

By BILL SLOAN

In his handling of Ted Kennedy's fatal accident case, Massachusetts District Attorney Edmund Dinis is either a negligent prosecutor or a political opportunist — or both — according to many of his fellow lawyers.

A full 70 percent of a group of prominent attorneys questioned on Dinis' role in the case were bitterly critical of the D.A.'s actions.

"It's been just one incompetence after another," charged Professor Herbert Packer of Stanford University Law School. "But Dinis has assured himself of maximum publicity — which is what I suspect he wanted."

"It's hard to think Dinis has any other motive than a political one," added Yale Kamisar, professor of law at the University of Michigan. "If he really wanted to move in, he should have done it when the case first came to his notice, only hours after the accident."

"It sounds like another Jim Garrison-style witch-hunt," echoed a prominent West Coast attorney, "with no evidence to back it up."

Basically, the experts' criticism of Dinis boil down to two fundamental legal points.

In the first place, they say, the inquest into the death of Kennedy's passenger, Mary Jo Kopechne, should have been conducted as a matter of routine immediately after the tragedy occurred.

"I think Mr. Dinis is doing his job, but he has been extremely negligent and should have acted more promptly," said Beverly Hills, Calif., attorney Paul Caruso, a veteran of 16 years as a trial lawyer.

"That body could never have been released here in California without an autopsy.

"He should have been more vigorous in pursuing the matter. And subconsciously, if not consciously, I think there is a certain streak of personal ambition behind his actions."

Added Caryl Warner, a criminal lawyer in Los Angeles for 40 years, who has the distinction of never having lost a murder case in court:

"I think he (Dinis) was derelict in his duty in letting that body get out of Massachusetts. He owes it to the public and the world to go ahead and ferret out every facet of this matter and bring it out into the open."

San Francisco attorney Jake Ehrlich also criticized Dinis' initial lack of action, but felt that, in view of the D.A.'s original error, the case should remain closed.

"At the beginning of this business, Ted Kennedy was allowed to plead guilty to leaving the scene of an accident," Ehrlich said.

"Having allowed that to happen, that should have been the end of it for Edmund Dinis. If he had wanted to do anything else, he should have done it then.

"What is he trying to do now? What is he trying to achieve? I don't want to accuse anyone of unprofessional or improper conduct, but I think it's easy to see what I mean about his conduct."

The second major criticism of Dinis by members of the legal profession is based on the feeling that the proper kind of inquiry into Miss Kopechne's death is not a public inquest — which is likely to dissolve into a political circus — but a quiet and thorough investigation by a local grand jury.

"An inquest at this time is the wrong way to pursue this particular inquiry," said Abraham Goldstein, professor of law at Yale University.

"If an inquest had been held weeks ago, it could have done its job when the glare of publicity was on the case anyway. But at this late date, the proposal creates a whole new wave of publicity, making it difficult to unravel the details calmly.



WILLIAM RICHTER  
Expert in criminal law

"The correct way to carry out a careful investigation would be quietly, before a private grand jury hearing. "The effect of this turmoil has turned the public eye to Dinis, and one can



LEGAL CRITICS: West Coast lawyers Jake Ehrlich (left) and Marvin Mitchelson do not approve of tactics being used by Dinis.



# Prominent Attorneys Charge: Kennedy Case D.A. Is Either Negligent or an Opportunist



PROBING: D.A. E. Dinis (left) with Judge B. Brominski after filing exhumation petition.



SENATOR KENNEDY  
In center of storm



MARY JO  
Girl who drowned



PAUL CARUSO  
Expert trial lawyer

only suspect that this is what he had in mind."

Stanford's Prof. Packer added: "The only inquiry that could be successful now is a grand jury hearing. Dinis can have no reasons for proceeding (with present plans for an inquest) other than his own political reasons."

Prof. Kamisar concurred. "As it turns out now, any inquiry is likely to be damaging to Ted Kennedy," he said, "but none more so than a public inquest which can only be accusatory in tone under the circumstances.

"And what any kind of hearing is going to produce now is doubtful on the basis of the available evidence."

Other legal authorities also expressed doubts that Dinis can produce any important new evidence at his inquest.

"In the guise of clearing the air, he (Dinis) says you should have an inquest," said Beverly Hills attorney Marvin Mitchelson, "but I don't see that much more can come out of it than is already known.

"It strikes me that he doesn't have enough evidence to necessitate calling this kind of inquest. If his only motive is to clear the air, that's one thing. But there isn't a hint of any evidence."

Some experts, on the other hand, spoke in defense of Dinis and in favor of the planned inquest, regardless of the evidence.

"I don't know what evidence Mr. Dinis has," said lawyer Robert E. Ford of Los Angeles, "but I have no

doubt that he is just doing his job. I definitely believe there should be an inquiry into this matter."

"I think Edmund Dinis has been very courageous about this whole business," said William Richter, a New York lawyer and an expert in criminal justice. "I think he has handled the case well and with great integrity."

But those who shared Richter's feelings were in the distinct minority among the experts questioned.

## NATIONAL ENQUIRER

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Published weekly by Best Medium Publishing Co., Inc., 218 Sylvan Ave., Englewood Cliffs, N.J. 07632.  
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