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Kopechne Judge Mulls Autopsy Ban



MARY JO KOPECHNE'S PARENTS LEAVE COURTROOM
Hearing was on petition to dismiss motion for exhumation and autopsy
—AP Photo

WILKES-BARRE (Pa.) — (AP) — A judge took under advisement today a new effort by the parents of Mary Jo Kopechne to prevent an autopsy on their daughter's body.

Judge Bernard Brominski of Common Pleas Court announced the action after an attorney for the Kopechnes argued that the public's curiosity about how the young woman died in Sen. Edward Kennedy's car should not justify an autopsy.

Brominski gave no indication when he might rule on the latest motion.

"Proof of Crime"

"There must be proof of a crime and that an autopsy can prove or disprove the guilt or innocence of one suspected of criminal conduct," said Joseph Flanagan, attorney for the Kopechnes, who moved for dismissal of a Massachusetts petition for exhumation and autopsy.

Mr. and Mrs. Joseph Kopechne of Berkeley Heights, N.J., were in the courtroom when arguments began today.

It was the first time they have been present during a legal fight against disturbing their daughter's grave.

Flanagan repeated his claim that District Attorney Edmund Dinis of New Bedford, Mass., had failed to provide sufficient evidence that a crime was committed when Miss Kopechne died in the July 18 car accident, on Chappaquiddick Island, off the Massachusetts coast.

Blood Clue

Dinis has said that there was blood on Miss Kopechne's blouse and in her mouth and nose and this "may or may not be consist-

Ted's Eager To Talk Now

NEW YORK — (UPI) — Sen. Edward Kennedy now realizes "that there was much more he should have said immediately after the accident" which killed Mary Jo Kopechne, Life magazine said yesterday.

The magazine added the Massachusetts Senator is "eager to satisfy the widespread demand for more information" about the auto accident and would probably be willing to go before a television panel of newsmen to answer questions.

Miss Kopechne, 28, died the night of July 18 when Kennedy's car went off a narrow bridge on Chappaquiddick Island, Mass.

Life said the Senator is viewing the forthcoming in-

quest into the case as "less frightening to him than it is essential."

Life reported he has talked with Mr. and Mrs. Joseph Kopechne and "tried to answer some of their questions about the night of their daughter's death.

"For the rest," he says, "it will all come out. The questions . . . all the answers . . . it will all come out, and I think people will understand. But it will just have to wait."

The article said, "He is eager to satisfy the widespread demand for more information, if necessary he would probably be willing to be interviewed by newsmen on a TV panel."

ent with death by drowning."

Flanagan said that the alleged new evidence that Dinis provided in an amendment to his petition still was insufficient.

"The test of whether or not an autopsy will be ordered cannot be based upon guesswork or speculation," Flanagan told the court.

"It seems evident that the test of what is in the public interest and what would promote justice is related to the

question of the guilt or innocence of one accused of a crime.

'Interest, Curiosity'

"There is no authority to equate public interest with public curiosity. Nor should there be.

"The public's curiosity about a particular event should not be substituted for a public interest test, which seeks to promote justice in the establishment of the guilt or innocence of the accused."

Dinis was not in the courtroom. His argument against dismissal of the autopsy petition was made by Armand Fernandes, an assistant district attorney from Dukes County, Mass.

Fernandes, in opposing the dismissal move said an autopsy is necessary, "to resolve doubts surrounding the cause of death" and "as an aid to detection of crime."

Fernandes said that even if there is no evidence that a crime may have been committed, no court has ever refused a request of a district attorney for an autopsy.

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