

# Pathologists Disagree on Exhumation

By JAMES V. LAMB

WILKES-BARRE, Pa. (AP) — A deputy medical examiner for the state of Maryland testified today that an autopsy on the body of Mary Jo Kopechne "would absolutely yield no conclusive evidence."

"You may exhume the girl and still not know whether she drowned," Dr. Werner Spitz told a Common Pleas Court in the second day of a hearing on a petition by Dist. Atty. Edmund Dinis to have the woman's body exhumed.

The testimony by Spitz, who was called as a witness in support of Mr. and Mrs. Joseph A. Kopechne's fight to prevent an autopsy on their daughter, disputed previous testimony by three prominent pathologists.

**DR. JOSEPH F. SPELLMAN**, Philadelphia medical examiner; **Dr. George Katsas** of Boston, and **Dr. Cyril H. Wecht** of Pittsburgh testified previously that only an autopsy could reveal any internal injuries.

"You may perform an autopsy and you may find other injuries, but what would that prove," Spitz said on cross examination by Dinis.

"The diagnosis is difficult for the forensic pathologist and drowning so often resemble other forms of death," Spitz said.

Miss Kopechne died July 18 or 19 when an automobile driven by Sen. Edward M. Kennedy plunged from a narrow bridge into a tidal pool on Chappaquiddick Island.

AN ASSOCIATE medical examiner said she drowned. He did not perform an autopsy.

"In reasonable medical certainty, she drowned," Spitz declared.

"Why are you so certain that Mary Jo Kopechne died from drowning?" Dinis asked. "The circumstances related to me," Spitz replied.

"YOU HAVE testified that the diagnosis of drowning is difficult and challenging?"

"Yes," Spitz said. "And you have said that

it would resemble and be similar to other causes of death?"

"That is correct," Spitz said.

"AND IN THIS instance you see **KENNEDY**— Page 4

say that you are medically certain that Mary Jo Kopechne died of drowning?" Dinis asked.

"Reasonably certain, yes." "What reservation do you have?"

"My reservations are that she may have injuries that I could not determine by external examination of the body," Spitz said.

**SPITZ SAID** "She may have injuries, however, there is no question in my mind at this point that she inhaled water . . . and as such I would not be able to determine what the actual cause of death was. It is apparent to me that she lived for a certain time under water. Otherwise, why the froth?"

The latter was in reference to other witnesses who testified that there was a pinkish or white froth about the nose of Miss Kopechne.

"Assuming the girl had a fractured skull, would she have breathed in water," Dinis asked.

"She may have breathed sufficient water to cause foam at that time," Spitz said.

**SPITZ SAID** the only way that could be determined was to perform an autopsy.

"I would have liked to have seen an autopsy at the time when the body was first pulled from the water," Spitz said.

Earlier, Dinis, of New Bedford, Mass., took the witness stand himself to contradict earlier testimony by an associate medical examiner who said Dinis had told him he did not think an autopsy was necessary.

Dinis maintained he had sought an autopsy on July 20, one day after the young woman's body was recovered but that the body had already

been flown to Pennsylvania for burial in nearby Larksville.

**DINIS MAINTAINS** an autopsy is vital for an inquest he has scheduled into the death.

The hearing is being conducted by Judge Bernard C. Brominski.

Dr. Donald R. Mills, associate medical examiner for Dukes County, Mass., testified yesterday about a telephone conversation he had with Dinis "on Thursday, July 24 or thereabouts."

Mills quoted Dinis as saying:

"MILLS, YOU'RE quite sure of your diagnosis of death by drowning?" "My answer was, I certainly am," Mills said.

"Then Dinis said 'I don't think an autopsy is necessary, do you?' and I answered 'No I don't,'" Mills testified.

Dinis today denied he had discussed the advisability of an autopsy with Mills. He said he only discussed whether or not the physician was satisfied with his findings.

After testifying, Dinis asked the judge to take "judicial notice of two statements made by Sen. Kennedy"—one handwritten, made to the police after the accident and the other a week later over nationwide television.

"You all know that the court doesn't take judicial notice of statements made by anyone, directly or indirectly concerned in a case in court," Brominsky said.

**HE DENIED** the request for admission of the police statement but took under advisement the offer for admission of the television address.

Dr. Cyril H. Wecht, a Pittsburgh pathologist, concluded Dinis' presentation by supporting testimony yesterday by two other pathologists. Wecht said an external examination is inconclusive to determine all possible injuries.

Joseph A. Flanagan, attorney for Mr. and Mrs. Joseph A. Kopechne of Berkeley Heights, N.J., went ahead with his case.

**Kopechne** followed Dinis to the stand and said he and his wife "are unalterably opposed to the exhumation and autopsy of our daughter's body."

ASKED WHY, Kopechne replied:

"After hearing the testimony in this court, we feel now, more than ever, that we don't want an autopsy. It would be just like another funeral for us.

"We've had it. We feel they had a chance for an autopsy but it wasn't performed and we absolutely don't want it now. We see no value on it."

**JOHN J. KIELTY**, a Plymouth, Pa., undertaker, said he received the body at 2:30 p.m. on July 20 at the Scranton-Wilkes-Barre Airport.

He said he had contacted the Massachusetts mortician the day before, after he had spoken to Mrs. Kopechne and asked that the body be transported to Pennsylvania "at the fastest rate of speed."

During Dinis testimony, Flanagan objected strenuously as Dinis sought to give reasons for pursuing the investigation and the need for an autopsy.

Armand Fernandes Jr., assistant to Dinis, asked the Massachusetts prosecutor whether he was satisfied with the investigation conducted by the police.

"I am not satisfied," Dinis said loudly just as Flanagan shouted an objection.

"It is not Mr. Dinis' determination to make, whether he is satisfied or not," Brominski commented in sustaining the objection.

"With reference to the death of Mary Jo Kopechne, what investigation if any has your office done?" Fernandes asked.

**THE OBJECTION** on this was overruled and Dinis answered, "the district attorney has endeavored to speak to the parties who were present prior to and after the estimated time of death of Mary Jo Kopechne but has been unable to do so.

"None of the witnesses was available."

Flanagan then asked that this answer be stricken.

Brominski ordered it stricken.

OCTOBER 21, 1969



—AP WIREPHOTO.  
**MRS. JOSEPH A. KOPECHNE**, mother of Mary Jo Kopechne, leaves the Luzerne County courthouse in Wilkes-Barre, Pa., after a night session where a hearing is being held on a petition to exhume the body of her daughter, who died in an accident in Sen. Edward Kennedy's car.

