

Annals

26 Aug 69

New Delay In Kennedy Case Autopsy

Wilkes-Barre, Pa.

Chances dimmed yesterday that an autopsy on the body of Mary Jo Kopechne could be completed before September 3, the date set for the start of an inquest into her death in a car driven by Senator Edward M. Kennedy (Dem-Mass.).

After hearing a lawyer's argument that holding the inquest without an autopsy would be "like hitting a home run without touching first base," Judge Bernard C. Brominski reserved a decision on a motion by Miss Kopechne's parents to block the autopsy petition.

The petition was brought in Common Pleas Court here by Edmund Dinis, district attorney for southeastern Massachusetts.

After the 57-minute hearing in the Luzerne County courthouse, Judge Brominski told reporters that a study of law and arguments would require "a minimum" of 48 hours. After his decision is reached, he said, it will be mailed to attorneys for both sides, and then — if the Kopechne family's motion is rejected — the judge said he would arrange a date for a hearing on Dinis' original petition.

COMMENT

Dinis brushed aside reporters as he left the imposing renaissance-style courthouse, but commented briefly when a newsman managed to tell him of the judge's views aft-

er he reached his car. Asked whether he might delay the start of the inquest, Dinis replied without amplification: "I would do what any reasonable man would do."

Dinis did not say whether the September 3 date is firm, but repeated his prior assurances that an inquest will be held whether or not his request for an autopsy is granted.

Dr. Donald R. Mlls, Edgartown's associate medical examiner, certified July 19 after external examination that Miss Kopechne died of "asphyxiation by immersion," but no autopsy was performed before her body was removed for burial near Plymouth, Pa., four miles from here.

FAILURE

This failure by Dinis to exercise his authority to require an autopsy while the body was still in his jurisdiction was underscored in the 37-minute argument by Joseph F. Flanagan, one of three lawyers who appeared to represent the dead woman's parents, Mr. and Mrs. Joseph Kopechne.

Flanagan argued that Dinis lost his authority to request an autopsy "the moment the body was removed from Massachusetts" — especially because no crime is alleged in Dinis petition.

Dinis listened intently and sometimes exchanged comments with Armand Fernandes, who is both his assistant in the district attorney's office and his partner in a private new Bedford law firm.

Dinis left the argument to Fernandes. "There will be an inquest," Fernandes said, "and that is sufficient reason for an autopsy . . . otherwise, it would be like hitting a home run without touching first base."

Times-Post Service