

Efforts Under Way To Avoid Court Test Over Kennedy Book

By JOHN CORRY

Efforts are under way to avoid a court fight in Mrs. John F. Kennedy's battle to prevent the publication of "Death of a President," William Manchester's book on the assassination of her husband.

One source said, "There is a lot of maneuvering going on." Another said that "you might say there is a lot of talking back and forth."

There were reports that Senator Robert F. Kennedy was eager to avoid a public confrontation between Mrs. Kennedy and Mr. Manchester, Harper & Row, Publisher, Inc., and Look magazine, which plans to serialize the book.

One source said that the Senator once had rejected a suggestion that he sue Mr. Manchester, and that this offered some indication of Mr. Kennedy's feelings.

However, a spokesman for the Kennedy family insisted that "there is an absolute identity of views between Bob and Mrs. Kennedy."

"This absolute identity of views," he said, "extends even to going to court, which is apparently where we are going."

Nonetheless, sources in the publishing industry said that feelers for an informal settlement were being extended, although both sides were extraordinarily reluctant about commenting on them.

Simon Rifkind, the former Federal judge who will represent Mrs. Kennedy, said he would file a complaint in State Supreme Court either today or tomorrow. Edward Costikyan,

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who will assist Mr. Rifkind, declined to comment on the possibility of avoiding a court fight.

Mr. Costikyan, once the head of the regular Democratic organization in Manhattan, said only that "we are going ahead as we had planned."

One source who is close to Senator Kennedy refused to talk about Mr. Kennedy's position, although he offered his own belief that "Death of a President" could have political repercussions.

View of Johnson

He suggested that the book, at least as it was originally written, depicted President Johnson as rude and overbearing. He said that the author had allowed his own distaste for Mr. Johnson to color his narrative.

He said that, because Mrs. Kennedy and the Senator had authorized the book, even stating in a contract with Mr. Manchester that members of the Kennedy family would cooperate with no other author on stories of the assassination, "Death of a President" could be construed as a statement of Kennedy views.

As an example of Mr. Manchester's alleged feelings about Mr. Johnson, he cited a passage in the book that contrasted the code names the Secret Service used for both the Kennedys and Johnsons.

The name for Mrs. Johnson was preposterous, he said, and he said that Mr. Manchester had written:

"But then Lady Bird never

had much luck with names anyway."

Bennett Cerf, the chairman of the board of Random House, in an informal talk at Yale University Wednesday night, said that "Death of a President" pictured the Kennedys as being "shocked and infuriated" by Mr. Johnson's behavior in Dallas after the assassination.

Harper & Row has scheduled the publication of "Death of a President" next April. Look magazine plans to begin a serialization in the issue on sale Jan. 10.

Harper & Row said on Wednesday that Senator Kennedy had told Mr. Manchester in a telegram last July that "members of the Kennedy family will place no obstacle in the way of publication of his book."

On this basis, the publishers said, it "proceeded to the final editing of the book."

However, colleagues of the Senator say that the telegram was sent simply to assure Mr. Manchester that the book would ultimately be published. They insist that it did not void the original contract.

Mr. Cerf said that Mr. Johnson's party had reached the airport first in the trip back to Washington and had immediately boarded the jet used by the President. Mrs. Kennedy and her friends were distressed, he said, when they returned with the President's body and found the plane occupied.

Approval Lacking

If a complaint is filed by Mrs. Kennedy, however, it will be based on an alleged breach of contract by Mr. Manchester. In a memorandum signed by the author and Senator Kennedy on March 26, 1964, it was agreed that the book must be approved by both Mrs. Kennedy and the Senator before publication. This, spokesmen for the

Kennedy family said, has not been done.

The memorandum also says that the book cannot be published before Nov. 22, 1968, five years after the assassination.

Legal sources in the publishing industry suggested that one issue that could arise if the dispute was carried to court is the intent of the contract: Does it mean that Mr. Manchester can never publish anything about the assassination without the approval of the Kennedys?