

Jackie's Basis for Lawsuit Secret Talk Over Book

NEW YORK—(AP)—A high official in President John F. Kennedy's Administration today described a secret conference that—inadvertently may have led to Mrs. Kennedy's legal action to block publication of a book about the assassination of her husband.

"The question of a lawsuit was put down as a last resort," the former official said. "It was only mentioned."

He said he is sure the publishers of the book learned of the sense of the meeting.

And he said he believes they therefore concluded they could resist further requests by Mrs. Kennedy for revisions or deletions in the manuscript of William Manchester's book, "Death of a President."

When efforts to compromise failed, he said, Mrs. Kennedy brought the suit.

Her attorneys will charge breach of contract, arguing the Kennedys have not approved the manuscript, as agreed upon in a "memorandum of understanding" signed by Manchester and Sen. Robert F. Kennedy (D-N.Y.).

Feelers for an informal settlement reportedly are being extended, according to sources in the publishing industry. But both sides are reluctant to comment on any efforts to avoid a court fight.

VERSION GIVEN

Mrs. Kennedy also objects to certain passages in the manuscript describing her emotions and actions in the aftermath of the tragedy in

Dallas, one of her friends said.

The former official gave this version of the conference:

It was held last October in Sen. Kennedy's New York

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City apartment. It lasted five hours.

Mrs. Kennedy did not attend. Sen. Kennedy was present "only a short time."

The meeting was called "because things had reached a difficult state with respect to certain parts of the book. The purpose was to work out compromises on them."

The group Richard Goodwin, Theodore Sorensen, Pierre Salinger, Arthur Schlesinger Jr., Burke Marshall, James Greenfield, John Douglas and John Siegenthaler, editor of the Nashville Tennessean.

IMPORTANT POSTS

Except for Siegenthaler, all present had held important positions in Kennedy's Administration.

Salinger, former White House press secretary, and Greenfield, former assistant secretary of state, considered the meeting of such importance that they flew to New York from California to attend.

A few of those at the conference had read the whole book. Others had read the parts of it that had come into dispute.

Some of it was read at the meeting.

The ex-official described the book as "beautifully written," adding, "There's a headline in every page."

But, he continued, referring to Manchester's two interviews with Mrs. Kennedy, "it's clear that Manchester took stuff from the tape recorder when Mrs. Kennedy was not in control of her emotions."

"Also, the book presents a rather unfortunate picture of President Johnson."

Nonetheless, he said, the sense of the meeting was to try to work out compromises on the disputed passages and not to take the case to court.

'REAL SNAG'

"Until a couple of weeks ago," he said, "I had the impression things were getting along pretty well on that. They must have run into a real snag."

He said he felt certain the publishers — Look magazine and Harper & Row, book publishers — got wind of the meeting and felt a lawsuit was unlikely.

He did not say who he thought might have "leaked" the information.

Yesterday, an informant who is in the thick of the fight said he had heard indications that Sen. Kennedy may wish to disassociate himself with his sister-in-law's action.

"Manchester prepared a complete statement telling absolutely everything in complete detail," the source said.

"He intends to issue it today. But the lawyers have told him not to, to hold it in reserve. They're getting strong indications that Sen. Kennedy wants to get out and doesn't think it (the suit) was a good idea, to begin with."

An aide to the senator, commenting on the report, said, "There is no conceivable conflict. He doesn't oppose the suit."

The complaint may be filed tomorrow, or possibly today, Mrs. Kennedy's lawyer, Simon Rifkind, said.

2 COMMUNICATIONS

Rifkind, a former federal judge, said the action is based primarily on the contention the Kennedys have not approved the manuscript of the book as it stands.

One clause in the "memorandum of understanding," signed by Sen. Kennedy and Manchester, says:

"The completed manuscript shall be reviewed by Mrs. John F. Kennedy and Sen. Robert F. Kennedy and the text shall not be published unless and until approved by them."

The question of breach-of-contract with respect to this paragraph may pivot on two communications from Sen. Kennedy.

A central figure in the pending action related this sequence of events with respect to the messages:

In late spring, when a number of revisions of Manchester's manuscript were requested, the author became "very distraught." The source said "he wondered if the book ever would be published."

Manchester's representatives asked for assurances from Kennedy, and the Sena-

tor sent a telegram saying the family would not stand in the way of publication.

This, the publishers are expected to argue, constituted a release.

SECOND TELEGRAM

But at the end of July or early August, Sen. Kennedy sent a second telegram, countermanning the first.

"Since final approval was not given," a lawyer said, "I think there's little doubt that in a straight breach-of-contract basis, Mrs. Kennedy will win."

Rifkind said the complaint will ask for a temporary injunction against publication of the book and possibly monetary damages.

"I don't know for sure," the attorney said. "I just haven't gotten that far yet."

An informant who said he has read the entire manuscript raised the question of another potential result if the court blocks publication.

"There is the specter of the sensation-mongers claiming it has been suppressed because it disagrees with the Warren Report," he said.

"In fact, Manchester came to the conclusion the Warren Commission's findings were right. But that won't stop the guys who are writing the books challenging them."

He referred to numerous books appearing recently whose authors question the Warren Commission's conclusion Lee Harvey Oswald — without accomplices — assassinated the President in Dallas Nov. 22, 1963.

NUMEROUS VERSIONS

Since Manchester's book relates the events immediately after the assassination, numerous versions of what happened on the flight back to Washington have become current.

Kenneth P. O'Donnell, appointments secretary to President Kennedy, clarified one.

He was asked to comment on the report that he boarded the presidential plane with Mrs. Kennedy and the casket, that he ordered the pilot to take off, and that the then Vice President Johnson countermanded the order. O'Donnell said:

"That's true."

"I didn't know that he (Johnson) was on the plane. I was under the assumption that he had already left."

The vice presidential jet, identical with the presidential jet, was parked on Love Field, Dallas.

O'Donnell continued, "We had no controversy. It's all in the Warren report."

TESTIMONY QUOTED

The Warren report shows this testimony by O'Donnell, under questioning by Arlen Specter, assistant counsel:

Specter: "What did you do

and I carried on a conversation, which, again, my recollections might be hazy—that it had been brought to his attention that I had asked for the plane to take off, and that there was some difference between him and me.

"He said to me that he had called the attorney general, and that the attorney general had indicated that it was, if

old friend of President Johnson and a passenger on the presidential plane, said:

"All I know about it is that the President and Mrs. Johnson showed every consideration to Mrs. Kennedy."

Regarding a report that the 1960 fight between Johnson and Kennedy for the presidential nomination was "rehashed" during the flight, Thornberry said:

Mrs. Kennedy agreed to be present.

Another eyewitness said the oath taking was delayed for some time. He estimated about five minutes.

He said he recalls seeing Johnson showing some impatience—"For example, looking down the corridor to see if she (Mrs. Kennedy) was coming."



Marshall



Goodwin



Sorenson



Salinger



Douglas



Schlesinger

next after arriving on the airplane?"

O'Donnell: "As I say, I told Gen. McHugh to have the plane take off, still all of us under the assumption or apprehension that at some moment we either might not be granted clearance to take off or that the hospital may have gotten the police to intercept us—the difficulty of that to Mrs. Kennedy was incalculable.

"I was in a highly desperate strait to get that airplane in the air and back to Washington . . .

"There was a delay of two or three minutes and nothing happened. So I headed up for the cockpit myself, and I ran into McHugh in the meantime, who said President Johnson was aboard, and that he had ordered the pilot to delay, to hold up until he was sworn in . . ."

Specter: "Were you present when President Johnson was sworn in?"

O'Donnell: "I was."

Specter: "After you arrived back on AF-1, what did you do between that time and the time the plane was airborne?"

O'Donnell: "Mrs. Johnson took Mrs. Kennedy into the President's room on AF-1. I remember she was reluctant to go in there, but she persuaded her to. And—"

Specter: "Who was reluctant to go in?"

O'Donnell: "Mrs. Kennedy. And I went up and the Presi-

dent and I carried on a conversation, which, again, my recollections might be hazy—that it had been brought to his attention that I had asked for the plane to take off, and that there was some difference between him and me.

"I didn't describe what I saw as the problems. I realized it was an inevitable delay. So I don't believe I commented on it. I just listened to him."

FLIGHT SCENE

The transcript shows Specter asked O'Donnell where he sat on the flight to Washington. O'Donnell replied:

"I sat with Mrs. Kennedy almost all the way . . . the President called me up on one or two occasions and asked me to stay up in the cabin, wanted to talk to me, but I felt I had to stay with Mrs. Kennedy. So I sat with her on the whole trip."

Jack Valenti, former aide to Johnson, returned to Washington on Air Force 1 and was within sight and hearing of the President virtually all the time. Valenti said:

"I never saw anything frictionable, certainly nothing embarrassing. I just know that was a sad airplane."

Valenti said Johnson showed great concern for Mrs. Kennedy's grief then and later, and for the two Kennedy children.

He said Johnson "went out of his way" to help Mrs. Kennedy surmount a difficult time.

Similarly, Homer Thornberry, then member of the House of Representatives, an

"There couldn't have been. There was too much concern about the responsibilities of the presidency. There was no thought of it, no thought at all."

'EMBARRASSING'

Malcolm Kilduff, a White House aide under Kennedy, said previously that the 1960 campaign was "rehashed" and that incidents took place on the plane, on which he was a passenger, that might prove "embarrassing" to both the Kennedys and Johnsons.

Kilduff said yesterday he would not disclose the "embarrassing" incidents that took place on the plane. He said he turned down a five-figure offer from a national magazine that wanted his story.

He was asked if there was any acrimony between the Kennedys and the Johnsons over the conflicting orders for the plane to take off.

Kilduff said the discussion did not become acrimonious and said this did not figure in his catalog of "embarrassments."

There was some delay, apparently, in Mrs. Kennedy's appearance, for the swearing-in ceremony for Johnson.

Kilduff said there was no unusual delay. He said Johnson asked Lawrence O'Brien, now postmaster general, to inquire if Mrs. Kennedy would like to be present.

Kilduff said O'Brien went to the rear compartment and

CERF COMMENT

The eyewitness, who asked not to be identified, said the discussion over the delayed takeoff "might have been heated and perhaps acrimonious."

Bennett Cerf, chairman of the board of Random House, told an audience at Yale University's Pierson College Wednesday night that he read the Manchester book and said it described an incident involving the two identical planes, presidential and vice presidential, when the Kennedy party arrived at Love Field for the takeoff.

The Yale Daily News, student newspaper said:

"According to Mr. Cerf's narration of Manchester's book, the Johnson party reached the airfield first and, knowing that President Kennedy was dead, boarded the presidential jet.

"When the Kennedys returned to the airport with the coffin and discovered the presidential plane was already occupied, they were shocked and infuriated, said Mr. Cerf."

Cerf, reached in New York, confirmed he made the remarks. But he said, "I was under the impression I was talking off the record."

In Washington, an aide said Sen. Kennedy was familiar with Cerf's remarks, but the senator said he would have no comment about the book.

No comment was forthcoming either from Mrs. Kennedy or George Christian, assistant White House press secretary.