

9 Witnesses Accept Kopechne Inquest Subpoenas

By JOHN H. FENTON
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EDGARTOWN, Mass., Aug. 29—Nine witnesses have accepted summonses to appear Sept. 3 at an inquest in the death of a Washington secretary on Chappaquiddick Island on July 18.

It was expected today that at least 11 others, including members of a cookout party on the island, would be called to tell what they know about an accident that night involving Senator Edward M. Kennedy of Massachusetts.

Mary Jo Kopechne, 28 years old, was a passenger in a car driven by Mr. Kennedy when it went off a narrow bridge on the island and plunged into a salt pond. Miss Kopechne's body was recovered the following morning.

In the meantime, a battery of lawyers maintained silence on the prospects of easing strictures on their participation at the inquest.

Judge James A. Boyle of the Edgartown District Court told the group of 10 lawyers yesterday that under the broad powers granted him they would be limited to advising the witnesses they represented as to their rights against self-incrimination.

Motions Denied

The 62-year-old judge laid down his rules of procedure after denying motions to grant the lawyers the right to cross-examine witnesses, to seek rulings on various aspects of testimony and to have the power to compel attendance of witnesses.

The lawyers filed exceptions,

which in effect, opened the way for appeals to other courts. But none of the 10 would say what courts. Massachusetts statutes governing inquests date from 1877 and give judges wider powers than in any other court.

Edward B. Hanify of Boston has been acting as chief counsel for Senator Kennedy.

Mr. Hanify declined today to answer the telephone. But a spokesman for the law firm of Ropes, Gray, in which he is a partner, said, "I do not expect any action this afternoon."

Since this was the beginning of the Labor Day weekend, it meant that barring some unusual procedure, no appeals could be filed before Tuesday, the day before the opening of the inquest.

The crux of the situation is a contention by the lawyers that the inquest is an accusatorial proceeding and that the constitutional rights of due process of law should prevail.

Judge's First Inquest

But Judge Boyle, who will be presiding over his first inquest, has contended that there are no defendants and that no one has been accused of any crime.

Thomas A. Teller, clerk of the District Court, confirmed today the names of nine witnesses who have accepted summonses. This became a matter of public record when the subpoenas were returned to his office, a sign that they had been received and accepted.

Mr. Teller declined to comment on the identities or numbers of other possible witnesses. They were presumed to include five other young women

and five men who were at the cookout party.

The nine who have accepted subpoenas include Police Chief Dominick J. Arena of the Edgartown police, who investigated the case after Mr. Kennedy reported the accident nearly nine hours after it happened.

Others are John Farrar, a scuba diver for the Edgartown Fire Department, who recovered Miss Kopechne's body from the submerged car, and Dr. Donald R. Mills, assistant medical examiner who returned a verdict of accidental death by drowning.

Also, Jared Grant, the owner, and Richard Hewitt, the captain of a small ferry that operates between Chappaquiddick and Edgartown on Martha's Vineyard Island.

Others are Dr. Robert W. Nevin, chief medical examiner who was off duty on July 18; Christopher S. Look Jr., a deputy sheriff who said he saw a black sedan resembling the Kennedy car on Chappaquiddick Island about an hour and a half after the time Mr. Kennedy said the car went off the bridge, and Russell E. Peachey, night manager of the Shiretown Inn, who said Mr. Kennedy complained to him about some noise and asked the time, about 1:25 A.M.

The only mainland witness on the list was John J. O'Connor of Falmouth, on Cape Cod, district manager for the New England Telephone Company, who has been asked to furnish company records. These are presumed to be of telephone calls the night of the accident.

Mr. Teller also posted the list of news gathering repre-

sentatives who will be allowed in the courtroom under Judge Boyle's rules of attendance. The list contains the names of reporters from 94 news outlets. Eight foreign countries will be represented. Britain will have 12 reporters.

Mrs. Kennedy Resting

HYANNIS, Mass., Aug. 29 (UPI)—Senator Edward M. Kennedy said today that his wife, who suffered her third miscarriage last night, was "feeling good."

Mr. Kennedy visited with his wife for about 45 minutes in Cape Cod hospital.

Mrs. Kennedy, 32 years old, was taken to the hospital last night after being stricken while her husband and two of their three children were on a camping trip on Nantucket.

Exhumation Ruling Due

WILKES-BARRE, Pa., Aug. 29 (AP)—Judge Bernard C. Brominski said today that he would rule next week on whether he had the authority and jurisdiction to order exhumation of Miss Kopechne.

"I will have a decision after Labor Day—either late Tuesday or early Wednesday," said Judge Brominski of Luzerne County Common Pleas Court.