

Judge Rejects Motion to Block Kopechne Autopsy

WILKES-BARRE, Pa., Sept. 3 (AP)—A judge denied today a motion by the parents of Mary Jo Kopechne to prevent an autopsy on her body, but asked a Massachusetts prosecutor to show, within 20 days, how an autopsy would resolve "the doubt and suspicion surrounding her death."

The ruling by Judge Bernard C. Brominski of Common Pleas Court came about an hour after a judge in Edgartown, Mass., officially postponed an inquest into Miss Kopechne's death. She was killed in the crash of a car driven by Senator Edward M. Kennedy, Democrat of Massachusetts.

The inquest was to have opened today in Edgartown.

District Attorney Edmund Dinis of New Bedford, Mass., who asked for the autopsy, contends that autopsy evidence is vital to the inquest, which has been blocked temporarily by Senator Kennedy's lawyers.

Parents Oppose Autopsy

Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N. J., had sought to block exhumation of their daughter's body. They argued that Pennsylvania was without jurisdiction in the case and that Mr. Dinis had failed to show the necessity for an autopsy.

Judge Brominski declined to dismiss Mr. Dinis's petition, saying he had jurisdiction to order exhumation if it was "in the public interest in the administration of justice."

At the same time, he said in a nine-page opinion that Mr. Dinis must "set forth sufficient facts under Pennsylvania law to warrant an autopsy."

He said Mr. Dinis must re-submit his petition because so far there was "not one single fact, under oath" before the court to show why there should be an autopsy.

Miss Kopechne, a former secretary to Senator Robert F. Kennedy, died July 18 when Edward Kennedy's car plunged off a narrow bridge into a tidal pool on Chappaquiddick Island, near Edgartown.

She is buried in a cemetery in Larksville, in the hardcoal region of northeastern Pennsylvania.

Dr. Donald Mills, associate medical examiner in Dukes County, Mass., said Miss Kopechne had drowned. No autopsy was performed.

Judge Brominski rejected the Kopechnes' argument that Mr. Dinis's petition attacked the ruling of death by drowning.

Judge Brominski said Massachusetts authorities had not disputed the cause of death.

"Thus, this court does not know at this time the intention of Massachusetts author-

ities in this regard, or what proofs will be offered at the hearing," he said.

No date was set for a new hearing.

Judge Brominski said millions of persons, including himself, had "read and heard of the events of the death of Mary Jo Kopechne, but this cannot be substituted for allegations of fact in a judicial proceedings."

Inquest Quickly Adjourned

EDGARTOWN, Mass., Sept. 3—Judge James A. Boyle adjourned the Kopechne inquest today in a crisp ceremony that lasted less than a minute.

A series of legal maneuvers led yesterday to an order from a justice of the Supreme Judicial Court of Massachusetts to stay the proceedings.

Mr. Dinis, who requested the inquest two weeks after the accident, is empowered by law to summon a grand jury if the inquest proceedings become bogged down. He has given no indication of his plans so far.

Judge Boyle, the presiding judge of the Dukes County District Court in Edgartown, took his place on the bench promptly at 9:30, although the clock on the courtroom wall read 9:34.

He said:

"In a petition by Edward M. Kennedy against James A. Boyle, presiding judge of the District Court, presented to the Supreme Judicial Court of Massachusetts yesterday.

The judge paused and looked through some documents. Then he went on:

"I have been ordered not to proceed any further in the inquest in re Mary Jo Kopechne until such time as the petition may be heard and determined by the full court of the Supreme Judicial Court. Therefore, this inquest is adjourned until that time. Adjourn the court until Thursday morning at this place at 9:30 A.M."

THE NEW YORK TIMES



Associated Press

ANNOUNCES DELAY IN KOPECHNE INQUEST: James A. Boyle, the district judge for Dukes County, leaving courthouse in Edgartown, Mass. He officially announced postponement of inquest involving Senator Edward M. Kennedy.