

Chance of Out-of-Court Settlement Fades in New Row Over JFK Book

The possibility of an out-of-court settlement between the Kennedy family and publishing officials over William Manchester's controversial book "The Death of a President" appeared lost today in an angry crossfire of charges.

In Sun Valley, Idaho, Sen. Robert F. Kennedy charged that the publishers had "pushed" his family into the court suit by not allowing family representatives to see the manuscript until after the suit was filed.

New York, Cass Canfield, chairman of the executive committee of Harper & Row, which plans a hard-cover edition on April 7, declared his firm will publish the book as scheduled "in the interest of historical accuracy and of the public's right to know the true facts of that awesome tragedy."

BROKE AGREEMENT

In response to Canfield's statement, a spokesman for the Kennedy family snapped back:

"No amount of rhetoric about 'historical accuracy' or the 'public's right to know' can alter the nature of the controversy—whether Mr. Manchester and the publishers broke the written agreement, from which breach enormous profits will apparently flow."

But in Boston, Sen. Edward M. Kennedy said he hoped for a compromise in the dispute over the book, which is due to hit print first in a serializa-

tion by Look magazine starting on Jan. 10.

A spokesman for Look continued to insist today that "informal communication" between the opposing sides is continuing in an effort to settle the case out of court. This was vigorously denied by Simon H. Rifkind, Mrs. Kennedy's attorney.

A Supreme Court hearing is set for a week from today on Mrs. Kennedy's application for a temporary injunction to block publication of the book.

In charging the publishers with forcing his family to sue to stop publication, Robert Kennedy declared:

"They did not think that we could afford to sue. They did not think it, to the point of not letting anybody see the manuscript they now plan to publish."

DIDN'T WANT TO SUE

He added that the family did not want to file a suit and attempted over a period of time to avoid it. He charged the publishers refused to allow the Kennedys to see the manuscript "after they supposedly made corrections and deletions," and this forced them into taking legal action.

The New York Democrat said he believed only four pages of the Manchester work were ob-

jectionable. He said he agreed material turned over to Manchester on the late President Kennedy should be kept for posterity—but not made available to the general public at present.

Edward Kennedy said that Mrs. Kennedy had allowed Manchester to make tape recordings during some 10-hours of conversations with her a few months after the assassination for "background and perspective."

RIGHT OF PRIVACY

He said it was his sister-in-law's "very earnest hope" that she would have a say in what would be used in the book.

"I think Mr. Manchester understood this at the time," the Massachusetts Senator said, adding:

"Obviously the events are a matter of public policy and interest. The very detailed right of privacy is what I think is the whole crux of the matter."

DIDN'T READ IT

In his statement defending "the book's right to live," Canfield suggested that if Mrs. Kennedy or Robert Kennedy would read Manchester's account, the controversy might be settled.

"Understandably, the members of the Kennedy family were unwilling to read the manuscript themselves and hence they designated representatives to do this for them," he said.

"Had they read it themselves, the present situation might have been avoided."

To this a Kennedy family spokesman retorted:

"Although neither Sen. Robert F. Kennedy nor Mrs. Kennedy has read the Manchester manuscript in its entirety—authorized representatives having done so—both Manchester and the publishers knew that Mrs. Kennedy was well aware of the personal passages to which she objected.

"Indeed, Mrs. Kennedy spoke directly to Manchester on at least one occasion, outlining her objections to those parts of the manuscripts which she felt unnecessarily invaded her privacy and that of her children."

NOT DELETED

The spokesman claimed that Manchester agreed to delete the questioned passages, but "neither Harper & Row nor Look magazine has done so, or have they even, in the period of this dispute, permitted Mrs. Kennedy or her representatives access to the manuscript."

Mrs. Kennedy claims in her suit that Manchester agreed in a written memorandum of understanding in 1964 that he would not publish the book without approval from her and Robert Kennedy.

Manchester claims that Robert Kennedy notified him by telegram last summer that the Kennedy family would not stand in the way of the book's publication.

Magazine's Bond: \$3 to \$5 Million

By ROBERT SAMUELS

World Journal Tribune Staff

If the Kennedy family wins an injunction Dec. 27 preventing the publication of William Manchester's book, "Death of a President," in Look magazine they will have to post an indemnity bond for between \$3 million and \$5 million.

This is the amount that the magazine would lose if its Jan. 24 issue—due to go on sale Jan. 10—is not released, a spokesman for Look said today.

The bond would be held, the spokesman said, until an appeal went through the appellate division. If the decision to ban the distribution and sale of the

magazine was reversed, Look would collect the money.

Justice Saul S. Streit, administrative judge of the Supreme Court, who will hear the case, has the right to determine the exact amount of the bond. One legal source said he doubted it would be this much.

But Look pointed out that its losses would be fairly simple to document because they would involve the loss of advertising revenue, loss of circulation and the costs of paper and printing.

The magazine guarantees advertisers a circulation of 7,600,000 copies and usually sells 7,700,000. "The amount of ex-

tra copies we are printing for the Jan. 24 issue is a trade secret, but it is not substantially more than we usually print," the spokesman said.

If an injunction is obtained, the spokesman believes that the almost eight million copies would be placed in a bonded warehouse until the suit is settled one way or another.

If the injunction lasted only a week before it was upset, would Look then be able to distribute the magazine?

"We haven't made any plans about that," the spokesman said. "We guarantee the advertisers two weeks exposure. If we had to hold up a week before

issuing it then we might have to pro-rate the advertising rate. I just don't know."