

Ruling Appealed In Kennedy Case

BOSTON (AP)—The Massachusetts Supreme Court was asked today to overturn Edgartown District Court Judge James A. Boyle's ruling denying attorneys for potential witnesses in the Mary Jo Kopechne inquest the privilege of cross-examination.

The request was filed by attorneys representing Sen. Edward M. Kennedy, in whose car Miss Kopechne died.

It is expected to delay the start of the inquest, which was to have opened before Judge Boyle in Edgartown tomorrow.

THE REQUEST was accepted by Massachusetts Supreme Court Justice Paul C. Reardon.

He scheduled a hearing on it for this afternoon and indications were a further hearing would be held tomorrow morning.

Kennedy's attorneys maintained during a pre-inquest hearing last week that the inquest was of an "accusatory nature," not unlike a trial.

Therefore, they contended, they should have the right to cross-examine witnesses and

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raise objections.

But Boyle held that an inquest is like a grand jury proceeding, in which no cross-examination is permitted, and he rejected the motion.

BOYLE DID decide, however, to allow attorneys for potential witnesses to be present in the courtroom while their clients testify. They would be allowed to advise their clients on pertinent questions of constitutional rights.

Boyle, 62, a man of quiet temperament but firm on the bench, will be the presiding justice at the inquest.

Meanwhile, in Edgartown today, tightened security was in evidence as the community prepared for the inquest. At least nine state troopers and about two dozen officers from other towns were brought in to help the small Edgartown force.