

# State Rule Attacked Ted to Battle For His Future

By Leslie H. Whitten  
Examiner Washington Bureau

EDGARTOWN — Sen. Edward Kennedy, faced with what his friends consider a reputation-ruining judicial carnival, has given his lawyers the go-ahead to fight back with all the Kennedy might for his future.

The initial Kennedy legal victory was made formal yesterday in the 111 year old Duke County Courthouse when District Judge James Boyle announced the inquest would be postponed "until such time as the (Kennedy delaying) petition may be heard and determined" by the Massachusetts Supreme Court.

The judge, who in a sense had been overruled by a Supreme Court justice, read the formal announcement of delay, then adjourned the court.

(Kennedy returned to Washington today and was asked if he concurred with his lawyers' decision to seek the delay.

("They made the petition," he replied, but added that he signed it.)

Following the inquest-escape by Massachusetts Supreme Court Justice Paul C. Reardon, the powerful Kennedy team of attorneys today began a research project designed to show once and for all that Massachusetts' tradition-bound inquest rules are unconstitutional.

The Kennedy legal forces went into action as the seven Supreme Court justices were

notified the inquest of Mary Jo Kopechne's death is now in their hands.

### Publicity

Justice Reardon heeded the pleas in Boston yesterday of Kennedy attorney Edward B. Hanify that a "gathering crescendo of publicity, gathering every hour," was helping to destroy Kennedy's chances for a fair hearing at the scheduled inquest on Martha's Vineyard.

Justice Reardon is the author of a controversial report debated by bar associations, judicial conferences and newspapers all over the country, that would all but bar pre-trial publicity in criminal cases and put other restrictions on reporting on criminal suspects.

### Warning

Justice Reardon, who also wrote "Fair Trial—Free Press" admonished all parties connected with the case to "mind their conduct and statements."

The inquest system has been replaced in many states by a medical examiner system but the tradition in Massachusetts goes back to colonial times and a snakes' nest of rulings remain on just how inquests should be carried out in the Bay State.

Hanify, assisted by other Boston lawyers and local Edgartown attorneys, hopes to set a precedent at the Kopechne inquest that will provide guidelines for all future inquests.

# Dismissal Of Autopsy Turned Down

Examiner News Services

WILKES-BARRE (Pa.) —

A judge rejected today a motion by the parents of Mary Jo Kopechne to dismiss an autopsy request but agreed with them that further evidence must be provided before he could allow the girl's body to be exhumed.

Judge Bernard Brominski of Common Pleas Court gave District Attorney Edmund Dinis of New Bedford, Mass., 20 days to amend his petition to show that an autopsy would resolve "the doubt and suspicion surrounding the death" in an auto driven by Sen. Edward Kennedy.

The judge said he had the authority to order an autopsy if the facts warranted it.

Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N.J., had argued that Pennsylvania had no jurisdiction in the case.

They also said Dinis had failed to provide sufficient evidence to show the necessity for an autopsy.

Dinis wants the autopsy results for an inquest.

That inquest was scheduled to begin today in Edgartown, Mass., but attorneys for Kennedy forced a postponement.

"Much has been written and discussed about the matter before this court but we must be mindful that of this moment not one single fact under oath is of record for this court to consider," the jurist said. "And, thus it is limited to a determination based on the allegations contained in the (Dinis) petition for exhumation and autopsy."