

Kennedy Asks Chance to Challenge Police Request to Prosecute Him in Fatal Accident

By JOSEPH LELYVELD
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EDGARTOWN, Mass., July 21—Counsel for Senator Edward M. Kennedy asked today that his lawyers be given a chance to challenge a police request that he be prosecuted in connection with the automobile accident in which a Washington secretary was killed.

The Dukes County clerk, Thomas A. Teller, scheduled a hearing for next Monday afternoon. At the hearing Mr. Teller will consider whether to issue a summons against the Massachusetts Democrat for leaving the scene of the accident on Chappaquiddick Island, near this resort on Martha's Vineyard.

Mr. Kennedy did not report the accident to the police until 9 A.M. Saturday. In a statement then, he indicated that the accident occurred soon after 11:15 o'clock Friday night.

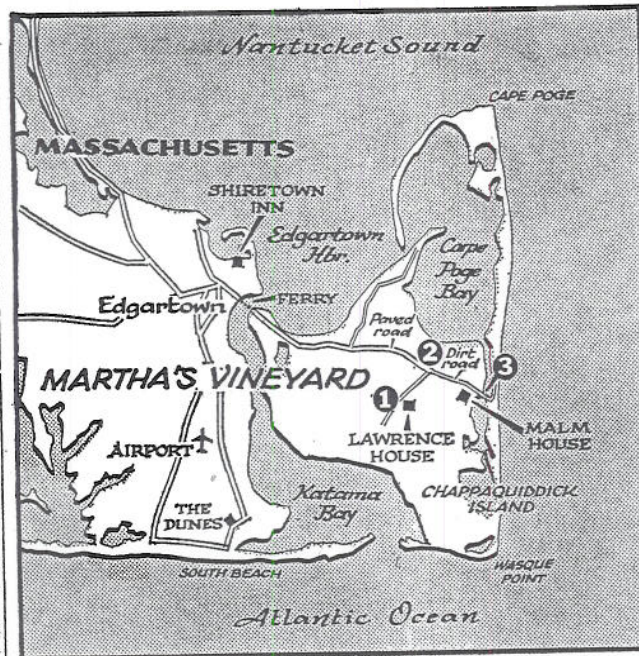
It was learned today, however, that the police here have a statement from a witness who says he saw a black Oldsmobile he now believes to have been the Senator's car more than an hour later, about 12:40 A.M.

Reliable sources identified the witness as Charles Look Jr., a Dukes County deputy sheriff and lay reader in the local Episcopal Church.

Leaves Yacht Club

Mr. Look told the police, the sources said, that about 12:25 A.M. he left the Edgartown Yacht Club, where he works at night, and took the last ferry from Martha's Vineyard to Chappaquiddick Island.

About 12:40, he said, he saw a black Oldsmobile at the inter-



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Senator Kennedy left a party at the Lawrence house (1) and said that on way to ferry he made a wrong turn (2) onto an unfamiliar dirt road and drove off a narrow bridge (3). Mrs. Pierre Malm later reported the accident to the police. Mary Jo Kopechne, who was killed, was staying at the Dunes. Senator Kennedy stayed at the Shiretown Inn.

section on Chappaquiddick's Main Street where Senator Kennedy later said he had made a wrong turn. At the time, Mr. Look thought there were three persons in the car. In retrospect, he is not sure, the sources said.

Mr. Look apparently did not recognize the driver of the car, but he recalled the incident Saturday morning when he was at the scene of the accident. He was among those who helped pull the Senator's black 1967

Oldsmobile out of the pond into which it had plunged.

The Senat's request for a hearing was delivered to the clerk at the county courthouse on Main Street at 8 o'clock this morning by Richard J. McCarron, an Edgartown lawyer. He said that Mr. Kennedy's legal advisers asked him last night to make the request.

More than 100 persons crowded the sidewalk outside the red brick courthouse, some apparently expecting to see

Mr. Kennedy arrive to be present when Police Chief Dominick J. Arena filed his citation with the clerk.

Mr. McCarron said that he had never met Mr. Kennedy and had no idea whether he or some other lawyer would represent the Senator next week. He also said he did not know whether Mr. Kennedy planned to be present at the hearing.

In Washington, meanwhile, the Senator's press secretary, Richard Drayne, said that Mr. Kennedy hoped to go to Plymouth, Pa., a small town outside Wilkes-Barre, for the funeral tomorrow of Mary Jo Kopechne. The 28-year-old secretary drowned when the Senator's car went off a narrow wooden bridge and overturned in a pond.

"I expect he will go to the funeral," Mr. Drayne said, "but he's still under a doctor's care and the doctor's opinion will have to be considered."

Leaves Family Compound

After his return to Hyannis Port Saturday afternoon, Senator Kennedy was reported by his physician to have suffered a slight concussion in the back of the head.

This afternoon, for the first time since his return, the Senator was able to leave his family's compound at the Cape Cod resort. He departed on a side road in a car bearing Florida license plates. He returned soon thereafter.

Among the visitors allowed past the police check posts outside the Kennedy compound was Richard N. Goodwin, a former speechwriter for the Senator's late brothers, President Kennedy and Robert F.

Kennedy and Stephen Smith, the Senator's brother-in-law.

According to a top aide of the Senator, Mr. Kennedy offered to pay the expenses for Miss Kopechne's funeral, but his offer was turned down by her parents, Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N. J.

Here in Edgartown, Chief Arena disclosed that he had asked Edmund Dinis, the District Attorney in New Bedford, Mass., to try to examine some of the people who were at a party with Senator Kennedy Friday night on Chappaquiddick Island, which is separated from Martha's Vineyard by a channel 150 yards wide.

Yesterday the chief said that he considered his investigation closed and would not seek any interrogation of the Senator's friends.

County officials indicated that the main purpose of the request to Mr. Dinis, a Democrat, was to make it clear that the investigation had been carried as far as possible by the local authorities.

Under Massachusetts law, leaving the scene of an accident is a misdemeanor punishable by two months to two years in jail, but it is more common for suspended sentences or periods of probation to result from a conviction.

It was learned today that the party had been attended by 12 persons—six men and six women.

A source close to the Senator said that the six men included the crew of Mr. Kennedy's yacht, the Victoria, which raced in the Martha's Vineyard regatta on Friday. The source did not identify the crew, but the records of the Edgartown Yacht Club listed five names: Mr. Ken-



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Thomas A. Teller, right, Dukes County clerk, handing copy of complaint against Senator Edward M. Kennedy to Dominick J. Arena, police chief of Edgartown, Mass. Hearing in connection with accident is scheduled for Monday.

nedy; Joseph F. Gargan, his cousin; Paul Markham, a former United States attorney for New England; Edward Martin and Charles Tretter. Also at the

party was John Krimmins, the Senator's driver.

The Victoria placed ninth in a field of 31 boats. Another Kennedy yacht, the Resolute,

placed 19th; her crew was headed by Joseph Kennedy 3d, a son of Robert Kennedy.

Stanton C. Richards, the yacht club's manager, said he could not remember when the Kennedy's missed a regatta on Martha's Vineyard.

The six women at the party were identified by the source as Miss Kopechne, Nance Lyons, Maryellen Lyons, Esther Newberg, Rosemary Keough and Susan Tannenbaum.

They all worked together in what was known as "the boiler room" of Robert Kennedy's ill-fated Presidential campaign last year. Their responsibility there was to keep check on the pledges of delegates to the Democratic National Convention.

Last summer, after Robert Kennedy's assassination, the six women, plus two others from the "boiler room," identified as Kay Rusco and Carol Paolozzi, had a reunion on Martha's Vineyard. Edward Kennedy was said to have made a brief appearance at the party.

The party on Chappaquiddick Island began shortly before 8 o'clock. Senator Kennedy and Miss Kopechne were said to have been the first to leave.

According to the statement Mr. Kennedy gave the police Saturday morning, after the accident, he returned in a state of shock to the cottage, where the party was still in progress.

Somehow, he returned to the Shiretown Inn at Edgartown that night after the ferry had made its last trip. It still is not known how he did this, who accompanied him, or whether any of his friends ascertained what had happened to Miss Kopechne or the car.