

Kopeczne Inquest

Judge's Harsh Report on Kennedy

Secret Findings Released

United Press

Boston

A judge, casting doubt on parts of Senator Edward M. Kennedy's testimony, found probable cause he operated a car negligently — possibly even recklessly — and thus apparently contributed to the death of Mary Jo Kopeczne, according to inquest documents made

Edgartown district judge James A. Boyle, noting "inconsistencies and contradictions" in the inquest testimony, said he felt the senator and the young blonde secretary were not heading back to the ferry to Edgartown — as Kennedy said they were — when the car plunged off a bridge on Chappaquiddick Island last summer after a party.

Judge Boyle's 12-page report on the inquest over which he presided and the 763 pages of testimony given at the inquest by Kennedy and 26 other witnesses were released by Suffolk Superior Court. The four-day inquest ended January 8.

BRIDGE

Kennedy, in his testimony at the inquest, and in two previous public statements on the accident, said he and Miss Kopeczne, 38, were headed back to Edgartown from Chappaquiddick Island

when he took a wrong turn and went off a bridge.

From Washington, Senator Kennedy said he rejected Boyle's findings and found them "not justified."

"For myself," the Senator said, "I plan no further statement on this tragic matter. We must all live with the loss of Mary Jo and the pain that this has inflicted upon us."

Kennedy and Miss Kopeczne had been attending a cookout reunion the night of July 18 at a rented cottage on

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Chappaquiddick Island, which is about 120 yards across a channel from Martha's Vineyard. Five men and five girls who worked in the 1968 Presidential campaign of Senator Robert F. Kennedy also attended the party.

The judge said he drew the following inferences from evidence he obtained:

- That Kennedy had employed a chauffeur for nine years and rarely drove himself. The only time Kennedy drove during the stay was when the car went off the bridge. Judge Boyle said the chauffeur was available "at the time of the fatal trip."

- Miss Kopeczne was rooming at an Edgartown motel with one of the other girls who attended the party, but when she left the party did not ask for the room key.

- Miss Kopeczne told no one but Kennedy she was leaving the party. She left her pocketbook behind in the rented cottage.

- It was known by Kennedy that the ferry which plied the narrow channel from Chappaquiddick to Edgartown closed at midnight and that special arrangements had to be made for a later

trip. No such arrangements were made," Boyle said.

ACTION

Although Boyle's report appeared to be a strong indictment of Kennedy, it is unlikely any legal action will come out of it. A grand jury probe of the case ended April 7 after hearing only four witnesses.

After the grand jury investigation, district attorney Edmund S. Dinis said, "this is the end of the investigation into the death of Mary Jo Kopeczne. The case is closed."

Kennedy pleaded guilty July 25 in Edgartown district court to a charge of leaving the scene of an accident and was given a suspended two-month jail term. He was placed on a year's probation,



JUDGE BOYLE
'... inconsistencies'

and his driver's license was suspended for one year.

Judge Boyle said: "I infer a reasonable and probable explanation of the totality of the ... fact is that Kennedy and Kopeczne did not intend to return to Edgartown at that time; that Kennedy did not intend to

drive to the ferry slip and his turn onto dike road was intentional."

Dike road leads to Dike bridge, a wooden, unrailed span across a tidal pond and thence to a secluded beach on the east side of Chappaquiddick island.

Boyle's report reviewed the entire 763 pages of testimony and 33 exhibits from the inquest and said he found "there are inconsistencies and contradictions in the testimony, which a comparison of individual testimony will show."

HAZARD

The judge said evidence "fully convinced" him that the Dike bridge, from which the Kennedy sedan plunged into a tidal pond, "constitutes a traffic hazard, particularly so at night, and must be approached with extreme caution. A speed of even 20 miles per hour, as Kennedy testified to, operating a car

as large as this Oldsmobile, would at least be negligent and, possibly, reckless.

"If Kennedy knew of this hazard, his operation of the vehicle constituted criminal conduct," Boyle said, adding that Kennedy was acquainted with the dirt road leading to the bridge and had (been) driven over it twice on the day of the accident.

The Senator said in his statement to police the morning after the accident that he was "unfamiliar with the road."

"I believe it probable that Kennedy knew of the hazard that lay ahead of him on Dike road but that, for some reason not apparent from the testimony, he failed to exercise due care as he approached the bridge," the judge said.

Boyle's finding was that "there is probable cause to believe that Edward M. Kennedy operated his motor vehicle negligently ... and that such operation appears to have contributed to the death of Mary Jo Kopeczne."

"There was not much drinking (at the party)," the judge said, "and no one was under the influence of liquor at any time. No one admitted to more than three drinks, most only to two or less."

BEER

Kennedy, according to the

testimony, said he was "absolutely not" under the influence of alcohol at any time during the evening of the accident. He said he had a third of a glass of beer in the afternoon and drank two rum - and - cokes at the party.

He added he had "never been on Chappaquiddick Island before that day . . . never been to Chappaquiddick before 1:30 (p.m.) on the day of July 18th." On that afternoon, Kennedy said, his driver, John Crimmins, took him over Dike bridge twice — once to the beach and once back to the cottage where the cookout was held.

He decided about 11:15 p.m. he would leave the party and return to his room for the night, Kennedy testified. He told Miss Kopechne and "she indicated to me that she was desirous of leaving, if I would be kind enough to drop her back at her motel."

He said he was driving at "approximately seven or eight miles an hour" when he turned off the paved main road onto unpaved dike road and, about 20 mph when his car went off the bridge into Poucha pond. Kennedy said he realized "at the moment I went off the bridge" he was not headed toward the ferry slip on the western side of Chappaquiddick.

"I would estimate the time to be fractions of a second from the time that I first saw the bridge and was on the bridge," he said.

REPORT

The judge, whose report was released 109 days after the inquest ended, also said he found no evidence to show there was an air bubble in the submerged car which possibly would have allowed Miss Kopechne to live for several minutes.

The testimony of a key wit-

ness at the inquest, that of deputy sheriff Christopher Look Jr., also was reviewed by the judge. Look testified that he saw what he thought was Kennedy's car at least an hour after the senator said the accident had occurred at 11:15 p.m.

Look said the car was dark colored with Massachusetts registration plate "L - - - - 7." This closely resembled the license number of Kennedy's black sedan, which was L-78207.

Look was present in the morning when Kennedy's car was removed from the tidal pond. At the time, Look told an Edgartown policeman he was sure it was the same car he had seen with two persons in the front seat.

Boyle, however, said Look's testimony at the inquest indicated he could not "positively identify it as the same car . . ." Nevertheless, the judge revealed that the Massachusetts registry of motor vehicles made a preliminary investigation to determine whether a tracking of all dark colored cars with similar license numbers would be practical.

Boyle said the search would not have been feasible, although elimination of all other cars "would seriously affect the credibility of some of the witnesses."



UPI Telenhot

SENATOR EDWARD M. KENNEDY
The judge found 'contradictions'