

KENNEDY WEIGHS QUITTING, SEEKS ADVICE OF VOTERS; PLEADS GUILTY TO CHARGE

NYT
7/26/69



The New York Times

EXPLAINS ACTIONS: Senator Edward M. Kennedy on TV

MISHAP DESCRIBED

He Calls 'Indefensible' His Failure to Report to Police on Fatality

Text of Kennedy broadcast,
transcript of hearing, Page 10.

By JOSEPH LELYVELD

Special to The New York Times

HYANNIS PORT, Mass., July 25—Edward M. Kennedy described tonight as "indefensible" his failure to report immediately a fatal automobile accident last week and said he was considering whether to resign his Senate seat.

He invited his constituents from Massachusetts "to think this through with me" and help

Returned to Scene

Later, he went on, he returned to the bridge with two companions, Joseph F. Gargan, a cousin, and Paul Markham, and attempted for a second time to dive for Miss Kopechne's body.

His account of a return to the scene after midnight could help resolve a discrepancy over the time of the accident between Mr. Kennedy's original statement and the testimony of a witness.

The witness thought he had seen a car with three persons in it turn down the dirt road to the bridge about 12:40 A.M. Saturday. Mr. Kennedy's time statement places the accident soon after 11:15 P.M. Friday.

"My conduct and conversations during the next several hours," he said, "make no sense to me at all."

He added, "I regard as indefensible the fact that I did not report the accident to the police immediately."

Speaking slowly, the Senator recounted some of the irrational thoughts that he said raced through his mind after the accident. He said he wondered whether "some awful curse" really did hang over the Kennedys, or whether Miss Kopechne might still be alive.

He was, he said, "overcome by a jumble of emotions."

Mr. Kennedy said he had returned to his hotel in Edgartown by swimming the narrow channel that separates Martha's Vineyard from Chappaquiddick Island — a distance of about 150 yards. Earlier it was assumed that he had made the crossing in a private boat.

The 38-year-old Senator said

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him arrive at the right decision.

Senator Kennedy's account of the accident, in which a young Washington secretary, Mary Jo Kopechne, drowned, was presented in a nationally televised talk 10 hours after he had pleaded guilty in a court on Martha's Vineyard to a charge of leaving the scene of the accident.

Sentence Is Suspended

His plea resulted in a suspended sentence of two months in jail, the minimum sentence provided in the law. The presiding judge said of Mr. Kennedy:

"He has already been and will continue to be punished far beyond anything this court can impose."

Mr. Kennedy, who until last week was considered one of the Democratic party's likeliest candidates for the Presidency in 1972, addressed himself early in his television statement to what he called "ugly speculation" linking him romantically with the 28-year-old Miss Kopechne.

"There has never been a private relationship between us of any kind," he declared.

He also denied that he was driving "under the influence of liquor" at the time of the accident.

When his car plunged off the wood bridge on Chappaquiddick Island, the Senator said, water entered his lungs and he "actually felt the sensation of drowning."

that the accident, the speculation about it and his plea of guilty this morning all could shake the confidence of the people of Massachusetts in his ability to serve them.

He said that they were entitled to a Senator "who inspires their utmost confidence" and that he could understand why some people might feel he should resign.

The Senator, first elected to fill an unexpired term in 1962, would come up for re-election in 1970.

Then, in a gesture that will inevitably be compared to that of Richard Nixon's so-called "Checkers speech" in the 1952 campaign, he asked the people to send him their advice.

Mr. Nixon's speech, defending his use of funds raised privately to support his activities, ended with a plea that the voters assure the Republican party of their confidence in him.

In heavy fog and rain, Senator Kennedy left Hyannis Port for Martha's Vineyard, and his appearance in court, about 7:30 o'clock this morning aboard a family yacht, the Marlin. He was accompanied on the short trip across a choppy Nantucket Sound by his wife, Joan, and his brother-in-law, Stephen E. Smith.

State Police Waiting

The yacht docked at the town of Oak Bluffs, where a detachment of state policemen was waiting to accompany the party to the Dukes County Courthouse in Edgartown.

It was 8:35 when the Senator, in a dark blue suit but coatless and hatless in the rain, walked up the courthouse steps with Mrs. Kennedy beside him. She wore a short coat-dress in a black-and-white plaid with a matching hairband. The couple looked somber but composed.

The Senator was ushered into the probation office and filled out an identity card for the court, a routine procedure for a defendant.

Moments before the bells in a church across the street chimed 9 o'clock, Mr. Kennedy strode stiffly into the peach colored courtroom beneath portraits of various county clerks and probate judges. He was preceded by his local lawyer, Richard J. McCarron.

Kennedy Sits Alone

The Senator was seated alone in a row of chairs behind the bar. He clasped his hands together and rested his chin upon his fingers and stared at the floor.

The gavel was pounded and the court officer intoned, "The District Court of Dukes County is now in session. God save the Commonwealth of Massachusetts!"

The State's senior Senator stood at rigid attention as District Court Judge James A. Boyle settled himself behind his heavy oak bench. Then the clerk announced the case of the Commonwealth v. Edward M. Kennedy.

The clerk, Thomas A. Taller, asked the Senator to make his plea on the charge of leaving the scene of an accident involving personal injury.

Mr. Kennedy rose, softly uttered the word "Guilty," then swallowed and said it again so the whole courtroom could hear it.

It was the only word he was to say there this morning.

On First-Name Basis

The county prosecutor, a lean, seemingly nervous lawyer named Walter Steele who has been on a first-name basis with Mr. Kennedy since they served together as assistant district attorneys in Suffolk County in 1961, then called his first witness, Edgartown's police chief, Dominick J. Arena.

The chief summarized the case from a prepared statement. He noted that Mr. Kennedy had taken more than 10 hours, by his own account, to report the accident in which Miss Kopechne drowned.

"There appears that there were opportunities for the defendant to make himself known to the proper authorities after the accident," he said.

Senator Kennedy sat with bent head and eyes that appeared shut as Chief Arena

Avoids Cross-Examination

Mr. McCarron then said that the Senator had been "adamant" in his wish to plead guilty. He did not explain why. Because of the guilty plea, Mr. Kennedy was not required to undergo cross-examination on his actions before and after he drove his black 1967 Oldsmobile off a narrow wooden bridge on Chappaquiddick Island late Friday night or early Saturday.

Mr. Kennedy's lawyer concluded his brief statement by arguing against a sentence in jail for his client, whose character, he said, "is well-known to this court and the world."

Next, Mr. Steele wound up the state's case by asking that "this defendant be incarcerated in the house of correction for two months and that execution of the sentence be suspended."

Asks Minimum Sentence

The word "incarceration" seemed to echo through the courtroom, but the prosecutor was merely requesting the minimum sentence allowed by law.

"The ends of justice will best be served," he declared, by a suspended sentence.

The judge, alluding to the lasting damage that may have been done to Senator Kennedy's reputation and career, agreed.

The clerk then read out the sentence and the court rose.

The whole proceeding had taken a little more than nine minutes.

Senator Kennedy joined his wife and brother-in-law and they were led down a back staircase, then out to the steps of the building, where photographers and television crews came jostling and surging forward.

Mr. Kennedy paused at the head of the steps and announced, in a voice that could hardly be heard over the din of the newsmen, that he had asked the television networks for time in the evening "to make my statement to the people of Massachusetts and the nation."

A Path Is Cleared

A moment later the state police cleared a path to the unmarked car in which the Kennedy party had arrived, and the party drove off for the airport and a quick flight back to Hyannis Port.

As the car disappeared down Main Street, the newsmen besieged Chief Arena, who said he regarded his investigation of the case as closed.

Earlier, the Dukes County medical examiner, who examined Miss Kopechne's body when it was removed from the submerged car Saturday morning, issued a statement saying he did not have "the slightest inkling" that Senator Kennedy was involved in the accident when he decided at the accident scene that no autopsies would be required.

Had he known the Senator had been the driver of the car, Dr. Mills said, he might have ordered an inquest—but only, he said, "to protect his public image against speculation."

read his statement. The Senator's wife, seated across the courtroom from him, stared straight ahead, her face expressionless.

Chief Arena said he had found no evidence of negligence in the operation of the car.

Calls Statement Improper

"I'd be most interested to know," Judge Boyle asked when the officer was through, "whether at any time a deliberate effort was made to conceal the identity of the defendant."

"Not to my knowledge, your honor," the burly chief replied.

The judge sat back and Mr. McCarron rose. He started to say that Mr. Kennedy's attorneys had advised him that "legal defenses could be presented in this case."

"Just a minute," Judge Boyle said, leaning forward again. "I don't think that's a proper statement to make."

He asked the lawyer if he meant to change his client's plea. The lawyer said he did not.

"On a plea of guilty — that's a confession — I don't think you should argue there are legal defenses," the judge declared.