

ACCORD REACHED ON KENNEDY BOOK; SUIT WITHDRAWN

Publisher and Author Agree
to Changes in Passages
Offensive to Widow

The texts of three statements
on Kennedy book, Page 25.

By DOUGLAS ROBINSON

The legal battle by Mrs. John F. Kennedy to prevent publication of the book "The Death of a President" ended yesterday when she withdrew her lawsuit in State Supreme Court.

The settlement of one of the most bitter fights of recent publishing history came when the publisher, Harper & Row, and the author, William Manchester, agreed to delete or modify some of the passages Mrs. Kennedy considered objectionable.

The dispute touched on the lives of President Kennedy and President Johnson and possibly also on the Presidential ambitions of Senator Robert F. Kennedy. It also joined together in legal conflict prominent persons who were friends of long standing.

Signs Consent Decree

Material in the original Manchester manuscript, which deals with the assassination of President Kennedy, brought Mrs. Kennedy to tears during the early stages of the argument. The pressure may also have affected Mr. Manchester's health.

The end of the legal action came shortly before 4 P.M. when State Supreme Court Justice Saul S. Streit signed a consent decree, clearing the way for publication of the modified book.

"The lawsuit has been amicably settled," the white-haired jurist told newsmen in his chambers. "All the parties have consented to a judgment and decree, which the court has signed and approved."

A few minutes later, former

Federal Judge Simon H. Rifkind, who represented Mrs. Kennedy in the dispute, was asked if the agreement was a victory for the Kennedy family.

Satisfaction Is Voiced

"I never like to speak in terms of victory or defeat in a law case," Mr. Rifkind said with a smile. "I'll just say we are satisfied."

Later, a close friend of Mr. Manchester noted that neither Mr. Rifkind nor anyone else connected with the Kennedys had claimed a victory.

"That's unlike Judge Rifkind," he said. "We were right, and we knew we were right. The agreement reflects that."

Mrs. Kennedy's objections to some passages in the book were that they contained personal material that would cause her "great and irreparable injury" and that her rights had been violated by Mr. Manchester's plans to have the unapproved

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manuscript of his book published.

Within a few hours of the settlement in Justice Streit's chambers, both Mr. Manchester and representatives of the Kennedy family held press conferences in which they outlined their versions of the dispute.

A third statement was issued by Cass Canfield, chairman of the executive committee of Harper & Row.

All three parties to the conflict, however, issued a joint statement in the State Supreme Court Building in Foley Square. It read:

"Mrs. John F. Kennedy, Harper & Row and William Manchester have resolved the differences which led to legal action. Certain passages of concern to Mrs. Kennedy have been deleted or modified by mutual agreement of all the parties. Therefore, Mrs. Kennedy terminated her lawsuit. All parties agree that the historical record has not been censored in any way.

"While the settlement regarding the book is satisfactory to all concerned, the parties regret that the questions in dispute could not have been earlier settled. A number of problems arising over a period of several months had to be resolved.

"Harper & Row will, in April, publish William Manchester's book, 'The Death of a President,' in accordance with ar-

rangements made at the outset."

Details of the modification were not made public. But Mr. Canfield, in his statement, said the "changes that have been made, involving a cumulative total of some seven pages in a book of 654 pages of text, have affected neither its historical interest nor its narrative power."

For his part, Mr. Manchester read a prepared statement at the Overseas Press Club, 54 West 40th Street, in which he said that "out-of-court settlements are often called 'compromises.'"

"In this case," he said, "a more accurate description would be 'a resolution of misunderstandings.'"

The author, who wore a bright PT-109 tie clip of the sort made famous by President Kennedy, declined to answer questions after reading his prepared statement. He left almost immediately after completing his remarks, describing himself as a "very sick man" who was under "doctor's orders."

He spent two weeks in a hospital in Connecticut during the negotiations, suffering from pneumonia.

Mr. Manchester, in his statement, took exception to a statement issued by Mrs. Kennedy's office last month that described portions of the book as "tasteless and distorted."

That judgment, the author said, "was based on isolated fragments which had been read to her by associates of the family."

Representatives of the Kennedy family, at a press briefing at Mr. Rifkind's office at 575 Madison Avenue, issued a history of how the book had been born and told of the decision to allow Mr. Manchester to be the sole author to interview Mrs. Kennedy about the tragedy in Dallas.

Attending the briefing on behalf of Mrs. Kennedy were Richard N. Goodwin, a former assistant to President Kennedy; John Seigenthaler, editor of The Nashville Tennessean, and Edwin O. Guthman, national news editor of The Los Angeles Times.

All three men had read the original manuscript on behalf of Mrs. Kennedy.

Although the three discussed the nature of the controversy, they asked not to be quoted by name.

One of the spokesmen said that "in retrospect, the whole agreement to have this book was a mistake."

"In 1964, however, it seemed like a good idea," he said.

The spokesman also declined to alter Mrs. Kennedy's statements on the matter of whether the book was "tasteless" and said the family would have no further comment on the sub-

ject.

Earnings Estimated

One Kennedy spokesman said that Mr. Manchester might make \$2.75-million from publication of the work. He broke this down into \$1.5-million from paperback rights; \$650,000 from Look magazine, which is serializing the book; \$250,000 from the Book-of-the-Month Club; \$150,000 from hardcover sales, and \$200,000 from foreign rights.

Under the agreement, all copies of the original manuscript will be destroyed within 45 days, with the exception of one copy each to be kept by Harper & Row and Mrs. Kennedy and two copies to be kept by Mr. Manchester.

In addition, Mr. Manchester agreed to safeguard all source material gathered during preparation of the book and to return to Mrs. Kennedy all letters of a personal nature.

The 10 hours of taped conversation collected by the author from Mrs. Kennedy will be returned to her to be placed under seal at the Kennedy Memorial Library in Cambridge, Mass.

Much of the material objected to by Mrs. Kennedy was contained in these recorded interviews.

A close acquaintance of Mr. Manchester said the author had originally intended to turn the tapes and all the supporting documents over to the Federal Archives in Washington. It was said he also had intended to present the original manuscript to the Government.

The decree resolving the dispute continues "in full force and effect until the expiration

of 100 years" from the time of signing.

The judgment also said that Harper & Row had licensed the Book-of-the-Month Club to distribute the book under its imprint at about the same time that Harper & Row issued its edition.

The agreement was not made public. However, it was understood that each book printed would contain a publisher's note stating:

"Harper & Row wishes to make it clear that neither Mrs. Kennedy nor Senator Robert F. Kennedy has in any way approved or endorsed the material appearing in this book. The author, William Manchester, and the publishers assume complete and sole responsibility."

Another point in the agreement would prohibit the publication of letters from President Johnson to Mrs. Kennedy or her children, Caroline and John, without the express consent of the President.

The agreement affects the publishing of a hard cover edition under the Harper & Row imprint and a paperback edition to be published at least a year later.

It was also understood that the agreement specified that Senator Kennedy waived his rights in a memorandum signed by him and Mr. Manchester on March 26, 1964. The memorandum prohibited publication of the book until Nov. 22, 1968, five years after the assassination.

The memorandum also said that Mrs. Kennedy and the

Senator must approve the text of the book, and that Mr. Manchester could not dispose of subsidiary rights without the approval of the Kennedys.

The decree signed by Justice Streit bars all American news media from publishing the excised parts of the original manuscript without the consent of Mrs. Kennedy. Mr. Rifkind said copies of the decree would be sent to newspapers and magazines across the country.

Later, however, a spokesman for the Kennedys said that no member of the family was contemplating suing if the deletions were published in other books, newspapers or magazines.

In reading his prepared statement, Mr. Manchester, who had a thin ribbon of perspiration on his upper lip, said that Mrs. Kennedy had relied on friends to read the manuscript because those close to her "had hoped to spare her the ordeal of a full reading."

"In retrospect, it seems obvious that had she done so then—had her authority not been delegated to designated representatives of the family—we all would have forgone much anguish," he said.

Mr. Manchester said he had made "certain alterations" at Mrs. Kennedy's request, and that her suggestions covered "less than 1 per cent of the manuscript—that is, less than seven pages out of a 700-page book."

He added that during the discussions with Mrs. Kennedy, additional historical matter had been added.

He stressed that none of the deletions "are political in character" and that the modifications were of a personal nature.

"Like Jacqueline Kennedy, I am distressed by flagrant publicity," he said. "Like her, I cherish my privacy and regret the painful notoriety of the past several weeks, and I am aware that on occasion it has unjustly stung the President of the United States, who has been the victim of unauthorized, false and malicious versions of the manuscript's contents."

Mrs. Kennedy brought suit against Mr. Manchester, Harper & Row and Look magazine, published by Cowles Communications, Inc., last Dec. 16.

Five days later, after intensive talks with representatives of Look, that part of the dispute was resolved after the magazine had agreed to remove or modify passages relating to the personal life of Mrs. Kennedy and her children.

The Look serialization, which will run to some 60,000 words, began in the issue of Jan. 9. The second installment is scheduled to appear next Tuesday.

During the long dispute, Mr. Manchester defended his book by saying that President Kennedy, as a historian, "would have wanted his countrymen to know the truth of those terrible days."

"John Kennedy was my President," he said a few weeks ago. "To suggest that I would dishonor his memory or my association with him is both cruel and unjust."

Mr. Manchester is the author

of another book about President Kennedy entitled "Portrait of a President," a work that a review in The New York Times said "can only be described as adoring."

The relationships between some major participants in the conflict have been close and of long duration.

Evan Thomas, the vice president of Harper & Row, edited "Profiles in Courage," for which President Kennedy won a Pulitzer Prize. Mr. Canfield of Harper & Row has said repeatedly that he was "distressed" that Mrs. Kennedy was upset by the book.

Mr. Canfield, furthermore, was once the father-in-law of Mrs. Kennedy's sister, who is now Mrs. Stanislas Radziwill.

Although the legal action in this country has been ended, a lawsuit may be filed against the West German magazine Stern, which bought serialization rights from Look for \$72,500. The German weekly has refused to delete any of the material that Look agreed to delete.

Yesterday, Mr. Rifkind said that attorneys for the Kennedy family and Look were studying ways to initiate a lawsuit in West German courts against Stern.

The publication of the excised material, he said, "is incompatible with any taste or dignity."

Nevins Backs Publisher

Special to The New York Times

WASHINGTON, Jan. 16 — Allan Nevins, the Pulitzer Prize winning biographer and historian, said today that he believed

a publisher's obligation to history is more important than a family's "right" to control a book about one of its members.

Commenting on the bitter dispute between the Kennedy family and Harper & Row about William Manchester's "The Death of a President," he said in an interview.

"I object very much in principle to any veto power of a family as to the nature of the book to be written."

He described his sympathies as being "entirely" with the publisher.

Mr. Nevins wrote "official" histories of Henry Ford and John D. Rockefeller. He said today, in an interview at the Library of Congress, that he had received the full and frank cooperation of both families during his research and writing.

It was his opinion that Mr. Manchester, the publishers and the Kennedys should have first come to an agreement of "absolute precision" and then trusted one another thereafter.

"An old complaint of biographers," he said, "is that they have to deal with the widows."

"If you have to deal with the family, you should make sure beforehand that you have a clear and open road," the 76-year-old writer said.

Fire Damages Yacht Basin

WILDWOOD, N.J., Jan. 16 (AP)—A fire in the Wildwood Yacht Basin early today damaged four pleasure craft, a boat shed, an office and an automobile. Damage was placed at \$100,000 by authorities here.

Texts of Statements on Accord on Kennedy

Following are the texts of three statements on the settlement yesterday of the dispute over "The Death of a President." One was made in behalf of Mrs. John F. Kennedy by John Seigenthaler, Edwin O. Guthman and Richard Goodwin; the second came from Harper & Row, publishers of the book, and the third from William Manchester, the author.

Statement for Mrs. Kennedy

In late 1963, several authors were planning to write about the events surrounding the assassination of President John F. Kennedy. Members of the family and members of the late President's staff were receiving many requests for interviews and cooperation.

In order to prevent proliferation of demands and at the same time to permit a full historical account, Senator Robert F. Kennedy and Mrs. John F. Kennedy—on the advice of many of those being contacted—agreed to submit to one interviewer regarding those painful days.

William Manchester was asked to interview Mrs. Kennedy and Senator Kennedy and to do the research and write the story of Nov. 21-25, 1963. Neither Mrs. Kennedy nor Senator Kennedy then knew Mr. Manchester personally.

At that time the John F. Kennedy Memorial Library had begun an "oral history" project to record on tape the recollections of those involved in the Kennedy Administration. It was understood that all such tapes were to be deposited in the Kennedy Library to be made available to future historians at a time designated by the person interviewed. There are 300 such tapes already on deposit, some of them sealed for more than 100 years.

Background Material

Mr. Arthur Schlesinger had interviewed Mrs. Kennedy for this project. When his interview reached the period of the assassination, he stopped. Since Mr. Manchester was to write his book, it was thought that he should complete the interview since it might give him valuable background material and would not subject Mrs. Kennedy to a repetition of an account of the facts.

Mrs. Kennedy and Senator

Kennedy, as they were interviewed, were told that they were talking for an "historian of the 21st century."

They were also told that like all others interviewed they could designate when, if ever, the tapes or the contents of their interviews could be released. Moreover, they felt fully protected by a formal contract signed by Mr. Manchester which guaranteed that nothing they said would be published without consent. They were reassured by both the author and representatives of the publishers, Harper & Row, that nothing they told Mr. Manchester would be printed unless they approved.

Under the agreement, the John F. Kennedy Memorial Library was to receive a share of the normal profits of the author and the publishers, since all agreed that Mr. Manchester's book was not to be a commercial enterprise. Mr. Manchester publicly acknowledged this as outlined in a press release at the time of the signing of his agreement to write the book.

Worked on Book 2 Years

The terms of the agreement signed in March, 1964, provided that Mr. Manchester would not publish his book until his completed manuscript was submitted to Senator Kennedy and to Mrs. Kennedy and was approved. This, of course, was never done, nor were the tapes of their interviews with Mr. Manchester ever turned over to the library.

Under the protection of this agreement and unaware of any danger that there would be any unauthorized publication in her lifetime or that of her children, Mrs. Kennedy talked freely and for the historical record to Manchester in interviews that lasted about 10 hours.

She did not see or talk to Mr. Manchester again until he had completed his manuscript.

For about two years, until early 1966, Mr. Manchester worked on his book. No member of the Kennedy family supervised or directed his work in any way, nor did they discuss the book with him. He was completely on his

Book

own.

In early 1966, Mr. Manchester submitted the manuscript to Senator Kennedy, who asked Mr. Seigenthaler and Mr. Guthman to review the manuscript and make suggestions. They had frequent discussions about the text with Mr. Evan Thomas, of Harper & Row.

While the editorial process was continuing, Senator Kennedy assured Mr. Manchester that he would not stand in the way of publication or magazine serialization once a final text had been agreed upon, although neither then, nor at any subsequent time, was there any such approval. Mrs. Kennedy or her representatives had not reviewed the manuscript, although her personal approval was required.

In late July the manuscript was sold to Look magazine. However, we were then, and for the next several months, assured that the changes personally desired by Mrs. Kennedy would be made.

It is unnecessary to detail the almost endless series of meetings and conversations which took place all during the summer and through the fall. Mrs. Kennedy's requests were repeatedly made through representatives and by personal appeals. Galleys were edited, and lengthy editorial discussions were held. Despite constant reassurances, however, most of the requested changes were not made.

We continued our efforts to modify the manuscript dealing with personal passages and inaccuracies. The appeals went on, even as prospects grew dimmer, because all concerned knew that, regardless of the merits, legal action would create a painful and difficult situation.

In December, Mrs. Kennedy was finally and irrevocably denied the right even to see the current version of the manuscript. The passages were the same ones that she had been discussing throughout. In fact, as we later

learned, most of this material had been retained.

Distress Is Cited

It is impossible to describe the personal distress caused by this final refusal after months of discussion, reassurance and promises. Although a lawsuit would be painful, it could not equal the distress caused over this long period.

Moreover, it was now clear that only through legal action could Mrs. Kennedy assert her right and desire to protect her private life and the innocent griefs of her children. Even then there was hesitation. For we all knew how difficult would be the storm that was sure to come.

A controversy, however, would end, while the published material would live forever. We also knew that some of the material might be printed in any event; but it would be transitory and fragmented and, at least, lack the seeming acquiescence of the family of President John Kennedy.

And so the lawsuit was brought.

Now it has been settled among all the parties. Those personal passages of most concern have been deleted or modified. The recorded interviews will be deposited in the Kennedy Library. We are grateful for that. We all agree that the historical record has not been damaged, nor has the book itself been hurt.

Throughout discussions of changes and revisions, concern was expressed by us and by the publishers regarding passages which were unfair or inaccurate. Detailed memoranda was submitted, specifically objecting to these passages.

Many of the changes recommended in this connection were refused by the author, apparently on the ground that he was entitled to his own



The New York Times

AUTHOR'S VIEW: William Manchester, author of book "The Death of a President," during his news conference yesterday in New York.

view of history. When we were not successful in getting the author and publisher to agree with these changes, we and the lawyers in the controversy felt these points should not properly be made a point of legal suppression.

Thus it is important to note that on the title page of each copy of the book published in the United States or abroad there will appear the following words:

"Harper & Row wishes to make it clear that neither Mrs. John F. Kennedy nor Senator Robert F. Kennedy has in any way approved or endorsed the material appearing in this book. The author, William Manchester, and the publishers assume complete and sole responsibility."

All the parties, publishers and authors, have stated that the material involved is only a small portion of an immense narrative; and we are told it is of little significance. We agree with that. Its only significance was to Mrs. Kennedy and to her children. We can only regret that it was not possible to make the accommodations, which have now so easily been agreed upon, without the ordeal which legal action inevitably and foreseeably brought.

Harper & Row Statement

In the past weeks there have been hundreds of thousands of words written about this controversy. Our position

as publisher has been especially difficult because of our respect and admiration for the Kennedy family and for William Manchester, as well as our obligation to him as an author. We are glad that the lawsuit has now been terminated and desire to make this brief statement.

Harper & Row did not ask for the privilege of publishing "The Death of a President." In March, 1964, Mr. Evan Thomas, chairman of the Harper Editorial Board, was asked by Robert F. Kennedy, then the Attorney General, if Harper would publish a book about the assassination of President Kennedy. Mr. Thomas was informed that William Manchester had been chosen by Mrs. Kennedy to write the book.

On behalf of Harper, Mr. Thomas told Robert Kennedy that we would be proud to publish the book, and it was clear from the outset that this would not be treated as an ordinary commercial publishing venture.

Instead of the publisher and the author receiving the usual proceeds from the Harper publication, it was agreed that the John F. Kennedy Memorial Library would receive a substantial share of these proceeds.

Accordingly, the Harper share above costs, including normal overhead, and taxes, from all sources, including the Book-of-the-Month Club and paperback, cannot be more than 6 per cent on net receipts from the first 100,000 copies sold of the hardbound

edition, regardless of how many copies are sold of any edition.

Also, as initially agreed, the library receives a substantial portion of what would otherwise have gone to the author.

In March of last year, Mr. Manchester finished writing the original manuscript of his book "The Death of a President" and he so advised Mrs. Kennedy, Senator Kennedy and Harper. Since that time, the original version, revised versions, galley proofs and page proofs have been available to Mrs. Kennedy and Senator Kennedy. However, they decided not to read the book and relive the tragedy of the assassination. Instead, a number of close friends and associates were delegated to read the book on their behalf.

These representatives cleared a great many comments and suggestions directly with Mr. Manchester and Harper. By the middle of July, substantial revisions were made by Mr. Manchester, in accordance with these comments and suggestions, and on July 28 Senator Kennedy advised both the author and Harper by telegram and letter that members of the Kennedy family would place no obstacle in the way of publication of Mr. Manchester's book.

Prior to July, Senator Kennedy had been informed of the likelihood of an early publication of another book about the assassination. In view of all the facts, Mr. Manchester was told he was free to arrange for serialization of the book in late 1966.

Subsequently, Mrs. Kennedy requested that the start of the serialization be postponed until January, 1967. Look deferred to her wishes and scheduled the serialization in four installments starting in January, 1967.

Serialization Rights

Harper has at no time had any financial interest in, or control over, United States or foreign magazine serialization or publication of the book abroad. Arrangements were concluded by Mr. Manchester with Look magazine, and Senator Kennedy told him that he was pleased with the selection of Look.

It was understood that the book itself would then appear in 1967, at or about the time of the last magazine installment. At the March, 1964, meeting it had been agreed that book publication should not be separated in time from the final installment of the magazine serialization.

Mr. Manchester has worked

on this book assiduously and conscientiously for nearly three years. As he neared finalization of the book, Mr. Thomas worked closely with him. Their objective was to produce a unique work which is also a fitting memorial to the late President. In our opinion, they have accomplished this objective.

In settling the current controversy, a few personal passages of concern to Mrs. Kennedy have been deleted or modified by mutual agreement of all parties. The changes that have been made involving a cumulative total of some 7 pages in a book of 654 pages of text have affected neither its historical interest nor its narrative power.

In our opinion, the book as we will publish it in April based upon access to unique sources will proudly stand as a dramatic account of the fateful days from Nov. 20 to 25, 1963.

The decree which Judge Streit has issued today confirms that Harper & Row will publish William Manchester's "The Death of a President" in early April as planned and that it will be distributed by the Book-of-the-Month Club under the Harper imprint. The text of the book has been agreed upon by Mrs. Kennedy and Mr. Manchester.

Manchester Statement

After lengthy discussions, Jacqueline Kennedy, Harper and I have agreed upon April publication of "The Death of a President," which I wrote

at her request. In consequence, she has withdrawn her legal action, and Robert Kennedy is waiving his rights in the memorandum of understanding which I signed with him three years ago.

Out-of-court settlements are often called "compromises." In this case a more accurate description would be "a resolution of misunderstandings." Last month, a statement issued by Mrs. Kennedy's office characterized portions of "The Death of a President" as "tasteless and distorted," but that judgment was based upon isolated fragments which had been read to her by associates of the family.

I may say that she has had complete access to my entire manuscript since last March and has been given every opportunity to read it, yet, as she declared in her affidavit to the court, at that time she had never even seen it.

This may sound baffling, but there is an explanation, and it is quite human. The fact is that those close to her had hoped to spare her the ordeal of a full reading. In retrospect, it seems obvious that had she done so then—had her authority not been delegated to designated representatives of the family—we all would have forgone much anguish.

However, the dilemma has now been resolved. Since filing her court action, Mrs.

Kennedy has studied the full text, and I have made certain alterations at her request. Altogether, her suggestions comprised less than 1 per cent of the manuscript—that is, less than seven pages out of a 700-page book. Moreover, during the discussions just completed, additional historical material has been added.

I should like to observe that from the marginal notations on the page proofs examined by Mrs. Kennedy, it now appears quite clear she has raised no real objection to either the taste or accuracy of the original manuscript, and that she has found no distortion in my account of the events of late November, 1963.

None of the deletions which have been made during the last few weeks are political in character. Essentially, what has happened is this: Certain passages which she considered personal were pointed out to me, and I therefore struck them out. I retained all material which I considered vital to the historical record. An attorney acting on Mrs. Kennedy's instructions then initialed each page of the final text, and so did I.

Pledge Reaffirmed

I wish to reaffirm my voluntary pledge to safeguard source material which I gathered during the project. All tapes, documents, exhibits, transcriptions of my 1,000 interviews and my manuscript will be catalogued and then placed under seal for 100 years. This material will be available to no one without my written permission.

Like Jacqueline Kennedy, I am distressed by flagrant publicity. Like her, I cherish my privacy and regret the painful notoriety of the past several weeks, and I am aware that on occasion it has unjustly stung the President of the United States, who has been the victim of unauthorized, false and malicious versions of the manuscript's content.

Once more I should like to express my ardent wish that evaluation of "The Death of a President" be suspended until its publication in book form, when it can be properly judged.

This has been a perplexing affair. But it should be borne in mind that tens of millions of Americans still find it impossible to ponder the President's murder logically. If they are irrational, surely those who were closest to John Kennedy are entitled to the greatest sympathy and compassion.

The catastrophe was insane. It was the nightmare of our generation. One cannot always be sensible about it.