

# The Kennedy Crash

## Charge Filed Against Ted

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EDGARTOWN (Mass.) — Nagging questions remained today in the death of a 28-year-old secretary as local authorities moved to bring Sen. Edward Kennedy to trial on a criminal misdemeanor charge.

The Edgartown police chief, Dominick Arena, filed a formal complaint in Dukes County court charging Kennedy with "leaving the scene of an accident after having done bodily harm."

Arena who filed the complaint with the District Court Clerk Thomas A. Teller, said

an Edgartown lawyer, Richard J. McCarran, had informed the clerk he is representing Kennedy. McCarran asked for a hearing, to which Kennedy is entitled before any summons is issued. Kennedy was not present when the complaint was filed.

Teller set July 28 for the hearing in the Edgartown Courthouse.

The charge carries a prison sentence of between two months and two years, but suspended sentences are common for first offenders.

Kennedy is a possible Democratic challenger to President Nixon in 1972. The death of Mary Jo Kopechne,

of Washington, and its surrounding mysteries are not likely to help his chances.

The "bodily injury" in the case is Miss Kopechne's death by drowning. The 1966 Oldsmobile sedan driven by Kennedy slammed into a five-inch wooden curb on the unlighted 10.5-foot wide bridge and the car flipped into seven feet of water.

Kennedy, in a statement that seemed to leave as many questions unanswered as it answered, indicated the accident occurred shortly after 11:15 Friday night.

He said he tried to rescue

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Miss Kopechne, then, "exhausted and in a state of shock," walked back to the Cape Cod cottage of friends.

The senator's 1.2 mile walk back is a crucial element in the mystery, since he had to pass two lighted cottages within 120 yards of where the car, with Miss Kopechne inside, lay on its roof in the water.

### 2 Cottages

One cottage, occupied by Mrs. Pierre Malm of Lebanon, Pa., had a phone. A second floor 60-watt bedroom light was burning until midnight, according to Mrs. Malm's 21 year old daughter, a Brandeis University junior, who glanced at her clock at midnight when she turned off the light.

On the first floor, a night light was visible for the entire 100 yards walk from the bridge.

Miss Malm said that shortly before midnight she heard a car go by and "I thought it was going pretty fast."

The house is only eight yards from the road where Kennedy had to pass on his walk back to the cottage, which had been rented by his cousin, Joseph Gargan, for a party of ex-Kennedy workers.

Some 120 yards from the wooden bridge, a 25-watt bulb was burning all night in a bedroom in a cottage rented by Mrs. David Smith, of Fayetteville, New York.

As of last night, neither Mrs. Smith nor the Malms had been questioned by police about the lights — prompting some residents to suggest that local authorities have been "reluctant to ask any tough questions about this case."

### Sedation

Chief Arena, however, impressed by the platoons of reporters converging on his bailiwick, from papers as far away as London, showed signs last night of trying to fill in some of the gaps in the brief Kennedy statement that was released Saturday.

Kennedy himself was reported suffering from a slight concussion and possible stress to his back, which was broken in a near fatal plane accident in 1964. Although he could not be contacted in the Hyannis Port family compound, a spokesman let it be known he was under sedation.

Today Arena announced he had asked State Police Lt. George Killen to speak with Gargan to determine if Kennedy was at a party before the mishap and, if so, who else attended.

impact.

Mills said there would be no autopsy.

When a fire department diver removed her body, rigor mortis had already set in. She was clad in sandals, blue

slacks, white blouse and a gold chain-type belt.

After the accident, the guests left the cottage and

checked out of the Edgartown motel where they had been staying. A Kennedy friend paid their bill.

Unanswered in the official file were such questions as these:

- Granting that the senator was suffering from shock, why did it take him nine hours to report the drowning?

- Why did he turn from a substantial asphalt road on to a washboard-rough sand and rock side road that was found dangerous at even a 30-mile-an-hour test drive.

- Sen. Kennedy said after his return from the death scene he climbed into the back seat of a car parked in front of the cottage. How long did he stay there? And who took him to the Edgartown ferry inlet? And finally — once there, how did he get across?

Dr. Donald R. Mills, Ed-

gartown medical examiner, said in a phone interview that he thought Miss Kopechne died after midnight but that he "could be two hours off."

Mills said he was "perfect-

ly satisfied" that it was a drowning, since her lungs were full of water. She had apparently scrambled into the back seat in an effort to escape the rushing water or had been thrown there by the



**BODY OF AUTO MISHAP VICTIM REACHES SCRANTON, PA.**  
Mary Jo Kopechne will be buried in her home state

—UPI Photo



**LODGES CHARGE AGAINST TED KENNEDY**  
Chief Dominick Arena of Edgartown

—UPI Photo