

# Court Transcript of Proceedings in Kennedy Case

EDGARTOWN, Mass., July 25 (AP) — Following is a stenographic transcript of the District Court proceedings today at which Senator Edward M. Kennedy pleaded guilty to a charge of leaving the scene of an auto accident in which a young secretary was killed:

COURT CLERK THOMAS A. TELLER: Commonwealth vs. Edward M. Kennedy. This complaint charges that Edward M. Kennedy of Boston, Mass., on the 19th day of July, 1969, at Edgartown, did operate a certain motor vehicle upon a public way in said Edgartown and did go away after knowingly causing injury to Mary Jo Kopechne without stopping and making known his name, residence and the number of his motor vehicle. How do you plead, guilty or not guilty?

SENATOR KENNEDY: Guilty. Guilty.

JUDGE JAMES A. BOYLE: As is my custom, I'd like to hear a summary of the evidence.

DUKES COUNTY PROSECUTOR WALTER E. STEELE: May I call the officer, your honor?

JUDGE BOYLE: You may. Edgartown Police Chief Dominick J. Arena sworn.

Q. Will you state your name, sir?

A. Dominick J. Arena.

Q. Are you an Edgartown police officer?

A. I am.

Q. What is your rank?

A. I am chief of police in Edgartown.

Q. Are you the officer in charge of this matter?

A. I am.

Q. Were you on duty and in uniform on the morning of July 19 of this year?

A. I was.

Q. Will you recite briefly the salient facts in this matter for his honor and the defendant?

A. If I may rely on personal notes. Your honor, while on duty at Edgartown on the

morning of July 19, 1969, at approximately 8:20 A.M., I was advised of a call made to the communications center by a person who lived on Chappaquiddick that two boys had reported to her that there that there was a car submerged in the water near the Dike Bridge.

I went immediately to the scene and was later joined by a member of the Edgartown Fire Department scuba team, and through his efforts learned there was a young woman in the vehicle. She was brought to the surface and taken up to the shore, where she was placed in the Edgartown police cruiser to await the arrival of the Edgartown medical examiner.

The medical examiner, Dr. Donald R. Mills of Edgartown, pronounced the victim dead by reason of drowning. During this investigation, it was learned that the car involved belong to Edward M. Kennedy of Boston, and an attempt was made to locate him. In a call made by me to the Edgartown police station in this regard, I learned that Mr. Kennedy was at the station.

I returned to the station and was advised by Mr. Kennedy that he had been the operator of the vehicle involved. Mr. Kennedy advised that he believed that the accident had happened sometime after 11:15 P.M. on July 18, 1969.

This accident was reported by Mr. Kennedy at some time after 9 A.M. on the morning of July 19, 1969. Investigation of the accident and accident scene produced no evidence of negligence on the part of the defendant.

However, there appears that there were opportunities for the defendant to have made himself known to the proper authorities immediately after the accident. Therefore, a complaint was sought against him for leaving the scene of an accident

involving personal injury immediately making himself known.

MR. STEELE: May I ask the defense counsel, Mr. Clark, if he has questions from this officer?

RICHARD J. McCARRON, a defense lawyer: No questions of the officer.

JUDGE BOYLE: I have a question. Were you in charge of the investigation?

A. Yes sir.

Q. I would be most interested in determining from the defendant or the commonwealth if there was a deliberate effort to conceal the identity of the defendant.

A. Identity of the defendant—not to my knowledge, your honor.

MR. STEELE: Thank you, chief.

MR. McCARRON: Your honor . . .

JUDGE BOYLE: I should be glad to hear you gentlemen on disposition.

MR. McCARRON: Your honor, the attorneys representing Edward M. Kennedy have advised him that there are legal defenses that could be presented in this case. However . . .

JUDGE BOYLE: Mr. McCarron, just a moment. I don't think that is a proper statement to make. Do you now desire to say you want to plead not guilty?

MR. McCARRON: No, your honor.

JUDGE BOYLE: I am concerned now with the question of disposition, mitigating circumstances, aggravated circumstances.

MR. McCARRON: The defendant is adamant in this matter, your honor, that he wishes to plead guilty to the offense of operating a motor vehicle and going away after causing personal injury. It is his direction that this plea enter and leave the disposition to this court.

I believe your honor has had experience in disposition on motor vehicle accidents of this nature. It is the con-

tention of the defendant, your honor, and the defendant's attorneys that confinement to the house of correction of this defendant would not be the proper course.

I believe his character is well known to the world. We would therefore ask that any sentence that the court may impose be suspended.

MR. STEELE: ay it please your honor, the commonwealth suggests for your honor's consideration that this defendant be incarcerated in the house of correction for a period of two months and that the execution of this sentence be suspended.

It would seem that having in mind the character of the defendant, his age, his reputation, prior to this occurrence, that the ends of justice would best be served were he given a suspended sentence.

JUDGE BOYLE: There is no record, Mrs. Tyra?

MRS. HELEN TYRA, in charge of the local probation office: None, your honor.

JUDGE BOYLE: Considering the unblemished record of the defendant, and the commonwealth represents this is not a case where he was really trying to conceal his identity . . .

MR. STEELE: No, sir.

JUDGE BOYLE: Where it is my understanding, he has already been and will continue to be punished far beyond anything this court can impose. The ends of justice would be satisfied by the imposition of the minimum jail sentence and the suspension of that sentence, assuming the defendant accepts the suspension.

MR. McCARRON: The defendant will accept the suspension, your honor.

MR. TELLER: Edward M. Kennedy, on the complaint, the court has found you guilty and has sentenced you to serve two months in the house of correction at Barnstable; sentence is suspended.

## AUTOPSY FAVORED BY MRS. KOPECHNE

BERKELEY HEIGHTS, N. J., July 25 (UPI) — Mrs. Joseph Kopechne, whose daughter, Mary Jo, was killed when a car driven by Senator Edward M. Kennedy went off a bridge, said today she would like an au-

topsy performed if that was the only way to clear the young woman's name.

"If we can't clear up all the little snide remarks and everything, all this vicious mail," Mrs. Kopechne said, "I would have an autopsy if that's the only way I can clear my daughter."

In a telephone interview

from her home, she said she and her husband, an insurance executive, were upset about the "vicious mail" they had received since the accident last weekend.

"I know there are a lot of sick people in the world, and we should expect a little bit of vicious mail," Mrs. Kopechne said, adding that, "we don't know how to handle it because

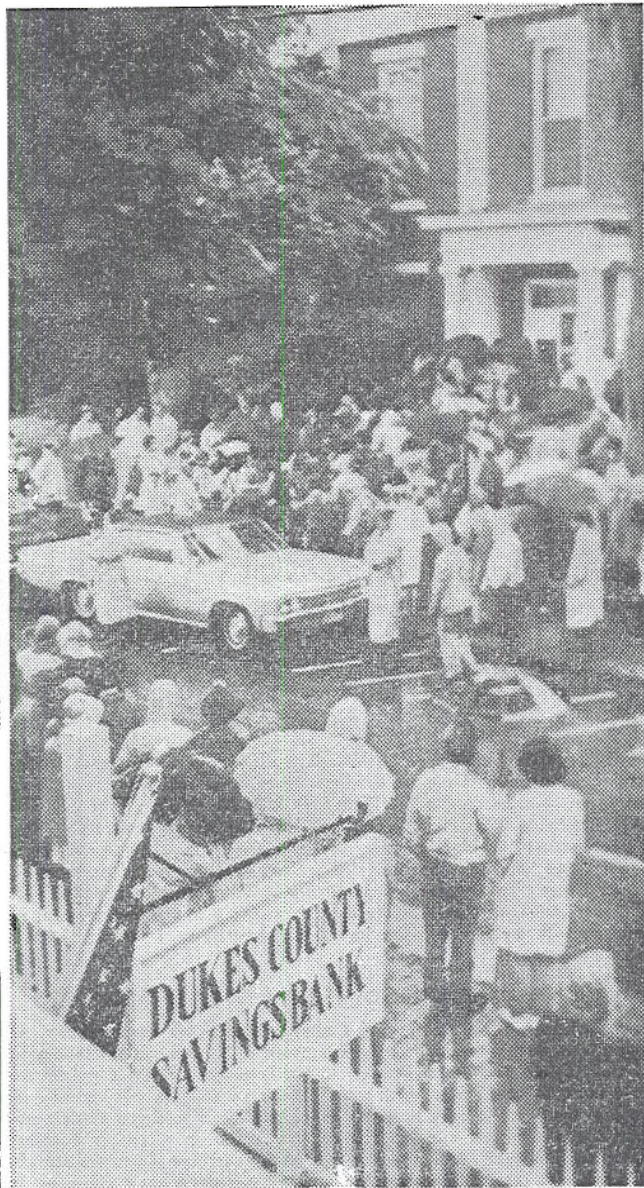
we never had anything happen in our lives like this."

In Massachusetts, the attorney general's office said any request for an autopsy would be subject to Pennsylvania law.

All that is required for an autopsy is the written authorization of Mr. and Mrs. Kopechne. The body is buried near Wilkes-Barre.

NUT  
7/26/69





Associated Press

**AT COUNTY COURTHOUSE:** Reporters and others at the building in Edgartown, Mass., where Senator Edward M. Kennedy pleaded guilty to leaving scene of an accident.