

## District Attorney Calls for Inquest In Kennedy Case

By JOHN H. FENTON

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BOSTON, July 31 — District Attorney Edmund Dinis of Bristol County said today that he had requested a Superior Court inquest in the death of a Washington secretary in an automobile accident July 18 involving Senator Edward M. Kennedy.

Although he is regarded as flamboyant in political campaigns, Mr. Dinis startled legal sources here by making his request after the other authorities had considered the case closed.

Moreover, it could not be recalled when an inquest in Superior Court had been requested in Massachusetts.

The customary procedure is to hold inquests in District Courts to determine the legal, as distinct from the medical, causes of deaths when questions have arisen. Inquests are not mandatory. Under state law, only an autopsy can determine the medical cause of death.

[In Washington, Senator Kennedy resumed his Senate duties and confirmed that he would not run for President in 1972.]

While Mr. Dinis did not disclose his reasons for seeking an inquest, he is known to have been upset by criticism of the case, including the failure to conduct an autopsy.

Mary Jo Kopechne, 28 years old, a former secretary to Senator Robert F. Kennedy, drowned when a car driven by

Continued on Page 34, Column 5

Continued From Page 1, Col. 5

Senator Edward Kennedy plunged off a narrow bridge into a salt water pond on Chappaquiddick Island, near Martha's Vineyard.

The accident went unreported for about 10 hours. A week later, Senator Kennedy pleaded guilty to charges of leaving the scene of the accident. He received a two-month suspended jail sentence, and his driving license was suspended for a year.

Walter E. Steele, the special prosecutor for Martha's Vineyard, and Police Chief Dominick J. Arena of Edgartown, who handled the case, both said they considered it closed after the Senator's plea of guilty.

Mr. Dinis's jurisdiction as a prosecutor includes Dukes County, in which Martha's Vineyard and Chappaquiddick are situated. Mr. Steele's authority is limited to District Court matters.

Mr. Dinis released the text of the letter he had sent to Chief Justice G. Joseph Tauro of the Superior Court. The letter said:

"I hereby make request that a justice of the Superior Court be assigned to conduct an inquest in and for the County of Dukes [Martha's Vineyard] as provided under Massachusetts law.

"This inquest would concern the death of Mary Jo Kopechne of Washington, D. C., who supposedly died by external means on or about July 18, 1969."

Since the Superior Court sits at Martha's Vineyard only in April and October, Mr. Dinis was compelled to make the request at Superior Court headquarters here. Had the court been sitting at Martha's Vineyard, the presiding judge could have ordered an inquest.

Judge Tauro declined immediate comment on the request. If he grants it and sets a date, the session will be closed if precedent is followed. State law provides that all persons not connected with the case may be excluded from an inquest, and such proceedings have traditionally been closed.

The judge hearing the inquest will determine whether there is basis for further action. If he says there is, the district attorney may summon a grand jury to hear evidence and to decide whether to issue indictments.

Dr. Donald R. Mills, associate medical examiner, gave a verdict of death by accidental drowning in Miss Kopechne's death. He ordered a blood test that showed Miss Kopechne had an alcohol level consistent with two cocktails.

Dr. Mills was reported not to have known that Senator Kennedy was the driver.

Mr. Dinis said today that if he had known the identity of the driver at the time he would have called for an autopsy.

Miss Kopechne is buried near Plymouth, Pa. Legal sources here said that a request to the Pennsylvania authorities for an autopsy after burial would have to be approved by the young woman's parents.

Mr. Dinis, 44 years old, is a bachelor of Portuguese extraction. Acquaintances in New Bedford described him as being "against" the establishment that represents old-line families in Massachusetts. Those who have known him over the years hold that Mr. Dinis, a Democrat, feels he has been snubbed by the Kennedy family in campaigns he has entered.

Mr. Dinis has been a New Bedford city councilman, a state representative and, since 1959, district attorney for four southern counties in Massachusetts.

In addition to his legal work, he operates an insurance business and owns a restaurant in neighboring Fairhaven.

Mr. Dinis unsuccessfully sought the Democratic nomination for the United States Senate in 1960. Two years ago, he ran unsuccessfully against Margaret Heckler, a Republican, for the 10th District House seat formerly held by Joseph W. Martin Jr.