

Kopeczne Inquest Put Off By Judge on Kennedy Plea

Court Will Decide if the Procedure Violates Senator's Rights

By JOSEPH LELYVELD
Special to The New York Times

BOSTON, Sept. 2—A judge of the Massachusetts Supreme Court ordered today an indefinite postponement of an inquest into the death of Mary Jo Kopeczne to enable the court to decide whether the proceeding would violate Senator Edward M. Kennedy's constitutional rights.

The inquest was to have begun tomorrow morning in Edgartown on Martha's Vineyard in the small Dukes County Courthouse.

Judge Paul C. Reardon ordered the postponement after hearing a lawyer for Senator Kennedy argue that the "gathering crescendo" of publicity could "taint" subsequent judicial proceedings against the Senator.

The lawyer, Edward B. Hanify, contended also that the procedures laid down for the inquest would deprive Mr. Kennedy of his constitutional right to be represented by a lawyer able to offer evidence in his behalf and cross-examine witnesses.

Despite urging from his lawyers, the Senator was understood to have delayed his



Associated Press

Judge Paul C. Reardon

decision to go ahead with the appeal until last night. He was said to have been concerned that the appeal would be taken as an evasive tactic designed to release him from the requirement that he answer embarrassing questions in public.

Miss Kopeczne, a young Washington secretary, drowned the night of July 18 when Senator Kennedy drove his car off a narrow, unmarked bridge on Chappaquiddick Island, which is separated from the Vineyard by a narrow channel.

A week later the Senator

Continued on Page 21, Column 1

Continued From Page 1, Col. 7

pleaded guilty to a charge of leaving the scene of an accident.

The Attorney General of Massachusetts, Robert H. Quinn, said after today's hearing that it would be at least two weeks before the state Supreme Court would be able to hear arguments on what Judge Reardon termed the "grave constitutional questions" raised by the case.

The court's next regular sitting is scheduled for the first week in October.

If the court accepts Senator Kennedy's contention that his rights have been endangered, it could order new ground rules for the inquest and have it closed to the press.

It would then be up to District Attorney Edmund S. Dinis of New Bedford, who requested the inquest, to decide whether he wanted to go ahead with it or proceed with an ordinary grand jury investigation behind closed doors.

Thus it is possible that Senator Kennedy may not be forced, after all, to submit to questioning in public on the circumstances of the accident.

Judge Reardon sternly warned all officials and lawyers involved in the case to abide by the American Bar Association's recently adopted code of conduct on undue pretrial publicity, which he helped to draft.

Senator Kennedy's lawyers and advisers cited that warning when asked for comment this afternoon. But the other day a close adviser said that the decision on whether to request a restraining order to halt the inquest was proving particularly difficult.

The legal argument, the adviser said, was compelling, and the Senator's lawyers were unanimous in urging him to fight the inquest. But there was also a compelling argument that, according to this adviser, made him hesitate.

This was the concern that many people would regard his appeal—however elaborate and persuasive the arguments on which it was grounded—as an effort to "worm his way out," as the adviser put it, of a requirement that he respond to questions that many still regard as unanswered.

The Senator signed the petition to the Supreme Court in Hyannis Port yesterday. It was understood that his final decision on whether to go ahead with it was withheld until yesterday evening.

Judicial Coincidence

Mr. Quinn said that he was informed of the appeal this morning. It was understood that notice was also given to Mr. Dinis and Judge James A. Boyle, the district judge for Dukes County, who is listed as the respondent on Senator Kennedy's petition.

The Senator's lawyers knew that Judge Reardon would be sitting today. Every month one member of the court sits in a special branch that hears unusual writs and petitions. Judge Reardon's turn started today.

The judge had studied Senator Kennedy's petition and several attached documents when he took his seat this afternoon in a walnut-paneled courtroom on the 13th floor of the courthouse on Pemberton Square.

One of the documents listed 103 newspapers, magazines and broadcasting companies whose representatives had been assigned seats at the inquest.

Also on hand with petitions were lawyers representing friends of the Senator who attended a party with him on Chappaquiddick Island the night of the accident and were to have been called as witnesses. Their petitions paralleled Mr. Kennedy's.

Mr. Dinis, wearing a blue pin-stripe suit, took a seat near the window in the gallery reserved for lawyers. In response to questions, he said that he was not a party to the hearing.

Arguments Summarized

Mr. Hanify briefly summarized the arguments in his petition and the rulings by Judge Boyle that, he contended, compromised his client's rights.

These included the judge's decision to admit the press, to allow lawyers to be present in the courtroom only when their clients were testifying for the purpose of advising them on the question of self-incrimination and to refuse them the right to engage in cross-examination.

The lawyer argued that Senator Kennedy was plainly "the focal point of interest" in the case, and that the inquest could only be construed as a "general inquisition" into his conduct for the purpose of bringing further charges.

Announcement Today

Special to The New York Times

EDGARTOWN, Mass., Sept. 2—Thomas A. Teller, clerk of the Edgartown District Court, said today that Judge James A. Boyle would make an official announcement of the inquest postponement at 9:30 A.M. tomorrow at the opening of the customary daily court session.

*"Hanify was appealing to the right man."
SFE Examiner, 3 Sep,
Whitten.