

ACCORD REACHED ON KENNEDY BOOK; SUIT WITHDRAWN

Publisher and Author Agree
to Changes in Passages

Offensive to Widow

NVT 11/7/67

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.

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.

Consent Decree Signed

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 amicably 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.

"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.

'We Were Right'

"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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DISPUTE SETTLED ON KENNEDY BOOK

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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 arrangements 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 in 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 subject.

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, which were sold to Dell Books for \$1-million; \$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 30 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 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

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 America 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.

No Suits Planned

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 dis-

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 last 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

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. 18.

Five days later, after intensive talks with representatives of Look, that part of the dispute was resolved after the magazine had agreed to re-

move 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."