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Ted Believed in Swim for Help

EDGARTOWN (Mass.) — (AP) — Two close friends of Sen. Edward M. Kennedy testified at the inquest into Mary Jo Kopechne's death that they believed Kennedy was going to the police when

he dived into the channel separating Chappaquiddick Island from Martha's Vineyard, a source close to the case said today.

Kennedy has said the two — Joseph Gargan, Kennedy's

cousin, and Paul Markham, former U.S. attorney for Massachusetts — helped him search for Miss Kopechne in the pond where his car fell and were with him when he dived into the channel.

Gargan and Markham testified yesterday. The source revealed the general contents today.

Next Morning

The source said Gargan and Markham testified that it wasn't until the morning after the accident that they learned Kennedy had not gone to police.

They said that after searching unsuccessfully for Miss Kopechne around Kennedy's submerged auto under dike bridge, they urged the Senator to go to the police.

They said his failure to do so reflected the great confusion and distress in which they believed him to be.

Gargan and Markham said that after searching for Miss Kopechne, they took Kennedy by car to the Edgartown ferry slip on Chappaquiddick, the source said.

Jumped In

All were exhausted from their rescue effort, they testified, but before they knew what was happening, Kennedy had jumped from the car, dived into the channel and

was well offshore.

What Markham and Gar-

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gan did next wasn't made known.

Earlier, it was learned that Dist. Atty. Edmund Dinis threatened to walk out of the inquest unless Judge James Boyle gave him more latitude in questioning witnesses.

Rather than abort the long-delayed inquiry, Boyle told Dinis he could ask desired questions of Kennedy. But the 63 year old judge did have the last word on the order in which witnesses would appear, two sources close to the case said.

They said Dinis wanted to bring the inquest to a dramatic climax by having Gargan, Markham and Kennedy as the last witnesses.

But Judge Boyle, it was learned, ordered otherwise. He said he would not keep a United States senator waiting

and ordered that Kennedy be brought forward as the lead-off witness in the inquiry that opened Monday.

At the outset, Boyle had announced he would permit only testimony directly related to whether Kennedy or anyone else acted criminally concerning Miss Kopechne's death.

The sources gave this account of Monday's events:

When Kennedy took the stand in the nearly empty courtroom in the old Dukes County Courthouse, Dinis began to question him. Judge Boyle, citing his earlier announcement, cut the district attorney off several times.

Dinis protested and Boyle asked Kennedy to step outside. In the subsequent conference between the judge

and the district attorney, Dinis said he would walk out of the case unless Boyle let him ask his questions. Boyle reluctantly acquiesced.

When Kennedy returned, however, Dinis relaxed his questioning and tended to stay within the judge's original limits.

As far as the order of witnesses was concerned, even Gargan and Markham were not saved for the end. They testified yesterday. They were followed by perhaps three of the five young women who, with Miss Kopechne, attended the steak barbecue on Chappaquiddick that preceded the auto accident.

All five of the women ap-

parently completed their testimony today within a very short time. They left the courthouse together and were driven away in two automobiles.

Witnesses lined up to follow them included the Ed-

gartown people involved in the case — the police and townsmen who recovered the body and car, the undertaker who prepared Miss Kopechne's body for burial and the manager of the inn where Kennedy had been staying.

After a report circulated yesterday that Dinis had again decided to walk out of the case, he told newsmen:

"I am still in the case. I am not leaving. I'm right here. I'll be here at 9:30 in the morning."