

# Many Writers Wield

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WASHINGTON, Dec. 19—The legal battle over publication of the Kennedy assassination story is but one of many current court fights pitting prominent persons against writers.

Most of the litigation involves claims of deeply held personal convictions about private rights, competing claims of free speech and the "public interest" and high financial stakes in the publishing business.

Each of the well publicized cases differs from the others in bedrock legal theory, and all but one of them involves only private parties. But in each

case a broad concern with the public's interest in obtaining information is a weighty consideration that may influence some judges.

Howard Hughes, the elusive financier, has acquired copyrights which his lawyers say prohibit any unauthorized biographies. The Hughes lawyers have lost out in lower federal courts but they seek Supreme Court review in a case involving "The Howard Hughes Story," by John Keats.

The widow of Ernest Hemingway tried but failed to stop publication of "Papa Hemingway," by A. E. Hotchner, as an infringement of the estate's literary rights and a violation of an agreement with the au-

thor, a long-time friend. Hotchner contended that Mary Hemingway wanted to conceal her husband's suicide. She later admitted, in a *Look* magazine interview, that her husband had shot himself.

## SPAHN SUCCESSFUL

Former baseball star Warren Spahn has been more successful. The Court of Appeals, New York's highest court, has ruled that Spahn is entitled to enjoin publication of a biography which the judges found contained "a host of factual errors, distortions and fanciful passages."

The Spahn injunction is based on New York's privacy law, which is under Supreme Court scrutiny in a case involv-

# Swords in Book Battles

ing *Life* magazine. The law protects individuals from commercialized and fictionalized accounts of their activities.

Here in Washington, the Justice Department has gone to court to block, at least, temporarily, publication of the reminiscences of Joe Valachi, the talkative Cosa Nostra figure, in a book by free-lance writer Peter Maas.

## FINAL APPROVAL

The Valachi suit involves an agreement, first approved by former Attorney General Robert F. Kennedy, giving Maas exclusive interviews with Valachi but reserving the right of final approval of the manuscript.

The Justice Department no longer thinks Valachi's memoirs

would "serve the national interest" and thus far has beaten back efforts by Maas to dissolve a court order that bans publication while the lawsuit goes on.

Courts in Pennsylvania and New York are being asked to decide whether steel heiress Helen Clay Frick can sue to correct what she calls unfair and inaccurate references to her father, Henry Clay Frick, in a book on Pennsylvania history.

## COUNTER ACTION

The defendant, former official state historian Sylvester K. Stevens, has been joined by two historical societies in a bold attempt to stamp out such suits.

Not content to await the outcome of Miss Frick's libel action in the Cumberland County, Pa., court, the American Historical Association and the Organization of American Historians have financed an excursion into the federal courts of New York. There they seek an injunction against the Frick lawsuit itself.

An ironic feature of the Frick case is that the writer, Stevens, is represented in the federal courts by Simon H. Rifkind, who represents Mrs. John F. Kennedy against writer William Manchester. Lawyers at the Rifkind firm say the contract aspect of the Kennedy case makes the two cases totally different.