

The Kennedy Ordeal

If a ruthless political enemy of Edward Kennedy had seized the opportunity placed in his hands to destroy the Senator's career, we might have witnessed some such scenario as that which followed the accident of July 18 on Chappaquiddick Island. We make no such assumption, of course, but the fact is that, following the accidental drowning of Mary Jo Kopechne, the long sequence of actions and omissions by the Senator and his family, friends, advisers, lawyers and even the court and the press, have struck a dismaying blow to his heretofore promising political future. Nearly everyone involved seems to have cooperated to escalate a tragic accident into a full-scale disaster. Disclosures have been made to seem sinister, silences to seem guilty, and the rash, impulsive, understandably ill-considered acts of the central figure have been made to appear as disingenuous attempts to conceal, deceive, or mislead.

We sympathize deeply with the Kopechne family; we sympathize also with the Senator and his family who, counting the cost of a moment's inattention at an unmarked bridge, must be finding it unbelievably high. Condolences are also in order for the millions of disaffected Democrats, young and not so young, who have been looking to Mr. Kennedy to lead them through convention and election in 1972. Predictably, the Democrats of Massachusetts have rallied to support of one of their own. But in the rest of the country it is another matter; it is doubtful that the Kennedy name, for some time to come, will have its former appeal. Honest disbelief, jealousy and resentment, and the persuasion that the terrible jam he is now in must be largely of the Senator's own making, have been getting in their work.

The events preceding and following the death of Miss Kopechne, even the time and exact manner of her death, have not been ascertained and made known. Many questions which should have been answered as a matter of course in circumstances such as these have not even been asked. It is understandable, perhaps, that local authorities would hesitate to question aggressively a Senator of their state or his associates. It is much less understandable that the press would not do so, yet at

this writing they have not. But it is beyond belief entirely why answers—complete and satisfactory ones—to the obvious questions in this case have not been forthcoming voluntarily from those who participated in the events. A few of the unresolved matters:

(1) The car turned sharply off the macadam road leading to the ferry dock, onto a narrow dirt road, and proceeded to the bridge more than half a mile away. One may imagine a number of innocent or understandable reasons why Senator Kennedy made this detour, and doubtless the real cause is among them. But it could not have been a mistake: nobody in condition to drive a car could confuse a dirt road with a macadam one. Why did not the Senator, in all candor, explain this diversion? Was he advised not to do so, and by whom? The worst possible construction is being put on his lack of frankness here, as was inevitable.

(2) The car, a late model Oldsmobile with a curb height overall of about 4½ feet, was lying on its crushed-in top and the wheels were out of water at low tide. High tide at Edgartown that night came at 3:54 A.M. and its rise and fall is only 2 feet. The accident, if it occurred around 11:30 P.M., came at about two hours after low tide, and therefore there could not have been much more than 4½ feet of water, and perhaps less, at the point where the car lay. The bottom is presumably sandy, since the entire island is made of sand. Senator Kennedy gives credit to Messrs. Markham and Gargan for having "dived" at "risk to their lives" in an attempt to reach Miss Kopechne. It would be more appropriate to refer to wading and stooping. And in water where a person could easily stand, it would appear that the only life that was in hazard was that of the girl trapped in the car. Mr. Kennedy's graciousness seems ill bestowed, and one wonders if he was reminded later, when his shock had worn off, of the great risks taken by his associates.

(3) There is no disputing, however, the serious risk run by a man who, having undergone a severe trauma, a blow on the head, intense physical effort, and with his back in a brace, plunges in the dark into a tidal channel and swims unaided 150 yards to the other side. His chances of making it would have been nil had the current, which in Edgartown runs fast, not been at its slack stage around 1:48 A.M. One wonders why his friends, who had so recently been "risking their lives" in a venture so much less hazardous, did not restrain him and insist he take one of the available boats. Why, indeed, did they allow him to go off alone into the night?

(4) The most crucial question of all is why the police were not informed, either immediately or within the hour. Had this been done, there is some indication that the girl might have been saved with the equipment and manpower which could have been brought up; medical opinion is said to estimate the time of death around 3 A.M., and persons have been known to stay alive for hours in sunken automobiles. Mr. Kennedy, understandably and by his own admission, was in a state of shock and confusion, and cannot be wholly blamed for this failure—which he himself called "indefensible." How de-

fensible, then, is the inaction of two men, in full possession of the facts, not in any state of shock, trained in the law and politically astute? The legal technicality trotted out to explain the failure to do this obvious, necessary and vital act is that a lawyer in Massachusetts cannot take action without the consent of his client. This seems monstrous. A life was at stake. Kennedy was not a client to these men. He was their friend. They proved no friends to him.

Senator Kennedy has been tragically ill-served. His televised statement to the people of Massachusetts, presumably largely the creation of the high-caliber advisers who came and went in Hyannis through the week following the accident, was perhaps sufficient to enlist the voters of his state to his support. But it was woefully inadequate to the needs either of justice on Martha's Vine-

yard, or to the demands which this country makes of a potential President. He will know this soon enough.

He cannot initiate another statement, of course, but some things could be done. Markham and Gargan could be sharply interrogated by authority empowered to demand answers, instead of the insolence meted out to the press. District Attorney Dinis' call for an inquest is a constructive step. And Senator Kennedy could make use of the press to let the whole story be known. That is easily arranged, and until it is done the Kennedy haters will continue to have a field day, and the future of a young man who has already proved himself a valuable legislator and whose prospects were exceedingly bright will continue to dwindle away.