

'DEATH OF A PRESIDENT'

# The Widow, the Brother and the Defense

By JOHN CORRY

No one is exactly sure why, with so many things going for it, "Death of a President" became so deeply entangled in litigation last week. There were powerful interests involved, and none would gain by a court case. If it all came about because of a woman's sense of privacy, it is an awesome thing.

Substantial sums of money were involved for the author, William Manchester, and for the publisher, Harper & Row. The book was certain to be a best-seller. Look had agreed to pay \$665,000 for the serialization rights and stood to recover nearly half of it by selling the European rights, and Dell Books had offered \$1-million for the paperback rights.

But the underlying issues did not primarily involve money and specific contractual commitments so much as they did questions of good faith, deep personal feelings and convictions, and private rights versus an obligation to history and the public's right to know.

One problem, a literary man said, is that a literary lawyer did not write the contract that William Manchester and Senator Robert F. Kennedy signed.

For instance, did the contract mean that Mr. Manchester can never write anything about the assassination of President Kennedy?

"Certainly," one attorney said, "there must be some reasonable limitation to the restraint put on Mr. Manchester." Even if Mrs. Kennedy prevents publication of the book, he said, Mr. Manchester cannot be expected to be silent forever.

## Choice of Author

Mrs. Kennedy chose Mr. Manchester to write the authorized version of the assassination in February, 1964, "in the interest of personal accuracy." She said she would prefer that no book be written at all, but that if one had to be written it ought to be done without "distortion and sensationalism."

In the suit she filed Friday in State Supreme Court, Mrs. Kennedy said that the publication of "Death of a President" would "result in precisely the sensationalism and commercialism which we—Robert F. Kennedy and I—have sought so strenuously to avoid."

She asked that Harper & Row, Publishers, Inc., which plans to publish "Death of a President" in the spring, and Cowles Communications, Inc., which

pans to serialize it in Look magazine, be forbidden to do so. She asked that Mr. Manchester return the letters she and her daughter, Caroline, had written to the President, and she asked for the tape recordings he had made in two lengthy interviews with her in April.

Mrs. Kennedy was relying on common law copyright to regain the letters, but a man who spoke for her last week said he really had no idea if she could regain the tapes. It is what is on the tapes, apparently, that agitates Mrs. Kennedy the most.

"Jackie," a friend said, "made no attempt at self-censorship during the interview, not that there was anything improper said, but she did reveal her innermost thoughts."

## 'Like Movie Magazine'

"To have it in a book, just like a movie magazine," he said, is repugnant to her."

Mrs. Kennedy has demonstrated strong feelings before about what she believes to be her private life. Paul Fay, who was a friend of her late husband and once a member of his Administration, recently published a book, "The Pleasure of His Company." It reflected his friendship with Mr. Kennedy, and it was passed off by most critics as a pleasant piece of trivia, which, they supposed, was what he had intended it to be.

However, Mrs. Kennedy objected to the book, supposedly because Mr. Fay had taken advantage of a friendship to write it. Two weeks ago she rejected a donation from Mr. Fay to the Kennedy Memorial Library in Cambridge, Mass., because of her distaste for the book. Senator Kennedy is thought to have disliked it, too, considering it too flippant, but with far less passion than Mrs. Kennedy.

The suit to prevent the publication of "Death of a President," however touched on larger things than Mrs. Kennedy's sense of privacy. For one thing it involved a celebrated name, Kennedy, in a dispute with celebrated publishers. For another, it draws attention to relations between Senator Kennedy and President Johnson. Mr. Manchester has written a book that depicts Mr. Johnson as overbearing, even boorish. The book was authorized by the Kennedy family; it could be construed, or misconstrued, as a statement of its official position.

The dispute was scheduled to reach a hearing before Saul S. Streit, the ranking justice of the State Supreme Court, on Dec. 27. It was certain to center around the question of whether the Kennedys did give Mr. Manchester, Harper & Row and Look magazine permission to publish. Mrs. Kennedy and the Senator say they did not.

Harper & Row says Mr. Manchester received a telegram from the Senator last July that said "members of the Kennedy family will place no obstacle in the way of publication of the book." This, it says, was an indication that it could publish, even though the memorandum Mr. Manchester and Senator Kennedy signed on March 28, 1964, stated that "the text shall not be published unless and until approved" by Mrs. Kennedy and the Senator.

The author and his publishers also assert that throughout the year since Mr. Manchester finished the manuscript, a gaggle of New Frontiersmen have looked at it, suggested revisions, and generally given the impression that the original agreement was of no consequence.

## Senator's Affidavit

However, in the affidavit he filed in support of Mrs. Kennedy's suit, the Senator said it was incorrect to infer that because "certain of Mrs. Kennedy's friends and my friends read portions of the manuscript and made suggestions as to its text, Mrs. Kennedy and I have somehow approved the manuscript."

Senator Kennedy said he had never read "Death of a President" and that "no one who read the manuscript had authority to approve it on behalf of Mrs. Kennedy or me."

Mrs. Kennedy said, "I have never seen Manchester's manuscript. I have not approved it, nor have I authorized anyone else to approve it for me."

There were reports that the Senator was not enthusiastic about a suit, that he believed there was little profit in pursuing an author and two publishers through a court, and that he would not have objected strenuously if the book had been published.

Nonetheless, one of the number of persons who spoke for the Kennedy family last week said, "There is an absolute identity of views between Bob and Mrs. Kennedy."





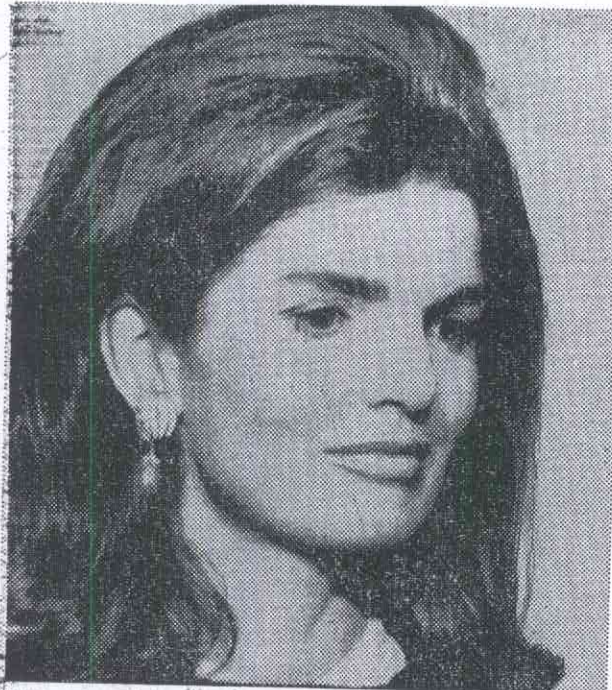
**WILLIAM MANCHESTER**, author: "I believe every reader . . . will find here much which is new and some, perhaps, which is disturbing."



Associated Press

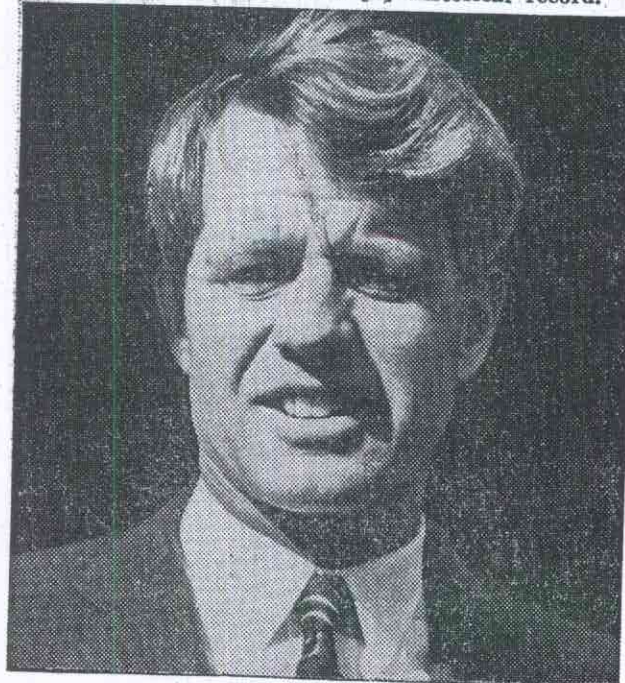
**GARDNER COWLES**, editorial chairman of *Look*:  
". . . it would be improper to withhold this significant document from the American people. . ."





Associated Press

**JACQUELINE KENNEDY:** "To expose . . . all . . . I endured in those terrible days does not seem to me to be essential to [a] historical record."



The New York Times (by Meyer Liebowitz)

**SENATOR ROBERT KENNEDY:** "... at no time did I ever give my approval or consent to the text of the manuscript [or] any publication thereof ..."