

Prospect of Kopechne Autopsy Seems Dimmed

Doubts Left Unexplained by Massachusetts Officials — Judge Reserves Decision

By HOMER BIGART
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WILKES-BARRE, Pa., Aug. 25 —The prospect of an autopsy on Mary Jo Kopechne seemed dimmed today when the Massachusetts authorities did not explain in court the nature of their doubts about the case.

Miss Kopechne was the 28-year-old secretary who died in a salt pond the night of July 18 when a car driven by Senator Edward M. Kennedy plunged from a bridge on Chappaquidick Island, Mass. She was buried in Pennsylvania.

Today, Bernard C. Brominski, President Judge of the Luzerne County Court of Common Pleas, reserved decision on a motion by attorneys for the Kopechne family to dismiss a Massachusetts petition for exhumation and autopsy.

Question of Negligence

District Attorney Edmund S. Dinis of New Bedford, Mass., in a Massachusetts petition for an inquest in the case, has said that the purpose of the inquest would be "to determine whether or not there is any reason sufficient 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."

The inquest is set for Sept. 3. Mr. Dinis, who had called an autopsy crucial to his investigation, remained silent during the one-hour argument today, letting his first assistant, Armand Fernandes, do the talking.

Challenged by the Kopechne attorneys to reveal grounds for suspecting that the death of the young woman may have resulted from "negligence" by Senator Kennedy or others, Mr. Fernandes countered with a baseball analogy.

The fact that an inquest was scheduled for Sept. 3 in Edgartown, Mass., was sufficient reason for an autopsy, Mr. Fernandes contended, adding:

"Having an inquest without an autopsy would be like hitting a home run and not touching third base."

Judge Brominski told news-



Associated Press

District Attorney Edmund Dinis of New Bedford, Mass., at left, and Joseph Flanagan, counsel for the family of Mary Jo Kopechne, leaving the courtroom in Wilkes-Barre, Pa., after a hearing on Mr. Dinis's petition for an autopsy.

men that it would take "a minimum of 48 hours" before his decision could be made and that he might require "considerably longer" time.

Thus, even if Judge Brominski rules against the dismissal motion, it seems improbable that exhumation and autopsy could be finished by Sept. 3.

Mr. Dinis insisted to newsmen that the inquest would be held regardless of how Judge Brominski ruled. But he intimated that a postponement might be considered if permission for an autopsy was granted before Sept. 3.

The objections to the petition were outlined by Joseph Flanagan, chief counsel for the Kopechnes.

Contending that the autopsy petition had no place in a

criminal court, Mr. Flanagan noted that "nowhere in the petition is there an allegation that any crime has been committed or that any criminal conduct is evident from the incidents that resulted in the death of Mary Jo Kopechne."

He argued that Mr. Dinis, not having ordered an autopsy in Massachusetts before the girl's body was removed to Pennsylvania, was now powerless to exert any right under Massachusetts statute.

The girl's parents, Mr. and Mrs. Joseph Kopechne, who now live in Berkeley Heights, N. J., have accepted Senator Kennedy's explanation that the drowning of their daughter was accidental, and they have told Mr. Flanagan to fight exhumation and autopsy with all legal means.