

INQUEST DELAY FOR TED

Examiner News Services

BOSTON — A Massachusetts Supreme Court justice today postponed indefinitely the inquest scheduled to begin tomorrow into the death of Mary Jo Kopechne.

Associate Justice Paul Reardon ruled that the full bench of the Massachusetts Supreme Court will take under consideration "the grave constitutional questions" raised by lawyers representing Sen. Edward Kennedy, driver of the auto in which

Miss Kopechne died.

Among the questioned factors is an order issued Aug. 8 by District Court Judge James Boyle of Edgartown which would permit 103 newsmen into the courtroom during the inquest and would prevent attorneys from cross

examining witnesses.

Kennedy's lawyers, led by Edward Hanify of Boston, argued before Reardon that "my client is apparently the focal point of a gathering crescendo" of publicity regarding the case.

Hanify also argued that the

inquest is of an "accusatory" nature.

Justice Reardon ordered Judge Boyle to forward to the Supreme Court, which convenes next month after a summer recess, a full report on the case, copies of all cases involved and a list of

newsmen who had been given seats for the proceeding.

"I order that this case (the hearing) be retained and reported to the full bench of the Supreme Judicial Court (of Massachusetts)," Justice Reardon said in granting the temporary restraining order.

He also ordered Judge Boyle to send a stenographic transcript of the two pre-inquest hearings to the state high court.

Hanify said Judge Boyle had erred and "used abusive discretion" in refusing the

—Turn to Page 18, Col. 3

—From Page 1

cross-examination of witnesses.

Asst. Atty. Gen. Joseph Hurley, representing Judge Boyle, followed Hanify in the presentation.

"I am not denying this is a link in a chain of subsequent proceedings, but we don't know now what can or would happen," Hurley said.

He insisted the inquest was an investigation and not an attempt to point the finger of guilt at anyone. "We are after the facts and not any person," he said.

Atty. Gen. Robert Quinn told newsmen later that no date was set for the Supreme Court to consider the case.

Quinn said the court does not meet until the first Monday in October. He said lawyers for both sides will be asked to submit briefs outlining their positions on the question of inquest procedure.

Although the full Supreme Court would not normally convene until Oct. 1, Hanify told reporters to look at the judge's statement when asked when the case might come before the full court.



TED KENNEDY  
Indefinite delay

Reardon had said the court was ready to hear the case at any time.

Warning Given

Justice Reardon, who wrote "Fair Trial-Free Press" and also issued a report known as the "Reardon Report" admonished all parties connected with the case to "mind their conduct and statements."

The justice said anyone

"whose conduct does not conform to these ethics will be properly dealt with." His report, issued to the American Bar Association, suggested anyone connected with a trial be restricted from making statements which could prejudice its outcome.

In a related development, in Pennsylvania, Judge Bernard Brominski said he would announce tomorrow morning in Wilkes-Barre his decision on a motion by Miss Kopechne's parents to block the petition of the Massachusetts district attorney for exhumation of the body and an autopsy.

Miss Kopechne was buried in a Catholic cemetery in Larksville, Pa., near where she was born, without an au-

topsy. After hearing arguments on the motion Judge Brominski has been researching the law since Aug. 25.



EDMUND DINIS  
At high court hearing  
—UPI Photo