

The Pardon Papers

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Time Cancels Deal For Ford's Memoirs

By Myra MacPrerson

Time magazine has withdrawn from its deal with Harper & Row to excerpt two chapters of former president Gerald R. Ford's memoirs after The Nation ran a summary and some excerpts in this week's issue.

Harper & Row is threatening legal action against the weekly opinion magazine. "We intend to hold The Nation responsible for losses sustained," said Erwin Glikes, vice president and publisher of Harper & Row. "It's a commercial rip-off. It is nonsense to say this is in the realm of 'fair comment.' It is a summary of material sold to Time magazine—of material held for Time magazine—and we consider it an infringement of copyright and the illegal use of the work."

However, no exact plan for litigation has yet been made, according to lawyers for Harper & Row.

"What we ran was in the realm of 'fair comment,'" contends Victor Navasky, The Nation's editor, who said the use of the material was cleared with the magazine's lawyers before publication.

"The reason Harper & Row is making all this noise is that they're embarrassed to hell. It's a lot of nothing for a boring book," said Navasky. When told that Time had pulled out of its deal—which was contingent on being first to excerpt the book—Navasky said, "I'm flattered."

Navasky said The Nation got the 655-page typescript of "A Time to Heal" before publication from a "legitimate source," and that "it was not stolen." He refused to reveal the source. Glikes said that copies were carefully guarded and that there was a "very limited" number of manuscripts. One rumor is that the

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manuscript was leaked by a Harper & Row employe to one at The Nation. Gilkes said, "I think that would be highly implausible," but did not know how The Nation got the typescript.

One Time editor said the excerpt was not a "major investment" and placed it in the realm of \$20,000. Although Time has not ruled out suing The Nation, he considered the prospect unliely. "Harper & Row is the one who has a gripe," he said.

Trevor Armbrister, the author who worked on the book with Ford said that "What The Nation did was reprehensible."

Dick Winnekamp, a spokesman for Ford, said the former president was not making any comment until the book comes out in June. Winnekamp then added, when asked if Ford was upset, "Yeah, he is. President Ford is a very trusting guy. As far as he's concerned, The Nation has stolen private property."

The Nation contends that "Ford's papers are public property. We wouldn't do that to any other author. There is a different standard when public figures draw on public papers," says Navasky. "Those like Ford who were on the public payroll and cash in on their public papers should have no complaints."

When The Washington Post obtained portions of H.R. Haldeman's memoirs prior to release and pub-

lished news stores about the book last year, no suit was filed by the book publishers. The Post contended that the use of the material was in the realm of fair comment.

Navasky said The Nation ran its article and memoir excerpts because "It was newsworthy. In the book, Ford put a gloss of innocent interpretation on a set of facts which on their face are quite damaging."

In the article, Ford says he discussed with aides the possibility of pardoning Richard Nixon in exchange for Nixon's resignation. The Nation's

excerpts show Ford as noncommittal at first, then talking to others at the White House who told him that "Silence implies assent." However, Ford insists elsewhere in the article that he decided against making any such agreement.

"After the 'silence-applies-assent' conversations, Ford then writes a cover-yourself-memo, but even that is a pretty ambiguous cover," said Navasky. In the book, such facts get lost—but when you isolate them, there is a real question about what he [Ford] did."