

# Kopeczne Opposition to Autopsy 'Unalterable' as

By DONALD JANSON  
Special to The New York Times

WILKES-BARRE, Pa., Oct. 21 — Mary Jo Kopeczne's father voiced today his "unalterable" opposition to an autopsy on his daughter.

"It would be just like another funeral for us," Joseph A. Kopeczne said.

He testified on the final day of a two-day hearing in the Court of Common Pleas of Luzerne County. The purpose of the hearing was to determine whether exhumation of the body from a nearby Larksville cemetery and an autopsy were necessary to establish the cause of death.

Expert witnesses disagreed again today on the value of an autopsy. Judge Bernard C. Brominski reserved decision on the autopsy request, filed by Edmund S. Dinis, District Attorney for the Southern District of Massachusetts.

Mr. Dinis testified today that he had ordered an autopsy early July 20, about 24 hours after the 28-year-old secretary's body had been recovered from a car driven into a tidal pond on Chappaquiddick Island in Massachusetts by Senator Edward M. Kennedy.

### Replies to Examiner

He said he was told at the time, however, that the body had already been flown to Pennsylvania for the funeral. Mr. Dinis denied he had agreed with the opinion of Dr. Donald R. Mills—who examined the body for 10 minutes at the scene July 19 and found that death was due to drowning—that no autopsy was needed.

Dr. Mills, associate medical examiner for Dukes County in Massachusetts, testified yesterday that Mr. Dinis had agreed with him.

The crowd in the courtroom was hushed as a tape of the Senator's televised account of



United Press International  
**Edmund S. Dinis, attorney for the Southern District of Massachusetts, arriving at hearing in Wilkes-Barre, Pa.**

the accident was played from a recording machine on the clerk's desk in front of the bench. Mr. Dinis said he wanted the statement in evidence to point up what he views as unresolved conflicts between the telecast and testimony at the hearing.

### Testimony on Point

When he asked Judge Brominski to order an autopsy, Mr. Dinis said that chemical tests with benzidine had found blood on the back and collar and sleeve of Miss Kopeczne's white blouse.

Today two witnesses for the Kopecznes testified that the

stains could have been made by the "pinkish froth" Dr. Mills had noted in a nostril of the body.

Dr. Werner Spitz of Baltimore, deputy chief medical examiner for Maryland, said this fluid could have run down Miss Kopeczne's face after she was placed on a stretcher and could have formed a "puddle" behind her neck and back.

"This in all likelihood caused the positive benzidine reaction," he said. "Such a pinkish froth is so very typical of a drowning victim."

Dr. Henry C. Friemuth, toxicologist for Maryland, held the blouse up on the witness stand, pointed to the rusty stains on it and said they were "characteristic of stains made by the pinkish foam from drowning victims."

### Question of Timeliness

Mr. Dinis and his assistant, Armand Fernandes Jr., had asked repeatedly during the hearing whether Dr. Mills's brief external examination of the body could have detected a skull fracture, injury from "manual strangulation" or other injuries that might have been internal or associated with the blood.

Dr. Spitz, a pathologist, conceded that an autopsy would be needed to find such injuries but that the time for a useful autopsy was past.

"I would have liked to have seen an autopsy at that time," he said, speaking of the time more than three months ago when the body was recovered from Senator Kennedy's submerged car.

But he said the facts of the case made it extremely doubtful that there were bodily injuries. The facts, he asserted, "do not warrant exhumation."

An autopsy would yield no conclusive new evidence on the cause of death, he said, be-

cause even if an injury was found, the presence of foam indicated that Miss Kopeczne breathed in the water while trapped at the bottom of the pond and did not die of some other cause alone.

"My opinion, with reasonable medical certainty," he said, "is that she drowned."

As had two pathologists yesterday, Dr. Cyril H. Wecht, put on the stand today by Mr. Dinis, disagreed with this view.

Dr. Wecht, chief forensic pathologist for the Allegheny County (Pittsburgh) coroner's office, said an autopsy now would afford "an excellent opportunity to arrive at a substantial, valid medical opinion

as to cause of death with more than a reasonable degree of medical certainty."

John J. Kiely, the Plymouth, Pa., funeral director who dressed the body, testified today that "There were no marks on it at all."

K. Dunn Gifford, legislative assistant to Senator Kennedy, testified that he accompanied the body by plane to Wilkes-Barre after waiting with it at a Martha's Vineyard airport until early afternoon July 20 while Massachusetts authorities decided whether they wanted it held for an autopsy.

He said state police officials speaking for Mr. Dinis then said, "It is O.K. to go."

WEDNESDAY, OCTOBER 22, 1969

## Hearing Ends