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U R G E N T

HAMBURG, GERMANY, JAN. 23 (AP)-A HAMBURG CIVIL COURT RULED TODAY THE WEST GERMAN MAGAZINE STERN MAY CONTINUE TO PUBLISH THE UNABRIDGED SERIALIZATION OF WILLIAM MANCHESTER'S BOOK "THE DEATH OF A PRESIDENT."

THE VERDICT WAS AGAINST LOOK MAGAZINE, WHICH HAD FILED SUIT IN AN EFFORT TO BAR STERN FROM PUBLISHING WHAT IT CONTENDED WAS AN UNAUTHORIZED VERSION OF ITS SERIES, BASED ON THE BOOK, DEALING WITH THE ASSASSINATION OF PRESIDENT JOHN F. KENNEDY.

THE SUIT WAS FILED AFTER STERN REFUSED TO MAKE CHANGES IN THE ORIGINAL TEXT REQUESTED BY THE KENNEDY FAMILY AND AGREED TO IN NEW YORK BY LOOK AND MANCHESTER.

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EB54

(300)

HAMBURG--FIRST ADD STERN-KENNEDY A99 XXX MANCHESTER.

THE AGREEMENT WITH THE KENNEDY FAMILY AND STERN'S REFUSAL TO CONFORM WAS NOT, HOWEVER, THE MAJOR CONTENTION OF LOOK'S SUIT.

LOOK, WHICH SOLD THE GERMAN RIGHTS TO THE SERIES TO STERN FOR A REPORTED \$72,500, CONTENDED STERN HAD BROKEN ITS CONTRACT BY PRINTING PHOTOGRAPHS, CAPTIONS AND SUBHEADINGS WITHOUT THE APPROVAL OF LOOK OR MANCHESTER.

THE AMERICAN MAGAZINE ALSO CLAIMED STERN HAD BEGUN THE SERIES BEFORE LOOK IN VIOLATION OF THE CONTRACT AND HAD PUBLICIZED THE SERIES IN A MANNER NOT IN KEEPING WITH THEM DIGNITY OF THE MANCHESTER REPORT.

BUT HENRI NANNEN, STERN'S EDITOR-IN-CHIEF, TOLD THE COURT AT LAST FRIDAY'S SIX-HOUR HEARING THAT THESE "PURELY TECHNICAL" COMPLAINTS BY LOOK WERE NOT THE MAIN REASON FOR THE SUIT. RATHER, HE SAID, IT WAS LOOK'S AGREEMENT WITH THE KENNEDYS TO TAKE ALL MEASURES TO INSURE THAT ONLY THE ABRIDGED VERSION WAS PUBLISHED.

HANNEN PREVIOUSLY HAD CONTENDED THAT POLITICAL, RATHER THAN PERSONAL, REASONS HAD LED THE KENNEDYS TO REQUEST CUTS IN THE MANCHESTER TEXT. HE SAID NEW YORK'S SEN. ROBERT F. KENNEDY, BROTHER OF THE LATE PRESIDENT, WANTED TO AVOID A CLASH WITH PRESIDENT JOHNSON OVER PASSAGES IN THE TEXT THAT PRESENTED JOHNSON IN AN UNFAVORABLE LIGHT.

EB55

AFTER TODAY'S VERDICT, HANNEN TOLD NEWSMEN:

"THIS VERDICT IS NOT DIRECTED AGAINST THE KENNEDY FAMILY. IT WAS A VERDICT FOR FREEDOM OF THE PRESS."

STERN ALSO ISSUED A STATEMENT SAYING THE COURT HAD REFUSED TO SUBJECT IT TO "CENSORSHIP THROUGH THE KENNEDY FAMILY."

COWLES COMMUNICATIONS INC., PUBLISHERS OF LOOK, WAS DIRECTED TO PAY 26,000 MARKS (\$6,500) IN COURT COSTS.

THE JUDGE GAVE NO EXPLANATION FOR HIS VERDICT, WHICH TOOK LESS THAN A MINUTE TO READ.

IN NEW YORK, A SPOKESMAN FOR LOOK SAID "OUR LAWYERS WOULD HAVE TO TAKE THE QUESTION OF AN APPEAL UNDER ADVISEMENT. FURTHER THAN THAT, THERE IS NO COMMENT."

MANCHESTER, WHO WAS REPORTED VACATIONING AT AN UNDISCLOSED LOCATION, WAS NOT AVAILABLE FOR A STATEMENT.

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B99

(380)

HAMBURG, GERMANY--2ND ADD STERN-KENNEDY (B54) XXX STATEMENT.

IN WASHINGTON, A SPOKESMAN FOR THE KENNEDY FAMILY SAID NEGOTIATIONS WITH STERN WERE CONTINUING AND THAT "WE'RE RATHER HOPEFUL" A SETTLEMENT COULD BE REACHED SHORTLY THAT WOULD EXCLUDE PORTIONS OF THE TEXT OBJECTED TO BY MRS. JOHN F. KENNEDY.

THE SPOKESMAN SAID HE CONSIDERED THE COURT DECISION "A NARROW ONE" THAT DID NOT PRECLUDE SATISFACTORY RESOLUTION OF THIS THING.

STERN'S STATEMENT SAID THE COURT HAD ACCEPTED THE ARGUMENTS OF A WITNESS CALLED FRIDAY TO GIVE EXPERT TESTIMONY ON INTERNATIONALLY COPYRIGHT LAW. THE WITNESS, PROF. PHILLIP

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NANNEN ANNOUNCED YESTERDAY HE HAD RECEIVED A LETTER FROM MANCHESTER'S LAWYERS, SAYING MANCHESTER ASSOCIATED HIMSELF WITH THE LOOK REQUEST THAT STERN'S SERIALIZATION CONFORM WITH THAT OF LOOK.

"EVEN IF MANCHESTER SHOULD APPLY FOR AN INJUNCTION AGAINST STERN HE WILL NOT BE SUCCESSFUL ACCORDING TO THE CONDITIONS OF THE NEW (GERMAN) LAW OF COPYRIGHT. FOR THE COPYRIGHT LAW GUARANTEES AN AUTHOR A SO-CALLED "RIGHT OF RECALL" ONLY AS LONG AS THE WORK IS NOT ALREADY PREPARED FOR PRINTING. HOWEVER, MANCHESTER'S SERIALIZATION HAS ALREADY STARTED APPEARING IN STERN," NANNEN SAID IN COMMENTING ON THE LETTER.

EB100

TWO INSTALLMENTS OF STERN'S SERIALIZATION HAVE APPEARED. THEY INCLUDED MATERIAL CUT OUT OF THE LOOK VERSION. THE NEXT ISSUE OF STERN NORMALLY WOULD HAVE BEEN AVAILABLE ON NEWS STANDS TODAY. BUT ITS DISTRIBUTION WAS DELAYED UNTIL TOMORROW, APPARENTLY TO AWAIT THE VERDICT.

THE GERMAN MAGAZINE SAID IN ITS STATEMENT:

"STERN HAS REPEATEDLY DECLARED THAT IT HAD NO INTENTION OF INTRUDING UPON THE INTIMATE SPHERE OF MRS. KENNEDY, BUT THAT IT OPPOSES ALL CENSORSHIP AND THAT IT WILL NOT ACCEPT ABRIDGMENT OF POLITICALLY OR HISTORICALLY INTERESTING PARTS OF THIS REPORT."

LOOK HAS FOUR WEEKS TO APPEAL.

THE HAMBURG COURT HOUSE LATER ISSUED A STATEMENT SAYING THE LOOK SUIT HAD BEEN TURNED DOWN FOR THE FOLLOWING REASONS:

"ACCORDING TO AMERICAN LAW, WHICH BY CONTRACT IS APPLICABLE, THE PLAINTIFF (COWLES COMMUNICATIONS, INC.) DOES NOT HAVE A RIGHT OF ITS OWN TO MAINTAIN A CLAIM FOR DISCONTINUANCE BECAUSE OF COPYRIGHT VIOLATION. THE PLAINTIFF ALSO DID NOT MAKE IT SUFFICIENTLY CREDIBLE THAT HE HAD EFFECTIVELY TERMINATED THE CONTRACT. HE CANNOT SUPPORT HIS DESIRE FOR DISCONTINUANCE ON CONTRACTURAL GROUNDS AFTER THE DEFENDANT AGREED TO MEET CERTAIN POINTS IN THE ORAL HEARING ON FRIDAY, JAN. 20.

"INSOFAR AS THE PLAINTIFF WISHES TO MAINTAIN CERTAIN FIRST DAYS OF SALE, HE MUST ALLOW HIMSELF TO BE CONFRONTED WITH HIS OWN BEHAVIOR WHICH IS CONTRARY TO THE CONTRACT, ACCORDING TO THE FACT THAT LOOK AND STERN CARRIED THE KENNEDY STORY IN ISSUES THAT WENT ON SALE PRIOR TO THE DATE LISTED ON THE MAGAZINE.

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