

INQUEST IS DENIED IN KENNEDY CASE

Justice in Boston Says He
Lacks Jurisdiction Over
Prosecutor's Request

By JOHN H. FENTON
Special to The New York Times

BOSTON, Aug. 1 — Chief Justice G. Joseph Tauro of the Massachusetts Superior Court refused today a request by District Attorney Edmund Dinis for an inquest in the death of a Washington secretary in an automobile accident July 18 involving Senator Edward M. Kennedy.

Justice Tauro said he could find neither a provision nor any precedent that would permit the Superior Court to conduct an inquest. He said that Massachusetts law "clearly" indicated that District Courts had jurisdiction.

Mr. Dinis said he would take his request to the District Court, according to United Press International.

Kennedy Pleaded Guilty

In Washington, Senator Kennedy told newsmen before the inquest was denied that he would "cooperate in any way" possible with the request.

"It's still rather unclear as to the nature of it," Mr. Kennedy said. "It's a legal matter. I plan to cooperate in any way."

On July 25, Mr. Kennedy pleaded guilty in Edgartown District Court to a charge of leaving the scene of the accident and under this procedure did not undergo cross-examination. He received a two-month suspended jail sentence. Later, his driver's licence was suspended for a year.

The victim of the crash was

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Mary Jo Kopechne, 28 years old, a former secretary to Senator Robert F. Kennedy. She drowned when Senator Edward Kennedy's car plunged off a bridge into a salt water pond on Chappaquiddick Island.

Mr. Kennedy reported the accident to the police at Edgartown, on Martha's Vineyard Island, about 10 hours later.

Late yesterday afternoon, Mr. Dinis released the text of a letter he said he was sending to Justice Tauro, requesting an inquest in Superior Court.

Justice Received Letter

The chief justice received the letter by special delivery at 11:55 A.M. today.

Courthouse sources said Justice Tauro first heard of the message in a telephone call from Washington at about 5 P.M. yesterday. The Washington caller was not identified.

When newspapermen telephoned Justice Tauro last night, he said: "It is very bad judgment at the least on District Attorney Dinis's part to release it [the letter] before the chief justice receives it. I can't comment until I do receive it."

At noon today Justice Tauro told courthouse reporters in his chambers that his only comment would be contained in a brief printed statement, which said:

"No provision of law has come to my attention, nor have I been able to find any precedent which would permit the Superior Court to conduct an inquest as requested by District Attorney Dinis.

"The District Attorney bases his request explicitly on general laws, Chapter 38, Section 8. This section and all other related sections clearly indicate that the District Court has exclusive jurisdiction over such proceedings and have no application to the Superior Court."

Under normal procedures, the request for an inquest would have been filed with Judge James A. Boyle, the presiding judge at Edgartown, who



Associated Press

**REJECTS INQUEST PLEA:
Chief Justice G. Joseph
Tauro said Massachusetts
Superior Court lacked juris-
diction in Kopechne case.**

passed sentence on Mr. Kennedy.

Judge Kenneth L. Nash of the Quincy District Court, who is administrative head of District Courts, said Mr. Dinis had been advised of such a procedure.

But no change in the request was made today. Justice Tauro and Judge Nash conferred on the matter during the day.

Inquests are not mandatory in Massachusetts. They are a procedure by which a judge conducts a hearing in an effort to establish a legal, as distinct from a medical, cause of death when questions have arisen. He has the power of subpoena and to take testimony under oath.

No Autopsy Ordered

The medical cause of death in Massachusetts is confirmed by autopsy, if one is ordered by a prosecutor. In the case of Miss Kopechne an assistant, medical examiner's verdict of accidental drowning was accepted. There was no autopsy.

Friends of Mr. Dinis indicated that he had moved to seek an inquest because of wide criticism of the general handling of the case.

But those who had observed

the Massachusetts scene over the years mentioned the iceberg nature of its politics; much more was thought to lie below the surface.

Under a bill now in the hands of the State House Committee on Ways and Means, Mr. Dinis would lose his jurisdiction over four southern counties. The bill would limit him to Bristol County, which embraces his home city of New Bedford and neighboring Fall River.

New Post Considered

Barnstable County, which takes in Cape Cod; Dukes County, in which Martha's Vineyard is situated, and Nantucket County would be under a new district attorney.

The man presumed to be in line for appointment to the new

post is Walter E. Steele, who was named last May as special prosecutor for Dukes County. He handled the brief court appearance of Mr. Kennedy.

Mr. Steele and Mr. Dinis were critical of one another offstage in the early part of the case.

Mr. Steele, 42 years old, is a Boston lawyer, who spends his summers on Martha's Vineyard. The legislation establishing the special prosecutor's post was enacted in 1968. The post pays \$5,000 a year. The duties in general call for two trips a month to the island.

Dinis Going to Lower Court

BOSTON, Aug. 1 (UPI)—Mr. Dinis said today he would take his request for an inquest to a lower court.