

Chappaquiddick

—Kennedy's six-year nightmare

By Michael Putzel and Richard Pyle
Associated Press

EDGARTOWN, Mass. — In the six years since Mary Jo Kopechne died in an auto accident on tiny Chappaquiddick Island, questions, investigations, doubts and rumors have dogged the career of Sen. Edward Kennedy.

Many of those involved insist that it was just an auto accident, that the case should be closed publicly, as it was legally, years ago.

But it wasn't just an auto accident. It involved one of the most famous men in America, a man thought destined to pick up the fallen standard of his brothers and seek his nation's highest office.

Kennedy's early attempts to explain his conduct raised questions that begged for more answers — answers that were not forthcoming then and, in some cases, remain shrouded by conflicts, gaps and the long silences of the senator and those closest to him during the 12 hours of Chappaquiddick, July 18 and 19, 1969.

The Associated Press spent eight months seeking answers to those questions.

The investigation discovered that a deputy sheriff, whose testimony most directly contradicted the senator, embellished his story at least three times — each time more damaging to Kennedy. The new findings tend to support Kennedy's version, at least by implication.

But the inquiry also found evidence that suggests some events could not have occurred as described by Kennedy and certain of his associates in public statements and court testimony.

Freshly obtained information about tidal currents indicates the senator did not swim the harbor between Chappaquiddick and Martha's Vineyard at the time he says he did, or the current was not as he described. And the record leaves unexplained how Kennedy and two of his friends could have failed to encounter each other walking on a road shortly after the accident.

The AP investigation arrived at several other findings, some tending to support Kennedy's story and others not:

- There is no evidence that the party attended by Kennedy, Miss Kopechne and 10 others was other than an innocent gathering.
- There is no evidence that Kennedy was drunk when he left the party.
- The weight of the testimony suggests Kennedy left the party about 11:30 p.m., within 15 minutes of the time he said he did and that the accident occurred only minutes later.

- Although there is no evidence that Kennedy and Miss Kopechne were romantically involved, several factors suggest the two did not intend to return immediately to Edgartown from the party, as Kennedy claims.

Kennedy's chauffeur testified that Kennedy told him the senator was going to drop Miss Kopechne at her hotel because she wasn't feeling well.

But her friends at the party testified that she didn't tell them about feeling ill, and Kennedy told the AP he doesn't recall her saying that, or of telling his chauffeur she was ill.

Furthermore, Miss Kopechne left her purse behind, as well as her motel key.

- There is no evidence that Kennedy was not in the car when it plunged off the bridge.

- Kennedy has insisted in every public statement about the accident that he does not know how he got out of the submerged car. But in an affidavit signed by a doctor who examined him, Kennedy is quoted as saying he escaped through a window.

- Kennedy testified that, accompanied by two friends, he returned to the bridge, arriving there at 12:20 a.m., and that he thought he knew the time by looking at a car's dashboard clock. But the car had no clock, and there is no evidence to indicate how he could have known the time.

- Kennedy and his two companions testified that, after failing to rescue Miss Kopechne, their primary concern was the need to report the accident to police immediately. Yet they did not use a telephone that one of them knew was located only a few feet from where they were talking.

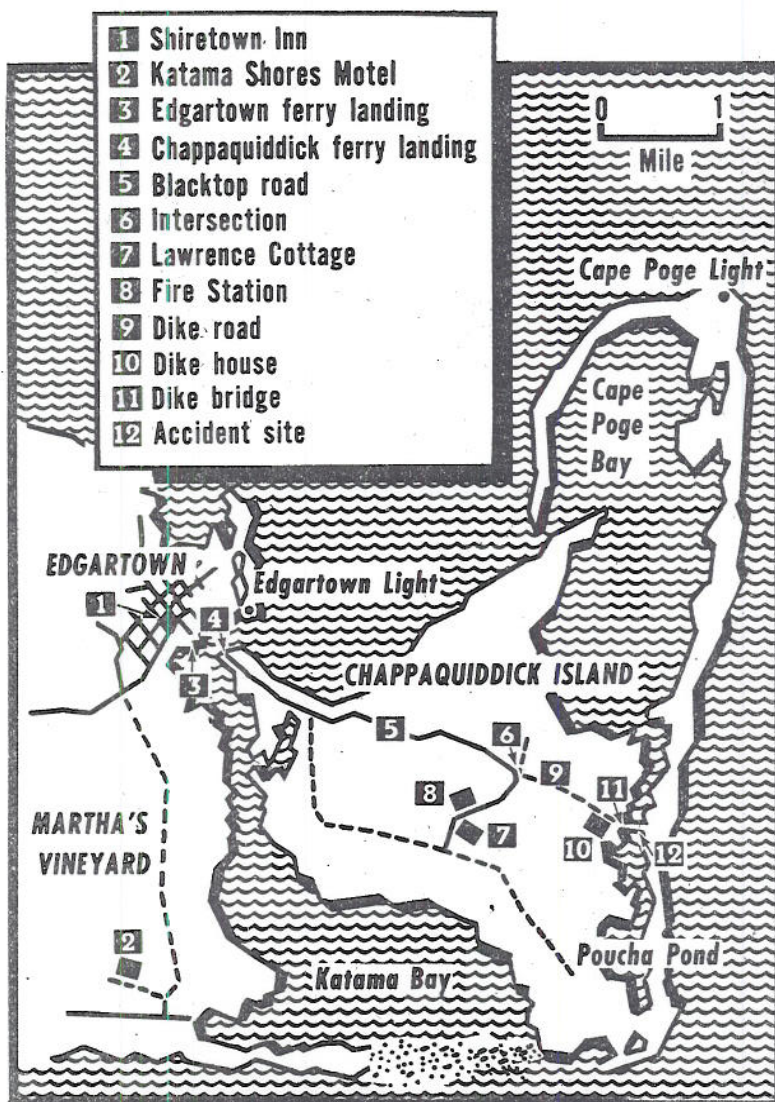
- Miss Kopechne probably died within minutes and no rescue attempts after his initial try could have saved her.

- Kennedy paid \$90,923 from his own pocket to Miss Kopechne's parents in a financial settlement, but there is no evidence anyone was paid for silence about Chappaquiddick.

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The approximate time Kennedy and Miss Kopechne left the party is crucial to the senator's account because of a conflict that developed later over when the accident could have occurred. And on the departure time, the testimony of the other partygoers is consistent. All placed the pair's departure between 11:00 and 11:45 p.m. The senator, who wasn't wearing a watch, said he left at 11:15 p.m.

Leaving the cottage, Kennedy and Miss Kopechne drove northeast along the two-lane blacktop road that



A new extensive study concludes:

● *Miss Kopechne died within minutes after the accident*

● *The deputy sheriff who most directly contradicted the senator embellished his story three times*

● *Tidal-current data casts new doubts on his story of swimming the channel*

● *Kennedy was not drunk when he left the party*

is the main street of Chappaquiddick and the most practical route from the cottage to the ferry landing about three miles away.

A half-mile from the cottage, the road makes a sweeping left hand curve marked by a sign with an arrow, and a white center line.

But instead of following the curve, Kennedy made a sharp right turn onto Dike Road, a dirt and gravel road that runs seven-tenths of a mile to an old wooden bridge spanning Poucha Pond and ends before reaching the dunes and ocean beach beyond.

Kennedy has insisted he turned onto Dike Road by mistake, because he was unfamiliar with the island and believed the road led to the ferry. However, a driver must make a conscious decision to slow down and turn hard right onto the dirt washboard surface of Dike Road rather than follow the curve of the pavement to the left.

Also, Paul Markham, a Kennedy friend and former federal prosecutor, testified that the senator admitted to him the next morning — before speaking to anyone else about it — that he had taken a wrong turn but couldn't find a place to turn around.

In fact, there are several driveways off Dike Road and a space at the bridge approach where a car could turn around.

The strongest evidence challenging Kennedy's

account is the testimony of Christopher "Huck" Look Jr., who said he saw the senator's car at the Dike Road intersection nearly 1½ hours after the time Kennedy swore his car had plunged off the bridge.

If Look was right, Kennedy lied about the time of the accident.

If Look was right, Kennedy and Miss Kopechne were unaccounted for on Chappaquiddick for more than an hour after leaving the party and before the accident.

If Look was right, the protracted rescue attempts Kennedy described could not have been made when he said they were.

However, The AP has discovered that Look was wrong about some facts.

Look swore that he was present at the bridge when the sunken vehicle's license plate was checked and it was determined that the car belonged to Kennedy. However, The AP's inquiry determined that he did not arrive until later in the morning, when the car's ownership was already common knowledge among those at the bridge.

Look asserted to The AP that he told two of those people — Police Chief Dominick Arena and Special

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New questions on Ted's story

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Officer Robert Bruguiera — that the car's license plate began with an "L" followed by a "7" with another "7" at the end. Kennedy's Oldsmobile bore the license L78-207, and a computer check by state officials showed no remotely similar car with an L and sevens in those positions.

Attached to the sketches made at the scene two days later are Arena's notes quoting Look as saying he saw a "dark" car at the intersection with a man driving, someone seated next to him and possibly a third person in the back seat.

The notes also quote Look as saying the car he saw had a Massachusetts plate with the letter L. There is no mention of any sevens. There also is no mention of the car's subsequent movements.

Three months later, Look told his story for the first time under oath. Look said that when he spotted the car at the intersection, he noticed that it had a Massachusetts plate beginning with an L, and "I did make sort of a photostatic thing in my mind that it had sevens in it."

He added that it was a "black" car and that "it was definitely" the same one he later saw pulled from Poucha Pond.

Under cross examination, Look was asked again how he identified the car, and he said it was by the letter L and the Massachusetts plate.

Q. You also said that you thought there was a seven in the license plate.

A. Yes, sir.

Q. Do you know how many digits?

A. Not that night, no sir.

Q. You saw more than one seven?

A. No, sir. I know, but not that night, I said.

Q. And you know that from observing the car the next day?

A. Right.

Three months after Look testified again at the inquest. Then he said the car he saw could have been "any dark color," not just black, as he had said in his earlier testimony. But his identification of the license plate was more certain:

Q. What did you notice, if anything, about the registration?

A. That it began with an L, and it had a 7 at the beginning and one at the end.

The deputy's description of the car's movements also changed from that in Arena's notes and sketches. This time he specifically plotted the car's actions.

Other evidence supports Look's claim of having seen a car, whether or not it was Kennedy's.

Three of the partygoers walking down the road, Raymond LaRosa and the Lyons sisters, Nancy and Maryellen, encountered Look just beyond the intersection.

LaRosa testified that just before that encounter another car passed them, heading toward the intersection. That almost certainly was the car Look saw. But was it Kennedy's?

LaRosa said he saw it after Kennedy had returned to the party on foot, some 40 minutes earlier, and left again with Joseph Gargan and Markham in a rented white Valiant. This tends to support Kennedy's account that his car was already in the pond.

The Boston Globe quoted LaRosa in 1974 as saying he could not identify the car other than to say it was not the white Valiant.

Assuming that Look was wrong about seeing Kennedy's car and that Kennedy's timetable was accurate, another conflict occurs between the senator's testimony and that of two other partygoers.

Kennedy said that, after trying to rescue Miss Kopechne and a brief rest, he returned to the cottage, "walking, trotting, jogging, stumbling" up the road for 1.2 miles. If the car went into the water between 11:20

and 11:35, as the testimony says, Kennedy could not have reached the intersection before 11:55 and could not have arrived back at the cottage before 12:15 a.m.

But two of the partygoers, Charles Tretter and Rosemary "Cricket" Keough, testified they were on the road, walking toward the intersection during that entire time.

Therefore, they should have encountered Kennedy coming from the opposite direction on that 20-foot-wide strip of blacktop. Neither Kennedy nor the two partygoers mentioned seeing anyone on foot. Thus, that conflict remains unresolved.

The uncontradicted testimony of Kennedy and several other partygoers is that the senator arrived outside the cottage about midnight and summoned Gargan and Markham, and that the three drove off in Gargan's rented white Valiant.

Several excerpts from the testimony and related evidence raise the question of whether Kennedy actually returned to the bridge with his friends or fled the island before that, leaving any further rescue efforts to Gargan and Markham.

In Kennedy's first statement, dictated to Markham and given to the police the morning after the accident, the senator said he asked someone at the cottage to "bring me back to Edgartown." That statement, which remained the only public account for a week after it was written, did not mention Gargan and Markham, a return to the bridge or how Kennedy got back to his hotel.

At the inquest, Markham testified that before going to the police, Kennedy had told him and Gargan: "Look, I don't want you people put in the middle of this thing. I'm not going to involve you. As far as you know, you didn't know anything about the accident that night."

Kennedy has said since that the omission was strictly his idea and that he has no recollection of discussing it with either of his two friends. Gargan says the senator didn't mention it to him, yet Markham testified he was sure Gargan was present.

But because Markham had been with the senator and later helped prepare the statement to police, at least he knew that Kennedy was leaving out some important parts of the story.

Kennedy's testimony about the time he and his friends returned to the ferry landing also is inconsistent with the evidence.

The three men testified that after trying to get into the submerged car, they drove to the ferry landing, arriving about 1:15 a.m.

It probably was later than that because Jared Grant, owner of the ferry On Time, testified that he didn't leave the Edgartown ferry slip until 1:20 a.m. Had they arrived before then, he would have seen their car and gone across to pick them up.

In an attempt to resolve the question of whether Kennedy went directly from the cottage back to Edgartown or went directly to the bridge with Markham and Gargan, the AP compared the senator's testimony with tidal current data on Edgartown Harbor.

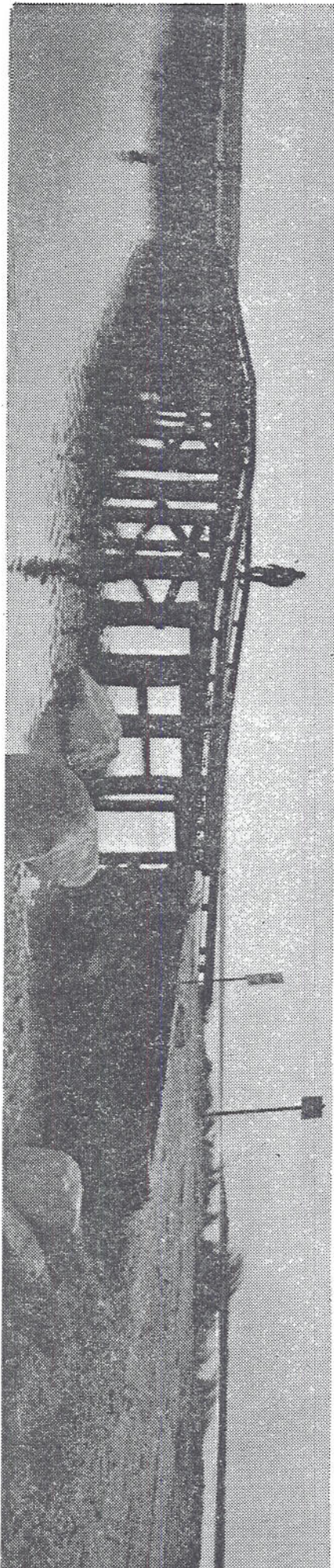
Kennedy testified that he left Gargan and Markham, diving into the harbor to swim across to Edgartown. He said "the tide began to draw me out, and . . . by this time I was swept down toward the direction of the Edgartown Light and well out into the darkness. . ."

The National Ocean Survey reported that under normal conditions — and the conditions were substantially normal — the current in the area where Kennedy swam was slack, or at a standstill, at 1:36 a.m., minutes after the senator dived in. In the 15 minutes prior to that, the data show, the current was almost as weak.

So even if Kennedy was swimming at dog-paddle speed — and he reportedly is an exceptionally strong swimmer — he should have reached the shore 85 to 170 feet below the Edgartown ferry slip, not "well out into the darkness" toward the lighthouse 2,000 feet from the slip.

Had Kennedy swum the harbor earlier, about 40 minutes after the accident, he would have encountered a current three to seven times as strong as that running at 1:20 a.m. At that rate, the current would have carried him as far as 600 feet downstream toward the lighthouse.

But while this would support his account of the conditions under which he swam the harbor, he would not have had time to go first to the bridge with Gargan and Markham, as all three men said he did.



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& Chronicle, Feb. 22, 1976

A lone figure crosses
Dyke Bridge, scene of the
auto accident that
killed Mary Jo Kopechne
on a July night seven
years ago and has
clouded the political
career of Sen. Edward
Kennedy ever since.