

Jackie Memo Seen Book Suit Clincher

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Indicates Breach of Contract

By JOE COHEN

World Journal Tribune Staff

The strength of Mrs. Jacqueline Kennedy's legal case against publication of William Manchester's "Death of a President" today impressed legal observers who studied the papers filed yesterday in State Supreme Court.

Observers concluded that Mrs. Kennedy stands to win the suit unless the defendants can overcome two strong points in her argument that appear to establish breach of

contract.

The contract in question is a memorandum of understanding dated March 26, 1964, and signed by Manchester and Sen. Robert F. Kennedy.

Manchester, Cowles Communications — publishers of Look magazine — and the publishing firm of Harper & Row were named as defendants in Mrs. Kennedy's action for an injunction.

PIVOTAL CHAPTERS

The pivotal elements of the memorandum of understanding give Mrs. Kennedy and the senator the right of approval of the final text of the book and bar publication of it before Nov. 22, 1968.

The final piece of correspondence in the court papers illuminates and stresses the two points from the memorandum. This correspondence is a letter, dated Dec. 9, 1966, from Kennedy's attorney, Simon H. Rifkind, to Cass Canfield, head of Harper & Row.

Rifkind told Canfield that Mrs. Kennedy had informed him she had received communications from Harper & Row stating that the firm intended to publish Manchester's book early next year and "that

you do not intend to submit the manuscript to Mrs. Kennedy to seek her approval and that you intend to authorize the exploitation by the Book-of-the-Month Club of mail order and book rights in the club."

CITE TELEGRAM

The letter went on to say that Canfield had acknowledged that he was fully aware of the memorandum of understanding and its provision giving the Kennedys the right of approval and barring publication until then.

Rifkind said, "That you do not have any approval of the text of the manuscript has been repeatedly acknowledged by Mr. Ewan Thomas (execu-

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five vice president of Harper & Row) both before and after receipt by you of a telegram sent by Sen. Kennedy to Mr. Manchester on July 28, which you have on occasion referred to as giving the necessary approval.

"Not only has Mr. Thomas acknowledged since the date of that telegram that you did not have approval of the manuscript, but Sen. Kennedy reports to us that both Mr. Canfield and Mr. Thomas acknowledged to him on the telephone today (Dec. 9) that the telegram did not grant approval of any version of the text and that you had not, before or after the date of the telegram, received approval of the text from either Mrs. Kennedy or Sen. Kennedy."

Rifkind also emphasized that Mrs. Kennedy told him that she had not given consent to a publication date earlier than Nov. 22, 1968, "and to our knowledge there has not been any allegation by any party that she has done so."

AUTHOR'S AGREEMENT

The former judge said Mrs. Kennedy told him that Canfield and Thomas had acknowledged last Friday that they did not have her approval but were proceeding with publication "on the basis of the authority in their agreement with Mr. Manchester.

"No agreement made by you with Mr. Manchester can possibly authorize the proposed violation of our clients' rights . . ."

He finished by warning that unless Canfield informed him in writing by noon last Monday that the firm would not publish the book without the Kennedy approvals and would submit the manuscripts in publication form for examination by Mrs. Kennedy at the earliest date, he would take



Associated Press Photo

THE GIFT OF SPEECH . . . Historian Arthur Schlesinger, left, presents three-volume collection of State of the Union messages of presidents in New York to Sen. Kennedy (D-N.Y.) at the Overseas Press Club. Collection is for the John F. Kennedy Memorial Collection.

whatever action was deemed appropriate. Harper & Row would apply to Manchester and Cowles as well, and the prospects for Mrs. Kennedy against all three appeared excellent.