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Autopsy Hearing Set in Kennedy Case

By HOMER BIGART

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WILKES-BARRE, Pa., Aug. 15—President Judge Bernard C. Brominski of Luzerne County today set Aug. 25 for a hearing on a petition for an autopsy on Mary Jo Kopechne, who drowned July 18 when an automobile driven by Senator Edward M. Kennedy ran off a bridge at Chappaquiddick Island, Mass.

The exhumation and autopsy of Miss Kopechne, who was buried in St. Vincent's Cemetery, Larksville, four miles west of here, were sought by Edmund Dinis, district attorney for Southeastern Massachusetts.

Mr. Dinis told a news conference that the autopsy was "vital" to an inquest scheduled Sept. 3 at Edgartown, Mass. The inquest was sought by Mr. Dinis to establish whether the 28-year-old secretary's death resulted from negligence of Senator Kennedy.

Judge Broninski, a Democrat who has a plaster bust of President Kennedy in his chambers, said he would weigh public interest vs. "the sanctity of the deceased" in deciding the case.

Parent Oppose Move

The local counsel for Mr. and Mrs. Joseph Kopechne, parents of the young woman, said he had been instructed by Mrs. Kopechne this afternoon to do everything possible to block the autopsy.

The lawyer, Joseph F. Flanagan, 37, said it was "likely" that the Kopechnes would attend the Aug. 25 hearing, coming to Wilkes-Barre from their home in Berkeley Heights, N. J.

The Kopechnes remained adamant in resisting the exhumation of their daughter, Mr. Flanagan said after a telephone conversation with Mrs. Kopechne.

"She wants it blocked, if at all possible," Mr. Flanagan said.

There are few precedents in the Commonwealth of Pennsylvania for the hearing. Judge Broninski said that in his 11 years on the bench he had never encountered a petition for an autopsy. Mr. Flanagan and his staff spent the afternoon searching through law books for precedents.

The Kopechnes had been puzzled by today's developments. When they learned yesterday that Mr. Dinis was flying to Wilkes-Barre they apparently feared that the Pennsylvania court would make an immediate decision on whether their daughter's body would be exhumed. They retained Mr.



Associated Press

President Judge Bernard C. Broninski, left, with Edmund Dinis, a Massachusetts prosecutor, in Wilkes Barre, Pa.

Flanagan and told him to "fight" the autopsy.

Actually, all that happened today in a 35-minute discussion in the judge's chambers was the fixing of the hearing date and the extraction of a promise from Mr. Dinis that he would be responsible for all costs, including the transportation, lodging and feeding of all witnesses he might bring to Wilkes-Barre.

Mr. Dinis did not say how many witnesses he would call.

He said he was satisfied that the hearing date would allow him adequate time to prepare for the inquest. Regardless of the outcome of the hearing, the inquest at Edgartown will be held Sept. 3, he said. He repeated that he did not "at this time" know whether he would

summon Senator Kennedy to the inquest.

At a news conference within the massive, ornate courthouse, Mr. Flanagan said the Kopechnes felt that the autopsy "would serve no useful purpose."

Mr. Dinis said he was pressing his petition because the autopsy was "vital to the entire case."

"I am not satisfied with the findings made at the scene by the associate medical examiner, Dr. Donald R. Mills," he said. "They were not sufficient."

Mail Petition Barred

Mr. Dinis was obliged to appear here in person after Luzerne County District Attorney Blythe H. Evans Jr. told him that a petition sent by mail was not admissible in Pennsylvania.

"They are a lot more formal here than in Massachusetts," commented Mr. Dinis, who was whisked into the courthouse through a basement door to avoid a waiting crowd.

After giving assurances that he would accept responsibility and expenses of the proceedings Mr. Dinis won his hearing.

Now the crucial decision in the case rests with Judge Broninski, 47, who administers the Court of Pleas of Luzerne County. Judge Brominski, a Polish-American, is a son of the late John Brominski, a welterweight boxer known as "Batling Gates."

Many of the Brominskis are athletes. The judge played football at Dickinson College. His

uncle, Ed Brominski, was a half-back on Columbia's football team that beat Stanford, 7 to 0, in the 1934 Rose Bowl. Another uncle, Lon Brominski, played second base for the New York Giants under John McGraw.

Judge Broninski was appointed to the court to fill a vacancy by the last Democratic Governor of Pennsylvania, George Leader, in 1958. In the

following year, he won election to a 10-year term.

The judge said that his only other venture into politics came in 1957, when he was a unsuccessful Democratic candidate for county controller. The judge receives \$30,000 a year and lives in a colonial-type house at Swoyersville, a suburb where his father was once Mayor.