was canceled.

No matter what the size of



Associated Press Wirephoto
Senator Edward M. Kennedy discussing book in Boston.

the bond, Mrs. Kennedy would almost certainly get a bonding company to post it. If she was upheld later in an appeal taken by Look and Harper & Row, she would be required to pay only a premium to the bonding company. This, presumably, would be offset by an award for damages.

Mrs. Kennedy's suit contends that Mr. Manchester violated a memorandum of understanding that he signed with Robert Kennedy on March 26, 1964. The memorandum specified that the book would not be published before Nov. 22, 1968, and that it must be approved by Mrs. Kennedy and Robert Kennedy.

In return, the Kennedy family agreed that it would cooperate with no other authors in stories of the assassination. This was done, Mrs. Kennedy says, so that there could be one true and undistorted book about the death of President Kennedy.

Other Writers Approached

It was learned yesterday that Mr. Manchester had not been the first choice of the Kennedy family to write the book. Mrs. Kennedy first approached Theodore H. White, who had written "The Making of a President," the story of her husband's 1960 campaign. Mr. White, however, thought the stipulations in the contract, were too restrictive.

The Kennedys then suggested to Walter Lord, who writes popular histories, that he write the

book. He, too, decided against it.

The book is virtually certain to be a best seller. Look has paid \$665,000 for the serialization rights and has recovered nearly half of that amount from the sale of the European rights.

Furthermore, it was learned yesterday that the Book of the Month Club will pay Harper & Row \$250,000 for the right to distribute "The Death of a President" to its members.

This would be divided equally between Mr. Manchester and Harper & Row, although Mr. Manchester would be required to give 10 per cent of his share to his agent, Don Congdon of the Harold Matson Company.

Harper & Row gave Mr. Manchester an advance of \$40,000 when he began work on "The Death of a President." This was to be deducted from his share of the royalties. Harper & Row said that its first printing of the book would total only 100,000 copies.

However, it has been learned that the publisher will increase the size of the first printing to about 250,000 copies. Cass Canfield, the chairman of the executive committee of Harper & Row, said on Monday that all of the company's profits, "except for a small return" on the first printing, would be sent to the Kennedy Library in Cambridge, Mass.

Memorandum Drawn Up

Meanwhile, attorneys for Mrs. Kennedy drew up a memorandum of law that they plan to file in court today. This will cite the legal precedents for her suit and outline the legal basis for it.

Mrs. Kennedy is being represented by Paul, Weiss, Rifkind, Wharton & Garrison.

The defendants in the suit have until tomorrow to answer Mrs. Kennedy's charges. One informed source said that Look may cite the clause in the memorandum between Mr. Manchester and Senator Kennedy that says it is not the intention of either the Senator or of Mrs. Kennedy "to prevent the sale of serial option rights to a responsible publisher."

The source said that Look may argue about the meaning of serial option rights. The phrase, he said, is seldom found in a contract with an author. He said the memorandum was drawn by Senator Kennedy and that the Senator was inexperienced in this sort of contract.

Look, he indicated, may argue that the contract allowed Mr. Manchester to dispose of the serialization rights as he wanted.