

Judge Turns Down Kopechne Inquest

Boston

The Chief Justice of the Massachusetts Superior Court refused yesterday to order an inquest in the

death of Mary Jo Kopechne, who drowned July 18 in an automobile accident involving Senator Edward M. Kennedy.

Chief Justice G. Joseph Tauro said he could find no provision nor any precedent that would permit the Superior Court to conduct an inquest.

He said that Massachusetts law "clearly" indicates that district court have jurisdiction.

The request had been made by District Attorney Edmund Dinis, who has been criticized for his lack of activity in the case. He is a Democrat described as being against the establishment that represents old-line families in Massachusetts. Those who have known him over the years say that he feels he has been snubbed by the Kennedy family in political campaigns he has entered.

In Washington, Senator Kennedy told newsmen before the inquest was denied that he would "cooperate in any way" possible with the request.

"It's still rather unclear as to the nature of it," Kennedy said.

"It's a legal matter. I plan to cooperate in any way."

Late Thursday afternoon, Dinis released the text of a letter he was sending to Tauro, requesting an inquest at the Superior Court level.

When newspapermen telephoned Justice Tauro Thursday night for his comment, he said, "It is very bad judgment at the least on District Attorney Dinis' part to release it before the Chief Justice receives it. I can't comment until I do receive it."

At noon yesterday, after receiving the letter, Tauro told reporters that his only comment would be contained in a brief printed statement. It read:

"No provision of law has come to my attention nor have I been able to find any precedent which would permit the Superior Court to conduct an inquest as requested by District Attorney Dinis.

JURISDICTION

"The District Attorney bases his request explicitly on General Laws, Chapter 38, Section 8. This section and all other related sections clearly indicate that the District Court has exclusive jurisdiction over such proceedings and have no application to the Superior Court."

Under normal procedures, the request for an inquest would be filed with Judge James A. Boyle, the presiding judge at Edgartown, who gave Kennedy a two-month suspended sentence July 25 after the senator pleaded guilty of leaving the scene of an accident.

Judge Kenneth L. Nash of the Quincy District Court, who is administrative head of district courts, said Dinis had been advised of such a procedure. But late yesterday, no change in the request had been made. Tauro and Nash, it was learned, conferred on the matter during the day.

Inquests are not mandatory in Massachusetts. They are a procedure by which a judge conducts a hearing to establish a legal cause of death.

The medical cause of death in Massachusetts is confirmed by autopsy, if one is ordered by a prosecutor. In the case of Miss Kopechne, a verdict of accidental drowning by an assistant medical examiner was accepted.

New York Times

Kennedy Party --The Follow Up

Washington

Three young women who went to the ill-fated cookout July 18 with Senator Edward Kennedy said yesterday they have yet to be approached by any authorities to give statements on the case.

They asked that their names not be used.

And an aide to the Massachusetts Democrat said he believes that authorities also have yet to talk to the other two women and five men — in addition to Kennedy — who were at the cottage where the party was held.

The three women, recalling the night of the tragedy, said they noticed nothing unusual about the appearance of two of the men when they returned to the party about 1 a.m. July 19.

Kennedy had said in a television appearance July 25 that when he returned to the cottage from the accident scene, two friends, Paul Markham and Joseph F.

Gargan, went back with him and dived into the tidal pond to try to rescue May Jo Kopechne from the submerged, overturned auto.

The women were also unsure about when the men returned and they said they had not seen Kennedy return. They added that they didn't know how the senator had attracted the attention of Markham and Gargan.

The senator's aide, meanwhile, said that, as far as he knows, Kennedy had never driven on Chappaquiddick Island, scene of the fatal mishap, before the night of the accident.

He expressed doubt, in fact, that the senator had ever set foot on it before that day.

Some residents of the area have said the Kennedys were quite familiar with the island, indicating doubt that Edward Kennedy could have become confused about directions that night when he took the wrong road.

New York Times