

Kopeczne Case Is 'Closed'; No One Is Indicted by Jury

By HOMER BIGART APR 8 1970
Special to The New York Times

EDGARTOWN, Mass., April 7 —The Dukes County grand jury voted today to indict no one in the death of Mary Jo Kopeczne. District Attorney Edmund Dinis said, "The case is closed."

The jury of 10 men and 10 women, which had met for two days, heard less than 20 minutes of testimony from four witnesses.

Miss Kopeczne drowned when a car driven by Senator Edward M. Kennedy plunged from a narrow bridge into a tidal pool on Chappaquiddick Island nine months ago. The Senator, who pleaded guilty last summer to leaving the scene of the accident, received a suspended sentence of two months, and his driver's license was suspended for a year.

But until today he faced the possibility of an indictment on

more serious charges, including manslaughter.

The grand jury, which reconvened yesterday, was told at the outset by Circuit Court Judge Wilfred J. Paquet that he would not release the transcript of the secret January inquest at which Senator Kennedy, under oath, gave his version of the drowning.

District Attorney Dinis, on emerging today from the 111-year-old red brick courthouse on Main Street, said "There is no proposed prosecution in this case."

His announcement cleared the way for the release of the inquest transcript and of the report and recommendations of District Court Judge James A. Boyle, who presided at the inquest.

The transcript was impound-

Continued on Page 16, Column 1

WEDNESDAY, APRIL 8, 1970

Indicted by the Grand Jury

early hours of July 19, after the drowning, presumably to Hyannis on Cape Cod, and then back to Martha's Vineyard. The Senator has a summer home at Hyannis Port. Mr. Carroll dismissed the story as "ridiculous."

Yesterday the jury heard from Mrs. Nina L. Trott, who was reservations manager last summer at the Shiretown Inn, and from Stephen Gentle, manager of the Edgartown Airport. Mrs. Trott said that she had quit work at midnight on July 18 and hadn't seen the Senator return from Chappaquiddick.

Mr. Gentle said that he knew of no mysterious flights from his airport on July 19.

Shortly after 10:30 this morning, the jurors voted unanimously to make no presentment. They were excused at 10:56 A.M. with the thanks of Judge Paquet.

Mr. Leland returned to his drug store in Vineyard Haven, escorted by the police. He had received threatening telephone calls. However, he told newsmen that he had received more than 150 letters, and that they were running 95 per cent in favor of his decision to open the grand jury investigation.

THE NEW YORK TIMES,

Prosecutor Says Kopeczne Case Is Closed; No One

Continued From Page 1, Col. 4

ed on orders of the Supreme Judicial Court of Massachusetts, which held that the testimony and Judge Boyle's report could be released only after it had been determined that no further prosecution was planned.

Mr. Dinis, who is seeking reelection on the Democratic ticket with Senator Kennedy next November, was asked: "Is this the end of the Kennedy story?"

He replied, "No comment," then added: "This is the end of this particular investigation into the death of Mary Jo Kopeczne. The case is closed."

TV Address Recalled

Senator Kennedy now seems safe from further legal action. Impending, however, is disclosure of the inquest testimony, which, presumably, will contain the Senator's sworn story of why he had failed to notify the

police until nine hours after the death of Miss Kopeczne.

He admitted to "panic" and "confusion" in his televised statement of the accident. But his report, to many viewers, left some questions unanswered. One question was whether he had spent some of this time trying to find a way to absolve himself of responsibility.

This was one of the questions that inspired the grand jury's decision to investigate the case. The initiative came not from the District Attorney but from a 29-year-old Vineyard Haven druggist, Leslie H. Leland, the jury foreman.

When the jury assembled yesterday morning, Mr. Leland seemed convinced that the panel could begin a bold, independent investigation even if Judge Paquet refused to let it see the transcript. However, Judge Paquet lectured the jurors on their subservience to the court.

Not one of the jurors, it was learned reliably, called for the appearance of Senator Kennedy. Neither did any of them ask for the two other key witnesses at the inquest; the Senator's cousin, Joseph Gargan, and Paul Markham, Kennedy's friend.

Both Mr. Gargan and Mr. Markham attended a cook-out with the Senator, Miss Kopeczne and other former Kennedy workers on the night of the drowning. It was to them that Senator Kennedy went for help after his car ran off the bridge. He took them back to the bridge, he said, and they dived repeatedly in a vain attempt to extricate Miss Kopeczne from the car.

Swam to Edgartown

Then, according to his story, he swam the narrow channel to Edgartown and his hotel, leaving them behind.

Neither Mr. Gargan nor Mr. Markham, a former United

States Attorney, reported the accident.

None of the four witnesses summoned by the grand jury had appeared at the inquest. And it was reported that nothing they said had helped to fill any gaps in the Chappaquiddick story.

This morning, the jury heard testimony from Benjamin Hall, projectionist at Ye Olde Town House Photoplays, the local movie house, and from Robert J. Carroll, former Democratic Selectman and part owner of the Harbor View Hotel.

Mr. Hall was summoned, apparently because he lives across the street from the Shiretown Inn, where Mr. Kennedy had registered, and might have observed the Senator's return from the channel swim.

Mr. Carroll said that he had been called because of old rumors that he had flown Senator Kennedy off the island in the