

WILLIAM F. BUCKLEY, JR.

Kennedy Faces Long Struggle

The affair of Sen. Teddy Kennedy appears to be stuck in legal mud. The inquest at Edgartown was called off to protect the senator's constitutional rights.

Such rights as to cross-examine witnesses, that kind of thing. On first hearing the news, observers wondered just whom the senator might want to cross-examine. That is to say, all the witnesses were friendly witnesses, consisting for the most part of the 10 members of the cook-out team. But close students of the affair raised telling points. What, for instance, if an expert appeared to testify that the chances were very good that the girl was alive trapped inside the car, and might well have been rescued if the senator had instantly called for help.

What if the gentleman returning from duty at the Edgartown Yacht Club had testified persuasively that there were three people not two in the car he saw going down the road towards the bridge. Such testimony as this, unexamined by the senator's lawyers, would have thickened the miasma that broods over the senator and his destiny.

There is the possibility that the judge will change his mind and tell the lawyers that they may ask their questions. And there is another possibility, that the relevant authorities will decide to convert the inquest into a grand jury proceeding. That would have the benefit of protecting the senator from any disclosures whatsoever. It would have the disadvantage of preventing the public from knowing what the public wants to know.

Look. Nobody believes that Sen. Kennedy committed a serious crime. The relevance of the judicial process is really, in this situation, an aspect of the public curiosity.

Kennedy already pleaded guilty—and received a suspended sentence—of failing to report an accident. There are advantages to being a public figure, as anyone can see who recorded the obsequiousness with which the senator was treated on that Saturday. But there are disadvantages, as anyone can see who asks himself how much call would there be for an inquest or a grand jury proceeding if it had been other than Sen. Kennedy involved.

Although a lawyer will object to the uses of judicial machinery for the sake of satisfying the public curiosity, the same lawyer cannot deny that public curiosity is legitimate, and that the expedient of going to the courts to find a means of satisfying it is the result of the

senator's failure to satisfy it on his own motion.

It would appear, from the law's delays, and the long and complicated silences of the senator and his associates that, like Hanoi, they are buying time. But I think that Chappaquiddick will not go away. And I venture the following analysis.

What Chappaquiddick did was to shatter the dynastic claims of Edward Kennedy. His preeminence as a Democratic choice for the presidency was primarily a biological phenomenon.

He would not have been elected to the Senate at the time that he was save that his brother was President of the United States.

His name would never have been mentioned for the presidency, save that his third brother was killed.

At the same time, although he profited from his family name, nevertheless he showed talents. Never mind, as I say, that those talents might have gone undiscovered but for the circumstances. The talents appear to be real. He was accepted into the inner councils of the Senate notwithstanding an adamant reluctance of a body of men to whom the spectacle of his Caesarian entry into the Senate was unappetizing.

His move to become the Senate whip showed an enormous political deftness. As an orator he shows considerable promise. His charm is legendary.

What he now faces is a very long struggle. His assets are his name, his talents and his wealth. His liabilities are Chappaquiddick. He will now have to make it more or less on his own, Chappaquiddick having apparently broken the natural line of succession.

If, over the next four or five or 10 years, he is able to show by his achievements a sobriety of purpose, a strategic manliness, a sense of destiny and resolution, then he will transcend the affair of July 18.

The American people are by and large a forgiving breed. But they are in the mood for expiation. Just hard work, perseverance, a decent interlude of anonymity. And, above all, time, which once more we recognize as the great healer.

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