

KENNEDY TO FACE CHARGE IN CRASH FOR LEAVING SITE

Police Chief Tells Senator
He Intends to Prosecute—
Offense a Misdemeanor

INVESTIGATION IS ENDED

Official Finds No Basis for
Manslaughter Case in the
Death of Secretary, 28

By JOSEPH LELYVELD
Special to The New York Times

EDGARTOWN, Mass., July 20—The police chief of this small resort town on Martha's Vineyard sent Senator Edward M. Kennedy formal notice today that he was seeking prosecution of the Senator for leaving the scene of an accident.

Penalties for those found guilty of such a misdemeanor range from two months to two years in jail. But Dukes County officials said that convictions for leaving the scene of an accident normally resulted in suspended sentences or probation, usually with temporary loss of the driver's license. The law provides no fines.

The police chief, Dominick J. Arena, declared that the notice to the Massachusetts Democrat marked the end of his investigation. He said he had no plans to interrogate the Senator's friends who joined him Friday night for a party on nearby Chappaquiddick Island about the Senator's actions before or after a 28-year-old Washington secretary, Mary Jo Kopechne, was killed in an accident in an automobile driven by the Senator.

Bridge Was Unmarked

Chief Arena also said that Senator Kennedy was not interrogated during the three hours he spent at the Edgartown police station yesterday morning when he appeared to report the accident. According to the Senator's own account, that was nearly eight hours after the accident.

The police chief said that his investigation of the scene of the accident had convinced him there was no clear basis for charges of vehicular manslaughter or criminal negligence against the Senator. Miss Kopechne drowned when the Senator's 1966 Oldsmobile plunged off a narrow, unmarked bridge with no railing into a small inland pond early yesterday morning.

Dukes County officials said that the police chief had little

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choice but to halt his investigation because the only known witnesses to the Senator's conduct that night were his friends, none of whom could be expected to contradict his account.

Friends Leave Island

The Senator's friends at the party, known to have included at least two men and six women, all left the island early yesterday.

Mr. Kennedy voluntarily drafted a statement yesterday for the police that said he was in a state of shock after the accident. It was still not known whether Mr. Kennedy had been able to give any of his friends a coherent account of what happened. After the accident, he walked one and a quarter miles dripping wet from Dyke Bridge to the rented Cape Cod cottage where the party was held.

If he did give an account, his friends would have had the legal responsibility of notifying the authorities within a reasonable time. Failure to do so is a misdemeanor punishable by a \$100 fine under Massachusetts law. But Walter Steele, the county prosecutor, said he had no plans to bring such charges.

Miss Kopechne's body was flown today in a chartered plane from here to the Wilkes-Barre Scranton airport in Pennsylvania. Funeral services will be held Tuesday here at Plymouth, her birthplace.

Chief Arena's conclusion that Senator Kennedy could not be held legally responsible for her death followed his examination of tire marks on the hump-backed wooden bridge. These indicated that the driver had never attempted to brake the car but rather drove straight over the side, apparently in the belief that he was still on the road, Chief Arena said.

The bridge veers slightly to the left from the dirt road. The tire marks show that Senator Kennedy continued straight ahead. A nighttime examination showed that the bridge could easily be mistaken for something else when looked at with automobile headlights.

The Senator said that the accident occurred while he was driving Miss Kopechne to the tiny two-car ferry that plies between Chappaquiddick Island and Edgartown.

Says He Took Wrong Turn

The Senator's explanation for the fact that he was heading in the opposite direction from the ferry at the time of the accident was that he had taken a wrong turn from surfaced road onto the dirt road that leads to the bridge.

To return after the accident to the cottage where his friends were, he had to pass at least five houses with telephones. Two of these, both well lit, were about 50 yards from the bridge.

At the cottage, the Senator's statement to the police said, he slumped into the back seat of a car and later asked a friend to take him to the Shiretown Inn, where he was registered in Edgartown. What time he returned to the hotel was not known. Its owners, William L. Parker and Russell E. Peachey, have refused to talk to reporters here.

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Senator Kennedy, in his statement yesterday to the police, said that after the accident he was "in a state of shock," that he "repeatedly dove" in an unsuccessful attempt to see if the woman was still in the car, and that when he "fully realized what had happened this morning, I immediately contacted the police."

The Senator returned to the family home at Hyannis Port, Mass., yesterday afternoon, and reportedly spent the day there today. Dr. Robert D. Watt, a family doctor, said last night that the Senator had "a slight concussion in the back of the head" and had been given a sedative.

Jerry Grant, owner of the ferry, who was operating it Friday night, said that the Senator was not aboard when it made its last trip at midnight.

The car was discovered the next morning by two young New Yorkers, Bob Samuel, 21, and Joseph Cappavella, 15, of Schenectady, who went fishing from the dunes on the far side of the bridge early Saturday morning. The tide was high then.

When they returned shortly after 8 o'clock, the tide had started to go out and they were able to see a portion of the car. They immediately went to the nearest house, where Mrs. Pierre Malm, a summer resident telephoned the police.

Chief Arena left Edgartown to go to the scene of the accident at about 8:20.

Shortly afterward, Senator Kennedy, accompanied by his cousin, Joseph F. Gargan, and Paul Marham, a former United States attorney for New England, crossed over on the ferry to Chappaquiddick Island from Edgartown. The three men waited at the landing for about 20 minutes.

Arrive at Police Station

Then, according to Dick Hewitt, the ferry's operator that morning, someone asked whether they had heard about the accident. One of the Senator's companions said that he had just learned of it, Mr. Hewitt said, and all three men then left immediately on the ferry to go to the police station on Main Street in Edgartown. They arrived just as Chief Arena was phoning his office to ask that Senator Kennedy be called in to the station.

The chief said he did not know till he returned to the police station after 9:30 that Senator Kennedy had been driving the car, although he had already ascertained that the car was registered in the Senator's name.

He quoted Mr. Kennedy as saying that he wanted to cooperate and offering to draft a statement. The Senator made a number of phone calls from the police station, trying to reach his lawyer, Burke Marshall, who was Assistant Attorney General for Civil Rights in the Administration of the Senator's late brother, President Kennedy.

Statement Is Withheld

County officials said that Mr. Markham and Mr. Gargan, who accompanied Mr. Kennedy to the police station, had not tried to discourage him from drafting the statement. They asked instead that the police withhold it from the press until they cleared it with Mr. Marshall.

Chief Arena held the state-

ment for three hours. Then, having received no call, he decided he could not withhold it any longer. Moments after it was released, Mr. Markham telephoned to ask that it be kept from the press a while longer he said.

The black sedan in which the accident occurred was removed to the Depot Corner service station on Main Street in Edgartown. Shortly after it was deposited there, an official from the Massachusetts Bureau of Motor Vehicles arrived and confiscated its license plates. He was said to have destroyed two Polaroid photographs of the plates.

The two-bedroom cottage in which the party was held is owned by Sidney K. Lawrence, a lawyer from Scarsdale, N.Y., who keeps a studio house for himself and his wife in the rear.

A lease found in Senator Kennedy's car showed that the cottage had been rented in Mr. Gargan's name for eight days beginning July 12. Neighbors said it was not occupied until Friday.

Rented Through Agent

The rental arrangement was made through an agent. The Lawrences reportedly did not know that the Kennedy party had been using their house until their arrival here from Scarsdale last night. By that time, the cottage had been vacated.

Left in the cottage were stores of food, including a number of cans of New England clam chowder, that had apparently been meant to be loaded on Senator Kennedy's boat before he and his friends went out to watch the annual sailing race around Martha's Vineyard.

James J. Sullivan, of Boston, who is staying with his family in a rented house across the road from the Lawrence cottage, said he was aware that a party was in progress there Friday night. He heard singing and laughter, he recalled, but nothing he regarded as raucous or loud.

Two cars were parked out front most of the night, Mr. Sullivan said.

Most residents of Martha's Vineyard and Chappaquiddick Island were getting the news of the accident this weekend from their television sets or newspapers flown in from New York and Boston.

Most of them who live here year-round, who have never been conspicuous for their devotion to the Democratic Party or the Kennedys, had to be coaxed to talk about the case.

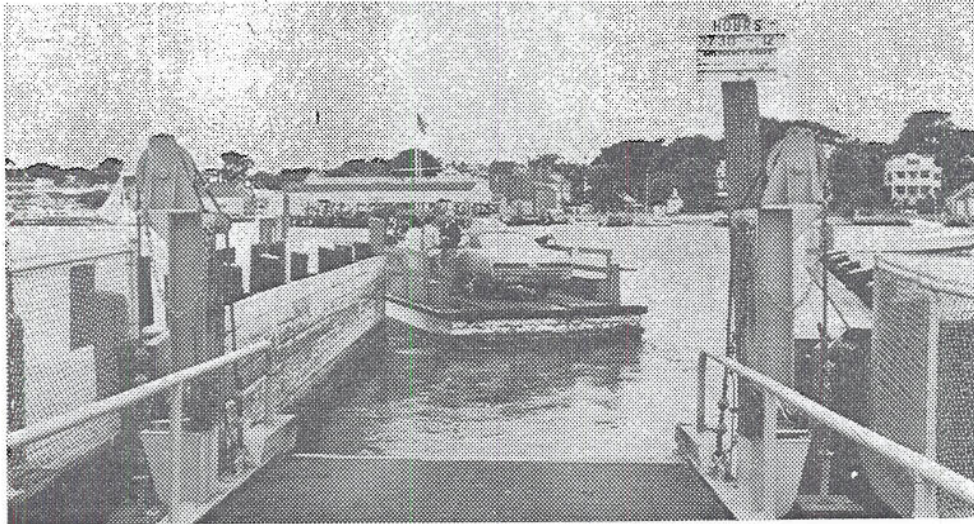
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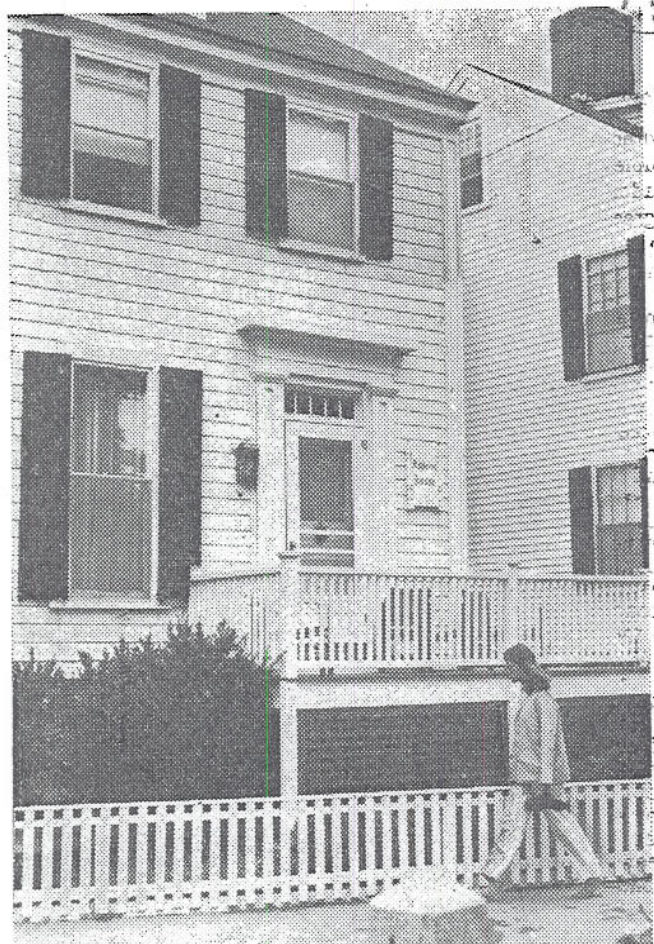
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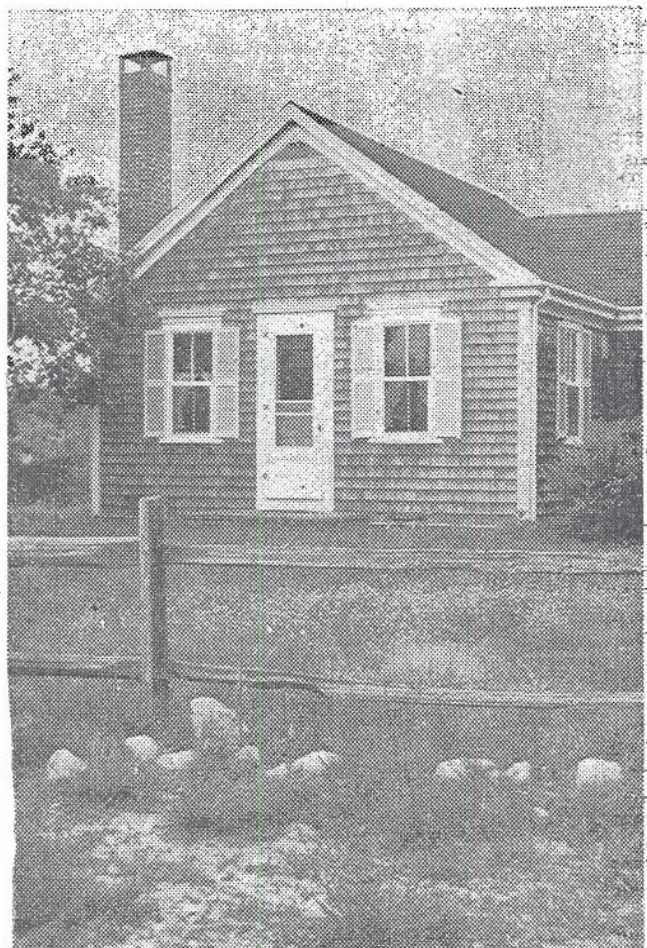
BRIDGE: Robert Samuel, left, and Joseph Cappavella fishing off bridge known as the Dyke yesterday. On Saturday they discovered the car containing the body of Mary Jo Kopechne. Jack D. Hubbard for The New York Times



FERRY: Senator Edward M. Kennedy was heading for the only ferry from Chappaquiddick to Martha's Vineyard. Ferry is called "On Time" and sign, upper right, shows its schedule.



SENATOR'S INN: Mayberry House, annex to Shiretown Inn in Edgartown. Senator Kennedy had room at hotel.



SITE OF THE PARTY: Rented Cape Cod cottage on Chappaquiddick Island where party was held Friday night.