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Kennedy Inquest Bjt 500 two takes total 910

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EDGARTOWN, Mass. AP — The inquest into how Mary Jo Kopechne died in Sen. Edward M. Kennedy's car begins Monday, 5½ months after the auto plunged off narrow Dike Bridge on Chappaquiddick Island.

Complicated legal maneuvers delayed the inquest, which will be conducted in secret in the century-old brick courthouse where Kennedy pleaded guilty to the charge of failing to report the accident.

The 38-year-old Democrat's expected testimony this week will be his first response to formal questioning on the July 18 accident which has left his political future in doubt.

His appearance on the witness stand will give him the chance to clear up for authorities some of the questions left unanswered about the party before the accident, the plunge into the water itself and the 10 hours that passed before police were informed of the death.

Kennedy has made two public statements about Miss Kopechne's death. The first was to Edgartown police the morning after the accident and the second on national television the night after he pleaded guilty to leaving the scene of the accident.

Kennedy's objections to the ground rules laid down for the inquest by District Court Judge James A. Boyle, who will preside at the inquiry, prompted the State Supreme Court to rule that this and all subsequent inquests in Massachusetts will be closed to the press and public.

The official verdict on the girl's death is that she drowned. This is based on a viewing of the body by an associate medical examiner.

A judge in Pennsylvania, where the 28-year-old Miss Kopechne was buried, refused to allow exhumation of the body and an autopsy because he said no sufficient evidence was presented to counter the drowning verdict.

The purpose of the inquest, expected to last four or five days, is to determine the legal cause of death and if there is any reason to initiate criminal prosecution in the case. Dist. Atty. Edmund Dinis of New Bedford has been pursuing the case both in Pennsylvania and Massachusetts.

Kennedy's previous court appearance in Edgartown was confined to listening to a police report on the mishap, then pleading guilty to the charge of leaving the scene. He did not take the stand then, but he is expected to testify at the inquest.

Boyle will have to file a report on the findings of the inquest, but he is given discretion in deciding when to make the report public.

He can recommend that criminal charges be filed. He also can say that he sees no grounds for criminal prosecution.

In any event, Dinis still can bring the matter before a grand jury.

Originally the inquest was set for Sept. 3, but it was postponed on orders of Associate Justice Paul C. Reardon of the Massachusetts Supreme Judicial Court, to whom Kennedy lawyers appealed on the inquest ground rules.

Judge Boyle had ruled the law provided that he "may" exclude persons having no direct connection with the inquest and he thus was gi

Judge Boyle had ruled the law provided that he "may" exclude persons having no direct connection with the inquest and he thus was given discretion to decide who could attend. He said he would admit accredited newsmen to the 120 or more courtroom seats not needed by lawyers or witnesses.

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The Kennedy lawyers got this decision overruled and also won Supreme Court approval on two other points: The transcript of testimony is to be impounded, and the required written report of the judge will be held secret after the inquest until all possibility of further criminal court action is ended.

The inquest was delayed further to await a decision by the Court of Common Pleas in Wilkes-Barre, Pa., to which Dinis applied for an exhumation and autopsy on the body of Miss Kopechne. Judge Bernard C. Brominski heard testimony on Dinis' plea in October, but delayed his decision until Dec. 10, when he ruled that he had heard no testimony to contradict the initial finding of accidental death by drowning.

That finding was made by Dr. Donald R. Mills, associate medical examiner of Dukes County, when he viewed the body July 19.

Mills later said he was certain the death was caused by drowning and that he saw no reason to order an autopsy. He also said he talked with the district attorney's aides and was told that if he saw no need for an autopsy one was not required.

The body was flown back to Miss Kopechne's birthplace 24 hours later, and was buried there.

It was some 10 hours after the accident that Kennedy reported to Edgartown Police Chief Dominick J. Arena that he was the driver of the car. Kennedy filed a brief written statement with Arena.

After his court arraignment a week later, Kennedy appeared on national television and said he found himself trapped underwater in the overturned car. He said he escaped, but was unable to reach the car again to help Miss Kopechne.

He said then that he returned to the bridge later that night with his cousin, Joseph F. Gargan, and a friend, Paul Markham, a former U.S. attorney in Boston, but that they were unable to reach the car either.

The senator said he returned to Edgartown by swimming the channel between the island of Chappaquiddick and Edgartown and went to his hotel room.

It was near mid morning the next day that Arena was called back to his police station from the scene of the accident where the body had been recovered. Kennedy was there to make the accident report.

No list of prospective witnesses has been made public, but when the date first was set Judge Boyle said it was "essential" that Kennedy appear, and his lawyers gave assurances he would do so.

Other witnesses are expected to be the three other men who were at the Chappaquiddick island party the night of July 18 and five other young women, all like Miss Kopechne former campaign workers.

Police investigators, medical examiners and those connected with the discovery of the car in the water and the recovery of the body also are expected to be called.

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