

## KOPECHNES GAIN AN AUTOPSY DELAY

Win Hearing Postponement  
in Kennedy Accident

By HOMER BIGART

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WILKES-BARRE, Pa., Aug. 21 — The parents of Mary Jo Kopechne won a postponement today of a hearing on whether an autopsy should be performed on their daughter, who drowned July 18 when a car driven by Senator Edward M. Kennedy plunged off a bridge on Chappaquiddick Island, Mass.

The hearing had been scheduled for next Monday morning in Luzerne County Courthouse. Miss Kopechne is buried in St. Vincent's Cemetery, Larksville, Pa., four miles from here.

Instead of the scheduled hearing, resident Judge Bernard C. Brominski decided to hold a hearing Monday on an application to dismiss the petition of the Massachusetts authorities for the autopsy.

As Edmund Dinis, District Attorney for the Southern District of Massachusetts, walked from the courthouse, he turned aside all questions. He declined even to comment on whether the postponement might jeopardize the inquest scheduled for Edgartown, Martha's Vineyard, on Sept. 3.

### Two Lawyers File Plea

The application to dismiss the autopsy petition was brought by John E. O'Connor and Charles Schaffer, counsel for Joseph A. and Gwenn L. Kopechne, parents of the young woman, who live at Berkeley Heights, N.J.

Dismissal was sought on these grounds:

¶That the criminal division of the Court of Common Pleas had no jurisdiction or authority in this matter.

¶That the Dinis petition was a collateral attack on a legal determination made by Dr. Donald R. Mills, associate medical examiner of Dukes County, Mass., and that Dr. Mills's determination — that Mary Jo Kopechne had died

accidentally of drowning — could not be collaterally attacked in another sovereign state.

¶That a Pennsylvania court had no statutory authority to order an autopsy in this case.

The attorneys for the Kopechnes also asked Judge Brominski to instruct Mr. Dinis to explain on Monday how the exhumation and autopsy would aid in determining whether there was "sufficient reason to believe that the sudden death of Mary Jo Kopechne may have resulted from the act of negligence of a person or persons other than the deceased."

Senator Kennedy, who did not report the drowning of Miss Kopechne until nine hours after the accident, has said that he was in a state of shock.

After meeting for an hour with Mr. Dinis and attorneys

for the Kopechnes, Judge Brominski said that he wanted to hear argument on the dismissal motion.

Then he told reporters that although he wanted to "accommodate" Mr. Dinis as much as possible, he did not feel obliged to hold an autopsy hearing before the inquest in Massachusetts Sept. 3.

Mr. Dinis had expressed the hope that the autopsy would be performed before the inquest. He said that it was crucial to proving his contention that negligence had been involved.

In any event, there will be no immediate decision by Judge Brominski on the application to dismiss the autopsy petition. He said that after hearing arguments Monday he would need time to study the briefs and citations.

Judge Brominski, who said last week that his decision on whether Miss Kopechne should be exhumed would be based on "public interest versus the sanctity of the deceased," seemed determined to move with great caution.

"I am not going to be stampeded," he said.

Meanwhile, Miss Kopechne's unmarked grave has begun to attract crowds. Yesterday, the entire cemetery was closed to all except mourners. Newsmen and photographers have been barred.

The caretaker, George Matthews, an uncle of the deceased girl, has refused to allow strangers to view the grave site.

## POLL FINDS KENNEDY LOSING SOME GROUND

Senator Edward M. Kennedy has declined among the general voting public as the preferred candidate for the Democratic nomination for President in 1972 since being involved in a fatal automobile accident, according to the latest Louis Harris poll.

The Harris poll, published yesterday in the New York Post, found that Senator Edmund S. Muskie of Maine had risen sharply among the general voting public as the preferred candidate for the 1972 Democratic nomination.

In the poll, 1,573 qualified voters were asked between July 30 and Aug. 2 to name their first choice for the Democratic nomination for President in 1972.

Thirty per cent named Senator Kennedy and 28 per cent named Senator Muskie. In a similar Harris survey last May, Mr. Kennedy was the first choice of 41 per cent and Mr. Muskie was the first choice of 19 per cent.