

THE INQUEST

The first full public disclosure of the events surrounding the most controversial accidental death in recent history...

Here, in the words of Senator Edward M. Kennedy and all the concerned witnesses, is the minute-by-minute account of the accident at the Chappaquiddick Bridge.



KENNEDY **THE** KOPECHNE INQUEST

\$1.00



RELEASED TO PUBLIC SCRUTINY AT LAST
THE OFFICIAL TRANSCRIPT
OF THE INQUEST INTO THE DEATH
OF MARY JO KOPECHNE—
INCLUDES THE VERBATIM STATEMENTS
OF SENATOR EDWARD M. KENNEDY
WITH PHOTOGRAPHS

INCLUDES THE FULL TEXT OF JUDGE BOYLE'S DECISION

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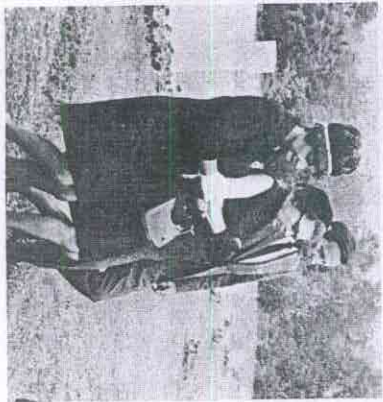
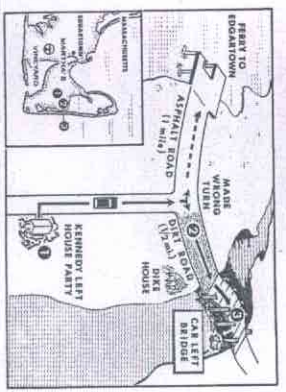
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COMMONWEALTH OF MASSACHUSETTS
Edgartown District Court

FIRST DAY

Opening Statement by Judge Boyle and Testimony of Edward M. Kennedy

BEFORE:
Hon. James A. Boyle, Justice of the Edgartown District Court

PRESENT:
Edmund Dine, District Attorney for the Southern District of Massachusetts,
Armand Ferrnandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney, for the Commonwealth.

Edward B. Hanley, Esq. and Robert G. Clark, Jr., Esq. in behalf of Edward M. Kennedy.
Thomas Teller, Clerk of Court
Helen S. Iyer, Temporary Court Officer
Harold T. McNeil and Sidney R. Lipman
Official Court Stenographers.
Edgartown, Massachusetts
Monday, January 5, 1970

MR. TELLER: The inquest re: Mary Jo Kopechne originally scheduled for September 3, 1969, postponed by order of a Justice of the Massachusetts Supreme Court and rescheduled for today will now begin at 2:00 p.m. and will resume at 2:00 p.m. today for lunch at 1:00 p.m. and will resume at 2:00 p.m. today.
THE COURT: Today, Sidney R. Lipman and Harold T. McNeil sworn as official inquest stenographers.

THE COURT: It appears to be appropriate at the outset of this inquest that the reason for its being held in this manner is intended as a warning and ordering, with reasons therefor, where advisable, should be pronounced, to the end that all shall take due notice thereof and be duly forewarned.

The pertinent statutory proceedings in Massachusetts exemplify a public policy that the inquest serves as an aid in the achievement of justice in obtaining information as to whether or not a crime has been committed, so says our primary for Supreme Court in 1969. In whether or not any crime has been committed says the Massachusetts Law Quarterly 1971. The primary object of an inquest is to ascertain the facts, to decide the question of whether or not criminal proceedings shall be instituted against the person or persons responsible for the death. Massachusetts Law Quarterly 1975.

I am grateful to you, Mr. Hanley, for your very accurate Memorandum of Law.

THE COURT: An inquest is an investigation. It is not a prosecution of anybody. It is not a trial of anyone. It is the duty of the Court to seek out and receive any and all information and testimony which is relevant, pertinent and material to the question as to whether criminal conduct caused or contributed to the death and conversely to reject that which is not.

Although the judge is not bound by the rules of evidence that obtain in criminal cases, it is as much the duty of the Court to decline to receive such improper testimony to the end that persons innocent of any criminal involvement be not injured in reputation.

Witnesses will come into the courtroom singly, may be represented during their appearance in the courtroom by counsel for the sole purpose of advice or constitutional rights against self-incrimination and, where appropriate, on privileged communication and for no other purpose, and counsel for that witness will leave the courtroom when the witness leaves the courtroom unless where in my opinion the cause of justice will be served I will relax this rule. If counsel has additional testimony which will be helpful and material I will receive it.

I will not exercise the option to separate witnesses. The personal facilities of the courtroom do not allow it and much time has elapsed, many witnesses testified in another court and the press, some closely associated, so I question that their separation will have any value.

However, witnesses after testifying are ordered not to discuss their testimony with anyone except his or her counsel until the transcript of the testimony and the Court's report have been made public. There may be some difficulty in this regard as to those witnesses who have the same counsel, so such counsel is ordered to advise witnesses if not fully briefed by client, what one testifying, will be advised by the Court as to their constitutional right not to incriminate themselves.

The inquest has been closed by the Massachusetts Supreme Judicial Court. As I interpret that decision, the purpose is to prevent pre-trial publicity in the event of a subsequent criminal prosecution. However, nothing in this announcement would jeopardize that. Therefore, which is confidential or the news media, any intention to release this announcement to the news media.

MR. FERNANDES: If your Honor please, solely for the purpose of the letter which your Honor has sent to the District Attorney's office in presenting a memorandum or brief, as a reply, we did a significant amount of research including two trips to Mr. Hanley's brief came to our office and we found it to be excellent and we agree with the law he found and in fact we found nothing different than what he stated in his brief.

THE COURT: We are short of facilities. I will now ask the witnesses to leave. We have a room here, the so-called jury room and we have a law library. You are not limited to go here until you are needed here.

In an emergency, you and I want to discuss later with the District Attorney the question of whether or not the timing may be such as some witnesses may be excused for a morning or for a day. It is not our intention to force you to remain in some closed enclosure, some small enclosure here for a length of time. For the moment at least witnesses will leave and go through that door, because you are going in a room in that direction.

(All witnesses left the room.)
MR. HANLEY: I would like to express my appreciation of Mr. Ferrnandes' pleasant tribute to my memorandum. I am delighted that we seem to be in accord with respect to the nature of the presentation made therein.

I note that your Honor has said that witnesses - counsel will leave with witnesses, with their witness and that you will relax that rule if it is necessary. I take it that in substance - MR. HANLEY: Well what I wanted - THE COURT: If in my opinion. MR. HANLEY: In your opinion, I understand that, your Honor, I just wanted to be sure so far as I am concerned as counsel for Edward M. Kennedy, I will be permitted with Judge Clark to be here while the facilities are being set up to remain. MR. HANLEY: I will be excused and will not be permitted to remain. THE COURT: Yes. MR. HANLEY: In that correct? THE COURT: Yes. MR. HANLEY: Thank you, your Honor. To the extent of any regard for preservation of rights on that point, I respectfully make it.

A Well, Mr. Dims, I would say that I, having lived on Cape Cod and having visited these islands, I am aware some roads are paved.
THE COURT: I am sorry, that is not quite responsive. The question is whether or not you realized the road from the ferry to the cottage was paved.
THE WITNESS: Yes.
THE COURT: That is, did you become aware of it during your two trips?
THE WITNESS: Well, I would just say it was not of particular notice to me whether it was paved or unpaved.
THE COURT: Were you driving the car in either one of these times?
THE WITNESS: I was not.
Q (By Mr. Dims) Well, while you were driving down Dyke Road and after you noticed it was a dirt road and you were driving at twenty miles an hour, what happened, Mr. Kennedy?
A Well, I became - LET HIM ANSWER!

THE COURT: I'm going to ask one question. At any time after you got on the unpaved road, the so-called dirt road, did you have a realization that you were driving on a dirt road?
THE WITNESS: No.
THE COURT: Do you remember the question? REBUT!
THE WITNESS: After I realized it was an unpaved road, that did I become aware of it?
THE COURT: (By Mr. Dims) Well, after you realized it was an unpaved road and that you were driving at twenty miles an hour, did you go off a bridge or I went off a bridge?
A That is correct.
Q Did you apply the brakes of that automobile prior to going off into the water?
A That's correct.
Q What prompted you to do that?
A Well, I was looking for the brakes and I applied the brakes.
A Absolutely no lights in that area I noticed other than the lights on my vehicle.
Q Did you realize at that moment that you were not heading for the ferry?
A At the moment I went off the bridge, I certainly did, HELL!
Q Do you recall whether or not the - strike that question - well, I understand the vehicle itself just beginning to go off the Dyke Bridge and the next thing I recall is the movement of Mary Jo next to me, the struggling, perhaps hitting or kicking me and I, at this time, opened my eyes and realized I was upside-down, that water was crashing in on me, that it was pitch black, I knew that and I was able to get hold of a grip in the seat, or at least I became aware of it and I had to get out of the car.
THE WITNESS: I can remember reaching down to try and get the door knob of the car and hitting the door handle and pressing against the door and it not moving, I can remember reaching what I thought the window was and feeling along the edge of it and I can remember the last sensation of being completely out of air and inhaling what must have been a half a lung full of water and assuming that I was going to drown and the full realization that no one was going to look for us that night until the next morning and that I wasn't going to get out of that car alive and then somehow I can remember coming up to the surface of the water, the presence, and coming up to the surface.
Q How long did you realize that you were upside down in the car?
A Because - that was a feeling that I had as soon as I became aware that - the water rushing in and the blackness, I knew that I was, I felt I was upside down, I really wasn't aware of anything, but I thought I was upside down.
Q Were you aware that the windows on the passenger's side were shattered, the car, were shattered?
A Yes, I was aware that subsequently, I wasn't aware of it at the

Q Were you aware that there was any water rushing in on the passenger's side?
A There was complete blackness. Water seemed to rush in from every point, from the windshield, from underneath me, above me. It almost seemed like you could hold your head in the rushing of the water, the blackness, the fact that it was impossible to even hold it back.
Q And you say at that time you had a thought to the effect that you may not be found until morning?
A I was sure that I was going to drown.
Q At that time, were you making any observations of the condition of Miss Kennedy at that time?
A Absolutely not.
Q At that particular moment when you were thrashing around in the car?
A Well, at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at some time after I tried the door and the window I became convinced I was never going to get out.
Q The car window closed at that time?
A On the driver's side.
Q That's correct.
Q And did you go through the window to get out of the car?
A I have no idea in the world how I got out of that car.
Q Do you have any recollection as to how the automobile left the bridge and went over into the water?
A I don't recall the bridge, yes, you know!
A No, I don't particularly recall that.
Q Did it turn over?
A I have no idea.
THE COURT: I would like to inquire, Mr. Dims, something about the operation of the car, if you are finished.
MR. DIMS: Go right ahead, your Honor.
THE COURT: You are driving along the dyke sandy road and you are approaching the Dyke Bridge. Now, can you recall from the point when first you saw the bridge?
THE WITNESS: I would estimate that time to be fractions of a second from the time that I first saw the bridge and was on the bridge.
THE COURT: Did you have on your high beams, do you remember?
THE WITNESS: I can't remember.
Q Were you driving? NO (sounded)
THE WITNESS: I really couldn't tell you, I don't know.
THE COURT: It is recommended, but sometimes if there is a best way to proceed with low beams, THE SHIRT OF JOES
THE WITNESS: Yes, I would like to see that.
THE COURT: Did you see that it was at an angle to the road?
THE WITNESS: The bridge was at an angle to the road.
THE COURT: Yes.
THE WITNESS: Before going on it I saw that, HELL, HELL!
Q What were you attempting to turn your wheel to follow that angle?
THE WITNESS: I believe I did, your Honor. I would assume that I did try to go on the bridge. It appeared to me at that time that the road went straight across, you know, the car, were you looking ahead at the time you were driving the car at that time?
THE WITNESS: Yes, I was.
THE COURT: What adjustment was made?
THE WITNESS: No, there wasn't.
THE COURT: By any particular person?
THE WITNESS: No, I want to, your Honor, I want to go into the question of alcoholic beverages.
MR. DIMS: Yes, your Honor.
THE COURT: All right.
Q Going back to the time earlier in the day, you stated, your Honor, that the information that you had a man and a woman, LET THE COURT TALK TO YOU

A That is right.
Q Did you have more than one?
A Yes, I did.
Q How many did you have?
THE COURT: What time was this?
THE WITNESS: The first was about 8 o'clock.
THE COURT: I would like to go back before that, I think that you and you visited some friends at the Shiretown Inn?
THE WITNESS: That is right.
THE COURT: Did you go some drinking there?
THE WITNESS: Yes, I did.
THE COURT: And you had nothing further until this time?
THE WITNESS: No, I had nothing further.
Q And when did you have this second run and coke?
THE WITNESS: The second one later on in the evening. I think before dinner, sometime about 9:15, I would be difficult for me to say, WELL, I DON'T KNOW YOUR TIME
Now, during the afternoon of the 18th did you have occasion to spend some time with your nephew, Joseph Kennedy?
A I might have greeted him in a brief greeting, but otherwise, I don't know he was concerned about where he was going to stay; that he had some reservations and that somehow they had gotten cancelled, but I would say other than a casual passing and a greeting, I would say no.
Q Was it at this time on Chappaquiddick Island?
A Yes, it was at this time on Chappaquiddick Island.
Q Did you see him at the Shiretown Inn?
A I might have seen him inquiring whether he could stay at the Shiretown Inn.
Q Did he stay with you in your room?
A No, he did not.
THE COURT: I would like to ask some questions. You said you had a position of beer lie in the afternoon at the Shiretown Inn?
THE WITNESS: That is correct.
THE COURT: Then you had two runs and coke at this cottage at Chappaquiddick Island some time after you arrived at about 8:30?
THE WITNESS: That is right.
THE COURT: Who poured those drinks?
THE WITNESS: Mr. Chinnis poured the first one. I don't know who poured the second one.
THE COURT: What amount of rum did you put in?
THE WITNESS: I would be difficult, your Honor, to estimate.
THE COURT: Well, by ounces.
THE WITNESS: By ounces? I suppose two ounces.
THE COURT: I mean, some people pour heavy drinks. Some pour light drinks.
THE WITNESS: I would think about 2 or 3 ounces. The way I could judge that, your Honor, would be that I only about 10:00 and it was some time before I ate.
THE COURT: You had nothing alcoholic to drink after eating?
THE WITNESS: No, I didn't.
THE COURT: Now, I believe you was at this cottage?
THE WITNESS: There were several bottles so that I wouldn't be able to tell specifically.
THE COURT: Not a large supply?
THE WITNESS: There was an adequate supply.
THE COURT: Was there a sustained amount of drinking in the afternoon?
THE WITNESS: No, there wasn't.
THE COURT: By any particular person?
THE WITNESS: Not that I noticed. There wasn't prior to the time I left.
THE COURT: Mr. Hanley, you have advised your client of the constitutional right?
MR. HANLEY: Yes, I have, your Honor.
THE COURT: Now, I would like to know, at any time that evening under the influence of alcohol?
THE WITNESS: Absolutely not.
THE COURT: Did you imbibe in any narcotic drugs that evening?
A WELL!

THE WITNESS: Absolutely not.
THE COURT: Did anyone at the party to your knowledge?
THE WITNESS: No, absolutely not.
THE COURT: In your opinion would you be sober at the time that you operated the automobile?
THE WITNESS: I don't know, your Honor.
THE WITNESS: Absolutely sober, HAS AN EVIDENCE
Q Senator Kennedy, what did you do immediately following your release from the automobile?
A I was swept away by the tide that was flowing at an extraordinary rate through that narrow cut there and was swept into the tide and called Mary Jo's name until I was able to make my way to what would be the east side of the cut. At this time was appearing and belching and coughing, yeah, black just in front of the car. WELL, I DON'T KNOW
Now, the headlights of that car were still on and I was able to get to what I thought was the front of the car, although it was difficult - and I was able to identify the front of the car from the rear of the car by the lights themselves. Other than I don't think I would be able to tell.
Q Approximately 30-40 feet?
A Did you pass under the bridge?
A The vehicle went over the bridge on the south side and rested on the south side, and that was the direction the current was flowing, and I was swept I would think to the south, probably east, which would be the eastern shore of the cut. WELL, I DON'T KNOW
Q I would think 30 to 40 feet.
A Now, in order to get back to the car was it necessary for you to swim?
A I couldn't swim at that time because of the current. I waded into - swam to where I could wade and then waded along the shore up to where I could go to the front of the car and start diving in an attempt to rescue Mary Jo.
Q Did you see the car facing a westerly direction?
A I would think it was facing a westerly direction.
Q Well, in regard to the bridge could you describe the location of the automobile with relation to the bridge?
A Well, your Honor, in the direction of north and south I will do the best I can.
MR. TELLER: We don't have any map, do we?
MR. TELLER: The bridge runs north and south, fairly close to the shore, and the bridge runs north and south, fairly close to the shore, and the bridge runs north and south, fairly close to the shore, and the bridge runs north and south, fairly close to the shore.
MR. DIMS: May we use the chalk, your Honor?
THE COURT: Yes, if it is helpful.
Q I would like to be helpful, Mr. Kennedy?
A Yes, I may be.
Q Assuming the bridge is north and south -
A Yes.
Q I would draw a sketch on blackboard.
THE COURT: That is, coming towards Edgartown would be north and towards the ocean would be south?
MR. TELLER: Yes, sir.
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By the time I came up I was, the best estimate would be somewhere over here, which would be probably 8-10 feet. It is difficult for me to estimate specifically, and I think I would probably be within 30 feet of the front of the car, where the front of the car was, and I went in this direction until I was able to wade, and wade back up here to this point here, and went over the front of the car, where the front of the car was, and I went over to here, dove here, and the tide would sweep out this way there, and then I dove repeatedly from this side until, I would say, the end, and then I will be swept away the first couple of times, again back over the front of the car, and again to this point here, and I would say I was probably within 30 feet of the front of the car here until at the very end when I couldn't hold my breath any longer I was breathing so heavily it was down to just a matter of seconds. I would hold my breath and I could barely get underneath the water. I was just able to hold on to the metal underneath the car, and the water level came right over to where I got under water any more. I know that I just could not get under water any more.

Q And you were fully aware at that time of what was transpiring?

A Well, I was fully aware that I was trying to get the girl out of that car and I was fully aware that I was doing everything that I possibly could to get her out of the car and I was fully aware at that time that my head was under water and that the car was in the water, and that at that time, the last time, hopefully exhausted, and you were not confused at that time?

Q Well, I knew that there was a girl in that car and I had to get her out. I knew that I was in a bad situation.

Q And you took steps to get her out?

A I tried the best I thought I possibly could to get her out. But there was no confusion in your mind about the fact that the best you could do to get that person out?

A I was doing the very best I could to get her out.

Q THE COURT: May I ask you some questions here about the depth of the water? *Let's ask him.*

THE WITNESS: No, it was not possible to stand. The highest level of the car to the surface were the wheels and the undercarriage itself when I leaped onto the water. I don't know how deep the water was, but I would take me down, it was up to my chest. I don't know how deep the water was, but I would take me down, it was up to my chest. I don't know how deep the water was, but I would take me down, it was up to my chest.

Q By the Court! You were not able to stand up at any point around any portion of that car?

THE WITNESS: Yes.

Q Mr. Kennedy, how many times if you recall did you make an effort to submerge and get into the car?

A I would say seven or eight times. At the last point, the eighth-second submergence below the surface, I had a hold my breath any longer. I didn't have the strength even to come down again close to the window or the door.

Q And do you know how much time was used in these efforts?

A It would be difficult for me to estimate, but I would say 20 minutes. I hope I'm not off by much.

Q And did you then remove yourself from the water?

A I did.

Q And how did you do that?

A Well, in the last dive I lost contact with the vehicle again and I started to come down this way here and I let myself float and came over to this shore and I came out from there, and I sort of crawled and I staggered up some place in here and was very exhausted and spent on the west bank of the river?

Q Yes.

Q As indicated by that chart?

A Yes, that's correct.

Q And how long did you spend testing?

A Well, I would estimate probably 15-20 minutes trying to get any - I was estimating by the water and I was exhausted, I suppose the best estimate would be 15 or 20 minutes. Now, did you say earlier you spent 15 or 20 minutes trying to recover Miss Kopechne?

NOTICE HOW THESE TECHNICALITIES DO NOT OBJECT TO RECOVERY OF DAMAGES BY SUPERVISOR FROM MINING - H. F. BARKER

Q That is right.

Q And where did you finally stop the white automobile that you were riding in?

A Mr. Gargan drove the vehicle across the bridge to some lights showing over the water and over the submerged vehicle. (Indicating on blackboard.)

Q And what happened after the three of you arrived there?

A Mr. Gargan and Mr. Markham look off all their clothes, dove into the water, and proceeded to dive repeatedly to try and save Mary Jo.

Q What particular time this is now when the three of you were at the -

A I think it was at 12:30. Mr. Dink, I believe that I looked at the Valiant's clock and believe that it was 12:30.

Q Now, Mr. Larsons remained at the cottage?

A Yes, he did.

Q Was Mr. Larsons aware of the accident?

A No, he hadn't heard - no, I don't believe so.

Q No, one else at the cottage was told of the accident?

A How many times did you go back to Dike Bridge that night?

Q Well, that was the only - *He didn't know - but I saw it.*

Q After the accident, that was the only occasion?

A The only time. The only occasion.

Q Now, how long did Mr. Markham and Mr. Gargan remain there with you on that particular occasion?

A Until the time that the ambulance arrived. I don't know the exact time.

Q Well, Mr. Gargan got half-way in the car. When he came out he was scraped all the way from the elbow, underneath his arm was all bruised and bled, and this is the one time that he was able to gain entrance I believe into the car itself.

Q And did he talk to you about his experience in trying to get into the automobile, being exhausted, to get into the water, but I could see exactly what was happening and make some suggestions. *He had to get out of the car.*

Q So that you were participating in the rescue efforts?

Q Well, to that extent. *Let's ask him.*

Q You were fully aware of what was transpiring at that time?

A Well, I was fully aware that Mr. Gargan and Mr. Markham would say that they got in that car and rescue that girl. I certainly did you know at that time or did you have any idea how long Mary Jo had been in the water?

Q Well, I know that some time had passed. *Let's ask him.*

Q Well, you testified earlier that you spent some fifteen or twenty minutes of -

A Well, Mr. Dink, although I didn't, add up the time that I was in the water, and the time to get back and the time it took back and calculate it. *No - I don't know.*

Q Was it fair to say that she was in the water about an hour?

A Yes, it is.

Q Was there any effort made to call for assistance?

A No, there wasn't.

Q Was there any reason why no additional assistance was asked for?

A Yes, there was any particular reason why you did not call either the police or the fire department?

A Well, I understood to report to the police. *Let's ask him.*

Q THE COURT: That is not quite responsive to the question. Was there a reason why it did not happen at that time?

THE WITNESS: Call for assistance.

THIS IS I REMEMBER - WHY DID YOU STAY IN THE CAR - BECAUSE HE HAD NO OTHER IDEA TO SHOW UP BEST !!!

Q Can you tell the Court what prompted you to give this instruction to Markham and Gargan?

A Yes, I can.

Q Will you tell what happened?
A Well, you see that if those girls were notified that an accident had taken place and that Mary Jo had in fact drowned, which I became convinced of by the time that Markham and Gargan and I left the scene of the accident, that it would only be a matter of seconds before all of those girls who were long and dear friends of Mary Jo's to go to the scene of the accident and give themselves and enter the water and with a few minutes had passed, it was for that reason that I refrained - asked Mr. Gargan and Mr. Markham not to alarm the girls.

MR. DINIS: I have no further questions of Mr. Kennedy.
THE COURT: And I have no further questions. Would you be available in the event we needed you back for anything?

THE WITNESS: I will make myself so available, your honor.

THE COURT: Well, were you planning to stay in Hyannisport or some place near?

THE WITNESS: Well, I will, I will be glad to be available.

THE COURT: Otherwise you would go back to Boston?

THE WITNESS: No, I would return to Cape Cod tonight and I would hope to be able to return to Washington sometime this week, but I would be glad to remain available.

THE COURT: Well, it is difficult for me to say right now.

THE WITNESS: Well, then, I will remain available as long as -

THE COURT: We will try to give you as much notice as possible if we felt it essential to have you back.

MR. DINIS: Your Honor, I think we could make it an overnight notice, so if the Senator had to be in Washington, we would arrange for his arrival the next day, if necessary.

THE COURT: All right, subject to that, you are excused.

THE WITNESS: Your Honor, could I talk to my counsel before being released, just on one point that I might like to address the bench on?

THE COURT: Go ahead.

(Off the record discussion between Mr. Kennedy and counsel.)

THE COURT: And I think we can put in the record this question. Why did you not seek further assistance after Mr. Markham and Mr. Gargan had exhausted their efforts in attempting to reach Mary Jo? Now, you give the answer.

THE WITNESS: It is because I was completely convinced that Mary Jo had no further chance of survival. I was determined and still in the car at this time, and it appeared the question in my mind at that time was, what should be done about the accident.
THE COURT: Anything further? Off the record.
(Discussion of the record.)

THE COURT: Right, take this.

THE COURT: Sign, take this. There is one further question, your Honor, and although I haven't been asked it, I feel that in all frankness and fairness and for a complete record that it should be included as part of the complete proceedings, and that is that during the course of the race that afternoon that there were two other members of my crew and I stated that would be two beers between us at different points in the race. I think that is correct. There were at the modern intake of alcohol would be after there was at the ship in which Ross Richards' boat was attached, moored, that I shared a beer with Mr. John Driscoll. The sum and substance of that beer would be, I think, less than a quarter of one, but I felt that for the complete record that at least the Court should at least be aware of these intakes.

THE COURT: Anything more?

THE WITNESS: There is nothing further.

THE COURT: Anything more, Mr. Dinis?

MR. DINIS: No, your Honor.

THE COURT: All right, you are excused subject to further recall, off the record.
(Discussion of the record.)

MR. DINIS: Mr. Malloy of the Phone Company.

THE COURT: Ask the officer to bring him in.

TESTIMONY

A. ROBERT MALLOY

Before: James A. Boyle, Justice of the Peace, Edgartown District Court

Present: Edmund Dinis, District Attorney for the Southern District of Massachusetts, Arnold Fernandes, Assistant District Attorney, Peter Gay, Assistant District Attorney, Charles R. Parrott, Esq., in behalf of New England Telephone Company, Thomas Teller, Clerk of Court, Helen S. Tyra, Temporary Court Officer, Harold T. McNeil and Sidney R. Lipman, Official Court Stenographers, for the Commonwealth.

Edgartown, Massachusetts Monday, January 5, 1970.

MR. DINIS: Mr. Malloy, would you please take the witness stand?

MR. PARROTT: I represent the New England Telephone Company today.

MR. PARROTT: Yes, I am a attorney?

THE COURT: Have you filed an appearance?

MR. PARROTT: Not as of - not yet, your Honor.

THE COURT: I wish you would do so. Were you here this morning?

MR. PARROTT: Yes, your Honor, I was.

A. ROBERT MALLOY, Sworn

EXAMINATION BY MR. DINIS:

Q Your name, please?

A A. Robert Malloy.

Q And your legal address?

A 37 Albu Road, Wellesley Hills, Massachusetts.

Q And you are employed by the New England Telephone Company?

A Yes, your Honor.

Q In what capacity?

A I am general accounting supervisor in Massachusetts.

Q Now, in regard to a summons directed to John O'Connor, and, by the way, what is Mr. O'Connor's position with the phone company?

A He currently is a commission manager in Hyannis.

Q Are you doing you bring with you a credit card of Edward M. Kennedy on July 18th and 19th, 1969?

A I did, sir.

Q Do you have those records with you?

A Yes, I do.

Q Would you produce those records at this time?

A Yes, your Honor.

THE COURT: This doesn't appear.

MR. PARROTT: Fine, your Honor, will you tell me that Edward M. Kennedy had more than one credit card?

A The information that I have on credit cards that are billed through Senator Kennedy's office, in one account, yes, sir, more than one billed to a single card.

THE COURT: You are talking about the number of cards.

MR. DINIS: Yes, the number of accounts he has.

THE WITNESS: I would like to see a copy of his accounts, one in Boston, one in Washington and one in Virginia, and the cards, the original records that I do have, is the information that originated in the New England area. I do not have the original records of cards that originated in, let me say, New Jersey, Maryland. THE COURT: I still don't get this clear. Mr. Kennedy had more than one credit card?

THE WITNESS: No, sir.

THE COURT: He had one credit card from the telephone company?

THE WITNESS: No. To explain it, in Boston he has a billing account, telephone account, and there were, I think, six or seven cards assigned to that account. Now, it does not necessarily have to be in the name of Senator Kennedy, the card itself, but it is billed to his name.

THE COURT: Tell me the distinction between what I show you and what you are trying to explain to me, that I frankly at the moment do not understand, a credit card. It has that specific number. When I call I give that number.

THE WITNESS: Yes.

THE COURT: The charge is then made to me on my telephone bill.

THE WITNESS: Appears on your bill.

THE COURT: Now, could I have more than one credit card?

THE WITNESS: Yes, you could.

THE COURT: Changed to two different telephones?

THE WITNESS: Two different telephones, or you could have more charged to that one. In that case we go into a different kind of series that come up in billing.

THE COURT: The card that you are referring to is the one that is in the name of Senator Kennedy?

THE WITNESS: That is right. It is billed against the Senator's account in Boston.

THE COURT: We are now talking about accounts in his name and his name alone?

MR. DINIS: Now, with regard to your records, do they show any calls emanating from Chappaquiddick or Edgartown?

A Yes, they do, sir.

Q Will you produce the records that show those specific calls emanating from Edgartown or Chappaquiddick for the particular dates, July 18th and 19th?

A (Witness complied.)

MR. PARROTT: If I may address the Court at this point, your Honor, there is some primary evidence, if you will, on these cards that are made by the telephone operator all of these with him as to calls originating just about England area of the New England Telephone and Telegraph. To assist the Court, he has made a compilation of those which I think would be helpful. He puts them all together and puts them in their chronological time sequence from July 18th to that list rather than go through each address to look at that list rather than go through THE COURT: All right.

Q Would you explain this sheet showing the calls that were made as to what times -

A Yes, sir. Like this first one -

Q On the 18th, was made at 10:08 a.m. and it lasted for two minutes and 20 seconds. That was a call from Edgartown, Virginia?

A To Arlington, Virginia.

Q That is that was made at 12:30 p.m. that day?

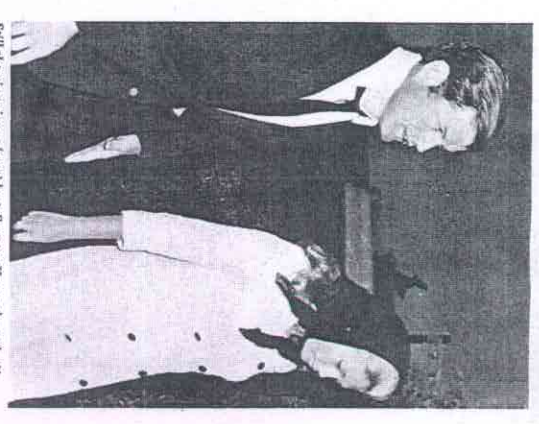
A That is right.

Q This at 6:30 p.m.?

A This evening, yes, sir.

Q Would there be a difference there with regard to the calling locations as to Vineyard Haven and Edgartown?

A Yes, the calls at office 627 is Edgartown, 693 is Vineyard Haven, and each location has at least one if not



Still showing signs of accident, Senator Kennedy and wife Joan leave family home in Hyannis for Mary Jo's funeral.

many different central outlets, depending upon the density of the population.

Q And that call lasted 23 minutes?

Q If you're there minutes and 54 seconds, sir.

A Yes, sir.

Q Now, this is on the morning -

THE COURT: Isn't this thing self-explanatory?

MR. DINIS: Well, I don't know, your Honor. It is not difficult.

THE COURT: Right now somebody is going to have to explain to me what it means. Would you just let me look at it?

Q I'll try to explain it to you, and it gives the town from which the call came.

THE WITNESS: What is the Central Office from which the phone call originated, sir?

THE COURT: What about area code?

THE WITNESS: No area code that I indicate, sir. Arlington, Virginia would be a separate one. Washington

THE COURT: Oh, I see. You have got a term location?

THE WITNESS: Yes, sir, and the party to which the phone was billed.

THE COURT: A means a.m.?

THE WITNESS: Yes, sir.

THE COURT: Means p.m.?

THE WITNESS: Means p.m.

THE COURT: I ask this question now. You do not require the person initiating the call to identify himself or herself?

THE WITNESS: No, sir.

THE COURT: In other words, anyone can use my credit card if they know the number?

THE WITNESS: Yes, sir.

THE COURT: Do you want to offer this as an exhibit?
MR. DINIS: Well, your Honor, I don't see any harm in offering it for the record.
THE COURT: It doesn't at the moment tell me any-
thing.
MR. DINIS: No, it doesn't, and it may not, but we will
offer it for the record.
THE COURT: Exhibit No. 4, I believe.
(Compilation of list of telephone numbers marked Ex-
hibit 4.)
MR. DINIS: Thank you, gentlemen. There will be no
further questions.
(Witness resumed.)

TESTIMONY
OF
RAYMOND S. LAROSA

Before: James A. Boyle, Justice of the
Edgartown District Court

Present:
Edmund Dinis, District Attorney for the
Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney,
Daniel J. Daley, Sr., Esq., and Paul I. Redmond,
Esq., for Raymond S. Larosa.

Thomas Teller, Clerk of Courts
Heleen S. Tyra, Temporary Court Officer
Harold T. McKel and Sidney R. Lipman
Official Court Stenographers.
Edgartown, Massachusetts,
Monday, January 5, 1970

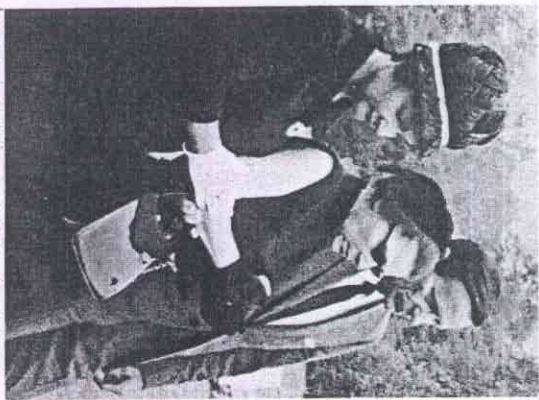
RAYMOND S. LAROSA, Sworn

DIRECT EXAMINATION BY MR. DINIS:
Q May we have your full name please?
A Raymond S. Larosa.
Q And where do you reside, Mr. Larosa?
A In Edgartown, Massachusetts.
Q What is your occupation?
A I am a regional field officer for the Federal Office of
Civil Defense.
Q Mr. Larosa, directing your attention to July 18, 1969,
were you in the vicinity of Edgartown or Chappaquiddick?
A Yes, sir.
Q And can you tell us when you arrived in that vicinity?
Q The 17th.
Q Thursday.
Q And did you come with anyone?
A No, sir.
Q You came alone?
A Yes.
Q Were you to meet anybody here?
Q And could we have the names of the people or persons
Q that you were to meet?
A Well, I was to meet Mr. Gargan or Mr. Markham or Mr.
A Driscoll.
Q There had been a prior discussion about your arrival
A here with these people?
A Just that when we did arrive, if we could, to go to the
Q yacht club and somebody would be there.
Q Mr. Gargan and who else?
A No, my only discussion was with Mr. Gargan.
Q Were you aware that there was to be a cookout?
A Not really.
Q Now, where did you stay that night, the 17th?
A At the Shretown Inn.
Q Was Mr. Kennedy there on the 17th?

Q No, sir.
Q Was Mr. Kennedy's nephew Joseph Kennedy there at
Q the Shretown?
A As a guest?
Q Not that I know of.
Q Do you know of the afternoon of the 18th, did you
Q go over to Chappaquiddick?
A Yes.
Q Were you in the races that day, the sailboat races?
A No, sir.
Q You were not. Naturally you would not have been
Q aboard the Kennedy boat that afternoon?
A No, sir.
Q Can you tell us how you spent your time that morning
Q and at what time of the 18th?
A Yes. Sometime late in the morning we were, we spent
Q some time on the beach and then I returned to Edg-
Q town sometime around 1:30.
Q And when you say "we," who do you mean by that?
A At what time, sir?
A If the search area, the beach there.
A Markham, Mr. Tetter, myself, I believe the Lyons girls.
Q This is in the morning of the 18th?
Q In the morning?
A And what time did you leave the beach area?
A Probably about 12:30 or so, quarter of 1:00. I don't
Q I see, and how did you spend the afternoon?
A I spent the afternoon at the Shretown Inn, most of the
Q afternoon.
Q And at some time did you go over to Chappaquiddick?
Q In the afternoon?
Q Yes, sir.
Q Were you in the evening at Chappaquiddick?
A Yes, sir.
Q And did you go over there alone?
A No, sir.
Q And who went with you?
A I went - that evening I drove from the Katama the five
Q and six girls, I don't recall, from Katama to Edgartown
Q and dropped them off at the ferry, but the girls were at
Q Katama or that there were some girls to pick up?
A Sometime late in the afternoon, I don't recall who did,
Q but somebody asked me if I would pick them up some-
Q time around 7:30.
Q And you left them at the ferry?
A Yes, I left them on the ferry.
Q On the Edgartown side?
Q And what time was that?
A Well, it was quite - it was almost dark. It had to be
Q sometime after 8:30.
Q And do you know how the girls went over to Chap-
Q paquiddick; how they got over there?
A I don't know exactly - I believe they crossed - naturally
Q they went across on the ferry.
Q On the other side of the ferry.
Q Were two cars on the other side of the
Q ferry that were used to go over to Chappaquiddick?
Q Do you know the ownership of the automobiles in-
Q volved?
A I think one was a rented car.
Q Was it a white Valiant?
A Yes, I think one was.
Q Was it the other car the car of Senator Kennedy?
A No, sir.
Q Now, where did you go after?
A I took my car up to the Shretown Inn and left it there
Q and went back and joined the rest of the group and
Q went over to Chappaquiddick.
Q I see. What automobile did you drive down to the house
Q in from the Chappaquiddick side of the ferry?
A I don't understand that.

Q Well, you left - there were two automobiles, a white
Q one and a black one?
A Yes.
Q And did you ride in one of these cars?
A Yes, I did.
Q Which car did you ride in?
A I'm not really sure, I don't really remember.
Q Do you remember who was driving?
A Yes.
Q Was Senator Kennedy there to greet you when you
Q arrived in Chappaquiddick?
THE COURT: At the ferry?
Q (By Mr. Dinis) At the ferry.
Q No, sir.
Q You went immediately to the house that had been
Q rented for the occasion?
Q For the party?
A Yes, sir.
Q When you arrived at the house, who was there?
A Mr. Markham, Mr. Chinnin, I believe, Senator
Q Kennedy, and I don't recall who came down with the
Q cars and who was driving the car.
Q Was Mr. Gargan in that party?
A I believe he was either at the house or was in one of the
Q cars. Now, did you remain on Chappaquiddick through
Q the night?
A Yes, sir.
Q When did you leave Chappaquiddick?
A Sometime about 10:30 or 11:00 o'clock.
Q The next morning?
A Yes, sir.
Q Yes, sir.
Q Had you planned on staying overnight?
A No, sir.
Q Did something happen to cause you to remain there
Q overnight?
A Yes, sir.
Q What happened?
Q Well, there had been two automobiles, were there not?
A Both cars were gone.
A Yes, sir.
Q When did you make this discovery?
A Well, we realized it when Mr. Markham and Mr. Gargan
Q left. In the white Valiant?
A Yes, sir.
Q With Senator Kennedy?
A Yes, sir.
Q Did Senator Kennedy have any conversation with you
Q around 11:15 that night?
A On 12:15?
Q Or 12:15?
A I'm not sure about the time, but I was sitting out in
Q front of the cottage alone and I heard a voice which I
Q recognized as Senator Kennedy's call my name out twice
Q and I only vaguely saw a form and it was extremely
Q dark and I was looking into a light as I recall that is out
Q in front of the cottage.
Q Did you see the Senator?
A Vaguely. Not so that I could recognize him, but I
Q knew he was there.
Q Did he speak with you?
A He only called my name.
Q Was there any further conversation beyond your name?
A Yes, sir, he asked me to get Mr. Markham and Mr.
Q Gargan.
Q And did you do that?
A Yes, I did.
Q Yes, you went Mr. Markham and Mr. Gargan when
Q you found them?
A Inside the cottage.
Q And did they leave with Mr. Kennedy?
A I don't know that for sure. They left the cottage. I
Q didn't see them leave. I didn't see them drive away.
Q I take it then you were inside the cottage when they
Q left?

A Yes, sir.
Q And did not see either Mr. Markham or Mr. Gargan
Q again that night?
A Not until the next morning.
Q Not until the next morning?
A Yes, sir.
Q At what time did you see them the next morning?
A Probably somewhere around 7:00 o'clock.
Q 7:00 a.m. in the morning?
Q And where did you see them?
A In the cottage.
Q And where they arrived, how were they dressed?
A I don't understand that. You mean at 7:00 o'clock?
Q At 7:00 a.m. when you first saw them, they were
Q dressed, were they not?
A Yes, sir.
Q They had clothing on?
A Yes, sir.
Q What condition was the clothing in?
A I didn't notice anything unusually different.
THE COURT: Why don't you stop a minute and go
Q back? Who was it you saw again the next morning?
THE WITNESS: I saw Mr. Gargan and Mr. Markham.
Q (By Mr. Dinis) So you say in effect that after they left
Q did 2:15 when all of a sudden Senator Kennedy's voice, they
A I only know that they did return. I didn't see them. I
Q had gone to sleep.
Q It had been reported to you that they did return?
A No, I only had heard.
Q What did you hear?
A I heard some voices which I recognized, but I was in a
Q room with the door closed and I went back to sleep.
A I think there are three.
Q Three rooms?
A Yes, sir.
Q And you were in a room alone?
A No, sir, Mr. Chinnin was also in there.
THE COURT: Just a minute, now, I am getting a little
Q confused here. Mr. Gargan and Mr. Markham left, you
Q THE WITNESS: Yes, sir.
THE COURT: And you didn't see them until about
Q 7:00 o'clock the next morning?
THE WITNESS: That is right.
THE COURT: But then you said something about hear-
Q ing some voices?
THE WITNESS: Well, sometime during the night, I
Q don't recall the time, but I believe he was after they left.
THE WITNESS: Before 7:00 o'clock.
THE COURT: Did you recognize the voices?
THE WITNESS: I recognized whose voices they
Q were?
THE WITNESS: I recognized Mr. Gargan's voice. I don't
Q recall how Mr. Markham's voice was.
THE COURT: This was sometime after they left late at
Q night?
THE WITNESS: Yes, sir.
THE COURT: And sometime before they returned again
Q at 7:00 the next morning?
THE WITNESS: No, sometime before I saw them at
Q 7:00 in the morning.
THE COURT: What amount of time?
THE WITNESS: Well, I don't really
Q know. I believe Mr. Chinnin was there immediately?
THE WITNESS: No, no, sir.
THE COURT: All right.
Q (By Mr. Dinis) And in the room that you were in was
A Mr. Chinnin?
A Yes, sir.
Q Did Mr. Chinnin hear their voices?
A No, sir.
Q Did he get up?
A I believe Mr. Chinnin did.
Q Did he go out to see them?



Mary Jo's girl-friend-parent (with Mrs. Francis Koppe) at burial of daughter in Leesville, Tenn.

A Yes.
 Q But you did not?
 A No, sir.
 Q Now, you swear of any difficulties occurring during the night at Chappquaddick?
 A No, sir.
 Q You were not?
 A No, sir.
 Q Now, you said earlier you hadn't planned to spend the night at Chappquaddick?
 A That is right.
 Q Now, converted in finding a way back to Edgartown to the Shinnecock Inn?
 A I just assumed that we would go back.
 Q Well, at some point you must have given up on that assumption.
 A That is right.
 Q At what point was that?
 A This was after both the vehicles had left. We had no way of going except by boat.
 Q Now, this would apply to all other parties at the house, isn't that so?
 THE COURT: Well, why don't you wait and get the other parties and ask them the question?
 Q (By Mr. Diney) Well, how many people remained in that house overnight?
 A Excluding Mr. Gargan and Mr. Markham there were, I think, seven or eight people, six people; I don't know, leave with Miss Koppe?
 A I didn't actually observe him leave, no, I wasn't aware that he had.
 Q On your arrival at the house in Chappquaddick did you observe or did you partake of any cocktails being served?
 A Yes, sir.
 Q And was there a bar there?

A Well, there is a counter. I would call it a counter in the house. I don't know if you would call it a bar. I would not want to say that it was that, that is what it was and for all I might say that it was that, that is what it was.
 Q Did anyone in particular tend bar?
 A No, sir.
 Q Was it a help-yourself type of arrangement?
 A Yes, sir.
 Q Did you observe Edward Kennedy drink any cocktails at all?
 A I think that I did, yes, I'm sure that I did, yes.
 Q Do you know what he was drinking?
 A For how long a period were you able to observe whether or not Edward Kennedy was drinking any cocktails?
 A I didn't make any special effort to observe him at all, really.
 Q All right, you arrived at what time, did you say, 9:00 o'clock?
 A Somewhere in that vicinity, sometime between quarter of 9 and 9:00 o'clock. It was dark, I recall that.
 Q When you arrived?
 A Yes, getting dark; just on the verge of it.
 Q Was everyone in the house after that hour of 9:00?
 A Did they stay in the house?
 Q Yes.
 A No.
 Q Did anyone leave that you know of by automobile?
 A I think that they left sometime shortly after we arrived. I don't recall.
 Q Yes, I think he went over to Edgartown to pick up a radio, if I remember correctly.
 Q Did anyone go with him?
 A I don't know.
 Q On this particular bar, did you have occasion to observe any other parties at that bar?
 A There was quite a lot of things on the bar. There were chips and things of that nature. So, I really can't recall exactly what was on there. I really don't know.
 Q Well, was there - could I ask you whether there was a full display of various kinds of liquor?
 A I would say, "no," I would say not a full display of liquor.
 Q Could you estimate as to the number of bottles that were there?
 A I really don't know.
 Q Did you have anything to drink?
 A I had one drink.
 Q What kind of a drink was that?
 A I don't know.
 Q MR. DINEY: If your Honor please, will your Honor please, an assistant District Attorney to proceed with the questioning at this time?
 THE COURT: I would prefer not to have two of you examine one witness. I don't mind an alternation as one of you gets tired, having one of you take over with another witness, but preferably not the same.
 Q Did you see any use of narcotic drugs or barbiturates at the house?
 THE WITNESS: No, sir.
 Q Did anyone go bathing or swimming while you were there?
 A During the evening of the 18th?
 A Yes, sir.
 THE COURT: When they went swimming in the morning, were you ever on the beach at Chappquaddick?
 THE WITNESS: Yes, I did.
 THE COURT: Who drove the car?
 THE WITNESS: I am not really sure, your Honor.
 THE COURT: You didn't drive any car?
 THE WITNESS: No.
 THE COURT: At all on Chappquaddick?
 THE WITNESS: No, on Dyer Road in Chappquaddick?
 Q You ever been on Dyer Road in Chappquaddick?
 A Yes, sir.
 Q When have you been on that road?
 A That is the road leading to the beach and we went to the beach on Friday morning.

THE COURT: That is the question I just asked him about.
 Q On Friday morning what time did you go to the beach?
 THE COURT: I asked him. He said that they all went swimming and came back around noon time.
 Q Swimming, you say, that beach was on Chappquaddick Island that you went to that afternoon?
 A Yes, sir.
 THE COURT: The same one that Mr. Kennedy said he went to on that morning.
 Q What time did you retire - what time did you go to bed?
 A That is very difficult, but it was sometime after 2:00 or 3:00, somewhere in that neighborhood.
 Q Do you know whether or not there was any inquiry for members of your party?
 A Not directly.
 Q Well, what do you know?
 A There was some mention of, "I wonder if anything happened."
 Q And who said that?
 A Well, I recall.
 Q Was there any response to that question?
 A No, there was no answer.
 Q And was this apprehension or this curiosity shared by more than one person?
 A I really don't know.
 Q Yes, it is a small house, isn't it?
 A And if six or seven people were in the house at one time you would all be in close proximity, would you not?
 A That is right.
 Q And you tell us that at some point someone asked you what happened to Mary Jo?
 A No, they didn't say that.
 A No, sir.
 Q What did they say?
 A The statement was merely made, "Gee, I wonder what happened," or something to that effect; "I hope nothing was there that question asked?"
 A I don't know.
 Q Now, you have no recollection as to who asked it?
 A No, you have no recollection as to who asked it?
 Q What time did you hear the voice of Mr. Markham and Mr. Gargan?
 A I really don't know what time it was because I had fallen asleep.
 THE COURT: You told me you only recognized one voice.
 THE WITNESS: That is right, the only voice I heard.
 THE COURT: I asked in the record that you are asking now and his answer is in the record that you are asking now, at some time during the evening was there a great deal of excitement at the house where you were staying?
 A Excitement?
 A Yes.
 Q Was there considerable noise being made at the house where you stayed?
 A And did any of the neighbors come over to complain?
 A Not that I recall.
 Q At some time around a quarter of 1:00 do you know whether or not any members of your party were outside the street in front of the house?
 A You were out in the street?
 A Yes, sir, on two occasions.
 Q On two occasions? And was there anyone else out there with you?
 A You want me to relate both occasions?
 A Yes, sir.
 Q Now, then after Mr. Gargan and Mr. Markham left we kind of got on our feet and went out for a walk, and I believe that we take a walk, and at one point I believe

the two Lyons sisters, Susan Tranchum and myself went for a short walk.
 Q And were you going towards the ferry at this time?
 A No, I think we were going in the opposite direction.
 Q Did an automobile slow down while you were out on the road?
 A I don't recall. Not the first walk.
 Q An automobile stopped and I believe there was another car?
 THE COURT: Let's find out more about the second time.
 Q The first time you said you were walking away from the ferry?
 THE WITNESS: Yes, I guess in that direction.
 THE COURT: The second time which way were you walking?
 THE WITNESS: We went towards the ferry the second time and there were three of us that time, some Lyons, her sister and myself, and we were walking towards the ferry.
 THE COURT: Had you gone as far as the curve?
 THE WITNESS: Where the roads join? No, sir, I recall walking along the lines. I recall there is a line on the road.
 THE WITNESS: Well, I believe the car was driving towards the house, and one of the girls made some kind of a statement, and one of the girls made some kind of a statement, and I think she said, "I'm sorry, we are staying very close," or something of that nature.
 Q Was this some time around quarter of 1:00?
 A I'm not sure about the time, but I am sure it might have been about that time.
 Q I will say 12:30?
 A Yes, sir.
 Q Now, had Mr. Markham and Mr. Gargan already left with Senator Kennedy?
 A Yes, sir. They were gone before we went out for the walk.
 THE COURT: On both these walks?
 THE WITNESS: On both of them.
 Q THE COURT: On the first walk?
 THE WITNESS: Yes, I guess. A guess is just of no value at all. I can't give an estimate, if you help to us, but no wild guess.
 THE WITNESS: I really don't know. It wasn't too long after they had left.
 Q You mean the first walk?
 A Yes, sir.
 Q After they, you mean Markham and Gargan?
 A Yes, sir.
 Q When this automobile was approaching from the direction of the second time you went out on the road, you say it slowed and there was some conversation emanating from the driver, is that correct?
 A Yes, sir.
 Q I don't did the say?
 A I don't know, but I stated it to be that he was asking if we needed a lift or if we were going to the ferry. I don't know, I didn't hear what he said. I only heard partially the remarks of one of my companions, and then I remember saying something to the effect that we were staying nearby, that everything is fine and we didn't need help, or something like that.

Q And you say this was around 12:45 a.m.?
 A I'm not exactly sure of the time, but it probably could have been about that time, I don't know.
 Q And Mr. Gargan and Mr. Markham and Senator Kennedy left prior to that time?
 A Yes, much time had elapsed between this car driving by and Senator Kennedy, Mr. Gargan and Mr. Markham leaving the cottage?
 A I really don't know.
 Q Was it a long time?
 A Well, I think what prompted us to take the walks was that we were just sitting down with no way of leaving and nothing to do and the conversation was pretty thin and it was after they had left, and for the sake of something to do you have any idea as to how much time elapsed between the two walks that you took?
 A If my recollection is correct, it was a short time and I would only be guessing. I will say five or ten minutes or 15 minutes, I really don't know. I just wasn't making notes of these things at the time because they were not important.
 Q How long was the second walk?
 A Again I don't know. We walked some distance. I don't know how far it was. We were walking very slowly and how much you can cover in 10 or 15 or 20 minutes I don't know. There was, you know, nothing to gauge it by. It was just totally black.
 Q Did you hear at some time that Mary Jo Kopechne had a fender that when I arrived back at Edgartown, I found that to be the case when I arrived back at Edgartown?
 A What time was that?
 Q Somewhere around 11 o'clock on Saturday morning.
 Q And where you came back, or, that is, when you left the Chappaquiddick cottage did you hear in a group I again would say that it was somewhere after 9 o'clock, maybe 9:20, 9:30.
 Q In the morning on the 19th?
 A That's right, when we decided that - we were waiting for a ride and decided to wait. Some of the people had left earlier, an hour or so earlier, I don't know what time.
 Q When you say we, who do you mean?
 A Tannenbaum, I am not even sure of that. One or two of the girls. I don't recall exactly who was with us. We were walking back towards the ferry when a car coming from the ferry driven by Mr. Gargan stopped, was coming to a stop, and he told us to get in, which we did.
 Q Somewhere around 9:30, because I think - that kind of time of waiting, because I think we were getting a little tired of waiting.
 Q Now, had you seen Mr. Gargan and Mr. Markham earlier that morning?
 A Yes, sir, at the cottage.
 Q What time, 7:00?
 A About that.
 Q About what time?
 A I believe we did but, you know -
 Q They told you nothing of the accident?
 A No, sir.
 Q THE COURT: You mean he, don't you? He only said Mr. Gargan, then you said they.
 MR. DINIS: I am talking about Mr. Gargan or Mr. Markham.
 Q You saw them at 7 o'clock at the cottage on the 19th?
 A Yes, sir.
 Q THE COURT: The two of them?
 THE WITNESS: The two of them.
 Q And neither one told you anything about the accident?
 A That is correct.
 Q Now, the next time you saw Mr. Gargan was in the afternoon at 9:30 -
 A Yes, sir.
 Q -the picked you up and took you back to the ferry?
 A No. He picked us up and we got in the car and he said there has been an accident and he drove back to the cottage, and when we asked him what kind of an accident, what happened, we really got no reply, until we got back to the cottage and there has been an accident, and that Miss Kopechne was missing.
 Q Mr. Gargan on the 19th told you at 9:30 p.m. that Mary Jo was missing?
 A That is right.
 Q Mr. Markham wasn't present?
 A No, sir.
 Q Was there any further discussion about the disappearance of Mary Jo Kopechne?
 A As I recall there were a lot of hurried questions but I don't recall any of the specifics.
 Q What kind of questions were asked at that time?
 A Well, what happened, where was it the Senator, and things of that nature, what happened to the Senator.
 Q Was there a reply to these questions?
 A No, just that there had been an accident and there was no, then did you leave the cottage?
 A Mr. Gargan left the cottage with the girls, the young ladies that were remaining.
 Q All of them?
 A I believe there were one or two of them were remaining.
 Q They had gone back earlier, the others.
 Q Did you leave with them, too?
 A Yes, sir.
 Q You remained at the cottage?
 A Yes, sir.
 Q Did Mr. Markham appear later?
 A No, sir.
 Q Were you alone at the cottage?
 A No, Mr. Chinninis was with me.
 Q Was anyone else with you?
 A When did you leave the cottage and how?
 A We began walking back again and a woman and a child stopped and offered us a ride. We rode back to Edgartown with them and crossed over on the ferry with them.
 Q When did you learn that Mary Jo Kopechne's body had been found?
 A I began to recall the details of that when I arrived back at the Shiretown.
 Q How did you learn that?
 A I began to ask some questions of my young associates who were there.
 Q Mr. Treiter was there.
 Q Mr. Treiter and Gargan was there at the time.
 Q Mr. Treiter and Gargan was there at the time.
 Q And this was about what time that you arrived at the Shiretown?
 A Well, I can't give you specifically the time. Maybe in this respect, I can, I remember Mr. Chinninis and I went down to the ferry because we had heard that the car was being towed on across. I don't know what time that was.
 Q Has anyone ever met Miss Kopechne before?
 A No, sir.
 Q Now, did you see Senator Kennedy when he left at 11:15? Did you notice his departure?
 A I don't recall actually seeing him go out the door, no.
 Q Where were you when Senator Kennedy left the cottage?
 A I was in the living room section of it and most everybody was standing, and I think I was over near that fireplace.
 Q Did you notice Miss Kopechne leave with them?
 A I don't recall seeing either one of them actually go out the door.
 Q Did you make any observation of Senator Kennedy's condition with regards to sobriety at the time he left the cottage?
 A I don't notice anything unusual in his behavior.
 Q Now, when you saw the Senator out under the light when he called to you -
 A The Senator was standing out near the street.

Q Yes.
 A Beyond the light. I was looking into that light because I was seated on the ground near it and looking into it. I saw him standing out by a fence as far as I recall. I saw a shadow, a form. I recognized the voice more than I did. I don't know if he had a hat on or not.
 Q You did not see him at all?
 A No, sir. I did not.
 Q How long have you known the Senator?
 A Seven or eight years.
 Q Was there anything about his voice on that occasion when he called to you that attracted your attention?
 A No, sir. He simply said, "Ray," and I looked around, I didn't know where it came from. He repeated it again and Joe Gargan and I went up and he asked me to get Paul Markham and Joe Gargan.
 Q Did you have any - did you see the Senator's car at that time when he called to you?
 A No, sir.
 MR. DINIS: No further questions, your Honor.
 THE COURT: Is the witness ready to be sworn?
 A Yes, Mr. Dinis?
 A Yes, your Honor, unless something should develop, your Honor, no.
 THE COURT: All right, you are excused. You may leave the stand.
 (Witness excused.)
 THE COURT: Who is the next witness? It may be one of your clients. I think it is Mr. Treiter.
 MR. DINIS: Yes, he is available?
 MR. KEDMOND: Yes, he is the one we kept this afternoon.
 THE COURT: Charles Treiter is the next one?
 MR. DINIS: Pardon, sir?
 THE COURT: Charles Treiter?
 MR. DINIS: Yes, sir.
 TESTIMONY
 CHARLES C. TREITTER
 Before:
 Hon. James A. Boyle, Justice of the Peace
 Edgartown District Court
 Edmund Dins, District Attorney for the Southern District of Massachusetts,
 Assistant Attorney General, District Attorney,
 Peter Gay, Assistant District Attorney,
 for the Commonwealth.
 Daniel J. Daley, Sr., Esq. and Paul J. Redmond, Esq., for Charles C. Treitter.
 Thomas Teller, Clerk of Courts
 Heide S. T. Temple, Court Officer
 Harold T. McNeil and Sidney R. Linnart,
 Official Court Stenographers.
 Edgartown, Massachusetts
 Monday, January 5, 1970
 CHARLES C. TREITTER, Sworn
 DIRECT EXAMINATION BY MR. DINIS:
 Q What is your full name, please?
 A Charles C. Treitter.
 Q And where do you reside?
 A 91 Monroe Street, Dedham.
 MR. DINIS: Your Honor, may Mr. Fernandes examine the witness?
 THE COURT: He and he alone.
 Q (By Mr. Fernandes:) Directing your attention, Mr. Treitter to July 18, 19, 1969, did you have occasion to be here in Martha's Vineyard?
 A Yes, I did.
 Q And could you tell us when you arrived?
 A I arrived on Thursday evening at approximately 8:00
 Q With whom?
 A Miss Susie Tannenbaum, Miss Cricket Keough, Miss Mary Jo Kopechne, Maryellen Lyons, and Esther Newburgh, the five of them.
 Q I take it you arrived together from Washington, is that right?
 A Yes, I drove down from Boston with them.
 Q Now, what was the purpose of your visit to the cottage?
 A To observe the Edgartown Regatta and to see Senator Kennedy.
 Q Had there been plans made for some kind of a gathering at a cottage on Chappaquiddick that you are aware of at this time?
 A Not specifically.
 Q Someone later on in your stay here you became aware that plans had been made for a gathering?
 A And when was that? When did you become aware of it?
 A In specific, when I arrived, the night when I arrived.
 Q How did you become aware of it, who told you?
 A When I got off the ferry with the girls I was with, I called - I didn't call, one of the other girls called Joe Gargan and he arrived.
 Q Did you know Joe Gargan?
 A Yes, I know Joe Gargan?
 A Yes.
 A No, I don't. It was a very complicated series of calls, because we had to call, I think, Washington to get the number where he was.
 Q Now, did you make arrangements to stay on the island, accommodations?
 A I understand.
 Q Well, did you check in at any hotels, motels, and so forth?
 A Yes, Shiretown Inn.
 Q The entire group?
 A No, Mr. Laross and I were sharing a -
 Q Well, where did you meet Mr. Laross?
 THE COURT: Could I interrupt for a second? You said THE WITNESS was called Washington?
 THE WITNESS: Yes.
 THE COURT: Did they use a credit card?
 THE WITNESS: I don't know what happened, I made a toll call and paid cash or used a credit card.
 THE WITNESS: I don't know.
 THE COURT: All right.
 Q (By Mr. Fernandes:) I think somewhere along the line you saw Mr. Laross?
 A Yes, sir.
 Q And where was that?
 A At the Shiretown.
 Q And I had asked you where these other people, if you know, you were with made arrangements to stay where?
 A I don't know where they had made the arrangements.
 Q I take it if you came to Edgartown and that is the last time you saw Mr. Laross?
 A No, I checked into the period of time in the Shiretown Inn and went to my room, which was occupied also by Mr. Laross and some time later we did all get together and we went out to Katama where the girls stayed.
 Q They had already gone?
 A Yes.
 Q This was on Thursday evening, is that right?
 A Yes.
 Q Did there come a time that you went to Chappaquiddick?
 A Yes.
 Q And when was that for the first time?
 A The exact time I couldn't tell you.
 Q Thursday evening?
 A Thursday evening, the day you arrived?
 Q And could you tell the Court the purposes of your visit that day?
 A The purpose of the visit to Chappaquiddick was just to see the place where we were going to have a cookout.
 Q How did you get there?

Q Over the ferry and by automobile.
 Q And whose automobile was it; was it Mr. Larson's?
 A It was either Mr. - it could have been Mr. Larson's; I'm not sure.
 Q Was it a white Valiant?
 A It could either have been a white Valiant or a Mercury, but I don't remember that. There must have been, but I don't remember that. There must have been, but I don't remember that. There must have been, but I don't remember that.
 Q Well, who was with you?
 A I think Mr. Gargan, Mr. Driscoll, Mr. Chinnin, myself, Mr. Larson, yourself, Mr. Chinnin?
 Q Well, there were how many people? You counted approximately six, I believe. Mr. Gargan and Mr. Larson, yourself, Mr. Chinnin?
 A Mr. Driscoll; that is five.
 Q And did you stay at Chappaquiddick that night?
 A Perhaps an hour.
 Q Do you know whether or not any of the gifts had come over that day?
 A I don't know.
 Q Did you have occasion to go on Dyke Road or Dike Bridge that day?
 A You are referring to Thursday night?
 A No.
 Q I trust you went back to Edgartown?
 A Yes.
 Q Now, sometime on Friday - this is Friday the 18th - did you have occasion to come to Chappaquiddick?
 A Yes.
 Q Approximately what time?
 A I don't have been early afternoon after the races had started.
 Q Approximately what time was that, 1:00 o'clock, 2:00 o'clock?
 A It would have been, I guess, after 1:00.
 Q With whom?
 A Excuse me, I'm sorry, in the morning, I'm sorry, in the afternoon, I don't know what time I was at Chappaquiddick.
 Q It would have been perhaps 11:00.
 Q With whom?
 A Mr. Larson, Mr. - let's see, I'm trying to think - Mr. Larson, Mr. Chinnin, Mr. Markham, myself, and I believe Miss Keopchee, Miss Tannenbaum, Miss Keough, Miss Tannenbaum.
 Q How did you get to Chappaquiddick that day?
 A No, he was not.
 Q Was Mr. Kennedy with you?
 A Yes, Mary Jo, Susan and Theresa Newburgh.
 Q How did you get to Chappaquiddick that day?
 A Again by ferry and then drove to the beach.
 Q And was the beach on Dyke Road?
 A Yes.
 Q Dyke Road and Dike Bridge?
 A Yes.
 Q And you say Miss Keopchee was with you in that party?
 A Yes.
 Q There were two cars?
 A Yes, there were.
 Q Was Mr. Kennedy's car one of those cars?
 A Yes, Mr. Kennedy's car was one of those cars.
 Q Was Mr. Chinnin's with you?
 A Yes.
 Q Do you know if he drove any car that day on this particular instance that you describe is what I mean?
 A I don't remember specifically.
 Q All right. Now, where did you go? You went swimming, is that what you said?
 A Yes.
 Q And this is an area off Dyke Road and Dike Bridge?

Q And how long a time did you stay there?
 Q And what did you do next?
 A Mr. Chinnin and Mr. Markham and myself drove back to the ferry and went over to the Edgartown side.
 Q And the rest of the party?
 A They stayed?
 Q Yes.
 Q Do you know how long they stayed?
 A It was perhaps an hour or an hour and a half longer.
 Q And then they returned to Edgartown?
 A I'm not sure. Eventually they did. I guess they did eventually, yes.
 Q They did, didn't they?
 A They did, and do you know what time they did?
 A I don't know. I had gone with Mr. Chinnin.
 Q All right. When you left an hour approximately or so before they did or sometime they did, who was left besides the gifts you described earlier?
 A Mr. Larson.
 Q All right, that entire weekend, how many times would you say, there would have been on Dike Bridge?
 A And how many times did you go over the ferry, approximately?
 A It's hard to guess, because I was over it many times on many times. Now, did there come a time when later on the 18th you returned again from Edgartown to Chappaquiddick?
 A This is the 18th?
 A Yes.
 Q And what time was the second trip to Chappaquiddick?
 A It would be after 1:00, sometime after 1:00.
 Q And with whom were you?
 A Mr. Markham.
 Q On the ferry, did you get over?
 A On the ferry, did you have a car?
 A Yes.
 Q After taking the ferry, did you have a car?
 A I believe it was the Valiant.
 Q Do you know to whom this car belonged?
 A I think it was a rented car.
 Q I don't know who rented it?
 A I don't know.
 Q Was Mr. Markham driving that time or you?
 A I was driving.
 Q Do you know from whom you got the car?
 A I immediately we got it from Mr. Chinnin.
 Q Yes, you had received it from Mr. Chinnin?
 A Yes.
 Q All right. Now, where did you go upon arriving at Chappaquiddick the second time?
 A We observed the races of the ships or the boats as you could see them from the road and then went to the beach again and then to the cottage and then back to Edgartown.
 Q You left there either still there or had they returned?
 A No.
 Q Who was there when you arrived at the beach, anyone of the so-called party?
 A No.
 Q You went to the cottage?
 A Yes, who was at the cottage?
 A Just Mr. Markham.
 Q Just Mr. Markham and yourself?
 A Yes.
 Q No one else was there?
 A No.
 Q You returned to Edgartown?
 A Yes.
 Q Subsequently again did you return to Chappaquiddick that day?

Q Yes.
 Q With whom and when?
 A It was Mr. Markham and I believe it was 6:30 or quarter of 7:00, 7:00 o'clock, early.
 Q Same car?
 A I believe so.
 Q Is this the last trip so-called for you?
 A No.
 Q You made other trips from 6:30 on through the night?
 A Yes.
 Q All right. Continuing along with this trip with Mr. Markham, you were driving?
 A Yes.
 Q You went where?
 A To the cottage in Chappaquiddick.
 Q By the fact that the ferry did not operate all night?
 A There was some reference, I saw the sign, I think. I may have asked or saw the sign.
 Q Then your answer is you were aware that the ferry did not operate all night?
 A Yes.
 Q You say you continued on with Mr. Markham to the cottage?
 A Yes.
 Q And who was there at that time at 6:30 or thereabouts, if anyone?
 A Senator Kennedy, Mr. Chinnin, and I'm not sure, I think that is all, I'm not sure if Mr. Gargan was there, I don't believe he was.
 Q You two people?
 A And what did you do next?
 A We started to get ready for the cookout in terms of preparing.
 Q Who is "we," the four of you?
 A Yes.
 Q Mr. Markham, Mr. Chinnin, yourself, and Senator Kennedy?
 A I see. What did these people do?
 A I was looking to see if there was any ice, enough charcoal, soft drinks, and I think Mr. Chinnin mentioned that we should get some cigarettes.
 Q You say charcoal, ice, was there anything else about food or drink present at that time?
 A I don't know.
 Q There was liquor there?
 A Yes.
 Q Now, did anyone else arrive while you were there?
 A No.
 Q No one did. How long did you stay there this time in the company of the people you just described to us?
 A All right. Then what did you do?
 A Then I returned to Edgartown.
 Q Alone?
 A Yes.
 Q And the three people that you left behind, continuing on with the arrangements, is that right?
 A Yes.
 Q What did you do upon going back to Edgartown?
 A I bought bags of ice for the cookout.
 Q Would you tell us what car you were driving this time?
 A I am not - there were three of them and I am not sure which of the three I used at that time.
 Q You say there were three cars at the party; Mr. Kennedy's car, the rented car, and Mr. Larson's car. Are these the three you are talking about?
 A Yes.
 Q I take it you took these items you purchased and returned to Chappaquiddick?
 A Yes, I did.
 Q And approximately what time did you get back there?
 A I don't know.
 Q How could you tell the Court who was present at this time other than the three people you say you left earlier?



Police Chief Arena with County Clerk Teller.

Q Mr. Larson, Mr. Gargan, of course, the Senator was safe to say everyone who was at that party was there at that time?
 A Yes.
 Q Were there any other people at the party other than the individuals who came here this morning to court and obviously Miss Keopchee?
 A No.
 Q Was she there at that time?
 A No.
 Q Did Mr. Driscoll ever attend that party that evening?
 A There was no one else in attendance at that party at any time after that that you were aware of other than the people that you just described?
 A All right.
 Q Now, what was the activity going on at that time when you arrived at 8:00 o'clock, what was going on?
 A Very little, because the majority -
 Q The charcoal wasn't there for one thing, and I had come over commensurately on the ferry with the people that some of them had gotten there, and they were on the ferry?
 Q You mean some of these other participants?
 A That is right.
 Q By the way, did you give them a ride over?
 A No, they had a car.
 Q They had a car. Do you know what car it was?
 A It was Mr. Larson's.
 A Yes, did Mr. Larson's car?
 A Yes, did Mr. Larson's car?
 Q So you are all at the party?
 A Yes, sir.
 Q Now, what happened next?
 A I thought the ice in and people were making drinks for themselves.

Q What kind of drinks?
A It is hard to say. As I remember it, there was scotch, there was vodka, and there was rum, I think.
Q All right. Was this the extent of the alcoholic ---
A As far as I can recall.
Q Yes, that I know of.
A There was no one who was principally tending bar?
Q No.
Q It was a do-it-yourself kind of thing?
A Yes.
Q And what other activity was taking place besides people making drinks?
A Just conversation and some early preparation for deciding how many streaks to take out and get ready to cook.
Q And did you stay at that party from that point on?
Q Yes, you left?
A Yes.
Q What time did you leave?
A Approximately 9:30, quarter past 9:00, somewhere. It was after dark.
Q With whom?
Q With whom?
A Just a few minutes.
Q To get to see if I could borrow from the people who ran the Shiretown Inn a radio or record player or a tape recorder or tape player.
Q And prior to your leaving this party and this drinking, had there been any eating going on, too?
Q There were hours of caviar. Mr. Gargan was making hors d'oeuvres. These frozen things you break open, as I remember. That is what he was doing the majority of the time.
Q Up until the time nobody had eaten any steak yet?
Q That is right.
Q And you just had hors d'oeuvres and casual drinks?
Q Yes.
Q You left with Miss Keough to get a radio at the Shiretown Inn?
Q Yes, anywhere else?
A Yes.
Q Tell us what car you used.
A The Senator's.
Q Tell us from whom you got the keys?
A Mr. Cimmmins.
Q Do you remember asking him for the keys?
A I believe I did, because he would normally have them.
A Is there any specific purpose why Miss Keough went to the Shiretown Inn?
Q To accompany?
A -- volunteered.
Q Were you successful in getting a radio over in Shiretown?
A Yes.
Q And returned with a radio?
A Yes.
Q How long were you gone, approximately half an hour.
A Perhaps a little longer. The ferry was busy and we gave a ride to a young fellow who was coming from the Edgartown side to Chappaquiddick and he was sort of lost and everybody seemed to have gone along and he was starting to walk up the road and I asked him if he had a car. He said, okay. So, we gave him a ride.
Q When you returned to the party, everybody who was in attendance was there still?
A Yes.
Q By the way, did the activity principally take place out of doors, indoors, could you tell us approximately where this party took place?
A It was both indoors and outdoors. It is a very small main room of the cottage, both on the lawn and in the most part in the eating area, the still, the drinking was all done within a very small area.
Q No, it was outside, too.
Q It was outside, too. All right, you returned sometime after 10:00 or clock?
A Yes.

Q And what did you do next?
A I ate. Most people were close to the end of eating if not already done.
Q And I take it you did not leave after this trip, or did you?
A Well, I don't understand.
Q Well, leave that evening of the 18th, did you leave the cottage again?
A Yes.
Q Approximately what time?
A Oh, after 11:30 perhaps.
Q You left sometime after 11:30?
A Yes.
Q Well, before you left --
A I was out of the cottage quite a bit in terms of being on the lawn.
Q I remain the area completely.
Q Is it safe to say that you stayed there until about 11:30?
A Oh, yes.
Q Did you go off Chappaquiddick that day?
A No.
Q So, on the 18th you did not leave Chappaquiddick after leaving to get the radio and returning?
A All right. Now, up until 11:30 when you say you left, what was the activity at this party?
A Well, during the period I was gone, I assumed from the appearance when I returned that most people had been in the process of eating.
Q And drinking?
A Yes, right. Did you have occasion to observe Mr. Kennedy at that time?
A Yes.
Q And did you have occasion to observe Miss Keopchane at that time?
A Yes.
Q Did you make any observations concerning their condition at that time?
Q Now --
THE COURT: Just a minute; the question was, did he make any observations of their conditions?
MR. FERNANDES: Their conditions.
THE COURT: I would like to make it more specific. I think I know what you mean. Did you ever observe their condition as to sobriety? Is that what you meant?
THE COURT: Did you form an opinion as to sobriety?
THE WITNESS: Yes.
THE COURT: What was that opinion?
THE WITNESS: That they were sober.
THE COURT: Both?
THE WITNESS: Yes.
THE COURT: What about any use of narcotic drugs?
THE COURT: At the party that night.
THE WITNESS: No.
Q (By Mr. Fernandes) Now, did you have occasion to see Mr. Kennedy drink at all at that time?
A Yes.
Q How many drinks would you say you saw him have?
A I couldn't really say.
Q I couldn't really say?
Q Well, you say you saw him drink. What did you see, could you tell us?
A He had a glass and ice. It appeared to be Coca Cola.
Q And you didn't see him pour anything of that nature --
A Yes.
Q Yes, for himself?
Q How many times?
A I had occasion to see him put rum into a glass with Coca Cola.
Q How many times?
Q I only saw it once.
Q All right, once?
A Yes.

Q How about Miss Keopchane?
A I didn't observe her. I observed her with a glass in her hand, but I didn't observe her making a drink for herself at all.
Q All right, did you see them leave?
Q No, did not?
Q Did there come a time when you were aware they were not at the party?
A Yes.
Q And when was that time?
A Oh, about the time that I left, 11:30 or quarter of 12:00.
Q And how was it that you became aware?
Q Well, did you see her and I don't want to hear there, that Miss Keopchane asked to return to Edgartown?
A No.
Q And did you ask or did you hear that the Senator wished to go back to the Shiretown Inn?
A I don't hear it.
Q There was no other conversation other than you did not correct me, therefore, you assumed they had left.
A Now, what were the activities at the party after they left or after you became aware they had left?
A I left the cottage for a walk.
Q With whom?
A Miss Keough.
Q All right. Prior to the time you left for this walk, you were not there?
A Yes.
Q What were the activities at the party prior to your leaving?
A There were people inside talking and there were some people on the lawn talking.
Q Yada it the evening had finished?
Q For the most part?
A Yes.
Q All right, and you say you left for a walk?
A Yes.
THE COURT: Was there any dancing there that night?
Q (By Mr. Fernandes) Now, you went for a walk. Could you tell us where you went?
A I went to the cottage with Mr. Cimmmins and I couldn't describe it for you specifically but to the right of the cottage, I walked out down the road.
Q Down the road, yes.
THE COURT: To your right as you came out of the cottage?
THE WITNESS: Yes.
Q (By Mr. Fernandes) And did you have occasion to see him sometime thereafter?
A Yes, could you tell us what was the activity at the party when you returned?
A There wasn't any. Mr. Cimmmins, I believe, was there, but Mr. Gargan and Mr. Methman and the other people that were there were gone.
Q But were there were gone?
Q How had you been apparently how long a period of time had you been absent from the party?
A Perhaps half an hour, 40 minutes.
Q So that you were absent half an hour to 40 minutes and you are certain 11:30 was about the time you left?
A As best as I can recall.
Q Can you tell the Court what you are using as a basis of that being the time?
A So you looked at your watch and you are pretty sure it was 11:30?
A Approximately.
Q And you say when you returned at 12:00, or did you say 12:40?
A I asked me how long I was gone. I said approximately half an hour or 40 minutes.

Q So approximately 12:15 when you returned you say Mr. Gargan was not there, Mr. Methman was not there?
A Right.
Q Was Mr. LaRosa there?
A No.
Q Well, who was there?
A I believe just Mr. Cimmmins.
Q And did you make inquiry of where anyone else had been?
A I think I didn't ask Mr. Cimmmins. He was in bed.
Q He was sleeping?
Q He was in bed, I guess so. I didn't disturb him.
Q Had you planned to return to the Shiretown Inn that evening where you checked in earlier the day before?
A Yes.
Q How long had you planned to stay at the party?
Q I don't have a specific plan. I was going to return when the party was over?
Q And you said you were aware that the ferry did not run all night, is that correct?
A Right.
Q And were you aware of when it stopped running?
A I could always get service.
Q And from whom did you understand that?
A I believe Mr. Cimmmins mentioned it.
Q And do you know if he mentioned it to anyone else at the party?
A I don't specifically know. No, I don't know.
Q Well, I trust that you stayed at the party that night, did you not?
Q That's right? You did not return to Edgartown after coming back?
A That is right.
Q Can you tell us why?
A Yes. When I returned to the cottage there was no one there, no cars, so I assumed that the people--that we had missed the return of people who had gone back, had gone without us, those that were going back.
Q Subsequent to your stay there when you returned did after you had returned from your walk?
A Not immediately.
Q Approximately when did people return and who that you best remember? In other words, you are now back at the cottage?
A Yes.
Q And you came back from a walk?
A Yes.
Q And no, is there but Mr. Cimmmins?
A Right.
THE COURT: None of the women were there?
THE WITNESS: Just Miss Keough and myself.
THE COURT: When you came back to the cottage after your walk--
A As I remember it, I didn't really go into the cottage. I went out on the lawn. Miss Keough went inside and neither of the other women came out. When she came out, she said everybody seems to be gone.
THE COURT: Who did you actually see, anyone?
THE WITNESS: No.
THE COURT: You saw nobody?
THE WITNESS: Not that I can recall.
THE COURT: Did you see Mr. Cimmmins in bed?
THE COURT: How did you know he was in bed?
THE COURT: I think that Miss Keough mentioned that. She said Mr. Cimmmins was inside there, was in bed.
THE COURT: You didn't go inside the house yourself?
THE WITNESS: No.
THE COURT: But you saw no one outside?
THE WITNESS: No, no cars?
THE COURT: And this was in the neighborhood of 12:15, did you say?
THE WITNESS: It would be approximately that.
Q When you left at 11:30 were there any cars outside?

Q Yes.

Q What car?

Q Mr. Larosa's car was not there?

THE COURT: Let me go back now. That evening were there three cars at the cottage?

THE WITNESS: No, there weren't.

THE COURT: Only two cars?

THE WITNESS: Yes.

THE WITNESS: The Senator's black Oldsmobile and the white Valiant.

Q You said something about Mr. Larosa's car, a Mercury had been there sometime that evening?

A I don't believe so.

Q All right.

THE COURT: All right. Well, let me clear this up. That evening, from the time you arrived - what car did you see?

THE WITNESS: I drove over with Mr. Markham in the white Valiant.

THE COURT: This was your last trip over?

THE WITNESS: No. The last trip I made was in the Senator's black Oldsmobile when I went over to Shiloh town court.

THE COURT: Was the white Valiant there at that time?

THE WITNESS: Yes, it was.

THE COURT: And no other cars?

THE WITNESS: That is correct.

THE COURT: And when you returned from this walk at midnight there were no cars?

THE WITNESS: Correct.

THE WITNESS: I don't know what cars were there?

THE WITNESS: I don't know.

THE WITNESS: I don't know.

Q Just to refresh your memory, Mr. Trotter, I believe you said, and correct me if I am wrong, that when you returned with the ice there were three cars. Do you recall Mr. Larosa's Mercury was there going for the radio which was the next trip?

A No, it was not.

Q All right. It was with Miss Keough and Mr. Chinnamus. Now, I understand you said you returned. Mr. Chinnamus was apparently asleep.

A Yes.

Q And I think the Honor asked whether or not you had gone into the room.

THE COURT: No. He said that Miss Keough came and told him that she was asleep.

Q So he went in at that time had anyone else returned to the cottage?

A Yes.

Q Can you tell us who?

THE COURT: Who and when.

Q Who and when?

A I don't know when.

Q Did you see Mr. Larosa, Mr. Markham, Mr. Gargan, Miss Tarantini, both the Lyons girls, Miss Newbergh and Miss Keough and myself?

A They all arrived at the same time?

Q I don't know when they arrived.

Q Where were you when they arrived?

A I was in the cottage.

Q Where were you looking for them. I had gone out again with Miss Keough.

Q So you went out to try to find the main body, the other people?

A In a sense, because when it happened when we went on the first walk it was necessary to step off the road a few times for automobiles, and one of the cars I think we recognized back to see what was going on because there goes our car, and when I got back there there were no cars at all, so there was some thought to walking towards the ferry which after a bit of a distance we just gave up on that.

Q Did you attempt it?

A Half attempted it. It was a long walk and I thought I might as well stay here.

Q Now, as I understand it, you went back out looking for these people. This was the second walk?

Q Right.

Q You don't know how long a time you had taken at the cottage before you decided to take the second walk?

A I don't know.

Q A short period of time?

A Yes.

Q And you say that you apparently came back and returned to the cottage?

Q When I came back the second time.

Q Where did you go on this walk? How far did you go?

Q On to the right, cottage, did you go left or right?

Q Facing the cottage, left?

Q Yes.

Q Do you know how far down that road you went?

Q I think almost to the point where you would hear left to go to the ferry, Duple Road?

Q At the juncture of Duple Road?

Q I had been walking fairly what I thought was a way, and I didn't have any shoes on, I knew it was after 12:00 and I didn't know how I could get hold of the ferry.

Q So you came back?

A Yes.

Q And how long a time would you say this walk lasted?

Q Oh, it must have been an hour or more.

Q I think it was around 2:00, 2 o'clock.

Q And you tell the Court that when you returned after the second walk Mr. Gargan, Mr. Markham, Mr. Larosa and various other people, some of the girls were present?

A Yes, in short, when I came into the cottage, people were standing outside the door.

Q Could you tell us where these people were when you came in? You didn't come in with them? They arrived previously than you?

A When I got there they were there.

Q Were they in the cottage or outside of the cottage?

A Inside.

Q Where inside the cottage?

A No. Mr. Gargan was standing in the kitchen area on the right-hand side when I came in.

Q Mr. Markham - the cottage was dark. People were sitting down to sleep.

Q How many cars were there back at the cottage now?

A Just the white Valiant. I was confused when I came back to the cottage because I saw the white Oldsmobile in front of the cottage and I was not sure of my second walk. Well, it wasn't there when you started on your second walk?

A No.

THE COURT: But you said you thought you recognized it?

THE WITNESS: Well, I thought it passed me and that it was the white Oldsmobile if it had been there.

THE COURT: You thought it had passed you going towards the ferry?

THE WITNESS: Yes, sir.

THE COURT: Did you see it go by you in the other direction?

THE WITNESS: Cars did.

THE COURT: No, this white Valiant.

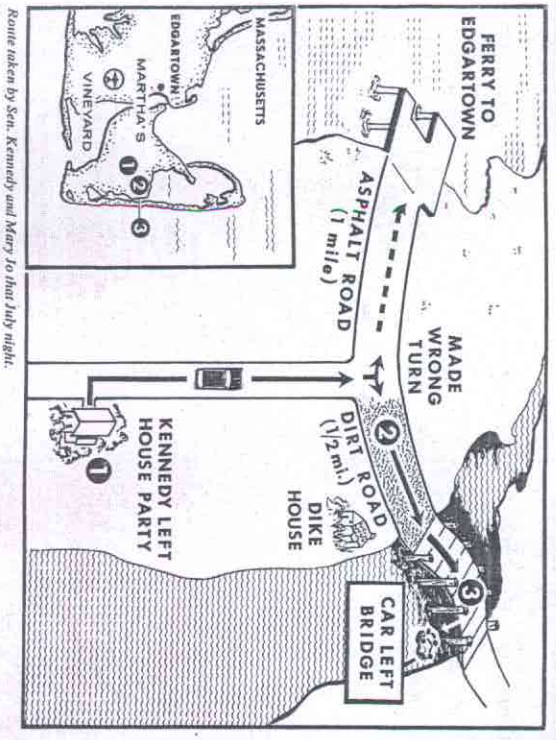
THE COURT: It would have to pass very close to you on that narrow road, wouldn't it?

THE WITNESS: Yes, I found it necessary to jump off that road a couple of times.

THE COURT: You couldn't very well miss it?

THE WITNESS: That is right.

THE COURT: Did you see a white Valiant go by you on your way back to the house?



THE WITNESS: I think I did, yes.

Q In the direction of the house?

A Yes.

Q And you also said you thought you saw a white Valiant going in the other direction?

A Yes, which confused me.

Q Did you make inquiry whether or not a white Valiant passed you on the road? Mr. Markham, Mr. Gargan were not specifically the room people if it didn't.

Q Mr. Gargan and Mr. Chinnamus were talking and I believe Mr. Gargan said, "Jack, let's get some sleep." The ferry has stopped, we will go over in the morning.

Q Do you know who made the statement about let's get some sleep?

A Mr. Gargan.

Q Take it the activities at the party were now ceased and everybody was saying over?

A Everybody was sort of saying, "Be quiet, be quiet, let's get some sleep, it is late."

Q So, I take it that even though there was one car present no one suggested that you return to Edgartown?

A Not at that time, no.

Q Now, did you have occasion to observe Mr. Kennedy at any time that evening?

A Not that I can recall.

THE COURT: When you returned to the cottage and found all the group there with the exception, I think you said, of Mr. Kennedy and Miss Keopche. Is that right they weren't there?

THE WITNESS: To the best of my knowledge.

THE COURT: Everybody else was suddenly there?

THE WITNESS: Everybody else was suddenly there?

THE COURT: And had not been there when you left?

THE WITNESS: With the possible exception of Mr. Chinnamus.

THE COURT: Did you inquire as to what had happened, where they had gone, why they had gone leaving you two alone?

THE WITNESS: I may have, but my impression or my memory is of my coming into the cottage and Mr.

Gargan saying, "Jack, it is late, let's get some sleep," and I could hear the two Lyons sisters who I know very well saying, "Be quiet, be quiet, let's get some sleep."

THE COURT: Now, let's get some sleep. If they traveled in that car at one time, if there were six, Markham, Tennessee, two Lyons, Newbergh?

THE COURT: I don't know that they were in the car.

THE COURT: You didn't find out that they were all in the car at the same time?

THE WITNESS: No, but I found out the next morning.

THE COURT: Had you any inquiry, but at that time I don't recall you going back to the cottage and finding that they were there?

THE WITNESS: No, I think it was just approximation.

THE COURT: No indication that anything unusual had happened?

THE WITNESS: No.

THE COURT: Nothing said about anything unusual happened?

THE WITNESS: No.

Q Did you see Mr. Markham and Mr. Gargan leave soon thereafter or some time thereafter? You observed them in the kitchen when you returned from your walk.

A Mr. Chinnamus and Mr. Gargan.

Q Where was Mr. Markham?

A I believe he was either lying on the floor or on a bed-room couch.

Q Did you see Mr. Markham and Mr. Gargan leave at any time?

A They didn't, therefore.

THE COURT: Excuse me. Do you expect to be much longer with this witness?

MR. FERNANDEZ: I would anticipate a few more questions, your Honor.

THE COURT: Well, if it is going to take over ten minutes, we will adjourn until tomorrow.

MR. FERNANDEZ: I would rather adjourn until the morning.

THE COURT: All right. Tomorrow morning at 9 o'clock.

(Whereupon at 4:00 o'clock p.m., the longest was adjourned until 9:00 o'clock a.m., Tuesday, January 6, 1970.)

COMMONWEALTH OF MASSACHUSETTS
Edgartown District Court

SECOND DAY

Before: Hon. James A. Boyle, Justice of the Edgartown District Court

Present: Edmund Dinich, District Attorney for the Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney,
for the Commonwealth.

Thomas Teller, Clerk of Courts
Helen S. Tyn, Temporary Court Officer
Harold T. McNeil and Sidney R. Lipman
Official Court Stenographers,
Edgartown, Massachusetts,
Tuesday, January 6, 1970.

THE COURT: Mr. Fernandes.

MR. FERNANDES: Yes, your Honor. Attendance I don't think there is any point of impounding them to sit around here in a small room where they are not apt to be called to testify within a reasonable period of time. Now, we have that witness to finish with and then, as I see it here, we have eight more present in the party group whom I assume are the ones to be next.

MR. FERNANDES: Yes, your Honor.

THE COURT: Now, at the rate with which we proceeded yesterday with the examination, I would say we would consume a few days, unless you intend to expedite the questioning.

MR. FERNANDES: There may be. Of course, we don't know what some of these people are going to say of the day at least.

THE COURT: Well, can we decide on a certain number we can excuse until this afternoon, until 2 o'clock?

MR. FERNANDES: Yes.

THE COURT: Miss Keough, Miss Tannenbaum. If you intend to call them, you can call them now.

MR. FERNANDES: Yes, your Honor. We are going to recess from 11:00 until 11:15 for a morning break, and then from 1:00 until 2:00 for lunch. We can excuse some until 11:15, and we can excuse some until 2 o'clock, and there have been a group of witnesses, I understand, who have been summoned to appear here this morning. Is the summons 10

MR. FERNANDES: Yes, I believe so.

THE COURT: Many of whom, perhaps most of whom can be excused until tomorrow.

MR. FERNANDES: Yes, most of the local people we can excuse until tomorrow.

THE COURT: We have the local physician whose service are in great demand by the community, and even if there is some pointing out of some specific date, I think it is reasonable to excuse some until tomorrow.

MR. FERNANDES: I think tomorrow morning would be fine for the doctor.

THE COURT: Let's assume that between now and 11 o'clock we would not require more than three witnesses in addition to the one on the stand, and if we say Mr. Gargan, Mr. Markham and Miss Keough -- are they all

MR. REIMOND: Yes, they are, your Honor.

THE COURT: Miss Tannenbaum, two Miss Lyons, Miss Neubergh and Mr. Crimmins until --

MR. FERNANDES: 11:15 will be fine. I think that is safe, your Honor.

THE COURT: Would you go out and make that announcement?

MR. TYRA: All except Mr. Gargan, Mr. Markham and Miss Keough will be excused until 11:15.

THE COURT: Now, as to those who are summoned you have the name list I have.

MR. REIMOND: I'm going to be excused. I would like permission to leave the courtroom, Mr. Daley is going to be here, just to press outside and they have to pass reporters with microphones, I am just asking that I leave just to take them out and to tell them they are going to the courtroom. It is perfectly all right if you don't mind leaving.

MR. REIMOND: That is what I would like to do, your Honor, but how would I get back, just knock on the door?

THE COURT: Yes, there certainly shouldn't be any problem. Tell the officer that you are excused and coming in back, and if you have any trouble the officer can excuse you until tomorrow.

MR. FERNANDES: Yes, we sent word to Dr. Walt. We assume they are going to be here at 10 o'clock.

MR. FERNANDES: Yes, we sent word to Dr. Walt. We suggested that he come tomorrow morning also because he is a physician and don't want to tie him up for a day.

THE COURT: Well, that excuses all the others until 2 o'clock, and you can be back at 2 o'clock this afternoon. Let's review the situation to see how many of those we can excuse until tomorrow.

MR. FERNANDES: Yes.

THE COURT: Will you keep that in mind?

MRS. TYRA: Yes, your Honor.

THE COURT: You might remind me at 2 o'clock.

MR. FERNANDES: Yes, your Honor. We will not open again at 9 o'clock. My first job in the morning is to go through. In this case, 169 pages of testimony, I started at 6:10 this morning, I am not going to do a good job while I am tired. Now, maybe we can reach a compromise at 9:30. I also understand there is some problem about eating in restaurants, so we will start tomorrow at 9:30 instead of 9 o'clock.

THE COURT: All right, gentlemen.

CHARLES C. TRETTER (Continued)

TESTIMONY

Before: Hon. James A. Boyle, Justice of the Edgartown District Court

Present: Edmund Dinich, District Attorney for the Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney,
for the Commonwealth.

David Daley, Esq., and Paul Reimond, Esq.,
for Charles C. Tretter.

Thomas Teller, Clerk of Courts
Helen S. Tyn, Temporary Court Officer
Harold T. McNeil and Sidney R. Lipman,
Official Court Stenographers,
Edgartown, Massachusetts,
Tuesday, January 6, 1970.

CHARLES C. TRETTER, Sworn

EXAMINATION BY MR. FERNANDES: (Continued)
Q Mr. Tretter, I believe we ended yesterday, you stated that you returned from a walk, the second walk?

A Correct.

Q And you returned to the cottage to find that everyone else was at the cottage with the exception of Mr. Ken- nedy and Miss Keopghen?

A And I believe -- and if I am wrong please correct me -- I believe you said that it was approximately, at approx- imately 2 o'clock that morning?

A Approximately.

Q And that you were fairly certain about the time?

A All right. And when you went on the second walk it was just to take them out and to tell them they are going to the courtroom. It is perfectly all right if you don't mind leaving.

MR. REIMOND: That is what I would like to do, your Honor, but how would I get back, just knock on the door?

THE COURT: Yes, there certainly shouldn't be any problem. Tell the officer that you are excused and coming in back, and if you have any trouble the officer can excuse you until tomorrow.

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THE COURT: All right, gentlemen.

Q Who is we?

A In the room where I slept on the floor next to Joe Gargan. To the left side of me was Miss Keough. Now, could have been both places, I don't know, it was Paul, I said I slept very badly on the floor, "How did you sleep?" He said, "I slept terribly, my knee bothered me."

Q Where did Mr. Gargan sleep?

A He was to my right. As a matter of fact, he kept bumping into me.

Q You kept bumping into you throughout the night?

A Yes.

Q Now, do you know where Mr. Larosa was?

A I believe he was in the right back bedroom.

Q Markham leave the cottage after you say you returned at 2 o'clock?

A No, they did not.

Q And what time did you arise that morning?

A I can remember waking up at 10 minutes past 5:00. Was Mr. Markham or Mr. Gargan on the left? A Gargan was on my right, Miss Keough was on my left, and Paul Markham was to my left, but at this time I think he was up on the daybed. He was on the daybed the morning you were present when Mr. Larosa came into the cottage and asked for Mr. Gargan and Mr. Markham?

Q Well, did Mr. Larosa tell you that he had a conversation with Mr. Kennedy sometime early that morning?

A I didn't see Mr. Larosa again until it would have to be after noon on Saturday.

Q Well, you said you knew he was sleeping in the other room?

A Yes.

Q Or he was in the other room?

A To the best of my knowledge.

Q Well, what do you base that on?

A I heard his voice when I came in. When Mr. Gargan and Mr. Crimmins were here, I heard his voice. I heard Mr. Larosa's voice coming from that room and my, yes, Jack, it is late, go to bed. And Gargan said to Crimmins, go to bed. It is late, and Mr. Larosa said in that?

A Yes.

MR. Crimmins, you said, had been sleeping earlier in the cottage?

A I know. When I came back the first time I didn't go in, I stayed out on the lawn. Miss Keough went in and came out. I said, what is going on? She said, I think, Jack is asleep and Paul and Joe had left. The car was not there. The white Valiant was not there.

Q Who had said that?

A Miss Keough.

Q As she came out of the cottage?

A Yes, your Honor.

Q Did you discover at any time from Mr. Larosa or anyone else that Mr. Kennedy had returned and asked for Mr. Markham and Mr. Gargan?

A Late.

Q What?

A Approximately when, early morning, later?

Q Well, perhaps you in Edgartown?

A At the time I learned that he had come back, and asked for the Senator. It was, I was at the Kalamna, the Dunes, Kalamna Shores.

Q And who told you?

A Mr. Gargan.

Q Mr. Gargan told you?

A And what did he say?

A At the time he was explaining to the girls and to me, too, what had happened. You see, I was not -- my first knowledge of what happened was -- in other words, he was explaining what happened that night, is that right?

A All right, let's return to the cottage at 5:00 o'clock when you say you awakened?

Q Did you get up? Did everyone get up at that time?

A No, I can remember waking up around 5:00, ten past 5:00. I can remember waking up around 6:30 sometime, and I got up.

Q When you were awakened at 6:30 and again looked at Markham all there?

A Mr. Gargan was, right.

A As far as I know, yes.

A Was everyone else there in the cottage as far as you know?

A As far as I know, no.

Q Did you remember anything different, that they were not or anyone was not?

A No, the same people I thought were there when I came in, I thought were there.

Q Did there come a time whenever anyone left the cot- tage?

A Yes.

Q What?

A I would be 7:30 sometime. Well, I got up around ten past 7:00, it would be after 7:30.

Q Where you the first to leave?

Q No.

Q Who had left previously?

Q We left together.

Q Everyone?

Q No, myself, Mr. Markham, Miss Keough, Miss Tannen-

Q Is that four of you, five of you?

Q Five.

Q Mr. Gargan stayed behind?

Q No, Mr. Gargan.

Q Mr. Gargan, Mr. Markham, Miss Tannenbaum, and Miss Keough?

Q Right.

Q We drove to the ferry.

Q And for what purpose were you returning to —

Q I wanted to go back to my room and change and shower and the girls wanted to go back to the Dunes.

Q Now, was there any conversation either at that time or any time previous to your retelling that evening about the whereabouts of Miss Keopchine?

Q I can't recall in the car in the morning any conversation.

Q Hasn't about any conversation between —

Q No.

Q Did you hear at any time — well, strike that — I believe you said yesterday, and if I am wrong again correct me, that you did not see Miss Keopchine leave with Mr. Kennedy?

Q Correct.

Q But you became aware that both were not there?

Q And you don't know exactly when or how long after they had left, is that right?

Q Well, I'm not sure now.

Q Well, when did you become aware that they were not there, the time?

Q I became aware that they were not there when I went out for a walk and had to go by where the two cars were parked, and I did not see either Senator Kennedy or Miss Keopchine.

Q What was that time again?

Q All right. Now, no one from that point on mentioned anything that you remember about the whereabouts of —

Q That is correct.

Q Did you have the other people back at the cottage at 7:30 or 7:10 or 7:30 when you left?

Q Yes, other than the ones — they — yes.

Q Now, did you take the route back to the ferry down, I believe, in a School House Road and then to the ferry?

Q I'm not sure of the street.

Q A Chapmanville Road and to the ferry, yes.

Q Was there any conversation about Miss Keopchine and Mr. Kennedy then?

Q Not that I can recall.

Q How was Mr. Markham and Mr. Gargan dressed at this time?

Q They had polo shirts or pull-over shirts and I think Paul had a sweater, but not sure.

Q Was this on the night wearing the night before?

Q I think so. I just can't recall what they were wearing specifically.

Q Well, did anyone change that you know, did they have clothing there to change?

Q No, I think what people wore — were wearing that day.

Q Was it safe to say what they were wearing that day when they had on that morning they had, at least in my case, I think it was trace of evening?

Q All right. Now, you returned to the ferry?

Q Yes.

Q Approximately what time did you reach the Clap- paquiduck landing?

Q It was perhaps around 8:00, eightish.

Q 8:00 o'clock?

Q Around then, I remember.

Q Do you know where Mr. Gargan and Mr. Markham were going?

Q Back to the Squire —

Q Shiretown.

Q Where were you staying also?

Q Shiretown.

Q And where did you go first, the Karama?

Q No, got off the ferry with Mr. Markham and Mr. Gargan, Mrs. Tannenbaum, Miss Keough and myself, walked to the Shiretown and I said I believe I asked them if they wanted a ride back to the Dunes and they said, yes, and I said, well, let me find the keys to the car, Mr. Markham's car.

Q The Kennedy?

Q Yes, was more or less always in and around the Shiretown Inn, but I didn't know where the keys were.

Q And where they were in the vicar or in the office. So, I said to the girls, why don't you use the room if you want to take a shower or lay down. Well, they said we would like to lay down, we are tired, I said, if you excuse me for just a minute, and at this point Mr. Markham and Mr. Gargan went off, I believe they were in the room, or the Senator's room which I believe is the town Inn, or the Senator's room which I believe is the town Inn, and went up to see where they were and I went up to Senator Kennedy's room.

Q Now, you say you took the girls to your room?

Q Yes.

Q And, well, the sequence here, what happened, Mr. Gargan and Mr. Markham left first?

Q Shiretown walked in, if you come off the street into the town Inn, I know that, and directly ahead.

Q Is that next to the public telephone?

Q Down from it, in that sequence of the rows, and Mr. Gargan and Mr. Markham just went over to my left and said, we will see you. I knew the Senator's room, because I had been there earlier in the day, there to the house I would see you. We went to go back, I think, to the people want to do? We went to go back, I think, to the house I would like to shower and have. We want to lay down for a while, I said, do you want any breakfast? They said, no, I showed, showed, and left my cabin and left them there and walked across the courtyard up to the Senator's room.

Q Now, do you know what time you arrived at the Senator's room?

Q Sometime between 8:00 and 8:30, I figure.

Q And Mr. Gargan and Mr. Markham and the Senator were there?

Q Yes.

Q Were they in the room?

Q Yes, they were.

Q How do you do that?

Q Well, I knoed on the second, knoed, looked in the window, and the Senator was sitting in such a position that he was, here to his right would be the window and I was looking in the window and I thought he motioned me in, not by his hand or anything, I just thought from his eyes he said, come in. I walked into the room and closed the door behind me and there was no conversation between the three and the Senator looked at me and said, well, let me see your shoes, that is all, and I said, well, they were on the bed? Had he just got up?

Q Was he dressed?

Q Yes.

Q Can you tell us what he was wearing?

Q How did he appear to you?

Q Well, I thought he was something boisterous, him because I was a little angry myself, having worked for him long enough, I thought I recognized the sign for come into the room and then when I got into the room, I was almost inadvertently told to get out in so many words, and I thought there was something wrong, but I thought he was a very nice man, and I didn't know what it was at me for interfering with the conversation or what.

Q How long had Mr. Markham and Mr. Gargan been in the room? Approximately, would you know?

Q I don't know.

Q THE COURT: If you don't know, say so.

Q THE WITNESS: I don't.

Q (By Mr. Fernandes) All right. Now, where did you go after that, to your room?

Q I went downstairs and I had some juice and coffee.

Q All right. Now, you had no conversation with either Mr. Markham, Mr. Gargan, or Mr. Kennedy at that time?

Q And when was the next time you conferred with any of them?

Q Mr. Gargan came downstairs sometime after, not too long, perhaps and said, why don't you take the girls back to the Dunes. And I said, fine. Why don't you get them some breakfast? I said I asked them once, I will find them again, I asked them if they wanted any breakfast a while ago, so, I went back. They wanted to sleep a couple of people and had some more coffee, day before being around the Shiretown Inn, so we just chatted a little bit.

Q You had no conversation with them other than what you just described?

Q Correct.

Q Now, sometime you went to the Dunes, is it?

Q Yes, yes.

Q You returned with the girls?

Q Yes.

Q Returned them to their motel?

Q Miss Keough and Miss Tannenbaum.

Q And at that time Mr. Gargan, did he present himself, was he there?

Q No, he wasn't. I believe there were three rooms all side by side at that time Mr. Gargan, they had individual rooms, did they?

Q I don't know how they were. There were three rooms that I can't recall.

Q Do you know if Miss Keopchine had one of those three?

Q I don't know.

Q Do you know if the girls inquired of her or made any mention of you that they had looked for her in the hotel or motel?

Q When I got there —

Q THE COURT: Why don't you ask him the conversation, (By the Court) —

Q (By Mr. Fernandes) Yes, what was the conversation?

Q When I returned, one of the girls that was already there, I can't remember, and said she has been an accident, something happened to Mary Jo.

Q What time was that?

Q I guess it would be 10:00, I guess around 10:00.

Q And you don't recall which girl this was?

Q And then you had a conversation with Mr. Gargan at the Dunes? Well, let me see, let me rephrase it. When and how did you find out that she had died?

Q Well, when was the first time you say you at 10:00 o'clock, you understood there was an accident?

Q At that time did anyone say she had drowned?

Q No.

Q Or she was hurt or in the hospital?

Q No.

Q Just that there was an accident?

Q Right.

Q And then there came a time when you know that THE COURT more serious had happened?

Q I don't recall that.

Q THE WITNESS: Yes.

Q (By Mr. Fernandes) When and how? Who told you?

Q Mr. Gargan.

Q Where, at the Dunes?

Q At the Dunes, yes.

Q I think you said approximately 11:30 o'clock?

Q I would be after, I believe.

Q After 11:00, and what exactly did he say?

Q I don't know exactly, but to the best of my recollection he was explaining to the girls that there had been an accident, that she had gone off the bridge; that the Senator had made an effort to save Miss Keopchine or save her and that apparently she was dead at this time.

Q What had he said?

Q Well, I can't give you the specifics; I'm just recalling.

Q Did he mention that he had returned to the scene at all?

Q Yes.

Q Did he say when?

Q When, what did he say?

Q Well, after, if I can just go back, after he made this —

Q THE COURT: It would be simpler if you asked him to state all —

Q (By Mr. Fernandes) All that was said by Mr. Gargan with reference to what had happened.

Q When he said that there had been an accident and that Miss Keopchine was dead, the Senator tried, had gone into the writer was dead, there was a tremendous emotional breakdown of all there was a tremendous emotional breakdown, but they were all just going off by themselves. They then asked him, well, what happened again, what happened, and he explained that as I recall, that the Senator had called he and Mr. Markham, and asked for a cottage, had told them what had happened, and asked for a cottage, had told them what had happened, and asked for a cottage, had told them what had happened, that neither one of them talked to him. He just said, Mr. Gargan was explaining that we drove to Edgartown, so the Senator drove off of the dip and swim across and that after that.

Q THE COURT: Let him just give the conversation.

MR. FERNANDES: Yes, sir.

Q THE WITNESS: Gave up, turned around, came back to the dip, got in the car and went back to the cottage.

Q (By Mr. Fernandes) So, as I understand it, and I don't know, you mentioned you, and I want you to correct me if I am wrong, that you said that Mr. Gargan stated the THE COURT: It is in the record. There is no point to repeat it.

MR. FERNANDES: No, your Honor, I think this is an important point for our understanding of the chronology of what happened here, if I may.

Q THE COURT: I will accept it. There is no point of repeating it.

MR. FERNANDES: I am not asking to repeat the whole testimony, but just the sequence of events to the ferry, and they had done?

Q THE WITNESS: This is what he explained, what he said on that morning, Saturday morning.

Q (By Mr. Fernandes) Who was present at this time besides the girls? Mr. Gargan made this conversation or anyone else in attendance?

Q No.

Q There was not. At that time did you receive any instructions from anyone as to what to do and what was going on?

Q No, no, I was all right, I would take care of the girls and I said, all right, I will.

Q Then what did you do?

Q Spent a very uncomfortable hour or so.

Q And I take it at some time you left the island?

Q When?

Q I left it, I think it was, the 6:00 o'clock ferry that night.

Q Along with other people were there others that left with you?

A I left with Mr. Larson, Mr. Crimmins and Mr. Gargan.

Q Did Mr. Gargan mention the whereabouts of Mr. Kennedy at that time at 11 o'clock at The Dunes?

A Did anyone or did Mr. Gargan mention anything about any injuries or the condition of the Senator?

A Other than describing his condition of the night before, no.

Q Do you know if anyone returned to the scene of the accident at any time after it happened?

MR. FERNANDES: Yes, personally personal knowledge?

Q Do you know or did anyone tell you that he or they returned to the scene of the incident?

THE COURT: Do you mean did anyone tell him?

MR. FERNANDES: That they or anyone else returned to the scene of the accident at Dike Road and Dyke Bridge after it had occurred either immediately after or later.

THE COURT: Did you recall you felt that they or someone else returned to the scene of the accident, meaning the Dyke Bridge, after the accident occurred?

THE WITNESS: Yes.

Q Who?

A Senator Kennedy in his television statement of the following week.

Q Also other than Mr. Kennedy?

A That is right.

Q You did not go to the scene?

A No.

Q Did you speak with the Senator, Mr. Kennedy, at any time about this accident personally?

A No.

Q Did you speak with Mr. Markham about what happened at any time?

A No, at any time.

THE COURT: You mean other than this meeting at The Dunes?

MR. FERNANDES: Mr. Markham was not there.

THE COURT: At any time about what happened that day?

THE WITNESS: No.

Q You had never spoken with Mr. Markham about this accident?

A No.

Q You had seen him in the street in Boston?

A I see him every day.

Q Now, if you know, do you know what happened to Mary Jo Kopechne's pocketbook?

A No.

Q When you went with Miss Keough to pick up a radio at the Sheraton Inn, did she take her purse with her that you know of or remember?

A I don't remember. If I can say in retrospect I know something happened after the fact that I know that she did, in fact, take it with her that night.

Q What do you know about Miss Keough's purse with reference to it being in Mr. Kennedy's car, can you tell me that?

A The first time that I knew it was there was the time that I was asked by Miss Keough or someone, I can't recall now, if I would go to the police station on Saturday afternoon, pick up her bag, which I did.

Q How did she know it was at the police station, if you know?

A I don't know.

THE COURT: If you don't know, say so. No speculation.

THE WITNESS: I don't know.

Q She told you to pick it up, and you picked it up and gave it to her?

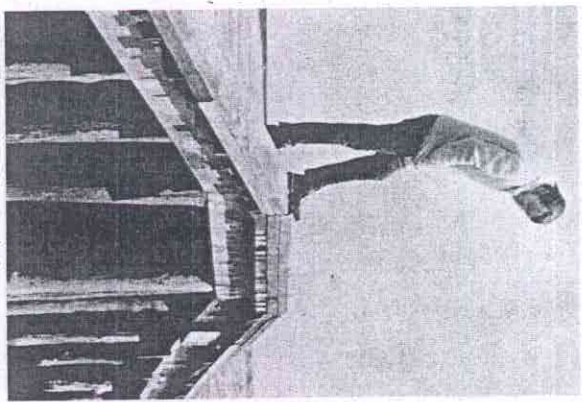
A Someone asked me to pick it up.

Q Do you know or did you know where Miss Kopechne's pocketbook or purse was?

A At any time?

Q No.

Q Do you know who returned her clothing, and to whom?



Investigating Grand Jury Foreman checks scene.

A No.

MR. FERNANDES: May I have a moment, your Honor?

THE COURT: Yes.

Q I direct your attention to the morning when you say you observed Mr. Kennedy in the Sheraton Inn in his cabin or cottage or whatever.

THE COURT: You mean when he went in the room?

Q Now, if you made it then, what if any observation did you make other than that he looked troubled or distraught? I don't know what word you used. I want you to describe what you saw at that time.

A When I came into the room he was sitting on the couch. He was dressed. Mr. Markham and Mr. Gargan were sitting on two beds to my right opposite him. He was up at this in private, and my only observation was that in his eyes and in his face there was something wrong. Something was wrong.

Q The clothing that he was wearing then at that time as he sat on the sofa or couch or whatever, if you know or remember, is this what he had been wearing the day before, remember?

A MR. FERNANDES: No further questions of Mr. Trotter.

THE COURT: Is there any reason we can't excuse him now?

MR. FERNANDES: I don't believe so. I think we have finished with him.

THE COURT: You were here yesterday. I think, and heard the warning about not discussing your observations with no other witness?

THE WITNESS: Yes.

THE COURT: Then you are excused.

[Witness excused.]

TESTIMONY
OF
JOSEPH GARGAN

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Edmund Dinis, District Attorney for the
Southern District of Massachusetts,
Armand Fernandes Assistant District Attorney,
Peter Gay, Assistant District Attorney,
for the Commonwealth.

Joseph Donahue, Jr., Esq., for Joseph Gargan.
Thomas Teller, Clerk of Courts
Helen S. Tyra, Temporary Court Officer
Harold T. McNeill and Sidney R. Lipman,
Official Court Stenographers.

Edgartown, Massachusetts,
Tuesday, January 6, 1970.

EXAMINATION BY MR. DINIS:

Q Your full name, please?

A Joseph F. Gargan, G-4-F-4-n.

Q Where do you reside, Mr. Gargan?

A 1072 Blue Hill Avenue, Milton, Massachusetts.

Q Occupation?

A Vice president of The Merchant's Bank of Hyannis. Also an attorney practicing law for about fourteen years.

Q Directing your attention to July 18th and 19th of 1969, were you on the island of Martha's Vineyard at that time?

A Yes, I was.

Q Yes, when did you arrive in conjunction with these two dates?

A Well, the dates to tell you the truth I am not sure of. I came on Thursday at approximately 4 o'clock in the afternoon, as soon as the race between WINONA at Martha's Vineyard Island or Edgartown Harbor. I think we came in that day to what you call Key No. 7 and I would arrive between 3:00 and 4:00 in the afternoon.

Q Did you arrive by sailboat?

A Yes.

MR. DINIS: He arrived on Thursday, the 17th.

Q With whom did you arrive on the island?

A Well, I think I think Paul Markham was on the boat at that time.

Q There was a boy named Howie Hall that sailed over with me, sailed over with me, and to tell you the truth I am not, sailed over with me. I think Paul Markham was on the boat at that time.

Q And did you come into the harbor here at Edgartown?

A Yes. We sailed in and sailed around for a couple of minutes until I could find a place to anchor the boat. The harbor was at that time rather crowded and I anchored the boat about directly across from the Boat Club on each boat out of the channel and on the other side of the channel.

Q And did you come into Edgartown?

A Yes, I did.

Q Immediately?

A Yes.

Q So you arrived sometime around 4:00 p.m. on Thursday, the 17th?

A Yes, you're right.

Q Did you check in anywhere?

A I checked in at the Sheraton Inn.

Q Was Mr. Markham with you at the time?

A Yes, as I recall, he was.

Q Was Senator Kennedy?

A He was not.

Q He was not in the area. Now, later that evening did Senator Kennedy join you at that time?

A He did not.

Q When did you next see Senator Kennedy?

A When the race was around 1 o'clock on the afternoon of Friday, which you say would be the 18th.

Q The 18th. Now, had you made arrangement for a cook-out?

A I had.

Q And what were these arrangements?

A Well, basically I did this. It was more than arrangements for a cook-out. I had arranged for a cottage on the Sheraton Inn. I had arranged for a cottage with various campaigns and the '68 campaign to gather to have, as you suggest, a cookout on that particular weekend.

Q I see. Did you make provisions for liquor to be served at the cookout?

A I did not.

Q Yes, you know who did?

A Mr. Crimmins.

Q Mr. Crimmins.

Q Senator sometime around 1 o'clock?

A That is right.

Q And where was that?

A It was on this side of the - it was in Edgartown on this side of the ferry landing.

Q That attention to your knowledge did the Senator race?

A He did.

Q Were you in his boat?

A I was.

Q Did he have anything to drink in the way of alcohol?

A I don't really recall that very well, Mr. Dinis. I have a vague recollection of the fact that there may have been or when he came he may have brought with him some our habit to have beer on board. That beer had been really can't recall, but I would say I do recall that we had some Coca-Cola aboard because I remember Howie Hall who sailed with us, who was a younger fellow, drinking Coke during the course of the race, and particularly here on that day when you race out with a southwester breeze which we didn't have that day, and I recall that it was very hot. That particular day I worked very hard, I remember, because during the entire race going out ahead having to hold onto the stay, forcing my back out in this position with the pole holding the spinnaker out, so I would suggest to you that during the course of that time that probably the boat was very hot and perhaps maybe a beer.

Q Was there any rain aboard?

A There was not.

Q Now, when did this race end? When did you come ashore?

A I would say probably from 2 to 2 and a half hours later.

Q Around 3 o'clock?

A No. The race started about - we started late. We usually start early, the seniors. That particular year I think we started about 3:30-4:30. It was about 5 o'clock, however, that I did anyone go to the east beach to your knowledge?

Q At that time, no. What is the east beach?

A On Chappaquiddick Island is a beach on the other side of the Dyke Bridge. Did anyone, to your knowledge, go over there?

Q Oh, that is that?

A Oh, yes. No question about that.

Q Someone did go to the beach?

A I would say not only somebody. I think everybody went to east beach in the morning.

Q Yes, I would say approximately 12 o'clock.

Q Were all the girls there?

A Some others were there earlier than that, obviously, some others I arrived there at 12 o'clock, some of the group were already there.

Q The girls that were invited to the cottage cookout, were they on the east beach in the morning?
A Some, not all of them.
Q Was Mary Jo Kopechne there?
A Yes, she was.
Q And was Senator Kennedy there?
A He was not to my knowledge there; I understand he was there but not while I was. He was there later on.
Q At that time did you leave the beach?
A I left the beach I would say at 12:30 and headed for the ferry.
Q What time did you arrive at the beach?
A I would say around 12 o'clock. I spent around a half an hour there myself.
Q And the Senator was not there at that time?
A Not at that time.
Q A maid you at half past 12, I understand, was on the landing. At the time he was proceeding on the ferry to Edgartown.
Q And what time did the race start?
A The race started at about 2:30.
Q Now, when the boat was over for the afternoon did you return to the Shiretown Inn?
A Yes, we checked in there?
Q There is no question about that.
Q What room did you have, do you recall?
A I don't remember. I think the room number may have been - I have a vague recollection of what is 7A, but I can tell you exactly which room it was. It was up on the porch and when you came to the porch it was the porch in front of you.
Q Did the other men in that vicinity?
A He was in the same room.
Q You were bunking together?
A Correct.
Q Was there anyone else bunking with you?
A No, there are only two beds.
Q Now, some time that afternoon the party group left for a No. 12 ferry?
A No, that afternoon, that correct?
Q About what time did the group begin to assemble?
A Well, they all assembled at different times, Mr. Dink.
Q What time did you arrive there?
A At the house at Chappaquiddick that evening?
Q The first time I arrived at approximately 7 o'clock.
Q And did you remain there for a period of time?
A Where did you go?
A I went back to the ferry landing.
Q Did you pick up some people there?
A I did.
Q Did you then return to the house?
A I did, how many trips did you make from the house to the ferry landing?
A One.
Q Did you remain at the house after that?
A I did.
Q For some time?
A I did.
Q Will you describe to the Court what was transpiring at A Well, I would say that I went there, that was happening between 8:15 - 8:30, probably close to 8:30. At that time I immediately went outside, look what it known as a cookout and moved it away from the house. It was close to the house. I moved it approximately, oh, I will say 20 to 25 feet from the house and placed it in front of the window that faced the kitchen so that while I then put charcoal in it could see it outside.
Q I then put charcoal in it could see it outside. I poured a substantial amount of charcoal lighter onto the charcoal. It flamed up, then began, at least the stuff I poured on the charcoal began to burn.
Q I then went into the house and turned off the oven. Then into the refrigerator.
Q Yes, I know. You made preparation for the food to be served?

A That is correct.
Q Now, by that time what time would you say it was?
A I would say 8:45.
Q I see. Now, had some of the group arrived?
A We were all there at that time.
Q All there?
A That is right.
Q And could you give us the names of those who were there at that time?
A I would say Jack Chinniman, Paul Markham, Ray Larsons, Joseph, Mary Jo, Steve Tammann, Kennedy, Cricket, Marge, Lynn and Nancy Lyons.
Q And you then, around 9 o'clock, 9:00 p.m., began to serve the food?
A I did not.
Q Well, at some time the food was served?
A That is correct.
Q I am sure to say it was after 9 o'clock?
A No.
Q I will say that I started serving hot hot dinners at approximately 9 o'clock?
A THE COURT: Now, just a minute. If you don't find so much and say it was before 9 o'clock or after 9 o'clock, but simply ask him what time it was, we will get the well, will you make your early preparations for the food serving?
Q I turned on the oven. At that time I look out of the refrigerator what you would call frozen hot dinners, some of those cheese-type things, some which have sausage and some which have cheese. I turned the oven to about 450 degrees. They take about 12 minutes to cook. I put in some of these hot dinners that I gave them. After that, I went to some of the people. Some I passed to some of the girls and suggested they pass them.
Q While the hot dinners were being passed out were there drinks being passed out at the same time?
A People were going to the bar either making drinks for not that aware of it being. To tell you the truth, I am and going outside - in fact, there were a couple having drinks, a few drinks sitting down talking. There were people from time to time during the course of the entire evening going to the bar area since the bar area was in the kitchen area where I was working.
Q I did you have anything to drink yourself?
A I did not, I did not. I had something to drink, for example, I had about four cokes, as a matter of fact.
Q What was available for liquor for drinking purposes?
A That I am not sure of, Mr. Dink. I do know that there was vodka there.
Q Rum there?
A Rum there? Chinniman and I had bought two cases of liquor, as I understand it, in South Boston. I bought the liquor store, but I can't tell you the name. It is on the parade route, the March 17th parade. It is on the left-hand side of the road. I think there was some Scotch. I don't think there was any bourbon.
Q Was there rum?
A Rum, there must have been whiskey, and there was rum, you aware that Senator Kennedy left the premises, the cottage, at some time that evening?
A Yes.
Q Do you know what time?
A I would say, as I recall, that it was approximately between 11:25 and 11:30.
Q A woman, do you know, whether he left alone?
A I would say that when he went from there I saw him go out the door of the cottage. I did see him go out the door with Mary Jo Kopechne. Where he went from there, I don't know.

Q Prior to his leaving did you observe the Senator drinking a cocktail?
A I could not observe him drinking, as you put it, cocktail.
THE WITNESS: Any alcoholic beverages?
Q THE WITNESS: I would put it this way, your Honor, quite frankly. I saw the Senator particularly earlier in the evening with a glass with ice in it; a tall glass with a dark liquid in it which I would presume the martini. I would say it was Coca-Cola. Whether there was anything in the glass besides Coca-Cola, I cannot honestly testify to, but I would say frankly, I cannot honestly testify to, but I would assume he was drinking rum and coke at that time.
Q Was he drinking all the time that you were there?
A Well, I saw him - oh, I would say, I saw him on a couple of occasions while I was there. This glass in his hand of the evening, I will say 8:30-9:00 o'clock, talking to the girls, talking to the fellows, and had this at that time. I did not notice, to tell you the truth, and to be quite honest with you, Mr. Dink, I can't say frankly what anybody had basically to drink. For instance, Mr. Larsons - my experience with Mr. Larsons is that Mr. Larsons never drinks, never has on any occasion had a drink, but I would say that I did not see whether he had a drink that night or not.
Q You say Senator Kennedy left around 11:30 with Miss Kopechne?
A Well, I saw him go out the door. That is as much as I can tell you.
Q Do you know when and where they were going?
A I assumed they were going to the ferry. We had had a conversation about the ferry prior to his leaving.
Q Well, let me put it this way: Mr. Chinniman at 11:15 was somewhat agitated by the fact that we were all there, that we weren't moving out, and Mr. Chinniman pointed out that it was 11:15 and that we ought to think about leaving because the ferry did leave at 12 o'clock and that was the last ferry.
Q Mr. Chinniman that I had a conversation with the ferry man in which I had asked the ferry man whether or not we couldn't possibly have later. The ferry man indicated to me that he would possibly keep the ferry going until 1 o'clock. However, this would cost, I forget whether he said 50 cents a person or a dollar a person after 12 o'clock. But I will say to you, Mr. Dink, we will consider that time was somewhat agitated. I indicated, Jack, that I had had this conversation with the ferry operator. At that time the Senator joined us in this conversation. What the Senator said I don't recall, but I know that the general conversation was around the fact that everybody going to the ferry and going back and everybody is not really a true picture because I think Mr. Markham and Jack Chinniman were going to drink.
Q How many automobiles were in the yard at that time?
A Two.
Q The Senator's car and the white Valiant?
A That is correct.
Q And you say the Senator was leaving with Miss Kopechne later alone?
A Well, later he was going, again I don't know. I assumed he had a car. I don't know. He went out the door. That is all I can tell you, Mr. Dink. I did not see him after that.
Q When did you see the Senator in the back seat of the Valiant.
A At what time?
Q I would say approximately between 12:15 and 12:30.
Q And what did he say to you at that time?
A The first thing he said to me was, "Get Paul Markham."
Q Well, I got into the car and Paul Markham got into the car. The Senator said to me, "The car has gone off the bridge down by the beach and Mary Jo is in it." With that I bucked up the car and went just as fast as I could towards the bridge.

Q And what time did you arrive at the bridge?
A Well, I would say at the speed I was traveling it was certainly no more than five minutes and it may have been as short as a couple of minutes.
Q Now, at the time the Senator was in the car when Mr. Markham joined you, what did the Senator say? Could he tell you what the car had gone off the bridge down by the beach and Mary Jo is in the car?
A Did he say to you that he had gone off with the car?
Q No, he did not.
Q Did he tell you any more than that about the accident?
A No, that is all he said.
Q What was - how did he appear to you at the time?
A I didn't look at him at that time.
Q You didn't look at him?
A I didn't notice at that time.
Q You didn't notice whether he was wet?
A Not at all.
Q You didn't look at him at all?
Q Not at that time.
Q Did you have a reason for not looking at him?
A The only thing I was interested in was getting to that bridge.
THE COURT: Where was he seated?
THE WITNESS: In the back seat. I never looked around. He told me what the problem was and I simply drove the car towards the bridge.
Q (By Mr. Dink) You knew the Senator was in your car?
A That is correct.
Q But you didn't look at him?
Q Did you go directly to the bridge area, the Dixie Bridge area?
A Yes.
Q And what did you find when you got there?
A Well, when we arrived -
THE COURT: Just a minute, did you drive over the THE WITNESS: I did, your Honor.
THE WITNESS: Did you have any difficulty driving over THE WITNESS: No. I went very slowly over the bridge and had no difficulty. I had been over it before several times.
THE COURT: That day?
THE WITNESS: That day and the day before. I drove over the bridge. Arriving at the bridge, I drove over the bridge. As we were going over the bridge, the Senator said the car is there, pointing to the right. (Indicating.) I don't know whether I saw him point, but he said it is over there. I went over the bridge, turned the car around and faced the lights of the car toward the water.
Q (By Mr. Dink) Could you see the car in the water?
A I could not see the car. I was looking for the attention to the fact that Senator Kennedy was in the back seat of the car?
A Ray Larsons had come into the house. I was in the kitchen area. Ray Larsons said, the Senator is outside. He wants to see you.
Q Did Ray Larsons then follow you out to the car?
A Not really, and what happened, Ray said to me, get Paul Markham. Ray was then standing in the sort of what you would call it, if there was a walk, the front walk of the house. I said to Ray, get Paul Markham. Ray went back into the house, Paul Markham then came out. Paul Markham and I then went into the car.
Q Now, you have got your car turned around. Now, which car was that, the white Valiant, is that correct?
A You have turned it around now at the Dixie Bridge and you have got your lights shining in the water?
A They were not shining in the water, because of the position they were in, they were shining across the water and what I have learned since would be in the direction of the Dixie House.

MR. DINIS: Ross W. Richards, MR. FERNANDES: He came here from Florida and if you can finish, he shouldn't be a long witness. I think we don't know whether he is here or not.

TESTIMONY

ROSS W. RICHARDS

Before: Hon. James A. Boyle, Justice of the Edgartown District Court

Present: Edmund Dinis, District Attorney for the Southern District of Massachusetts, Armando Fernandes, Assistant District Attorney, Peter Gay, Assistant District Attorney, James Cardozo, Esq., for Ross W. Richards, Thomas Teller, Clerk of Courts Helen S. Tyrn, Temporary Court Officer Harold T. McNeil and Sidney R. Lipman, Official Court Stenographers, Edgartown, Massachusetts Tuesday, January 6, 1970

ROSS W. RICHARDS, Sworn

DIRECT EXAMINATION BY MR. FERNANDES:

Q Ross W. Richards, please give the Court your full name?
A Ross W. Richards.
Q And your legal address, Mr. Richards?
A 19 Bell, 3rd-11, Road, Rantford, Rhode Island.
Q And your occupation, sir?
A Plant manager for Natraplast Wire Company, Pawtucket, Rhode Island.
Q Directed your attention to the weekend of July 18-19, 1969, did you have occasion to be on Martha's Vineyard?
A Yes, sir.
Q And specifically were you staying at the Mayberry House, so-called, which is part of the Shiretown Inn?
A Yes.
Q Could you tell us where your room was?
A We were in at the Mayberry, I believe it was Room 7 or 8.
Q And is there in there, could you describe the area immediately outside the entrance to your room?
A There is an entrance from Water Street through a short alley to the motel and we were on the second floor with an outside porch.
Q Do you happen to know or do you know who held the adjoining rooms on that deck, so-called, specifically was Senator Kennedy in one of the rooms?
A THE COURT: I didn't hear that name.
THE WITNESS: Senator Kennedy had registered at the other room, 6, I believe, at the Mayberry.
THE COURT: Were these adjoining rooms?
THE WITNESS: No, they weren't.
Q (By Mr. Fernandes) If your Honor please, they are adjoining, are they not?
A Yes, they are.
Q Your room would be one part of the L as it were?
A Right.
Q And the other leg would be the other? Is that right?
A Right.
Q Now, did you have occasion to see the Senator or Mr. Kennedy at approximately 7:30 on the 19th.
A This was a Saturday morning?
A Saturday morning.
Q Would you tell us where you saw him?
A I was entering from Water Street, taking a left into the cottage at Shiretown and he was walking in a westerly

direction towards me and I was walking in an easterly direction.

Q And did you have a conversation with him at that time?
A At that time we said good morning and he turned and I turned and we each went and said good morning, and he went to the Shiretown, to the room. We were just going to our room. This is a matter of twenty-five yards, probably.
Q And what observations did you make as to his clothing?
A He was wearing, I believe, a blue shirt, white slacks and white pants.
THE COURT: Excuse me, could I just have this time and date again?
MR. FERNANDES: 7:30, July 19, approximately 7:30, July 19.
THE COURT: Is that correct?
THE WITNESS: Yes, sir.
Q (By Mr. Fernandes) Which I believe is a Saturday, your Honor?
A Right.
Q And did you have any conversation with him?
A Yes, I did.
Q What was the conversation at that time?
A It was about the prior race the day before. I happened to win the race and he congratulated me on it and we discussed that race and fourth for maybe ten or fifteen minutes.
Q So you walked and discussed the matter and then you went up to the porch or deck which is adjoining both rooms and you also discussed that?
A Right.
Q How long would you say you were in the company all together?
A It was until 8:00 o'clock.
Q A Half an hour, is he able to say approximately half an hour?
A And within that time you had conversation with him?
A Yes.
Q About the race and anything else?
A And the weather. It was a nice day.
Q Was there any discussion about Chippaquidick Island?
A There wasn't a word mentioned of Chippaquidick.
THE COURT: Did anybody during this conversation?
Q (By Mr. Fernandes) When you joined by anyone?
A Stanley Moore followed behind us and he was sitting on the porch with us.
Q You say followed behind you. Do you mean in your walk up to the Shiretown Inn?
A Right.
Q And he, too, shared in this conversation?
A THE COURT: Well, you said something about sat down on the porch.
THE WITNESS: We sat on the porch.
THE COURT: All three of you sat on the porch for a time?
Q (By Mr. Fernandes) Right, yes, sir.
Q (By Mr. Fernandes) Now, what observations, if any, did he make of the Senator at this time as to any injuries, the wounds?
A I didn't notice anything out of the ordinary.
Q You noticed nothing out of the ordinary in his speech?
A In his speech, no.
Q In appearance?
A In appearance, no.
Q Now, did anyone else join or come onto the deck during that time?
A My wife came out around 7:30. She came out of our room. She heard an falling cut there and she went out to go to breakfast, she came out and sat for five or ten minutes.
Q Did anyone else come?
A No, sir.
Q Where you ever joined or see Mr. Markham or Mr. Gargan or Mr. Markham, Mr. Gargan, I remember the bell at 8:00

o'clock. It rang and we asked the Senator if he would like to go to breakfast with us and he said, no, he wouldn't, but he would join us later, and at that time Mr. Markham and Mr. Gargan —

Q Yes, I stop you?
Q You said the Senator discussed the possibility of joining you at breakfast later?
A Later.
Q And when you say Mr. Markham and Mr. Gargan came to the deck?
A Yes, sir.
Q And could you please describe to the Court what observations you made of these two gentlemen at this time?
A O, they were ruffled looking. I would say they looked damp. Their hair hadn't been combed in some time.
Q And when you say damp, what do you mean?
A Well, what I said, I said, they appeared that they might have been wet from the night's dew or fog or something.
Q Well, let me refresh your recollection, Mr. Richards. Did you have a conversation with a Lieutenant Dunn in our office?
A Yes, sir.
Q And do you recall telling him that they were both drinking wet? Did you use those words with Lieutenant Dunn?
A I don't remember.
Q You don't remember?
A I did not say that, I am sure.
Q Well, let me see if this refreshes your recollection. Shortly before the 8:00 o'clock bell rang —
THE COURT: Just a minute, I am not going to allow MR. FERNANDES. I am just refreshing his recollection. THE COURT: Is he not going to allow impeachment. MR. FERNANDES: If your Honor please, I don't offer it for impeachment, only to refresh his recollection.
Q (By Mr. Fernandes) No, I am not going to allow it. (By Mr. Fernandes) So, you would leave it that they were damp?
A Yes, sir.
Q What happened when they came up on the deck?
A They went directly to the Senator's room and opened the door and he followed them into the room.
THE COURT: I didn't hear.
THE WITNESS: They went directly to the Senator's room and he turned and went with them.
Q (By Mr. Fernandes) Whether or not you made any observations of the Senator — well, strike that — did you No. I didn't.
Q They did not confer prior to entering the room?
A They didn't.
Q Did you see them leave?
A MR. FERNANDES: Yes, your Honor.
THE COURT: Was there any reason for keeping him here?
MR. DINIS: Excused.
THE COURT: You may leave the Island. Now, why don't we, instead of starting with another witness, take a recess now until 11:15 and if you want to discuss Dr. Markham, your Honor.
THE COURT: Was there a witness?
THE COURT: A witness, proof was made by the District Attorney as to proposed testimony of Dr. Robert D. Watt as to a medical examination of Edward M. Kennedy sometime in the afternoon or evening of Saturday, July 19, 1969.
THE COURT rejected it because he considered it to be immaterial and not pertinent.

TESTIMONY
OF
JOHN J. McHUGH

Before: Hon. James A. Boyle, Justice of the Edgartown District Court

Present: Edmund Dinis, District Attorney for the Southern District of Massachusetts, Armando Fernandes, Assistant District Attorney, Peter Gay, Assistant District Attorney, Thomas Teller, Clerk of Courts Helen S. Tyrn, Temporary Court Officer Harold T. McNeil and Sidney R. Lipman, Official Court Stenographers, Edgartown, Massachusetts Tuesday, January 6, 1970

JOHN J. McHUGH, Sworn

DIRECT EXAMINATION BY MR. FERNANDES:

Q For the record, would you please give the Court your full name?
A John J. McHugh, Mc-Hugh.
Q How long have you lived here, Mr. McHugh?
A 20 Brian Road, B-78-9-10 Road, Waltham, Massachusetts.
Q What is your occupation?
A State Police Chemist, Supervisor of Laboratories of the Department of Public Safety.
Q And how long have you been with that department?
A Twenty-four years.
Q Now, if you prefer, you can sit down, Mr. McHugh, and if your Honor please, does your Honor wish the witness to be qualified?
THE COURT: I think you had better. This is a transcript of record.
Q (By Mr. Fernandes) What is your educational background?
A I graduated from Tufts College. My degree was Bachelor of Science of Chemical Engineering in 1941 and graduated from the Massachusetts Institute of Technology.
THE COURT: In what field?
Q (By Mr. Fernandes) In chemistry.
Q (By Mr. Fernandes) I also understand you attended Boston College Law School?
A Yes, I attended Boston College Law School, graduated and passed the bar in 1952.
A That is right.
THE COURT: All right.
Q (By Mr. Fernandes) Now, Doctor, without going into your qualifications any more, specifically with reference to certain items the Clerk will show you, I ask you that you examine them.
A WITNESSES EXAMINED: Yes, I did, sir.
MR. FERNANDES: OFF the record.
THE COURT: All right.
Q (By Mr. Fernandes) Dr. McHugh, you examined those previously?
A Yes, sir.
Q Could you tell us what?
A It was shortly so
Q Now, did you recall your recollection, September 2 of this year, does that refresh your recollection?
A Yes, sir.
Q 1969, I'm sorry.
A That is right, sir.

Q What tests did you perform on these clothings?
A There were a series of tests. First of all I was not present in the laboratory when the clothing first was received, so Mr. Topjian had run a series of preliminary benzidine tests on this material.
Q Would you instruct the Court as to what is this benzidine test?
A A test that indicates the presence of blood on the material. This test had shown positive over certain areas of the submitted white shirt.
Q Could you, tell us, and if you would examine the shirt and point to those areas so the Court is informed where on the shirt?
A Yes, Mr. COURT. I think for the record you ought to state whether it is such as the back of the neck or the inside or something of that kind.
THE WITNESS: If I might, I have it noted here. Let's see, Yes, sir. To continue, on gross examination of this item under visible and ultraviolet light disclosed the presence of reddish brown and brown washed-out stains principally on the back and left sleeve surfaces. Most of these stains gave positive benzidine reaction indicating that they were blood.
Q Would you point to those areas now?
A This would be the back of the shirt, this whole area in here gave positive benzidine tests. (Indicating.) To continue, the back of both sleeves and the back of the right sleeve of the submitted shirt reacted positive, right sleeve in particular reacted positive to the benzidine test. It is the back of these two sleeves extending down to the elbow, and the back of the collar area, and the top of the collar on the outside rear collar areas of this shirt. That would be along this area right in here. (Indicating.)
Q All right. Did you examine any other items?
A If I might, confirmatory tests were repeatedly attempted to show as to the specific origin of this blood, but it was not possible to further define it outside of a post-mortem origin.
THE COURT: You mean to put it in a group?
THE WITNESS: That is right, either to put it in a human category or a group and neither one was possible under these conditions.
Q Did you perform tests on other parts of the clothing or any other clothing of the items in that bag?
A Yes.
Q Could you tell us what tests and what items?
A The tests were performed. All items of clothing were checked by myself in the laboratory.
Q Could you identify them for the record?
A All right, one pair of dark blue slacks.
THE COURT: You don't need to show them to me.
THE WITNESS: All right. One white shirt which I have informed the Court of. One light blue tan and one pair of slacks (Fernandes). Now, with reference to these other items, what tests did you perform?
A I performed this test for some of the similar stains, yes, on the dark blue slacks. Test for similar stains was negative.
Q What findings did you make with reference to the tests you performed on all the clothing?
A That in my opinion there was based on the benzidine test, there was probably blood in one time originally on the back of the neck area of the white shirt. All of the tests on the submitted clothing were negative.
Q Did you find any salt?
A Yes, sir. If I might explain, there were tests run for sodium chloride on these to determine the presence of salt water in them and they were positive on all items of clothing and the slacks also.
Q Would you, please, did you also perform a blood test or tests with reference to certain items of blood that were received?
A Yes, I did.
Q And could you tell the Court what tests you performed on the blood sample received by you?
A Yes, the sample is enclosed in here. (Indicating.) There were a series of four tests run on this blood. Let's see if I might, the first alcohol, carbon monoxide, barbiturate, and organic bases.



Picture call for Sen. Eder Kennedy's resignation.

Q And what do each of these tests do? What is their function?
A All right, the blood alcohol level was determined to be 0.09 per cent.
Q 0.09, which means?
A It means the level of ethyl alcohol in the blood was 0.09 per cent. The carbon monoxide content was less than 5 per cent. That means generally speaking it was negative, but, however, it is very hard to determine low amounts of carbon monoxide; but generally speaking anything below 5 per cent would be considered negative.
Q What does that mean?
A It means the carbon monoxide level was less than 5 per cent. The organic barbiturate was detected. That would be amphetamine and that type of material. Those tests were negative.
Q Now, again —
THE COURT: Just a minute. The positive tests were the one on the amount of alcohol?
THE WITNESS: Yes, sir.
THE COURT: And that was blood, and that was?
THE WITNESS: 0.09 per cent, that is right.
THE COURT: And other tests were negative?
THE WITNESS: That is right. Generally speaking, carbon monoxide was less than 5 per cent which would be considered negative.
THE COURT: I might ask, what is the purpose of determining the carbon monoxide in the blood?
A To find out if a person has been in any manner affected by carbon monoxide. The purpose of the carbon monoxide level is to find out if the person has been or the blood has been in any way affected by carbon monoxide of significant quantities. It is determined in automobile accidents to find if there was any possibility of carbon monoxide having affected the person's driving ability or passenger or have anything to do with the cause of death. In this specific case less than 5 per cent means relatively speaking it is negative. It would have to be significant percentages to mean anything material.
Q By Mr. Fernandes) Now, Dr. McHugh —
THE COURT: Is that for instance, what one would get from a device to commit suicide and turn on the motor and sit in the car and run a tube up into the ear, is that carbon monoxide?
THE WITNESS: That is right, sir, and if you wish, I can give you some more information. It is a very weak substance, unless the person has physical weakness.
THE COURT: How is carbon monoxide related to death by drowning in an automobile?
THE WITNESS: A detail related to drowning in an automobile, we always run carbon monoxide to make sure the person has been all right prior to the death in the water.
THE COURT: There is no relation to drowning as such?
THE WITNESS: No, sir, there is not.
Q (By Mr. Fernandes) Dr. McHugh, with reference to the level of percentage of alcohol that you have informed the Court of 0.09 —
A That is right.
Q — have you an opinion or can you say with reasonable scientific certainty to what extent can you translate that level of percentage of alcohol that you have informed the Court of 0.09 —
MR. FERNANDES: Of course — is that?
THE COURT: — there is much more to it than that. It means over how long a period of time.
Q (By Mr. Fernandes) If he is able to tell just by that finding, that is all I ask. If he can't, I suppose he can say so.
A The best problem comes up on that level in bringing it back to the question of death in the weight of the person involved. Now, in this particular case, assuming the party — I don't know if you would allow this — but assuming the party is 110 pounds or thereabout, it would be consistent with about 3.75 to five ounces, 80 to 90 proof liquor within one hour prior to death. Now, let me put that another way. It could be 40 to 60 or it could result in death.
THE COURT: As a matter of fact, am I true in this: alcohol diminishes in the blood with time?
THE WITNESS: That is right, sir.
THE COURT: And a lot depends on how frequently you are replenishing it?
A Yes, sir.
THE COURT: As a matter of fact, in this will give you the idea of how much you have been drinking. That is, if you would give you no idea of how much they had to drink?
THE WITNESS: Exactly.
THE COURT: Whether they look six ounces within 30 minutes or look a quart over twelve hours, there is a difference?
THE WITNESS: That is right, sir.
Q (By Mr. Fernandes) You performed no other tests, Doctor?
A No.
MR. FERNANDES: No further questions, unless you honor has some. Mr. Topjian performed no tests different than I have.
THE COURT: Would Mr. Topjian simply confirm what he said?
MR. FERNANDES: He would confirm.
THE COURT: I don't think there is any point in adding to it.
MR. FERNANDES: No, I'm satisfied that your Honor has a fair evaluation of the chemical history involved (Discussion off the record).
THE COURT: Off the record.
MR. FERNANDES: All right.
THE COURT: No further questions.
MR. FERNANDES: You are excused.
MR. FERNANDES: Mr. Topjian and you may leave.

THE WITNESS: On the blood sample, did you wish it left here?
MR. FERNANDES: Does your Honor want the blood sample?
THE WITNESS: Yes, I would like to have it up at our chemical laboratory on site, don't need that as an exhibit.
MR. FERNANDES: No.
THE COURT: The testimony is enough.
MR. FERNANDES: And the clothing, your Honor?
THE COURT: No, because we now have to keep the clothing for identification.
MR. FERNANDES: Right, keep the clothing and ask that the Car make it for identification as a group and the Court. Well, I don't have any other clothing. We are not going to have any other clothing to put in evidence.
MR. FERNANDES: No.
THE COURT: Put it in the plastic bag. The Clerk, Mr. Tolley, will hold onto it until you are ready to have it identified. Are we ready for Mr. Markham in the room?
MR. FERNANDES: I believe we are, your Honor.
TESTIMONY
OF
PAUL F. MARKHAM

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Present:

Edmund Dins, District Attorney for the
Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney,
for the Commonwealth.

Stephen Moulton Fogel, and William F. Looney, Jr.,
Esq., for Paul F. Markham.

Thomas Teller, Clerk of Court
Helen S. Tyra, Temporary Court Officer
Harold T. McNeil and Sidney R. Lippman,
Official Court Stenographers.

Edgartown, Massachusetts
Tuesday, January 1970

PAUL F. MARKHAM, Sworn

DIRECT EXAMINATION BY MR. FERNANDES:
Q Mr. Markham, would you please for the record give the Court your full name?

A Paul F. Markham, Esq. — Markham.

Q You mean my law office?

A 53 Orient Avenue, Melrose, Massachusetts.

Q And your occupation, sir?

A I am an attorney-at-law.

Q Now, directing your attention to July 18 and 19, that was Sunday and Monday, did you have occasion to be on Martha's Vineyard, did you?

A Yes, sir, I did.

Q I arrived there the Thursday, the 17th, I believe it was. And what was the purpose of your visit?

A I was invited to participate in the races that were to take place that weekend.

Q With whom did you arrive, did you say Thursday?

A With whom did you arrive?

A With Mr. Joseph Gargan and a young boy by the name of Howie. We had sailed over in the race that morning from Wilano.

Q And did you check into any hotel or motel?

A Yes, sir, we did.

Q Could you tell us where?

A The Shilstone.

Q And did you have a room there?
A I did that evening, yes.
Q All right. And did you have occasion to sometime go over to Chappaquiddick?
A Yes, sir.
Q Could you tell us when was the first time you went to Chappaquiddick, Thursday evening sometime around 8:00, 8:00 o'clock sometime in the evening, I'm not sure of the exact time.
Q And where did you go on the island?
A To a cottage on the island.
Q Is this the so-called Lawrence cottage where a party was later held or a gathering was held, a cookout?
A Yes, sir; that time was anyone there?
A Yes, at that time there was.
Q Who?
A There was myself, Mr. Gargan, Mr. Cinnamin, Mr. Larsons, Mr. Treiter, and there were four young ladies who either were there at that time or arrived shortly thereafter.
Q Do you recall which young girls?
A Timmermann a Miss Kopschins and a Miss Keough.
Q Now I take it that you returned to Edgartown sometime later on that day?
A That evening?
Q Yes, sir.
Q And that on Friday, which is the 18th, did you have occasion to return to Chappaquiddick at any time?
A I went to the Chappaquiddick Island sometime in the morning of the 18th. My purpose in going there at that time was to get some sails. I was not going to race myself that day but I went over and picked up some sails and brought them back to the hotel where we were staying.
Q Could you tell us what your activities were that afternoon?
A That afternoon I saw the start of the race. I talked to a Captain Fratus from whom we had secured a boat so that the young ladies could see the race, put them on a boat. I took them over to the pier. I went with Mr. Treiter at that time up to the platform on the town pier on the island. I saw the start of the race and then I went to the Chappaquiddick island and went for a swim.
Q What time did you go for that swim on Chappaquiddick?
A I will say it was sometime at or about the time of the race, something after 3 o'clock in the afternoon.
Q Did this swim take you down over Dike Bridge and Dike Road?
A Yes, sir.
Q Were you with others at the time?
A Mr. Treiter.
Q Did there come a time when you left Chappaquiddick Island again?
A Yes.
Q When did you return for what I would call the last time?
A Sometime around 5 o'clock, 4:30 or 5 o'clock.
Q Up until that time were you in Mr. Kennedy's company at all?
A No, I hadn't been in his company. I had seen him arrive. I was at the - there is a little hamburger stand or a little roadside stand right before you come to the ferry landing. I was having a cheeseburger and a fry-up or something, and I recalled the Senator came by in a car and I saw him. I saw him get out of the car and go to the garage, and that was my only contact with him that afternoon.
Q All right. By the way, had you been to Chappaquiddick Island before this particular weekend?
A No.

Q Now, you say you returned to the island approximately 4:30-5 o'clock?
A To Edgartown or from Edgartown?
A No. In the afternoon we went for a swim and came back and waited for the race to end. I remember Mr. Treiter went out to the yacht club because they were coming in. I remember Mr. Keough was there. Senator's boat. We did see his boat and we saw that they were being placed in one of the little dinghies to a place where Mr. Ross Richards had his boat moored. We went over there. Mr. Richards had won the race and people were standing there congratulating him, and so forth, and stayed there for 15 minutes or so.
Q Were there any people drinking at that time?
A I don't recall that. I recall that because they had run out of beer and Mr. Richards apologized to me for not having a beer.
Q I take it after that race you had occasion to go to Chappaquiddick, is that what you said?
A No. From this point I went up to the Shiretown with Mr. Gargan and the Senator and Joe, Mr. Gargan, had checked the Senator into the room where I was. I checked out and Joe told me that I was going to stay over at the hotel and I went to the room that I had been in the previous night.
Q What time did you arrive at Chappaquiddick?
A I know exactly it was 7:30 because there was some comment about, "You are on time."
Q And how did you get there?
A I went over with Mr. Gargan.
Q In whose car, that white Valiant?
A Yes, sir. I don't recall who was with me.
A Senator Kennedy and Mr. Cinnamin was at the cottage.
Q Did you stay at that cottage from that time on?
A Yes, sir.
Q Did other people arrive when you were there?
A Yes, sir, and I might say that Mr. Gargan left within a few minutes of my arrival. I don't recall who had made the arrangements for that party, at best you know?
A I really don't know.
Q When you arrived, what was the activity going on?
A When I arrived I think Mr. Cinnamin was in the bathroom or taking a shower or was sitting down and the Senator was there and we had a long general conversation.
Q Was there anything to eat or drink there at that time?
A At that time, yes.
Q What was there?
A There was some rum and coke and some either gin or vodka, and tonic. I recall I had a vodka and tonic at the time.
Q Was there any Scotch?
A I don't know. There was. I don't drink Scotch.
Q Did you pour your own drink?
A Yes.
Q Do you recall whether or not Mr. Kennedy had anything to drink?
A Yes.
Q Could you tell the Court what?
A A rum and coke at this point.
Q Was there a rum and coke at this point?
Q How did you know he did it?
A Because he said to Jack Cinnamin, "Who has been drinking all the rum, there is hardly any rum left."
Q Mr. Cinnamin was in the shower when this was going on?
A He was back and forth. When we first arrived, Jack, I think, was sitting in the bathroom. I don't recall in the stand and during this immediate point in time there was some kidding back and forth of, "Gee, you didn't leave me any rum, you didn't get any rum for me."
Q Now, you had planned to stay over at the cottage that night?

Q That is right.
Q And how about Mr. Cinnamin?
A Yes, Jack was going to stay with me.
Q Was there anyone else who had plans, as far as you know, of staying over that night?
A None.
Q Were you aware of the fact that the ferry did not operate all night?
A Well, I was aware that it operated up until 12 o'clock and I remember when Mr. Gargan and myself went over there originally. That is, that evening, there was some discussion about "Can we get it after 12 o'clock, and I don't know what the extent of that conversation was."
Q Now, you say that while you were there Mr. Gargan had a party at the cottage about 7:30 or so?
A Right.
Q Did other people arrive during that night?
A Not until 8:30 or quarter of 9:00.
Q Could you tell the Court who arrived at that time?
A Mr. Gargan, Mr. Treiter, Mr. Cinnamin, No, Mr. Cinnamin was already there. Mr. Larsons, and there were six young women that came at this time also.
Q Do you know how they got there?
A No.
Q Could you tell us how?
A Mr. Gargan was to meet them on the Chappaquiddick side of the ferry. We had one car there and another one, rather than paying the tolls for the car back and forth. Joe, that is, Mr. Gargan, was to meet them on the island side at 7:30, and he went and they were there.
Q They arrived with Mr. Gargan and Mr. Larsons?
A Yes, sir. I don't recall who else was there.
Q Well, there was talking about the Senator's poor performance in the race that afternoon, as I recall. There was some discussion about, you know, what kept everybody, we had been waiting an hour or so, and just an exchange of greetings, and I remember distinctly some of these about the race, that he had a poor day.
Q Yes, there any eating or drinking going on?
A Yes.
Q Did you have occasion to see Mr. Kennedy most of this time or a good deal of this time?
A Yes.
Q And how long a time did this party actively go?
A Well, as I say, the other people joined us sometime between 8:30 and quarter of 9:00. I am not sure of the exact time that they arrived. I don't recall that the Senator asked the girls if they would like a drink. I believe he made, you know, served them the first drink that they had when they got in there, and there was a great deal of difficulty in getting the charcoal lighted. We found out that you could only cook about three steaks at one time. There were also some technical problems that had to be gone through in the kitchen.
Q Now, do you know how long Mr. Kennedy stayed at the party?
A No, I don't, because I don't expressly recall him leaving. It was a very warm night and people were coming in from the outside where the steaks were being cooked and inside and I have no recollection of him actually leaving the party.
Q Did you see him drinking more than one drink at any time?
A I really don't know how much he had to drink. I know that he had the first drink he made during this hour or so before everybody arrived. I observed him with a glass in his hand at some point in the period of the evening, but I don't know how much he had to drink.
Q Did he never occurred to me how much was available. There was a little partition separating the kitchen from the living room and there were bottles on top of that.
Q When do you recall was the last time you saw Mr. Kennedy in the cottage or in the cottage area?
A I really have no recollection as to the exact time I was aware that he was there. There were several people there.

I was talking to various people. I don't recall him leaving at any specific time.
Q Did you see Miss Kopschins through out the party or at some time during that period?
A Yes.
Q And do you recall what, if anything, she had to drink?
A No, I don't. I don't know if she had a drink or if she did not.
Q With reference to any observations you made of either Mr. Kennedy or Miss Kopschins while they were at the party, particularly with reference to drinking - did you make any observations?
A You formed no opinions?
A No.
Q Were you present when there was a discussion about Mr. Kennedy leaving to return to Edgartown?
A No.
Q Had he discussed with you at any time what time he planned on returning to Edgartown?
A Had anyone discussed what time they planned on returning to Edgartown?
Q Not with me, because I was going to say there that night and you, you know, I just didn't. I wasn't concerned about the ferry. I know there was some discussion about getting the ferry back. What it was or who participated in it I really don't know.
Q Did these conversations, when you were aware that Mr. Kennedy was no longer at the party, I recall seeing him at some later time.
Q Are you talking before or after the accident?
A Well, it was after the accident.
Q All right. Well, there came a time when you didn't see him around the cottage or in the area?
A Well, I was looking for him on the island, I was concerned about the ferry.
Q When you say we were cooking steaks, could you tell us who specifically?
A Mr. Gargan primarily was cooking steaks out in the front yard of where the cottage was. I went out there a couple of times and I had at least one and I may have had two steaks.
Q Well, did these conversations when you saw Mr. Kennedy again?
A Yes.
Q Can you tell us what time that was, approximately?
A It was sometime shortly after 12 o'clock.
Q How do you know the time?
A I could have been 1 o'clock.
Q Could it have been 11 o'clock?
A No, because there was some discussion about the ferry and getting there by 12.
Q Do you recall when that discussion about the ferry took place?
A Shortly before I saw the Senator again.
Q Do you recall who was talking about it?
A In the cottage.
Q Do you recall where it took place?
A No, in the cottage and not outside by the grill?
A No, in the cottage there was just some general discussion. As to who said it or when they said it or how they said it, I can't explain.
Q Will you describe the circumstances under which you saw Mr. Kennedy again?
A "Paul, the Senator wants to see you."
Q Can you stop there for a second? Mr. Larsons came and asked for you?
A He didn't ask for me. He was at the door. He said, "The Senator wants to see you."
Q Who else was present at that time?
A I don't know.

Q Do you know if the activity was concentrated more in the bridge than outside?

A I really couldn't say.

Q Do you know if there were other people present?

A Yes, there were.

Q There were others present when Mr. Lakota came in and said that the Senator wished to see you?

A Yes, sir.

Q What did you do upon hearing this?

A I went out.

Q I went out the front door and he said, "He is over there" and he was pointing to the car, a car I went over to the car. Mr. Gargan was seated in the front seat in the driver's side, and the Senator was in the back seat.

Q Was he sitting or lying?

A We were sitting. I opened the door.

Q I opened the door on the passenger's side in the front seat.

Q Do you know what car?

A It was the white-colored Valiant.

Q Do you know what year car it was?

A No, I don't.

Q When you opened the door did the light go on inside?

Q Do you recall looking at the Senator?

A Yes, I got in the car and put on the car on the back of the seat in this manner (indicating), and I said, "What do you want?"

Q And what did he say?

A He said, "There has been an accident. Mary Jo was with me down at the bridge," and let's go.

Q Has been the only thing that Mr. Kennedy said, "There has been an accident, Mary Jo was with me?"

A "There has been an accident on the bridge and Mary Jo did he say what bridge?"

Q Did he tell you where to go?

A No.

Q Mr. Gargan?

A Mr. Gargan?

Q Did anyone tell Mr. Gargan where to go?

A No.

Q And where did he go?

A He went down to the Dyke Bridge.

Q Did anyone direct him to it?

A No.

Q Mr. Kennedy say or instruct him which route to take?

A No.

Q All right. Do I take it that you went down and took a right at Dyke Road and continued on to the bridge?

A Correct.

Q What did you do when you arrived?

A We arrived at the bridge and I saw, could see off to the right, on the bridge and outline of water, and I said - up and I remember saying, "Holy," the accident really was Mr. Gargan continued to drive the car across the bridge, turned it around so that the headlights were shining in the direction of the car. I got out of the car. I took my clothes off and went into the water and tried to get into the car.

Q Approximately what time do you say, if you have an idea of the time of this scene, Mr. Marshall?

A I would say it was shortly after 12 o'clock. The exact time you left the party would you tell us who was behind?

Q Who was behind?

A Who you left behind at the party, who was there?

Q Mr. Gargan was there, Mr. Lakota was there. Several of the girls were there. As far as I know everybody was there.

Q As far as you know everybody was at the party. You didn't pass anyone on the road.

A I didn't see anybody on the road.

Q On the way down to this bridge?

A No.

Q I ask you to turn around and look at that diagram and chalk. Is that a fair representation of the bridge and the car in the water?

A Yes, that is a fair representation of it. The car, of course, was tipped upside down.

Q It was on its roof?

A That is right.

Q Was this evident when you examined it at the scene?

A I went to the water.

Q Before you got in the water could you tell that the car was on its roof?

A I didn't examine it, no.

Q You just went immediately in the water and tried to do what you could do?

A Yes, sir.

Q What were you wearing that day?

A I had on a shirt, a sport shirt, a pull-over type jersey hooded. I had a pair of light slacks and shoes and socks.

Q And Mr. Gargan was similarly attired, as you best remember?

A I don't know what he was wearing.

Q When you were back at the cottage when Mr. Kennedy was seated in the back of the car and you asked him to go what observations did you make of him?

A I don't recall what observations I did at this point. He said, "There's been an accident."

Q Was he wet?

A I couldn't determine whether he was or not. I couldn't see him. It was very dark.

Q So when you opened the door if there was a light you didn't notice?

A He was seated in the back seat and I didn't see him at the time.

Q Did you talk to him on the way down? There was no conversation about any body?

A I don't think there was anything said from the time that the Senator said that he was in an accident until we got there. We went there at a rather high rate of speed, very high rate of speed.

Q Did Mr. Kennedy say he was driving at the time of the accident?

A I don't recall him saying it at that point, but he told us at some later point that he was.

Q Well, at that time between the cottage and the bridge where this accident scene was, did he say that he made a wrong turn on Dyke Road?

A At what point is that?

Q Between the cottage and the bridge?

A Did he say that he made an attempt to find Mary Jo?

A He didn't say anything that I can recall other than he has been in an accident at the bridge.

Q How fast would you say you were traveling down Dyke Road to the bridge?

A The exact speed I don't know. It seemed that we were going fast. I don't know what the rate of speed was.

A No, I wouldn't want to estimate. It was a small road. It was a dirt road and I'm afraid I couldn't estimate what the speed was.

Q Do you recall if the high beams were on or just the regular light?

A No, I don't.

Q Do you recall whether or not you can see the bridge as you approached it?

A Yes, I could see the bridge as we approached it after we got down there.

Q You had not been to Champagnudick prior to this weekend?

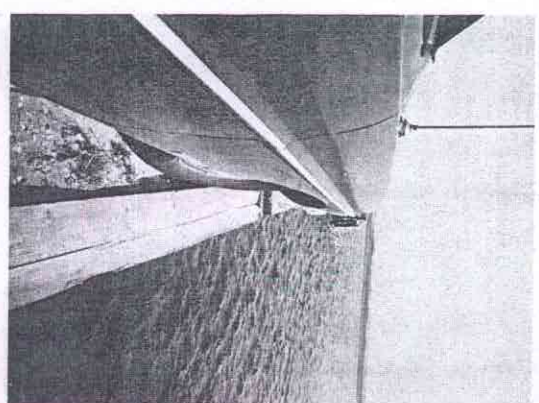
A That is correct.

Q As far as you had been to that bridge once or twice during that time?

A Yes, yes.

Q But, as you rode down the road you could see the bridge?

A No. As we got to the bridge I could see it. We knew this



A wide-angle view driver would see as he approached the side of the Dyke Bridge before plunging over.

was where the accident was and we were looking for the bridge.

Q How long would you say you and Mr. Gargan were in the water?

A I will say 40 to 45 minutes the car?

Q And obviously you were not successful?

A We were singularly unsuccessful in trying to get in the car.

Q Do you recall what Mr. Kennedy was doing while you were in the water?

A No. The only effort to retrieve about that was the current was very strong. I could feel some opening and I was able to get my legs partially in. I tried to dive down several times to get in. I couldn't do it. At one point Mr. Gargan was trying to do it. I had banged my leg again. I had hurt my leg coming over the day before. That was one of the reasons I didn't sail that day. I was having this end cramp of the car.

Q For how long?

A It would have been the end away from the bridge in the direction that the current was pulling. I remember Joe would attempt to get into the car and as he came up I would grab him in the current. We tried to do this for a period of time and at one point he went by me and I left the car and went after him and I said, "You know, we can't, we just can't get into that car."

Q Did the efforts were fruitless?

A We couldn't do it.

Q All right. By the way, were you dressed in the water?

A No, I had taken my clothes off with the exception of my underwear and my watch.

Q Now, you came out of the water. Did you have a conversation with Mr. Kennedy at that time?

A Would you tell us any conversation that took place between the three of you at the scene of this accident?

Q We got out of the water and got back up to the bridge where the car was. I took my underwear off and put my pants on and my shirt. The Senator asked us was there any way we could get in the car and we said we couldn't. We asked him I think at this point how did it happen. He said, "The spot was very upset, very emotional. He said, 'It happened, how did it happen?'"

Q He said he was coming down the road. Before he knew he was on the bridge and the car went over. He described the feeling that he had. He said, "I thought for sure that I was going to die." He said he somehow got out of the car. He tried to go back into the water again to see if he could get Miss Koppert or try to get her out. He said, "I just couldn't do it. He said the only thing he could think of was to get out and get us to see. If we could help, and there was nothing we could do. The girl was apparently gone. We had to get help and we had to report that."

Q Who said that?

Q So I understand it, you and Mr. Gargan suggested that you report the accident?

A That is correct. Right at the accident.

Q All right. When the suggestion about assistance, getting help, was that followed through in any way in the sense that someone said, "Let's get to a telephone, let's get the police?"

A At that time we were back in the car and Mr. Gargan was back driving the car. He came back down the road.

Q The dirt road. We came up the dirt road.

Q Before telling us about the conversation on the dirt road, did you notice any lights or any houses?

A I did not, no, sir.

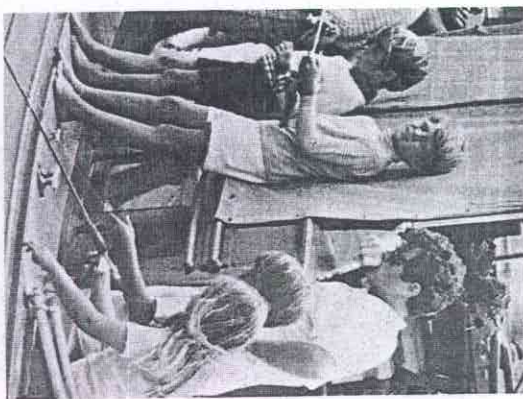
Q Either lights or houses?

A No, sir.

Q What conversation was going on on this dirt road as you were driving the car?

A I don't know. We were just going along. I was sobbing and almost on the verge of actually breaking down crying. He said, "This couldn't have happened. I don't know how it happened."

He said, I don't want to use that phone at the motel, at the hotel there. He wanted some degree of privacy and there were going to be people around. So, Joe told him that he thought he should use — there was a telephone on the Chappquaddick side that he could use and there would be some privacy. Q And so you went with him to the ferry and crossed to Chappquaddick? A Right. Q Right, what happened there? A He called Dave Burke. A He called Mr. Burke? A Right. Q Did he speak with him, do you know? A Yes. Q He did. And do you know whether or not he called Mr. Marshall? A Marshall didn't think he called Mr. Marshall. He only called Mr. Burke and asked Mr. Burke to try to get hold of Mr. Marshall and he wanted to talk to him and just to stand by. The place was going to be flooded with calls pretty soon and to get down to the office and to notify Burke Marshall. Q Then what did he do? A Then he concluded the telephone conversation. I said, "He said, yes. He said, Joe, you had better go tell the others what happened." Q Yes. On the way to the ferry with the other people in the car, nothing was said about the incident? A No. Q Nobody pursued any of the inquiries on the statement that you had made earlier? A And no one had commented on the fact that when you returned that your clothing was damp or wet? A I don't believe it was. A It was not? A All right. In any event, you went to the station, the police station? A Yes, you were present with Mr. Kennedy when he made his statement? A Yes, sir. Q Would you tell the Court approximately what time Mr. Kennedy arrived at the station or the Town Hall? A I really don't know. It was right after he made the phone. Q Can you tell us how long you were there in the police station? A Several hours. Q Several? Two, three, four? A I would say at least two hours. Q At least two hours. During that time did you have any conversation with the police? A Yes. Q Mr. Kennedy did also? A And an accident report was prepared? A Yes. Q And could you tell the Court who prepared the report? A I think I did the actual writing and the Senator told me it, described the accident again and I wrote it out. Q So, you wrote what the Senator described? A And subsequently was this typed by the police officers, if you know? A Yes, I'm quite sure. Q Let me rephrase it. What did you do with the statement that you were writing or had written? A I gave it to Chief Arena. Q All right. Did you tell him that you had attempted to see Mr. Kennedy? A No. Q Did he ask what had happened? Had he asked what had happened? A No, the Senator told him what had happened. Q Did he tell him anything else than what is in that report that you remember? A Yes, we did tell the Chief that Mr. Gargan and I drove



Senator Kennedy is deep in thought as he watches youngsters play on the family yacht, "Methun."

the Senator to the ferry and that the Senator swam across. Q There was no mention of the rescue attempts or the position of the car or anything else, think when we were at the telephone booth or sometimes that morning before we went to the station, he told us, he said, look, I don't want you people put in the middle on this thing. I'm not going to involve you. As far as you know, you didn't know anything about the accident that night. Q These were — when did Mr. Kennedy tell you this, on the way to the police station? A I'm not sure whether or not it was at the police station or on the call, because Mr. Gargan, I'm quite sure, was present when that was said. Q This is on the Chappquaddick side? A Yes. Q So nothing was said to the police in light of the conversation you had with Mr. Kennedy earlier? A No, the Senator dictated the statement that I wrote that was filed with the police. Q Now, as I understood your testimony, Mr. Marshall, the reason that you or Mr. Gargan did not seek assistance or notify the police was that you assumed that Mr. Kennedy was going to do so when he arrived in Edgartown after the swim? A And that is what he told you? A That is what he told us. MR. FERRANDES: No further questions. THE COURT: Let me ask a question. The answer was that you didn't seek assistance or report it because the Senator was going to do it. Now, those are two different things and I want to make sure you understand it. Now, do you mean by that that the reason you didn't

seek assistance in recovering the body was because Senator Kennedy was going to do it?

THE WITNESS: He was going to report the accident. THE COURT: This isn't what I asked you. The reason you didn't seek assistance in recovering the body was because you thought Senator Kennedy was going to do it? THE WITNESS: Yes, your Honor. Q Do you know when the people at the party were notified of Mary Jo's death?

A No. Q You don't know?

A I haven't seen some of them from that time until yesterday, your Honor.

MR. FERRANDES: No further questions of Mr. Marshall. THE COURT: No reason why he can't be excused?

MR. FERRANDES: None. THE COURT: You are excused from the inquest and can return home. (Witness Excused.)

TESTIMONY

OF

JOHN B. CRIMMINS

Before: Hon. James A. Boyle, Justice of the Edgartown District Court

Present: Arnold Fernandes, Assistant District Attorney, P. O. Box 1, Edgartown, Massachusetts, for the Commonwealth.

Daniel Daley, Sr., Esq. and Paul Redmond, Esq., for John B. Crippmins.

Thomas Teller, Clerk of Court, Edgartown, Massachusetts. Harold I. Maxwell and Shelia C. O'Brien, Official Court Stenographers, Edgartown, Massachusetts, Tuesday, January 6, 1970.

JOHN B. CRIMMINS, Sworn

EXAMINATION BY MR. FERRANDES: Q For the record, Mr. Crippmins, will you please give the Court your full name?

A John B. Crippmins. Q And your legal address?

A 169 Marine Road, South Boston, Massachusetts. Q Legal occupation, sir?

A Legal and investigator. Q Pardon me?

A Legal aide and investigator. Q Now, Mr. Crippmins, I direct your attention to the weekend of July 18, 1969. You had occasion to be on Martha's Vineyard, is that correct?

A Yes, sir. Q This would you tell us when you arrived on the island?

A Now, as I understand your testimony, Mr. Marshall, the reason that you or Mr. Gargan did not seek assistance or notify the police was that you assumed that Mr. Kennedy was going to do so when he arrived in Edgartown after the swim?

A And that is what he told you?

A That is what he told us. MR. FERRANDES: No further questions. THE COURT: Let me ask a question. The answer was that you didn't seek assistance or report it because the Senator was going to do it. Now, those are two different things and I want to make sure you understand it. Now, do you mean by that that the reason you didn't

Q And had you made arrangements or had someone else made arrangements for the cottage for this gathering that was subsequently held?

A I didn't make arrangements for the cottage. Q Did you make any arrangements for the gathering?

A Yes, I did. Q Could you tell the Court what arrangements?

A I had three rooms at the Kalamita Shore Motel. I believe you call it. Q Is that it?

A Yes, sir. Q Well, to refresh your recollection did you have anything to do with bringing food and drink?

A I did. Q Could you tell us if you made purchases to bring to the party of food items or drink items?

A Did you purchase your question. Q Did you purchase that food or drink to be served at the party that was going to be held sometime that weekend?

A I did. Q Could you tell us what you purchased?

A Vodka. Q What vodka, a quart?

A No, sir. Q A quart? A No, sir. Q Can you tell us what?

A Three half gallons. Q You purchased three half gallons of —

A Vodka. Q What else did you purchase?

A Four bottles of Scotch, two bottles of rum and a couple of cases of beer, canned beer. Q Did you purchase that locally, Mr. Crippmins?

A I had it from Boston. Q And on this day you took these items to the cottages?

A That is right. Q Now, were you joined at the cottage — were you alone at the cottage on the 16th?

A I was. Q Did there come a time when you were joined by anyone?

A Yes, Thursday afternoon. Q By whom?

A Mr. Marshall, Mr. Gargan, Mr. —

Mr. LarKoa? Q And how I direct your attention to Friday. Do you recall what your activities consisted of on Friday after-noon?

A Yes, I do. Q Could you tell the Court?

A About 1:15 I picked up the Senator at the airport, the Marshall's Vineyard Airport, drove him to the ferry. My car was on the other side of the ferry. I drove him to the house. He changed into swim trunks and went out to the beach for a swim.

Q THE COURT: Now wait a minute. Did you drive him to the beach?

THE WITNESS: Yes, your Honor. Q THE COURT: In what car?

THE WITNESS: The back Oldsmobile. Q THE COURT: Did you drive over Dike Bridge?

THE WITNESS: Yes, I did. Q THE COURT: Did you have any difficulty in negotiating the bridge?

THE WITNESS: Just the hump. Q THE COURT: You had no trouble keeping the car on the bridge?

THE WITNESS: Not that I recall, sir. Q THE COURT: And you brought the car back over the bridge?

THE WITNESS: Yes, sir. Q THE COURT: Was that an Oldsmobile Model 88?

THE WITNESS: Is that a fairly wide fair-axed car? THE WITNESS: Yes, sir. Q THE COURT: All right.

Q Are you familiar with the registration of that vehicle, Mr. Chinnamin?

A I am.

Q Would you tell the Court what it is?

A I registered a photograph. Is that a fair representation of the car of that car?

Q Yes, it is.

Q The car which you operated or drove with the Senator?

A Yes, sir. That is the car.

Q This is the car?

A Yes.

MR. FERNANDES: I would mark this, your Honor, and the time.

MR. REDMOND: I can't hear you, Mr. Fernandes.

THE COURT: You gave the registration of the car. Do you want this marked?

MR. FERNANDES: Yes.

THE WITNESS: May I look at that again, your Honor, please?

THE COURT: Oh yes.

THE WITNESS: (Handed to Witness.)

THE COURT: It looks like the car to me.

THE WITNESS: Yes, your Honor.

MR. FERNANDES: May it be offered, your Honor?

THE COURT: Yes.

(Photograph of automobile marked Exhibit No. 6.)

Q (By Mr. Fernandes) How many times did you drive over that car that sat on that weekend?

A The same day that you described to us previously a few minutes ago?

A Yes.

THE COURT: When was the second time?

THE WITNESS: That was the second time.

THE COURT: And you were there once and once and once and once?

THE WITNESS: No. He asked me about the afternoon. I drove the Senator over in the afternoon about half past 1:00.

THE COURT: I thought you wanted to know how many times you drove over the bridge. I thought you meant each time as one time.

MR. FERNANDES: Each time you cross the bridge is a bridge?

Q How many times that weekend did you go over the bridge?

A Twice.

Q So that would be the one time that you described to the Court when you took the Senator swimming at the beach?

A Yes.

Q And you drove it yourself, the Senator was with you in the car?

A That is right.

Q Now, what were your activities that afternoon after you left the beach?

A I went to the Shiretown Hotel.

Q And was the Senator with you, Mr. Kennedy with you?

A No, was not.

THE COURT: Remember to speak up because the stenographer cannot take a nod.

Q Now, did there come a time later on that afternoon that you returned to Chappaquiddick and to the cottage?

A The evening.

Q Could you tell us approximately what time, Mr. Chinnamin or a little later.

Q Senator Kennedy.

Q And was the car left on the Chappaquiddick side of the ferry?

A That is right.

Q And you drove alone with Mr. Kennedy to the cottage?

Q Could you tell us when you arrived, if anyone else was present?

A They were not.

Q Could you tell us what activities took place at that time when you were there at the cottage, showered and changed my clothes.

Q And independently did other people begin to arrive?

Q Later, Twilight, about quarter to 9:00, 9 o'clock.

Q Could you tell whether or not Mr. Markham and Mr. Gargan arrived shortly after you were there?

A Yes, they did. I am not sure about Mr. Gargan.

Q Mr. Markham, in any event?

Q Do you recall at that time whether or not there was any drinking?

A Yes.

Q No, there was not.

A That I recall.

Q That you recall. Now, there came a time when several of you were in attendance?

A In fact, all of the people that you were in the courtroom with the first day of the inquiry?

A That is right.

Q Were there any people at that party at any time other than the people who were in the courtroom on the first day of this inquiry?

A On the day of the party?

Q Could you tell us what activities took place after these people arrived?

A Preparation of food for the cookout, just a chatting and remaining.

Q Socializing.

Q Was there any drinking?

A There was.

Q And did you have occasion - well, did you tend bar or did you know who did?

A Nobody tended bar.

Q It was self-serve and you did what you wanted to?

Q I ask you whether or not you had occasion to make note of Mr. Kennedy at the time?

A I did.

Q Do you know whether or not he had anything to drink?

A I believe he had one drink when I saw him.

Q Do you know what it was?

A Rum and Coca-Cola, that's what.

Q Because I poured it for him at that time.

Q Was this before the main body arrived?

A Yes.

Q Now, at the rest of the activity, do you know whether or not he had anything else to drink?

Q Now, do you know who Mary Jo Kopechne was?

A I had met her that previous day.

Q And do you know whether or not she had anything to drink?

A I don't know who drank and who didn't. I didn't pay any attention. The drinks were there.

Q Can you tell me how much drinking went on at the party?

A Very little.

Q Now, you say you brought certain items of drink over to the party. Could you tell us whether or not you took certain items of drink after the party was over away from the party?

A I did.

Q Could you tell us what you took back with you?

A The full bottles of Vodka; three full bottles of Scotch and the beer.

Q Could you tell us what happened to the rum?

A I think one bottle was consumed and I drank one Wednesday night. We were over there Thursday night. I drank rum Thursday night and I poured some rum away from an open bottle.

THE COURT: Excuse me. So I am getting this, you said Thursday night.

THE WITNESS: I drank Thursday night a couple of times.

THE COURT: Oh, I thought I heard you say you drank one Thursday night.

THE WITNESS: No, I drank Wednesday night and Thursday night.

THE COURT: When you say you drank one you are referring to a bottle or a drink?

THE WITNESS: A drink, I had a couple.

THE COURT: What is Senator Kennedy's favorite drink?

THE WITNESS: I am not sure, sir.

THE COURT: Is he disposed to rum and coke?

Q Before I forget, Mr. Chinnamin, did anyone else drive your car that day?

Q Could you tell us who drove the car?

A Charles Trester.

Q Do you know of anyone else besides the Senator?

A That day, Friday?

A Yes.

Q Myself.

Q You say that you had the keys and if anyone had used that is right, would have been aware of it?

Q Do you keep the registration on your person also?

A No, it is on the dashboard of the car.

Q Are the license kept in the car also?

Q I carry my license in my pocket.

Q How about Mr. Kennedy?

A I don't know.

THE WITNESS: The keys were usually left in the car or taken out?

THE WITNESS: Generally in my pocket.

THE COURT: In your pocket?

THE WITNESS: Yes.

THE COURT: If somebody wants it they come to you to get the key.

THE WITNESS: Yes.

Q Yes, I was aware when Mr. Kennedy left the party?

Q Before we got to that point, would you describe the activities at the party with reference to food and drink from the time they all arrived until Mr. Kennedy left?

THE WITNESS: The activity?

A Just general conversation, politics, renewing of friendships.

Q Did this activity take place for the most part inside the cottage or on the outside?

A Well, most of the activity, was it inside or outside?

Q To get the food and then they would come back in and eat?

Q So before the main body arrived he had a drink?

Q Now, at the rest of the activity, do you know whether or not he had anything else to drink?

Q Now, do you know who Mary Jo Kopechne was?

A I had met her that previous day.

Q And do you know whether or not she had anything to drink?

A I don't know who drank and who didn't. I didn't pay any attention. The drinks were there.

Q Can you tell me how much drinking went on at the party?

A Very little.

Q Now, you say you brought certain items of drink over to the party. Could you tell us whether or not you took certain items of drink after the party was over away from the party?

A I did.

Q Could you tell us what you took back with you?

A The full bottles of Vodka; three full bottles of Scotch and the beer.

Q Could you tell us what happened to the rum?

A I think one bottle was consumed and I drank one Wednesday night. We were over there Thursday night. I drank rum Thursday night and I poured some rum away from an open bottle.

THE WITNESS: That is right.
THE COURT: Well, did you know when Mr. Kennedy looked the keys that he was bringing the car over into Edgartown and not going to leave it on the island of Chappaquiddick?
THE WITNESS: That is right. He was going to leave it there.
THE COURT: Well, now, there were still some other people at the cottage?
THE WITNESS: That is right.
THE COURT: That they would have to be transported; how many were there left?
THE WITNESS: Five of the girls, Markham, Larson, Mr. Trotter and Gargan.
THE COURT: Now, let's count them; how many are there?
THE WITNESS: That is ten.
THE COURT: Including yourself?
THE WITNESS: That is right.
THE COURT: So that nine other people would have to be transported in the white Valiant?
THE WITNESS: Yes.
THE COURT: And the Valiant is a compact, is it not?
THE COURT: I asked if the Valiant was not a compact car.
THE WITNESS: It was a small car.
THE COURT: So that nine people were going to be left with one small car and you who had this Oldsmobile transportation as more or less your own was going to be left with transportation to leave the island, is it not?
THE WITNESS: Transportation to leave the island, sir. I was going to stay there and a few other people were going to stay; a couple of the fellows were going to stay with me.
THE COURT: But you had been left without any car at all?
THE WITNESS: That is right.
THE COURT: And if you had wanted to go to the ferry?
THE WITNESS: If I had wanted to go to the ferry?
THE COURT: Yes.
THE WITNESS: I had no intention of going to the ferry.
THE COURT: How long were you planning to stay in that cottage?
THE WITNESS: Until the regatta was over.
THE COURT: Did you plan to stay there?
THE WITNESS: Well, I was looking to go out, leave the island at 9:50 on Sunday morning. I had a reservation on the 9:50 out of Oak Bluffs.
THE COURT: Well, now, when Mr. Kennedy got the keys from you and left, was there anything said by you or him about the return of the car to you at any time before Sunday?
THE WITNESS: Oh, I assumed —
THE COURT: I said, was anything said to you?
THE WITNESS: Oh, no, sir.
THE COURT: All right.
Q (By Mr. Fernandez) Isn't it a fact, Mr. Chinnmins, that you were a bit upset with the fact the car was leaving?
A I was not.
Q You were not?
A Yes.
Q When did Mr. Kennedy tell you he was going to leave the car in Edgartown?
A He didn't tell me he was leaving it at Edgartown, but I knew Miss Kopechka lived out at Katama Shores and he was going to take her home.
Q As his Honor has suggested, you did not propose to drive the car and come back?
A I assumed around midnight for them to get the ferry, those that were going back, the girls.
Q And how were these people to get back to the ferry?
A In a small car.
Q In several trips?
A In a couple of trips, yes.
Q Did you ever tell anyone that you wished to drive the

car, that you wanted to drive the car, that night at that time?
A I don't understand the question.
Q Did you ever tell anyone that you wished to drive the car that night to the ferry?
A No, before that.
Q Did you ever tell anyone that you did not wish to give Mr. Kennedy the keys?
A I did not.
Q Now, you say when you saw the car leave, you don't know who was driving, is that right?
A I have to say that, yes, it was dark.
Q You were asked for the keys in the yard?
A That is right.
Q Front?
A Front.
Q And there were other people around on the lawn?
A On the lawn.
Q And you are sure it was 11:15?
A Yes, I am.
Q Would you tell us what was the activity at the party after Mr. Kennedy left?
A People were walking around, they were chatting, I didn't know.
THE COURT: Was there any dancing?
THE WITNESS: There was.
THE COURT: What furnished the music?
THE WITNESS: It was a little Bell & Howell transistor, and then Mr. Trotter borrowed my car to go over and get a radio in Edgartown, I believe.
THE WITNESS: Now, you do any dancing yourself?
THE COURT: Who did the dancing?
THE WITNESS: All the younger people, all the girls and the fellows.
Q (By Mr. Fernandez) Mr. Chinnmins, did Mr. Larson, ask to go back to the ferry?
A Yes.
Q At any time that you were present that evening?
A I don't know.
Q Did he ask you?
A No, he did not.
Q Now, you say you didn't keep track of what the activity was at the party after Mr. Kennedy left. Would you tell us what you did?
A I had another drink.
Q That where did you do this drinking?
A In and out.
Q And were there others inside of the cottage?
A In and out, and could you tell us how long you stayed at the cottage?
Q What time?
A About 12:00 or after.
Q At 12:00 or after?
A Early morning.
Q You had no conversation with anyone after 12:00 or thereafter?
A I talked to several people, yes.
Q Before you fell asleep?
A I was talking to whoever was there; it was a general conversation.
Q So, you were not sleeping?
A Who do you mean? I wasn't sleeping?
Q Well, you said — I am not trying to confuse and I am just trying to find out exactly what happened here — at 12:00 o'clock, you said you went to sleep?
A Or thereafter?
Q All right. When in the cottage?
A I don't know. I don't know the location on the right. And there were the other people at that time, as you best remember when at least you want to recall, where were they?
A There were some in and some out.
Q Who was there at that time that you remember?
A I don't know.
Q Do you know who was not there at that time?

A I don't know.
Q Do you recall seeing Mr. Gargan and Mr. Markham at that time?
A Yes, I did.
Q And that is approximately 12:00 o'clock?
A No, before that.
Q I am talking just before you retired now.
Q We were all there before I retired.
Q And you are certain you retired at 12:00 o'clock?
A So, now, it's 2:00, 12:30, 1:00 o'clock, I don't know.
Q Anywhere from 12:30 to 1:00 o'clock?
Q And you fell asleep in that room?
A That is right.
Q And when you did fall asleep, there were people in the cottage?
A In and out, yes, there were.
Q Had I fallen prior to that time, no, I had not.
Q Now, did you see Mr. Kennedy at 1:15 that night?
A No, I did not see him.
Q And when was the next time you saw him?
A The following evening, Hyannisport.
Q This is now Saturday night?
A Saturday, yes.
Q Whenever that he had returned to the cottage anyone that night?
A I was not.
Q Did you have a conversation with Mr. Gargan and Mr. Markham about the fact that something had happened?
A I did not.
Q Were you present in the kitchen with Mr. Larson, Mr. Markham and Mr. Gargan at approximately 2:00 o'clock?
A I got up to go to the bathroom.
Q Well, that is what I asked you, I asked you if you were present and had a conversation or there was a conversation in your presence including Mr. Larson, Mr. Markham, Mr. Gargan, and Mr. Trotter?
A I remember getting up and saying something and going to the bathroom.
Q I don't know.
Q Do you remember anything being told to you?
A Nothing was told to me.
Q Nothing was said.
Q Do you remember who was talking and who said what?
A No, I do not.
Q We presume did you get up?
A Yes.
Q What time did you get up?
A 8:00 or 8:30.
Q Were you the first to rise that morning?
A I was the last to rise.
Q Who were the last?
A Well, there was everyone else who was at that party when you got up, what were they doing, the other members of the party?
A There were only a few of them left.
Q Let me ask you something. Prior to your retiring, did you make arrangements or were arrangements considered concerning going back to the ferry that night?
A I don't make arrangements, I did not.
Q Did you discuss with anyone the arrangements to be made for sleeping accommodations?
A They all had their own rooms.
Q They all had their own rooms?
A No, they didn't sleep there that night.
Q What I'm asking you is whether or not anyone discussed in your presence what was going to be done that night.
A No, there was no discussion in my presence.
Q Was there any mention in your presence that the ferry was to be used?
A There was not.
Q There was no discussion in your presence that arrangements would have to be made to stay at the cottage that night?
A Not that I recall.

Q When you got up, you say, to go to the bathroom through the kitchen, and there was a conversation going on, were you now aware of the fact that there were other people from the party still staying at the cottage?
A And were you aware when you went to sleep that they were staying at the cottage that night?
A No, I was not.
Q Were you aware when you returned to sleep after the conversation that I described that you said that you had and don't remember what it was that the people were going to stay at the cottage that night?
A I knew they were going to stay there, I knew they had to stay there.
Q How did you know?
A From the discussion that was made. I saw two of the girls sitting on the couch.
Q And what was the discussion that was made about staying?
A There was no general discussion, I just knew that they had missed the ferry and they would have to stay there.
Q Now, you had made your offer of paying the ferry man \$20.
A I didn't make the offer.
Q Or suggestion.
A I made a suggestion.
Q Did anyone take you up on that?
A They did not apparently, no.
Q Were you aware of the fact that the ferry could be used?
A I was not.
Q But the charge was different?
A I was not.
Q You never had a conversation with Mr. Gargan?
A I did not.
Q Concerning the use of the ferry?
A A did not.
Q A did not, to refresh your recollection specifically that there was a conversation of either 50 cents per person or a dollar per person?
A No.
Q You did not?
A No.
Q Now at 8:30 you were awakened and you are the last to awake. Who was left at that cottage when you got up?
A The two young sisters, Esther Newburgh, Ray Larson and myself.
Q Were there any cars there at that time?
A There was not.
Q What did you do?
A Sat around for a while and discussed what we were going to do.
Q Was there any discussion at that time about the fact that Kennedy was not returning the night before?
A About his returning?
A No.
Q Or the fact that Mr. Gargan or Mr. Markham had said something happened?
A No.
Q And who were these girls again?
A The two Lyon sisters and Miss Newburgh.
Q This was a time when you left the island of Chappaquiddick?
A During a while, after talking around, no car and we were wondering where the other people were, we all started walking down the road.
Q So, I understand you don't know what happened to the other people, is that right, no one mentioned, well, they had left in the other car?
A You mention it.
Q And did something happen on the way?
A That is right.
Q We met Mr. Gargan coming back.
Q What did he do?
A We got in the car and returned to the cottage.
Q And what time was this approximately?
A 9:00 o'clock.

A 9:00 or thereabouts
 Q And what happened while you were at the cottage now?
 Q Yes, anything, was anything said?
 A Yes, there was.
 Q What was said specifically or as best you remember it?
 A That the Senator had an accident and we can't find Mary Jo.
 Q Now this is at approximately 9:00 o'clock?
 A Thereabouts, it hangs over to you, the Senator has had an accident and we can't find Mary Jo?
 A That is right.
 Q Did you know where Mr. Kennedy was at this time?
 A No, I did not.
 Q What else was said at this time?
 A That is all. The three girls got in the car.
 Q Did Mr. Kennedy say anything about this fact —
 A Mr. Kennedy said anything about the fact that he had gone to the scene that night?
 A He did not.
 Q Was there anything said about Mr. Kennedy's condition?
 A There was not.
 Q What was said other than what you told us, if anything?
 A He took the girls out to the cottage on the ferry and Mr. Larson was with you at this time at the cottage?
 A That is right, just he and I.
 Q And he was present when Mr. Gargan told of the accident for the first time?
 A That is right.
 THE COURT: While you are looking there, let me ask you a few more questions, if you will. How old are you, Mr. Kennedy?
 THE WITNESS: Sixty-three.
 THE COURT: You were the oldest one in this group?
 THE WITNESS: I was, sir.
 THE COURT: Exactly what is your relationship with Mr. Kennedy?
 THE WITNESS: I am a part-time chauffeur. I am a weekend and evening chauffeur when he comes into this cottage.
 THE COURT: Are you employed by him?
 THE WITNESS: For him?
 THE COURT: Yes.
 THE WITNESS: That is all, sir.
 THE COURT: And have been for how long a period of time?
 THE WITNESS: I am, sir.
 THE COURT: Do you have any other duties besides being a part-time chauffeur?
 THE WITNESS: For him?
 THE COURT: Yes.
 THE WITNESS: That is all, sir.
 THE COURT: Who negotiated the lease of this cottage at Chappaquiddick?
 THE WITNESS: I believe Mr. Gargan.
 THE COURT: You had nothing to do with that?
 THE WITNESS: I did not.
 THE COURT: Did you know anything to do with the lease of the room at the Dunnet?
 THE WITNESS: I did, sir.
 THE COURT: Kalamia Shore?
 THE WITNESS: I did, sir.
 THE COURT: On whose instructions?
 THE WITNESS: Mr. Gargan at a discussion of the party.
 THE COURT: Did you do anything to do with the reservation at the Sheraton and the Sheraton Hotel?
 THE WITNESS: I did not, sir.
 THE COURT: Do you know how long the cottage was rented for at Chappaquiddick?
 THE WITNESS: I did not, sir.
 THE COURT: Now, you have been to Chappaquiddick and discovered it is sparsely settled?
 THE WITNESS: I am, sir.
 THE COURT: Do you know when the rental was to be made?
 THE WITNESS: I believe the Sunday or the Monday.
 THE COURT: What was the last day of making?
 THE WITNESS: Saturday, the 19th.
 THE COURT: The racing was Friday and Saturday and you believe the lease was going to terminate on either Sunday or Monday?

THE WITNESS: As far as I can recollect, sir.
 THE COURT: And was this primarily intended as a place for you to stay while you were here?
 THE WITNESS: No, it was not.
 THE COURT: Was it primarily rented for social entertainment?
 THE WITNESS: I think Mr. Gargan hired it for his family, for his wife, and his wife's mother got sick and she didn't come over.
 THE COURT: In other words, initially it was not intended that you would stay there?
 THE WITNESS: As far as I know, sir.
 THE COURT: That is, it was not intended it was for the purpose of staying there because of sickness then you look at the cottage?
 THE WITNESS: That is right.
 THE COURT: If I remember in describing the quantity of liquor, when you bought this liquor it was purchased for what purpose?
 THE WITNESS: For the party and I was going to spend a vacation in Hyannisport with the liquor left over, being drunk in the car on a heavy drinker?
 THE WITNESS: I am not, sir.
 THE COURT: Are you a light drinker?
 THE WITNESS: Three, three drinks.
 THE COURT: A day?
 THE WITNESS: At night, never drink during the day.
 THE COURT: If I remember, you bought some half gallon bottles, is that right?
 THE WITNESS: Yes.
 THE COURT: You described them as two half gallons, I believe, of vodka?
 THE WITNESS: That is right.
 THE COURT: And three bottles of scotch?
 THE WITNESS: That is right.
 THE COURT: And two bottles of rum?
 THE WITNESS: That is right.
 THE COURT: All to be taken to this one cottage?
 THE WITNESS: To be taken, yes, but not to be consumed at the cottage. I was going to spend time —
 THE COURT: In which only you would be?
 THE WITNESS: No, I think that somebody else was going to stay with me when they arrived.
 THE COURT: Who?
 THE WITNESS: Who, I don't know.
 THE COURT: But nobody else did?
 THE WITNESS: Not the first — I only stayed there one night alone.
 THE COURT: I'm trying to discover if the amount of liquor you purchased in, I think you said South Boston?
 THE WITNESS: That is right.
 THE COURT: Was intended primarily for this one cocktail party?
 THE WITNESS: No, I wouldn't say that, sir. I would say I was going to buy the liquor as I intended. I was on vacation and I was going to take it back to Hyannisport. I had a little house behind Mr. Gargan's and have a drink in the house if anybody dropped in to say hello.
 THE COURT: Is there some reason you would rather carry it all the way down and carry it all the way back to Hyannisport rather than buying it in Hyannisport when you were there?
 THE WITNESS: I got a price, sir.
 THE COURT: Now, how much did you take back?
 THE WITNESS: Two full quarts, the vodka.
 THE COURT: Just a minute.
 THE WITNESS: Half gallons, I should say, and three Scotch.
 THE COURT: Now, that meant that what was consumed?
 THE WITNESS: Over a period I consumed —
 THE COURT: No, what was consumed between what you brought and what you took back, what was the difference?
 THE WITNESS: Well, there was about three-quarters of a bottle of vodka.
 THE COURT: On a mean of a gallon, of a half gallon?
 THE WITNESS: Half gallon, very little scotch, not

much. One full bottle of rum and about a half a bottle of the second bottle of rum.
 THE COURT: Did you bring any beer?
 THE WITNESS: No, sir.
 THE COURT: How much?
 THE WITNESS: I brought two cases.
 THE COURT: Was any liquor, additional liquor brought into that cottage other than what you brought?
 THE WITNESS: None, and I took the beer out a case and a half of beer, a case and three-quarters of beer.
 THE COURT: Did you see anybody under the influence of the liquor, anybody under the influence of drugs?
 THE WITNESS: Nobody under the influence of drugs that night?
 THE WITNESS: Drugs, no drugs at all, sir.
 THE COURT: Would you know or have any idea how much alcohol Mary Jo Kopechne consumed that night?
 THE WITNESS: I have no idea what anybody drank that night.
 THE COURT: You don't know?
 THE WITNESS: I saw — I might have. I'm not sure.
 THE COURT: Was that the average summer party where people were in and out and moving around a good deal?
 THE WITNESS: That is right.
 THE COURT: You can't possibly keep track?
 THE WITNESS: Couldn't keep track of anybody.
 THE WITNESS: Some might have gone for walks myself earlier while it was dark, sir. I went for walks myself earlier while it was dark.
 THE COURT: And the younger people danced?
 THE WITNESS: That is right, sir.
 THE COURT: All right, I have no further questions. (By Mr. Fernandez) Mr. Crimmins, is it safe to say that this drinking which you just described to the Court took place in a period principally from 8:30 or 9:00 o'clock until approximately 11:30?
 Q So, two and one half hours approximately?
 A That is right, sir. If you are thinking of the consumption, there was, drinking done Thursday night and I drank alone Wednesday night.
 Q Who cleaned out the cottage, the debris, you meant, Ray?
 A That is right, sir.
 Q And this was done Saturday morning?
 A That is right, sir.
 Q Immediately after being apprised of the fact that there had been an accident?
 A That is right.
 Q At this time, while you were at the cottage, had you received any instructions from anyone?
 A No, you cleaned the cottage up.
 Q Also, you cleaned the cottage up.
 A Chappaquiddick, you are talking of?
 Q Yes.
 Q 10:30, 11:00 o'clock.
 Q When the party that you just described was left behind, the girls —
 A They had gone.
 Q They went with Mr. Gargan?
 A That is right.
 Q How did you get off the island?
 A Started walking up the road and a lady and her daughter picked us up in her backswagon and offered us a ride.
 Q Where were all the items that you cleaned up, in the white Valiant that was rented?
 A We put it in the white Valiant, you.
 Q 12:45 you got up where you were between 11:15 and 12:45 in the cottage, 11:15 p.m. and 12:45 a.m.?
 A Yes, that is right.
 Q Sleeping?
 A No, I was not sleeping. I don't know what time I went to bed, I'm not sure of the time.
 MR. FERNANDEZ: No further questions, your Honor.
 THE COURT: Yes are excused, Mr. Crimmins, and may MR. FERNANDEZ: Thank you very much, your Honor.
 MR. FERNANDEZ: I think I will start with either Newburgh, if you please, your Honor.

TESTIMONY
 OF
 ESTHER NEWBURGH
 Before:
 Hon. James A. Boyle, Judge of the
 Edgartown District Court
 Present:
 Edmund Davis, District Attorney for the
 Southern District of Massachusetts,
 Armand Fernandez, Assistant District Attorney,
 Peter Gray, Assistant District Attorney,
 for the Commonwealth,
 Paul Redmond, Esq. and Daniel Daley, Sr.
 for Esther Newburgh.
 Thomas Teller, Clerk of Court
 Helen S. Tyra, Temporary Court Officer
 Harold T. Menel and Sidney K. Lipman,
 Official Court Stenographers.
 Edgartown, Massachusetts
 Tuesday, January 6, 1970.
 ESTHER NEWBURGH, Sworn
 DIRECT EXAMINATION BY MR. FERNANDEZ:
 Q For the record, please, will you tell the Court your full name?
 A Esther Rose Newburgh.
 Q And your legal address?
 A 2111 Jefferson Davis Highway, Arlington, Virginia.
 Q Your occupation?
 A Administrative Assistant, Urban Institute.
 Q Now, Miss Newburgh, I take it that on the weekend of the 18th and 19th you were on Martha's Vineyard?
 A Yes.
 Q Could you tell us when you arrived here?
 A Thursday, July 17.
 Q And who was with you?
 A Chickie Keough and Susan Tannenbaum.
 Q And you arrived here in Martha's Vineyard how?
 A By ferry, my car or did you fly; how did you get to Woods Hole?
 A We got to Woods Hole on the ferry with Mr. Tretter and we were picked up on the other side.
 Q You mean Woods Hole with Mr. Tretter and you came to Martha's Vineyard?
 A That is right.
 Q Could you tell us the purpose of your visit?
 A We came up to watch the Edgartown Regatta.
 Q And when did these arrangements for staying anywhere at that time?
 A Not specific plans. We didn't know where we were going to stay exactly.
 Q Did any people make reservations for you?
 A We believed they had, yes.
 Q All right. Now, do you know who?
 A Mr. Gargan and these arrangements for you?
 Q And did you check into any hotels?
 A Yes, we did.
 Q Where?
 A The Kalamia Shores.
 Q And how many of you checked into the Kalamia Shores?
 A The three of us and Mr. Crimmins accompanied us.
 Q Could you tell us whether or not there came a time where Miss Kopechne also joined you there?
 A Yes, I'm sorry, she came also over on the boat with us.
 Q She came with you also from Washington?
 A Yes.
 Q And you all had separate rooms, did you?
 A Yes, I think I will start with either Mr. Crimmins had a room.

Q How many girls checked in or were going to live there in those rooms, six girls?

A Eventually, yes.

Q Now, how long had you planned staying on Martha's Vineyard or Sunday?

A Had you made reservations for leaving?

Q What day, Sunday?

A I said I didn't recall if I had made plane reservations back.

Q You don't know if you made the reservations. Had you planned on leaving on a Saturday night or Saturday or Sunday, so we thought probably we would leave sometime on Sunday.

Q Could you tell us when you first arrived on Chappaquiddick Island?

A Thursday evening.

Q This was the 17th?

A That is right.

Q Could you tell us who was with you?

A There were three girls I have already mentioned, Mr. LaRosa was there, Mr. Trotter, Mr. Chinnias, Mr. Gargan, and another gentleman who was a friend of the other two gentlemen whose name I can't remember; I think it was Driscoll.

Q Do you recall where you went on Chappaquiddick that day?

A Yes, we went to a cottage.

Q And you returned to Edgartown?

A That is right.

Q Did there come a time - that is now Friday, the 18th?

A Yes.

Q You again traveled to Chappaquiddick?

Q That is correct.

Q Could you tell us when?

A I recall that I went after 11 o'clock, but I am not sure exactly when.

Q Yes.

Q Would you tell us at this time where did you go in Chappaquiddick?

Q We went to the cottage that I mentioned.

Q And from there where did you go?

Q And you had occasion to go to Dyke Road and Dike Bridge?

A That is right.

Q Had you been in Chappaquiddick prior to this visit?

A No, I hadn't.

Q Had any of the girls?

A Not to my knowledge.

Q How many of us went swimming?

A That is right.

Q I take it all the girls?

A Yes.

Q Including Miss Kopechne?

A That is right.

Q Could she swim, do you know?

A I am not sure.

Q She could swim very well?

A Yes.

Q In fact, did you have occasion to see her, observe her swimming on East Beach in Chappaquiddick during the weekend?

A Yes.

Q And how long were you swimming?

A Approximately 45 minutes to an hour. Possibly more.

Q We returned to the mainland, if that is what they call it.

Q You changed at the cottage, is that it, or did you bring your swimming suit?

A We were wearing them underneath our clothing.

Q You returned to Edgartown?

A That is right.

Q And did you have occasion again to return to Chappaquiddick that day?

A Yes.

Q Approximately what time?

A Approximately 8:15, 8:30.

Q Prior to that time between your return to Edgartown and your return to Chappaquiddick, would you tell us we watched the Edgartown Regatta.

Q We. Could you tell us who specifically?

Q Meaning the girls in question.

Q And any of the other people who attended the party?

A Not with us on that boat.

Q The girls?

A Yes.

Q Now, you say you arrived at 8:15 on Chappaquiddick.

A Yes.

Q Could you tell us how you came from the Chappaquiddick ferry area to the cottage?

A By car.

Q Whose car? Do you know who was driving?

A I can't remember.

Q Do you recall if it was a big car or a small car, a Ford, for which car it was.

Q How many of you were in the car?

A I will say about five people.

Q Do you know who was driving, Mr. Chinnias or Mr. Gargan?

A No, I don't remember.

Q Mr. LaRosa?

A Yes.

Q In any event, you came to the cottage at approximately 8:15 or 8:30?

A Yes.

Q Prior to that time had there been any drinking going on by any of the girls anywhere?

A No.

Q Had you had dinner that day or eaten that day?

A Yes, we had eaten on the boat when we watched the Regatta.

Q Who was at the cottage when you arrived?

A Senator Kennedy was at the cottage.

Q In addition to Mr. Kennedy, was anybody else besides the girls and whoever drove you?

A I recall at one point everyone was in the cottage, Mr. Gargan, Mr. Chinnias.

Q How was it determined that you would arrive at the cottage at that time, approximately 8:15 or 8:30?

A We were told that Mr. LaRosa would come and pick us up.

Q So, it was Mr. LaRosa who most likely drove you from the ferry to the cottage?

A That is right.

Q And at that time you don't know, other than Mr. Kennedy, who else was present?

A Was Mr. Gargan there?

A Yes.

Q Was Mr. Markham there?

A Yes.

Q Could you tell us what activity was going on when you arrived?

A I don't define activity?

Q Well, were they sitting down watching television, listening to the radio, talking, drinking?

A No people were standing there waiting for us to arrive.

Q Were they inside the cottage?

A Yes.

Q And what did you do upon arriving there?

A We all greeted each other and talked.

Q Did you have any drinks, were there were various things to eat and drink at that time?

A Yes.

Q Could you tell us as you best remember what there was to drink?

A There was a variety of things. There was Coca-Cola, there was rum, there was gin. I really don't recall what else you saw there was gin?

Q No, it could have been Vodka. It could have been Scotch. I am not sure. I know there was rum.

Q Could you tell us where this drink was set up and how it was set up?

A In the kitchen area.

Q Were there bottles on top?

A That is right.

Q Do you recall specifically what size bottles there were?

A No, I don't.

Q All right. Did you have anything to drink?

Q Yes.

Q Could you tell us what?

A I think it was something like Vodka.

Q And what with?

A Either Vodka or gin.

Q Do you recall whether Mary Jo had anything to drink?

A No, I didn't see her drinking.

Q I don't really recall. She may have had a glass in her hand, but I don't know what was in it.

Q Did you have occasion to see Mr. Kennedy drinking anything at all?

A I saw him with a glass in his hand.

Q Do you know what it was?

Q Don't know positive. It may have been rum.

Q That is your knowledge it was rum, not Coca-Cola?

Q Did you say really don't know.

Q Did you say you really don't know.

Q Did he pour any for himself that you saw?

A No, I wasn't really watching.

Q Can you tell us what activity again as I described it earlier took place after the initial greeting and the drinking at that time?

A Yes, at that time.

Q Different campaigns stories. We talked about a variety of different things.

THE COURT: I am sorry, when you stand over there I cannot hear the witness.

MR. FERNANDES: I am sorry, your Honor.

THE WITNESS: Do you want me to continue?

Q Yes, please.

Q Did there was a radio and we listened to that.

A Yes, your did. That was really the basis for it. That was the reason we were there, and there were steaks being cooked outside.

Q Do you recall how Mary Jo was dressed that day?

A Yes. She had on slacks, a white shirt and a scarf that belonged to me and a chain belt.

Q A scarf?

A Yes.

Q Was she staying with you?

A Yes, she was in my room.

Q She was in your room?

A That is right.

THE COURT: This is Mary Jo you are speaking of?

MR. FERNANDES: Yes, she was in your room.

THE COURT: Were you close friends?

THE WITNESS: Yes.

THE COURT: Had been for some time?

THE WITNESS: Yes.

Q You didn't room with her in Washington?

A No, I didn't.

Q But you were close friends and had known her for some time?

A We worked for Senator Robert Kennedy's brother, and I observed either Miss Kopechne or Mr. Kennedy during that time.

Q Didn't hear the question.

Q Prior to his leaving did you become aware that Mr. Kennedy left at a certain time?

A Can you tell us when?

A 11:30.

Q What make you say 11:30?

A I have a rather large watch that I wear all the time and I looked at it.

Q Now, your watch said 11:30?

A That is correct.

Q But she paroled of this, she was swimming?
A Yes. None of us were in the water very long.
Q But you were having a good time?
A Yes, she didn't complain to you at any time?
Q No.
Q Did you have occasion to see her eat?
A Yes.
Q Did she complain about the food or say anything about it?
A No, I cooked it.
Q You cooked it so she wouldn't complain?
A But she ate it?
A Yes.
Q And she left?
A Yes.
Q How long had you planned to stay at Chappaquiddick that evening? Ferry went back.
A I don't know what time that was?
Q There had been a discussion that perhaps the ferry driver could be persuaded to let the ferry stay longer.
Q Do you recall when this discussion took place?
A I don't recall.
Q Was it before or after Mr. Kennedy left?
A I am sure it was before he left.
Q Before he left there 12:30 clock ferry or make arrangements to hold the ferry?
A Yes.
Q Was there a mention of \$20, for example, to ask if he would stay a little longer?
A Some question of some amount of money, he might be persuaded to stay.
Q And as far as you knew, Mr. Gargan was present in this conversation, Mr. Markham and Mr. Gargan?
A Yes, as far as I know, the conversation completely, and I don't remember who was there.
Q In any event, they left and it is 11:30 and you said you observed that on that large watch which you wear?
A Yes.
Q What did you do between 11:30 and 12:00?
A Continued to talk.
Q Was there any talk about going back?
A There was some concern about whether we could make the ferry.
Q As you best remember, who said what?
A It was six months ago and I must tell you that I can't remember who said what.
Q That is understandable, but as best you remember, do you recall the gist of the conversation or who was talking?
A We were concerned. We wanted to get back and we wanted to make sure we would catch the ferry.
Q Were there any cars left after Mr. Kennedy took the car?
A Yes.
Q How many cars were left?
A I believe one car.
Q Was this the white Valiant that was outside?
Q When Miss Kogojec left, did you see her purse? Did she take the purse with her?
A I didn't see her take the purse. I caught them - they were leaving through a screen door and I saw Mary Jo I think from behind and I think the Senator was in front.
Q I didn't have a clear view.
Q Fine. Did anyone take the car that was there?
A No, the ferry at 11:30 or before 12 o'clock?
Q At 12 o'clock what was your activity as you best remember?
A I was there at 12 o'clock that you can remember?
Q Every one in the party except Senator Kennedy and Mary Jo.
Q And between 12:00 and 12:30 - it is now after 12:00?
Q Was there any conversation or concern about getting back to the mainland, Edgartown, that evening?

A Yes.
Q And what was the conversation?
A The conversation was, "Have we missed the ferry?"
Q And what after the conclusion?
A I don't recall a specific conclusion. The men were talking and specifically, later than 12:30, we realized there was no chance of getting back.
Q So of course, now, the party continued between 12:00 and 12:30 essentially as it had been going on prior to Mr. Kennedy leaving, everyone in the living room for the most part and discussing whatever was discussed?
A That is right.
Q And perhaps still drinking a little?
A (No response).
Q Were you aware that Mr. Kennedy returned to the room?
A No, right.
Q Between 12:00 and 12:30 do you recall Mr. Markham and Mr. Gargan being present, and Mr. Gargan was there, they were all there.
Q Did there come a time - was Mr. Larson there also, by the way?
A Yes, he was.
Q Did Larson walk outside for a few minutes.
Q Do you recall what time that was?
A It strikes me that it was sometime between - I am not sure exactly, but I would say after 12:30 or before 12:15.
Q After 12:30 or before 12:15?
A Right, safe to say, it is after 12:30?
Q I am not sure exactly.
Q Between 12:30 and quarter of 1:00?
Q Not as late as quarter of 1:00.
Q You mean 12:45?
A I will say after 12:15.
Q Did you see him return?
A Yes, did he say anything?
Q I didn't see him say anything. I saw him motion to Mr. Gargan and Mr. Markham.
Q What did he do? Show the judge.
A You mean how he motioned?
Q He just waved his arm and asked him to come out?
A He just waved his arm and asked him to come out?
Q A Senator and Mr. Gargan went out together as you remember?
A They walked out the door. I don't know if it was side by side, but the same time. Not ten minutes apart.
Q Well, either together or not together, which was it?
A Together.
Q They walked out together not necessarily side by side.
Q Did Mr. Larson return to the cottage?
A Immediately after they had gone outside?
A Yes.
Q Was anything said at that time?
Q Not to me.
Q By him?
Q Not to me.
Q Did he say Mr. Kennedy just called me over?
Q To anybody?
A I don't know.
Q Did you subsequently find out that he said it to somebody?
A Yes, I did.
Q And to whom did he say what?
A I don't know. I don't know if he said to someone, but I don't know if this could be what I read.
Q Could you tell us who?
A I don't know. I know that he said it to Mr. Gargan and Mr. Markham.
Q Because they went outside?
A That is right.
Q Did you see Mr. Markham and Mr. Gargan return?

A Later that evening I did, yes.
Q And what time approximately?
A After 2 o'clock.
Q Some time after they returned?
Q That is right.
Q Did you observe their appearance prior to leaving?
Q Did you observe their appearance when they returned?
A Definitely.
Q Was there any difference?
A Mr. Gargan, when he came back we were in the living room on the couch. Miss Tannenbaum and I. Mr. Gargan came in and collapsed.
Q You are in the living room, and who else is there?
A Miss Tannenbaum and Mr. Larson. I know that Miss Tannenbaum was because we were alongside the side by side on a couch, a big couch in the living room. Mr. Gargan walked to the bottom of my ankles. He said to me, "Please get up," and he said something to the effect, "I am exhausted," if you know what I had been through you would let me be there. That is me the there.
Q You said Mr. Gargan said, "I am exhausted." How did he seem?
A He looked tired.
Q How about Mr. Markham?
A I was concerned mostly in trying to get to sleep and I wasn't looking at them very specifically.
A Yes, he was.
Q Could you tell me where he was staying? Had he been out, do you know?
A Well, please let me rephrase the question. Let's find out what happened. After Mr. Markham and Mr. Gargan had gone, what was the activity at the party until they came out at that point. The two Lyons sisters went into one of the bedrooms after about an hour, after everyone else had left the party.
Q Who is everyone else who had left the party?
A The Senator, Mary Jo and Joe Gargan and Mr. Markham.
Q I don't know if the Senator and Mr. Gargan left that the activities at the party diminished?
A That's right. Some people were standing in the front yard, some people were in the bedroom. The two Lyons girls were in the bedroom.
Q What time was that?
A Sometime after 1 o'clock.
Q Sometime after 1:00.
A When time did Mr. Gargan and Mr. Markham leave, sometime after 1:00?
A No, I think before 1:00.
Q Do you know how long before 1 o'clock?
A No, I don't know exactly how long before 1:00.
Q And they returned sometime after 2:00?
A Yes.
Q Was Mr. Gargan in the cottage or outside the cottage?
A He was in the cottage.
Q He and do you know where specifically?
A He was in the living room and he had a bedroom and he was going back and forth. I think. Mostly in the living room.
Q And that is where you were?
A For a time, I was out in front yard.
Q Any discussion by anybody other than what Mr. Gargan had said?
A Was there any discussion by whom?
A By anybody, conversation.
Q Yes. We asked where Mary Jo was.
Q You asked who? Who is we? Who asked?

A The two Lyons sisters.
Q The two Lyons sisters said, "Where is Mary Jo," and to whom did they address themselves?
A We were asking each other the question and when we answered each other it was sort of - we didn't ask any of the men. We asked each other. We determined in our own minds that she was in the motel and she was lucky she was in the back in the motel and she was in this in the presence of Mr. Markham and Mr. Gargan?
A No.
Q In whose presence was it?
A The three of us were in the bedroom.
Q So just the three girls made the inquiry?
A Yes, I think Mr. Gargan what he meant when he said, "I am exhausted?"
A At some point later on in the evening Mr. Gargan told us that the Senator swam across.
Q What time was that?
A He told us before 3 o'clock.
Q What exactly did he say, if you remember?
A The two Lyons girls were sleeping on one bed. I was on another bed. I heard him saying something to the effect, "I am exhausted." I don't know if he was in my own mind that assumed that Mary Jo was back at the motel.
Q Well, how did you conclude that?
Q Do you know who Mr. Gargan was addressing, or who confounding now.
A Well, she had taken the car. I don't know. It is very confusing now.
Q Do you know who Mr. Gargan was addressing, or who confounding now.
A Well, I assume it was the two girls that were in the room.
Q He was telling the two girls in the room with you?
A Yes.
Q The Lyons girls?
A Yes.
Q Was he addressing himself to the Lyons girls?
A Yes.
Q Was this after they had made an inquiry where was Mary Jo?
A I can't be sure.
Q Did you find Mary Jo's purse?
A Yes.
Q Where did you find it?
A Underneath the table in the living room.
Q Did you happen to look into it at all?
A I don't think the key to her room was in it. I think I had it.
Q How did she get into the room?
A I don't know. Normally in a motel you can get extra keys to a room.
Q Was there any other conversation about what had happened?
A There was talk about the possibility of a search.
Q Did anyone else say anything about what had happened?
A No, not to me.
Q THE COURT: See if I get this straight. You are six girls. You are all friendly. Do you all know each other?
THE WITNESS: That's right.
THE WITNESS: That's right.
THE WITNESS: Do you know each other quite well?
THE WITNESS: That is right.
THE WITNESS: Yes, we have worked together at some time?
THE COURT: Did you come to the Island together?
THE WITNESS: Except for the two Lyons girls who came the next morning.
THE COURT: And you all stayed at the same motel?
THE WITNESS: Yes.
THE COURT: You formed one group?
THE WITNESS: Yes.
THE COURT: You did everything together, you watched the Regatta together?
THE WITNESS: Yes.

COMMONWEALTH OF MASSACHUSETTS
Edgartown District Court

THIRD DAY

INDEX AND TESTIMONY OF DONALD R. MILLS

Before:
Hon. James A. Boyle, Justice of the Edgartown District Court

Present:
Edmund Diets, District Attorney for the Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney,
James L. Kenney, Esq., for Donald R. Mills,
Thomas Feller, Clerk of Court
Helen S. Fyfe, Temporary Court Officer
Sidney R. Lipman and Harold T. McNell,
Official Court Stenographers.

Edgartown, Massachusetts,
Wednesday, January 1, 1970.
DONALD R. MILLS, Sworn

EXAMINATION BY MR. FERNANDES:

Q Dr. Mills, will you please give the Court your full name?
A Surety, Donald R. Mills, M.D.
Q And your legal address?
A 200 Summer Street, Edgartown.
Q And you are a physician, are you not?
A Yes.
Q And you have a special occupation with reference to your profession?
A I am Associate Medical Examiner for the County.
Q And how long have you been so occupied, Doctor?
A In excess of 20 years.
Q How long has he been a physician for how long in this community?
A Since 1935.
Q Now, Doctor, were you Associate Medical Examiner on or about July 18th and 19th, 1969?
A I was.
Q And sometime in that weekend and in your capacity as Medical Examiner, were you summoned to so-called "The Dike Bridge"?
A I was.
Q Would you tell us approximately what time you first received the call?
A Approximately 9 o'clock on the morning of the 19th.
Q And where were you?
A In my office.
Q And as a result of that call did you do something?
A I immediately went to the site of the accident. I took my car and drove down to the Chappaquiddick ferry. I met an undertaker, that is Mr. Frish, there. This just happened, and I left my car on this side, got into Mr. Frish's car and he drove me to the site of the happening, the accident.
Q When you arrived, could you tell us who was at the scene?
A I saw Chief Arma.
Q Would you tell us where you saw Chief Arma?
A Yes, on the land side of the Dike Bridge in his bathing suit. I don't think he saw me. His back was turned to me. He was in his bathing suit.
Q Would you tell us what else you saw at that time, if you could?
A Yes. The Edgartown police cruiser was on the shore side standing around, most of whom I know. There were several police officers. There were - there was Antoine Ballestrout.
Q Was Mr. Look there, for example Christopher Look?
A I do not remember.
Q Was Mr. Farrar there?
A Yes. Thank you. Mr. Farrar was there in his scuba-diving outfit.
Q Now, when you arrived had they removed the body from the water?
A Yes.
Q Could you tell us where was this body?
A Surety. The body was in a police litter wrapped in a dirt blue blanket.
Q And this is on the shore side?
A This is on the shore side, that is right.
Q Referring to that diagram that is behind you, Doctor, it would be to the right if that chalk there represents the right would it not?
A Yes. The police cruiser was approximately here (indicating). I would say.
Q Now, what did you do on arriving at the scene? You may be seated.
A Oh, thank you. I asked them to take the body in the litter out of the police cruiser so that I might examine it. The cruiser, I pulled back the blanket and made a thorough examination of the body of a girl.
Q Now, your duty as a Medical Examiner, Associate Medical Examiner is what, Doctor?
A To determine the cause of death.
Q Any death?
A Well, death in several categories of cases, unexplained deaths, deaths that have been unattended by a physician, that is right.
Q In general, to investigate sudden death, is that right?
A Yes, that is right.
Q Now, you say you made an examination of this body at the scene. Could you tell us exactly what you did, just for the record?
A Sure, I would be glad to. I pulled back the blankets and saw the body fully dressed, appropriately dressed of an adolescent female. She was wearing several articles of clothing, a white bra, a white blouse, a white handkerchief, wrist and arm. I believe there was a ring. She was in complete total rigor mortis.
Q Could you tell us how were her arms, down in a fixed position?
A Her arms were raised. Her hands in a sort of a semi-claw position.
Q Now, in this fashion? (Indicating.)
A That is right.
Q And her head?
A Her head was tipped back a little bit to one side.
Q And...
A She was completely stiff, that is, in complete rigor mortis.
Q Could you tell from your examination, Doctor, approximately how long this body had been dead?
A Six or more hours.
Q THE COURT: Would you be able to give extreme limits both ways?
THE WITNESS: I really couldn't because of so many variables as far as rigor mortis is concerned, temperature of the water.
Q (By Mr. Fernandes) Temperature of the water for one?
A Yes, Doctor, you say that you formed an opinion as to what the cause of death was?
A Yes.
Q Could you tell us how you formed the opinion and then tell us what the opinion was?
A I formed my opinion by the fact that this girl was completely filled with water, that is the peritoneal fluid in her nose. This was clearly demonstrated by making her light pressure on the chest wall in which case water would simply pour out of the nose and mouth. There was some foam about the nose and mouth which is characteristic of drowning.

Kennedy and Miss Kopechne, is that right?
A After Mr. Markham and Mr. Gargan returned, everybody was in the cottage, yes.
Q And arrangements were made and people started to try to find places to sleep?
A Now, what time did you get up that morning?
A I got up just before 8:00 o'clock.
Q And who was at the cottage?
A I got up in time to see some people leaving the cottage. In the cottage with me were Mr. Larsson, Mr. Gimmans, and the two Lyons sisters.
Q How was it that you found out about what happened to Mary Jo?
A I found out later about 9:20 or 9:30, the group that was in the cottage that remained in the cottage walked outside and decided we would walk towards the ferry, because there weren't any cars left and we got several hundred feet down the road when a white - I don't know what color the car was - Mr. Gargan was driving car came up to get in. He said something had happened and my first reaction was the Senator, and we drove back to the cottage and he wouldn't say anything until we got inside. We got inside the cottage and he told us that Mary Jo was missing, and that was all.
Q This is 9:20 or thereabouts?
A Yes.
Q When did you find out she had drowned?
A After 9:00 that morning.
Q In a motel room at the motel at Katama.
Q Let me ask you what exactly did Mr. Gargan say happened, the circumstances under which she was missing?
Q You mean back on Chappaquiddick?
A Yes.
Q He said there had been an accident and that Mary Jo was missing the accident?
A I can't describe the accident.
Q Did he?
A He didn't describe the accident.
Q Did he say who was driving?
A He said the Senator was with her.
Q What else did he say?
A He told us to stay calm and that he would phone us into town and we caught a cab back to the motel.
Q And did he phone?
A Several times.
Q And did he explain what had happened?
A Yes, he told us that she drowned.
Q On the telephone or did he go over there?
A He told us on the telephone and then he came over.
Q Did she had drowned?
A Yes.
Q Did anyone make any inquiry of where and how?
A Yes.
Q What was asked?
A How did it happen.
Q And what was said?
A Something to the effect that the car went into the water, that the Senator and Mr. Gargan said the Senator, I don't remember, to try to save her and kept repeating, I want you all to know that I believe it and I want you all to know that every single effort possible was made to save her.
Q Was anything else said?
A And then you had five girls who just lost a friend who can't remember very much at that point.
Q When 3:00 o'clock that afternoon?
A Did you have a conversation with Mr. Gifford?
A Yes.
Q Could you tell us where?
THE COURT: Mr. who?
MR. FERNANDES: Mr. Gifford.
THE COURT: Yes, Mr. Gifford?
THE WITNESS: Senator Kennedy's legislative assistant -

Q And your opinion was that she had died of drowning?
 A Yes.
 Q Did you find any external marks on the body?
 A No.
 Q In your examination, as I recall from previous testimony, Doctor, although you say you did not, I think you rendered a complete examination of the body, you did not remove all the clothing. You would
 A No, that is correct.
 Q Would you tell us exactly what you did?
 A I removed the clothing as much as was necessary.
 Q And you examined the head?
 A Yes.
 Q You found no incised wounds?
 A No.
 Q No other bruises?
 A No.
 Q How long were you at the scene with this body?
 A Approximately from ten to fifteen minutes.
 Q At that time was the identity of the body of the young woman known to me?
 A I cannot know.
 Q And did there - when did you do at that time after you finished examining the body?
 A After I finished examining the body I released it to the undertaker.
 Q Which was who?
 A Eugene Frick, and I instructed him to hold it pending my notification of the District Attorney's office, performed.
 Q You say you released the body to the undertaker, the mortician?
 A That is right.
 Q And until conversation was had with the District Attorney?
 A Yes, you ever speak with the District Attorney person- ally at that time about the autopsy?
 A No.
 Q As a result of a conversation with someone in the State Police, did you give any instructions to the mortician?
 A Yes, I working through the State Police, which is my custom, I requested the officer to notify the District Attorney's office that such - that there was such a case, autopsy should, such details as I had and asking if in opinion of the District Attorney requesting an autopsy if in my opinion, I received a reply back that the District Attorney was not available at that time, but his associate, Lieutenant George Killen, had stated that if I said as he was concerned there was no need for an autopsy.
 Q Did you receive instructions to take a blood sample?
 A Yes, thank you, I did.
 Q From Lieutenant Killen?
 A Yes, from Lieutenant Killen.
 Q And you related those instructions to the -
 A To the mortician.
 Q To the mortician?
 A Yes.
 Q And then you released the body?
 A Yes.
 Q At that time the identity of the girl was still not known, is that right?
 A I didn't know who the girl was.
 Q And at the scene, Doctor, was there any mention of the fact that whether or not this girl had been alone in the room of you aware - let me strike that - were you aware of you aware of how the accident happened when you turned your attention to the car for exam- ple, did you know that she was alone in the car or the was accompanied by somebody else?
 A No, I did not.
 Q Did you know whose car she was in?
 A No, I didn't know.
 Q So, the scene, is it safe to say the facts surrounding the circumstances under which the car came into the water were not known?
 A Completely not known.
 Q All right. What time did you leave the scene?
 A Approximately between 9:45 and 9:50.
 Q And also for the record, Doctor, when you say you had your conversation with Lieutenant Killen or someone relaying a conversation with Lieutenant Killen, at that time you did not know the facts surrounding the cir- cumstances of this girl being in the car?
 A That is correct.
 Q Doctor, if I show you these items which have been previously -
 A Yes.
 Q THE COURT: You have to make an assumption, because they have not been identified as being worn by the decedent.
 MR. FERNANDES: He saw the girl at the scene and that is why I'm showing them.
 Q Can you recognize any of these blue slacks or white blouse? Can you take them out.
 A Thank you.
 Q You can put them on the chair.
 (The Doctor then examined the items in the plastic bag.)
 THE WITNESS: I remember that the body had this type of clothing on. I remember that there was a white top (By Mr. Fernandes) Yes, these are -
 Q Yes, did you observe a scarf, a yellow scarf at all?
 A I don't remember.
 A I remember the bra.
 A All right.
 Q All right. How about the slacks, do they look familiar to you? Can you recognize them?
 A I remember that she had on dark colored slacks. My impression is that she would have been that they were a check, but that is
 Q So, you are not absolutely certain that was the clothing on the body?
 A I couldn't.
 Q Other than you say you remember the bra?
 A I remember the bra.
 MR. FERNANDES: May we go off the record a second.
 THE COURT: Yes.
 (Discussion off the record.)
 THE COURT: Expert evidence already introduced has indicated that that white blouse was subjected to chemi- cal analysis and shows evidence of blood.
 THE WITNESS: Yes.
 THE COURT: Now, assuming that that white blouse examined here, are you able to give an opinion with reasonable certainty whether the presence of this blood is consistent with your diagnosis of death by drowning?
 THE WITNESS: Yes.
 THE COURT: And what is that opinion, that it is consistent with your diagnosis?
 THE WITNESS: It is not consistent.
 THE COURT: With your diagnosis.
 THE WITNESS: With my diagnosis of death by drown- ing.
 Q Could you explain to the Court the reasons why you formed that opinion?
 A In a drowning case when a person drowns there is what blood from the decompositions of blood or a putting out of blood from the decomposition of the body. The blood is than not, may be and I believe in the case of a person other than the decedent, in the mouth of the decedent, the physical efforts to avoid drowning, might spread. I sup- pose almost anywhere to the person's clothing.
 Q Are you able, Doctor, to render an opinion as to how death? How normally is released from this kind of death?
 THE COURT: Off the record.
 (Discussion off the record.)
 Q Can you render an opinion?
 A A very small amount, I mean, less than half a cupful, for example.

MR. FERNANDES: I am satisfied, Doctor. I have no other questions.
 THE COURT: I have no further questions.
 MR. FERNANDES: Just one more.
 Q (By Mr. Fernandes) Did you at some time sign a death certificate?
 A Yes.
 Q When you tell us when and where?
 A Yes, Mr. Gafford came to my office that afternoon when I was attempting to hold office hours. Do you know what time that was, approximately?
 A 2:30 to 3 o'clock, with a certificate for me to sign, which I did.
 Q And you understood Mr. Gafford to be Mr. Kennedy's legislative assistant?
 A That is right. He introduced himself to me.
 A I signed it at that time.
 Q As a physician by immersion. In other words, by drowning.
 Q That Guay is G-u-a-y, is it not?
 A (Witness excused.)

**TESTIMONY
 OF
 RUSSELL E. PEACHEY**

Before:
 Hon. James A. Boyle, Justice of the
 Edgartown District Court

Present:
 Edmund Dine, District Attorney for the
 Southern District of Massachusetts,
 Boston, Massachusetts,
 Peter Guay, Assistant District Attorney,
 for the Commonwealth.

Thomas Teller, Clerk of Courts
 Helen S. Ryan, Temporary Court Officer
 Stanley R. Lipman and Harold T. McNeil
 Official Court Stenographers
 Mr. Peachey, Massachusetts
 Edgartown, Massachusetts
 Wednesday, January 7, 1970.

RUSSELL E. PEACHEY, Sworn

DIRECT EXAMINATION BY MR. FERNANDES:
 Q Will you please give your full name to the Court and please spell your name for the stenographer?
 A Russell E. Peachey. Just the last name?
 Q Yes.
 A Pe-c-h-e-y.
 Q And your legal address, Mr. Peachey?
 A 603 Southard Street, Key West, Florida.
 Q And your occupation?
 A Embalmer.
 Q And are you the embalmer at the Shiretown Inn?
 A Yes, sir.
 Q And were you so occupied on July 18-19, 1969?
 Q And in what capacity did you reserve certain rooms for party?
 A I was partially involved in making the reservations, yes.
 Q Could you tell us who contacted you and make those arrangements?
 A It is a little difficult. There were several people involved. Joe Guigan was involved, just Driscoll was involved. I think primarily the two of them handled most of the arrangements.
 Q As a result of those arrangements did you become aware that Mr. Kennedy was occupying a certain room in your Inn or at your Inn?
 A I think I would have to say that we did not definitely know he was coming until he arrived really or just shortly before.
 Q In any event, you became aware of the fact that he was occupying a room in your Inn?
 A Yes.
 Q Could you tell us for the record which room it was?
 A What we refer to as Mayberry 6.
 Q And do you know whether or not he had anyone else in his room with him?
 A All right.
 Q Did you share a room with Joe Guigan.
 A I can't say that for a fact, though.
 Q Did you have occasion to see Mr. Kennedy at any time on the day of the 18th, July 18th, that is a Friday.
 A Yes. The Senator arrived, I would judge, somewhere around - I wasn't actually at the desk when he did arrive, but somewhere later in the afternoon around 4:00, 5:00, he checked in?
 Q The 18th, he checked in?
 A Yes, I did not see him to speak to at all. He did wander past the office door at one point. I don't remember the time.
 Q Were you on duty the night of the 18th or the morning of the 19th?
 A I guess you could call it on duty. Actually what I was really doing, if you had been here on regatta weekend, I would have been on duty. I would have been on duty to quite a few parties and over aim mainly was to just try to keep some order and see that people didn't get partying too much and didn't disturb other guests that had no interest in the regatta whatsoever.
 Q How many rooms in the regatta house?
 A There are eight units; some are two rooms.
 Q Could you describe that?
 A Describe it? How is it situated, two floors, one floor?
 A There are three floors. The ground floor has four units plus a small lounge area. The second floor has three units plus the deck and the top floor has one unit.
 Q And where was Mr. Kennedy staying?
 A Mr. Kennedy was on the second floor occupying space that entered off the deck area.
 A Yes, there is a room over him, but that part of the room is in the low part of the roof, so I'm not even sure that the actual part of the room extends over his room or not.
 Q Did you have occasion to see him sometime on the 19th?
 A Now, you are referring to the early morning hours, I mean?
 Q Yes.
 A I just happened to be standing in front of the office after having walked, you know, back and forth from the end of the property out to North Water Street and I was just standing in front of the office and I heard footsteps coming across the deck. There were no lights up there, so I just thought I would want to see who it might be, so I went out to see who it was. I saw two people, and not; and the individual came down the steps and as he touched the ground, he turned around the steps and I asked if I could help him.
 Q Did you recognize him?
 A It wasn't until I spoke to him that I realized who it was.
 Q There are no lights on there, but it seemed to me that there is a light up there, but it seemed to me that any light that was on on the 19th, I don't recall any light that was on on the 19th. I don't recall any light that focused down to the floor of the deck right near where the steps enter up on the floor of the deck and it is purely to light the steps just slightly up there.
 Q So what did this person say?
 A I asked if I could help him. He said, no.
 Q Did you include the conversation?
 A He said no?
 A He said he had been awakened by a noise coming from a party next door. He went to look for his watch, he couldn't find it, and wondered what time it was. I turned and looked in the office.
 Q These were the exact words?

Q As near as I can reconstruct, they are.
 Q He was awakened?
 A Right.
 Q Could not find his watch, wanted to know what time it was?
 A Right.
 Q He came down and asked for the time?
 A Right.
 Q Well, I didn't know that he was specifically coming down to ask for the time. He did come down the steps and since I did speak to him and asked if I could help him, this is what his reply was.
 Q And what did you do?
 A I turned and looked in the office window at the clock in the office and it said 2:23 and I told him it was 2:23 what did this person do?
 Q Thanked me, turned and went back to the quarters.
 Q He thanked you and just went back up the stairs?
 A Right.
 Q Complained about the noise in the party?
 A He really didn't, and didn't ask me to do anything about it, either.
 Q Was there any noise going on at Mayberry House?
 A No, not any noise going on there.
 Q Not any noise coming from backyard at the Colonial Inn?
 A Yes, I did.
 Q Did you recognize who this was?
 A Yes, I did.
 Q By appearance or voice?
 A Both, after he got down where I could see him.
 Q See him?
 A Yes.
 Q How far away were you from him?
 A I would judge it is probably as near as we were was probably 40 feet and as far as we were probably 50.
 Q From where you are sitting —
 A The COURT: That won't help the record.
 Q (By Mr. Fernandes) How far away?
 A About 40 feet.
 Q About 40 feet in your opinion is the shortest distance?
 A Yes.
 Q Could you tell me what he was wearing?
 A It seems to me that he had a jacket and a pair of slacks.
 Q Other than that, I couldn't tell you.
 Q Did you —
 A Did you —
 Q The color, I couldn't tell you.
 Q Could you tell whether or not the clothing was wet?
 A I couldn't tell you that.
 Q Could you tell what his appearance was, his hair, for example?
 A I really couldn't.
 Q I would rather not say if I don't know for a fact.
 Q You don't know?
 A And I don't know.
 Q Did he have shoes on?
 A I don't know.
 MR. FERNANDES: All right, fine. No further questions.
 THE COURT: Thank you very much.
 (Witness excused.)

**TESTIMONY
 OF
 GEORGE W. KENNEDY**

Before:
 Hon. James A. Boyle, Justice of the
 Edgartown District Court
 Present:
 Edmund Dins, District Attorney for the
 Southern District of Massachusetts,
 Armand Fernandes, Assistant District Attorney,
 Edgartown District Court

Peter Gay, Assistant District Attorney,
 for the Commonwealth.
 Thomas Teller, Clerk of Courts
 Helen S. Lynn, Temporary Court Officer
 Sidney R. Lipman and Harold T. Mencl,
 Official Court Stenographers
 Edgartown, Massachusetts
 Wednesday, January 7, 1970.
 GEORGE W. KENNEDY, Sworn

EXAMINATION BY MR. FERNANDES:
 Q For the record, would you please tell the Court your full name?
 A Yes, Mr. Kennedy.
 Q Now, in your capacity as an Inspector for the Registry of Motor Vehicles were you summoned to Dyke Road and Dixie Bridge at some time?
 A Yes, I was.
 Q I happened to be out fishing on that day. It was on a Saturday. I was out in my boat fishing right off Cape Light. I received a call on the radio that the Edgartown Police Department was looking for me.
 Q Can you tell me what time this was?
 A It was approximately 10 o'clock.
 Q And as a result of that call, what did you do?
 A I went to the scene and I saw a skid mark on the road which I did, met Chief Arma at 10:15 at the Edgartown dock.
 Q How was Chief Arma dressed at this time?
 A At the time I saw him he had a pair of trunks on and a T-shirt.
 Q Did you drive to the scene?
 A Yes, I did.
 Q Did you tell us what you found when you arrived at the scene?
 A When I arrived at the scene I observed a car in the water on the right side of the bridge. I had noticed the skid marks on the dirt and continuing straight to the right and over the bridge.
 Q I immediately went to my car. I had Inspector Motta with me, who was my assistant for the summer, and we went to measure the skid marks that were on the bridge.
 Q I was going to ask you to turn and look at a chart behind you.
 THE COURT: Just one thing you must be careful about. I noticed in going over the record when you refer to the illustration the illustration is not in the record.
 MR. FERNANDES: The answers sound very strange.
 Q I will ask that you look at the chart and with reference to that chart I am going to ask you that you refer to the Court where you saw the skid marks and I am going to ask you to draw the skid marks.
 A Could I put my own on? I have a diagram of what I had observed. I would rather put my own diagram on because we refer to it.
 Q Can you point it to the board and refer to it as long as it is in the Court?
 A I can hold it here. I think it is a large enough.
 Q This is the Dyke Road leading down to the bridge.
 Q With reference to the record, Mr. Kennedy, you are pointing to —
 THE COURT: Could we be able to have this marked

and put it in the record?
 THE WITNESS: This is from my records. I believe I have another copy at my office.
 Q Is this a photograph of that chart?
 A Yes, it is. No, not exactly this one. It is approximately the same.
 THE COURT: If the Inspector would let the Clerk have it we can get it photographed downstairs here.
 THE WITNESS: It is all done to scale or is it just what we call a diagram?
 THE WITNESS: This is just a diagram of what we had to observe.
 THE COURT: This is not drawn to an engineer's scale?
 THE WITNESS: No.
 THE COURT: Let the Clerk arrange it so he can get a photograph and we will mark it as the next exhibit.
 THE WITNESS: We will mark it as the next exhibit.
 Q Now, how far apart were those?
 A Approximately five feet apart.
 Q And the one which is closest?
 A It was 18 feet on this one and the left side, 18 feet on this mark here, and the opposite mark shows 33 feet 2 inches to the top of the rail.
 Q Would you describe what a rail is?
 A A rail is a piece of wood, one on top of each other, nailed together which were 2 x 10 making a rail surface about four inches high and ten inches wide.
 THE COURT: Off the record.
 THE WITNESS: These were the two skid marks made and they started at the same place and they went right at the bridge, what you mean is that that is where you arrived?
 A Yes.
 Q And the surface to the bridge is what?
 A All gravel.
 Q Are you able to measure your skid marks on gravel?
 A Yes, I am.
 Q A lot of traffic in the area of the bridge when you arrived?
 A That is correct.
 Q In any event, what you could measure was on the wooden structure?
 A Right.
 Q Mr. Kennedy, I show you this photograph. Looking at the photograph could you point to where on the photograph you measured those measurements?
 A There was one approximately this way. The other one was this way.
 Q And when you got to the scene did you see what appeared to be a notch on this rail?
 A Yes.
 Q At this point where you measured the angle from the rail rail to the bridge?
 A No. I made it from the very end, from the outside of the rail rail to the full length of the skid marks from the start of the bridge to the end of it, on the top of the rail rail.
 THE COURT: Yes, you said that.
 THE WITNESS: Yes, that was the distance from the top of the bridge here to the top of the edge of the water.
 THE COURT: Who measured that?
 THE WITNESS: Inspector Motta and I. We had a steel tape and holding it at the bridge and letting the water tap down slowly, so it could touch the water.
 THE COURT: You have six feet water.
 THE WITNESS: That is right. That was the depth of the water.
 THE COURT: You measured that with a line you dropped down?
 THE WITNESS: Yes.
 THE COURT: That was at the time you were there?
 THE WITNESS: Yes.
 THE COURT: This was approximately ten o'clock?

THE WITNESS: This was approximately 10:30.
 THE COURT: Now, this picture that you have here, is an illustration of where the vehicle might be?
 THE WITNESS: No, of a vehicle traveling in this direction, you honor.
 THE COURT: You didn't see any vehicle right there when you arrived?
 THE WITNESS: No, your Honor.
 THE COURT: As I see it, the things that you actually saw there are the skid marks, the width of the bridge, the height of the rail rail?
 THE WITNESS: That is right.
 THE COURT: Is that measurement from the floor of the bridge or is that measurement from the outside?
 THE WITNESS: No, this measurement was from the top of the bridge, the rail rail, measurement of how high that rail is from the surface of the bridge?
 THE WITNESS: Four inches. They are two-inch planks.
 THE COURT: I thought you said that was the width.
 THE COURT: What is the measurement this way?
 THE WITNESS: Ten inches wide and four inches high.
 THE COURT: Four by ten. It was two pieces of 2 x 10 nailed on the bridge.
 THE COURT: Off the record.
 THE COURT: For the record, the Court took two views of the area of the accident, one in August 1969, the other in December of 1969.
 THE COURT: Now, off the record.
 THE COURT: This will be marked exhibit, whatever the next number is when you make the photo.
 MR. TELLER: Exhibit 7.
 MR. TELLER: Exhibit No. 7.
 (Photograph marked Exhibit No. 7)
 (By Mr. Fernandes) Now, with reference to your work product that you have here, Mr. Kennedy —
 THE COURT: Let's call it what?
 Q MR. TELLER: Exhibit 7. I believe you have other measurements you made at the scene at that time of approximately 10:00, 10:30 on July 1969?
 A That is correct.
 Q And for the record also was the motor vehicle still in the water when you arrived?
 A Not in the original spot.
 A It had been moved to the lower right-hand corner of the bridge still in the water.
 Q All right. Now, with reference to where to where did you tell us how wide it is and from where to where did you measure?
 A Measuring from the inside of the rail rail from the left to the right side the exact width of the bridge was ten feet six inches wide.
 Q The length of the bridge from one end to the other was 81 feet.
 Q And do you have the angle which the bridge has to the road?
 A Estimated it to be approximately a 27 degree angle.
 Q From where to where? Dyke Road as it approaches the bridge?
 A Starting coming down from approximately 27 degree angle going in an easterly direction towards the ocean.
 Q And for the record would you also describe Dyke Road as it is in the vicinity of the bridge?
 A It is a wide gravel road. There is dirt shoulders on the right side. On the left side there is a large area that people had been using for parking because people used the left side for parking their cars. On the right side it is just a dirt shoulder and there was a large pile of dirt on the right front of the bridge and another large pile of dirt on the left front of the bridge.
 Q Can you tell us how long is Dyke Road?
 A I believe we had measured it off, I can't exactly remember the exact distance. I think it was a mile and

two-thirds if I am not mistaken. I had measured it off and had given it to Chief Arena. You measured it on Chief Avenue? I did.

Q All right. Now, are there any lighting standards provided for in either the area of the Dyke Road or Pike Bridge?

A There are no lights of any kind, no warning signs.

Q Are there any houses in the area?

A There are a few houses on the right and a couple on the left. Now, you a photograph; is that a fair representation of the view from the bridge looking, I will refer to, as up Dyke Road?

A That would be going west.

Q All right, west.

Q Because this was the east.

A It is that, a fair representation of the angle of the road to the bridge.

Q Please show it to the Court. Let his Honor look at it.

A (Witness complied.)

Q And is this what would amount to be the opposite view?

A Coming east, yes.

Q Is that a fair representation?

A It is.

Q And you please also show that to the Court?

A (Witness complied.)

THE COURT: Do you want these marked?

MR. FERNANDES: May they be marked 8 and 9, if your Honor please, in that order; the first one being, that would be No. 8.

Q (Photographs marked Exhibit No. 8 & 9.)

Q (By Mr. Fernandes) With reference to Exhibit No. 8, do you know whose house that is?

A Mr. Malin.

Q M-4-m?

A M-4-m.

Q And how far is that house from the bridge?

A I would say approximately 250-275 feet.

Q Now, what else did your investigation consist of, Inspector Kennedy?

A We had observed the - I was notified of this vehicle and the accident being in the water and that they had found a body in the vehicle, which means that we had to check out the vehicle, check out the skid marks, check out the area, find any witnesses to which we could get any information from relating to what happened to cause the accident.

Q And what did you do?

A And we asked all kinds of questions from anybody that we could get. I went to the house of Mrs. Malin, I had met Chief Arena there and he said Mrs. Malin had heard a car. So, I went up to Mrs. Malin's house and she had said that she had been bothered so much that she had no comment to make; that she did hear a car at night but heard nothing else and that is all she would comment on.

Q Do you know what time she heard it?

A She would know where around midnight. She didn't know exactly.

THE COURT: Off the record.

(Discussion of the record.)

Q (By Mr. Fernandes) Did you examine the right rib rail? I did.

Q Tell the Court what you saw when you were there.

A I saw a rib rail on the right side of the vehicle and the wheel skidmark had gone over the rib rail.

Q Tell which wheel it was.

A Right front wheel and then there was a large gouge between the two skid marks on the rib rail in the same direction going off to the right and then a large gouge on the left where the skidmark had gone over on the rib rail. The skidmark going directly off on the right side would point to the gouge and show it to the Court where the gouge is?

A (Witness complied.) Right in there, your Honor. The skidmarks were coming right off and a large gouge.

THE COURT: Now, I would like to ask the question, what was the rib rail in Exhibit 25b?

Q (By Mr. Fernandes) I asked him if that is a fair representation of the gouge. You were there that day, there was a gouge?

A Yes.

THE COURT: Off the record.

(Discussion of the record.)

THE COURT: He will call them what?

MR. FERNANDES: Yes, your Honor.

THE COURT: And this one, too?

MR. FERNANDES: Yes.

MR. TELFER: And Exhibit 11.

Q (By Mr. Fernandes) Inspector Kennedy, I show you these two photographs which have been marked Exhibits No. 8 and 11. Now, I ask you to look at the rib rail I can. These were the actual scenes.

Q This was the scene?

A Of the rib rail.

Q You are now looking at Exhibit No. 10, is that right?

A That one is clearer than that one.

Q You mean Exhibit 11 is clearer than Exhibit 10?

A I ask you to examine Exhibit No. 11 and could you tell us what appears in Exhibit No. 11 for the record?

A This was the skidmark of the right front wheel going over the rib rail and this was the large gouge between the two skidmarks and the left wheel was over on this side. This was the right front skidmark going this way and the large gouge in the rib rail that we were talking about is between the rib rail and the right front skidmark. This is the rib rail and the right front skidmark and the left skidmark does not show in the photo.

Q Was there any other physical evidence that you observed at the scene that you could tell the Court about, Mr. Kennedy, other than what you have already described?

A Physical evidence, no.

Q In terms of skidmarks, et cetera, this is the extent of it?

A That is how long have you been a registry inspector?

A Fifteen years.

Q In that capacity, how many accidents have you examined, investigated?

A I have investigated approximately, well, down here I have had, oh, maybe 35 or 40.

Q In your fifteen years experience?

A Back in Boston, that I couldn't tell you.

Q Approximate?

A More than a hundred?

Q Could be, yes.

Q More than two hundred?

A That I don't know.

Q In any event, drawing on your experience and based on the physical evidence, are you able to form an opinion, in your own mind, as to whether or no answer.

A THE COURT: Wait a minute, he hasn't asked you as to what.

Q (By Mr. Fernandes) As to what speed a car would be traveling in order to leave the skidmarks which you described for the Court?

A Yes, the markings on the bridge as you described to the Court?

Q Have you an opinion?

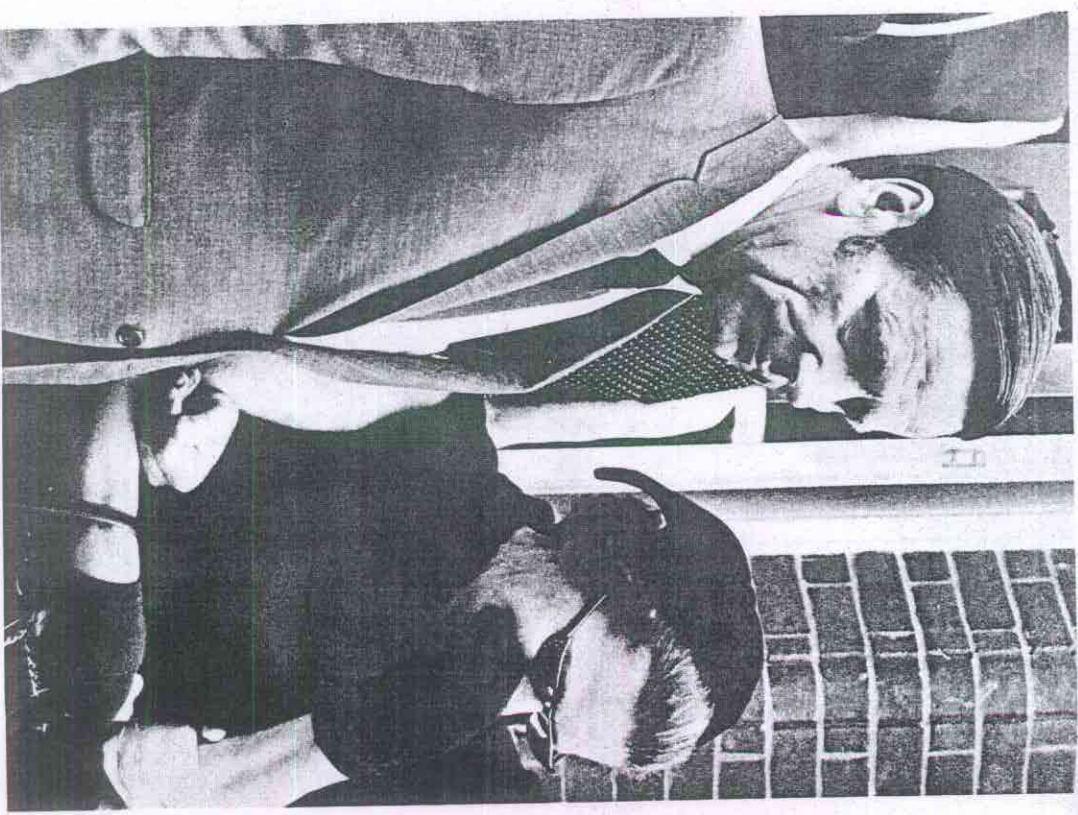
A Yes.

Q And by the way, in your opinion, I want you to consider the type of car that was being driven, the size, the make, the type of car, the weight, and did you know what was the weight, by the way?

A All right. Can you form an opinion or have you an opinion?

A As I stated -

Q Have you an opinion, yes or no?



Mr. and Mrs. Joseph Koscich, Mary's parents.

Q Now, Mr. Look, when you say you were about 25 feet from the car it moved away from you?

A Yes, sir.

Q Would you describe how it moved away from you?

A It just drove off.

Q How long did you observe the car?

A You mean from the first moment I saw it until I didn't see it after it started to move away from you.

Q Just a matter of ten seconds.

Q Well, how far did the car travel in distance during these ten seconds that you observed?

A I wouldn't venture to say because the roads were dry and there was a lot of dust and all I could see was just the lights going on down the road, but I wouldn't know how far.

Q You saw the lights going on down the road?

A Yes, the rear of the car going down the road and the headlights and the dust. I would say hurried moderately. It didn't spin the wheels when it left.

Q Was it on the macadam road when it left?

A Yes, sir.

Q Did you see the people in the automobile looking at you?

A I didn't, I couldn't tell.

Q Did you say anything to them, cry out?

A No, sir.

Q Nothing was said, what did you do next?

A I walked back to my car and got in it and proceeded home.

Q On the way did you encounter anyone or any other people?

A Yes, sir.

Q Could you tell us who you saw and when?

A I met two women and a man. There was one tall girl. They were in a line going down the road.

Q Behind each other, single-file?

A Yes. As I approached them it would be a tall girl and a little shorter one and a fairly short man. They were walking toward me and I was.

Q Which would be towards the Lawrence cottage, as you know it?

A Yes, sir.

Q And towards your home?

A Right.

Q Now, did you see any other cars?

A No, sir.

Q Now, you see anyone else other than these people on the road?

A No, sir.

Q Whether or not you had any conversation with anybody at that time?

A I stopped my car and asked if they would like a lift.

Q Was there a response made to you?

A Yes, there was.

Q As I recall tell us what was said?

A As I recall tell us what was said?

Q On the end and, "Shove off, buddy," recollection, the girl is this the tall one?

A The tall one, "Shove off, buddy," or "Shove off, mister, we are not pick-ups," or something to that effect, and the man in front, I was about ready to get out and ask them if they wanted a lift, and the man in front said, "No, no, no, Mr. Look. We are only going to this place over here," and he pointed in the direction of the cottage.

Q The Lawrence cottage?

A Yes.

Q Did you make any observation of these people?

A One was very tall and the other girl was short and the man was short.

Q Did you see anything else?

A They were wearing slacks, I looked like boat sneakers, the two girls, and they were very jovial, happy.

Q Did you hear any further conversation at that time?

A No, sir.

Q When you passed by the Lawrence cottage, did you observe any motor vehicles outside it?

A No, sir.

Q Did you observe any lights?

A No, sir.

Q Did you hear anything?

A No, sir.

Q What time would you say you passed this cottage?

A It would have to be the night around a few minutes after 1:45 a.m.

Q You mean 12:45 or 1:00?

A A short time after!

Q Between 12:45 and 1 o'clock, would that be a fair representation?

A It would have to be before five minutes of 1:00 because I got home at five minutes of 1:00.

Q Did you do anything else that night? You went to bed, is that right?

A Yes, sir.

Q How far do you live from the Lawrence cottage?

A It is about a mile. I would say.

Q The next morning were you aware of the fact that there had been an accident on Dyke Road at Dice Bridge?

A Yes.

Q And in my capacity that you hold or for curiosity's sake did you go down to the scene?

A My boy answered the telephone, one of my children, my oldest son, he had been called, and they said there had been an accident and I may be needed to give Chief Arona some assistance, so I went down there.

Q So, you went down to the scene. When you got to the scene, what was there, what did you observe?

A Well, I met Chief Arona walking up towards the Dice Bridge, the other cottage, and I stopped and said, Jim, some help keeping traffic away. There is a car that has turned here in the thing and we are trying to find out if there is anyone in it.

Q Where was the car in the water?

A Yes.

Q When what happened?

A See I couldn't tell daughter to take the car and bring her mother to the car and I would stay there and help the Chief, which I did.

Q And was the car removed from the water in your presence?

A Yes, quite a long while later.

Q And what if anything did you observe at that time or may?

A Well, prior to the car coming out of the water, I had seen the Chief, I remember seeing a man, Robert Brogier, about seeing people walking in the water, also observing the car, and told him I hoped this wasn't the same one; and about that time Chief Arona came up after they were still trying to get the car out and he asked me if I would give him a ride back to the point and I told him I didn't have any car, that I knew that there was a car that would give him a ride back down to the point. About a half hour elapsed and Chief Arona came back and told the patrolman and myself and said, go, do you know who was driving that car last night? I said, I hadn't the slightest idea, only from what I told him it appeared to be a man and woman and somebody else. He said, it is Senator Kennedy. I don't know any more than that, that he told you that?

Q What time was this then, that he told you that?

A It would be just a guess, I would say, sometime around 10:15 or 10:30.

Q Did you look at the car?

A The car was still in the water.

Q Did you see the car at all?

A Yes, you could just see the four wheels sticking up.

Q We were up at the scene when it came out of the water?

A Yes.

Q What did you observe about it, at that time?

A As soon as they started to pull it out and it became visible, I walked over and told Officer Brogier, gee, that is the same car, I saw that night.

THE COURT: Not to foreclose, but are we going to get all this same evidence from Chief Arona?

(Discussion off the record.)

Q (By Mr. Fernandes) Now, where were you standing when you saw the car come out of the water?

A On the top of Dice Bridge.

Q And as it was coming out, what did you first see of the car?

A Top part of it and then the back end and the number plate.

Q And after examining it, that is when you concluded this is the same car you had seen before?

A I didn't examine it that closely. I just looked quickly and decided in my own mind that was the same one I had seen and I walked over and mentioned it to Officer Brogier.

Q What time did you look at the number plate again?

A Yes.

Q Again going back to the man, where you say you saw these two girls and a man, other than the fact one was tall and small, et cetera, did you make any other observations other than what you told us, anything specifically as to drink, did you make any observations as to drink?

A As to liquor?

A I couldn't say, I just say they were very happy-go-lucky people.

Q How far away were you from them at again the closest point?

A Five or six feet.

Q All the conversations you had with them was five to six feet away?

A Yes, whenever it was from when I stopped the car to about the edge of the road, five, six, seven and a half feet.

Q Are you certain there were no lights on at the Lawrence cottage that you remember?

A I couldn't say that night.

Q I'm not sure of your answer, you don't know?

A No.

Q I would not say.

Q You don't know?

A I don't know.

Q Well, let's talk about an automobile in front. Can you say definitely there was not a car in front of the Lawrence cottage that night?

A No, I can't.

Q I don't know, no.

THE COURT: You weren't paying any particular attention when you were driving?

THE WITNESS: No, sir, I was just kind of dejected and offered my assistance and tried to to the two people.

THE COURT: I want to ask you about the car that came out of the water. You said, I think, that the night of the accident, you saw a dark colored car?

THE WITNESS: Yes.

THE COURT: You said, as I understand it, that this car went by you and it was a dark colored car?

THE WITNESS: Yes, sir.

THE COURT: Could you be any more definite about its color other than it was a dark color?

THE WITNESS: No, sir, that it was either black or deep blue.

THE COURT: Or a dark green, any dark color?

THE WITNESS: Yes, sir.

THE COURT: You couldn't, then, identify it as being the same color?

THE WITNESS: No, sir.

THE COURT: Definitely as the car that you saw taken out of the water?

THE COURT: No, sir.

THE COURT: You recognized or you saw a letter, a seven, and then another seven at the end?

THE WITNESS: No, sir.

THE COURT: Do you remember how many numbers, letters and numbers there were on the plate?

THE WITNESS: Since that time—

THE COURT: No, no, I mean then.

Q What is your legal address?

A Boston Road in Vinaryard Haven, Massachusetts.

THE WITNESS: No, sir.

THE COURT: Whether it was four numbers, five numbers, six numbers?

THE WITNESS: No, sir.

THE COURT: So that when you saw this number on this car that came out of the water, you can't identify that as being the same identical number that you saw on the other car?

THE WITNESS: No, sir.

THE COURT: Well, you are unable to positively identify this car taken out of the water as the identical same car you saw the previous night?

THE WITNESS: In my opinion—

THE COURT: No, I'm talking about the positive identification.

THE WITNESS: No, I can't.

THE COURT: You can't identify the exact color?

THE WITNESS: No, sir.

THE COURT: Of the exact number plate?

THE WITNESS: No, sir.

THE COURT: Now I am speculating a little bit, but it looks as though this car in the rear has, as many cars do, a sweater or clothing or a bag upon the back of the seat.

THE WITNESS: No, sir.

THE COURT: All right.

MR. FERNANDES: If your Honor please, I have no further questions of Mr. Look.

THE COURT: Thank you, Mr. Look. You are excused.

THE COURT: Yes.

THE COURT: Thank you very much.

THE COURT: You are your testimony to anybody until the case finally becomes public.

THE WITNESS: Yes, sir.

TESTIMONY
OF
EUGENE FRIEHL

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Present:
Edmund Dine, District Attorney for the
Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter O'ay, Assistant District Attorney,
for the Commonwealth.

Thomas Teller, Clerk of Court
Helen S. Tyra, Temporary Court Officer
Shirley R. Lipman and Harold T. McNeil
Official Court Stenographers.

Edgartown, Massachusetts
Wednesday, January 7, 1970

THE COURT: Has she gone out for somebody's
laker.
MR. DINIS: Yes, your Honor, Mr. Friehl, the under-

EUGENE FRIEHL Sworn

DIRECT EXAMINATION BY MR. FERNANDES:
Q Please give the Court your full name, Mr. Friehl?
A My full name is Eugene Friehl, no middle initial.
Q And how do you spell your last name?
A F-r-i-e-h. It spells Friehl, but I've always been called
Frieh.
Q What is your legal address?
A Boston Road in Vinaryard Haven, Massachusetts.

Q Oakdale Drive, Edgartown.
 Q And what is your occupation, sir?
 A Manager of the Turf and Tackle Shop here in Edgartown.
 Q Would you be a member of the local Search and Rescue Squad?
 A I am the captain of the Edgartown Fire Department Search and Rescue Division, Scuba Search and Rescue Division.
 Q How long have you been involved in scuba diving?
 A Since I was 15 years old.
 Q And how old are you now?
 A Thirty-three.
 Q Thirty-three? Your attention to July 18th and 19th. In your capacity as captain of the Scuba Search and Rescue Division were you summoned to Dyke Road and Dike Bridge?
 A Yes, I was.
 Q Will you tell us approximately what time?
 A At approximately 8:25 a.m. on July 19th.
 Q How?
 A I received a message to the effect that a car was upside down. To the effect that the car was upside down at the Dike Bridge and to proceed there with scuba gear.
 Q How did you get there?
 A I immediately left for the fire department from the Turf and Tackle. I left for the fire department to pick up the scuba gear and was joined by another fireman to go to the Dike Bridge. We missed the ferry by one minute. On crossing over I suited up, that is, put on my wet suit and made the tank ready to go. Chief Antonio Silva was waiting on the other side and we "sped" to the scene. Antonio Silva and Lawrence Mercer accompanying us.
 Q How long did it take you to get there?
 A We arrived at the bridge at 8:45 having been in transit for 20 minutes.
 Q Approximately 8:45 a.m.?
 A Yes, you informed that the owner of the car was Mr. Edward M. Kennedy by Chief Arena or did he say Ted Kennedy?
 A Yes, I believe it was Ted Kennedy but I was informed as I got out of the car by Chief Arena who was sitting on the rear of the car in the middle of the stream that it was probably he. Ted Kennedy and that he thought I should be the in-charge.
 Q What did you do?
 A The Chief was in a bathing suit and had attempted to dive to the car but stated that he could not make it to the car because the current was too swift. The tide was going out and the water depth was approximately six to seven feet. The car was upside down. Were you in the car?
 A No.
 Q What did you just described is what the police chief told you?
 A That is right.
 Q He said the water is six feet deep here?
 A No, I am sorry. This was a conclusion that I formed after going into the water.
 Q You told me that you did. You went into the water?
 A Right.
 Q What did you do?
 A I went into the water and checked the car on the left-hand driver's side. I looked through the open window and found nothing in the front seat. Fifteen to twenty inches of the car. I then walked around to the back of the car and saw two feet together in the top of the right side of the rear window.
 Q Now, before we get to that, what is the position of the car to the bridge?
 A The position of the bridge was perpendicular to the car.
 Q The front of the car is where?

A The front of the car is approximately ten feet from the bridge. From the alignment of the bridge, approximately. At that time it was upstream, the way the tide was running then.
 Q And how deep was the water, if you know?
 A The depth of the water at that time was six to seven feet.
 Q Was it going up or down?
 A The tide was falling at that time.
 Q And you say you walked to the back of the car and you saw a pair of feet?
 A That is right, pair of feet.
 Q You were looking now through the rear window of the car?
 A That is correct, looking through the rear window of the car, and a pair of feet were visible clearly because the light was reflecting off the feet.
 Q Well, the light that is reflected. This is difficult to describe, but when you are under water light is very indirect, there's sort of a halo of light over everything. The light in this case would be reflected off the bottom of the pond and I could see the two feet in the rear window.
 Q The lights of the car were not on?
 A No, sir.
 Q With reference to the feet, what position were they in?
 A You say you saw two feet. With reference to the car which is now on its roof, what is the position of the feet?
 A The feet were together in the top of the right side of the rear window. Now by top I am referring cross-ways to the surface of the water.
 Q So you mean the floor of the car?
 A The section of the window closest to the floor of the car, if you will, yes.
 Q The position of the car is diagonally across from where I first looked into the car. On entering the open right-hand side of the car, I looked into the right-hand side of the car and found the victim's hand holding back, face pressed into the foot well, hand holding onto the front edge of the back seat. By holding herself in a position such as she could avoid herself of the last remaining air in the car.
 Q Well, so we understand each other, you don't know what was done. I want you to describe just exactly what you saw.
 A This is what I am describing, sir. I may offer a picture if that would be of any help. It would be worth a thousand words.
 Q Let me see what you have.
 Q (Sketch handed to Mr. Ferrante.)
 Q Was that prepared by you?
 A That was actually redrawn approximately three times to be THE COURT: Is this side is the bridge?
 THE WITNESS: The bridge is to the left.
 Q The car is resting upside down on its roof so the bridge would be to the left. This is the surface of the pond. This is the bottom of the pond. The bridge would be to the left. We are looking—
 THE WITNESS: Yes, sir. I look at it again now.
 THE WITNESS: As far as I am very sure. We are looking at it from the side that the individual was removed from.
 MR. FERRANTE: May we go off the record for a moment, your Honor?
 THE COURT: Yes.
 (Discussion off the record.)
 THE COURT: This will be No. 14.
 Q Now, Mr. Ferrante, having observed this body in that position what did you do?
 A Since both right front and back windows were blown out the removal was accomplished through the right rear

Q You determined that under the water?
 Q Yes, sir.
 Q By the way, had you come up at any time to tell Chief Arena what you saw?
 A I had not come up at any time to tell Chief Arena what I found. At that point I was working under what I considered emergency conditions. I could observe a body there by the feet, but I could not come to any conclusions as to whether she was alive or dead.
 Q So you went into the car through the driver's side?
 A No, sir. From the right rear window. I started from the access through the right rear window.
 Q Which was blown out.
 Q Had you determined that before you went in?
 A I determined that both the right front and the right rear windows were blown out. I did determine that before I went in because the fragments of glass were still in place.
 Q So you entered the vehicle, did you?
 A I did.
 Q And what did you do then?
 A I reached up with my hand inside. I observed her position first, carefully reached up with my hand inside taking hold of her right thigh. I turned her within the car. At this point, of course, I was aware that the girl was dead since the girl was hard and rigid motions had set in.
 I reached her head through the same previously-mentioned right rear window, secured my safety line which I had with me around her neck. In the event that I was unable swimming with her to stem the strong tide which I faced with the bulk of both our bodies on removal. The point of the safety line is simply to the extent for my own safety. I could let her go and not lose the body. I was aware that the car which was just being submerged and where Chief Arena was for me.
 The recovery took ten minutes.
 As soon as Chief Arena saw the body, he called the county coroner, the Medical Examiner. He directed, except the county coroner, the Medical Examiner and the Registry of Motor Vehicles, for the body to be called for removal.
 Q What did you do with the body?
 A Chief Arena and I placed the body in a boat and it was removed to the cutter by the police and fire department personnel.
 Q After handling the body over, did you again do something at the scene?
 A I placed the work through the right-hand front window, again the passenger's side. I removed a pulse resting on the headliner inside the car.
 Q The headliner?
 A By headliner I mean the liner which goes on the inside of the roof. If I say the roof a great many people think the top of the car. It was resting on the roof inside the car which was upside down.
 Q Was it in the front or back?
 A It was in the front.
 Q Did you do anything after that?
 A I removed it. I proceeded to get into the boat with the person, my initial inspection of the vehicle having been done.
 Q Would you like to get into — I examined the pulse at a later date with the police. Do you want to get into that?
 Q Did you get into that with the Chief?
 A Did you go back into the water and make any other search?



Witnesses arrive at Edgartown for hearing.

A As far as the car itself was concerned, no, I didn't go back into the water. We did conduct at a later time. Since it was still thought that another person could be in the car, we conducted another up-tide search and found the car.
 Q Did you find a chain belt of some kind, a watchband?
 A Yes. Back at the time I removed the body there was around her wrist, and I observed at the time, it was around her wrist, and I observed a gold chain belt. As she came through the window the belt became unlinked and fell to the bottom. I believe I picked that up when I picked up the pulse. Yes, that is correct.
 Q Were you present when the motor vehicle was righted?
 A Yes.
 Q What did you do?
 A I swam down-tide, was then down-tide of the motor vehicle in the event anything else was dislodged. I was partially on the surface and partially under the water and at the time it was righted I observed large air bubbles and at the time it was being towed out, emmanations from the vehicle.
 Q The car was taken from the water, was it not?
 A Yes.
 Q Did you have occasion to observe it?
 A Yes, I did. At the time it was pulled onto the shore so that the rear end, I believe there is a picture of it, as a matter of fact, taken from the newspaper picture of the car and the picture of me inside with my tank still on.
 Q Were you the first person to reach the car?
 A Yes, you tell us again with respect to particularly windows and doors did you make any observations?
 A Yes, I did.
 Q What did you notice?
 A I noted that the two windows on the right-hand front door and rear door were blown out with the glass smashed and most of the glass shattered and spalled throughout the car as if from impact. The left-hand side

Q window, the driver's window, was rolled down to within an inch of the bottom. The driver's door was locked. The main button was pressed down. That was completely intact. The left rear window. That was completely intact. The windshield was obviously smashed, however, the windshield on the window virtually intact. In other words, the windshield blown out as were the two right windows.

Q Tell me about the right doors, the front seat passenger's and the back seat passenger's side. Were they locked or open?

A I didn't have occasion to observe the two right doors other than to notice that right side and top.

Q Did you look at this photograph?

A Yes, sir.

Q Is that the photograph you referred to earlier?

A This is not the photograph I was referring to, however, this is a photograph taken at the time. The chrome stripe was found on the bottom of the water meeting to the wreck had been. The photograph of the car with the door open and shows my tank and flapper feet door open and believe it was a black photograph. What I was doing at the time was examining for any further appropriate contents.

Q I ask you to examine the Exhibit No. 1 and ask you to look at the motor vehicle which is shown there, the right side of that motor vehicle.

A Yes, sir.

Q Damage to the door particularly?

A Yes, sir.

Q Yes, I have a description that I wrote down at the scene close to it. Let me look at the windshield for a minute. Yes, the windshield is 13. Examine the windshield and I show you Exhibit No. 13. Examine the windshield and the roof.

A Is that the automobile that you saw that morning?

A Absolutely right, and the seat on the bridge is the same.

THE COURT: Are these already exhibits?

MR. FERNANDES: Yes, they are.

THE WITNESS: At the time—

Q Go ahead.

A At the time the picture I was referring to, I don't know the condition of the car and at that time I observed the condition of the driving manuals of the car.

Q Did you have an occasion to see whether or not the ignition was on?

A Yes, sir, I did.

Q What did you observe?

A On removal of the car I unlocked and opened. I should say on partial removal of the car in the position in those pictures, I had occasion to open the driver's door after unlocking it and entered the car and I found the ignition and the headlights switch in the On position. The car was in Drive. The gear was in Drive and the brake off and at a later date we examined the trunk which we found remarkably dry.

Q Did you have occasion to make observation as to the speedometer?

A No, I did not observe the speedometer.

Q You say the lights were on?

A The lights — the switch was in the on position all the way out to full headlight.

Q Would you tell the Court the character of the pond on which this car was resting, was it flat, level, rocky, would you describe that?

A By that of the Poucha Pond where the car was resting. The bottom of it where it was resting had some small rocks in it. However, it is generally flat due to the fact that it has been just recently dredged and the water was very near the — well, if I were sitting in Grand Arena's position looking at the bridge on the back, from

the back of the car, the car was resting very close to the right-hand side of the — on the right-hand bank of the right-hand side of the dredge had cut away, because I found it was difficult for me actually to look into the left front window. The car, however, was near the right-hand bank as you look at the bridge from the wreck.

Q Now with reference to measurements at the water, did you make any measurements on your own or at the request of anyone? Measurements on any one as to the position of the car from the point of impact, the height of fall and the height of the water.

Q Could you give us those measurements?

A Yes, measurements were taken at the time.

THE WITNESS: The measurement of the water was at the time that I was in the water. The measurements on the bridge were within two hours after the accident.

THE COURT: All right.

MR. FERNANDES: This is on July 19th, on the 19th.

THE COURT: I am not getting this, I don't know that we have established exactly the time of the accident.

THE WITNESS: At the time that I was at the accident scene.

THE COURT: Oh, you said at the time of the accident.

THE WITNESS: You are right; at the time I was at the accident scene.

THE COURT: I see. Well, you had better give us the lines when you give us those measurements. All right.

(By Mr. Fernandes) What time did you make a measurement of the depth of the water?

A My time observation of the water depth was at the time of the accident.

THE WITNESS: Which was I believe as I previously stated, at 8:55. I found the water at that time between six and seven feet, depending on where you were. In other words, around the car there was a variance of the water. The measurements of the tide and the marks I carried with a relationship to the tide and the marks I found to be of approximately 36 feet and a drop of approximately eight feet.

Q Could you just point to the chalk?

A The COURT: Let's keep away. If we can possibly, because it never shows in that record.

Q (By Mr. Fernandes) The 36 feet, could you tell me where that is from, point measured from approximately that middle, the marks on the bridge, the middle between the two marks on the bridge to the perpendicular in front of the car.

Q All right. Now, did you make any other measurements at that time?

A No, I did not, sir.

Q Have you an opinion as to what the current was or the tide pulling you in at that time?

A Yes, I have an opinion. You had the tide at that time was approximately four knots at the time of recovery, 8:55 a.m., was approximately four knots. It later slackened up and, of course, went completely slack with the change of the tide which was approximately 11:30 a.m.

Q And if you know, how often does the tide change in that area?

A Well, of course, every six hours is the oscillation of the tide.

Q And are you familiar with this area? You have swum there before?

A Yes, I have.

Q And do you know the various tide depths in the area of the accident?

A The depths are approximately 10 feet.

Q Yes, the high and the low, approximately.

Q If the Court.

THE COURT: Wait a minute. Off the record. (Discussion off the record.)

Q (By Mr. Fernandes) Mr. Ferrar did you have occasion to make observation as to how this body was clothed, dressed?

A Yes, sir, I did.

Q Would you tell us what you observed?

A She had on a white blouse with a gold chain belt, a dark blue slacks, and sandals on her feet. In other words, pressed as if she had just come from a party.

Q Now, you think items were you present when Dr. Mills was at the scene?

A Yes, sir. I was not only present, but I observed Dr. Mills make his examination of the body at the scene.

Q And do you recognize any of these articles?

A Well, these are the same clothes we had at Wilkes-Barre. I saw them at Wilkes-Barre and I recognized them there, and I say I recognize them here if they are indeed the same clothes.

Q Did you make any other observations at the scene, Mr. Ferrar?

Q The automobile or the body that you have not yet told us?

A Physical observations?

A Yes, sir.

Q Yes, made only in that I saw Dr. Mills and spoke with him, and I saw the body.

Q No, Dr. Mills has testified.

A All right. I spoke with Mr. Frich at the scene. We went through the car extensively after it was drawn out which was already observed; the inside, the back seat, the trunk, and the trunk was remarkably dry.

Q At the time we went there, because I went through the place on the shore, we were under the impression, I was under the impression, and the other police were under the impression that it was Rosemary Keough and in the purse we found two keys to the Dunns or the Kistler Lodge Motor Inn and at that time the rooms, Chief Arena caused the rooms to be checked to see if the keys would open them. These two rooms were the only ones that we recognized. None of these were known. This is where we still assumed because of the two keys, we assumed the possibility of another person in the car. It was, well, shortly, well, as I was planning further diving efforts Chief Arena said to me, go ahead with your efforts, when he was leaving, that he had a call and he had to leave and go. I don't have the exact time of that. Chief Arena I was sure don't have the exact time of that. Chief Arena I was sure enter into the water. I had done some diving previous to the return, and I was planning further diving efforts, Chief Arena returned and said, you may call off your diving operations. We know who the girls is, and there was no one else in the car.

Q Do you know approximately what time that was?

A This is hard to place, but I would say, well, approximately 11:30 a.m.

THE COURT: You have no further questions?

MR. FERNANDES: No.

THE WITNESS: Yes, sir.

THE COURT: And I think you have been warned not to disclose your testimony.

MR. FERNANDES: Thank you, Mr. Ferrar. Thank you, Mr. Abrams.

TESTIMONY

RICHARD P. HEWITT

Before: Hon. James A. Boyle, Justice of the Superior Court, Edgartown District Court.

Present: Edmund Dinn, District Attorney for the Southern District of Massachusetts, Arnold Fernandes, Assistant District Attorney, Peter Gay, Assistant District Attorney, for the Commonwealth.

Thomas Teller, Clerk of Courts
Helen S. Tyrn, Temporary Court Officer
Harold T. McNeill and Sidney R. Lippman, Official Court Stenographers.

Edgartown, Massachusetts
Wednesday, January 7, 1970.

MR. FERNANDES: Mr. Hewitt.

RICHARD P. HEWITT, Sworn.

DIRECT EXAMINATION BY MR. FERNANDES:

Q Please give the Court your full name?

A Richard P. Hewitt, live, Mr. Hewitt?

Q Occupation, sir?

A Norton Street, Edgartown, Massachusetts.

Q Ferry operator.

Q You were so occupied on July 18-19, 1969?

A True.

Q And I direct your attention to those two days; did you have occasion to — were you on duty, were you working?

A I direct your attention specifically to the morning of the 19th; were you on duty?

A Yes.

Q Was Mr. Grant on duty with you also?

A No.

Q All right. On the 19th at approximately 8:00 o'clock, were you on duty?

A Yes.

Q Tell us what time that was as you best remember.

A Well, it was approximately in the vicinity of 9:00 o'clock.

Q Could you tell us where you saw him?

A He walked on the ferry, Edgartown side.

Q Alone?

A With two others?

Q Correct.

Q Now, do you know any of the other two men?

A No.

Q You didn't know them before and you don't know them now?

A From pictures I have seen since. I recognize one as Mr. Frich.

Q Now, where did they go; where did you take them?

A They went to Chappaquiddick.

Q And could you tell us where they went on Chappaquiddick?

A They didn't go very far. They stood around the point over there.

Q Well, how long were you in their company or in their vicinity?

A Well, I would say approximately 20 minutes or so.

Q You stayed on the Chappaquiddick side for 20 minutes?

A No.

Q You continued back and forth?

A Yes.

Q And how did you measure this time to be 20 minutes?

A Well, I figured that I made two or three trips in between the time; that time, the time I took them over and the time I took them back.

Q Did you have occasion to make any observations of Mr. Kennedy at that time?

A No.

Q Do you know how he was dressed?

A All that I recall was that he had a short-sleeved sport shirt on; the color, I couldn't tell you.

Q How about any of the other two gentlemen?

A You don't recall if they were dressed — how they were dressed?

A No.

Q Do you recall whether or not any of them appeared to be injured in any way?

A I didn't notice anything that would make me think that they were injured.

Q Were you on duty July 18?

A Yes.

Q What time?

A From 12:00 until 6:00 p.m.

Q From 12:00 in the afternoon until 6:00 that evening?

A Yes, you familiar with Mr. Kennedy's car?

A Not I am not.

Q Or were you familiar with it at that time?

A No.

Q What time does your ferry close?

A Midnight.

Q And is there a sign on either of the ferry areas indicating that?

A Yes, when was your last run - when would your last run from Chappaquiddick be to Edgartown, at 12:00 o'clock?

A Not necessarily. In the summertime, quite often, we have to stay until 12:30, 1:00.

Q Let me rephrase it. When was your last run on the 19th or the 18th?

A On the 18th I wouldn't know. My last run was at 6:00.

Q Who was on at that time, Mr. Grant?

A Mr. Grant came on.

Q Do you know from him what time he closed down?

A No, I don't.

Q Can provisions be made for a later run?

A Yes.

Q And is there a phone to which access - is there a phone on the Chappaquiddick side?

A Yes.

THE COURT: A public phone?

THE WITNESS: Yes, a public phone.

Q (By Mr. Fernandes) You have no special phone to reach you; it is a public phone?

A And on the Edgartown side, I take it, too, there is a phone, that is true.

A Yes, that is true.

MR. FERNANDES: All right.

THE COURT: There is nothing more you know about this?

THE WITNESS: No.

THE COURT: It is the other man -

MR. FERNANDES: Mr. Grant's conversation and so -

MR. FERNANDES: I will develop it if your Honor wishes.

Q (By Mr. Fernandes) Mr. Hewitt, you were on duty that morning, the morning of the 19th, were you not, when Dr. Mills and the Fire Department went over?

A Yes.

Q And this is the same morning you had seen Mr. Kennedy and two gentlemen?

A Yes.

Q Now, you say they were there for 20 minutes?

A Approximately.

Q Do you know what they were doing?

A They appeared to be just milling around waiting for something or someone.

Q In what area were they milling around?

A THE COURT: Did you see anyone use the telephone?

THE WITNESS: No, I didn't.

Q (By Mr. Fernandes) They were not in the telephone area?

A They were in the telephone area.

Q At any time?

A All the time, within 50 feet of the telephone.

Q All right, No. 7, were you present when anyone had any conversation?

A No.

Q Either those three or other people with them?

A No.

Q Did you have a conversation with Mr. Bettecourt?

A Yes.

Q What did he tell you?

A He told me that the car that went off the Dike Bridge had been identified as Mr. Kennedy's.

Q And then did anyone relay that to Mr. Markham?

A I did.

Q I did.

Q What did you tell Mr. Markham?

A I asked him if he was aware of the accident and he said yes, we just heard about it.

Q Those were his exact words?

A Right.

Q Yes, we just heard about it?

A We just heard about that information to them, what did you do?

A I had passengers on the ferry; I went back and went to Edgartown.

Q Did they go back with you?

A Yes.

Q How long after you relayed that information?

A Well, I got back to the house after the conversation you had with Mr. Markham did they go back?

A Within a couple of minutes.

Q Did you have a run in between that conversation?

A No, I don't believe so.

Q It was initially the same time, would that be a fair representation?

A Yes, there any call made after you relayed that information?

A No - oh, excuse me, what do you mean by call?

Q By any of the three at that time.

THE COURT: I thought you answered me you didn't see anyone make any call?

THE WITNESS: No, I didn't.

Q (By Mr. Fernandes) Not on the Edgartown side?

MR. FERNANDES: All right, no further questions.

THE COURT: You are excused. Has Mr. Grant got something additional to offer?

MR. DINIS: I don't know that, I don't believe so.

**TESTIMONY
OF
JARED GRANT**

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Present:
Edmund Dink, District Attorney for the
Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
for the Commonwealth.

Thomas Teller, Clerk of Courts
Helen S. Tyra, Temporary Court Officer
Sidney R. Lipman and Harold T. McNell,
Official Court Stenographers.

Edgartown, Massachusetts
Wednesday, January 7, 1970.

JARED GRANT, Sworn

EXAMINATION BY MR. FERNANDES:
Q Would you please give the Court your full name?
A Jared Grant.
Q And where do you live, Mr. Grant?
A Edgartown.
Q And your occupation, sir?
A I am your own Chappaquiddick ferry.
Q And were you operating the ferry sometime on the 18th and 19th, 1969, July?
A Yes, I operated on, I believe it was the night of the 18th.
Q And what time did you start work?

A Six o'clock.

Q What time did you close up?
A I had the ferry down at about a quarter of 1:00.

Q And when would you leave the area?
A About 20 after 1:00.

THE COURT: Is that on the Edgartown side where you close up?

THE WITNESS: Right.

Q Now, would you tell us what kind of a night was that?
Q Do you remember the weather conditions?
A It was a beautiful night, very calm, the water was like glass. That is the reason I stayed there because it was like that, beautiful night and it was too hot to sleep.

Q I couldn't say I can't remember for sure.

Q Do you recall whether or not you had any passengers from Edgartown to Chappaquiddick, yes, I did.

Q Can you tell us approximately what time?

Q Well, I took the last one across about quarter to 1:00.

Q Yes, 20 minutes to 1:00, quarter to 1:00.

Q Did you see anyone or anything in that area at that time?

A No.

Q Did you return to Edgartown?

A Yes.

Q Yes, you stayed at Edgartown until 20 minutes past 1:00?

A Yes.

Q Are you pretty certain of the time?

A I am pretty certain within about five minutes.

Q That was not as a result of any conversation or any call or any requests?

A No, I just happened to be there working, doing some work on the ferry and just putting around with it.

Q Is this on the ferry landing, the ferry slip, is that the word you use?

A Yes.

Q Did you see anyone in the area when you left?

A There were a lot of people in the area.

Q On what side?

Q On the Edgartown side. It was the night of the Regatta. There were people on the dock; there were some people forth in the harbor, there were boats running back and forth.

Q Now, are you familiar with Mr. Kennedy's car or were you at that time?

A No, I wasn't.

Q You never saw him drive over with a car?

A No.

Q You wouldn't know if anyone drove his car while you were on duty?

A No.

Q Were you available for calls if someone wanted the ferry that night?

A I was.

Q Was this standard procedure with your ferry operation in the summertime at that time?

A I am not sure on call 24 hours a day.

Q A car found we use on call 24 hours a day.

Q And if someone wanted the ferry that you are aware of also on Chappaquiddick?

A Yes.

Q When do you normally close down?

A Usually we close down at 12:00 and we get out of there around 12:30.

Q And if someone wanted you after 12:00, where would they call?

A My cell.

Q Are those numbers posted on either side of the ferry?
A Yes, they are.

Q And did you receive any calls that night?
A No.

Q If I am at Chappaquiddick and I want the ferry and you are not there at the landing, how do I find you? If I use a telephone, where does that call get me, to your home?
A A neighborhood of some kind?

A No, there is a regular dial system and my number is



Senator and Mrs. Kennedy are mobbed by newsmen on steps of the Dukes County Courthouse.

posted.

Q If I am on Chappaquiddick, the Chappaquiddick ferry area, and I want your attention and I want you to come and pick me up, how do I do that?

A There is a bell on the side of the building over there. When the bell rings, you mean after you have closed down for the night, the bell means after you have closed down for the night, the bell means after you have closed the bell and you would come over?

THE WITNESS: Right.

Q If you are not there, I would use the telephone and as a result of the call you would arrive?

A Yes. Usually what people do is drive up to the ramp with their lights on and leave them on and we come and get them. If they should happen to walk down, if you don't see them, they should bring dark over there, they ring the bell to come across.

THE COURT: Do you have anything more of Mr. Grant?

MR. FERNANDES: No, your Honor.

THE COURT: We will take an hour for lunch.
(Luncheon recess.)

**AFTERNOON SESSION
2:05 p.m.**

MR. DINIS: If your Honor please, we have one witness that will be Chief Ayers and that will complete the witness for today.

THE COURT: Yes, Mr. Dink, did you make any investigation through the Registry of Motor Vehicles to determine if the car had any Massachusetts registrations with MR. DINIS: No, your Honor, we did not.

THE COURT: I think it is so important that I will even postpone this inquest. Now, I don't know, it may turn out that there is no other car that has an L7 and a 7 ending, or it could be that any other combination could

back with me. I think Robert Molla stayed there. We came back to the station.
Q About what time did you return to the station for the second time?
A I would say probably quarter of 11:30, maybe closer to 11:30.
Q About an hour afterwards?
A When was there this time?
Q Now, I do recall that, I think Gargan was in the corridor at this time.
Q Do you recall how he was dressed?
A I am sorry, I really don't. I think he was dressed in the same kind of sport clothes that the others were wearing. I went to the Spectator's office and saw just about anything written there, but the Senator had dictated it. He had written it out.
Q I said, "I'm not sure if I can read your writing, do you mind if I type it? I will have my girl type it, and she was busy answering the phone so I typed it. I made two copies, one for the Senator, one for me, and I gave him the copy and while he read it I read my copy. He didn't read it out loud and he didn't make any comment. He just said, "Okay." He didn't say anything other than that.
Q Then he said to me, "We are trying to get hold of Burke Marshall."
Q One second before we go onto that.
Q All right.
Q Do you have the original handwritten statement?
A I don't think there would be any need to keep it. I had him read it.
Q Did they sign any of these statements?
A No.
Q But the handwritten statement by Mr. Markham was thrown away?
A Yes.
Q And the typewritten statement you made part of your report?
A Right.
Q Did you read that statement? Did you read it at that time after it was prepared and typed?
A Yes, I read it and he read it simultaneously.
Q After reading it, did you have occasion to ask the Senator any more questions, or Mr. Kennedy any more questions?
A No, I don't think I did ask him any more questions.
Q Chief Arena - I'm not sure it has been marked, your Honor, but it has been introduced.
THE COURT: Is there an exhibit number on the back?
MR. TELLER: Yes, it is marked No. 2.
MR. FERNANDEZ: It is Exhibit No. 2.
MR. FERNANDEZ: I'm sorry.
Q (By Mr. Fernandez) Is that the statement that you were given, this is in essence the same statement, sir.
A Yes, this is what I saw when this typing took place?
A This typing probably took place sometime after 11:00 a.m.
Q And was Mr. Gargan there, Mr. Markham there?
A I went into the office by myself, but a girl came in there that Mr. Markham told me was in the office and that myself without them being present. I just copied it.
Q In your observation of Mr. Kennedy, did you make note of any injuries or bruises?
A No injuries. He just appeared to be very depressed mentally, but I noticed no physical injuries.
Q To Mr. Markham?
A No, sir.
Q To Mr. Gargan?
A No, sir.
Q Did you have occasion to have any further conversations with the operator of the motor vehicle at that time?
A If I recall I asked him about his driver's license and he

didn't know where it was, but he was positive he had one. I made a check by phone with the registry to confirm that point.
Q That day, before I made out the motor vehicle slip, because you would have to make out the motor vehicle violation slip.
Q At what time did you prepare a citation?
A I was in the midst of preparing one, yes, sir. I started it. He let me leave before?
A He let me leave before?
Q Did he let me leave before?
A Yes.
Q I think Robert Molla might have gone with him, but I think they made arrangements with Bob Carroll to go to the station. I think he left close to noon.
Q Did he leave with Mr. Kennedy?
A Yes.
Q I think Robert Molla might have gone with him, but I think they made arrangements with Bob Carroll to go to the station. I think he left close to noon.
Q I know he left close to noon. I was asked to hold the statement until they contacted the family attorney.
Q By whom?
A Mr. Markham.
Q Mr. Markham asked that you hold the statement?
A He asked if I would hold up the statement until they were able to get the 3:00 o'clock because of the constant message in my office and people were clearing out the information that I felt I could no longer hold back on the information and I revealed it.
Q You released it?
A Yes.
Q Did you issue a citation?
A I issued a citation that afternoon. The accident was still under way; the license information yet?
A No, I didn't. After or approximately 3:00 o'clock, you issued a citation subsequently charging leaving the scene?
A Yes, sir.
Q Did you ask Mr. Kennedy any questions as to why he did not report the accident soon after it happened?
A No, sir, I didn't.
Q Now, sound the statement?
A Yes, I did.
Q Were you able to speak with anyone who attended the party that you subsequently discovered?
A Right; the only one that I talked to at all that day later, as I said, I didn't know about the party when I called her, but I called Rosemary Krough around 11:30 and between 12:00 and 1:00. I know the reason why I called her in the beginning was to notify her about her pocketbook and also to see if she could spell Mary Jo's name and nobody could spell it and I wanted to have that information right so I wouldn't have any error to the press and she spelled the name and how old she was and I informed her about the pocketbook and someone later Charles told you ask how it was her pocketbook was in the automobile?
A No, I didn't.
Q You say Mr. Treter?
A I am almost positive. I saw a man walk in the office and walk out with the bag and probably subsequently he spoke to my desk and subsequently I saw the pictures of Did Miss Krough state she was coming to pick up the pocketbook or was sending someone?
A She said she would have it picked up.
Q Did she say she knew what happened to Miss Krough?
A No, but I could hear her say they wanted to know how to spell Mary Jo's name to somebody else in the room and she didn't ask why I was asking, but I assumed just

by her manner that something had happened.
Q Did you speak to her because didn't you know who was - I didn't know at the time that there was a party?
Q All right. And when you discovered that, most of those people had left the island?
Q I think all had left the island.
Q Did you have any further conversations with either Mr. Markham or Mr. Kennedy, the operator of the motor vehicle?
A I do believe I had. Mr. Gargan called as I said, I think, maybe close to 3:00 to say they hadn't been able to get hold of Burke Marshall and at the time they wanted to know if I could hold up a little longer and I said it was too late, I had already issued the statement and I called him that evening to inform Mr. Markham and he was issuing a citation against the Senator if he could get me. I think that and I would forward the citation to him by mail that day.
Q After that conversation did you have any further conversation with Mr. Markham.
A No further conversations with any of that group.
Q With any of that group?
A I show you some photographs, Chief Arena, and for the purpose of the record, I would ask that you identify them from the photographs.
A This shows the intersection of Chippinlick Road and Dyke Road leading down to the Dyke Bridge (first calling). This is, I think, the entrance to Tom's Neck Farm.
Q Is it also known as Cemetery Road?
A It may be to the Court.
MR. FERNANDEZ: Your Honor, I have a series of photographs which if you Honor feel will assist the Court in evaluating the facts and the circumstances, we certainly would introduce them. I am sure your Honor is familiar with most of them.
THE COURT: Do you want them marked?
MR. FERNANDEZ: Yes, for the record.
THE COURT: All right. These were introduced in Pennsylvania. Some of them were introduced in Pennsylvania.
THE COURT: Give them a number.
MR. TELLER: Numbers 15 through 25.
MR. FERNANDEZ: May I have a moment, your Honor?
THE COURT: Yes.
Q (By Mr. Fernandez) Did you speak with Mrs. Malin?
A Yes, I did, yesterday.
Q And did you ask her whether or not she had seen or heard an automobile?
A Yes, she said she had heard a sound of an auto engine close to around midnight. That is what her best recollection was. That is the only thing she said. She never - I asked her if she had heard any sound of anything hitting the water or anything like that. She said she was the staying?
A At the Dyke House.
Q This, I think you said was 100 feet?
A I have the exact measurement.
Q Approximately how many feet?
A A hundred feet.
Q A hundred feet?
A A hundred feet.
Q And whether or not there were any lights out that day, if you know?
A She said that she had a light on in her house. I think her daughter was in the room reading, which Mrs. Malin said reflected on the roadway.
Q Until what time?
A The daughter gave a statement. I think if I remember since I think some time after midnight. I'm not really sure. I think that statement, would you check your records?

A I think I have it.
Q Here you that statement?
A Yes, here is a statement from the daughter and a state-
Q Could you tell us when it would have been.
A All right. This is from Sylvia R. Malin; she is the mother of the family. On Saturday, July 19, 1969, two boys knocked on my door and said that they had pushed-down in the water by the bridge. I called 693-1212, the communications center, and reported the car and its location. The operator said she would relay the message. Sometime during the evening before I was aware of a car going faster than usual going toward the Dyke House. I think I think I went to sleep sometime between 1:30 and 2:00. I think I think I had two dogs and a night light was burning all night. We have a statement from Sylvia A. Malin who is the daughter. On Friday night, July 18, 1969, I read in bed underneath an open window which faces east from 11:00 p.m. to 12:00 midnight, looking at the clock just before I turned my light out. Between 11:15 and 11:45 I didn't look out the window, but I was certain on the direction, but thought, at the time it was Saturday morning I was awakened at 8:25 a.m. by two boys at the door telling my mother that there was a car turned over in the water by the Dyke.
Q Do you recall, she said sometime between 11:15 and 11:45 she couldn't get it any closer in another part. I didn't even know the daughter was at the house. I thought it was close to midnight, as she said in this statement. She said 11:30 to 12:00 and she only said she heard the car engine going by the house and did not hear anything happening.
Q I think she is in agreement, probably 17 or 18.
A And do you know where the is, if not?
A I think she is in Lebanon, Pennsylvania. That is where they are from.
THE COURT: I didn't notice anything in that letter which indicated which way the car was going.
Q By Mr. Fernandez) If I may, your Honor, I thought she thought I didn't know where the Dyke was, but she said, I didn't look out the window, so I am uncertain of the direction, but thought at the time it was heading toward the Dyke.
Q She indicated this was the only light that would have been on in the house?
A Yes, let's see. I read in bed underneath an open window which faces east from 11:00 p.m. to 12:00 looking at the clock. I turned my light out.
Q Is this the house? And I point to a house which is shown on Exhibit No. 8.
A That is the house, yes, sir.
Q Would you please show the Court that you are pointing to a house located on the left. Is there a house across the street from that?
A Yes, there is a house diagonally across the street on the left.
Q Do you know whether that house was occupied during the day?
A Yes, by Mrs. Smith.
Q Did you have a conversation with her?
A I had a conversation with Mrs. Smith and she stated she had a night light in one of her children's rooms which was left on all night. This was on the road side of the house.
Q Did she hear anything?
A She said she did not hear anything.
Q Did you confer with anyone else?
Q Concerning the accident, other than what you have already told us.
A No, sir, these are the only people that lived on that street.

Q By the way, was Mr. Look at the scene, the accident scene, were you at the accident scene?

A Yes, whether or not he had a conversation with you about the car that was removed from the water? He didn't. At the time he said something about he had seen some people at the intersection the night before. Later on I found out that he had talked to Officer Browyer and said that he had thought he had seen a same car at the intersection the night before. As a result of that, I took a statement from Mr. Look concerning that.

Q Mr. Kennedy never told you how the car went over the bridge?

A No, he didn't, no, sir.

Q Did he tell you that he had spent some time trying to remove the body?

A If I recall the statement, it was only — the only thing he even mentioned about the statement, other than to say he did either Mr. Markham or Mr. Gargan indicate they, too, were at the scene?

A They never said anything that day, no, sir.

Q Did they ever say anything to you about it?

A No, sir, Kennedy ever tell you how fast he was going on that road? I told me, sir, but he submitted an accident report which he stated —

Q The registry report?

A — he stated 20 miles an hour.

Q This is a report — I don't know if the Inspector had it, but there was an operator's report he was required to file with me and the registry.

MR. PERKINS: I have no other questions of Chief THE COURT: All right. I know a good deal of what you already said has been made public, but what has been said in court here is not to be disclosed to the public.

THE WITNESS: Yes, sir.

THE COURT: Well, as far as I am concerned, you are excused.

THE WITNESS: Thank you, sir.

MR. DINIS: With regards to the Chief, no, sir.

THE COURT: We will have a recess.

(A brief recess was then taken.)

CLOSING COLLOQUY

Before:
 Hon. James A. Boyle, Justice of the
 Edgartown District Court
 Present:
 Armand Fernandes, Assistant District Attorney,
 Peter Gay, Assistant District Attorney,
 for the Commonwealth,
 Edward B. Hanfity, Esq.
 Thomas Teller, Clerk of Courts
 Helen S. Tyra, Temporary Court Officer
 Sidney R. Lipman, Official Court Stenographer.

Edgartown, Massachusetts
 Wednesday, January 7, 1970.

THE COURT: Well, Mr. Hanfity, we had some discussion the other day, you made mention something about you might have some evidence of some type that you might want to offer and I will be very happy to hear it from you and tell me what you have, and if I think it is appropriate, to accept it.

MR. HANFITY: Thank you very much, your Honor. May I offer you anything, your Honor?

THE COURT: Yes.

MR. HANFITY: First of all, we would have the evidence of an expert with reference to the bridge construction,

with respect to the condition of the approaches to the bridge from the point view of what I would call generally safe driving conditions having to do with what, one might say, were the hazards of motor vehicle operation on the approach to that bridge.

We also have a study by Arthur D. Little which substantially has three segments to it. One, for example, has to do with the problem of survival in an immersed automobile with which I understand you are not concerned.

THE COURT: I have not allowed and there has been no testimony. The connection of that report which is possible and will be separated from the report, and that report deals again with conditions on the highway in the vicinity of the bridge and envisages the problem of approaching motor vehicles under various conditions, particularly showing what can be seen with the lights of the motor vehicle, and the third, this is again bearing upon the problem which a motor vehicle operator has in that respect upon the bridge without making the affidavit form Dr. Watts' testimony as I indicated I would yesterday.

Now, this material, these reports we presently have in the form of affidavits and we were addressing ourselves just shortly before I came over here to getting these affidavits in such form that we could submit them to you at an appropriate time. They will certainly be ready by and get row morning and, you that you may face in connection with the case, problems that you may face in connection with the case.

THE COURT: I will be glad to have you offer the affidavits and I will be glad to study them and make decisions on whether or not I would decide to put them into evidence.

MR. HANFITY: Very well, your Honor.

Now, would you like the study? Being down here the actual Now, would you like the study?

THE COURT: I don't know. Why don't you show me the affidavits first. Now, when will they be completed?

MR. HANFITY: They are substantially completed now and I would think we could have them over for you by 4 o'clock.

THE COURT: I am about to adjourn court until tomorrow morning at 10:00. I will be back between 6:00 and half past 6:00 tomorrow morning and I will study them and in court at 9:30 I will make a decision whether or not to admit them in that form, or whether or not to substantiate them by personal testimony.

MR. HANFITY: I think you will find that the qualifications of the people who made the affidavits are adequately set forth with respect to their expertise and competency for their self-completed documents, which speak for themselves.

THE COURT: Do you by any chance have an engineering survey of the area of the bridge?

MR. HANFITY: I do, your Honor.

THE COURT: I would like it because we have more in the evidence.

If you talk to Mr. Teller he may be coming in here sometime office will be open. If you don't get in here before his office closes this afternoon.

MR. HANFITY: If I had known that a half hour before coming over here that you might be interested in them at this time I perhaps could have brought them over. They are complete documents. It is just a matter of putting them in final form.

THE COURT: I am not going to do any more studying today.

MR. HANFITY: I am sure your Honor is alert at any time.

THE COURT: Thank you. We will adjourn until 9:30 tomorrow morning.

(Adjourned until 9:30 a.m., Thursday, January 8, 1970.)

COMMONWEALTH OF MASSACHUSETTS
 Edgartown District Court
 Dukes, ss.



Last remaining Kennedy brother, Edward, escorts wife Joan to Dukes Co. Courthouse at start of inquest.

FOURTH DAY
INDEX AND OPENING COLLOQUY

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court.

Present:
Edmund Dine, District Attorney for the
Southern District of Massachusetts,
Armand Farnham, Assistant District Attorney,
Peter Gray, Assistant District Attorney,
for the Commonwealth.

Thomas Teller, Clerk of Courts
Helen S. Tyla, Temporary Court Officer
Stanley R. Lipman and Harold T. McKel,
Official Court Stenographers.

Edgartown, Massachusetts,
Thursday, January 8, 1970.

OPENING COLLOQUY

THE COURT: Mr. Stenographer, we will accept Exhibit No. 26 entitled Offer of Proof on behalf of Edward M. Kennedy.

Offer of Proof marked Exhibit No. 26.)
Dr. Robert T. Wait is accepted as testimony and made part of the record heretofore.

THE COURT: Exhibit No. 28 Affidavit of Donald L. Sullivan is accepted as testimony and made a part of the record heretofore.

THE COURT: Exhibit No. 29 Affidavit of Eugene D. Jones is accepted as testimony and made a part of the record heretofore.

THE COURT: Exhibit No. 30, being a plan of Dyke Road.

(Plan of Dyke Road marked Exhibit No. 30.)
THE COURT: Exhibit 31 Attested Record of Proceedings in the Court of Common Pleas, Lucas County, Pennsylvania, marked Exhibit No. 31.)

THE COURT: I see no need, Mr. Hanley, for the books. They refer to abstracts in the affidavits and so I return these to you.

MR. HANLEY: Thank you, your Honor.

THE COURT: Now, it will be the testimony of the record reference to its width and its length. To my memory it does not appear anywhere in the testimony and I will accept an affidavit as to that.

I will ask for a better understanding of the record and there be submitted by somebody some kind of a plan or map of the island of Chappaquiddick. I just have a memory that there are some plans.

THE COURT: There is an excellent map right now in the record which has something to do with the planned development of Dykes County, something which they are large, but it omits the general idea of the shape of the island, size of the island, the ferry, the road to the ferry running all the way by this cottage, the so-called Dyke Road, the bridge, the so-called East Beach.

MR. DINE: I will assume that responsibility, your Honor. I will obtain one for your Honor which will probably be one prepared by the engineering department of the Department of Public Works concerning Chappaquiddick Island.

THE COURT: Anything that may be helpful in that respect I would make a part of the record.
MR. DINE: Does your Honor wish to give it a number at this time as an exhibit, or will it just be marked when you receive it?
THE COURT: Well, I can give it a number on your assurance that you get it.

MR. DINE: You have my assurance, your Honor.
THE COURT: Edgartown Island marked Exhibit No. 32.)
MR. HANLEY: I assure your Honor I will endeavor to get a description of the Oldsmobile along the lines you suggested, length and width and perhaps that can be given a number.

THE COURT: All right. Give it the next number.
(Description of Oldsmobile marked Exhibit no. 33.)
THE COURT: I think that in all we require of Mr. Hanley and myself. Thank you, your Honor.
MR. CLARK: Thank you, your Honor.
THE COURT: At the moment.

COMMONWEALTH OF MASSACHUSETTS
District Court of
Dukes County
No. 13220

APPEAL OF DOCTOR ROBERT D. WAIT
Now comes Robert D. Wait, of Hyannis, Massachusetts and on oath deposes and says as follows:

I am a physician duly licensed and qualified to practice medicine in the Commonwealth of Massachusetts, with offices at Cape Cod Medical Center, Hyannis.
I graduated from Tufts University, Hyannis, Massachusetts in 1947. I am a member of the American Medical Association, Connecticut and at the Cape Cod Hospital in Bridgewater, Connecticut and at the Jordan Hospital in Hyannis. From 1951 through 1953 I served in the United States Air Force, as Wing Surgeon of the 103rd Fighter-Bomber Wing (Stratofighters) at Fifth Air Force Headquarters, Seoul, Korea. I am a graduate of the School of Aviation Medicine, Randolph School of Medicine in Chicago, Illinois. I have taken specialized training in trauma and traumatic surgery. Therefore, I was the Associate Chief of Trauma, Cape Cod Hospital. I have been in practice for 21 years in Hyannis in the field of general medicine.

I am a Diplomat of the National Board. I am also a Fellow of the American Geriatric Society.
On July 19, 1969, I was called to see Edward M. Kennedy at his home in Hyannis, Massachusetts. He had a headache. The history of the present illness was as follows: He stated that he had been in an auto accident last night on Martha's Vineyard. The car went off a bridge. There is a lapse in his memory between hitting the bridge and coming to under water and struggling to get out. There was a loss of orientation - at the last moment he grabbed the head of an open window and put his head out. He did not clear his head until 7:00 am.

Physical examination revealed the vital signs and neurological examination to be normal. There was no evidence of right hemiparesis, right homonymous hemianopia, right homonymous hemianopia, a contusion of the vertex, hematoma of the posterior cervical musculature (with tenderness over the fifth and sixth cervical vertebrae (the area just above the base of the neck), motion of his head was limited and was accomplished with difficulty, tenderness and soreness of the vertex area without radiation.
Diagnosis: Concussion, contusions and abrasions of the scalp, hematoma of the vertex, contusion of the vertex, abrasion of the vertex, fracture of the top of his head. The abrasion over the right mastoid was obvious. The acute cervical strain was substantiated by X-ray studies which showed a loss of the normal cervical lordosis, which was due to strain of the cervical musculature. The diagnosis of concussion was based on the foregoing objective evidence of injury and the history of the temporary loss of consciousness and retrograde amnesia. Impairment of judgment, and confused behavior are symptoms consistent with an injury of the character sustained by the patient.

Therapy: Bed rest and a muscle relaxant.
July 20, 1969, I was in contact with Senator Kennedy by telephone on this day, and as there was no change in his symptoms, I planned to continue bed rest and planned to see him on the following day.
July 21, 1969, I went to the home of Senator Kennedy and found his physical condition to be unchanged. I reexamined and this time that we X-ray his skull and cervical spine, and this was accomplished later at the Cape Cod Medical Center.

After reviewing the X-rays in which there was obvious evidence of a acute cervical strain, I fitted him to a cervical collar. The X-rays of the cervical spine are attached hereto and made a part hereof. The neurological consultation was indicated and then contacted Dr. Milton F. Brougham, Dr. Brougham is the Chief of Neurosurgery at the Faulkner Hospital, the Jordan Hospital, the Jordan Hospital and the Cape Cod Hospital.
Senator at his home in Hyannis, Massachusetts and I visited the Senator at his home in Hyannis, Massachusetts on July 23, 1969. Dr. Brougham and I discussed the neurological consultation note, which is a part of my report, is attached hereto and made a part hereof as Exhibit B.

As a result of the examination, Doctor Brougham felt that further studies were indicated.
Accordingly, on July 23, 1969, a technician and I went to the home of Senator Kennedy and did an electroencephalogram. A Senator Kennedy and did an electroencephalogram. A part hereof and marked Exhibit C, attached hereto.
In the afternoon of the same day, Doctor Brougham and I went to the Senator's home, where a lumbar puncture was attempted but was unsuccessful. There were technical difficulties here due to an old injury to the Senator's lumbar spine.
I was the last time that I examined Senator Kennedy but I was the last time that I examined Senator Kennedy and found that the stiffness of his neck continued well over a month.

Then personally appeared before me the above named Robert D. Wait and made oath that the foregoing statement subscribed to by him is true to the best of his knowledge and belief.
Robert G. Clark, Jr.
Notary Public
My commission expires Feb. 26, 1976

EXHIBIT A
CAPE COD MEDICAL CENTER
Hyannis, Massachusetts
X-Ray Report
7/22/69
Dr. Wait
X-Ray
7/25-8491
Dr. Wait

Skull studies were made in the usual four positions as well as an encephalic view for fracture or depression. Incidental findings of a squamous suture was rather prominent on the right side.
In general, the paranasal sinuses as well as both mastoids were clear, the sella turcica was normal in size and contour and there were no intracranial calcifications.
CONCLUSION: Negative skull

Cervical Spine Studies from the first to the seventh were negative for fracture or spondylosis.
The only finding of note was marked straightening of the spine in the lateral projection.
CONCLUSIONS: The studies of the cervical spine were negative for fracture.
The only finding of interest was the straightening of the spine in the lateral projection, indicative of rather marked muscle spasm.

EXHIBIT B
July 22, 1969
E. W. Benjamin, M.D.
Radiologist

KENNEDY: Senator Edward
This patient was given neurological examination in the presence of Dr. Robert Wait as a result of the accident sustained in an automobile accident which occurred on July 18, 1969. In describing his recollection of the events occurring at this time, he states that he can recall driving down a road and onto a bridge and has some recollection of the car starting off the bridge and he thinks was a part hereof and marked Exhibit D, attached hereto.
The bridge, however, the car had struck a beam along the side of the bridge, but he has no recollection of anything occurring following this; has no recollection of anything striking over or of any impact of the car against water or of any object. There is a gap in his memory of indeterminate length, but presumably brief and his next recollection is of being in the front seat of his car which was filling with water. He somehow escaped from the car, but does not recall how he did this. He states further that he can recall making his way to get back to the car by diving. Subsequent events are not recalled.
Senator Kennedy was examined in the exact same fashion with an impacted recall of their exact time relationship.

On awakening the following morning he was aware of pain in his neck which extended up both sides of the neck, but was more pronounced on the right side extending up into the suboccipital area. There was also stiffness and pain bilaterally, the pain radiating down into the trapezius area bilaterally. He had no nausea or vomiting, no intermittent numbness in both hands, but this cleared within the first twenty-four hours. He had a generalized headache, but with local tenderness and swelling over the top of his head, and over the right occipito-parietal region.
The patient also had a strange sensation in both ears which was different from what he had when he was not clearly painful and which cleared after a few hours. His headache cleared rapidly, but he continued to have pain in his head and in his neck aggravated by activity and turning his head, and at times when the neck pain becomes more pronounced he will experience the headache. He has worn a cervical collar on the advice of Dr. Wait, and has obtained some relief from this. He has noted a tendency to fatigue easily; has no symptoms of vertigo, no nausea or vomiting, no vertigo, no disturbance of vision.
There is no radiation of pain into his legs. There is no disturbance of sensation.

The past history is non-contributory. There is a previous history of a severe back injury for which he has worn a back brace for a number of years, and he was wearing it at the time of the examination.
The neurological examination. At the time of this examination, the patient was fully oriented. Speech is normal. Examination of the fundi of the eyes showed a normal, approximately 3 cm. in diameter over the mid point of the vertex of the skull with slight deviation of the scalp

EXHIBIT C
CAPE COD MEDICAL CENTER
Hyannis, Massachusetts
X-Ray Report
7/25-8491
Dr. Wait

EXHIBIT D
CAPE COD MEDICAL CENTER
Hyannis, Massachusetts
X-Ray Report
7/25-8491
Dr. Wait

EXHIBIT E
CAPE COD MEDICAL CENTER
Hyannis, Massachusetts
X-Ray Report
7/25-8491
Dr. Wait

EXHIBIT F
CAPE COD MEDICAL CENTER
Hyannis, Massachusetts
X-Ray Report
7/25-8491
Dr. Wait

EXHIBIT G
CAPE COD MEDICAL CENTER
Hyannis, Massachusetts
X-Ray Report
7/25-8491
Dr. Wait

E. W. Benjamin, M.D.
Radiologist

The roadway for approximately 1,000' before the bridge has a width which varies between 17' and 19' and has no visible shoulders. The surface material for the roadway consists of gravel the bottom 4" of which is composed of No. 10' before the bridge. The roadway has occurred approximately 150' before the bridge.

The bridge itself is a timber structure approximately 85' long and 10'-6" wide. On either side of the structure is a timber curb 9" wide and 5 1/2" high. The bridge deck consists of 10"x3" timber planking and is supported by longitudinal timber beams of varying sizes. The beams are supported by timber pile bents with a center span of 9' and two side spans of 3' to 5'.

At both abutments, the approach roadway embankment is retained by timber wingwalls on both sides. At the west abutment, the north wingwall is 20' long and the end is offset approximately 12' from the edge of the bridge. The south wingwall is also 20' long and the end is offset approximately 8' from the edge of the bridge. Erosion occurred at both of the west wingwalls. Erosion here being caused by the Eastown Highway Department during the time of the inspection.

There are no warning signs along the approach roadway nor were there any lights or reflectorized surfaces indicating that a structure is there.

On December 30, 1969, I directed a survey party consisting of James E. Schofield, US & FS, Hollis A. Smith, LS and C. Edwin Carlson, in the preparation of a plan and profile of the structure and approach roadway. The profile of the structure is attached as Exhibit "g".

3) Based on the field survey as indicated on Exhibit "g", a centerline for the roadway and bridge was established and horizontal and vertical curve data added. The centerline and curve information has been marked in red directly on a print of the field survey and is shown as Exhibit "c".

Starting at Station 0+00 and proceeding in a south-easterly direction, the roadway is on tangent for approximately 225'. The roadway then curves to the right on a radius of 900' for approximately 51'. From the end of this curve, the roadway continues on tangent for approximately 263' to Station 5+40. From this point, the alignment of the roadway is a series of three (3) closely connected curves as it approaches the bridge. Starting at Station 5+00, the roadway curves 249' on a radius of 180' to the right on a radius of 180' for approximately 41'. After a short tangent, the roadway curves to the left on a radius of 150' for approximately 47'. This last curve ends on the bridge structure approximately 18' from the west abutment. The remainder of the traveled way over the bridge is on tangent.

The vertical alignment of the roadway as shown on Exhibit "A", Station 4+88, the grade of the roadway is downward to Station 7+00 with varying grades ranging from 0.50% to 1.75%. From Station 7+00 to Station 8+50 the grade of the roadway is upward with varying grades ranging from 0.30% to 2.85%. The roadway is level just before the bridge. The vertical alignment over the bridge is made up of a series of short straight grades without connecting curves. These short sections include an upward to another 2.49% to Station 6+55. The grade is then level from Station 6+55 to Station 9+21 at which point there is a downward grade of 9.50% to the end of the bridge.

4) After the field inspection and examining the data contained in Exhibits "g" and "c", I then referred to Standard Plans for Highway Bridges, Volume III, Timber Bridges as prepared by the U.S. Department of Public Roads, dated May 1969. These standard plans are shown as Exhibit "p". The introduction of the Standard Plans for Highway Bridges Volume III states the following:

"These plans are intended to serve as a useful guide to State, County and local highway departments in the development of suitable and economical bridge designs. The plans should be prepared with the aid of professional engineers with limited engineering draftsman. The specifications for design materials and construction

are included in Standard Specifications for Highway Bridges (1965 Edition) as adopted by the American Association of State Highway Officials. This publication is shown as Exhibit "r".

Sheet No. 101 of the Standard Bridge Plans indicates that a minimum height of 2'-4" for a timber curb (guardrail) is recommended for timber bridges of spans between 11'-0" to 21'-0" and that the timber curb be bolted down to the bridge deck by 7/8" bolts with 4"x4"x3/8" bolts.

The Dyke Road Bridge has a center span of 11'-9", therefore the Standard Bridge plans apply to this structure. The timber curb on the Dyke Road Bridge is inadequate both in height and strength. It is only 5" to 5 1/2" high and is nailed down to the bridge deck except for a short length of 13' on the north curb over the center span which is bolted to the bridge deck.

One important safety feature on a timber curb without handrailing, proper height and adequate strength are essential in the design of such a timber or safety curb.

Sheet No. 101 of the Standard Bridge Plan indicates that a minimum deck width of 24'-0" (between curbs) is required for timber bridges having spans between 11'-0" to 21'-0".

The Dyke Road Bridge is only 10'-6" wide between curbs. Since this structure serves two-way traffic, the bridge width should have conformed to the minimum requirements as indicated on the Standard Bridge Plans.

Appendix "A" of the Standard Bridge Plans indicate that guardrails are required along both sides of the approach roadway. A minimum length of 100' is recommended for this guardrail and the approach end should be offset 5' to the outside edge of roadway at the Dyke Road Bridge. Guardrails are necessary to guide and direct motorists to a structure which is narrower than the approach roadway.

5) I then referred to the Manual on Uniform Traffic Control Devices for Streets and Highways (June 1961 Edition) as prepared by the Bureau of Public Roads. This publication is shown as Exhibit "p", Paragraph 1C-21, page 64 of the Manual. ONE LANE BRIDGE sign shall be used to mark all two-way bridges having a clear roadway width of less than 16 feet.

"Additional protection may be provided by the erection of reflector markings." 2-2, page 149 of the Manual states:

"Reflector markers may be mounted on or immediately in front of obstructions or at sharp changes in alignment, to indicate the presence of hazards. Hazard markers should be of such design and should be so placed as to be clearly visible to approaching drivers under ordinary atmospheric conditions from a distance of 1,000 feet when illuminated by the upper beam of standard automobile headlights. The height of approximately 4 feet should be used, unless a height of approximately 4 feet directly to a hazardous object which by its nature requires higher or lower mounting, such as a low culvert headwall."

There are no signs or reflector markings on the Dyke Road Bridge or on the approach road. Since the subject bridge did not meet the minimum requirements as outlined in the Standard Bridge Plans, appropriate signs and reflector markings should be installed along the approaches and at the bridge itself.

A ONE LANE BRIDGE sign and reflector markers are required to warn motorists of danger ahead.

6) I then referred to A Policy on Geometric Design of Rural Highways (1965 Edition) as prepared by the Highway Engineering Committee of the American Road & Builders Builders Association of State Highway Officials. In the Highway Engineering Field, this publication is shown as Exhibit "q". Paragraph 7, page 191 of "The Bible" states the following:

"Any reversal in alignment should be avoided. Such a change makes it difficult for a driver to keep

within the own lane."

Between Station 7+67 and the bridge as indicated on Exhibit "c", the roadway traveled way is made up of a series of short straight grades. The roadway is 19' wide. This reverse curve, although not a legal grade to the bridge, directs the driver's projected view above the structure. Since there are no lights, signs, or reflectorized markers to delineate the approach road and the structure, this condition is especially dangerous at night when the driver's vision is dependent on the direction of the headlight beam. Therefore, in the area of the reverse curve, the structure is directed above the approach roadway and the structure.

7) Based on my field inspection of the site and a study of the existing conditions, I conclude the following:

1. As a public facility, the existing bridge and approach roadways are well below the minimum standards set by commonly used engineering criteria.
2. The absence of warning signs, guardrails, lighting and reflectorized markers makes this site particularly hazardous at night.

EGGENCE D. JONES

STATE OF CONNECTICUT
 COUNTY OF FAIRFIELD
 Personally appear Eugene D. Jones signed and sealed of the foregoing instrument and acknowledge the same to be the free act and deed, before me,

Notary Public
 My Commission Expires April 1, 1972

Sworn to and Subscribed before me this
 NOTARY PUBLIC
 April 1, 1972

EXHIBIT "A"

PERSONAL HISTORY STATEMENT

NAME: EGGENCE D. JONES
 PRESENT ADDRESS: 146 Westport Road, Wilton, Conn., January 6, 1972
 DEDUCED ADDRESS: 155 Westport Road, Wilton, Conn., U.S.A.
 CITIZENSHIP: Married
 SECTOR: Secret

NAME & LOCATION
 HIGH SCHOOL & COLLEGE
 East Orange N.J. High School (1938 - 1942)
 New York University (1943 - 1944)
 University Heights, New York (1946 - 1950) B.C.E.
 PROFESSIONAL SOCIETIES:
 American Society of Professional Engineers
 Tau Beta Pi
 LUTHERAN (N.Y.) 31229
 P.E. (Conn.) 3839

OTHER:
 U.S. Bureau of Highway Road Executive Reserve
 Expert Witness in Public Accident Cases,
 New York State Department of Law
 Board of Associate Directors,
 State National Bank of Connecticut
 FEDERAL RESERVE BANK OF CONNECTICUT
 Frederic R. Harris, Inc., N.Y.
 Consulting Engineer
 Vice President
 Includes Stamford, Hartford and Boston offices of Frederic R. Harris, Inc. Duties include the development of new client contracts and the administration of all work including client contacts, a Federal Route 190 including a 1.5 mile level crossing of the Connecticut River (\$6,500,000), a portion of Interstate 91 through New Haven

(\$11,600,000), the Waterbury-Oyster Bay Expressway (\$7,500,000); Route 33 in Cheshire, Massachusetts (\$5,000,000); the development of a new water supply system for the University of Connecticut, plus many other Federal projects.

Frederic R. Harris, Inc., N.Y.
 Consulting Engineer
 Assistant Vice President

In charge of Stamford, Connecticut office and Project Manager for Stamford's \$88,000,000. Urban Renewal program which envisions a complete new central business district for Stamford covering 130 acres. Work includes general site plan, utilities, design of new streets, storm drains, sanitary sewers, and inspection of existing sewer lines. 1958 - 1961

Arnold H. Vollmann
 Consulting Engineer
 Project Manager

In charge of design and supervision of construction of various large scale recreational developments including the Lake Welsh Recreational Area for the Palisades Interstate Park Commission, St. Jellensire Mountain Ski Center and Joint Board of Conservation; Channing Beach and State Department of Conservation; City of Stamford, Connecticut, and many others. These areas generally require roads, bridges, piers, water supply, sewage treatment, drainage and utilities. Task for the City of New York on all Title 1 Projects within the City of New York. Preliminary design of City of Louisville (Interstate 65); Henry Whitson (Interstate 66); and Riverside Expressway (Interstate 71). 1956 - 1958

Brown & Banwell, New York
 Consulting Engineers
 Project Manager

In complete charge of Elberta, West Africa. Office Supervision and field work design and western engineer and technicians in the site design and construction of 150 mile Western Province Road including 80 structures for the Republic of Liberia. Responsible for the design and supervision of construction of the City of Morova (45,000 population) Water Supply System including a pumping station, filtration plant, 12 mile pipeline and one million gallon reservoir. 1956

Deleuw, Cather & Ball, N.Y.
 Architect
 Project Engineer

In complete charge of design and preparation of contract plans of the Richmond-Petersburg Turnpike through the City of Richmond, Virginia. Total construction cost - \$6,100,000. 1952 - 1956

Frederic R. Harris, Inc., N.Y.
 Consulting Engineers
 Project Engineer

In charge of design of all highway drainage systems. Made complete drainage study for proposed Waterbury-Oyster Bay Expressway and Deer Park Avenue Improvement. This study was coordinated with state, county and local township officials. Designed complete storm drain system, including structures, for the Mottawk Section of the New York Thruway Authority for reconstruction of State Highway 641 (Route 53) at and above the intersection of State Park facilities for an Army Airfield including storm water supply and grading for presentation to Air Force. Made additional studies for proposed Oyster Bay - Stamford Ferry and wrote preliminary report. Resident engineer in complete charge of supervision of construction of Garden State Parkway (New Jersey) Contract, Miscellaneous Grading, Driveway, and other work. In charge of design of all survey work, made design changes, prepared contractor's estimates, wrote special reports and managed field offices of consulting engineers, supervising eight (8) construction contracts totaling \$4,000,000. 1950 - 1952

Edward A. & Kaley,
 Frederic R. Harris, Inc.
 New York, New Jersey

Assisted highway designer in layout and design of complete storm drain system for the northern section of New Jersey Turnpike. Conducted field inspections, prepared design tables and made engineers estimates.

1949-1950 U.S. Bureau of Reclamation
Coulee Dam, Washington
Engineer trainee and construction engineer - roadman, levelman and acting chief of party in a construction survey party. Engineer-inspector in charge of construction of a section of new pumping station. Graded and placed steel weights and other concrete and work into bay forms.

END OF AFFIDAVITS

ESTHER NEUBURGH (Recalled)

Before: Hon. James A. Boyle, Justice of the Edgartown District Court
Present: Edmund Dins, District Attorney for the Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney, for the Commonwealth.
Daniel Daley, Sr., Esq.,
Paul Redmond, Esq.,
Thomas Teller, Clerk of Courts
Helen S. Tyrn, Temporary Clerk R. Linnam,
Harold I. McNeil and Shelia R. Linnam,
Official Court Stenographers.

Edgartown, Massachusetts
Thursday, January 8, 1970

ESTHER NEUBURGH, Recalled
FURTHER EXAMINATION

THE COURT: How long had you known Miss Kopychuk?
THE WITNESS: Since 1967.
THE COURT: Had you worked with her in Washington?
THE WITNESS: Later, in the campaign.
THE COURT: Do you know what her residence was at the time of her death?
THE WITNESS: Yes.
THE COURT: What was it?
THE WITNESS: Olive Street.
THE COURT: Olive Street, Washington, D.C.?
THE WITNESS: Yes.
THE COURT: Do you know what her employment was then?
THE WITNESS: Yes; she was working for Matt Reese Associates.
THE COURT: Had she lived in Washington for some time?
THE WITNESS: Yes.
THE COURT: How long?
THE WITNESS: Since 1964 '63 or '64.
THE COURT: Did she have a roommate that she lived with?
THE WITNESS: She had three.
THE COURT: And who were they?
THE WITNESS: Nancy Lyons, Carol Littlejohn and Margaret Carroll.
THE COURT: Of your young ladies that are present here to her? Inquest, who would be the friendlier and closest to her?
THE WITNESS: Nancy Lyons was her roommate and I

was the next friendlier.
THE COURT: You and Nancy would probably be her closest friends?
THE WITNESS: In this group, yes.
THE COURT: When did you last work in Washington?
THE WITNESS: I still work in Washington.
THE COURT: Oh, you do?
THE WITNESS: Yes.
THE COURT: Did you ever know an acquaintance of Mary Jo's, the sister of Vincent?
THE WITNESS: No. First name or last name?
THE COURT: First name.
THE WITNESS: No.
THE COURT: Or last name.
THE WITNESS: No, neither.
THE COURT: At no time during the last two years did you know of any male friend she had whose first or last name you recall?
THE WITNESS: I think I know what you are referring to, because it is only because I read it in the newspaper.

THE COURT: But you say you don't know who it was?
THE WITNESS: No, I am going to just read to you to refresh your recollection of the witness stand. You go back to the question. "How was it that you found out about what happened to Mary Jo?"
THE COURT: You said, "I think it was the white car came up on the road and Mr. Gargan was driving and told us to get in. He said something had happened and my first reaction was wouldn't say anything until we got inside. We got inside the cottage and he told us that Mary Jo was missing, and that was all."
"When did you find out she had drowned?"
"After 10:00 o'clock that morning."
"Where?"
"In the motel room at the hotel at Katama."
"That was your testimony the last time on the stand?"
THE COURT: Do you desire to change that in any respect?
THE WITNESS: In no way.
THE COURT: Now, did you at any time have an interview or conversation with any reporter?
THE WITNESS: Several, or many.
THE COURT: When I say conversation, I mean that you were talking to them and you gave them answers.
THE WITNESS: Correct.
THE COURT: When was the last time?
THE WITNESS: The last time was the week of the accident.
THE COURT: When was the first time?
THE WITNESS: The day after the funeral. Midnight, the main court the funeral, I had finished.

THE COURT: Why? All of the talking I did to the press was in July, if that makes it clearer for you.
THE COURT: You have had no conversation with any reporter since that time?
THE WITNESS: No.
THE COURT: Do you remember any of the names of those reporters?
THE WITNESS: Yes.
THE COURT: Do you remember one called Jack Newman?
THE WITNESS: No. Who was he with?
THE COURT: I ask the question, Miss Neuburgh.
THE WITNESS: I am sorry. I wondered who he was with.
THE COURT: Did they all identify themselves to you?
THE WITNESS: I was in a state of extreme distress and some of them said their names, some of them said the news service and some of them said the papers, and I was very unclear. It was the week right after the funeral.
THE COURT: But you, in December, that was last month, did you give a statement to any reporter?
THE WITNESS: No, I'm sorry, I can see what you are

reading from. That looks like one of the trash sheets, like the National Inquirer.

THE COURT: I didn't ask you that question.
THE WITNESS: I am sorry.
THE COURT: Let me read this to you. This is a statement you gave to the press.
THE COURT: "But not until I was dressed did I learn the awful news. Joe Gargan told us about it." Is that correct?
THE WITNESS: No. Is the statement correct, is that what you are referring to?
THE COURT: Yes.
THE WITNESS: No.

THE COURT: I learned back at the motel that Mary Jo was dead. I never talked to that reporter.
THE WITNESS: "I don't know how to tell you this, Mr. Gargan is purported to have told you, there has been a terrible, terrible tragedy, an accident. You mean an accident, not the Senator, to Mary Jo. She apparently has died, not the Senator, to Mary Jo. She apparently has died. This is alleged to be what you said to the reporter. Did you say this to any reporter?
THE WITNESS: No, and the reason that it is not true; number one is we never called the Senator by his first name, none of us ever did, and I never spoke to that reporter. I never talked to anyone after July.
THE COURT: You say you never called the Senator by his first name?
THE WITNESS: By his first name, I call him Senator.
THE COURT: Well, this wasn't necessarily referring to you. "You mean an accident to Ted, someone hurted."
THE WITNESS: None of us call him by his first name.
THE COURT: So, you say that you did not make this statement to anybody?
THE WITNESS: Not after July did I talk to any news-writer?
THE COURT: You didn't make this statement that I just read to you to anyone?
THE WITNESS: No.
THE COURT: And that it is not true?
THE WITNESS: That is correct.
THE COURT: Now, did you see Mary Jo at the time she left the party?
THE COURT: Yes, I did.
THE COURT: In a place as small as this was --
THE WITNESS: Yes.
THE COURT: -- you must have seen her frequently during the course of the evening?
THE WITNESS: Yes.
THE COURT: You must have talked with her frequently?
THE WITNESS: I talked with her occasionally.
THE COURT: But saw her frequently?
THE WITNESS: Yes.
THE COURT: Did you see her drink any intoxicating liquor?
THE WITNESS: Yes.
THE COURT: Did you see her drink more than one?
THE WITNESS: I can't recall that I saw her drink more than one.
THE COURT: What was her condition as to sobriety at any time that night?
THE WITNESS: Completely sober, if you can use me as an expert.
THE COURT: Completely?
THE WITNESS: Yes.
THE WITNESS: Nothing that would indicate to you in that light that she was intoxicated in any way by having taken alcoholic beverages?
THE WITNESS: No.
THE COURT: Not unusually jovial?
THE WITNESS: We were all very happy, but not unusually jovial because of liquor.
THE COURT: Do you know about a blood test for alcoholic content that you read about them? Do you recall that?
THE WITNESS: Yes.

THE COURT: Do you know that samples of blood are taken for the purpose of obtaining how much alcohol they contain?
THE WITNESS: Yes.
THE COURT: If I tell you the testimony has indicated that Mary Jo's blood had a content of .09 hundredths percentage of alcohol, which by expert testimony indicates your testimony in any way?
THE WITNESS: No, I wouldn't understand the five or six courses any way. Would that be X number of drinks?
THE COURT: Well, if you put an ounce of whiskey, ordinary whiskey -- what was she drinking?
THE WITNESS: I don't know. There was no bartender and people were pouring --

whether she was having a rum and coke as distinct from whiskey and scotch or water and whiskey or gin and tonic, would you not?
THE WITNESS: Yes, but that rum and coke could have been a coca cola as far as I was concerned.
THE COURT: But I am talking about the color.
THE WITNESS: Right, it was not a rum and coke by the color of whatever she had in her hand.
THE COURT: Well, is there any particular favorite type of drink, such as scotch or soda or bourbon and water or anything of this kind?
THE WITNESS: No. Notoriously among all our friends Mary Jo and I hardly drink it at all.
THE COURT: That isn't what I asked you.
THE WITNESS: No, I don't know.
THE COURT: You don't know if she has any particular favorite drink?
THE WITNESS: No, because she is not a drinker, so she wouldn't have a favorite drink.
THE COURT: Well, the alcoholic content indicates that if an ounce of whiskey or rum or scotch in the neighborhood of 80 or 90 proof was used in each drink, that there would be somewhere between five and six drinks to reach an alcoholic content of .09.
THE WITNESS: Yes.
THE WITNESS: I had assumed that the inquest format was relatively informal. If you would like to know, Mary Jo was not a drinker. Five or six drinks would have been completely out of order with the way she lived. And if a girl who didn't drink had that much to drink you would certainly be able to tell if she was more jovial than normal, and she was not.
THE COURT: I am only telling you what a chemical analysis shows and the statistical analysis is practically irrefutable.
THE WITNESS: Then I am the wrong person to be asked, because as far as I was concerned she was completely sober.
THE COURT: And you saw her the time she left?
THE WITNESS: Exactly the time she left.
MR. FERNANDES: Yes, please.
[By Mr. Fernandes:] Miss Neuburgh, with reference to the liquor that was there to drink I believe you had said earlier, and if I am wrong please correct me, that it was at a bar and set up somewhere where you could pour your own?

THE WITNESS: Yes.
THE COURT: Do you recall how many bottles were set up out on the bar?
A No, I really don't. There was some liquor. There was a mixture.
Q Do you recall the size of any of these bottles?
A No, I don't.
Q Did you see any half gallons?
A No, I didn't.
Q When you left the cottage you were walking, I believe, with you and the two Lyons girls.
A And Mr. Larson and the two Lyons girls.
Q When he picked you up did you ever return back to the cottage?
A You mean after Mr. Gargan picked me up, we drove back to the cottage, yes.
Q Was the cottage clean prior to your walking to the ferry? Had it been cleaned?

A It was messy from the night before.

Q Had it been cleaned?

A No.

Q In any respect? In other words, you—

A From the minute Mr. Gargan told us what happened had

Q No, because I don't want to go down the road towards the

A Nancy Lyons had attempted to clean it very late that

Q Before everyone had retired?

A Some people had retired, I think.

Q Now, you started to walk to the ferry because there

A Yes, a car there?

Q At that time what was the condition of the cottage in

A Relatively clean.

Q And who cleaned it?

A As I said, late in the evening Nancy Lyons had cleaned

Q All glasses were washed and put away?

A I am not sure. She can better answer that question.

Q Was there any extra liquor at the time at the party.

A I don't really know.

Q What was the condition with Mr. Cimmmins prior to

A For good, you had no intention of returning to that

Q Right.

Q Had you taken everything with you that you were going

A To take?

Q Mr. Cimmmins also, do you know?

A No, the three of us left, the girls and Mr. LaRosa.

Q Mr. Cimmmins did not go?

A No.

Q I thought you said earlier that Mr. Cimmmins was walk-

A We all walked down the road. We got into the car and

Q Went back to the cottage.

A That is right.

Q Now, he returned to the cottage?

A Right.

Q But the intention was when you had left prior to being

A Picked up by Mr. Gargan that you were now leaving

Q Not necessarily. At that time when we walked out for

A Is that exactly so? I thought you said that Mary Jo

Q Was not accounted for earlier, you said?

A Yes.

Q And you knew the Senator had sworn the diamond?

A Right.

Q And you knew that Mr. Markham had stated that he

A Was walking tired and something had happened?

A Yes, but that was not the case. He was not unaccounted

Q Now, when you came back to the cottage you were told

A Was missing, is that right?

A Yes.

Q And this is approximately 9 o'clock, is it?

A And this is approximately 9:30.

Q You now left the cottage?

A Yes.

Q Does Mr. Cimmmins go with you?

A No.

Q He does not. Did you leave in a car?

A Yes.

Q Was this the white rented car?

A Yes.

Q Do you know if any rubbish was thrown away that day?

A I don't know. I wasn't there.

Q Was any thrown away while you were there?

A No.

Q Did Mr. Cimmmins say anything about returning any of

A No, he didn't say anything about that.

Q Not before the point we knew about Mary Jo?

A No, he didn't say anything about that.

Q The first time that we left for the cottage towards the

A We thought that we were going to Edgartown to have

Q Mr. Cimmmins had been staying at the cottage. The

A Cottage had been left a total wreck. We knew that he

Q What was Mr. Gargan wearing, the same thing he wore

A I wasn't looking that close, home?

Q Were you able to see if he had a long-sleeved shirt on,

A Short-sleeved shirt, Bermuda slacks?

Q I have no idea. He didn't have a business suit on.

Q Were you with him for any significant period of time

A No, I wasn't.

Q No, I wasn't. He was walking out the door when I got

A A few minutes. I saw him in the car, another ten minutes in the

Q During any of the time that you have described, did you

A Observe any injuries that he had received?

A No.

Q Was there mention by anyone that he had received

A Injuries anywhere in any manner at that time?

MR. FERRANDES: No further questions, your Honor.

THE COURT: I just want to ask this further question or

Q Your testimony is that Mr. Gargan said Mary Jo was

A Missing and no more?

THE WITNESS: Right.

THE COURT: I want to read you Mr. Gargan's state-

Q "Question: What time of the morning did you tell any-

A "I would say to the best of my recollection it would

Q "How did you tell them?

A "I told the girls.

Q "That is correct.

A "You told everybody there?

A "Not everybody was there. You mean everybody that

Q "Was in the cottage, yes.

A "Who was there?

Q "Cimmmins, Kay Laska and the five girls.

A "Yes, you told them all what had happened?

THE WITNESS: There is a little confusion there because

Q "Three of the girls were there at the time.

THE COURT: But you were there?

THE WITNESS: Yes.

Q "But you still say that all he said at that

A "Point was Mary Jo was missing?

Q "That is right.

THE WITNESS: Nothing else.

THE COURT: All right. I have no further questions.

THE WITNESS: Thank a minute. You are staying at some

Q "Apartment here?

A "The witness: A house, yes.

Q "I think you would prefer to go there or be

A "Assessed by yourself for the witness in a room here?

THE WITNESS: I would rather stay here.

THE COURT: Would you see that she goes into Mr.

Q "Tyra's room?

MR. TELLER: Yes, Mr.

[Witness excused.]

TESTIMONY OF MARYELLEN LYONS

Before: Hon. James A. Boyle, Justice of the Edgartown District Court

Present: Edmund Davis, District Attorney for the Southern District of Massachusetts, Armand Formandes, Assistant District Attorney, Peter Gay, Assistant District Attorney, for the Commonwealth.

Paul Dohy, Sr., Esq., Daniel Redmond, Esq., For Maryellen Lyons

Thomas Teller, Clerk of Courts Helen S. Tyra, Temporary Court Officer Harold T. McNeil and Sidney R. Lipman, Official Court Stenographers.

Edgartown, Massachusetts, Thursday, January 8, 1970.

MARYELLEN LYONS Sworn

EXAMINATION BY MR. DAVIS: Q Will you be seated? May we have your name, please?

A Maryellen Lyons.

Q And where do you reside?

A In Milton, Massachusetts.

Q 3 Windsor Road.

Q And do you have an occupation?

A State Legislator for the Committee on Social Welfare in the

Q In the State House, Boston?

A Yes.

Q Directing your attention to July 18th or thereabouts,

A Yes, I make them with my sister.

Q And as a result of that arrangement did you, in fact,

A Arrive on Martha's Vineyard on the 18th of July?

A I arrived on a Friday. Was that the 18th?

Q Yes, on Friday.

Q What time did you arrive?

A We took the 10:15, I think, or 10:30 ferry from Woods

Q How long does it take to get here?

A About 11:00.

Q When you say we, you mean your sister?

A My sister and myself.

Q What is her name?

A Nancy Lyons?

Q Now, upon arrival at Vineyard Haven where did you

A Proceed to?

Q We were picked up by Mr. Gargan as I remember, and

A We went to the Kalamia Shores from there where we

Q Did you check in there?

A Yes, we did.

Q I think you remain there a while?

A We were going to go for a walk on the beach, but the beach

Q At which beach, do you know? Was this the beach at

A Kalamia Shores?

Q No, no, no, on Chappquiddick.

Q Chappquiddick, and did you proceed from Kalamia

Q Shores to the beach on Chappquiddick?

A Yes, we did.

Q And this was about nighttime?

A Yes.

Q And when you arrived at the beach did you know

A Anyone there?

Q Did you meet some friends?

A Yes, we did.

Q Could we have the names of the parties you met there?

A I don't remember. Miss Newburgh was there, Miss Tannbaum,

Q Miss K. Johnson, Mr. Teller, and Mr. Gar-

A Did Senator Kennedy arrive at some time that morning

Q About 1 I would say probably an hour after we were

A There.

Q How long did you remain at the beach?

A About an hour, an hour and a half. I am not too

Q And when you left the beach, where did you go?

A We were going to watch the sailing races around

Q From where would you watch the races?

A In a boat.

Q Yes.

Q A boat belonging to whom, do you know?

A No, I don't know. I think it was a regular public boat

Q That they hire out. I think it was a regular public boat

A I see. How did you spend the rest of the afternoon?

Q We spent the rest of the afternoon on a boat watching

A The races.

Q Who was on the boat with you in your party?

A All of the girls and captain, you know, who was driving

Q The boat. That would be Miss Tannbaum, Miss New-

A I remember. Miss Kopeckin, my sister and Miss Keough.

Q I remember. At that time in the afternoon did this boat

A Subsequent to the races, I would imagine that was about

Q 4:30.

Q And where did you go when you left the boat?

A I think we went back to Kalamia Shores.

Q Was there any drinking around the boat?

A No, we brought on hamburgers, cokes, coffee.

Q No, alcoholic beverages?

A No.

Q You went back to Kalamia Shores in the afternoon upon

A Leaving the boat?

A Yes.

Q How long did you remain there?

A Oh, you know, a couple of hours. We took a shower,

Q Had been out all day, and some of us took naps.

A Part of the night at Kalamia Shores that evening or that early

Q I don't understand the question.

A You left Kalamia Shores after the refreshing period that

Q You spent there after a few hours, you say?

A Yes.

Q Where did you proceed to after Kalamia Shores?

A We proceeded to Chappquiddick Island.

Q And what was about what time?

A 7:30-8.

Q And then you went from Kalamia Shores across the

Q Ferry over to the cottage?

A Yes.

Q When you arrived at the cottage, was there anyone

A There?

A Yes. Mr. Cimmmins was there, I believe everybody in the

Q The whole group was there?

A Yes.

Q The Senator was there?

A Yes.

Q Were there drinks available at the time at the cottage?

A Yes.

Q Did you have anything to drink?

A Yes, I had a vodka and tonic.

Q Did you get that for yourself or did someone help you

Q With it?

A I don't remember.

Q Was there a bartender?
A No, but there were different people, you know, going up and back and forth.
Q An informal bar on a table?
A Yes.
Q And were there various kinds of liquor on the table?
Q Did you recall seeing any of the liquor?
A I don't recall seeing any of the liquor.
Q Did they have a bucket of ice?
A Yes.
Q Were there any hot drinks served?
A No, I don't think so.
Q There were no hot drinks served during that party?
A Yes, we had dinner.
A Right, and food later?
Q Stocks?
A Yes.
Q Barbeque?
A Yes.
Q You mean crackers and cheese?
Q Did you do not recall any hot drinks being served?
A I don't remember that.
Q Do you remember the quantity of the liquor that was on the table that was being used as the bar?
A No, I don't.
Q The number of bottles?
A No, I don't.
Q How much gin was on that table?
A There wasn't any. That is why I only had one Vodka.
Q Was there any Vodka?
A Yes.
Q Were there several bottles of Vodka?
A I don't know.
Q Well, how did you obtain your drink of Vodka?
A I can't remember. If I, you know, went over and got it myself or if somebody was there, it was extremely difficult to get.
Q How many did you have that evening, if you recall?
A Just that one drink?
Q Yes.
Q Now, can you describe to the Court what transpired during the time you were there that evening at 8 o'clock when you had dinner, the hot drinks and potatoes and vegetables, but I can't remember what time, you know, it was when we ate, but we ate, sat around for a while. It was extremely informal. People were telling stories and we had a little music. Some of us were dancing, going back and forth outside, inside.
Q Excuse me, was any provision made for the music at the time?
A Somebody had a small, I think, cassette.
Q A tape cassette?
A Yes, and where did the dancing take place, in the living room?
Q And during all this time were other persons having any group singing or were there any songs being sung?
Q I see. Now, at some time during that evening was there any group singing or were there any songs being sung?
A Yes.
Q And did all - how many participated in the singing?
A Everyone, I would imagine, off and on. I wasn't an organized singer. People were -
Q But there was a chorus. Those who were participating at a party did join in the singing as a group?
A Yes.
Q Did you have any complaints from the neighborhood?
A No, not to my knowledge.
Q Not to your knowledge. Did you leave the house at any time during these festivities?
A Yes, I did.
Q And where did you go?
A Walking.
Q With whom?
Q Yes.
Q Let me see. At one point I took a walk with Miss Kennedy down the roadway?
Q Did you recall what direction you took with regards to the ferry, did you know which direction?
A No, I get confused as to where the ferry was from the cottage.
Q You went out the front door?
Q Which way did you turn?
A To the left.
Q To the left. Did you see any automobiles in the road at that time?
A Not at that time, no, sir.
Q Or while you were walking, taking your walk, did any automobiles slow down near you?
A Did you see that particular man?
A Yes, I did.
Q You did?
A Yes.
Q Now, directing your attention to the second walk, as you were going along the roadway, is that correct?
A Yes.
Q Did you go on the roadway?
A Yes.
Q Did an automobile slow down?
A Yes, it did.
Q Did you have any conversation with the driver?
A I did not, no.
Q You did not. Did your sister have any - strike that - did anyone else have conversation with the driver, some conversation?
A Not a real conversation, a remark was made.
Q A remark was made?
A Yes.
Q Will you tell the Court what happened involving that automobile?
A We were walking - this was coming out of the cottage to the right and a car passed and just slowed down as it approached us and asked if we needed anything. Mr. Markham had prior to this time left the cottage. We thought they were coming back, and I believe that my sister made, you know, a comment, move along, or something to that effect, and then we discovered that it was not Mr. Markham or Mr. Gargan; it was someone that we didn't know.
Q Do you recall the approximate time that this event took place?
A Well, it was 12:15 - well, it was after 12:00, as I remember it.
Q It was after 12:00 o'clock, but it could be 12:30, would you know that?
A Not that I - you know, not that I know exactly.
Q You have no specific memory of the time?
A Not really, no.
Q Yes, and you say it was after 12:00, after midnight?
A Now, was Mr. Markham or Mr. Gargan in the cottage at this time?
A No, they were not. They had left.
Q They had left?
A Yes.
Q Was the Senator in the cottage?
A No, he was not.
Q Mr. Markham or Mr. Kopechne in the cottage?
A No, also was not.
Q Did you see Mary Jo Kopechne leave the cottage?
A No, I did not.
Q You did not. Did you see Senator Kennedy leaving?
A No, People in and out all night. I mean, people were going into the cottage and out of the cottage, I don't know at any particular time that any of the people, I know at some time in the evening, well, it brought to your attention that Mary Jo had left the cottage?
A Well, yes, after a while I knew that she wasn't there.
Q At approximately what time did you learn that, that Mary Jo was not in the cottage?
Q Would you say about 11:15 or 11:30?
Q Well, did you learn, how did that come to your attention?
A How did it come to my attention?
Q Yes.
Q They weren't there.
Q Did you - was there any discussion about her not being in the cottage, Mary Jo?
A Not really, but I - there was discussion that they were gone.
Q Well, what discussion did you hear about their having been gone?
A Well, not - I mean, no one brought it directly to my attention with respect to Mary Jo is gone, the Senator is gone; it just after a while, they weren't there.
Q And you noticed that they were not there?
Q At about 11:30, you say?
A Yes.
Q Now, did you see Mr. Markham or Mr. Gargan leave at any time?
A I would say after the Senator and Miss Kopechne were gone, sometime after that, Mr. Larrosa came into the cottage where I was at that time and called for Mr. Markham and Mr. Gargan just asked him to come outside and Mr. Gargan just asked them again, I mean, didn't you know they were gone, they were gone?
Q And this was before 12:00 or 12:15, the time you saw the automobile out on the roadway that slowed down?
A Oh, yes, it was before that.
Q Before that?
A I hadn't gone for any walk at that point, I hadn't been out of the cottage, said earlier that Mr. Gargan and Mr. Markham left before you took your second walk?
A Before I took the first one.
Q Oh, before you took the first one?
A Yes, they had been, Mr. Markham and Mr. Gargan were gone and then we were sitting around moving in and out of the house and then started to take a walk.
Q Did Mr. Larrosa tell you that Senator Kennedy had a car?
A Yes, he did.
Q Mr. Larrosa told you that?
A Yes.
Q Do you remember the approximate time?
A He told me that, I believe, on the second walk that I took.
Q Did he describe the Senator in any way?
A Not really, but he said he was wearing a hat, a brown hat, and he was wearing a suit, a dark suit.
Q What did he say, Mr. Larrosa, to you about that particular question?
A He just said that the Senator had come back and asked for Mr. Markham and Mr. Gargan. That is all.
Q Was there any talk about Mary Jo at that time?
A No, we were speculating whether a car had been caught in the sand or how do you put that, and we were speculating with whom about the sand and the car?
A Mr. Larrosa and others.
Q Who were the others?
A Talking about how it happened before the cars got stuck in the sand.
Q Cars got stuck in the sand before that same night?
A Oh, no, not that night.
Q When did that happen, when you tell the Court what about the incident with the car stuck with being stuck in the sand with an automobile?
A It wasn't my experience, Mr. Dantz. We were speculating whether or not a car had been stuck in the sand and they were saying that another year when they had been there a car was stuck in the sand and they came back and called for another car and by the time it ended there were three cars stuck in the sand and they were essentially what we were speculating about. Another car stuck in the sand and another one up and was that now stuck in the sand, too.
Q Was there any conversation as to why these automobiles were in the sand?
A No, we didn't know that they were in the sand. The car was stuck in the sand and Mr. Gargan and Mr. Markham had taken the other car to get the first car out of the sand. We didn't know that they were stuck in the sand, and I assumed they weren't, but this was what we were speculating about at that time.
Q How long had you planned on staying in Chappapaddock Saturday?
A Through Sunday.
Q At the house?
A At -
Q Chappapaddock, on the island?
A No, we weren't staying at the house, we were staying -
Q At Katama?
A Katama Shores.
Q Did you plan to stay overnight in Chappapaddock at the house?
A No, I did not.
Q Did you in fact stay overnight?
A Yes, we did, yes, I did.
Q What was the reason for that?
A Well, we had planned to go back to Katama Shores for the evening, take the ferry and if we couldn't get the ferry, we were thinking maybe we could get another ferry, we were thinking maybe we could get another ferry, Mr. Markham and Mr. Gargan had left at the cottage to the Senator, and there were no cars there, so we were just sort of free floating, I guess is the word, and -
Q Well, isn't it a fact that Mr. Markham and Mr. Gargan returned to the cottage sometime later?
A Yes, but at that point there the ferry wasn't available not able to take no boats available either. So, we were not able to go.
Q Do you know what time Mr. Gargan and Mr. Markham returned after you speculated about their being missing?
A I would say it was approximately 2:15, 2:30. In that vicinity.
Q And you spent the rest of the night at the Chappapaddock cottage?
A Yes.
Q Was there any effort made to go to the ferry and get across, back to Martha's Vineyard?
A Well, I believe Mr. Markham and Mr. Gargan said that they were looking for a boat and there weren't any available and there was no ferry.
Q You say that they were looking for a boat?
A To take us back.
Q Did they say that they were looking for a boat?
A Well, they said that they had been down at the -
Q Ferry landing?
A Yes.
Q And what else did they say?
A They said that they had been down at the ferry landing and that the Senator had dove in the water because there were no cars there, and they were speculating about getting back to the other side and that he dove into the water and that they did it after him.
Q And what else did they tell you?
A That -
Q Now when they told you this, were there others present?
A Let me see. I think Mr. Larrosa was still up at that time and I think Mr. Dantz was up at that time. I don't know, I don't know, I don't know that I heard that.
Q Well, were there others present with you or was it a private conversation with you?
A No, it was a general. It was in the main room of the cottage.
Q The main room?
Q Yes.
Q They told everyone how the Senator dove into the

phone.

Q Didn't Mr. Gargan at Katama Shores after you arrived and went into Mary Jo's room, didn't he take you inside and tell you what happened?

A He didn't come back with us to Katama Shores originally. He drove us to the ferry and we took the ferry to the shore. He was with us, but he didn't take the Katama Shores and we were there, you know, by ourselves.

Q Did you look for the automobile? Did you look for Senator Kennedy's car?

A No, we just looked for—

Q In Mary Jo's room for Mary Jo?

A Yes.

Q And Mr. Gargan did not tell you anything at Katama Shores about how Mary Jo died?

A No, when did you leave the island? Did you leave the island that day?

A Yes, we did.

Q What time did you leave?

A I really don't know if it was 4 o'clock or—

Q Who took you to the boat, do you recall?

A When you left the cottage, did you do any cleaning up? A No, we did not.

Q Did anybody do any cleaning up of the cottage before you left?

A Not before I left. As I say, we got right back in the car. I think Mr. Chimmus and Mr. Larross were left at the cottage.

Q Now, did you see any members of the party again, the party you were with, the girls, did the girls all leave together?

A Do you mean that morning?

Q That afternoon.

A Oh, leave the island?

A Yes, we did.

Q All five?

A Yes.

Q On the steamship?

A To Woods Hole.

Q Was there any conversation on the boat about what happened?

A There were just skinned. I don't remember any conversation.

Q Didn't you talk about it at all?

A Well, we didn't know what had happened. This was the big thing and at that time I felt—I didn't know that Mr. Gargan and Mr. Markham had been at the scene until just prior to the Senator's address on television because Mr. Markham and Mr. Gargan came back to the cottage. They appeared very normal. Nothing was wrong. You know we didn't want to talk anything, anything, because there was no reason to talk anything, anything, know anything had happened. We didn't know until the next day.

Q When Mr. Gargan came in that morning and told you that Mary Jo had taken the car back to Katama was either Newburgh present at the cottage at 2 o'clock?

A He was all present at the cottage. As I said, some of the boys were there, but the only one I can remember being up or being in the house, the only one I was with was Mr. Larross. I don't know, I don't remember whether Miss Newburgh was. As I say, it wasn't an address of any kind. It was a people who were sleeping, waiting, figuring the cars had been stuck. If they came back—

Q Yes, a small cottage, isn't it?

A Yes.

Q Where did Mr. Gargan tell you this, what part of the house?

A This was in the living room, the main part of the cottage.

Q And you were sitting there with Mr. Larross?

A Yes.

Q When Mr. Gargan told you about Mary Jo going back to Katama?

A I don't know. As I say, I don't remember whether he said that at that time, you know, or there was conversation but at some time he told you that?

A Yes.

Q That evening or morning?

A Now you say just prior to the Senator's TV address that you learned that Markham—Mr. Markham and Mr. Gargan were, had been at the scene; that is, the Dike Bridge?

A Yes.

Q Who told you that?

A Mr. Hackett, David Hackett who worked with us in the boat.

Q When did he say to you, what exactly did he say to you, Mr. Hackett?

A We were on the Cape at our summer house and he came over. I think before the address was going to be on to inform us of what it was going to be and he just thought we might like to know.

Q Did you ever speak to Senator Kennedy about the accident?

A No.

MR. DIMS: No further questions.

THE COURT: Just one thing. Earlier in the testimony you said that in connection with the second car leaving you had no unusual feelings, because you thought maybe the car got stuck in the sand because a year before that the same situation had developed with some other property. I don't know your honor, if it was the year before we were on the Cape, are you retaining the fact that it had happened to them before that it was at another time that they were at Edgartown. It was, I don't know when it was, it was just sort of a funny story when they were over there. I don't know if it was there. It was just that they were somewhere at the beach and a car got stuck and somebody

THE COURT: All right.

MR. DIMS: That is all.

THE COURT: All right.

MR. FERNANDES: Is the witness going to be taken to a separate room?

THE COURT: Yes, they are. Why don't you, if you him? Trooper Larosa right outside, do you want to get MR. DIMS: Yes, sir.

THE COURT: I will excuse you gentlemen until 11:15.

TESTIMONY
OF
ROBERT P. LUCAS

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Present:
Edmund Dine, District Attorney for the
Southern District of Massachusetts,
Armand Penname, Assistant District Attorney,
Peter Gray, Assistant District Attorney,
for the Commonwealth.

Thomas Teller, Clerk of Courts
Helen S. Tyra, Temporary Court Officer
Harold T. McNeil and Sidney R. Lipman,
Official Court Stenographers.

Edgartown, Massachusetts
Tuesday, January 8, 1970.

ROBERT P. LUCAS, Sworn

EXAMINATION BY MR. FERNANDES:
Q Thomas, for the record of the Court, give the Court your full name?

A Robert P. Lucas, 1-24-29-36.
Q And your legal address?
A Newton Avenue, Oak Bluffs.
Q Your occupation?
A State Police Officer.
Q Were you so occupied throughout 1969?
A Yes, I was.
Q In your capacity did you receive something from one A. J. Gandy a certain amount of blood?
A Yes, I did.
Q Could you tell us approximately when that was?
A It was on the evening of the 18th, I believe.
Q I refresh your recollection, was it the 19th?
A Yes, the 19th. It was on the 19th, a Saturday evening at approximately 9-40 p.m. in the Town of Tisbury, Trooper Charest and myself received the blood of Mary Jo Kopschke from the Assistant Director of the funeral home, David Gandy.
Q And you, Mr. Lucas, with that?
A We thought that you had been shot and secured it in the gun locker at the barracks at Oak Bluffs.
Q Did anyone have access to where it was contained—
A Nobody.
Q Or what was given to you, and what did you do with it after securing it?

A The following morning, Sunday morning at approximately 10:00, Trooper Charest took the blood to the blood to Detective Lieutenant Killen.
THE COURT: Is the Lieutenant here?
MR. FERNANDES: Lieutenant Killen is outside. We have Trooper Charest also.
THE COURT: Let's have Lieutenant Killen in. Did he carry it to Boston?
MR. FERNANDES: Yes, he did. Would you ask that Lieutenant Killen in, please?

THE WITNESS: Yes.

TESTIMONY
OF
GEORGE E. KILLEN

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Present:
Edmund Dine, District Attorney for the
Southern District of Massachusetts,
Armand Penname, Assistant District Attorney,
Peter Gray, Assistant District Attorney,
for the Commonwealth.

Thomas Teller, Clerk of Courts
Helen S. Tyra, Temporary Court Officer
Harold T. McNeil and Sidney R. Lipman,
Official Court Stenographers.

Edgartown, Massachusetts
Thursday, January 8, 1970.

GEORGE E. KILLEN, Sworn

EXAMINATION BY MR. FERNANDES:
Q Give your full name for the record, please?
A George E. Killen.
Q And your occupation?
A I am a police lieutenant in the State Police.
Q And your address?
A 3 Barcliff Avenue, Chatham.
Q Now, I direct your attention to July 1969. Lieutenant Killen, did you have occasion to receive a certain item from Trooper Charest of the State Police?
A Yes, I did.
Q Could you tell us where you received it and what it A I received a large brown manila envelope which contained a vial of blood. I received it at Woods Hole on Sunday, July the 20th.
Q And what did you do with this blood?

A I took it to the State Police Office at the Superior Court House in Barnstable and I locked it up in the locker.

Q And does anyone have access to that locker?

A No, just me.

Q And did you do anything else with it?

A On Monday the 21st of July I took it to Boston to the State Police Chemical Laboratory and I gave it to a chemist McHugh.

THE COURT: The one we had before was Moore's? MR. FERNANDES: No, McHugh, the head of the State Police Laboratory, I think that is enough to identify. We will take our remaining recesses as then taken.)

TESTIMONY
OF
ANN LYONS

Before:
Hon. James A. Boyle, Justice of the
Edgartown District Court

Present:
Edmund Dine, District Attorney for the
Southern District of Massachusetts,
Armand Penname, Assistant District Attorney,
Peter Gray, Assistant District Attorney,
for the Commonwealth.

Daniel Lyons, Sr., Esq.
Paul Redmond, Esq.

for Ann Lyons.

Thomas Teller, Clerk of Courts
Helen S. Tyra, Temporary Court Officer
Harold T. McNeil and Sidney R. Lipman,
Official Court Stenographers.

Edgartown, Massachusetts
Thursday, January 8, 1970.

ANN LYONS, Sworn

EXAMINATION BY MR. FERNANDES:
Q Please give the Court your full name.
A Ann Lyons.
Q Where do you live, Miss Lyons?
A Washington, D. C.
Q What is your occupation?
A Legislative aide to Senator Kennedy.
Q Now, I direct your attention to July 18, 1969. You had occasion to be on Martha's Vineyard Island?
A Yes.
Q And at some time you had occasion to visit Chappaquiddick Island?
A Yes.
Q Could you tell us when was the first time you visited Chappaquiddick Island?
A On the afternoon, Friday afternoon.
Q And did you have occasion to return there last night?
Q Now, up till the time you arrived at Chappaquiddick Island that night—by that night, I take it you mean the 18th?
A Yes.
Q Friday?
Q And you were with a group of people who subsequently arrived at Chappaquiddick and were with you at a party that night?
A Yes.
Q Now, could you tell us whether or not there had been any drinking by any of these people up until that time, drinking of alcoholic beverages up until the time that you had gone to the party that evening?
A Yes.
Q Now, tell us what time you arrived at Chappaquiddick Island?

A Well, I don't wear a watch but I think it was around 8:00 p.m.

Q Could you tell us with whom you arrived?

A Margaret Lyons, Esther Newburgh, Susan Tammann, Charles Keough, Mary Jo Kopechne, Raymond Larsons. Will you tell us how you got there?

Q Will you tell us whose automobile?

A I believe it was a rented automobile.

Q All of you in one car?

A Yes, sir.

Q Was there anyone at the cottage when you arrived?

A Yes, sir.

Q Would you tell us who?

A Paul Markham, Senator Kennedy, Charles Trotter and now, would you tell us what these people were doing when you arrived?

A Waiting for us.

Q All right. And what did you do upon arriving?

A Well, we said hello to each other and we were offered a drink, some if you remember?

Q I don't recall.

Q Could you tell us what there was to drink at that time?

A The only thing I do recall is there wasn't any gin.

Q Can you tell us what was there?

A Vodka.

Q Do you know how much?

A No, I don't.

Q I don't know that I saw the bottles. I can't remember.

Q Was there anything besides vodka?

A Yes, but I don't know what it was.

Q Did you have anything to drink?

A Yes, sir.

Q What did you have to drink?

A Vodka.

Q Could you tell us how much you had to drink that night?

A I don't know if I could say exactly, but usually I have two or three drinks during the course of the evening.

Q How long had you planned on staying at Chappaquiddick that night?

A Just until we got back to the main island.

Q Did you have any idea when that would be?

A I don't know what time we were told the last ferry left at midnight.

Q Do you recall who told you that?

A I think it was Mr. Cimmmins.

Q And when you say we all, you mean all the people were present or there were a number present when he said that to you?

A I think it was sort of a small group discussion when it first came during that party did you have occasion to observe Miss Kopechne?

A Yes.

Q Did you have occasion to observe Mr. Kennedy?

A Yes.

Q Now, did you have occasion to observe Mr. Kennedy do any drinking?

A Yes.

Q And you tell us what, if anything, you saw him drink?

A I don't know what he was drinking.

Q Well, what did you see him doing that led you to the conclusion that he had been drinking?

A Well, he had a glass in his hand.

Q Could you tell us for how long a period of time, when?

A No. Well, I don't understand.

Q Well, for most of the evening was he holding a glass in his hand?

A Well, I wasn't observing him for most of the evening.

Q Did you see him pouring drinks?

A Yes.

Q For whom?

A Just for people that were there.

Q Do you know of what and to whom?

A No, sir.

Q All right. Did you see Miss Kopechne drink?

A Yes, sir.

Q Do you know what she had to drink?

A Vodka.

Q Vodka and what?

A I don't know.

Q And how do you know?

A I think all the girls had vodka and tonic.

Q And are you aware of how many drinks she had?

Q Do you know if there was more than one?

Q No, sir.

Q Did you see her with a glass throughout most of the evening?

A Not at all.

Q Well, again I wasn't observing anyone in particular.

Q All right. I take it you people had something to eat while you were there, you had stinks?

A Yes, sir.

Q And prior to that time you had some swimming some part of the day?

A In the hotel, but I don't recall.

Q The hotel had been no swimming after that incident, that swim in the morning at East Beach or the afternoon at East Beach?

A I didn't arrive until the afternoon.

Q But the answer is, there was no swimming after that swim in the afternoon?

A You mean after we arrived at the party?

Q Right.

Q Now, did you have any conversations with Miss Kopechne?

A Yes, sir.

Q At the party?

Q Could you tell us whether or not she commented on the food or the condition of the party?

A I don't recall. I recall a conversation that was related to me by someone else at the party.

Q My sister, Margaret, told me she had spoken to Mary Jo and Mary Jo indicated she was having a very nice time, never expressed the fact she was tired or ill or uncomfortable at the party?

A Not to my knowledge.

Q All right. Now, whether or not with reference to your observations of Mr. Kennedy, did you form any opinion as to the condition as to sobriety?

A Well, I think I usually form an opinion like that.

Q I don't think I usually form an opinion based on what you observed of him on that day.

Q Do you have any opinion as to the condition as to sobriety?

A I do.

Q And what is your opinion?

A That he was sober.

Q And I will ask you the same question of Kopechne.

Q Oh, absolutely.

Q Did there come a time when you were aware of that party?

A Yes, sir.

Q Would you tell us when and how you became aware of that fact?

A I saw the Senator and Miss Kopechne leave the party.

Q Could you tell us where you were when you saw them leave?

A In the living room.

Q Or standing.

Q You were in the living room of the cottage?

A Yes, sir.

Q And what did you see?

A I saw the Senator and Mary Jo walk out the door.

Q Had they been in the living room at that time?

Q Do you know whether or not the Senator or Mr. Kennedy had the keys to the car?

A No, sir.

Q Cimmmins in the room with you?

Q Did you observe any conversation between Mr. Kennedy and Mr. Cimmmins?

A In any event you saw both leave?

Q And did you record the time or take note of the time at that point?

A Well, I don't have a watch.

Q Well, have you any approximate idea of when it was?

A Well, as best I can recall I believe we arrived at Chappaquiddick at 8:00. They had to cook dinner and all that. I would say it was 11:00, 11:15 in the evening.

Q You would say 11:00 or 11:15?

A That is just — you saw them walk out the door?

Q Did you say you saw them walk out the door?

Q Did any of them indicate where they were going?

A No, sir.

Q And no one asked?

Q Did you see where they went?

A No, sir.

Q Did you know if they went into the car?

Q You did not see the car leave?

A No, sir.

Q All you know is that they left the cottage at approximately 11:00 or 11:15?

Q Did there come a time when you became aware that the car was not there?

A Yes, sir.

Q By the car I mean Mr. Kennedy's car.

Q Could you tell us when was it that you became aware that Mr. Kennedy's car was not there or not in front of the cottage?

A Well, we were walking in and out of the cottage and at one point when I walked out I noticed that the car was not there.

Q How long after you had seen them leave?

A I can't recall.

Q Well, do you know if it was a short time or a long time?

A I can't recall.

Q What were the activities at the party after they had left?

A Well, we continued talking and singing.

Q Were there any eating or drinking still going on?

A I think there wasn't any eating. Some people were still drinking.

Q Is it safe to say that after they left that essentially everyone else who had attended the party was still present and in the vicinity of the cottage?

A Yes, sir.

Q Now, did there come a time when you saw Mr. Kennedy again that evening?

Q Did he become aware of the fact that he had returned to the cottage?

A Yes, sir.

Q Could you tell us when you became aware of that fact?

A I would say it was about an hour after the Senator and Miss Kopechne had left, Mr. Larsons came in. He had been outside the cottage and asked Mr. Markham and Mr. Gargan to go outside, the Senator had asked for the keys.

Q Did Mr. Larsons say where Mr. Kennedy was?

A No, sir.

Q Was he outside alone?

A Mr. Larsons.

Q Who, sir?

Q I don't know.

Q You don't know where he was?

Q Do you recall who was present?

A I would say everyone was present.

Q Except Mr. Larsons?

A Right.

Q Now, —

A Well, everyone was in and around the area.

Q Now, what exactly did Mr. Larsons say and to whom?

A The just came in and said in a rather loud voice, "because Mr. Kennedy is outside, Mr. Gargan and Mr. Markham, Senator Kennedy is outside, see you, they left and you said they had left at approximately 11:00 or 11:15, is that right?"

Q At this time were you concerned or was anyone concerned about getting back to Eggertown?

A That would be the last ferry was at that time.

Q When was it that conversation came up, before Mr. Larsons entered and indicated Mr. Kennedy wished to speak with Mr. Gargan and Mr. Markham or after?

A I think it was before.

Q All right, what was that conversation before Mr. Kennedy returned to the cottage?

A Just that Mr. Cimmmins and I was standing in a group talking with Mr. Cimmmins and he looked at his watch and indicated that the last ferry left at midnight and it was now after 11:00.

Q Kennedy had already left with Miss Kopechne?

A Where there any preparations or arrangements made for returning to the mainland at that time?

A No, I don't think anyone was particularly concerned. We just assumed that at an appropriate time we would go back to the island.

Q In any event, Mr. Markham and Mr. Gargan left?

Q They left.

Q At that time what activity took place at the cottage afterward?

A Well, again, those that remained continued to have discussions and the party continued normally for a period of time where people went out for a walk or —

Q Well, what did you do?

A I went — it was rather warm in the cottage and went outside and there were mosquitoes outside, so you were walking.

Q With whom?

A Miss Tammann.

Q Anyone else?

A No.

Q Would you tell us what time this was?

A I would say it was at least twenty minutes, that kind of we spent after Mr. Gargan and Mr. Markham left and I —

Q So this would be approximately ten minutes before 1:00?

A Perhaps.

Q Well, you said that Mr. Gargan and Mr. Markham left approximately an hour after Mr. Kennedy had left?

A Yes, if he left at 11:00, 11:15 this would be approximately quarter of 1:00?

A Yes, sir.

Q Just the two of you?

A Yes, sir.

Q Could you tell us when you went?

A We, I think we were outside at this time and talking and we went up the street.

Q You say up the street?

A Up the street towards the ferry.

Q Towards the ferry?

A Yes, and we didn't walk very far because I don't really enjoy walking and I think we got about to the ferry station and then we came back and a little bit later my sister, Marybeth, and Mr. Larsons and I took another walk.

Q How long after the walk that you have just taken?

A I would say again perhaps twenty minutes.

Q So what time would you say the second walk took place?

A About 1:30.

Q As you best remember it?

A Yes. I'm pretty sure that we returned about ten minutes after 2:00.

Q All right, at this time did you encounter anyone on the road?

A Yes, sir.

Q And on any of these walks, did you encounter anyone on the road?

A I don't believe I did on the first walk. On the second walk at this point, of course, we were interested in how we would get back to the island, since there was now no car at the cottage and it was well after midnight.

Q The fact that there wasn't any car?

A Right, but we still assumed there was coming back shortly. But now the period of time was longer and we began wondering what people were doing and —

Q On the second walk, did you encounter anyone?

A Yes, sir, we walked well past the fire station on this particular walk and we were talking over our shoulders and went — and I'm not sure I recall if a car passed us on the way to the ferry, but as we turned to come back and were walking, walking back towards the cottage, we heard a car approaching behind us and I assumed that it was Mr. Gargan and Mr. Markham returning and when they pulled up —

Q Returning from where?

A All right.

A And the car slowed as it approached us and I thought it was Mr. Gargan and I said, move along, move along, we are all right, and at that point the person in the car made a statement that told me it wasn't Mr. Gargan and that we were all right and just returning to our homes.

Q How far away from the cottage were you?

A We were past the station towards the ferry.

Q How long would it take you to walk to the cottage from where you were?

A No more than about five minutes, ten, fifteen, sir.

Q Well, if I told you that conversation you had was at approximately quarter of 1:00 —

A I would say that was early.

Q — would you still tell me that you got back to the cottage at approximately five minutes or ten minutes to 2:00?

A I would say that the conversation couldn't have been there early.

Q Are you certain you returned to the cottage at ten minutes of 1:00?

A About ten minutes of 2:00, because I asked what time it was because I was getting tired.

Q After this conversation did you in fact return to the cottage?

A Yes, sir.

Q So, you look you five or ten minutes after the conversation to get back?

A Yes, sir.

Q What did you do upon arriving?

A At the cottage?

A Yes.

Q Well, I asked, at 1 say, what time it was and someone told me, you can finish your answer.

A I asked the time and someone told me it was approaching 2:00 o'clock.

Q Who was there when you returned sitting on the fence? I think Miss Tennentbaum and Miss Newburgh and Mr. Gargan was inside the cottage, Mr. Lakson and Mary-Jane and Mr. who does that leave? I don't recall.

Q Somebody there, did Mr. Markham and Mr. Gargan

arrive?

A Well, I went to bed at that point.

Q Where?

A In the bedroom.

Q And did Mr. Gargan come in?

A Yes, I heard them return.

Q Could you tell approximately how long after you had returned did they arrive?

A I would say a half hour, 45 minutes.

Q So, it is safe to say approximately 2:30 or thereafter they returned?

A Yes, sir, but again I can only estimate because as I say I don't know where they had returned.

Q Well, I could hear them, you know, the cottage was small.

Q What was said?

A I don't recall any particular conversation, just that there was someone keeping me awake.

Q Did you become aware of the fact that at that time or thereabouts that Mr. Kennedy had swam back to Edgartown?

A No, sir, not at that time.

Q Was there any discussion in your presence concerning the car getting stuck in the sand?

A Yes, earlier in the evening when Mr. Markham and Mr. Gargan didn't return immediately after they left we assumed that the Senator's car had been stuck in the sand, that they had some help there, and that they had to that describing a similar incident was pursued during the evening. So, we assumed that was what had happened to the car had not got stuck in the sand any part of that day, before?

Q Now, do you know where Mr. Kennedy had left originally?

A No, sir.

Q Did anyone know where Mr. Kennedy had left originally when he left the cottage with Miss Kopechne?

A Did anyone know?

A I know where he had gone.

A I didn't.

Q Did Mr. Chinnamus or anyone say Mr. Kennedy returned to Edgartown?

A I don't know if anyone else.

A Well, the conversation earlier after I went to bed and Mr. Gargan and Mr. Markham had returned, Miss Newburgh and Miss Lyons came into the bedroom and there were two beds and at one point Mr. Gargan knocked on the door and he came in and asked, you know, was talking and I said —

Q I don't recall the conversation, I can recall what I said.

A The first was, you know, it is late and you have to call in the morning, let's, you know, let's get some sleep; and then I asked Mr. Gargan where Miss Kopechne was.

Q He told me she was at the Katama Shore.

Q Did he say how he knew?

A Yes, sir.

Q Did you ask where Mr. Kennedy was?

A Yes, sir.

Q He said he also had returned to his hotel.

Q Did he say how he had returned?

A I don't believe I asked.

Q Was there any other conversation with either Mr. Markham or Mr. Gargan at this time from that I was in and I didn't participate in any further conversation.

Q Two gentlemen at this time?

A Well, I couldn't — they returned to the living room where several other people were and there was conversation.

Q Did you hear any?

A No.

Q Do you know what was said?

A No, sir.

Q When they returned you now had one car, did you not?

A Yes, sir.

Q Did you know whether or not you had more than one car?

A No, sir.

Q Did you ask them anything about getting the car out of the sand?

A No, sir.

Q Did anyone?

A I asked where they had been.

Q And they said that they were trying to recall — I think they stated that they had gone with the Senator to the ferry and the ferry wasn't there and the Senator had swam across.

Q Did anyone say, where is the car?

A Yes.

Q I don't recall if it was myself or my sister.

Q And what was the response?

A That Miss Kopechne had taken the car to the Katama Shore.

Q Did anyone ask when?

A No, sir.

Q Was there any discussion about returning to Edgartown?

A Yes, that was the question.

Q Was there any discussion about getting a boat to cross?

A Well, that discussion — you say earlier in the evening, that means prior to their returning?

A I would say after Mr. Chinnamus remarked that the last ferry was at midnight, no one seemed particularly concerned because someone else suggested that boats were still available.

Q Did Mr. Markham or Mr. Gargan indicate why Mr. Kennedy decided to swim when boats were available?

A They said that they had been looking for a boat and couldn't find one.

Q They, meaning Mr. Kennedy, Mr. Gargan and Mr. Markham?

A Mr. Gargan and Mr. Markham, I believe.

A Yes.

Q But not Mr. Kennedy?

A I don't — you know, they just said, you know, we were looking for a boat.

Q In any event, no mention was made of the fact that he decided to swim?

A Yes, sir, they said they couldn't find a boat and the Senator.

Q So Mr. Kennedy did search for the boat or a boat?

A I would assume, knowing the Senator and the relationship that he asked Mr. Gargan and Mr. Markham to try and locate a boat and he probably waited at the ferry.

Q Was the purpose of the boat to assist the people at the party to get across, did you know?

A No, I would assume that this was among the three.

Q For the three of them to get across?

A Yes.

Q Was there any conversation with reference to that possibility?

A I don't understand.

Q Or that thought of that intention?

A Of what? Three of them taking a boat to get across to Edgartown?

A That again is only — I can only piece together conversations when Mr. Gargan and Mr. Markham returned.

Q Sometime after, as I say, he did come into the room where I was sleeping.

Q Mr. Gargan?

Q Mr. Markham?

A No, sir.

Q Did you have occasion to observe Mr. Gargan at all?

A No, sir.

Q No, sir, I wear glasses and I didn't have them on.

Q All right, did you see him in the morning?

A I think Mr. Gargan was already out of the house when I did you see him at any time that morning?

A When he returned to take us to Martha's Vineyard.

Q Did you make any observation with reference to injuries?

A When Mr. Gargan came to pick us up?

Q At any time.

A Well, it was fairly obvious when he came to pick us up that there was something had transpired by the expression on his face.

Q Of injuries to him?

A No, sir.

Q You say it was fairly obvious when he came back to pick you up that morning that something had occurred?

A Yes, sir.

Q When you saw him or heard that conversation with him that night when you returned about 7:00 to get a boat, A No, sir, in retrospect I could compare the two and say that it appeared when he returned that he had no knowledge of what had actually transpired.

Q And you felt something was wrong by what observations or what appearance or what in fact made you conclude that something was wrong?

A Yes, that was the impression I had.

Q Other than the fact he said, you.

A Just his face.

Q Now, I take it that everything settled down at the cottage and you slept and you got up at what time?

A I would say I probably got up at about quarter of 8:00 in the morning.

Q And you say at that time some people had left the party already?

A Yes, sir.

Q And could you tell us who did that leave, yourself and your sister?

A When the first group left in the morning, my sister, myself, Miss Newburgh and Mr. Chinnamus and Mr. Lakson.

Q Was anything said when the first group left?

A Yes, we tried to leave, they evidently had gotten up and we were upset that they were leaving without us.

Q How did you know there was only one car?

A We could look out the window.

Q Was there any discussion about bringing you another car?

A I think Margolies made the statement that if they didn't come back Mary Jo would come back for us.

A Yes, sir.

Q Was there a telephone at the cottage?

A No, sir.

Q Who cleaned the cottage?

A Well, you tell us what you did?

A I did the dishes and I swept the living room.

Q And with reference to anything that had been left over at the party did you throw that out?

A We had one of those large plastic bags and I just put everything in there and stored it in the corner.

Q Did that include any empty bottles?

A Yes, sir.

Q What size vodka bottles?

A One, sir.

Q Do you recall any bottles of liquor besides a half a half gallon?

A If you say it is.

Q Do you recall any bottles of liquor besides a half a half gallon?

A I think there was another bottle, but I don't know what it was. There was a remaining bottle of Scotch, I believe.

Q Of the liquor that was at the party how much was left?

A There was a bottle of Scotch on the bar. There was a carton of liquor, you know, they come from a liquor store, and a couple of bottles of gin.

Q There were, if I understood it, two bottles?

A There was an empty bottle.

Q How many empty bottles were there of liquor?

A Two empties and one half open bottle of Scotch, I believe, and an empty bottle, I didn't know what it was.

Q Do you know what happened to the full bottles?

A Not at all.

Q Did anyone clean out the cottage in the sense that everything that belonged to everyone was taken out?

A I believe when Mr. Gargan came back and told us there had been an accident we took what was ours.

Q Did that include the full bottles of liquor?

A No, sir.

Q When you returned at that time prior to your conversation with Mr. Gargan at the cottage who returned with you?

A When I returned?

Q Did I think just Miss Newburgh and Miss Lyons and myself?

Q Did Mr. Channing go with you?

A No, sir, he stayed at the cottage.

Q In any way, were you at that time?

A When he came back and picked us up?

Q Yes.

Q He asked us to get in the car.

Q I take it you were walking back to the ferry?

A We had waited a significant amount of time and began to head towards the ferry.

Q Did anyone ask him why he was taking you back to the cottage?

A Yes.

Q What was the conversation at this time, as best you can remember it, between all parties?

A Well, I can only relate my reaction at the time and I knew that looking at Mr. Gargan's face I knew that something was wrong, and I said, "Is something wrong, and he said, "Yes, get in the car. And we got in the wrong," and he said, "There's had been an accident," and someone asked if the Senator had been hurt and he said No, and at that point I knew that something had happened to Mary Jo.

Q What did you say?

A I asked if anything happened to Mary Jo.

Q What did he say?

A He didn't answer. He just said we will return to the cottage.

Q When you returned to the cottage, what was said at that time?

A We arrived at the cottage, what was said at that time?

Q When you returned to the cottage, what was said at that time?

A We arrived at the cottage. We were all pressing Mr. Gargan when he had been asked if the Senator had been hurt and he said that there had been an automobile accident and Miss Kopechne was missing.

Q Did he say who was driving at that time or did anyone ask?

A I don't recall if anyone asked.

Q Did he say where the accident occurred?

A Not at all.

Q Did he say how he knew that the car was missing?

A It is all rather vague and it is sort of hazy.

Q Well, did anyone ask these questions?

A I think they were asked, but I can't recall where or when they were asked because then we drove back to the Kalamas Shores and conversation continued during the car ride.

Q What was the conversation as you best remember?

A There were a number of people in the car. I believe the accident had been called, these kinds of questions.

Q What was the answer?

A I don't know. Mr. Gargan kept repeating that he had no details.

Q Then you returned to your hotel room, did you?

A Yes, sir.

Q At that time what was said?

A At that time Miss Cook, a cab from the ferry to the Kalamas Shores. Miss Kopechne had been missing and we got there really fully expecting to find Miss Kopechne there but she wasn't, and we sat and waited. Mr. Gargan said he would call us as soon as he had any details.

Q You stated that you expected to find Miss Kopechne there?

A Yes, sir.

Q Was there any basis or any reason for that?

A Wishful thinking, I guess.

Q Well, you had heard the evening before that she had returned to Kalamas?

A Yes, sir.

Q And now you heard she was missing?

A Yes, sir.

Q Did anyone ask whether or not they had attempted to call her there?

A No, sir.

Q Was she your roommate in Washington?

A Yes, sir.

Q Was she your roommate at the Kalamas?

A No, sir.

Q Did you take her purse back with you?

A Yes, sir.

Q When did you find it?

A In the living room in the cottage.

Q Did you find it strange when you heard that she returned to the Kalamas that she had not taken her purse?

A No, sir.

Q Subsequently you had another conversation?

A With Mr. Gargan, yes, sir.

Q Well, he called.

Q Let me see something else. When you examined the purse were her keys in it?

A I didn't examine the purse. I opened it at one point to take out her address book so I could call her parents, and I packed her suitcase and I left out her bathing suit and at another point I opened it and just put her bathing suit in her pocketbook.

Q Did you return the items back to Mrs. Kopechne?

A On the return trip to Washington?

A No, sir. I thought them to Wilkes Barrs with me with the intention of turning them over to the Kopechnes. However, it didn't seem appropriate, so I brought them back to Washington with me and one of the Kopechnes came to collect Miss Kopechne's belongings.

Q Now, which reference to the conversation that happened was present?

A I think Maryellen and Miss Newburgh and myself arrived at the cottage probably around 10:00. We were the only three there. Mr. Trotter arrived with Miss Newburgh, Miss Tannbaum and Miss Kough at about 11:15. Up until that time we had been alone and they had at that time, in my recollection, they were not aware that anything had happened. I don't recall to me they weren't or they had seen to be as aware as we were. I don't recall that and, you know, said, "How could it have happened, does anybody know anything," and nobody did.

Q At one point Mr. Gargan called and I took the call and asked if the car had been recovered and he said, Yes, and I asked if Mary Jo had been in the car and he said,

Q Did he say where?

A Pardon me?

Q Did he say where that occurred?

A At same point prior to that I knew that the accident had occurred at the bridge.

Q Do you remember how you discovered that it occurred at the bridge?

A I can't recall if it was at the house or on the car drive back.

Q Now, you know the accident occurred, and Miss Kopechne was missing, did anyone pursue that matter any more?



Ethel Kennedy picks up early-morning papers in Hyannis Port to get news of the fatal accident.

Q We asked if the Court Guard had been called in.
 Q Did you know where this bridge was?
 Q And you said that some time before you found out that she was in Pike Bridge?
 A Yes, sir.
 Q But it was still on your mind that she was missing?
 A Yes, sir.
 Q Now, was anything said about what had happened at Katama by Mr. Gargan or by anyone else? I kept telling us that he had no car had been driving the car and had already reported it to the police.
 Q Were there any details as to how it happened?
 A No, sir.
 Q Or when it happened?
 A No, sir.
 Q You spoke with Mrs. Kopechne about the accident?
 A Yes, sir.
 Q Did you relate to her exactly what you related here?
 A Did you ever speak with Mr. Kennedy about the accident?
 A No, sir.
 Q Other than the conversation - your answer was No?
 A Right.
 Q Did you ever speak with anyone else about the accident, specifically Mr. Gargan and Mr. Markham?
 A Other than the conversations you have given to us? - well, the first time I met Mr. Gargan after the accident I said I was sorry that it had happened, remarks like that.
 Q Did anyone make any inquiry that you know of that people who were at what you already know from what Mr. Gargan had told you?
 A No, sir.
 Q Can you tell us what time you left the island approximately?
 A I think we got the somewhere between 3:00 or 4:00 o'clock ferry to Woods Hole. Markham that morning and in your observations of this and on that day that you discovered Mary Jo's death, did you observe any injuries to Mr. Gargan?
 A No, sir.
 Q Did you observe any injuries to Mr. Markham?
 A No, sir.
 Q You did not see Mr. Kennedy that day?
 A No, sir.
 Q How long did you live with Mary Jo?
 A THE WITNESS: Three years.
 Q THE WITNESS: Did you ever know a girl friend of hers whose name was Vincent, first or last name?
 A THE COURT: Did you see Mary Jo's purse at the cottage when she left?
 A THE WITNESS: Yes, sir.
 Q THE WITNESS: Was it customary for her to leave her THE WITNESS: Well, I didn't see it, sir, until the morning and her pocketbook happened to be next to mine and I took it when I was collecting my own things.
 Q THE COURT: Did you talk to her just before she left?
 A THE WITNESS: No, sir.
 Q THE COURT: How long before she left did you talk to her?
 A THE WITNESS: Well, it couldn't be seen - I would say a party in close quarters, groups were continually shifting, but I believe I had been on the other side of the room for at least ten or fifteen minutes before she left.
 Q THE COURT: She didn't come to you and say that "I am leaving"?
 A THE WITNESS: No, sir.

THE COURT: Or complain to you in any way about not remembering it?
 THE WITNESS: No, sir.
 Q THE COURT: Is it your belief that when she and Mr. Kennedy went out that they were not leaving the party permanently?
 THE WITNESS: I would say that I did not give it a thought simply because people were moving in and out. It didn't register that I gave it any thought at all.
 Q THE COURT: Would it have been any different if you if they had stayed in the party permanently without saying anything and to anybody?
 THE WITNESS: Yes, sir.
 Q THE COURT: Any further questions?
 MR. FERNANDEZ: No, your Honor.
 THE COURT: All right.
 THE WITNESS: Thank you.
 [Witness excused.]

TESTIMONY
 OF
 ROSEMARY KEOUGH

Before: Hon. James A. Boyle, Justice of the Edgartown District Court
 Present: Edmund Dink, District Attorney for the Southern District of Massachusetts,
 Armand Fernandez, Assistant District Attorney,
 Peter Gray, Assistant District Attorney for the Commonwealth.
 Daniel Daley, Sr., Esq.,
 Paul Richmond, Esq.,
 for Rosemary Keough,
 Thomas Teller, Clerk of Court,
 Helen S. Tyra, Temporary Court Officer
 Harold T. McNeil and Sidney R. Lipman,
 Official Court Stenographers,
 Edgartown, Massachusetts,
 Thursday, January 8, 1970.

ROSEMARY KEOUGH, Sworn

EXAMINATION BY MR. DINIS:
 Q What is your name?
 A Rosemary Keough.
 Q How long have you lived in Edgartown?
 A I was born in New York, Washington, D.C.
 Q What is your occupation?
 A Secretary to the president of the Childrens League, in Washington?
 A Yes.
 Q And were you -
 A THE WITNESS: May I just ask how old are you?
 Q THE WITNESS: Twenty-three.
 Q How long have you lived in Edgartown?
 A I came here on Martha's Vineyard and Chappaquiddick on those two days?
 A Yes, I was.
 Q Were you at the house on Chappaquiddick on the evening of the 18th, a Friday?
 A Yes.
 Q What time did you arrive there?
 A Approximately 7:30.
 Q Yes, you in the company of some other girls?
 A Yes.
 Q Mary Lyons?
 A Maryellen Lyons,
 A Maryellen Lyons, Ann Lyons?
 A Anne Lyons,
 A Ester Newburgh?
 A Yes.
 Q And Mary Jo Kopechne?

A Yes.
 Q Can you tell us what the activities were that night in question at the cottage? We went there for dinner and there was a cocktail.
 A Did you have a bar there?
 A Excuse me?
 Q Was there a bar?
 A There were drinks in the kitchen. There was no bar. Well, yes, there was a bar.
 Q Sort of a bar, an informal bar?
 A Yes.
 Q There were bottles of alcoholic beverages?
 A Do you know what kind of beverages were available?
 A I only know what I was drinking.
 Q What did you drink?
 A Scotch.
 Q Were there any bottles of Scotch available?
 A There was one.
 Q One and you had a drink?
 A Yes.
 Q Two drinks, and did you mix the Scotch with anything?
 A Water.
 Q Was there ice available, of course?
 A No, sir, during the evening you had dinner after your arrival?
 A Yes.
 Q In the cockpit?
 A Yes.
 Q Did Mr. Gargan do the cooking?
 A Yes.
 Q And was there dancing that night?
 A And was there singing?
 A Yes.
 Q Did everyone participate in the singing?
 A And did everyone dance?
 A I danced.
 Q You danced?
 A Yes, with whom did you dance? Did you dance with anyone in particular?
 A I see. Now, some time later in the evening did you notice Mary Jo Kopechne leave the house?
 A Yes.
 Q Do you know the time?
 A Approximately 12:00.
 A She was followed by Senator Kennedy.
 Q She was followed by Senator Kennedy. Did she tell you where she was going?
 A No.
 Q Did you have any conversation with Mary Jo prior to her leaving?
 A No, sir.
 Q None at all?
 A No.
 Q None leaving?
 A Yes, but not concerning her departure.
 Q What conversation did you have with Mary Jo prior to the time that she departed?
 A Just general.
 Q Did you speak with her upon arrival at Katama that afternoon?
 A Yes. All of us spoke continually through the day.
 Q You were all together during the day?
 A Yes, some time afterwards did you learn that Senator Kennedy was out in the car?
 A No.
 Q You did not. Were you aware that Mr. Markham and Mr. Gargan left the house last?
 A Yes, I was, I was not there when they left last.
 Q You were not there?
 A No.
 Q How were you?
 A I was walking.
 Q Walking where?
 A To the right of the cottage.
 Q To the right of the cottage?
 A Yes.
 Q In the street?
 Q Along the road, and was anyone else with you?
 A Mr. Tretter?
 Q Mr. Tretter?
 A Yes.
 Q And were you alone with him?
 A Yes.
 Q And how long were you away from the cottage during A I look two walks.
 A Two walks?
 A The first walk was to the right along the road for about 45 minutes.
 Q And at what time?
 A From approximately five of 12:00 to perhaps 45 minutes after that.
 A Yes, sir.
 Q Mr. Markham and Mr. Gargan left the cottage at that time?
 A No, they had not left when I left.
 Q And now when you went for your second walk, do you know what time this was?
 A We returned to the cottage about 45 minutes or an hour.
 Q At what time was this?
 A I didn't have a watch, sir.
 Q Well, you say that you went for your first walk around 11:45?
 A Yes, it was after 12:00, which I looked at Miss Tannenbaum's watch that I went to the front of the cottage after 12:00 or 12:30 when I left.
 Q When you left the second time?
 A The first time?
 Q Yes, sir.
 Q How many cars were in the yard at that time, do you know?
 A I don't notice the cars.
 Q You didn't notice at all?
 A No.
 Q Do you know if Mr. Markham or Mr. Gargan were still there?
 A When I left, they were still there.
 A Yes, sir, they were still there when I left, whatever time that was the first walk you took?
 A Yes, sir.
 Q That was the first walk you looked at Miss Tannenbaum's watch around 12:20?
 A Twenty after 12:00.
 A No, 10?
 A Twenty after 12:00, 11:40.
 A Yes, sir.
 Q Now, that was your first walk?

Q Yes, sir.

Q And you feel that you may have been away some 45 minutes?

Q And how long did you remain in the cottage after your return from the first walk before you proceeded to take another walk?

Q Two seconds. I walked in, noticed no one was there and we left to look for everyone else. I found 12:30 there was no one in the cottage and you say it was about 12:30.

Q No, sir, because at twenty of 12:00 I looked at Miss Tannenbaum's watch.

Q About fifteen minutes after that I left the cottage and went out front.

Q Oh, I see.

Q I was in the front of the cottage for about fifteen minutes. I wouldn't have left the cottage for the walk until between 12:15 and 12:30, so I wouldn't have returned until 1:00 or 1:15.

Q Was Mr. Chinnus there?

Q Yes, sir. I believe he was sleeping, but I didn't see him.

Q What did you do at that time?

Q I walked again to the right with Mr. Trotter to look for the rest of the party.

Q No, sir, had anyone?

Q No, sir, found no one?

Q No, sir.

Q And how long did you walk the second time?

Q For about an hour.

Q And what time did you return to the cottage, do you know?

Q I know.

Q About 2:00.

Q About 2:00 o'clock?

Q Yes, sir.

Q Now, did you find anybody at the cottage at that time?

Q Yes, sir.

Q And can you tell us who was at the cottage?

Q Everyone had returned to the cottage.

Q Everyone had returned, had Mary Jo returned?

Q No, Senator Kennedy returned?

Q No, sir.

Q Now, had you heard any conversation concerning the whereabouts of Mary Jo or Senator Kennedy?

Q I did ask Mr. Gargan.

Q And what did he tell you?

Q He said that he had probably taken the ferry.

Q Not to worry about it, that they had probably taken the ferry?

Q Yes, sir.

Q Did you - was there any further conversation with Mr. Gargan about it?

Q No, sir.

Q That is all?

Q Now, did anyone else hear Mr. Gargan tell you that?

Q I don't believe so. I was talking directly to Mr. Gargan.

Q And you were talking directly to him?

Q Yes, sir.

Q And this was sometime around after 2:00 a.m. in the morning?

Q Yes, sir.

Q What happened then, what did everybody do?

Q Everyone tried to find some place to go to sleep.

Q Did you plan on spending the evening at Champquaddick, did you?

Q No, sir.

Q Or the night?

Q No, sir.

Q Did you make any inquiry as to why you had to spend the night there?

Q Well, I knew by that time the ferry had stopped running.

Q You knew that the ferry had stopped running?

Q Yes, sir.

Q And who told you that?

Q Well, I know that the ferry stopped running about 12:30.

Q Had you been on Champquaddick before?

Q No, sir.

Q Well, did someone tell you that?

Q Well, there was a party on earlier in the day as to what I see. Did Mr. Markham - did you ask Mr. Markham about Senator Kennedy or Mary Jo?

Q No, sir.

Q Now, until in the morning you found some place to sleep, did you not?

Q Yes, sir.

Q Now, in the morning what time did you awaken?

Q Now, we were up early, about 5:30 or 6:00.

Q Yes, sir.

Q Now, did you notice anyone leave the cottage?

Q No, one could have left the cottage. I was sleeping in front of the door and they would have had to step over me.

Q And was there a particular reason why you slept in that location in that place due to sleep?

Q And were you sleeping on the floor?

Q Yes, sir, in front of the door.

Q How many others slept on the floor?

Q Two others.

Q Who were they?

Q Mr. Gargan and Mr. Trotter.

Q Now, have you ever slept on the floor before?

Q Where?

Q Pajama parties from the time I was eight.

Q Now, did you look for Mary Jo in the morning?

Q Well, by the time I returned to Katama we learned that there had been the accident.

Q Who told you that there had been an accident?

Q The girls, Maryellen and Esther.

Q Was there a reason why you returned separately?

Q Yes, sir, because I left earlier.

Q You left earlier?

Q Yes, sir.

Q And where did you go?

Q I went to the Shiretown Inn.

Q You went to the Shiretown Inn?

Q Did you see Senator Kennedy there?

Q Yes, sir.

Q And did you talk to Senator Kennedy?

Q No, sir.

Q But you did see him?

Q I observed him standing on the balcony.

Q Of the Shiretown Inn.

Q Pardon me?

Q Of the place he was staying, the Shiretown Inn.

Q Did you see Mr. Markham there at any time?

Q I traveled with Mr. Markham and Mr. Gargan from the cottage to the Shiretown Inn.

Q Did they tell you what had happened the night before?

Q No, sir.

Q No, sir, did not?

Q Yes, they didn't.

Q Well, did you ask them about anything?

Q No, sir.

Q What did they talk about?

Q I didn't speak with them. We arrived at the Shiretown Inn and the two of them left to the inn and went up to Senator Kennedy's room.

Q Now, that you did drive in an automobile, did you not?

Q Oh, yes, but we didn't discuss it.

Q Didn't discuss anything?

Q No, nothing of consequence, only about being tired.

Q And who was there?

Q We were all there.

Q And why were you there?

Q I slept on the floor.

Q What time did you get up in the morning?

Q I woke up about 5:30 or 6:00 o'clock. I was awake pretty much all night.

Q Did you miss your purse sometime during the day?

Q I missed my purse after I left it in the car. I knew it was there.

Q You left it in Senator Kennedy's car?

Q Yes, sir.

Q What time did you do that?

Q Approximately 9:30. We left the party to go to the cottage that evening.

Q Yes, sir.

Q The prior evening, the Friday night?

Q Yes, sir.

Q Now, you observe that Mary Jo Kopechne had left her pocketbook at the cottage?

Q No, sir.

Q What time did you learn that Mary Jo had this accident?

Q When I returned to Katama, which I approximate between quarter of 11:00 and 11:15. I don't know.

Q Did Mr. Gargan tell you of the accident at Katama?

Q I didn't learn of it first from Mr. Gargan; I learned of it from Maryellen, Nancy and Esther.

Q That did they tell you?

Q They told me there had been an accident.

Q What time did you find out?

Q That the car had gone off the bridge and we didn't know where Mary Jo was.

Q Did they tell you who was driving?

Q Yes, sir.

Q What did they say?

Q That it was Mr. Gargan had told them that there was an accident, that Senator Kennedy had driven off a car and that time you didn't know where Mary Jo was?

Q No, I didn't.

Q How long had you known Mary Jo Kopechne?

Q I came to Senator Robert Kennedy's office September of 1967 and I have known her since then.

Q When you returned to the cottage either after your first or second walk, you said you found no one in the cottage?

Q No, sir.

Q Did you look around for those who had been in the cottage?

Q No, I just walked in, took a look. It was a very small cottage. I didn't see anyone, so I said there was no one here. Why don't we go see where they went. I assumed they were walking home.

Q Did you walk back down the road.

Q No, sir.

Q No one at all?

Q No, sir.

Q How far away from the cottage did you walk looking for someone?

Q Well, the right down the main roadway, along several side roadways.

Q And found no one?

Q No, sir.

Q And how long were you gone from the cottage at that moment?

Q I would say another hour.

Q You were gone for a complete hour?

Q Yes, I don't know.

Q You are not sure?

Q Not of the exact time, no, sir. Approximately an hour.

Q Were you with someone?

Q Mr. Trotter.

Q Were there any automobiles in the yard at the time?

Q In the yard, I didn't observe any.

Q You didn't observe any?

Q No, sir.

Q MR. DINIS: No further questions, your Honor.

THE COURT: You are excused.

THE WITNESS: Thank you, sir.

MR. DINIS: Susan Tannenbaum, please?

THE COURT: Just a minute, no, I have some compelling reasons why I think we will take the lunch recess now. Let's come back at 1:30.

MR. DINIS: I am going to keep these girls separated? one more witness?

MR. DINIS: Yes, your Honor.

THE COURT: The four young ladies who have already testified may leave. The young lady who has not testified I prefer lunch be brought in to her, Mr. Redmond.

MR. REDMOND: I beg your Honor's pardon, your Honor.

THE COURT: Miss Tannenbaum will remain here and lunch will be brought in to her.

MR. REDMOND: I can arrange that, to have lunch brought in to her.

THE COURT: The other four girls can leave.

MR. REDMOND: Yes, your Honor.

THE COURT: All right, only problem I have with that, your Honor, is the only break until when, your Honor?

MR. REDMOND: I have made arrangements. There is somebody there.

MR. REDMOND: Okay.

MR. REDMOND: 1:30, yes, your Honor.

MR. REDMOND: Thank you, your Honor.

(Whereupon, at 12:24 o'clock p.m., the luncheon recess was then taken.)

AFTERNOON SESSION
[1:30 p.m.]
TESTIMONY
OF
SUSAN TANNENBAUM

Before: Hon. James A. Boyle, Justice of the Edgartown District Court.

Edmund Dink, District Attorney for the Southern District of Massachusetts,
Armand Fernandes, Assistant District Attorney,
Peter Gay, Assistant District Attorney, for the Commonwealth.

Daniel Dohy, Sr., Esq.
Paul Redmond, Esq.
for Susan Tannenbaum.

Thomas Teller, Clerk of Courts
Helen S. Yra, Temporary Court Officer
Official Court Stenographers,
Sidney R. Lipman and Harold T. McNeil.
Edgartown, Massachusetts
Thursday, January 8, 1970.

SUSAN TANNENBAUM, Sworn.

EXAMINATION BY MR. DINIS:

Q Will you give the Court your name?

A Susan Tannenbaum.

Q Where were you born?

A Washington, D.C.

Q And what is your street address?

A 3410 Prospect Street, North West.

Q And your occupation?

A I am on the staff of Congressman Allen K. Lowenstein.

Q Of New York?

A Of New York.

Q Recalling your attention, Miss Tannenbaum, to July 18th 1967, did you recall that you and your father and Champquaddick on that date?

Q How long have you known - how long had you known Mary Jo?

A Approximately a year.

Q Had you worked with her?

A Yes.

Q After 10:00 a.m. in the morning when Mr. Gargan told you she died, you tell us you do not remember what he said?

A I first learned that Miss Kopechne was missing. Then I later learned that she had been found.

Q Did Mr. Gargan tell you that? Well, do you remember?

A I do not remember.

Q When you observed - did you see Senator Kennedy leave the cottage?

A No.

Q You did not?

A No.

Q Did you see Mary Jo Kopechne leave the cottage?

A Yes.

Q Didn't they leave together?

A I do not know. I just turned around and saw the door slam and Mary Jo leave.

Q Did you learn why Mary Jo was leaving?

A No.

Q Did you inquire?

A No.

Q Did Mary Jo have any conversation with you as to why she was leaving?

A No.

Q Did she complain to you that she wasn't feeling well?

A No.

Q Do you know, do you recall what time Mary Jo left the house?

A I do not know. I do not recall.

Q She had already left?

A That is right.

Q Do you know how many minutes she had been gone?

A No. I do not.

Q Was it a short time?

A Yes.

Q You have an opinion as to how much Mary Jo drank that night at the party?

A No. I do not.

Q Do you have an opinion as to how much the Senator had to drink that night?

A No.

Q Now with regards to their condition when they left, with regard to sobriety, do you have an opinion as to whether or not they were?

A He certainly seemed sober.

Q And Mary Jo Kopechne?

A Quite definitely sober.

Q Yes; never have I seen Mary Jo otherwise.

MR. DINIS: I see. No further questions, your Honor.

THE COURT: Yes, any other questions, your Honor?

THE WITNESS: That evening, you say you saw them go out the door?

THE WITNESS: Yes, I saw Miss Kopechne.

THE COURT: You were inside at the time?

THE WITNESS: That is right.

THE COURT: Did you have any belief as to where they were going?

THE WITNESS: No.

THE COURT: Did you not believe that they were coming back to Edgartown? You didn't think they were leaving the party?

THE WITNESS: I didn't know.

THE COURT: I am talking about your belief. You presumed they were just going outside as many people were?

THE WITNESS: I don't know.

THE COURT: Well, during the course of the evening you saw other people leave to go outside, didn't you?

THE WITNESS: That is right.

THE COURT: You didn't believe they were leaving the party permanently, these other people, am I correct in that?

THE WITNESS: That is right.

THE COURT: And did you not have the same belief when you saw Mary Jo and Mr. Kennedy go outside that they were leaving?

THE WITNESS: Well, I would think, probably I do not know what belief I had then.

THE COURT: Who was staying in Mary Jo's room over here at the Katama Shores?

THE WITNESS: Miss Newbough.

THE COURT: Did you notice Mary Jo's pocketbook?

THE WITNESS: No.

THE COURT: That night in the cottage after she had left?

THE WITNESS: No.

THE COURT: Was it called to your attention anytime that evening after she had left?

THE WITNESS: No.

THE COURT: Nothing said about peculiar Mary Jo hasn't returned; here is her pocketbook; nothing of that nature?

THE WITNESS: No, no.

THE COURT: Were you not surprised to find out that without your knowledge all your transportation had gone so you couldn't get back to Edgartown?

THE WITNESS: Yes, I was surprised.

THE COURT: And were the other girls surprised, too?

THE WITNESS: I don't know.

THE COURT: Was there not some discussion about it that evening?

THE WITNESS: I had no discussion that I can remember.

THE COURT: Nothing said about, well, gee, this is unusual to leave us stranded here?

THE WITNESS: I thought so.

THE COURT: But no discussion between you and your friends?

THE WITNESS: Not that I remember.

THE COURT: Not even mentioning it?

THE WITNESS: Yes, you are not accustomed to being deserted in that fashion, are you?

THE WITNESS: No.

THE COURT: I have nothing further. Do you gentlemen have any questions further, Your Honor?

MR. REDMOND: Yes, your Honor.

MR. PERKINSON: No, your Honor.

THE COURT: Is there evidence or testimony or offer of proof of same that you, Mr. Redmond, and you, Mr. Dacey, desire to make?

MR. REDMOND: At this time, no, we do not have any, your Honor.

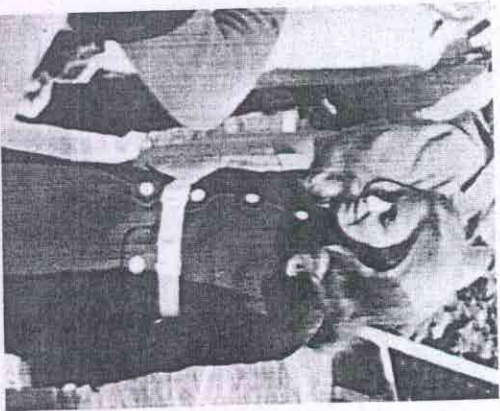
THE COURT: Well, I very carefully tried to go over the evidence that I mentioned that might be available and helpful to me, because I would feel very badly if we closed the inquest and then find out there was something that I didn't obtain; but I can't think of anything, and since all of us here now are of the same mind, I will state that the inquest hearing is now concluded. All counsel, of course, including the District Attorney will be notified when the required report is filed in the Court.

THE COURT: That there being no other business, we will adjourn this session.

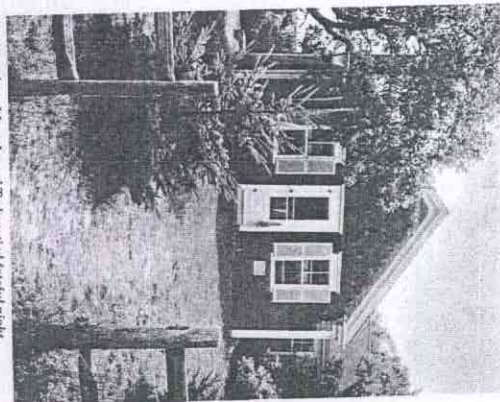
(Whereupon, at 1:54 o'clock p.m. the inquest was concluded.)

Senator Kennedy tries to forget terrible accident while presiding over senate subcommittee hearing.

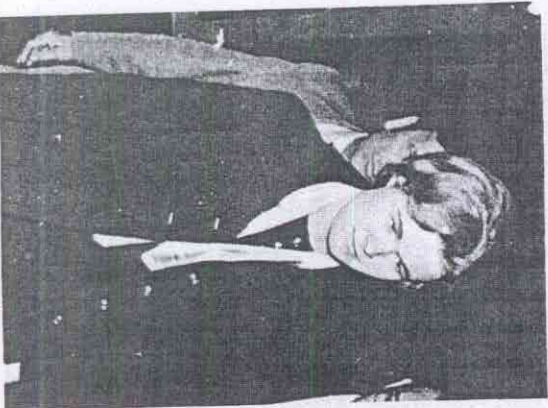




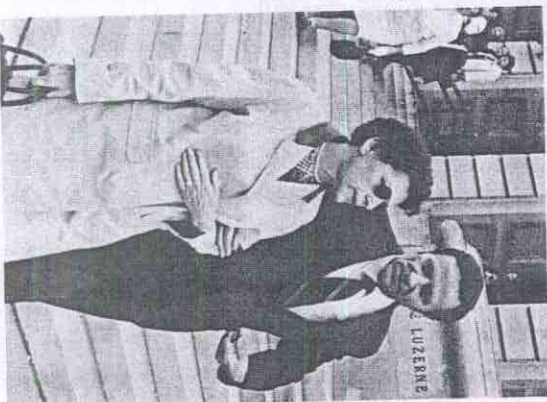
Stated wife of Senator attempt inquires.



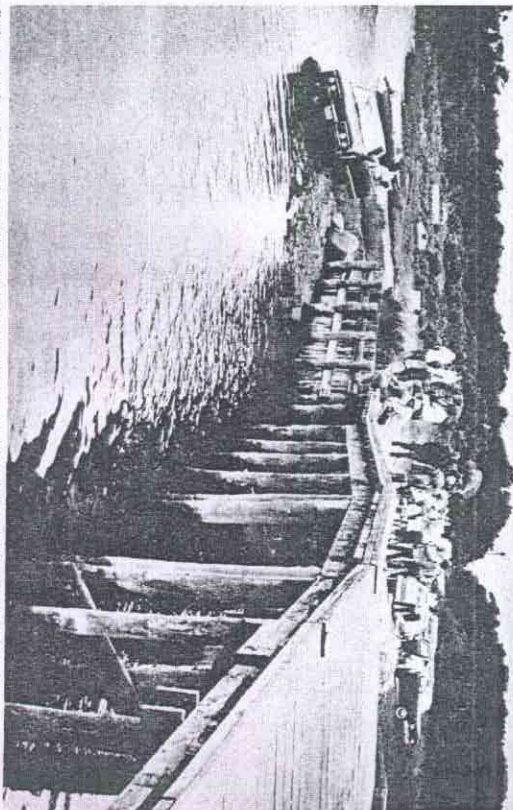
Cottage where Mary Jo and Ted parted joyful night.



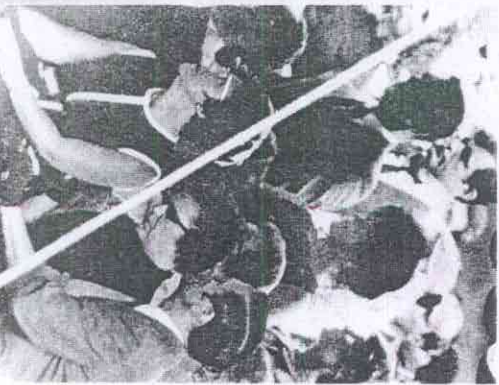
Mary Jo's roommate, Margaret Carroll, at hearing.



Mr. and Mrs. Koperline leave Luzerne County Court House.



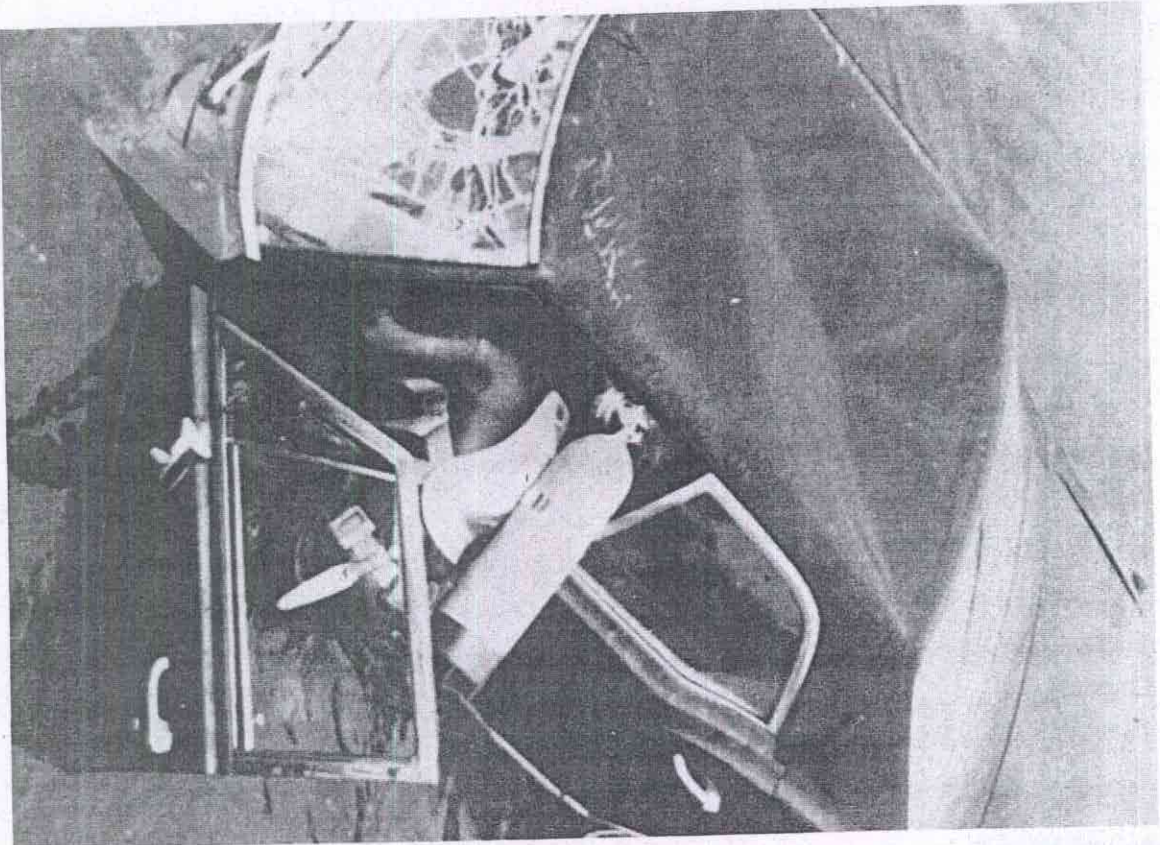
Curious crowds gather as Ted Kennedy's ill-fated car is surfaced near death bridge on Chappaquiddick Island.



Senator Kennedy (Stead) in neck brace attempt funeral services with wife and sister-in-law, Ethel.



Edgartown Police Chief James Arcata, gives news of conspiracy against Senator to mob of reporters.



COMMONWEALTH OF MASSACHUSETTS
 District Court
 Inquest re Mary Jo Kopechne
 Docket No. 15220
 Duks County, ss

REPORT
 James A. Boyle, Justice

1. James A. Boyle, Justice of the District Court for the County of Duks County, in performance of the duty imposed upon him by Section 12 of the General Laws of Massachusetts, in the matter of the inquest into the death of Mary Jo Kopechne, holden at Edgartown January 5, 1970 to January 8, 1970 inclusive, herewith submit my report.
- There are 763 pages of transcript and 33 numbered exhibits. Although most testimony was given orally, some was accepted by affidavit and included as exhibits. Certain names and places should first be relatively located and some measurements shown:
- (1) The Town of Edgartown, which is one of six towns on Martha's Vineyard, include a small, sparsely settled island named Chappaquiddick. (Map, Exhibit 32)
- (2) The mainland of Edgartown is separated from Chappaquiddick by Edgartown Harbor, the distance between the two being about one hundred feet, and transportation of vehicles and persons is by means of small motor ferry which plys between two ferry slips near the center of town. (Exhibit 19)
- (3) Chappaquiddick has few roads. At the ferry slip, begins a macadam paved road called Chappaquiddick Road, the main road of the island. This a white center line road, approximately twenty feet wide, running in an easterly direction for two and one-half miles, whence it
- Curves south and continues in that direction past the Cottage to the southeast corner of the island. Chappaquiddick Road is sometimes referred to in the trial as South Street and, after it curves, as School Road or School Street and, after it curves, as School formerly stood on that portion of it. (Exhibits 16, 19)
- (4) At the Curve, and continuing easterly, begins Dyke Road, a dirt and sand road, seventeen to nineteen feet wide, which runs a distance of seven-tenths mile to Dyke Bridge, shortly beyond which is the ocean beach. (Exhibits 15, 16, 17)
- (5) Dyke Bridge is a wooden structure, ten feet six inches wide, having a curb on each side, and is supported by ten inches wide, no other guard rails, and runs at an angle of twenty-seven degrees to the left of the road. There are no signs or artificial lights on the bridge or its approach. It spans Poncha Pond. (Exhibits 7, 8, 9, 10)
- (6) The Kennedy Oldstable is eighteen feet long and eight feet wide, and is situated on the north side of Poncha Pond. (Exhibits 1, 2, 3)
- (7) Poncha Pond is a pond, and has a strong current where it narrows at Dyke Bridge. (Exhibits 10, 18)
- (8) Cemetery Road is a single car-width private dirt road, which runs northerly from the junction of Chappaquiddick and Dyke Roads. (Exhibits 16, 23)
- (9) The Lawrence Cottage (herein called Cottage) is one and one-half miles from the junction of Chappaquiddick and Dyke Roads and approximately three miles from the

- C. Kennedy had close friend of many years.
- D. Kennedy had employed Crimmins as chauffeur for nine years and frequently on occasions herein set forth, and was readily available at the time of the fatal trip.
- E. Shertown and requested the car key.
- F. The young women were close friends, were on Mertha's Vineyard for a common purpose as a cohesive group, and staying together at Kalamun Shores.
- G. Kopchne furnished the key to their room.
- H. Kopchne told no one, other than Kennedy that she was leaving for Kalamun Shores and did not ask Newburgh for the room key.
- I. Kopchne left her pocketbook at the Cottage when she drove off with Kennedy.
- J. It was known that the ferry ceased operation about midnight and special arrangements were made for a later departure of the persons at the cook-out did not intend to remain at the Cottage overnight.
- K. Only the Oldsmobile and the Valiant were available for transportation of those ten, the Valiant being the smaller car.
- L. Larrosa's Mercury was parked at Shertown and was available for use.

From two personal views, which corroborate the Engineer's statement (Exhibit 29), and other evidence, I am fully convinced that Dyke Bridge constitutes a traffic hazard, particularly so at night, and must be approached with extreme caution. A speed of even twenty miles per hour, as Kennedy testified to, operating a car as large as this Oldsmobile, would at least be negligent with, possibly, reckless, in the presence of the hazard.

Earlier on July 18, he had been driven over Chapinpaquiduck Road three times, and over Dyke Road and Dyke Bridge twice. Kopchne had been driven over Chapinpaquiduck Road five times and over Dyke Road and Dyke Bridge twice.

I believe it probable that Kennedy knew of the hazard that lay ahead and that D.D. Keod had that, for some time the cars as he approached the bridge.

IV. I, Engineer, find there is probable cause to believe that Edward M. Kennedy operated his motor vehicle negligently on a way or in a place to which the public have a right of access and that such operation appears to have contributed to the death of Mary Jo Aspeckne.

February 18, 1970

JAMES A. BOYLE
Justice

Commonwealth of Massachusetts
Supreme Court and the Trial Court
of Criminal Justice, No. 4129

I, **THOMAS V. SEARIN**, Clerk of the Superior Court for the Transportation of Criminal Justice within and for the County of Norfolk, certify that the foregoing is a true copy of a document entitled "AFFIDAVIT" containing the contents of 28 numbered pages received from 1) Affidavit of Robert D. West; 2) Affidavit of Donald L. Maloney; 3) Affidavit of Eugene D. Jones, said documents having been made part of the record by the Justice of the District Court of Dukes County.

THOMAS V. SEARIN, Clerk
By *[Signature]*
CLERK

Commonwealth of Massachusetts
Supreme Court and the Trial Court
of Criminal Justice, No. 4129

I, **STEPHEN V. KEATINGE**, Clerk of the Superior Court for the Transportation of Criminal Justice within and for the County of Norfolk, certify that the foregoing is a true copy of a document entitled "AFFIDAVIT" received from 1) Affidavit of Robert D. West; 2) Affidavit of Donald L. Maloney; 3) Affidavit of Eugene D. Jones, said documents having been made part of the record by the Justice of the District Court of Dukes County.

STEPHEN V. KEATINGE, Clerk
By *[Signature]*
CLERK