



Right to Know?

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Now that the battle of the Manchester book is happily all but settled, I add some afterthoughts on how the embroilment came about, and what was the principal issue:

There were two blunders made—one by the author, the other by Mrs. Kennedy. The author's blunder was to get involved with a commissioned book, for that is what it was. He may have thought that he was his own master and that the contract giving the Kennedys final approval was only a formal matter, but if he did he was wrong. Whether you call it an "authorized" biography or not, the fact is that to give someone the right of final approval is to give him also the power of final censorship.

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Mrs. Kennedy's blunder was, with so little knowledge of Manchester, to have talked so freely to him. True, she was in a vulnerable phase, and grief and memory together conspired in a kind of self-purging. Doubtless she felt safe because the agreement had given her the right to final approval, leaving the more intimate memories on the tape for historians in the long future. Yet it is dangerous to talk so freely to an author unless you are wholly sure of his self-restraint, which in this case was overcome by the conviction that every detail she had given belonged to history.

Given these two blunders the rest followed. None of the principals has come out of the case unhurt. It has been a bonanza only for the press and the lawyers. Yet out of it may have come some greater clarity than we had earlier about the line between the right to privacy and the right to know.

A good deal has been said, by the critics of Mrs. Kennedy, about the public's right to know. I have myself been critical of her threatened suit, but I have not based it on any notion of an unlimited right of the people to know. Clearly there are limits on such a right. We have no right to know about top-secret documents which have not yet been declassified—although Herbert Feis (in a recent article in "Foreign Affairs") is understandably irked at the unnecessary shackles placed on the historian by over-rigid secrecy rules of the State Dept. and various foreign ministries. Nor have we a right to know private things, even about public officials or their families, against their wishes.

Thus the right to know is circumscribed by public policy, by taste, by codes of fairness, by the right of privacy.

More important than the right to know is the right to publish.

This, too, is a limited right—limited by the obscenity statutes, by libel laws, by judicial interpretations of both. But the right to publish becomes a precious right when there are unwarranted censorship efforts to prevent publication.

For at that point what comes into play is not only the author's right to make public what he has learned, researched, thought up. It is also the public's right to have this put on the record, even if the author's taste may be questionable, his language either inflammatory or erotic, his principles dangerous, his personality whatever it is. Unless this right to publish is protected the people as a whole will have an even worse time making judgments and decisions than it has. The competition of ideas, the clash of viewpoints, the judgment of history—all of them depend upon the right to publish whatever the author has written,

even though we may question his taste and behavior.

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This has been the whole of my belief, not only in this case but in earlier ones which have raised somewhat similar issues from very different angles. There was, last year, the big flareup of discussion about Arthur Schlesinger's articles in "Life" which preceded the publication of his "Thousand Days" as a book. Particularly there was the question of his decision to make public his recollection that President Kennedy, shortly before his death, had made up his mind to fire Secretary Rusk.

I suggested at the time, mildly enough, that this polemical use of a memoir was not wholly fair. I may have been wrong or right, but in making this judgment I never for a moment questioned Schlesinger's right to publish what he had written. If there had been any attempt to get an injunction against his articles or his book, I would obviously have come to his defense on the ground that as a historian he has a right to write history as he sees it.

That is why, in the case of the effort to keep the Manchester book from being published, I have come to the defense of the author's right to publish—even though he may have violated taste as well as privacy, and obtained his information questionably by breaking the word he had given in the memorandum of agreement. It is not so much the public's right to know that is involved here: that right was always limited by what Mrs. Kennedy may have chosen not to say. It is the right to publish which is at stake. For the public interest supports the need to keep censorship away, however much sympathy we may have for the personality and motives of the censors.