

Kennedy Suit Is One of Many

By John P. MacKenzie
Washington Post Staff Writer

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 deeply held personal

convictions about private rights, competing claims of free speech and the "public interest"—and high financial stakes in the publishing business.

In the Kennedy lawsuit, Mrs. John F. Kennedy is claiming that publication of a book by William Manchester

and a condensation in *Look* magazine would violate her contract with the author and destroy her property right in her own account of the assassination.

Meanwhile Howard Hughes, the elusive financier, has acquired copyrights which his lawyers say prohibit any un-

authorized 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 author a longtime friend. Hotchner contended that Mary Hemingway wanted to conceal her husband's suicide. She later admitted, in a *Look* magazine interview, that her husband shot himself.

Baseball great Warren Spahn has been more successful. The Court of Appeals, New York State's highest tribunal, has ruled that Spahn is entitled to enjoin publication of a biography the judges found contained "a host of fac-

Similar Cases

tual errors, distortions and fanciful passages."

Under Court Scrutiny

The Spahn injunction is based on New York's privacy law, which is under Supreme Court scrutiny in a case involving Life magazine, protecting 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.

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 mem-

oirs 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.

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.

Injunction Sought

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 ex-

ursion into the Federal courts of New York. There they seek an injunction against the Frick lawsuit itself.

The historians claim that the mere fact of the lawsuit hanging over Steven's head has such a "chilling effect" on First Amendment free speech rights that the lawsuit must not go on. A Pennsylvania judge has scheduled final arguments for Jan. 10.

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. Kennedy against writer Manchester. Lawyers at the Rifkind firm say the contract aspect of the Kennedy cases makes the two cases totally different.

Rifkind failed to persuade Federal Judge Harold R. Tyler Jr. to issue an injunction. Three weeks ago Rifkind argued before a panel of the 2d U.S. Court of Appeals, which

took the case under advisement.

Miss Frick objects to Sylvester's three references to her father, an associate of Andrew Carnegie who died in 1919. Stevens called Frick "stern, brusque, autocratic" and anti-union, but insists that his comments were both true and far milder than those of many other historians.

New Zealand Calls For Return of Coins

WELLINGTON, New Zealand, Dec. 18 (AP)—"What have you done with us?" ask advertisements for coins in New Zealand newspapers.

The advertisements are part of a treasury campaign appealing to the public to put coins back in circulation and offset a shortage. The government reported that 450 million coins have been issued but they are fast disappearing.