

AUTOPSY IS DENIED IN KOPECHNE PROBE

WILKES-BARRE, Pa. (AP)—A judge refused today to order an exhumation and autopsy on the body of Mary Jo Kopechne, the 28-year-old secretary who died last summer in Sen. Edward M. Kennedy's automobile.

Judge Bernard C. Brominski of Common Pleas Court said testimony at a hearing on the petition by a Massachusetts prosecutor supported the original finding—death by drowning.

The decision clears the way for a Massachusetts court to hold a secret inquest into the accident. Kennedy's car pitched off a bridge and into a tidal pond at Chappaquiddick Island off the Massachusetts coast in the middle of the night on July 18.

The ruling was a victory for Mary Jo's parents, Mr. and Mrs. Joseph A. Kopechne of Berkeley Heights, N.J. They opposed an autopsy on grounds it would be "grossly offensive and prejudicial to their wishes."

"THIS MEANS that I'll come up here very often to see my daughter," Mrs. Kopechne told a news conference at the courthouse. "I couldn't have gone up to that cemetery again if I knew the grave had been disturbed."

Miss Kopechne is buried in nearby Larksville, near where she was born in this north-eastern Pennsylvania coal region.

The father said he was happy with the ruling and the scheduled inquest did not disturb him.

"We are waiting patiently for the inquest to be held," he said.

IN WASHINGTON, Kennedy said he was grateful for the decision because, "I realize how much it meant to the Kopechne family; it increases their peace of mind and I'm grateful for that."

"Now," Kennedy said, "it's my hope that the authorities in Massachusetts will move forward so the entire matter can be concluded as soon as possible."

Kennedy, who has been in

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frequent touch with the family since the accident, telephoned the parents this morning to express his pleasure at Brominski's decision.

DIST. ATTY. Edmund Dinis of New Bedford, Mass., sought the autopsy for the inquest. Dinis said in advance he would not appeal any ruling by Brominski.

Brominski said the facts

presented at the hearing were "insufficient to support a finding of the cause of death" other than drowning.

He said any conflict in Kennedy's versions of what happened or failure to report the accident for nearly 10 hours "does not suggest a cause of death other than drowning."

Brominski said he took into consideration the parents' objections.

"WHILE THEIR disapproval is not an absolute bar

to an exhumation and autopsy," Brominski said, "in view of the facts presented to this court their objections are well taken."

The judge also said that the presence of blood in Miss Kopechne's nose and mouth and on her clothing, as brought out by Dinis at the hearing Oct. 20-21, did not provide sufficient doubt to warrant exhumation.

In New Bedford, Dinis had

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no immediate comment on the judge's ruling.

And in Edgartown, Mass., District Court Judge James A. Boyle before whom the inquest is to be held, was unavailable for comment. His clerk said Boyle might not have anything to say for some time. Boyle had declined to set a date for the inquest until after Brominski had ruled on the autopsy.

THE INQUEST was ordered closed to the public and news media by the Massachusetts Supreme Court after a re-

quest for secrecy was made by Kennedy's lawyers.

Kennedy did not appear at the autopsy hearings in Wilkes-Barre nor was he present today.

In the days that followed the accident and Kennedy's television explanation of it, the senator said he was given a vote of confidence by the voters and said he will remain in office and seek reelection in 1970. But he said he will not seek the Democratic presidential nomination in 1972.

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