

Howard Kurtz, newsroom
The Washington Post
1150 15 St., NW
Washington, DC 20071

7/19/93

Dear Mr. Kurtz,

Probably without either the intention or the realization your article on William Manchester's claim that Joe McGinniss plagiarized is not accurate, fair or unbiased, I suspect because your trust was imposed upon, and it skirts around a major question that it does not directly address ^{it} on which ^{it} does in effect take a position: can anyone assert a property right on information relating to ~~xxx~~ so important an historical event as the assassination of a President.

I believe none of us can claim a property right on such information and after some 15 years of the most difficult and costly FOIA litigation in which I finally obtained about a third of a million pages from the government I make all that information freely available to all writing in the field - my competitors - who for the most part are those I know I will not agree with.

Manchester's book is not at all what you say it is, "the definitive account of John F. Kennedy's assassination." Rather is it his imperial rehash of the Warren Commission's investigation that he twisted into an unseemly Camelot and which he sweetened with treacle and made titillating with trivia.

In fact at several points in his book Manchester refutes that Commission's conclusions without so informing the reader. He reports what makes a perjurer of a major Commission witness and does not so inform the reader.

What leads me to believe that your trust may have been imposed upon is your writing that Manchester said he accepted only a \$40,000 advance for his three years of work on the book. He said he and his publisher, Harper & Row, stipulated that all royalties be donated to the Kennedy ~~Lib~~ Library. 'I didn't want to become rich because of the death of a friend', he said."

If my recollection is correct, this is a particularly dishonest formulation.

The question Manchester himself raises is not addressed by what he "accepted" but by what he contracted.

Did he contract for that advance only?

Does that contract specify that all royalties would not be paid to him but would instead be given to the Kennedy Library?

If neither of these is true, what then about his not wanting to "become rich because of the death of a friend"?

I am one of those who in 1966 protested that contract and its provisions. While I now do not recall all that I did I do recall phoning a member of the White House staff and making a critical broadcast on ^{CBS} ~~CB~~ network radio news.

I do recall that of the special arrangements Manchester enjoyed at least some of what

remained ^{the revision} ~~were revised~~ and I am pretty confident that the "stipulation" to which Manchester refers is the one that settled the dispute between him and the Kennedys, not what was a provision of the initial contract.

Originally Manchester was given exceptional access to both people and the Warren Commission, its ongoing work and then to its records after its Report was published. In order for his exclusive and I think at least improper if not illegal access to what was denied all the rest of us, he even had a private office in the National Archives.

Can he, really, after accepting and using these special and exclusive arrangements- I do not regard them as rights in the property sense - claim any property right to that part of our history that was given to him without, I believe, any legal authority for it?

I practise my belief that none ought own any property right. For example, Viking is not promoting a book in which it claims to bring to light Jackie's unpublished Warren Commission testimony. In all aspects that is false and that it is false is known to the author who knows very well that I published it in 1974 in my book Post Mortem. A friend working independently and I compelled the Archives to disclose what the Commission withheld. The Archives knew very well that I would likely file suit under FOIA to force its disclosure. (I had sued it and other agencies in about 13 such suits, several of which were officially stone-walled for more than a decade.) That is how I obtained those records in which by the way, Manchester has had no interest at all while still describing his rehash where it relates to fact about the assassination as a "very special book."

I have not complained to Viking, as in the past I did not complain to ~~some~~ other publishers who made similar false claims and I do not intend to. Yet that, I believe, is a more intended misuse of what I published, to seal books rather than to tell the people what had not been published earlier.

You should be able to check the contract controversy in the Post's morgue if those with a copy of that contract, like the author and his publisher, will not level with you.

I do not dispute that Manchester got only his advance but there were published reports that after the dispute over his book was settled he would get about \$500,000 and the Librar would get about \$5,000,000.

I have no address for Michael Korda and S & S. I hope you will be kind enough to forward the enclosed copy of this letter to him. I enclose a stamp. Thanks.

I am sorry my typing cannot be any better. My apologies to both of you.

If you suspect that perhaps I do not practise what I preach, I suggest you ask George Lardner.

Sincerely,
Harold Weisberg
Harold Weisberg

McGinniss In the Line Of Fire Again

Kennedy Author
Manchester Levels
Plagiarism Charge

7/19/93

By Howard Kurtz
Washington Post Staff Writer

William Manchester, the historian who wrote the definitive account of John F. Kennedy's assassination, has always felt strongly about his book "The Death of a President." So strongly that he declined all profits, turning them over to the Kennedy Library. So strongly that he went to court to stop NBC from using his material in a movie about Kennedy's death.

Now Manchester is plenty mad at Joe McGinniss, whose forthcoming book about Ted Kennedy draws heavily on "The Death of a President." After comparing 11 chapters of "The Last Brother" to his 1967 book, Manchester believes he is the victim of plagiarism. One hundred and eighty-seven instances of it, to be exact.

Manchester, who first made the charge to New York Magazine in an interview published today, elaborated in a telephone interview from his Connecticut home. He said he would sue McGinniss's publisher, Simon and Schuster, unless changes are made before the book's release next month.

"I was astonished at the number of instances of copying, and also the pattern," Manchester said. "I'm disturbed, and I've sent what I have to my lawyers." He said he would make it "very clear to Simon and Schuster" that he will go to court if necessary.

"I have to," Manchester said. "If

you don't challenge plagiarism, your work passes into the public domain. You lose your copyright."

Manchester, 71, said McGinniss "is allowed to use facts—professionally, I think it's shabby—but he's not allowed to use my words. He's not allowed to use my structure."

McGinniss did not respond to a message left on his answering ma-

See MCGINNISS, B8, Col. 1

MCGINNISS, From B1

chine, but he told New York Magazine in a letter published today that he is "appalled and outraged" at Manchester's accusations.

"My extensive reliance upon the facts contained in Manchester's book . . . does not resemble plagiarism in any way. . . . Once published, the facts contained in his book passed into the public domain," McGinniss said.

"I have drawn heavily from Manchester's account for the facts upon which I have based my own interpretations of Teddy Kennedy's actions and reactions during this period. . . . What I have not done is to appropriate, or to pass off as my own, any of Mr. Manchester's 'ideas' or 'words.'"

McGinniss mentions Manchester several times in his book with such phrases as "As William Manchester would write . . ." The book has no footnotes or source notes.

"The problem is, he doesn't credit 'The Death of a President,'" Manchester said. "Mentioning me doesn't do the job. Yes, he mentions me three or four times, but that really is not satisfactory."

Simon and Schuster officials could not be reached over the weekend. Editor in Chief Michael Korda told New York's John Taylor that he could not comment on the plagiarism issue because "it's a legal matter."

"The Last Brother" has been the focus of front-page controversy since The Washington Post reported last month that a 123-page bound excerpt distributed by the publisher contained an extraordinary disclaimer. The disclaimer said that some thoughts and dialogue were "created by the author."

Simon and Schuster now says it will drop the disclaimer in favor of a longer author's note. The biography is to be excerpted in Vanity Fair, which insists it will be subjected to the usual fact-checking process, and made into an NBC miniseries. McGinniss was paid a reported \$1 million for the book.

Taylor sparked a second contro-

versy two weeks ago when he wrote that "the overwhelming bulk of the material" in the 123-page excerpt came from Manchester's book.

In his rebuttal, McGinniss wrote: "Having seen my work attacked first as 'fiction' replete with 'invented quotation,' I find it ironic, to say the least, to see it now maligned for not being sufficiently inventive. I'm sorry, but my critics can't have it both ways."

Taylor's side-by-side comparisons make clear that McGinniss, while using different wording, leaned heavily on Manchester's work. In one example, Manchester described how a Senate press aide, Richard Riedel, ran onto the Senate floor to tell Ted Kennedy of the assassination on Nov. 22, 1963. As recounted in "The Death of a President":

"The most horrible thing has happened. It's terrible, terrible!"

The senator had been signing correspondence. His pen wavered. He asked, "What is it?"

"Your brother." Riedel remembered that Ted had two brothers. "Your brother the president. He's been shot."

McGinniss's version:

"The most terrible thing has happened! It's terrible! Terrible!"

Teddy was still holding in his right hand the pen he'd been using to sign his correspondence.

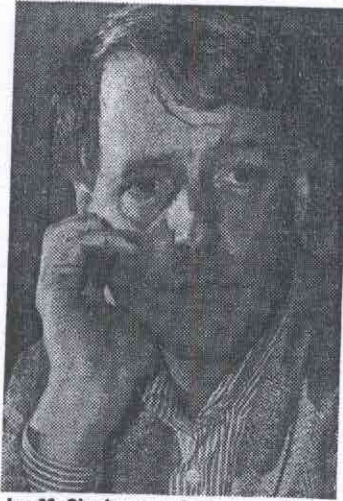
"What is it?" Teddy asked. . . .

"Your brother," Riedel said. Then he paused, as if grasping that thus far he'd imparted very little information. It occurred to him, in that instant, that awful as it was, he'd have to say more because, for one thing, Teddy had two brothers.

"Your brother the President," Riedel exclaimed. "He's been shot."

"The man didn't do any work himself," Manchester said. "I described how Teddy Kennedy learned his brother had been killed. He simply reprints what I had, naming the same people. I would've thought another writer would have questioned these people, many of whom are still alive."

Unlike McGinniss, Manchester says, he did not invent thoughts and



Joe McGinniss says he is "appalled and outraged" by William Manchester's accusations.

dialogue. "I do say what was going on in people's heads, because people told me."

A professor emeritus at Wesleyan University in Middlebrook, Conn., Manchester is finishing the third volume of a biography of Winston Churchill. He said his copy editors at Little, Brown & Co. alert him if he

paraphrases another historian's work too closely.

"I'm really more baffled by Simon and Schuster than I am by McGinniss. I don't know McGinniss. Simon and Schuster is an established house."

An acquaintance of Jack Kennedy, Manchester was chosen by the family to write an authorized account of the assassination. But Jacqueline Kennedy did not like the manuscript and tried to prevent its publication.

Manchester said he accepted only a \$40,000 advance for his three years of work on the book. He said he and his publisher, Harper & Row, stipulated that all royalties be donated to the Kennedy Library. "I didn't want to become rich because of the death of a friend," he said.

Manchester said he signed an agreement with Robert Kennedy that no part of the book would be used for television. He said he spent \$25,000 on legal fees several years ago to persuade NBC to reshoot several movie scenes that were based on his book.

Manchester sounded weary of the battle over his 26-year-old work. "It's a very special book for me, and I'm very upset about this development," he said.