

Quick Action Indicated In Kennedy Book Suit

NEW YORK (AP) — A Manhattan judge indicated today a speedy decision on Mrs. John F. Kennedy's suit to block publication of author William Manchester's book about the assassination of the president.

Supreme Court Justice Saul S. Streit, ranking Manhattan justice, ordered Manchester and two publishers to appear before him Dec. 27 to show cause why an injunction against the book, "Death of a President," should not be granted.

Streit said he would "decide the matter shortly" after the hearing.

A 10-Page Affidavit

Mrs. Kennedy submitted a 10-page affidavit to the court yesterday in her petition to forbid publication of the book. She said in her complaint that publication would cause her "great and irreparable injury" and "result in precisely the sensationalism and commercialism which we — Robert F. Kennedy and I — have sought so strenuously to avoid."

Sen. Robert F. Kennedy, D-N.Y., the late president's brother, submitted a supporting five-page affidavit.

Neither the senator nor Mrs. Kennedy appeared in court. Sen.

Kennedy declined twice yesterday to discuss the book or the court action with reporters.

The publishers are:

Cowles Communications, Inc., publisher of Look magazine, which is reported to have paid \$665,000 for the right to serialize portions of the book starting in the Jan. 10 issue. Look has planned a four-part series of 80,000 words.

Harper & Row, Publishers, Inc., which plans to bring out the full, 300,000-word hard-cover book in April.

In his affidavit, Sen. Kennedy indicated the family does not seek to block publication of the book permanently.

He said: "It has always been my intention, as well as plaintiff's (Mrs. Kennedy), that the facts concerning the death of the late President Kennedy should be published and available for all to read.

"We retained the contractual right to approve the manuscript only in order to assure the accuracy and good taste of the text and the dignity of its presentation.

"Certainly we did not render so much help and assistance to Manchester merely to have the manuscript written and withheld without ever seeing the light of day."

No Look Substitute Planned

A spokesman for Look said that if Mrs. Kennedy is upheld, a substitute Jan. 10 issue would not be published. He said there was not enough time to prepare another issue.

Another spokesman for the publisher said there was every indication the issue due out Jan. 10 would be skipped if Mrs. Kennedy is upheld and appeals fail. Parts of the magazine have already been printed. The revenue loss would amount to more than \$3 million, he said.

Also involved are plans for publication of the work abroad in book and serial form. Mrs. Kennedy said she understood that Manchester had granted Michael Joseph, Ltd., of London the right to publish the book in

England.

In a related development, Dell Books offered \$1 million yesterday to Harper & Row for the book's paperback rights. Donald Fine, editor-in-chief of Dell Books, said he believed this was the largest offer ever made for paperback rights.

In her court petition, Mrs. Kennedy said, "The threatened publication in total disregard of my rights and, if it goes forward, will utterly destroy them."

One of the most important issues centered around whether Manchester and the publishers

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BOOK

\$1 Million Offered For Paperback Rights

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had permission from the Kennedys to publish.

In the affidavit supporting her petition, Mrs. Kennedy said that in return for her help in preparing his manuscript, Manchester agreed not to publish until he obtained "my express consent and approval as to the mode, time and text of any publication."

She said she had not given her consent.

In his supporting affidavit, Sen. Kennedy said that he had not cleared the manuscript.

The senator said: "I categorically state that at no time did I ever give my approval or consent to the text of the manuscript to any publication thereof, or to any time of publication."

Mrs. Kennedy gave Manchester two lengthy interviews—about 10 hours of tape recordings. Friends of the late President's wife say she made no attempt at self-censorship in the interviews and that she had revealed her deepest thoughts.

Three clauses in an 11-point memorandum signed by Manchester and Sen. Kennedy March 26, 1964, are involved in the issue as to whether the defendants had permission from the Kennedys to publish. The memorandum was one of five documents filed in court by attorneys for Mrs. Kennedy.

The three clauses read:

"The completed manuscript shall be reviewed by Mrs. John F. Kennedy and Robert F. Kennedy, and the final text shall not be published unless and until approved by them."

"No motion picture or TV adaptation shall ever be made based on the book. Other rights may be disposed of by William Manchester with the approval of Mrs. John F. Kennedy and Robert F. Kennedy, though it is not the intention to prevent the sale of serial option rights to a responsible publisher."

"The book may not be published before Nov. 22, 1968, five years after the assassination, unless Mrs. Kennedy designates a prior date, and shall be published at such date thereafter as shall be mutually agreeable to the contracting parties. It is

understood that publication will take place promptly after Nov. 22, 1968, unless there is some serious reason for either party to withhold his agreement there-
o."

Harper & Row has said that Sen. Kennedy told Manchester in a telegram last July that "members of the Kennedy family will place no obstacle in the way of publication of his book."

Manchester assured the publishers of Look in a written agreement last August that the Kennedy family had approved publication.

In his affidavit, Sen. Kennedy said the telegram cited by Harper & Row "makes no statement approving either text or time, or mode of publication."

Sen. Kennedy said in his affidavit that the telegram had been sent at the "urging of defendants Manchester and Harper."

He said:

"I was told by Harper's representatives that Manchester was becoming ill from an obsession with the thought that the book might never be published."

Sen. Kennedy said that on July 29, the day after he sent the telegram, he spoke with Manchester and that he had been "specifically and emphatically assured" that the original contract would be followed scrupulously.

In a second telegram to Harper & Row Aug. 5, the senator said, he noted that the publishers must obtain his and Mrs. Kennedy's permission before producing the book and "that has not yet been given."

Mrs. Kennedy's court petition gave no clues to what portions of her 1964 interviews with Manchester that she objected to seeing incorporated in the book.

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