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Kennedy Lawyer Seeks Press Ban at Any Inquest

By JOSEPH LELYVELD

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BOSTON, Oct. 8—A lawyer for Senator Edward M. Kennedy asked the Supreme Judicial Court of Massachusetts today to bar the press from the proposed inquest into the death of Mary Jo Kopechne.

He also asked that Judge James A. Boyle, the District Court judge for Dukes County, to be disqualified from presiding at the inquest, if and when it is rescheduled.

Early Decision Expected

Originally, the inquest was to have been held Sept. 3 in Edgartown on Martha's Vineyard. It was postponed to enable the state's highest court to consider an appeal by Senator Kennedy contending that his constitutional rights would be seriously compromised under the

ground rules for the hearing set by Judge Boyle.

Five justices of the Supreme Judicial Court heard nearly two hours of argument this morning and then adjourned to reach a decision. Normally, it would be three weeks before an opinion was handed down, but courtroom observers thought the justices might decide to act sooner in the Kennedy case.

The Senator's lawyer, Edward B. Hanify, argued that there was no constitutional way of holding a public inquest. Any such proceeding, he said, would inevitably generate publicity that would compromise his client's right to a fair trial, in the event Mr. Kennedy had to face further charges resulting from the accident on Chappaquiddick Island July 18 in which Miss Kopechne, a Washington secretary, drowned.

If the inquest produced no

further charges, the lawyer contended, it would be merely "an exercise in public opprobrium leading nowhere and, as such, an unconstitutional apparatus." Such a proceeding, he said, would deprive the Senator of what Mr. Hanify called "his right not to be publicly pilloried" in the courts.

To demonstrate that Mr. Kennedy was the "focus" of the proposed inquest, his lawyer presented the court with four sealed boxes containing 33 volumes of press clippings. The inquest would have been conducted, a brief charged, in an atmosphere of "frenzy."

132 Seats Reserved

Judge Boyle ruled Aug. 8 that the general public would be excluded from the courtroom, but said he would admit ac-

credited newsmen. Seats were eventually reserved for 132 reporters.

Mr. Hanify also argued that Senator Kennedy had a right to a full legal defense at the inquest by a lawyer able to cross-examine witnesses and object to evidence. Under Judge Boyle's ground rules, lawyers would have been allowed in the courtroom only when their clients were testifying, and then only for the purpose of advising them on matters of self-incrimination.

The same right to full legal safeguards was claimed by other lawyers on behalf of five young women and four of the men who were at the cookout on Chappaquiddick Island with Senator Kennedy and Miss Kopechne before the accident. This led Chief Justice Raymond S. Wilkins to worry aloud that the inquest proceeding could be turned into a legal "donnybrook."

In a question from the bench, Judge Paul C. Reardon asked Mr. Hanify whether he would have any objection to the publication of the transcript of a closed inquest, once it had been determined that no further charges would be made. The lawyer said he would have no objection.

Judge Reardon ordered the postponement of the inquest last month.