

TURDAY, SEPTEMBER 6, 1969

Tests Made on Kennedy's Car To Learn Details of the Death

Study Reported Undertaken by Private Concern at State Police Barracks and at Site of the Accident

Special to The New York Times

BOSTON, Sept. 5 — The Massachusetts State Police confirmed today that special tests had been conducted by the Arthur D. Little Company Inc., of Cambridge, on the car driven by Senator Edward M. Kennedy when Mary J. Kopechne was killed.

According to The Boston Globe, the tests were ordered by lawyers for the Massachusetts Senator to determine, among other things, how long Miss Kopechne lived.

Miss Kopechne, 28-year-old Washington secretary, died the night of July 18 when the Senator drove the car off a narrow, wooden bridge into a tidal pond on Chappaquiddick Island, just off Edgartown on Martha's Vineyard, Miss Kopechne and the Senator had attended a cookout on the island.

George Baker, director of public relations for the Cambridge research and consulting concern, reported to have done the testing, said today that the company would have "no comment at this time."

The Globe article said that Dr. Richard Stone and Dr. John Teitzel, physicists, had been among the persons who carried out the experiment at the State Police barracks in Oak Bluffs on Martha's Vineyard.

Car Filled With Water

According to The Globe article, the tests took two days and involved filling the car, a 1967 Oldsmobile four-door sedan, with water from a garden hose and also raising the car with a wrecker to simulate its position in the pond when Miss Kopechne's body was found the morning after the accident. The car overturned when it went off the bridge.

It was also reported that the floor mat of the automobile had been removed in a test of "water penetration" and that other tests had been made to learn how quickly water would replace air in the car and how fast the car had been going when it went off the bridge.

The researchers, it was said, also study Dyke Bridge, where the accident occurred, and the bottom of Poucha Pond, where the Kennedy car came to rest.

The researchers, the article continued, used a scuba diver to photograph the channel bed where the Senator's car remained for about nine hours.

The Globe article did not indicate what the tests had shown, but said they apparently were designed to counteract possible testimony by witnesses who might be called by District Attorney Edmund S. Dinis of New Bedford if an inquest is held.

A State Police spokesman said today that permission for the tests had been given by Mr. Dinis. The spokesman would not discuss the Globe article or elaborate on the tests. Mr. Dinis was not available for comment.

One of Senator Kennedy's lawyers, Richard McCarron of Edgartown, said he would have no comment. "All the attorneys in the case have been asked by Justice Reardon not to comment," he said.

On Tuesday, the day before the inquest was to have started in the Edgartown District Court, Judge Paul C. Reardon of the Supreme Judicial Court of Massachusetts postponed the proceedings indefinitely to let the full court decide whether the proceedings would violate Senator Kennedy's constitutional rights.

Meanwhile, nine persons who attended the Chappaquiddick cookout asserted in court suits filed today that their constitutional right to privacy would be invaded by an inquest open to the press.

The suits were filed in the Supreme Judicial Court by lawyers for Joseph F. Gargan, of Milton; John B. Crimmins, of Boston; Raymond LaRosa, of Andover; Charles Tretter, of Dedham; Maryellen Lyons, of Milton; her sister, Nance Lyons, and Esther Newberg, Rosemary Keough, and Susan Tannenbaum, all of Washington.

Apart from the privacy argument, the suits parallel the petition of Senator Kennedy.

The Kennedy petition, as well as the ones filed today, contend that inquest procedures established by Judge

James A. Boyle of Edgartown District Court would deny witnesses "due process of law." They cite Judge Boyle's refusal to permit the attorneys to introduce evidence, to cross-examine witnesses and to raise objections.

One suit for the five women and for Mr. Crimmins, Mr. LaRosa and Mr. Tretter was filed by Paul J. Redmond and Daniel J. Dailey, lawyers. Joseph P. Donahue filed a suit on behalf of Mr. Gargan, a cousin of the Senator.

Also at the cookout was Paul F. Markhan, a former United States Attorney in Boston.

No Kennedy Comment

Special to The New York Times

WASHINGTON, Sept. 5 — A press spokesman for Senator Kennedy said the Senator would have no comment on The Boston Globe's article. He said this was in line with the Senator's policy of not commenting on the case and pointed out that Judge Reardon had cautioned those involved in the case against public remarks.

Justice Bars Role

BOSTON, Sept. 5 (AP)—Justice Paul G. Kirk of the Massachusetts Supreme Court said today he would disqualify himself from hearing the inquest appeal of Senator Kennedy.

He said the reason was the association with Mr. Kennedy of his son, Paul G. Kirk Jr., who is counsel to the Senate Subcommittee on Administrative Practice and Procedure, which Mr. Kennedy heads.