

Excerpts From the Testimony of Senator

BOSTON, April 29—Following are excerpts from the testimony of Senator Edward M. Kennedy at the inquest into the death of Mary Jo Kopechne on the night of July 18-19, 1969, at Chappaquiddick Island, Martha's Vineyard, Mass.:

(Senator Kennedy said he arrived at Martha's Vineyard on the afternoon of July 18, 1969, took the ferry to Chappaquiddick Island for a brief swim and later returned to Edgartown to participate in a sailing regatta. He said he checked in at the Shiretown Inn, visited with friends—Ross Richards, Stanley Moore and perhaps Mrs. Richards—and then went to Chappaquiddick for a cookout at a cottage.)

Q. (by Edmund S. Dinis, District Attorney) How many times did you leave the cottage that evening, Senator?

A. Two different occasions.

Q. Would you please tell us about the first time?

A. The first I left at approximately 11:15 the evening of July 18 and I left a second time, sometimes after midnight, by my best judgment it would be approximately 12:15 for the second time. On the second occasion I never left the cottage itself, I left the immediate vicinity of the cottage which was probably 15 or 20 feet outside the front door.

Q. And when you left the second time, did you then return to Edgartown?

Return to Edgartown

A. Some time after I left the second time, I returned to Edgartown. I did not return immediately to Edgartown.

Q. Now, when you left on the first occasion, were you alone?

A. I was not alone.

Q. And who was with you?

A. Miss Mary Jo Kopechne was with me.

Q. And did you use the 88 Oldsmobile that was later taken from the river?

A. I used—yes, I did.

Q. When you left at 11:15 with Miss Kopechne, had you had any prior conversation with her?

A. Yes I had.

Q. Will you please give that conversation to the court?

THURSDAY, APRIL 30, 1970

Kennedy at Inquest Into

Two Depart

A. At 11:15 I was talking with Miss Kopechne perhaps for some minutes before that period of time. I noticed the time, desired to leave and return to the Shiretown Inn and indicated to her that I was leaving and returning to town. She indicated to me that she was desirous of leaving, if I would be kind enough to drop her back at her hotel. I said, 'Well, I'm leaving immediately'; spoke with Mr. Crimmins, requested the keys for the car and left at that time.

Q. Does Mr. Crimmins usually drive your car or drive you?

A. On practically every occasion.

Q. Was there anything in particular that changed those circumstances at this particular time?

A. Only to the extent that Mr. Crimmins, as well as some of the other fellows that were attending the cookout, were concluding their meal, enjoying the fellowship, and it didn't appear to me to be necessary to require him or bring me back to Edgartown.

Q. And where was Miss Kopechne seated?

A. In the front seat.

Q. Was there any other person — was there any other person in that car at that time?

A. No.

Direction of Travel

Q. And on leaving the cottage, Senator—Mr. Kennedy, where did you go?

A. Well, I traveled down, I believe it is Main Street, took a right on Dyke Road and drove off the bridge at Dike Bridge.

Q. Did you see anyone on the road between the cottage and the bridge that night?

A. I saw no one on the road between the cottage and the bridge.

Q. (By Judge James A. Rovle) Did you stop the car at any time?

A. I did not stop the car at any time.

Q. (By Mr. Dinis) Did you pass any other vehicle at that time?

Kopechne Death

'Passed No Vehicle'

A. I passed no other vehicle at that time. I passed no other vehicle and I saw no other person and I did not stop the car at any time between the time I left the cottage and went off the bridge.

Q. Now, will you describe your automobile to the court?

A. Well, it is a four-door black sedan, Oldsmobile.

Q. How fast were you driving on Dyke Road?

A. Approximately 20 miles an hour.

Q. At what point, Mr. Kennedy, did you realize that you were driving on a dirt road?

A. Just sometime when I was—I don't remember any specific time when I knew I was driving on an unpaved road. I was generally aware sometime during the going down that road was unpaved, like many of the other roads

here in Martha's Vineyard and Nantucket and Cape Cod.

Q. After you realized it was an unpaved road and that you were driving at 20 miles an hour what happened then?

A. I went off Dike Bridge or I went off a bridge.

Q. What happened after that, Senator?

A. Well, I remember the vehicle itself just beginning to go off the Dike Bridge, and the next thing I recall is the movement of Mary Jo next to me, the struggling, perhaps hitting or kicking me, and I, at this time, opened my eyes and realized I was upside-down, that water was crashing in on me, that it was pitch black.

I knew that and I was able to get a half a gulp, I would say, of air before I became completely immersed in the water. I realized that Mary Jo and I had to get out of the car.

I can remember reaching down to try and get the door knob of the car and lifting the door handle and pressing against the door and it not moving.

'Last Energy'

I can remember reaching what I thought was down, which was really up, to where I thought the window was and feeling along the side to see if the window was open and the window was closed, and I can remember the last sensation of being completely out of air and inhaling what must have been a half a lungful of water and assuming that I was going to drown and the full realization that no one was going to be looking for us that night until the next morning and that I wasn't going to get out of that car alive and then somehow I remember coming up to last energy of just pushing through, and coming up to the surface.

Q. You say that at that time you had a thought to the effect that you may not be found until morning? A. I was sure that I was going to drown.

Q. Did you make any observations of the condition of Miss Kopechne at that time?

A. Well at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at sometime after I tried the door and the window I became convinced I was never going to get out.

Window Was Open

Q. Was the window closed at that time? A. The window was open.

Q. On the driver's side? A. That's correct.

Q. And did you go through the window to get out of the car? A. I have no idea in the world how I got out of that car.

THE COURT. I would like to ask some questions. You said you had a portion of beer late in the afternoon at the Shiretown Inn? A. That is correct.

THE COURT. Then you had two rums and coke at this cottage at Chappaquidick Island sometime after you arrived at about 8:30? A. That is right.

THE COURT. Mr. Hanify [Edward B. Hanify, Senator Kennedy's lawyer], you have advised your client of his constitutional rights?

MR. HANIFY. Yes, I have, Your Honor.

THE COURT. Were you at any time that evening under the influence of alcohol?

SENATOR KENNEDY. Absolutely not.

Narcotics Barred

THE COURT. Did you imbibe in any narcotic drugs that evening? A. Absolutely not.

THE COURT. Did anyone at the party to your knowledge? A. No, absolutely not.

THE COURT. In your opinion, would you be sober at the time that you operated the motor vehicle to the Dike Bridge? A. Absolutely sober.

Q. (by Mr. Dinis) Senator Kennedy, what did you do immediately following your release from the automobile?

A. I was swept away by the tide that was flowing at an extraordinary rate through that narrow cut there and was swept along by the tide and called Mary Jo's name until I was able to make my way to what would be the east side of that cut, waded up to about my waist and started back to the car. At this time was gasping and belching and coughing; went back just in front of the car.

Q. How far were you swept along by the current? A. Approximately 30-40 feet.

Q. Now, in order to get back to the car, was it necessary for you to swim?

I couldn't swim at that time because of the current. I waded into—swam to where I could wade and then waded along the shore up to where I could go to the front of the car and start diving in an attempt to rescue Mary Jo.

Time Elapsed

Q. And how much time did it take you after you left the automobile to be swept down to about 30 feet down the river?

A. By the time I came up I was, the best estimate would be somewhere over here, which would be probably 8-10 feet. It is difficult for me to estimate specifically, and I think by the time I was able at least to regain my strength, I would say it was about 30

feet, after which time I swam in this direction until I was able to wade, and wade back up here to this point here, and went over to the front side of the car, where the front of the car was, and crawled over to here, dove here, and the tide would sweep out this way there, and then I dove repeatedly from this side until, I would say, the end, and then I would be swept away the first couple of times again back over to this side.

I would come back again and again to this point, or try perhaps the third or fourth time to gain entrance to some area here until at the very end when I couldn't hold my breath any longer. I was breathing so heavily it was down to just a matter of seconds.

I would hold my breath and I could barely get underneath the water. I was just able to hold only to the metal undercarriage here, and the water itself came right out to where I was breathing and I could hold on. I knew that I just could not get underwater anymore.

Depth of Water

THE COURT. May I ask you some questions here about the depth of the water?

A. It was not possible to stand. The highest level of the car to the surface were the wheels and the undercarriage itself when I held on to the undercarriage and the tide would take me down.

Q. (By Mr. Dinis) Mr. Kennedy, how many times that you recall did you make an effort to submerge and get into the car?

A. I would say seven or eight times. At the last point the seventh or eighth attempts were barely more than five—or eight—seconds submersions below the surface. I just couldn't hold my breath any longer. I didn't have the strength even to come down even close to the window or the door.

Q. And do you know how much time was used in these efforts? A. It would be difficult for me to estimate, but I would think probably 15 to 20 minutes.

Leaving the Water

Q. And did you then remove yourself from the water? A. I did.

Q. And how did you do that?

A. Well, in the last dive I lost contact with the vehicle again and I started to come down this way here and I let myself float and come over to this shore and I came onto this shore here and I sort of crawled and I staggered up someplace in here and was very exhausted and spent on the grass.

Q. And how long did you spend resting? A. Well, I would estimate probably 15 to 20 minutes trying to get my—I was coughing up the water and I was exhausted and I suppose the best estimate would be 15 or 20 minutes.

Q. Now did you say earlier you spent 15 or 20 minutes trying to recover Miss Kopechne? A. That is correct.

Q. And you spent another 15 or 20 minutes recovering on the west side of the river? A. That is correct.

Back to the Road

Q. Now, following your rest period, Senator, what did you do after that?

A. After I was able to regain my breath I went back to the road and I started down the road and it was extremely dark and I could make out no forms or shapes or figures, and the only way that I could even see the path of the road was looking down the silhouettes of the trees on the two sides and I could watch the silhouette of the trees on the two sides and I started going down that road walking, trotting, jogging, stumbling, as fast as I possibly could.

Q. Did you pass any houses with light on? A. Not to my knowledge; never saw a cottage with a light on it.

Q. And did you then return to the cottage where your friends had been gathered? A. That is correct.

Q. And how long did that take you to make that walk, do you recall? A. I would say approximately 15 minutes.

Arrived At Cottage

Q. And when you arrived at the cottage as you did is that true? A. That is true.

Q. Did you speak to anyone there? A. Yes, I did.

Q. And with whom do you speak? A. Mr. Ray LaRosa.

Q. And what did you tell him? A. I said, get me Joe Gargan.

Q. And now, did Joe come

to you? A. Yes, ne aia.

Q. And did you have conversation with him? A. Yes, I did.

Q. Would you tell us what the conversation was? A. I said, you had better get Paul [Markham], too.

Q. Did you tell him what happened? A. At that time I said better get Paul, too.

Q. What, happened after that? A. Well, Paul came out, got in the car. I said, there has been a terrible accident. We have got to go and took off down the road, the main road there.

Q. Now before you drove down the road, did you make any further explanations to Mr. Gargan or Mr. Markham? A. Before driving? No, sir. I said, there has been a terrible

Q. Was it fair to say that she [Miss Kopechne] was in the water about an hour? A. Yes, it is.

Q. Was there any effort made to call for assistance? A. No. Other than the assistance of Mr. Gargan and Mr. Markham.

Q. I know, but they failed in their efforts to recover — A. That is right.

Q. Miss Kopechne? A. That is correct.

Q. Was there any particular reason why you did not call either the police or the fire department? A. I intended to call for assistance and to report the accident to the police within a few short moments after going back into the car.

A. I intended to call for assistance and to report the accident to the police within a few short moments after going back into the car.

Q. I see, and did something transpire to prevent this? A. Yes.

Companions Exhausted

Q. What was that? A. With the Court's indulgence, to present this, if the Court would permit me, I would like to be able to relate to the Court the immediate period following the time that Mr. Gargan, Mr. Markham and I got back in the car.

At some time, I believe it was about 45 minutes after Gargan and Markham dove, they likewise became exhausted and no further diving efforts appeared to be of any avail and they so indicated to me and I agreed.

So they came out of the water and came back into the car and said to me — Mr. Markham and Mr. Gargan at different times as we drove down the road towards the ferry—that it was necessary to report this accident.

A lot of different thoughts came into my mind at that time about how I was going to really be able to call Mrs. Kopechne at sometime in the middle of the night to tell her that her daughter was drowned, to be able to call my own mother and my own father, relate to them, my wife. And I even—even though I knew that Mary Jo Kopechne was dead and believed firmly that she was in the back of that car, I willed that she remained alive.

As we drove down that road I was almost looking out the front window trying to see her walking down that road. I related this to Gargan and Markham and they said they understood this feeling, but it was necessary to report it. And about this time we came to the ferry crossing and I got out of the car and we talked there just a few minutes.

Report Stressed

I just wondered how all this could possibly have happened. I also had sort of a thought and the wish and desire and the hope that suddenly this whole accident would disappear, and they reiterated that this has to be reported and I understood at the time that I left that ferryboat, left the slip where the ferryboat was, that it had

to be reported and I had full intention of reporting it. And I mentioned to Gargan and Markham something like, "You take care of the girls, I will take care of the accident." That is what I said and I dove into the water.

Now I started to swim out into that tide and the tide suddenly became—felt an extraordinary shove and almost pulling me down again, the water pulling me down, and suddenly I realized at that time even as I failed to realize before I dove into the water that I was in a weakened condition. Although as I had looked over that distance between the ferry slip and the other side, it seemed to me an inconsequential swim, but the water got colder, the tide began to draw me out and for the second time that evening I knew I was going to drown and the strength continued to leave me.

By this time I was probably 50 yards off the shore and I remember being swept down toward the direction of the Edgartown lights and well out into the darkness, and I continued to attempt to swim, tried to swim at a slower pace to be able to regain whatever kind of strength that was left in me.

Tide Calmer

And sometime after, I think it was about the middle of the channel, a little further than that, the tide was much calmer, gentler, and I began to get my—make some progress, and finally was able to reach the other shore and all the nightmares and all the tragedy and all the loss of Mary Jo's death was right before me again.

And when I was able to gain this shore, this Edgartown side, I pulled myself on the beach and then attempted to gain some strength. After that I walked up one of the streets in the direction of the Shiretown Inn.

By walking up one of the streets, I walked into a parking lot that was adjacent to the Inn and I can remember almost having no further strength to continue, and leaning against a tree for a length of time, walking through the parking lot, trying to really gather some kind of idea as to what happened and feeling that I just had to go to my room at that time, which I did by walking through the front entrance of the Shiretown Inn up the stairs.

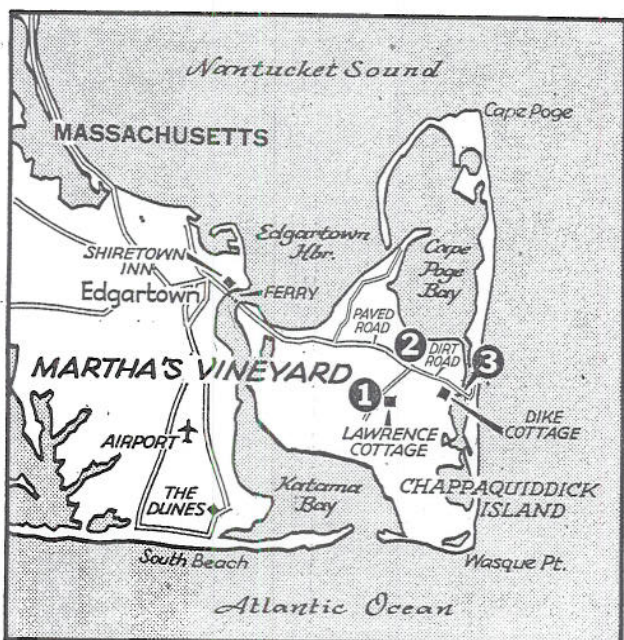
Arrival at Shiretown

Q. Do you have any idea what time you arrived at the Shiretown Inn? A. I would say sometime before 2:00.

Q. When you arrived at the Shiretown Inn, did you talk to anyone at that time?

A. I went to my room, and I was shaking with chill. I took off all my clothes and collapsed on the bed, and at this time I was very conscious of a throbbing headache, of pains in my neck, of strain on my back, but what I was even more conscious of is the tragedy and loss of a very devoted friend.

Q. Now, did you change your clothing?



The New York Times

April 30, 1970.

POINTS IN DISPUTE: Judge indicated he believed Senator Kennedy, after leaving a party at Lawrence cottage (1), turned onto dirt road (2) deliberately, not by mistake. Car carrying Senator and Mary Jo Kopechne went off narrow bridge (3). Mr. Kennedy rejected judge's findings.

accident, let's go and we took off—

Q. And they went — A. Driving.

Q. And they drove hurriedly down? A. That is right.

Q. Toward the Dike Bridge area? A. That is right.

Q. And what happened after the three of you arrived there? A. Mr. Gargan and Mr. Markham took off all their clothes, dove into the water, and proceeded to dive repeatedly to try and save Mary Jo.

Q. Now, do you recall what particular time this is now when the three of you are at the — A. I think it was at 12:20, Mr. Dinis. I believe I looked at the Valiant's clock and believe that it was 12:20.

Q. Now, how long did Mr. Markham and Mr. Gargan remain with you on that particular occasion? A. I would think about 45 minutes.

Q. And they were unsuccessful in entering the car? A. Well, Mr. Gargan got halfway in the car. When he came out he was scraped all the way from his elbow, underneath his arm was all bruised and bloodied, and this was the one time that he was able to gain entrance I believe into the car himself.

ates, or members of our family.

Q. Now, what time [on the morning of July 19] did Mr. Markham and Mr. Gargan arrive [at the Shiretown Inn]?

A. About a few—I would think about 8:30.

Q. Did you have any conversation with Mr. Markham or Mr. Gargan or both at that time?

A. Yes, I did.

Q. Can you give the court what the conversation was?

Thoughts and Feelings

A. Well, they asked, had I reported the accident, and why I hadn't reported the accident; and I told them about my own thoughts and feelings as I swam across that channel and how I was always willed that Mary Jo still lived; how I was hopeful even as that night went on and as I almost tossed and turned, paced that room and walked around that room that night that somehow when they arrived in the morning that they were going to say that Mary Jo was still alive. I told them how I somehow believed that when the sun came up and it was a new morning that what had happened the night before would not have happened and did not happen, and how I just couldn't gain the strength within me, the moral strength, to call Mrs. Kopechne at 2 o'clock in the morning and tell her that her daughter was dead.

Q. Now, at some time you actually did call Mrs. Kopechne? A. Yes, I did.

Q. And prior to calling Mrs. Kopechne, did you cross over on the Chappaquiddick ferry to Chappaquiddick Island? A. Yes, I did.

Q. And was Mr. Markham and Mr. Gargan with you? A. Yes, they were.

Return to Edgartown

Q. Now, did you then return to Edgartown after some period of time? A. Yes, I did.

Q. Did anything prompt or cause you to return to Edgartown once you were on Chappaquiddick Island that morning? A. Anything prompt me to? Well, what do you mean by prompt?

Q. Well, did anything cause you to return? You crossed over to Chappaquiddick? A. Other than the intention of reporting the accident, the intention of which had been made earlier that morning.

Q. But you didn't go directly from your room to the police department? A. No, I did not.

Q. Did you have a particu-

lar reason for going to Chappaquiddick first? A. Yes, I did.

Q. What was that reason?

A. It was to make a private phone call to one of the dearest and oldest friends that I have and that was to Mr. Burke Marshall. I didn't feel that I could use the phone that was available, the public phone that was available outside of the dining room at the Shiretown Inn, and it was my thought that once that I went to the police station, that I would be involved in a myriad of details and I wanted to talk to this friend before I undertook that responsibility.

Q. You did not reach him? A. No, I did not.

Report to Arena

Q. And then I believe the evidence is that you left Chappaquiddick Island, crossed over on the ferry and went over to the local police department? A. That is correct.

Q. There you made a report to Chief Arena? A. That is right.

Q. Now, Senator, prior to the phone call you made, the effort you made to contact Burke Marshall by phone, did you make any other phone calls? A. Yes, I did.

Q. Where did you make these phone calls? A. I made one call after 8 o'clock in the morning from the public phone outside the restaurant at the Shiretown Inn.

Q. One call? A. That is all. This was made sometime after 8.

Q. And to whom did you make this call? A. I was attempting to reach Mr. Stephen Smith [the Senator's brother-in-law], the party I felt would know the number.

Q. Were you alone in the police station? A. No, at certain times I was, but if the thrust of the question is did I arrive at the police station with someone with me, I did.

Q. And who was that? A. Mr. Markham.

Q. Mr. Markham? A. Yes.

At the Cottage

Q. Senator, you testified earlier that when you arrived at the cottage you asked Mr. LaRosa to tell Mr. Markham you were outdoors, outside of the house, when you arrived back at the house? A. No, that is not correct.

Q. Did you ask someone to call Mr. Markham? A. I asked Joe Gargan when he entered the vehicle to call for Mr. Markham.

Q. Well, did you at that time ask anyone to take you back to Edgartown at that time when you arrived back

at the house after the accident? A. No. I asked Mr. Gargan to go to the scene of the accident.

Q. But you didn't ask anyone to take you back directly to Edgartown? A. I asked them to take me to Edgartown after their diving.

Q. After their diving? A. After their diving.

Q. I show you, Mr. Kennedy, what purports to be a copy of the televised broadcast which you made approximately a week after the accident. Would you read that statement and tell me whether or not this is an exact copy of what you said?

Statement Read

A. (Witness complied): Yes. After a quick reading of it, I would say that that is accurate.

Q. Now, Senator, in that televised broadcast, you said and I quote, "I instructed Gargan and Markham not to alarm Mary Jo's friends that night." Is that correct? A. That is correct.

Q. Can you tell the court what prompted you to give this instruction to Markham and Gargan? A. Yes, I can.

Q. Will you do that, please? A. I felt strongly that if those girls were notified that an accident had taken place and that Mary Jo had in fact drowned, which I became convinced of by the time that Markham and Gargan and I left the scene of the accident, that it would only be a matter of seconds before all of those girls who were long and dear friends of Mary Jo's would go to the scene of the accident and dive themselves and enter the water and with, I felt, a good chance that some serious mishap might have occurred to any one of them. It was for that reason that I refrained—asked Mr. Gargan and Mr. Markham not to alarm the girls.

THE COURT. I think we can put in the record this question. Why did you not seek further assistance after Mr. Markham and Mr. Gargan had exhausted their efforts in attempting to reach Mary Jo? Now, you give the answer.

A. It is because I was completely convinced at that time that no further help and assistance would do Mary Jo any more good. I realized that she must be drowned and still in the car at this time, and I appeared—the question in my mind at that time was, what should be done about the accident?