

HEARING PUT OFF ON KENNEDY BOOK

**Publisher and Widow Agree
to Move Trial to January
and Press for Accord**

By DOUGLAS ROBINSON

A temporary truce was reached yesterday between representatives of the Kennedy family and Harper & Row, Publishers, Inc., in the legal battle over the contents of William Manchester's book "The Death of a President."

In a joint statement by the publisher and Mrs. John F. Kennedy, both sides agreed to postpone a court hearing on the matter until mid-January — should such a hearing still prove necessary.

The statement said negotiations "have been making steady progress toward an amicable settlement," despite the absence of Mr. Manchester, who is ill with pneumonia in a Connecticut hospital.

Mrs. Kennedy had filed suit in State Supreme Court seeking to block publication of the book about the assassination of her husband. A hearing on Mrs. Kennedy's request for an injunction against Harper & Row and Mr. Manchester was scheduled for yesterday morning.

When the proceeding began, counsel for Harper & Row and Mr. Manchester both asked for a delay. Mr. Manchester's attorney asked that the hearing be put back to Jan. 16, which was granted. But counsel for the publisher, in a surprise move, asked that the hearing be delayed only until tomorrow.

This request, also granted, was then superseded later in the day by the joint statement on the decision to put off legal action until mid-January.

'Steady Progress'

The statement said:

"Representatives of Harper & Row and of Mrs. John F. Kennedy have been meeting for the past several days. They have been making steady progress toward an amicable settlement. The unfortunate illness of the author, William Manchester, has made it necessary to continue the discussions over a longer period than was anticipated.

"Both parties have agreed to continue consultations with Mr. Manchester and his representatives, as well as negotiations

among themselves for the adjustment of outstanding differences.

"Despite the author's illness, sufficient progress has been made so that Mrs. Kennedy has decided not to press her motion for a temporary injunction; and, although Harper & Row intends to publish the book, it has voluntarily agreed not to do so before April 1, even though there is no court order forbidding prior publication.

"Both parties have agreed to request a trial date for mid-January in the event that no agreement is reached.

"The sole object of this arrangement is to give all parties, including the author,

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sufficient time for thorough discussion."

The publisher's move yesterday morning for a hearing tomorrow had startled former Federal Judge Simon H. Rifkind, who is Mrs. Kennedy's legal representative in the case, because Mr. Manchester's attorney had received the adjournment until Jan. 16.

Asked what the Harper & Row move meant, Judge Rifkind snapped:

"It's beyond my comprehension."

The publisher's move set off speculation that Harper & Row was attempting to force a speed-up in the negotiations by asking for the early hearing. It was also assumed that the publisher was trying to force Mrs. Kennedy's hand in the belief that she wanted to avoid a court battle.

Edward S. Greenbaum, counsel for Harper & Row, told newsmen after the court appearance that he had requested a hearing tomorrow merely because "we want to have the temporary injunction disposed of promptly, that's all."

Mrs. Kennedy received a show-cause order on Dec. 17 from Justice Saul S. Streit on her complaint that the Manchester book violated her rights because of the author's plan to have the manuscript published without her approval. Such approval was stipulated in an agreement between Mr. Manchester and Senator Robert F. Kennedy.

Mrs. Kennedy's specific objections were to several sections of the book that she considered too personal as to the lives of herself and her children. The material had been gathered by the author in 10 hours of taped interviews with Mrs. Kennedy concerning the assassination.

Senator Issues Statement

The statement by the publisher and Mrs. Kennedy was issued by Senator Kennedy's office a few minutes before 6 P.M.

A spokesman for the Kennedy family said the agreement meant there would be no court hearing tomorrow, although a formal agreement still had to be reached through Justice Streit.

Intensive discussions between representatives of both sides have gone on for the last few days, even during the Christmas holidays. The talks have been primarily concerned with a revised manuscript of the 300,000-word book that was submitted for study by the publisher.

Mrs. Kennedy is now on a brief vacation in Antigua, British West Indies, with her children, Caroline and John Jr.

Last week the Kennedy family reached agreement with Cowles Communications, Inc., the publishers of Look magazine, which plans a 60,000-word serialization of the controversial work to start in the issue on sale Jan. 10.

In a statement last week, Mrs. Kennedy said Look had agreed to modify or remove all those passages in the serialization that related to the personal life of herself and her children.

Later yesterday a notice of discontinuance was filed in State Supreme Court on behalf of Look. This formally removed the magazine from among the three named defendants in the case.

"We are now free and clear," a spokesman for Look said. "We are interested, but we are not directly involved."

While the negotiations over his book went on, Mr. Manchester lay in Middlesex Memorial Hospital in Middletown, Conn. Early in the day he was taken off the critical list, and a hospital spokesman said he was "resting comfortably."

Mr. Manchester had been taken to the hospital on Sunday night with a temperature of 104.2. His illness was diagnosed as a pneumonia infection of the lower left lung.

He was also treated for a scratch on the cornea of the right eye, incurred a few nights earlier when he brushed against a pine needle on the Christmas tree he was helping to trim.

Among the get-well messages received by the author yesterday were telegrams from Mrs. Kennedy and her brother-in-law, Senator Kennedy, Democrat of New York, who is vacationing in Sun Valley, Idaho.

Mrs. Kennedy's message was reported to have said in part: "and how much I hope you will be better soon."

A spokesman for the hospital said the author's physician, Dr. F. Erwin Tracy, had recommended that his patient take a vacation after leaving the hospital. There was no indication whether his advice would be taken.

Worked Hand on Book

Meantime, a close friend of Mr. Manchester, John W. Paton, secretary of Wesleyan University in Middletown, said the author had spent several weeks last fall at Elmcrest Manor, a psychiatric institution in Portland, Conn.

Mr. Paton said Mr. Manchester had been suffering from exhaustion because "he is a compulsive worker" who spent almost 16 hours a day working on the Kennedy book.

Following the court hearing yesterday morning, Judge Rifkind, in expressing bafflement

at the Harper & Row move for a hearing tomorrow, told newsmen that "I'm in no position to negotiate while I'm getting prepared for a hearing."

Asked if he could deal in any court hearing with Harper & Row without including Mr. Manchester, he gave an emphatic "No."

In her suit, Mrs. Kennedy said publication of the book would cause her "great and irreparable injury" and "result in precisely the sensationalism and commercialism which we—Robert F. Kennedy and I—have sought so strenuously to avoid."

"I am shocked," she said, "that Mr. Manchester would exploit the emotional state in which I recounted my recollection to him early in 1964."

An issue in law is the 11-point memorandum of agreement signed by Senator Kennedy and the author that said Mrs. Kennedy and the Senator must approve the text of the book. A second point specified that Mr. Manchester would not dispose of subsidiary rights without Kennedy approval, and a third said the book might not be published before Nov. 22, 1968, five years after the assassination.

Harper & Row has contended that Senator Kennedy, in a telegram to the author last July, said that "members of the Kennedy family will place no obstacle in the way of publication of his book."

Guard for Mrs. Kennedy

ST. JOHNS, Antigua, Dec. 27 (Reuters)—Local and American newsmen were ordered to keep away from Mrs. John F. Kennedy and her party when they landed at this British colony last night.

Mrs. Kennedy is to vacation here until Jan. 6.

She was accompanied by her two children, two Secret Service men and an unidentified young girl.

The local police provided a heavy guard when they arrived at Coolidge Airport. They will stay at Mill Reef, a luxurious resort for wealthy Americans, with the American banker Paul Mellon.