

Jackie's Lawyers Due

3

in Court

By RALPH BLUMENFELD and WILLIAM GREAVES

Jacqueline Kennedy was expected to go to court today to try to stop publication of the book "Death of a President."

Reliable sources said Mrs. Kennedy's lawyer, former Federal Judge Simon Rifkind, would file suit before State Supreme Court Justice Tilzer for a court order to be served on author William Manchester, publishers Harper & Row and Look magazine.

Rifkind said that if the papers could not be prepared in time for filing today he would try to go before a judge tomorrow.

If granted, the order would require the three defendants to show cause why a temporary injunction should not be issued barring the book's four-part serialization by Look starting Jan. 10 and the hard-cover edition Harper plans to release in April.

Reliable sources said Mrs. Kennedy's lawyer, former Federal Judge Simon Rifkind, would file suit before State Supreme Court Justice Tilzer for a court order to be served on author William Manchester, publishers Harper & Row and Look magazine.

If granted, the order would require the three defendants to show cause why a temporary injunction should not be issued barring the book's four-part serialization by Look starting Jan. 10 and the hard-cover edition Harper plans to release in April.

It was understood that Rifkind, who will be assisted by former Manhattan Democratic chief Edward Costikyan, will seek a hearing on the suit for early next week.

Meanwhile, feelers for an informal settlement reportedly were being extended.

"There is a lot of maneuvering going on," said one source in the publishing industry.

"You might say there is a lot of talking back and forth," said

another.

Mrs. Kennedy's side discounted this talk, implying that the issue would have to be drawn in the courts, even to the point of an open fight which the slain President's widow has conceded would be "horrible."

Jackie's Charges

Sen. Robert Kennedy, who hasn't commented publicly on Jackie's planned suit, is said by some acquaintances to have given her his support. Other sources say he considers the court action impractical and not worth the effort.

A source close to the negotiations said yesterday that Manchester had prepared "a com-

See Murray Kempton and Max Lerner on Page 45.

plete statement telling absolutely everything in complete detail" but that the author's lawyers had advised him to "hold it in reserve."

"They're getting strong indications that Sen. Kennedy wants to get out and doesn't think [the suit] was a good idea to begin with," the source said.

Mrs. Kennedy's suit will charge Manchester with breach of faith; she objects to his extensive use in the book of emotional remarks she made during 10 hours of taped interviews with the author, after he allegedly promised in a "memorandum of understanding" not to use any material which might offend her. A final say in the book's contents was granted to Robert Kennedy by the author but then withdrawn, she charges.

Manchester's defense is that Mrs. Kennedy personally chose him to write the definitive historical version of her husband's assassination in Dallas and that Sen. Kennedy assured him a few months ago that the family would do nothing to block publication. The Kennedys say that assurance was subject to terms of the memorandum.

A Point Denied

Bennett Cerf, board chairman of Random House, added yesterday to speculation that the Kennedys fear an irreparable break with President Johnson over anti-Johnson passages in the book.

Cerf told Yale Daily News reporter Stephen Bedrick that the book depicts President Kennedy's aides and his widow as "shocked and infuriated" over Johnson's switch to the Presidential jet at Dallas' Love Field after the assassination.

Kenneth O'Donnell, then White House appointments secretary and President Kennedy's close friend, denied yesterday that there had been any "controversy" with Johnson on

the Dallas-Washington flight. O'Donnell told the Warren Commission: "I sat with Mrs. Kennedy almost all the way. . . the President called me up on one or two occasions and asked me to stay up in the cabin, wanted to talk to me, but I felt I had to stay with Mrs. Kennedy. So I sat with her on the whole trip."

Kennedy press aide Malcolm Kilduff, who has previously said some 1960 convention wounds were reopened on the plane, said yesterday that he would not disclose the "embarrassing" incidents that took place. He said he had turned down a magazine's five-figure offer for his story.



GREAT SOCIETY EXPECTATIONS



One Word More

MURRAY KEMPTON

It is ridiculous if we are bombing Hanol to go on about Mrs. Kennedy's case, but one thing more has to be said.

Among all the communiques in the N. Y. Times' account of what "will be a battle of the giants," there was this small intrusion of humanity:

"[William] Manchester arrived here Tuesday morning on the Queen Mary. He had traveled from Europe alone and in the cabin class . . . He said that he had been 'puzzled by the disturbance.' He said that he had found it 'distracting'."

"Mr. Manchester, wrapped in a trench coat, dozed in a lounge as the ship was brought into port."

There are times in life when we must choose our comrades and stand beside them.

I should hope that every writer in America will think of William Manchester with something of the same fraternity so generally felt not long ago for Sinyavsky and Daniel in the Soviet Union. I am not saying that the cases are the same. But the issue is, it is whether a writer can be treated like a servant.

It must be very hard for Mrs. Kennedy to understand that the abuse of her power began the first time she saw Manchester. She had designated him the official historian of the assassination because of an extraordinary devotion to her husband evidenced by a previous biography. She could not have understood that utter loyalty, while always a virtue, is not always a condescension. The Manchester who came before her had to be a man who had transferred all that devotion to what was lost to what still remained; he could only be in a state of morbid susceptibility.

For serious men great personages are harder to resist when they show themselves vulnerable

than when they show themselves grand. It was not Mrs. Kennedy, the Roman Queen, whom Manchester saw, but Mrs. Kennedy, the unappeased widow, with all the confusion, all the desolation and, yes, all the anger that had to break out in her private moments. And she chose the one sort of audience she could not trust to keep quiet those feelings, the kind of person who shared every one of them.

If she had chosen a writer of the sort she would think a bit cheap, he would have been a mechanic; he might have gossiped, but he would never have published anything that might in any way have been criticized as indiscreet. Indifferent people can be trusted for discretion. But it could not occur to a man like Manchester that, in any word she said, Mrs. Kennedy could ever appear, even fleetingly, as playing an ill part. I am very much afraid that he must have understood now that she could, if not before now at least yesterday, when he read her judgment that he had "exploited my emotional state."

And that is the special sorrow one guesses he brought home with him—not the suit, not the scandal, nothing except the awful discovery that to the Kennedy family he was only an object, no more to be respected than any servant of a great house who had gossiped to the tabloids.

A great personage who suppresses a writer takes on a very great burden of reproach indeed. Mrs. Kennedy, by breaking again a heart already broken once at the sight of her sorrow and only repaired by the agony of writing it all down, has taken on, I'm afraid, another and not much smaller burden of reproach.

He may be beaten in the courts; this is a dispute about law. But we must not allow him to be beaten in his reputation for honor. I do not know Manchester, but let every writer stand up now and say: Mrs. Kennedy may be our Queen but Manchester is our friend.

Life of a Book

MAX LERNER

The trouble with life, as with an unruly child, is that the more you struggle to control it, the more it gets out of control. This is true even of those who have prestige and power, perhaps especially of them, since so much more happens to them that needs controlling.

Jacqueline Kennedy has had enough happen to her to fill a dozen lives, and she has striven gallantly to hold it within a frame, to live her life as privately as anyone can live it who is probably the most charismatic figure in the nation. Yet when she tried to control how a book would be written about the death of the man who was her husband, but who was also the people's President, she found how hard it is to draw the line between the private domain and the public, and the result has been a lot of trouble and pain about the book.

Whatever happens to the Kennedy-Manchester book battle, whether in the end it goes to trial or not (probably not), one fact has emerged strikingly from it: that there is no real code governing the relations between a writer and a family that entrusts a book project to him.

I don't mean a legal code, since legally the problem comes under the law of contracts which every first-year class studies at law school. I mean a craft code. The press has a good craft code on the question of what a public figure tells a newspaperman—on the record, off the record, for indirect attribution, or for background use only. A good newspaperman takes pride in holding to it. But let him turn into a book writer, especially if he has a sense of history, and all the boundaries get blurred.

When Jacqueline Kennedy commissioned William Manchester to write about the death of the President, she brought into being something that was bound to take on a life of its own, the life of a book. She knew vaguely about Manchester that he had written a portrait of Kennedy which she had read and liked. She did not know perhaps that an earlier book of his had been a life of H. L. Mencken, called "Disturber of the Peace," which had glorified the irreverence and iconoclasm of the Baltimore sage, and his passionate hatred of censorship.

She poured out, to the tape, her memories and deepest feelings about her husband's death, with what now seems to her an unwarily credulous trust that the writer would give her a final chance to prune and delete before the words went irretrievably into print. But the death of a President had gone into history, and the life of a book recounting that death now took over, with a law of its own, and with a loyalty to history—to how it had actually happened—that transcended questions of taste and of private good faith.

Anyone who has worked at a book for years, pouring brain and sweat into it, knows how in the end it becomes a daemonic thing and takes possession of you. It is something you feel you must protect against everyone, even at the risk of inflicting wounds: what you tell yourself is that the wounds are transient, but that the story you have told is forever, and your primary loyalty is to how it actually was, because that is how it must stand forever.

Maybe I am wrong about this. Maybe there are private values and virtues in life—good faith, taste, honor, friendship, confidences given and received—that override the commitment to history, the passion to get everything down as it happened and exclude nothing, not even what is bound to cause hurt and may perhaps make mischief.

But a writer is what he is, and if he is not driven by some passion other than the big stakes and the sight of his name in print, there will be a deadness at his center. In the case of the Manchester book the stakes have become astronomical, and the battle over the book has only served to make them soar higher still. Yet one does not have the impression that this is what counts with Manchester. Rather what seems to count is the fact that, in coming so intimately in touch with the events of that November day in Dallas, he has himself been wounded by an arrow tipped with fire, and it has cleaved everything else out of him, including a vague memory of a word once given to a woman who talked and talked.

I don't doubt that in future cases people will be wiser about talking, and a memorandum of agreement will be drawn more tightly. But the social stake in having the story told exactly as it happened—that stake will remain, overriding the hurt to privacy. That is perhaps all that the author means when he pleads, as Manchester does, to give his book a chance, and read it before judging it.

Pebbles by Picasso

From "Picasso & Co." by Brassai (Doubleday, \$6.95).

PICASSO: I do these things on the beach. Little things . . . I'll show them to you.

He returns with a box filled with pebbles, bones, fragments of plates and pots tossed up by the sea, all of them etched, occasionally somewhat reshaped.

PICASSO: I do these things on the beach. The pebbles are so beautiful that one is tempted to work on all of them. The sea has already done it so well, giving them forms so pure, so complete, that all that is needed is a flick of the finger to make them into works of art. Now, of course, they should be cast back into the sea. Think how astonished people would be, finding pebbles marked with symbols like these . . . What riddles they would pose for archaeologists!