

U.P.I.

There Is Grave Reason For Concern About **CHAPPAQUIDDICK**

Gary Allen is author of *None Dare Call It Conspiracy*; *The Rockefeller File*; *Kissinger: Secret Side Of The Secretary Of State*; *Jimmy Carter/Jimmy Carter*; and, *Tax Target: Washington*. He is an *AMERICAN OPINION Contributing Editor*.

■ DURING THE summer and fall of 1979, as Senator Edward Kennedy was making his decision on whether to challenge the seemingly terminal Carter Administration in the Democratic primary, one of the factors he considered most carefully was that polls showed the Chappaquiddick incident to be receding in the public memory. Chappaquiddick had probably cost

Teddy the 1972 nomination and almost certainly the Presidency in 1976. But by 1979 an entire decade had elapsed since the mysterious incident which took the life of Mary Jo Kopechne and put Kennedy's political career under a cloud. The friendly fellows of the Washington press corps had been very kind about not asking him embarrassing questions.

In fact the media had treated the death at Chappaquiddick as though it were a social *faux pas*. They made it seem that any question about it was a low blow, a cheap shot, and dirty politics. Civilized people would not befoul the air by so much as breathing the word Chappaquiddick. To do so would turn your Dry Sack into cooking sherry and your Perrier to vinegar.

It appeared that Edward Moore Kennedy was home free, and he was lulled into a sense of euphoria. Besides, Kennedy and his staff had never seen Chappaquiddick as a moral issue. According to Walter Pincus, who as editor of *The New Republic* admired Kennedy's voting record but not his character: "They seem to see Chappaquiddick as a public-relations obstacle . . ." For ten years the "image makers" had been working hard to overcome the Kennedy-Kopechne scandal. The "Liberal" media were slowly but certainly resurrecting the Kennedy image and building him into the "New Messiah," the one man who could lead the country to the high plateaus of Nirvana.

But Kennedy and his staff realized that they could not stonewall the Chappaquiddick issue throughout a Presidential campaign, so they decided to face the issue early, bury it, and move on to other matters. They would allow reporters to interview the Senator on the tenth anniversary of the tragedy. His staff would review all questions in advance and no tape recorders would be allowed.

Had President Nixon imposed similar rules on a press conference relating to Watergate, the Washington press corps would have boycotted it and roasted him for attempting to subvert the people's right to know. In the case of Kennedy, however, the press groveled and agreed. Little wonder that the Kennedy high command thought its public-relations problem

had been solved. They were mistaken. Once Teddy made the announcement that he would seek the Democratic nomination for President in 1980, key members of the press revived Chappaquiddick as an issue.

The breakthrough came on a Sunday night in November when C.B.S. carried a nationwide special on Teddy. The program featured an interview by Roger Mudd. Because Mudd is a Kennedy admirer and a family friend, the Senator apparently expected he would play a mild devil's advocate and let Kennedy slay the dragon of Chappaquiddick like a brilliant knight of Camelot. While Mudd did not go for the jugular, he was probing, personal, and professional. The interview proved a disaster for Senator Kennedy.

Kennedy's replies ranged from the incredible to the unintelligible. The man reputed to be "the greatest street-corner orator in America" responded by raising babbling to an art form. For example, when Mudd asked about the state of his marriage, the Senator replied: "We . . . I think that it's a . . . it's had some difficult times, but I think we have . . . we, I think we have been able to make some very good progress and it's, it's, it's . . . delighted that we're able to, to share, the time and the relationship that we, that we do share."

As the interview continued, Kennedy did not improve. His response to Roger Mudd's query about why the Senator was challenging a sitting Democratic President resulted in more indecipherable mumbo-jumbo as he rambled on with cliché-ridden sentence fragments about the country's need for leadership. Columnist Patrick Buchanan sarcastically suggested that Carter should run segments of the interview as paid political advertisements to assure his re-nomination.

The evidence indicates that Edward Moore Kennedy panicked in crisis and abandoned the helpless Mary Jo Kopechne to suffocate in an air pocket of the footwell of his submerged car; and that he then employed the full extent of his family's power and wealth to hide what he had done and to escape the legal consequences.

And if Kennedy's response to the earlier questions was incoherent, his response when Mudd asked if he thought that "anybody really will ever fully believe your explanation of Chappaquiddick" was pitiable. His halting reply was as follows:

"On, there's . . . the problem is . . . from that night . . . I, I found the conduct, the behavior, almost sort of beyond belief myself. I mean, that's why it's been . . . but I think that's, that's the way it was. That, that happens to be the way it was. Now, I find it as I have stated, and I have found that the conduct that in, in that evening and in, in the — as a result of the impact of the accident of the — and the sense of loss, the sense of hope, and, the, and, the sense of tragedy, and the whole set of circumstances, that the behavior was inexplicable. So I find that those, those, those types of question as they apply to that — questions of my own soul as well. But that, that happens to be the way it was."

Since the Mudd debacle, Teddy has employed carefully rehearsed replies for such questions as can more or less be answered. When a reporter gets down to the more basic questions which would nail him to the bridge pilings, the Senator slips and slides as if he had just taken a bath in Teflon. His favorite ploy is simply to

reply that he answered that question in its entirety at the inquest and cannot elaborate. Next question, please.

This attitude invites review of the known facts.

Chappaquiddick is an Indian word for "Separate Island." It is separated from the main island of Martha's Vineyard by a five-hundred-yard channel. Martha's Vineyard is twelve miles off the coast of Cape Cod and not far from the Kennedy family compound at Hyannisport. On that fatal weekend Kennedy had invited six attractive women in their twenties to attend a party at a remote cottage on Chappaquiddick Island the Saturday night following the annual Edgartown Regatta. (Edgartown is the largest village on Martha's Vineyard and is located across from nearby Chappaquiddick Island.) The women, all single and part of a group known as "the boiler-room girls," were certified Kennedy camp followers who had worked in Bobby Kennedy's campaign. These were certainly not dumb floosies; of the five who survived that weekend, four became lawyers and the other a New York literary agent. Senator Kennedy balanced the affair by inviting five other men, only one of whom was single.

None of the five married men brought their wives to the party. According to the late Arthur Egan of the



Photos from U.P.I.

The diver who recovered her body believes Mary Jo (l) suffocated in the submerged car because Kennedy neither helped her nor called for assistance. Her parents (r) were persuaded by a clergyman close to the Kennedy family to fight exhumation for an autopsy that would have proved what killed her.

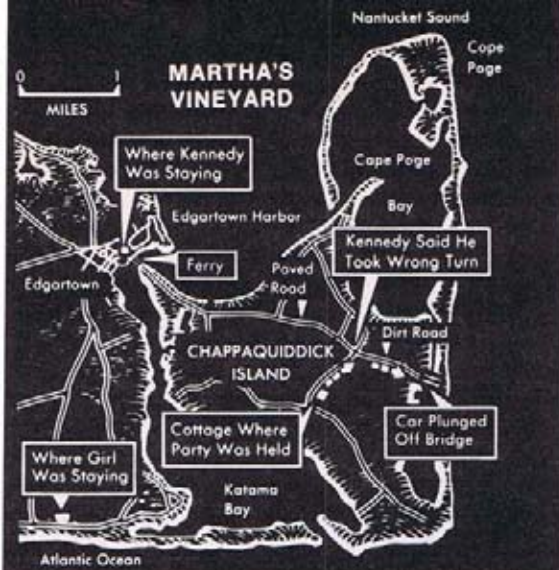
Manchester Union Leader: "Neither Kennedy, Markham, Gargan, or the other three men attending the cookout 'celebration' has ever explained why the party was limited to six females and six males — and no explanation was ever offered why other workers in the campaign of the late U.S. Sen. Robert F. Kennedy were not invited to the festivities."

Both the men and the women had rooms in separate motels in Edgartown. But the small ferry which plows back and forth between Edgartown and Chappaquiddick normally stops at midnight and none of the people at the party except Mary Jo Kopechne and Teddy are even alleged to have expressed a desire to return to Edgartown. One of the girls, Esther Newberg, was asked where the celebrants had planned to sleep. "These were girls who knew the other people in the house," she replied, "and had parties together before."

There are conflicting accounts as to what the party was like. According to those in attendance, it strongly re-

sembled a Wednesday night prayer meeting. According to John Sylvia, a Marine Corps veteran and lifelong resident of the island who lived next to the Lawrence cottage which Kennedy had rented for the weekend, the party noise diminished at about 1:30 a.m., just as his family prepared to call the police to quell the "disturbance." Sylvia reported: "We were getting sick and tired of all the noise coming from that house. There was yelling, music and general sounds of hell-raising." The Sylvia house is seventy-five yards from the cottage where the party took place.

According to the Kennedy version of the story, Mary Jo asked him to take her back to Edgartown because she was not feeling well; a secret she kept from everyone else, all of whom thought she was having a good time. Normally Kennedy parties endure till the last cat is hung, but Teddy says he agreed to take the attractive Mary Jo back to her motel despite the fact that his chauffeur, Jack Crimmins, was at the party and normally did all of



Photos from Wide World

It is clear from the map above that Kennedy, who had repeatedly been over both roads and the bridge on the day of the accident, was headed for the beach and not for the ferry. Here he is shown leaving for Mary Jo's funeral wearing the neck brace which Tom Anderson says that he needed to hold his head up.

Teddy's driving. Kennedy later testified that Crimmins was not asked to handle the matter because he was eating and enjoying "the fellowship" at the party. Teddy apparently didn't get that part of the story straight with his cousin Joe Gargan who later testified that Crimmins was "agitated" that people weren't preparing to leave in time to catch the last ferry at midnight.

Mary Jo did not take her purse, nor did she bother to obtain the key to her motel room from her roommate. She did not bid adieu to anyone; nor did she ask if anyone else wanted a ride back to Edgartown. Kennedy, the host of the party, also left without saying a word to any of his guests except Crimmins, from whom he obtained the keys to his car.

The couple left the party at 11:15, Teddy time. The time is crucial to the Senator's account because of a conflict that later developed over when the accident occurred. It also reflects on whether Teddy and Mary Jo were really going to the ferry or were

headed for a lover's lane. The 11:15 time is in dispute because of the testimony of Christopher "Huck" Look, a veteran policeman trained to be observant, who says he saw the Kennedy car with a man and one or two female passengers at approximately 12:45. Officer Look, by all accounts a dedicated and respected professional with no axe to grind, is certain he was not mistaken about the time. He was then a Kennedy political partisan; and he identified the car he had seen before Kennedy made his own statement, totally unaware of the incriminating implications of his identification. The fact is that Teddy Kennedy claimed his car went over the bridge into the pond a full hour and half *before* it was seen on the road by Officer Look.

Look reports of his routine that on the night in question a launch brought him across the channel from Edgartown, and still in his police uniform he got in his car and proceeded up Chappaquiddick's only paved road, toward his house, about a mile beyond

the Kennedy party cottage. Look testified that at 12:45 a.m., as he approached the sweeping curve where Dike Road joins the blacktop, a dark sedan entered the intersection from the other side of the curve, passed in front of him, and drove straight ahead into a narrow sand road leading to an old cemetery, where it stopped.

Look reports that he rounded the curve, stopped, and climbed out of his car, thinking the people in the other vehicle were confused and might need help. The officer testified he saw two people in the front seat and something in the rear seat, possibly a third person or an object that cast a shadow. As he approached on foot, the dark sedan suddenly backed up, turned, and sped off down Dike Road toward the Chappaquiddick bridge, kicking up a cloud of dust.

Officer Look testified that he noticed the car's license plates started with an L and had a seven at the beginning and one at the end. He remembered the sevens because he had considered it his lucky number. The license number of Kennedy's Oldsmobile was L78-207.

Teddy's disputed time alibi is crucial. First, if Kennedy and Miss Kopechne did not leave the party until 12:30 a.m. the story about heading for the ferry is shot to pieces because everyone knew the last ferry left at midnight. Secondly, as we shall see later, the Senator's story of what he did after the accident is knocked into a cocked hat by the Look testimony.

According to the Kennedy version, he was driving Mary Jo to the ferry along the island's only paved road when he mistakenly made a right turn on to Dike Road which leads to the bridge. This statement is the least believed of all Teddy's claims. Certainly nobody who has driven the road, as this correspondent and hundreds of

other journalists have done, can believe it. The asphalt road has a yellow line running down the middle and is banked where it turns left to go toward the ferry. There is even a metal sign pointing left to the ferry. By staying on the road you turn towards Edgartown and the Massachusetts coast; by turning right onto Dike Road you are pointed toward the Atlantic Ocean and London. Certainly Kennedy, who had been on Martha's Vineyard dozens of times, knew the difference. To mistakenly turn off the highway, Chappaquiddick Road, on to the bumpy, dirt, Dike Road, is like mistakenly getting off the interstate at a cow path.

Dike Road is little more than a glorified path. As the incredulous Mudd exclaimed to Kennedy: "But that unpaved road is like a washboard, Senator." Even at night it is impossible not to know you are no longer on a paved road as your car shakes like Charo with hives. To have turned on to Dike Road and not realized his mistake, Teddy would have had to have been roaring drunk. This is odd, since he later swore to the court that he was sober as a judge.

Kennedy claimed that he was unfamiliar with the road and that was why he made the 180-degree wrong turn. This too is impossible to believe. The Kennedy family, all avid sailors, had been attending the Edgartown Regatta for thirty years. Harbor Master John Edwards, who formerly operated the ferry, reports: "I took him to Chappaquiddick many times." Earlier that day he had been driven over Chappaquiddick Road three times and over Dike Road and Dike Bridge twice. Miss Kopechne had been driven over Chappaquiddick Road five times and over Dike Road and the Bridge twice. There was no mistake.

The public has been led to believe

that Dike Bridge is very dangerous. The fact is that it had a perfect safety record until Kennedy lurched on to it. In his famous television explanation at the time, he claimed he "descended a hill and came upon a narrow bridge." The hill he referred to must have been an ant hill. Former *Time* senior editor Jack Olsen demolished this fabrication by noting that "the bump which Kennedy called a hill is 670 feet from the Dike Bridge. The drop from the apex of the bump to the lowest point in the road ahead is about one foot per hundred. To call such a gradient an 'incline' would be misleading, and to call it a 'hill' would be downright exaggeration. The fact is that the approach to the Dike Bridge is almost perfectly flat and perfectly straight, and the driver picks up the bridge squarely in his headlights at distances ranging as far as 300 or 400 feet away."

Of course the bridge is not exactly the Golden Gate. But it is plenty wide enough for a single car and had stout timber curbs on both sides. Thousands of other vehicles had safely braved this formidable edifice and lived to gargle dry gas. Only Kennedy's Oldsmobile failed to navigate it successfully. One fact is for sure, however. You wouldn't want to try the bridge at a high rate of speed while falling-down drunk.

According to Kennedy, who never confessed to cutting down a cherry tree, he was driving along at a mere twenty miles per hour at the time. Yet the Oldsmobile flew thirty-four feet through the air after clearing the timber curbs of the bridge. According to the basic laws of physics — laws which Senator Kennedy is powerless to repeal even in Massachusetts — an automobile of that size and dimension would have had to be speeding at forty to fifty miles an hour to have hurdled that far through the air. Re-

member, it was Kennedy who has told us how dark, narrow, and dangerous the road was. Driving at that kind of speed at that time of night, and killing someone, constitutes criminal homicide, criminal negligence, or manslaughter.

One of the great mysteries of the whole episode is how Teddy Kennedy, standing six feet two inches tall, weighing two hundred twenty pounds, and harnessed with a back brace, was able to squeeze out of the car while the petite Mary Jo Kopechne, five feet two and one hundred ten pounds, could not. Kennedy's story is that he does not remember how he got out. It is possible he was that drunk, but there are several theories.

Former *Time* editor Jack Olsen believes that Kennedy was not in the car when it went over the bridge into Poucha Pond. His theory is that the Senator panicked after having been discovered by officer Huck Look and did not wish to be embarrassed by being seen with Mary Jo. In Olsen's scenario, Kennedy got out of his car and told Mary Jo to drive down Dike Road and come back and pick him up after the policeman had gone. Mary Jo, a foot shorter than Ted, did not adjust the seat in the car and could not see once she got on the humped-back bridge.

We tend to doubt Olsen's explanation since Kennedy has never been bashful about being seen in public with women who are not his wife. Not only could there be many legitimate explanations why the girl was in the car with him, but Look was hardly likely to telephone N.B.C.

Many others believe that Kennedy got out of the car as it was going over the bridge and before it sank. Arthur Egan quoted an Edgartown police officer as saying: "Look at it this way. Ted is an athlete — he thinks like an

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athlete, he reacts like an athlete. As the car started over the bridge, the senator hit the door handle and rolled out on the bridge, thereby escaping from the vehicle as it sank to the bottom. Teddy just reacted — it was pure instinct — I don't think he ever thought of his passenger as the car tumbled off the bridge into the water"

Supporting the theory that the Senator never went to the bottom of the pond is the fact that when Ted surrendered his driver's license following the slap on the wrist given him by the court, it showed no sign of having been immersed in sea water. There is, however, the possibility that he did not have his wallet with him when he went out to play for the evening.

Another theory is that the gallant knight of Camelot squeezed out the window of the driver's side which was rolled down to within an inch or two of being completely open. Richard Tedrow, former Chief Commissioner of the U.S. Court of Military Appeals, and his son Thomas, write in their book *Death At Chappaquiddick*: "As the car was going down on its passenger side, Senator Kennedy's open window was his escape hatch. Depending on the time of his accident, his window could have been above the pond's surface by between eight and 22 inches." As the car hit the water on its right side his window would have been facing upward and the incoming water from the smashed window below would actually have aided his escape. If this is true, then Kennedy's television speech where he talks about having the sensation of drowning is dramatic fabrication.

There is of course a chance that Kennedy actually did sink to the bottom of the pond with the car which

settled upside down, just as he says he did, and then escaped. According to the National Safety Council, escape from a submerged vehicle is possible, but very dangerous and highly unlikely. Presence of mind — which Teddy admittedly did not have, and which few people would have in such circumstances — is a necessity. You must wait until enough water has entered the car to equalize the pressure outside and inside, then take a deep breath just before the last air is displaced, open a door, and swim out. However, when the car was recovered, Kennedy's door was locked, and if he had gone out the door on the passenger side Mary Jo obviously would have followed him.

According to Senator Kennedy's police statement he dove "repeatedly" to try to rescue Mary Jo. On television he said he made "immediate and repeated efforts," but was frustrated by the "strong and murky current." As the Tedrows show, and in strong contrast to Teddy's statement, the car could not at the time have rested in deep water. At low tide, the water was only five- to six-feet deep. It was low tide from eleven p.m. to midnight — the time during which Kennedy says the accident took place. Even at 12:45 a.m., with the tide rising, only a foot or two of water would have covered the windows. Kennedy's statements about repeatedly "diving" to make rescue attempts are simply false. He also claimed that the current was swift at the time of the accident. In fact, according to the tide tables, the water was still and shallow. The Tedrows conclude that anyone but a paraplegic could have rescued Mary Jo had they tried to do so. Apparently Kennedy ran away so quickly that he did not give any thought to rescuing his companion.

But many men are cowards. The most damning of Edward Kennedy's

actions is that he did not even seek help for Miss Kopechne as she lay confined in his car at the bottom of the pond. The Malm residence is virtually on the edge of the bridge and a light was burning there that night. Instead of going there for help Kennedy walked 1.2 miles back to the cottage where the party was in progress, passing five houses with telephones which could have been used to summon expert assistance. Lights were on in two of those houses. So what we have here is not just a matter of leaving the scene of an accident, but deserting a helpless woman trapped alive under water. Many believe that what he did amounts to second-degree murder.

Kennedy's rationalization was that he "was in a state of shock," and on television he claimed "a cerebral concussion." As *Human Events* observed: "The one consistent element of Kennedy's selective amnesia was its self-serving aspect. He had no trouble afterwards remembering exactly when he had left the cottage. He remembered diving and trying to rescue Miss Kopechne, but he couldn't remember how he got out of the car himself while she remained trapped inside. And while *before* the accident he couldn't find his way in a car, *after* the accident he managed to find his way on foot for more than a mile despite the cerebral concussion and shock."

From this point the plot sickens. Kennedy walked back to the cottage and had Ray La Rosa summon his cousin Joe Gargan and his friend Markham out in front of the cottage where Teddy told them what had happened. The three say they jumped into a rented Plymouth Valiant and headed back to the bridge. Both Gargan and Markham, like Kennedy, were attorneys. But, unlike Kennedy, neither was in shock, exhausted, nor

could claim to have been suffering from concussion. Yet none of these attorneys sought help for Mary Jo. None of the three asked Ray La Rosa, who according to the *Los Angeles Times* "had years of rescue training and experience as a fireman," to come with them to attempt a rescue. Neither did they contact the volunteer fire department *across the street from the cottage*, nor the fire department in Edgartown, the Search and Rescue Service, the police department, or the Coast Guard. All three men were experienced sailors and knew about the sophisticated rescue teams available in the New England coastal resorts.

According to the later testimony of these three, there was not even any conversation about seeking help. If Kennedy was guilty of second-degree murder, manslaughter, or criminal negligence, Gargan and Markham were at least morally co-conspirators. At best they simply followed the directions of their confused and exhausted leader who was said to be suffering from shock and a concussion. It is virtually indisputable that they put Kennedy's political career above the life of that girl.

The three knights of the Kennedy Round Table claim they returned to the bridge where the courageous Markham and Gargan made repeated dives in an attempt to rescue their victim. Having done their duty as "Liberal" humanitarians, Markham and Gargan say they took Kennedy to the ferry landing in spite of the fact that everyone knew the last ferry was long gone. He gave orders for them to return to the party and to conceal news of the accident from Mary Jo's friends. The claim is that he then plunged fully clothed into the water and swam five hundred yards back to Edgartown after telling the two attorneys that he would report the accident there.

We are supposed to believe that a man wearing a heavy back brace, who had almost drowned an hour earlier and who was exhausted and suffering from shock and a concussion, was allowed by his friends to swim off into the night while they waved bye-bye. Gargan and Markham claim they returned to the cottage where they went to sleep. Yes, went to sleep. Doubtless dreaming of sugar-plum fairies and the White House.

This is where the disparity between Kennedy's story and policeman Huck Look's observations once again becomes important. Robert Sherrill, Washington correspondent for the "Liberal" *Nation* magazine and a man who has no quarrel with Kennedy's voting record, wrote an article for the *New York Times Magazine* of July 14, 1974, entitled "Chappaquiddick + 5." Sherrill observes:

"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 casts doubt on the entire schedule that he claimed for the rest of the night. If you add up all the things that Kennedy says he and Gargan and Markham did, the elapsed time comes to two hours at least and more reasonably two and half hours. That's using their own time estimates. Two and a half hours would nearly fill the time between his claimed departure from the cottage (11:15) and his claimed arrival at his motel (about 2 o'clock). But if Look is correct, an hour and a half would be lopped from the clock, and there simply would be no way Kennedy, or Gargan and Markham, would have had time to make the rescue efforts they claimed to have made."

In other words, it is highly unlikely that these men made any attempt whatever to rescue Mary Jo Kopechne.

Kennedy's story of swimming the channel from Chappaquiddick to Edgartown is about as credible as the movie *Superman*. The feat could be accomplished by an expert swimmer, which Kennedy was before breaking his back in a 1964 airplane wreck. But Ted Kennedy claims he was exhausted, in shock, etc. In this state and wearing a back brace he supposedly swam five hundred yards against a swift current with all his clothes on. Journalists who have studied the tides at the time Kennedy claims to have made the Mao-style swim point out that even if he did all of this he could not possibly have landed within a mile of the spot at which he maintains he touched shore in Edgartown. Certainly he did not show up at the desk of the Shiretown Inn looking like a drowned beaver asking for the key to his room.

If Edward Kennedy did not swim the channel, how did he get back to Edgartown? According to the late Arthur Egan, Robert Kennedy's oldest son Joseph P. Kennedy III was staying at the Daggett House in Edgartown where the docking area lies in a direct line with the ferry pier across the channel on Chappaquiddick. As Egan wrote in the *Manchester Union Leader* of September 7, 1969: "Perhaps the oddest coincidence is the fact that one of the few power boats reported 'stolen' this season in Edgartown was taken from the Daggett House dock 'sometime after 11:45 p.m.' the very night the senator was involved in his fatal crash across the channel. The boat, a 16-foot, blue and white craft powered with a new 65-horsepower outboard, was found shortly after 10 a.m. Saturday tied up to a pier of the Norton-Esterbrook shipyard When the stolen boat was discovered, it was in the approximate vicinity where Providence, R.I., businessman F. Remington Ballou re-

ported he saw 'a boat with three men in it running without lights' about 2 a.m. on Saturday Natives of Edgartown claim a boat could easily dock in this area and its passengers disembark without fear of being observed especially at that time of the morning. In addition, the pier at which the stolen power boat was found, is just about 200 yards from the Shiretown Inn where the senator had registered"

The owner of the boat said his outboard had an electrical starter and required the use of a key. The thief "evidently crossed the wires" to start the craft. It was also discovered that the gas tank was down by just the amount of gas needed to go back and forth across the channel. Thus, while Kennedy and his cronies would not call for assistance for Mary Jo, it appears that one of them may well have telephoned someone like Joseph Kennedy III and had him steal a boat to provide Teddy with a means of escape.

Once he reached his room, Teddy Kennedy's actions are again a mystery. According to Kennedy he arrived at his room at two a.m., lay down, and rested for a while. Awakening, he claims that he was disoriented. Not knowing what time it was, Kennedy got dressed (even putting on a coat) and went downstairs to complain to the desk clerk that there was a noisy party in the motel next door. Then Teddy made a point of asking the clerk what time it was. The whole episode smells suspiciously like establishing an alibi. We've seen the same thing in a hundred old Perry Mason programs. Only in the Perry Mason series, the intrepid lawyer would diligently cross-examine the culprit in court until the tissue of lies was shredded for all the world to see.

For instance, if Kennedy was as exhausted as he claims, why did he go to all the trouble of getting dressed

and going downstairs when he could have used the house phone? The evidence is that Kennedy was neither exhausted nor in shock. The *Manchester Union Leader's* intrepid Arthur Egan dug out the fact that Kennedy made seventeen phone calls that night charged to a credit card and placed through the Edgartown operator. None were to any agency which could rescue Mary Jo Kopechne. Five of the calls were from 627-4000, which turned out to be the number of the Lawrence cottage, site of the party. The last twelve calls were from the Shiretown Inn. The first, which lasted twenty-one minutes, was to Hyannisport. The Kennedy people in Hyannisport were given time to begin "operation coverup."

The second call from the cottage was to longtime Kennedy flack Ted Sorensen in New York City. This call lasted eight minutes. The third call went to Ted's attorney, Burke Marshall, in the Washington, D.C., area. The records show that Marshall failed to answer and that Kennedy would call again later that morning. The fourth call was to his own unlisted number in Boston. While still on Chappaquiddick, he made a fifth call, this one again to Sorensen.

As the Tedrows observe: "These five calls do not indicate shock. They indicate a desperate man trying to get advice and giving warning about a political firestorm approaching. One must figure that each person he spoke with either called other Kennedy loyalists or made plans to aid the Senator. None of them tried to aid Mary Jo. Even a long distance, anonymous call to the Edgartown police could possibly have saved her life."

Once back at the Shiretown Inn, Kennedy made a dozen more calls, all charged to his credit card. Two of the calls were further attempts to reach his attorney Burke Marshall and were

apparently answered by machine. The balance of the calls were to the Boston number and to several Washington and Virginia numbers.

Kennedy, naturally, denied making these calls. Egan later revealed that one of his two sources for the above information was James Gilmartin, a New York lawyer. The *New York Times* elaborated: "Mr. Gilmartin said last night that his information had been derived from a source in the branch of the telephone company that handles accounts. He declined to be more specific on the grounds that his source had already stuck his neck out very far." Obviously Gilmartin did not make up these details, including accurate phone numbers, out of thin air.

Ted was not seen again until after seven a.m. on Sunday morning when he came down for breakfast at the Shiretown Inn. According to Kennedy's version he was still too engulfed by trauma to report the accident to the police. According to the waitress who served him, Teddy ordered an English muffin and read the *New York Times* and the *Boston Globe*. The waitress observed: "He didn't look worried to me." After a leisurely breakfast he strolled casually and discussed the previous day's regatta with Ross Richards who had won the race. Richards reported that Teddy seemed very casual and relaxed. While Ted was chatting with the yachtsman Gargan and Markham arrived on the scene.

Kennedy, Markham, and Gargan now retreated to Teddy's room to confer. The story is that Kennedy then informed the pair that he had still not reported the accident, explaining that he wanted to talk to his attorney Burke Marshall before going to the police. We are told he wanted to be assured of privacy, and Gargan suggested a phone on the Chappaquidick side at the ferry landing. (The

phone he had not bothered using to summon help the night before.) Sometime between 9:00 and 9:30 the three caught the ferry. While waiting outside the phone booth they were informed by the ferryman that the wrecked car had been found and Mary Jo's body recovered. The cat was out of the bag and Kennedy and his companions rode the ferry back to Edgartown where Teddy trotted off to report the accident to Police Chief Dominick James Arena.

The obvious question which has been asked over and over again is why anyone, let alone an attorney, waited ten hours to report such an accident. For those who believe that the moon is made of green cheese and that chickens can yodel, there is always the Kennedy version. Those who accept the Kennedy tale had better stay out of poker games with guys named "Slick." Let us consider some of the other possibilities.

The most obvious one is that Kennedy could not face up to the calamity and procrastinated until he heard the body had been discovered. Then there is the Olsen theory that, after Officer Look spotted Kennedy, Teddy got out of the car and Mary Jo drove off by herself. In this theory, Kennedy, Markham, and Gargan really did not know what happened until the next morning when the two attorneys got up early and discovered the body. In this scenario Gargan and Markham did their diving in the morning, not as they claim at midnight. Olsen cites the fact that, according to Ross Richards, Markham and Gargan were soaked when they approached him and Kennedy on Sunday morning. Later, at the inquest, he hedged that to say they were damp and rumpled looking.

Another theory is that Kennedy hoped the rising tide might carry his car out to deeper water and that his

role in the accident might never be discovered. Kennedy would simply claim that Mary Jo went for a drive by herself and he didn't know what happened to her. If this was the case, the dream was shattered when the car was discovered Sunday morning.

Many believe that Kennedy did not report the accident for ten hours because he would have flunked a sobriety test and been subject to a much more serious charge than leaving the scene of an accident. That Teddy was a heavy drinker was no secret. *Newsweek*, normally a strong supporter of the Kennedys and their causes, remarked in a July 28, 1969, story on Chappaquiddick that "the senator's closest associates are known to have been powerfully concerned over his indulgent drinking habits, his daredevil driving and his ever-ready eye for a pretty face"

The man who hopes to lead the Democratic Party on a moral crusade in 1980 would have us believe that on that particular night his slogan was, "Lips that touch wine shall never touch mine." He claims that he had only two drinks over the entire evening — his normal quota for half an hour. And despite the fact that the noise at the Kennedy party was driving a former Marine up the wall in his house a full seventy-five yards away, all those attending swore that they had taken only two drinks each. Apparently the liquor was being rationed, a first for a Kennedy party.

It was not that there was any shortage of spirits at the affair. Robert Sherrill has catalogued the stock of liquor at the party in the *New York Times* and later in his book *The Last Kennedy*, establishing that there was enough sauce present to slosh a football team. But, when a policeman checked the cottage the next morning, not so much as a beer can remained. The evidence had been removed.

Mary Jo's blood showed an alcohol content of .09 percent, and she had a reputation as a light drinker. If the others at the party were telling the truth, Mary Jo was the heaviest boozier at the affair.

If indeed Kennedy was too intoxicated to be shown to the police, then it must have been Gargan or Markham who used his credit card to make those seventeen telephone calls after the accident. One or both of these attorneys could have come back from Chappaquiddick in the boat that took Kennedy to his motel, explaining why there was so much insistence on the incredible tale that Kennedy had swum back by himself. But if they were covering for him you would think they would have been bright enough to use someone else's credit card.

According to a 1974 *Boston Globe* series on Chappaquiddick, the reason Kennedy seemed so calm on Sunday morning is that his cousin, Joe Gargan, had agreed the night before to take responsibility, making it necessary for Kennedy to appear unaware of the tragedy. The *Globe* quotes an unnamed source "who emphasized that that conclusion was based on more than speculation and testimonial inconsistencies." As the source put it: "I'm not shooting blanks into a dark sky. It's clear that Kennedy later decided the alibi either couldn't work or he couldn't live with it." The late columnist Drew Pearson reported in his column for August 8, 1969, that a Kennedy "intimate" had informed him that Teddy asked his cousin to take the rap when he returned to the cottage and that Gargan had "grimly" agreed.

But *Newsweek* of September 8, 1969, reported: "Friends who conferred with Kennedy at his Hyannis retreat after the accident discount the notion that he tried to pass the

'awful weight' to the shoulders of Joe Gargan. 'Joe is not bright enough to carry that kind of a load without stumbling,' said one non-admirer." That may be what Kennedy's attorney Burke Marshall told the would-be President when he called him on Sunday morning after the ferry ride to Chappaquiddick.

There has been a great deal of speculation about the relationship between the Senator and the pretty, freckled, twenty-eight-year-old blonde. Mary Jo was a confirmed Kennedy groupie who had worked very hard for brother Bobby. She was totally enthralled with politics and had an advanced case of Potomac fever. She was so devoted to the Kennedy mystique that when she went to Europe a few summers earlier she had made it a point to visit the Kennedys' ancestral home in Ireland. Mary Jo was enamored of the Kennedys to the point that one friend felt "she couldn't do enough for them." A neighbor of Mary Jo's observed: "It really was her whole life, working for the Kennedys."

The *Boston Globe* said of the young career girl that "interviews with her friends and family indicate 'M.J.' was neither a prude nor a wallflower. She was fun loving, with a full and sometimes pointed sense of humor. Mary Jo had a fairly active social life and was an enthusiastic dancer. One of her nicknames was 'Salome.' One friend remembers a party in Washington, D.C., only a month before Chappaquiddick, at which Mary Jo was somewhat vocal and demonstrative, even sitting on the lap of a man who was someone else's date. 'She had had a little too much to drink' and was 'flirting and more girlish than usual,' the friend said."

She wasn't always girlish, however. An Administrative Assistant on Capitol Hill, where she worked for Bobby

Kennedy, told us she had a reputation for having a vocabulary that would make a sailor blush.

Had Mary Jo dated Kennedy previously? A northern California attorney of impeccable standing informs your reporter that earlier in the summer of 1969 a socially prominent family from Nob Hill, San Francisco, was planning a private dinner party for the Senator on a Saturday night. During the week the hostess enquired of the Senator's office whether he would be bringing his wife. She was told that he would not and therefore set up an odd number of place settings. This caused some embarrassment when the Senator arrived with Mary Jo Kopechne as his date for the evening.

But the big question is whether Mary Jo's life could have been saved if Teddy had sought help. The man most qualified to answer that is Edgartown businessman John Farrar who also heads the Search and Rescue Team of the Edgartown Fire Department. It was Farrar who dove and brought Mary Jo's body up on Sunday morning. The car was upside down and Miss Kopechne was found in the inverted back seat with her head where a passenger's feet would be during normal riding. Farrar believes she was there because that is where the air was trapped. Associated Press quotes Mr. Farrar as stating: "I feel very strongly that if we had been called at the time of the accident there was a great possibility that we could have saved her life. The fact that one of the car windows was open and some were broken would not prevent an air bubble from having formed in the top."

Farrar believes that Mary Jo died of asphyxiation, not drowning. He says that, "judging from the position of the body in the car, she was holding herself in such a position as to take

advantage of the last remaining air." Mr. Farrar points out that persons in cars overturned in water have been known to stay alive as long as five hours: "It depends on the amount of air captured in the car when it settles in the water, and the air-tightness of the car." He told the inquest that "at the time it was righted I observed large air bubbles, and at the time it was being towed out, emanating from the vehicle." Moreover, "the inside, the back seat, and the trunk was remarkably dry."

Life-saving help could have reached Mary Jo within fifteen minutes had Kennedy gone directly to the lighted Malm house at the edge of the bridge. One pictures Mary Jo gasping for the last breath of oxygen, wondering when Teddy would rescue her. Meanwhile, the man who is seeking to be President of the United States on the basis of his ability to lead was making seventeen telephone calls, all aimed at rescuing . . . himself.

By the time Farrar brought the body to the surface, Chief Dominick J. Arena had already run a license check on the auto and learned that it belonged to Ted Kennedy. Arena was immediately overwhelmed by the mighty Kennedy name. The elderly doctor in attendance was another who had no desire to tangle with the Kennedy machine. After Farrar retrieved the body, county examiner Dr. Donald Randall Mills and mortician Eugene Frieh examined it together while Farrar watched. Mills could tell that the girl drowned, he testified later, because she was "completely filled with water." Frieh's testimony contradicts that of the pliable Dr. Mills. He said the examination produced "some water" but "mostly foam." John Farrar maintains the mortician later told him that while drowned bodies release large quantities of water during embalming, that of Miss Kopechne did

not. Mortician Frieh told Farrar flatly: "The girl suffocated."

When reporter Arthur Egan contacted Frieh, the embalmer confirmed that he had obtained "only a half cup of water." He could say no more "because I am not going to run afoul of certain people."

The Kennedy people had no trouble talking Dr. Mills out of requesting an autopsy. By Sunday afternoon the Kennedy machine was purring on all eight cylinders and Operation Body Snatch was well underway. It took much less time for Kennedy's aides to arrange to get the body out of Massachusetts than it had taken for Teddy to report the accident. Kennedy aide Dun Gifford arrived in Edgartown that very afternoon by chartered plane, obtained a death certificate, and immediately prepared to move the body out of the jurisdiction of state law enforcement. But the weather prevented the departure of the plane and the body-snatching had to be delayed until the next morning. When he finally made the decision to request an autopsy, District Attorney Edmund Dinis was told falsely that the aircraft had already departed.

Gifford flew the body out of Massachusetts at noon, two hours after the directive that an autopsy must be performed. Mary Jo Kopechne's body was taken to her home in Pennsylvania.

In the circumstances under which Miss Kopechne died, the prevention of an autopsy would be absolutely beyond belief if the man responsible had been any other citizen of the state of Massachusetts. An autopsy would have told us: (1.) The exact cause of death; whether by drowning, strangulation, suffocation, a blow on the head, or something else. (2.) Whether death occurred at the time claimed. (3.) Whether Miss Kopechne had been

engaged that night in sexual relations and whether she was pregnant.

District Attorney Edmund Dinis attempted to have the body returned from Pennsylvania, but Kennedy's attorneys successfully fought this move in the Massachusetts Supreme Court. When Dinis was able to persuade a Pennsylvania court to consider an autopsy, it became essential to the coverup to get the Kopechnes to object to having their daughter exhumed. The Tedrows describe how Teddy arranged that:

"On behalf of the Senator there appeared on the scene in Wilkes-Barre, Pennsylvania, no less a personage than His Eminence (the late) Richard Cardinal Cushing, one of the foremost Churchmen in the United States and a longtime intimate friend of the Kennedys. He called on the Kopechnes and advised them it was their Christian duty to oppose the efforts to exhume the body and perform an autopsy." When the Kopechnes subsequently asked the judge not to allow an autopsy, Teddy must have breathed a sigh of relief. If he had thought an autopsy would lend credence to his story he obviously would not have gone to such extremes to stop it.

Apparently Mary Jo's parents wanted to believe Teddy's story. After all, their daughter had idolized him. They were critical of Gargan and Markham for not seeking help and calling a priest, but it wasn't until several years later that they had second thoughts about Senator Kennedy's performance that night. The Kopechnes received one hundred forty thousand dollars as an insurance settlement, ninety thousand of which came out of Ted's pocket.

The coverup may well have started before Mary Jo Kopechne was even dead. It certainly began with the seventeen telephone calls. It was so com-

plete that when Kennedy filed his belated accident report the Police Chief let him prepare the documents out of his presence. Many believe that the carefully sketchy and abbreviated accident report was actually written by Markham.

Kennedy now brought ten experts to Hyannisport to help him write the twelve-minute speech for which network television gave free time to the wealthy Senator. Included in the explanation team were such heavyweights as Ted Sorensen, Senator Abraham Ribicoff, Richard Goodwin, and Robert McNamara. Two men were flown in from overseas: Arthur Schlesinger Jr. from Communist Romania and Claude Hooten from Paris. It took Ted's ten experts three days to write his speech telling the simple, unvarnished truth about what happened at Chappaquiddick. Kennedy operatives were meanwhile lining up the faithful by telephone to send letters and telegrams urging him to remain in public life.

During this period Kennedy's lawyers were busy arranging for everyone involved to remain silent. Teddy spent thirty-two thousand dollars on lawyers assigned to the surviving five females at the party. These girls were silenced to the point that they never even contacted the parents of Mary Jo to express their sorrow. They are still stonewalling today.

In October 1974 the *Boston Globe*, a paper that is notoriously friendly to the Kennedys, carried a remarkably detailed series on the Chappaquiddick incident. We quote its conclusions extensively:

"Inept prosecution and preferential treatment of Sen. Edward M. Kennedy by law enforcement and judicial officials probing the death of Mary Jo Kopechne apparently saved Kennedy from being charged with serious driving crimes, including

manslaughter Routine investigative and judicial procedure was either altered or botched numerous times to Kennedy's benefit during the three official probes of the accident — initial police investigation, the inquest and the grand jury sessions. . . . The principal officials in the episode and their major failing have been:

"Edgartown Police Chief Dominick J. Arena failed in his original investigation to question Kennedy about his driving or drinking and ruled out negligent driving by Kennedy without any thorough probing.

"Martha's Vineyard District Court Judge James A. Boyle found 'probable cause' in his inquest report that the fatal accident was caused by Kennedy's negligent and criminal driving, but failed to exercise his statutory power and order Kennedy's arrest for apparent violation of the state's 'operating-to-endanger law.' Asked recently about this Judge Boyle [*who retired right after the inquest*] hung up on a Globe reporter.

"Dist. Atty. Edmund L. Dinis allowed gaping contradictions and inconsistencies to go unchallenged at the inquest because of his haphazard and incomplete questioning of witnesses. After Judge Boyle's report faulted Kennedy's driving, Dinis, in an apparent abuse of his authority, steered the grand jury away from pursuing Kennedy on any charge

"Superior Court Judge Wilfred J. Paquet gave such sternly-worded directions to the grand jury considering the Kennedy case that it erroneously led the jurors to believe they could not call Kennedy and other principals to testify on the accident. Judge Paquet did not disclose to his superior, who assigned him to the sensitive case, that he had a prior association with Kennedy's chief defense counsel.

"County prosecutors bargained for

and accepted a guilty plea from Kennedy in exchange for a suspended sentence on the misdemeanor charge of leaving the scene of an accident. Steele, now the island's district court judge, candidly admitted to *The Globe* that Kennedy had benefited from preferential treatment in the case" Indeed he had. According to the "Liberal" *Boston Globe*, their comprehensive examination, "uncovered but failed to reconcile nearly 100 discrepancies in the testimony and statements by several key witnesses."

During the whole legal unwinding of Chappaquiddick, as columnist John Lofton observed, Kennedy was forced to endure the excruciation and prolonged agony of nine full minutes in court — a minute for each hour of his disappearance after leaving that girl to die in his car in the shallow waters under the Dike Bridge.

Six days after the accident, Kennedy plea bargained and pled guilty to leaving the scene of an accident and Judge James Boyle, who later conducted a phony inquest, handed him a suspended two-month sentence and revoked his driver's license in Massachusetts for a year. Ignored was the fact that under Massachusetts law a manslaughter charge is mandatory when a perpetrator leaves the scene of an accident in which there has been a fatality and negligence is proved.

What must not now be ignored is the terrible and sad fact that a candidate for the Presidency is at the very least a coward so utterly incapable of leadership in crisis as to inspire no response beyond Christian pity. That he is also a liar may, of course, yet be disputed. Here at least, it has been suggested, he could put our concern to rest by submitting to a lie-detector test concerning his role at Chappaquiddick. He has refused. After all, his friends explain, the man is busy running for President. ■ ■