

Friends of Miss Kopechne Said They Were Told She Was Safe

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BOSTON, April 30 — Joseph F. Gargan, a cousin of Edward M. Kennedy's who was with him immediately after his July accident on Chappaquiddick Island, told three of Mary Jo Kopechne's friends that night that she had returned to Martha's Vineyard alone in the Senator's Oldsmobile, according to the friends' testimony at Kopechne's death.

Mr. Gargan offered this assurance, the testimony indicates, after he and another companion of the Senator's, Paul Markham, had spent 45 minutes diving to rescue her body from the Senator's submerged car.

The car had overturned in a

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around the island for more than a half hour discussing whether one of them should attempt to pursue him.

Finally, they decided to follow his instructions and return to the cottage to look after the five remaining young women who had been stranded there with no way to return to their rooms at the Katama Shores Motor Inn on Martha's Vineyard.

Senator Kennedy, in his own testimony, said he had asked Mr. Gargan and Mr. Markham not to "alarm" Miss Kopechne's friends because he feared they would "go to the scene of the accident and dive themselves," with "a good chance that some mishap might have occurred to any one of them."

Swimming the Channel

It was close to 3 A.M. on July 19 when Mr. Gargan told three of these girls—Maryellen Lyons, her sister Ann and Esther Newburgh—that Miss Kopechne had returned to the motel by herself. He said that the Senator had gone back to Martha's Vineyard later by swimming the channel.

District Attorney Edmund Dinis asked Maryellen Lyons whether she found this unusual. "Not at the time," she replied.

Miss Lyons also testified that Mr. Gargan said he and Mr. Markham had dived in after

tidal inlet after plunging off a wooden bridge.

The inquest transcripts were released here yesterday along with a report from the presiding judge at the hearing, James A. Boyle. The judge questioned elements of the Senator's testimony and concluded that negligent driving might have been responsible for Miss Kopechne's death.

Mr. Gargan and Mr. Markham testified that, having watched Mr. Kennedy dive into the narrow channel that separates Chappaquiddick from Martha's Vineyard, they drove

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the Senator because they were concerned about his ability to make it across the channel safely. The two men themselves testified that they had remained on the ferry slip because they had confidence in Mr. Kennedy's ability to make the swim.

The next morning Mr. Gargan also told Charles C. Tretter, one of those who had been at the party at the cottage, of diving in after the Senator. According to Mr. Tretter's testimony, Mr. Gargan said Mr. Kennedy had returned to the cottage in a distraught frame of mind and asked to be driven immediately to the ferry slip.

This is essentially what the Senator was saying at about the same time in a statement he was dictating for the police.

Mr. Gargan made no mention of efforts by him and Mr. Markham to rescue Miss Kopechne. Mr. Markham testified that the Senator had told his friends not to implicate themselves in the accident or in his failure to report it.

'Red-Faced and Exhausted'

The only young woman questioned as to whether she noticed anything unusual about the appearance of Mr. Gargan and Mr. Markham on their return to the cottage was Esther Newburgh. She said they looked "red-faced and exhausted."

No one, it appears, realized that they had been swimming. Both men explained in their testimony that "they had taken off their clothes before diving into the ponds."

Four of the five young women said they had noticed Miss Kopechne leave with the Senator soon after 11:15, but none of them was struck by this departure because, they said, those at the party had

been walking in and out of the small cottage all evening.

Miss Kopechne told none of her friends where she was going. "Wouldn't it have been surprising to you," Judge Boyle asked Ann Lyons, "if they were leaving the party permanently without saying a word to anybody?"

"Yes, sir," replied Miss Lyons, a member of the Senator's legislative staff.

Miss Kopechne's casual departure, combined with the fact that she left her purse behind in the cottage, was a factor in causing Judge Boyle to doubt Mr. Kennedy's testimony that he was driving her back to her motel because she was tired.

Three of the five women cor

porated the Senator's account of his return to the cottage at about 12:15, after the accident. Mr. Kennedy had attracted the attention outside of Ray LaRosa, a sailing companion. Ann Lyons recalled that Mr. LaRosa then "just came in and said in a rather loud voice, because people were talking, that Mr. Gargan and Mr. Markham, Senator Kennedy would like to see you."

Her sister, Maryellen, testified that those left behind calmly speculated that the Senator's car might have got stuck in the sand, a not infrequent occurrence in that area. When the second car drove off, leaving them without any transportation, they realized they would probably have to spend the night in the cottage.

It wasn't until the morning, after Senator Kennedy was on his way to the police, that Mr. Gargan told the young women at the cottage about the accident at the bridge 10 hours earlier. But even then, it appears, his account was so sketchy that they did not realize their friend was dead.

'She Was Missing'

"He just said there was an accident and she was missing," Maryellen Lyons recalled. They besieged him with questions—for instance, why hadn't the Coast Guard been called?—but he replied that he did not yet know the details.

They returned to their motel, Ann Lyons said, "really fully expecting to find Miss Kopechne there, but she wasn't and we sat and waited."

"Mr. Gargan said he would call us as soon as he had any details," she testified.

The call finally came with definite word. Then Mr. Gargan drove to the motel to comfort the women and face their questions.

Esther Newburgh recalled, "Mr. Gargan said the Senator dove repeatedly to save her and kept repeating, 'I want you all to know that I believe it

and I want you all to know that every single effort possible was made to save her.'"

She was asked what happened then. "And then," she replied, "you have five girls who lost a friend and who can't remember very much at that point."

Familiar With Bridge

The young women were familiar with the bridge where the accident occurred — known as the Dike Bridge — because they had been driven over it that afternoon to go swimming on what is called East Beach. Miss Kopechne—an excellent swimmer, according to Miss Newburgh — had been among them.

While most of them were still on the beach, Senator Kennedy arrived and took a dip. The fact that both he and Miss Kopechne knew the beach made Judge Boyle skeptical of his testimony that they had taken a wrong turn.

Mr. Gargan also understood immediately where the accident had occurred even though, he recalled, Mr. Kennedy said nothing more on his return to the cottage than "There has been an accident. Mary Jo was with me down at the bridge. Let's go."

"Did he say what bridge?" Mr. Dinis asked.

"No," the witness replied.

After their rescue efforts had failed, Mr. Gargan said, the Senator kept repeating, "Can you believe it, Joe, can you believe it, I don't believe it, I don't believe this could happen."

Mr. Markham also testified as to the Senator's state of mind at this point. "He was sobbing and almost on the verge of actually breaking down crying, he said, 'This couldn't have happened. I don't know how it happened.'"

Both Mr. Markham and Mr. Gargan had been astonished to find the next morning that the Senator still had not gone to the police.

"I just couldn't believe he didn't report it," Mr. Markham said.