

Five Years After . . .

Questions That Won't Go

THE KENNEDY account of the evening is not a pretty one — it portrays the senator, after the accident, as either slightly crazy or calloused in the extreme, spending the next ten hours, as he says he spent them, while a young friend's body washed around inside a crushed auto.

But before settling for Kennedy's own harsh judgment of his actions — "indefensible" — a number of questions would have to be answered.

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WHERE WAS Kennedy heading, and in what condition?

A disproportionate amount of the questioning at the inquest was aimed at two targets, sex and booze, which, put in question form, come to this: Was Kennedy drunk when he drove away with Miss Kopechne? Was he lying when he said he aimed for the ferry and got on the beach road by mistake?

In a way, as they apply to the generic friskiness of politicians on the loose, these are the most trivial questions of the whole tragedy. But they also happen to offer the most convenient measure of the credibility of Kennedy and his friends.

The cook-out crowd describes the evening as one of comparative abstinence. If you go through the testimony at the inquest carefully, you will find the 11 survivors admitting to the consumption of only 16 drinks, total, during a party that stretched over at least four hours.

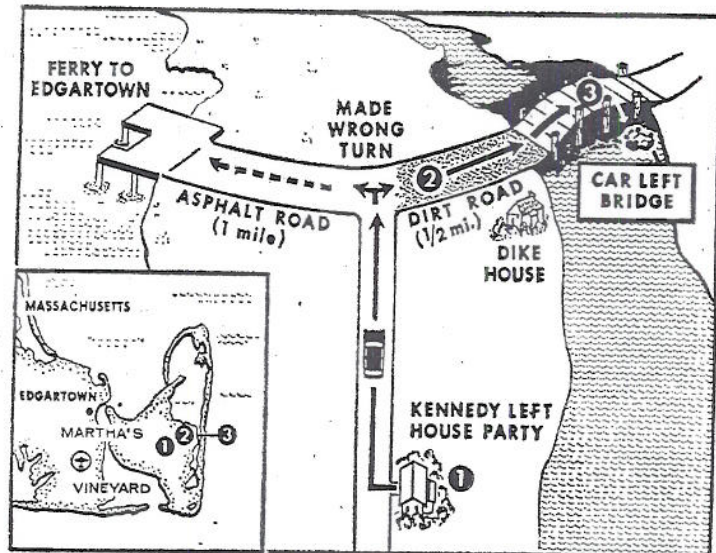


Diagram shows the route taken by Senator Kennedy when his car went toward the bridge instead of the ferry

AS FOR Kennedy's claim to have been on Dike road by mistake, almost nobody — certainly not the judge at the inquest, nor reporters who scouted the area — believes that. Where the asphalt road, marked with a center line, turns left toward the ferry, it is banked slightly to help swing a car in that direction. There is a left-turn sign with an arrow made of reflecting glass.

To make the mistake Kennedy says he made, he would have had to ignore all those helps and drive past the curve before he could find, hidden by bushes, the narrow dirt road to the beach. Later he said that he had become aware he was driving on dirt "sometime" after he turned to the right. Actually, the washboard surface grips a car and begins shaking it immediately. And the dirt looks like any other dirt, even under a car's lights. Markham says that Kennedy explained to him that after he discovered he had taken a wrong turn "he couldn't turn around." There are at least half a dozen driveways leading off Dike road.

If Kennedy left the cottage at 11:15, as he said he did, and was going to the ferry, why hadn't he asked the other women if they wanted to go along? The last scheduled ferry was at midnight and the women all say it was clearly understood that they wanted to return to their motel. By pulling out with only Miss Kopechne, Kennedy left five women and five men stranded with only a small Valiant. And if Miss Kopechne was ill, as Kennedy declared that she was, why hadn't she mentioned it to some of her close friends? More to the point, if she was going back to her motel, why did she leave her purse in the cottage?

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DID KENNEDY lie about the time he left the party?

Sylvia Malm, home from college, was in Dike House, about 150 yards from the bridge. Until midnight, when she turned out the light and went to sleep, she was

reading. Her window, which faces the bridge, was open. The night was so still that fishermen, they say, could hear fish jumping half a mile down the lagoon. When Kennedy's car left the bridge, its momentum carried it 36 feet through the air and it fell several feet before hitting the surface of the water with such impact as to cave in the roof, blow out both windows on the passenger side, and splinter the windshield. Though Miss Malm, and her mother, thought they heard a car pass by shortly before midnight, wouldn't they have heard the splash of the Kennedy car?

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THE MOST fascinating contradiction of Kennedy's claimed schedule comes from Deputy Sheriff Christopher Look Jr., who says he was driving home from work that night and, about 12:45 a.m., saw a large black auto pause at the ferry road-Dike road intersection. The uniformed deputy stopped and stepped out, meaning to ask if the driver needed help or directions. The other car whisked off down Dike road. Look noticed that the license plate numbers started with L7 and ended with another 7.

It was the sort of thing he would remember, he said, because seven was the number he had worn on his high school jersey and it had always been his favorite number. He was on hand the next morning when the Kennedy car (license L78207) was fished from the lagoon. Look immediately identified it as the car he had seen the night before. He was positive of the time because within five minutes he was home and, as he shucked his shoes and leaned back to watch television, he noticed that the time was 12:58.

Look has not budged from that story.

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IF DEPUTY Sheriff Look did spot Kennedy's car at 12:45, 45 minutes beyond the last scheduled ferry departure, it does much more than throw doubt upon the purity of the Senator's intentions. It also

Away:

casts doubt on the entire schedule that he claimed for the rest of the night.

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WHY DID Kennedy wait so long to report the accident?

Kennedy blamed it on head injuries and shock. Shock, no doubt, there was. But his head injuries were not enough to greatly impress even his own doctor, who diagnosed the damage as a "slight" concussion. Kennedy showed up at Miss Kopechne's funeral, his first public appearance after the accident, wearing a neck brace, but he discarded it promptly thereafter.

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COULD MISS Kopechne have been saved? If Kennedy and his friends hadn't wasted time with amateur heroics and if Kennedy, instead, had gone directly to the Dike house and called for professional help, what would have been the result?

Police and firemen with rescue equipment would have been on hand within half an hour, as they were the next morning, and Miss Kopechne would have been out of the car within another half hour. John N. Farrar, captain of the Edgartown Fire Department's Scuba Search and Rescue Division, says he found Miss Kopechne's "head cocked back, face pressed into the foot well, hand holding onto the front edge of the back seat. By holding herself in a position such as this, she could avail herself of the last remaining air in the car." Farrar believes "she died of suffocation in her own air void. But it took her at least three or four hours to die."

Dr. Mills, the local medical examiner who gave her body a ten-minute examination on the spot, disagrees. He insists that not only did Miss Kopechne drown but that she was "the most drowned person I've ever seen."

There would be no question about how Miss Kopechne died if Dr. Mills had ordered an autopsy; he didn't, because he was satisfied that it was a death by drowning, and also perhaps because he got no encouragement from the district attorney's office.

Why did Kennedy recruit Gargan and Markham for the rescue when he could have used LaRosa, a professional fireman who was well trained in rescue work? Was Kennedy trying to establish an alibi when he asked the innkeeper for the time? The questions seem endless.

Senator Kennedy feels enough has been told. "The facts of this incident," Kennedy said five years ago, "are now fully public and eventual judgment and understanding rests where it belongs. For myself, I plan no further statement on this tragic matter."

Robert Sherrill is a Washington-based journalist whose work frequently appears in The Nation and whose latest book deals with the sale of small arms and is called "Saturday Night Special."

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