

Closed Inquest Into Kopchne Death Ends; Judge Is Planning an Early Report to the Superior Court

By HOMER BIGART

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EDGARTOWN, Mass., Jan. 8 — The closed inquest into the death of Mary Jo Kopechne, who drowned when Senator Edward M. Kennedy's automobile plunged from a bridge on Chappaquiddick Island the night of July 18, ended today.

Judge James A. Boyle of District Court told newsmen that his report on the secret testimony would be made to the

State Superior Court, "without undue delay."

But the public may have to wait several weeks before learning how Senator Kennedy explained, for the first time under oath, why he drove on an unmarked dirt road to the narrow, dangerous bridge, and why he delayed reporting the accident for nine hours.

The Superior Court can release the judge's report, and the testimony of Senator Kennedy and the 26 other witnesses at this investigation, only after it

torney Edmund Dinis, who ordered the inquest.

Mr. Dinis had explored two possibilities: prosecution of Mr. Kennedy for manslaughter, in which the District Attorney would have to prove "willful and wanton and gross disregard for human life," or prosecution for "driving to endanger," a misdemeanor.

Comment by Prosecutor

Today his aides expressed doubt that Mr. Dinis, who faces re-election next fall, would prosecute on either ground.

Emerging from the 111-year-old red brick courthouse, Mr. Dinis made only this comment on the inquest:

"I am satisfied we have put on the record all the witnesses that have been available to us."

"You mean there might have been others?" he was asked.

"None that we know of," he replied.

"I will have no comment and

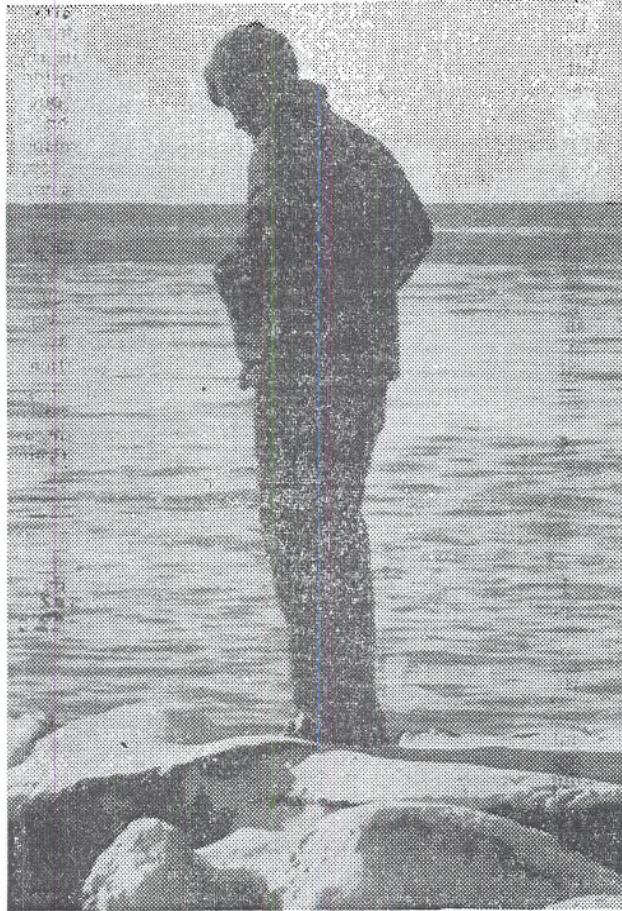
ator Kennedy's being recalled to the stand. The Senator testified for nearly two hours Monday, then left Martha's Vineyard for his home in Hyannis Port, on nearby Cape Cod, where he remained for the duration of the inquiry.

His press secretary, Richard Drayne, said today that the Senator had no comment. The Senator was planning to return to Washington after conducting some business in Boston, Mr. Drayne said.

The Senator's attorneys, Edward B. Hanify and Robert G. Clark Jr., also declined to comment.

The closing witnesses today were the five young women who attended a cookout with Senator Kennedy and Miss Kopechne, a 28-year-old Washington secretary, on the night of the accident.

Like Miss Kopechne, they had worked in the 1968 Presidential campaign of the late



United Press International

ON THE BEACH AT HYANNIS PORT: Senator Edward M. Kennedy out for a walk near his home on Cape Cod, Mass., yesterday. Earlier in the week he testified at the inquest into the death of Mary Jo Kopechne, who was killed when a car he was driving plunged off a bridge.

appears that no criminal action will be taken against the Senator, or after the conclusion of such action.

As the inquest ended and Judge Boyle began studying some 750 pages of testimony, the chances of any criminal action seemed diminished.

It was apparent that no new testimony had been presented to contradict the nationally televised statement that Sena-

tor Kennedy made a week after the accident. At that time, he termed "indefensible" his failure to notify the police promptly and said that the accident had left him in a state of shock and bewilderment.

Before the telecast, he pleaded guilty to leaving the scene of an accident. Judge Boyle gave him a suspended sentence of two months in jail.

Whether a criminal indictment will now be sought rests almost solely with District At-

there will be no action until the magistrate [Judge Boyle] files his report with the Superior Court Clerk," Mr. Dinis told newsmen who thronged around him on the courthouse steps.

If Mr. Dinis decides against prosecution, there is still a chance that the Dukes County grand jury might initiate action. However, the grand jury would probably feel obliged to lean heavily on Mr. Dinis for guidance. The jury foreman, Leslie Leland, a Vineyard Haven druggist, said today that if the jury, now in recess, voted to investigate the accident, it would "work through the district attorney or the Attorney General."

Kennedy Declines Comment

"But in cases like this we usually work through the district attorney," he said.

The inquest, which began Monday, ended without Sen-

Senator Robert F. Kennedy, and the cookout was sponsored by his brother to show his gratitude for their loyalty to the Kennedys.

The smiling, mini-skirted women left the courthouse, collected their personal belongings at a white colonial house on Main Street, and headed for the airport. But their departure was delayed several hours by mechanical trouble on a small chartered plane for Boston.

Disagreement About Time

The women were questioned about what went on at the cookout as well as their best recollection as to the time Senator Kennedy and Miss Kopechne left the party, which has been a matter of dispute.

Senator Kennedy previously told the police he departed at 11:15 P.M., intending to escort Miss Kopechne to the Edgartown ferry. But another witness, Christopher S. Look Jr.,

a part-time deputy sheriff, said that he saw a black sedan resembling the Senator's at the juncture of the dirt road leading to the bridge at 12:45 A.M.

The women — Susan Tannenbaum, Rosemary Keough, Esther Newberg, Nance Lyons and her sister, Maryellen Lyons — were also questioned about the amount of drinking at the cookout.

Senator Kennedy, in his television statement, denied being "under the influence of alcohol."

Mr. Dinis had subpoenaed Anthony A. Bettencourt, custodian of the Chappaquiddick dump, who was reported to have raked up three unopened bottles of gin from a pit near the rented cottage where the cookout was held. Mr. Bettencourt, a 70-year-old retired ferry captain, limped to the courthouse today, wearing a faded skipper's cap. But Mr. Dinis did not put him on the stand.