

FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION
COVER SHEET

SUBJECT:

CHAPPAQUIDDICK (MARY JO KOPECHNE)

FBI WASH. DC

FBI BOSTON

245PM URGENT 7/19/69 AMG

TO DIRECTOR

FROM BOSTON

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Trotter	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

~~MARY PALPORKI~~ (PHN). INFO CONCERNING.
MARY SOKOPECHNE DECEASED

ON THIS DATE [REDACTED] [REDACTED] EDGARTOWN, b7c, b7D
MARTHA'S VINEYARD, MASS. ADVISED BODY OF FEMALE FOUND IN OVER-
TURNED CAR IN WATER. TENTATIVELY IDENTIFIED AS ABOVE, WHO WAS
FORMER SECRETARY TO FORMER SENATOR ROBERT F. KENNEDY. [REDACTED] b7c, b7D
CONFIDENTIALLY ADVISED THAT DRIVER OF AUTOMOBILE WAS SENATOR
EDWARD M. KENNEDY WHO WAS UNINJURED. STATED FACT SENATOR KENNEDY
WAS DRIVER IS NOT BEING REVEALED TO ANYONE.

END

CXB

FBI WASH DC

REC-5 94-55752-108
EX-111
JUL 25 1969

Handwritten signature/initials

66 AUG - 3 1969

MR. DELOACH FOR THE DIRECTOR

CC: MR. GALE

November

Third

1 9

6 ✓

Director: J. Edgar Hoover,
Federal Bureau of Investigation,
Washington, D.C.

39
EXP. PROC.

30 NOV 6 1959

Mr. Tolson
Mr. Boardman
Mr. Nichols
Mr. Belmont
Mr. Mohr
Mr. DeLoach
Tele. Room
Miss Gandy

Dear Sir:

EDWARD M. KENNEDY

I talked again this morning to the young, local mortician. He verified my first letter to you: that in his considerable experience with the drownings in the Florida Canals; he could not recall a single victim who did not show some vestige of LIVOR ...Abrasions...or some other "identifying marks". (I know of course that you folks noticed this in all the preliminary hearing.) Unless the "exhumation" is ordered: Miss Kopechnes' name will be added to another long list of American women who have gone by default in your "Jurisdictional Alibi". I have tried too many times to understand the evanishment of good American traditions: but this big determination of obliterating records of American women: is particularly irritating since you tell us repeatedly that sympathy in our confusion goes to the perpetrator and not the victim of our escalating "Social Revolution."

REC-594-55752-111
NOT RECORDED
105 NOV 12 1959

The immaculateness of Mary Jo Kopechnes (Only a nose and mouth congestion) Has not eluded you Mr. Hoover. The mortician says that it is a thousand to one shot that the girl never went into the windshield and remained quiet in the tonneau of the car.

I have never recognized in twelve, long years, that the FBI has a single trick (Except a Childish "Jurisdictional" attempt...to not give a validated death certificate for [redacted] Unexplainably crowned the Michigan [redacted] Now that you face the larger of a U. S. Senator's Midnight enigma...one wonders about your great

Note to Mr. Hoover:

I have to explain again in this national confrontation that your ^{work} well-worn "JURISDICTIONAL ALIBI", psychoanalytically, is just another unconscious condonation of violence...which you have repeatedly charged to the misdirected sympathies of the American public. .. to the "Per-patrator"

Is it possible, Mr. Hoover that you are getting old like the rest of us...when you let beautiful women drown ~~go~~ with so much impugntiy?

(I don't even read the Post-Toastie boxes anymore...and I use to always have a tan-badge and an FBI gun.)

TOWN CLERK
STURBRIDGE, MASSACHUSETTS

F.B.I.
Washington
D.C

TED O'NEILL

Dilys A. Reynolds
Town Clerk.

REC-10 99. 56 75. 155

11 AUG 4 1970

10/21/1911

4



TOWN CLERK
STURBRIDGE, MASSACHUSETTS

July 23, 1970

J.B.I.
Washington
D.C.
Gentlemen,

The enclosed was received by mail
on July 21, 1970.

Dilys A. Reynolds
Town Clerk.

ENCLOSURE

CORRESPONDENCE

Advise Ted Kennedy
To: RESIGN!

St. Vincent's
Cemetery ← Mary Jo

7-18-69

TRUE COPY

Advise Ted Kennedy

To: RESIGN !

St. Vincent's
Cemetery

Mary Jo

7-18-69

11-55154-155
ENCLOSURE

July 30, 1970

REC-10 94-55752-155

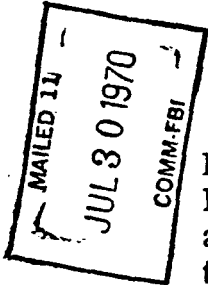
Mr. Dilys A. Reynolds
Town Clerk
Sturbridge, Massachusetts 01566

Dear Mr. Reynolds:

Your letter of July 23rd and enclosure have
been received, and your interest in contacting the FBI is
appreciated.

Sincerely yours,

J. Edgar Hoover



NOTE: Correspondent is not identifiable in Bufiles. The Crime Records Division recalls an anonymous communication received several months ago of a similar nature which indicated that Mary Jo Kopechne had sent the card from the cemetery where she is buried. The message was similar in suggesting that Senator Kennedy resign. *PL 11/25/70*

DECEMBER

RWE:ncr (3)

59 AUG 12 1970

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

F B I

Date: 5/15/73

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

To : Acting Director, FBI

From: SAC, Boston (66-4051)

RE : SENATOR EDWARD M. KENNEDY
INFORMATION CONCERNINGFBI FILE NO. 66-4051

Enclosed are single copies of the following:

Letter to the Honorable JAMES A. BOYLE,
from ALBERT S. PATTERSON, dated 9/22/70Letter to ALBERT S. PATTERSON from SOPHIA
B. CAMPOS, dated 10/5/70Letter to the Honorable JOHN C. STENNIS
from ALBERT S. PATTERSON, dated 8/20/71Letter to ALBERT S. PATTERSON from
BENJAMIN R. FERN, dated 8/24/71Letter to BENJAMIN R. FERN from ALBERT
S. PATTERSON, dated 9/3/71Letter to ALBERT S. PATTERSON from
BENJAMIN R. FERN, dated 9/8/71Letter to JOHN STENNIS from ALBERT S.
PATTERSON, dated 7/29/72

Enclosures (9) ENCLOSURE

VER:MIW
(3)

FBI FILE

Approved: N/DEP
Special Agent in Charge

Sent _____ M Per _____

Transcript of testimony at an inquest captioned "KENNEDY TESTIMONY," pages numbered 6 through 9

A 58-page manuscript captioned "ALL HONORABLE MEN (and WOMEN) -- Or, Perjury at Edgartown," by ALBERT S. PATTERSON

On 5/14/73, [REDACTED], b7D

[REDACTED] Rhode Island, residence [REDACTED] Massachusetts, was interviewed at the Providence, Rhode Island Resident Agency. [REDACTED] b7D is known to the Boston Office inasmuch as he was previously interviewed in the case entitled, "JAMES WALTER MC CORD, aka; ET AL; BURGLARY OF THE DEMOCRATIC NATIONAL COMMITTEE HEADQUARTERS, WASHINGTON, D. C., JUNE 17, 1972; IOC (Bufile 139-409; BS 139-164). [REDACTED] b7D had been interviewed re the MC CORD case as [REDACTED] had been contacted by E. HOWARD HUNT for the purpose of obtaining information regarding activities of members of the KENNEDY family. [REDACTED] b7D was previously engaged in the motel business, Cape Cod, Mass. and was acquainted with some members of the KENNEDY family.

Mr. [REDACTED] b7D furnished instant enclosures which he had found among his papers which he had currently been reviewing. He speculated possibly ALBERT S. PATTERSON may, in fact, be E. HOWARD HUNT who, according to information resulting from Watergate, had allegedly falsified documents in an effort to defame JOHN F. KENNEDY and ROBERT F. KENNEDY. [REDACTED] has no reason, other than pure speculation, to identify PATTERSON as HUNT.

The material which [REDACTED] b7D furnished the FBI was received by [REDACTED] from [REDACTED] b7D, b7C [REDACTED] and [REDACTED] became friends during the Summer of 1969 when both were working for the [REDACTED] b7D in Washington, D. C. [REDACTED] subsequently transferred to [REDACTED] Office where he is now an Administrative [REDACTED] b7D
* See 139-4059-907

BS 66-4051

Assistant. [REDACTED] and [REDACTED] have remained close friends b7D, b7C
and [REDACTED] note transmitting the enclosures to [REDACTED] b7D
included the statement it was being sent "for your amusement
and amazement."

[REDACTED] stated while he did not know whether the b7D
enclosed material would be of interest to the Bureau, it was
being furnished to the FBI for any action deemed appropriate.

Foregoing is furnished for information. No further
action at Boston.



The Commonwealth of Massachusetts

Office of the Clerk of Courts

Superior Court of Dukes County

CLERK OF COURTS
SOPHIA B. CAMPOS (MRS.)

TEL. 627-4688
EDGARTOWN, MASS.

October 5, 1970

Mr. Albert S. Patterson
507 West 111th Street
New York, N.Y. 10025

Dear Mr. Patterson:

Re: Kennedy Inquest

Enclosed please find a copy of the "INQUEST" and if you are satisfied with it kindly send me the sum of \$1 or if not, return the copy to me.

Very truly yours,

Sophia B. Campos

Clerk

ENC

ALBERT S. PATTERSON
507 West 111th St.
New York, N. Y. 10025

September 22, 1970

Honorable James A. Boyle
Edgartown, Massachusetts

Subject: KENNEDY INQUEST

Dear Judge Boyle:

I have been trying unsuccessfully to locate a copy or transcript of the inquest that was held last winter regarding Senator Kennedy's explanation of the accident and related events that resulted in the drowning of Mary Jo Kopachne, over which I understand you presided.

- (1) Can you assist me in obtaining or locating such a copy?
- (2) Can you tell me if Senator Kennedy swore under oath as to the accuracy of the explanation he made public via radio/TV a year ago last summer?

Thanking you in advance,

Very truly yours,

Albert S. Patterson
Albert S. Patterson

ASP:s

*Suggest you write to
Mrs. Sophia B. Campos,
Clerk of Court,
Edgartown, Mass.*

139-4089-2224

507 West 111th Street
New York, N.Y. 10025
August 20, 1971

Honorable John C. Stennis
Senate Office Building
Washington, D.C.

Dear Senator Stennis:

I am in the process of accumulating what I believe to be incontestable evidence, and a lot of it, that a very well known United States senator committed perjury on several counts rather recently, expressed in terms of years.

Moreover, the nature of these perjurious statements and the occasion on which they were made strongly suggest that this senator may have not only instigated but participated in a major crime. If this should be the case, I believe the United States Senate and the American public should know about it.

I also believe this matter should first be brought to the attention of the Select Committee on Standards and Conduct, of which I understand you are the chairman, for scrutiny and further action, if warranted. At the present time, I would estimate completing this work in several more weeks or possibly a couple of months. Rather than sending it to you through the mails, however, I would much prefer handing it to you in the course of a personal interview, perhaps together with one or more others of your committee to be selected by you, in Washington. Naturally, I would like to know, first, if this would be agreeable with you, and, second, if such a trip on my part would not be considered at the "convenience of the government". In short, are funds available to your committee to defray the limited expenses that would be involved for such a trip?

I trust that you understand my position and agree that this is a matter requiring a careful approach.

Sincerely yours,

Albert S. Patterson

ASP:s

JOHN STENNIS, MISS., CHAIRMAN
WALLACE F. BENTLEY, UTAH, VICE CHAIRMAN
NORMAN E. TALMADGE, GA. JOHN SHERMAN COOPER, KY.
WILLIAM B. SPONG, JR., VA. LEN B. JORDAN, IDAHO
BENJAMIN R. FERN, CHIEF COUNSEL

United States Senate

SELECT COMMITTEE ON STANDARDS AND CONDUCT

WASHINGTON, D.C. 20510

August 24, 1971

Mr. Albert S. Patterson
507 West 111th Street
New York, New York 10025

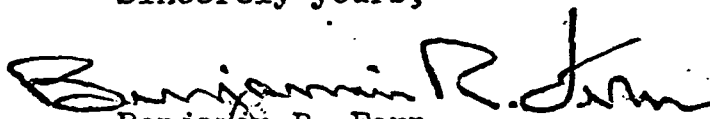
Dear Mr. Patterson:

Senator Stennis, as the Chairman of the Select Committee on Standards and Conduct of the U. S. Senate, has asked me to reply to your letter of August 20, 1971.

The Committee would be interested in seeing any evidence which you have relating to alleged misconduct by a Senator. In order for me to determine whether the matter lies within the jurisdiction of this Committee, and to make a preliminary evaluation of the evidence, I would like to have a better idea of what you have before we authorize any expenses for your travel to Washington, D. C. I would suggest that you send me a sworn statement of the allegations together with enough of the underlying evidence on which I can base such a determination. Naturally, this communication with you will be held on a privileged and confidential basis.

With appreciation for your interest in the affairs of the Senate.

Sincerely yours,


Benjamin R. Fern
Chief Counsel

BRF/dbk

507 West 111th Street
New York, N.Y. 10035
September 3, 1971

Benjamin R. Fern, Esq.*
Chief Counsel
Select Committee on Standards and Conduct*
United States Senate
Washington, D.C. 20105

Dear Mr. Fern:

Thank you for your reply of August 24th to my letter of the 20th to Senator Stennis. Since your initial interest has been expressed, I can tell you that the senator referred to is Edward M. Kennedy, of Massachusetts.

I heard the Senator's radio/TV explanation of his "accident" of mid-July 1969, in which Mary Jo Kopechne lost her life from drowning, in the course of which he made one particular statement that, due to certain specific knowledge that I possess, left me with no choice but disbelief. Some time later, I obtained a published copy of the inquest that was held the following winter and I found the same incredible statement made under oath, along with a number of others that I cannot but regard as perjurious, not only on the part of Senator Kennedy but others who were members of the party.

A sworn statement of my allegations together with underlying evidence, such as you request, would constitute what I want to present to the Committee in person and discuss with them, and I hope the reason for such strong preference will become apparent in the light of the following, if it is not already.

I understand your desire for preliminary information well enough, and to provide you with such I am enclosing herewith a photocopy of the last page of the mentioned published inquest that carries the most significant portion of presiding Justice Boyle's official Opinion. If you are not already familiar with the fact, Senator Kennedy stated under oath during the inquest that he had left the cottage that evening at 11:15 with the intention of returning directly to his hotel in Edgartown, after dropping Miss Kopechne off at hers, and that he was unaware that he had made a "wrong turn" until the moment just before his car went off the bridge. I now draw your attention to the fact that Justice Boyle expressed grave doubt as to the veracity of those statements. (What is equally unbelievable to me is that Justice Boyle concerned himself with whether there was "anything criminal in (Senator Kennedy's) operation of the motor vehicle (emphasis added), rather than the Senator's motive for deliberately turning toward the bridge instead of the ferry, as he (the Justice) obviously suspects. Incidentally, after having read only a portion of the inquest, I wrote to Justice Boyle and asked to whom the information should be given if there was reason to believe that perjury had been committed in this inquest. I received no reply.)

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Mr. Fern

Page 2 ... Sept. 3, 1971

CONFIDENTIAL

If your interest is now further aroused, and if you should be interested in reading the entire inquest, it is obtainable (\$1.00 per copy) from Magnum-Royal Publishing Co., 1560 Broadway, New York, N.Y. 10036. It has numerous photographs that are helpful, as well as the complete testimony of all witnesses. Should you decide to avail yourself of such a version, I respectfully suggest that you do so in the most "unofficial" manner possible, such as through a private citizen or as one yourself.

The question has probably arisen in your mind as to why I should have perceived the alleged perjurious statements and why it would seem that I, alone, should have noticed a false statement in the Senator's "explanation." I cannot answer the question. Moreover, it has seemed most unusual to me as well. It is possible that a few others did notice it but considered it more discreet, if not safer for person, to remain silent. I cannot do so. And I will add in this respect that reactions to the inquest from professional observers could be summed up in the way one of them expressed it: "More questions were raised than were answered." It is possible, too, that my having perceived the false statement in the radio/TV account sensitized me to an appreciably greater degree than all the others (?) who read the inquest or were involved and therefore made me more perceptive. To conclude this question from my standpoint, I refer you once again to the parenthetical portion of the last paragraph on the preceding page.

If you still want a sworn statement from me, kindly prepare the statement based on the information given herein (in duplicate, please), send it to me and I will either sign it before a notary public or use it as a guide to make another in which such alterations as I may believe are in order and proper, and send it to you after notarization.

Please be mindful that what I wish to present to the Committee is "new light" that I am convinced will expose perjury and offer sound explanation for other incredible statements and contradictions, as well as possibly opening the way, finally, for justice to resume its proper course.

As indicated in my letter to Senator Stennis, however, I am in the process of preparing and assembling in proper and intelligible order the various statements and allegations referred to that I regard perjurious and unsupportable. There is a limited amount of time I can spare for this work, however, and it is not anticipated being finished before the end of this month. In fact, I have not been able to finish reading quite all of the testimony and I wish to do so in the interest of thoroughness.

A reply at your earliest convenience would be appreciated.

Very truly yours,

Albert S. Patterson

ASP:s

PRIVATE AND STRICTLY CONFIDENTIAL TO MR. FERN

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JOHN STENNIS, MISS., CHAIRMAN
WALLACE F. BENNETT, UTAH, VICE CHAIRMAN
NORMAN E. TALMADGE, CA. JOHN SHERMAN COOPER, KY.
WILLIAM B. SPONG, JR., VA. LEN B. JORDAN, IDAHO
BENJAMIN R. FERN, CHIEF COUNSEL

United States Senate
SELECT COMMITTEE ON STANDARDS AND CONDUCT
WASHINGTON, D.C. 20510

September 8, 1971

Mr. Albert S. Patterson
507 West 111th Street
New York, New York 10025

Dear Mr. Patterson:

I have your letter of September 3, 1971 but I regret that I cannot express any further interest in your matter until I have the bases of your allegations before me in order to evaluate them.

Sincerely yours,

Benjamin R. Fern
Benjamin R. Fern
Chief Counsel

BRF/dbk

507 West 111th Street
New York, N.Y. 10025
July 29, 1972

REC'D AUG 7 1972

PRIVATE and CONFIDENTIAL

Honorable John Stennis, Chairman
Select Committee on Standards and Conduct
Senate Office Building
Washington, D.C.

Re: Kennedy-Kopechne Inquest

Dear Senator Stennis:

Included among the several enclosures herewith is a photocopy of a letter I wrote you last August 20th, the present purpose of which is to refresh your memory. Photocopies of sequelae to that letter are also enclosed so that you may have the ready benefit of full knowledge of subsequent developments.

It has taken this long, almost a year, to renew the matter with your Committee for several reasons. One is that, so numerous are the perjuries and so monstrous the hoax of the alleged "accident" and the attempted "rescue", the task begun proved far greater than then envisioned. Not just the Senator in question, but virtually every survivor of the cook-out party committed perjury, if not all. And as I went deeper and assembled and organized the evidence, I found myself facing the duty of writing a full-scale book, exposing the whole affair for what it was. This could not be accomplished in the relatively short time I anticipated in the late summer of 1971.

Another time-consuming task concerned what I then considered a most obvious and flagrant perjury (alluded to in my letter to Mr. Fern). My contention was based on what was regarded some years ago as sound, scientific fact. Nevertheless, I decided that obtaining unimpeachable confirmation from competent and recognized authority would be the best course before making such an accusation openly. I wrote many letters, but received very few replies. I also did further research and discovered that knowledge in the area involved has been extended since it was taught to me. Not that the earlier teachings have been refuted, but modified. I am still extremely skeptical of the Senator's claim, but a retreat of even less than 1% from a previously believed 100% applicability forces me to abandon accusation of perjury on this particular ground. There is no point in pursuing this specific item further--at least, at this moment--and it is not mentioned in my book. Others abound.

Also from the standpoint of time, I felt obliged to read two books on the subject that came to my attention late last fall and winter. They are mentioned in my book. Additionally, this has necessarily been a spare-time project.

So much for accounting for interim time and transpirations. As you will see, the enclosed manuscript is the first section of my book, All Honorable Men (and Women). Although excerpts from the testimonies of a number of others are included, it deals principally with the Senator's testimony. It constitutes about twenty-five percent of the total, which is about three-quarters or a little more finished as of this writing. I believe this is the portion your Committee would be most concerned with, and/or concerned with first. Certainly, it more than satisfies Mr. Fern's request for "underlying evidence" of my allegations of perjury. Where seven outright perjuries are cited and detailed in the manuscript, three additional ones were perceived as my work progressed in sections dealing primarily with the testimonies of others closely associated with him and these additional perjuries are cited therein.

I reinforce the recommendation made early in the book that Mr. Kennedy's testimony be read straight through in order to gain the best overall view and comprehension of the event as a whole, then go back and look up the perjuries and quasi-perjuries as they are referenced. Detailing of the perjuries begins on page 20, the quasi-perjuries (anomalies) on page 25. "Skim" reading would be a serious mistake.

You and/or your colleagues may find yourselves wondering about the authenticity of my source. I received my copy of The Inquest from the Clerk of Courts in Edgartown, having been referred to her (Mrs. Campos) by Judge Boyle in his handwritten reply to my inquiry to him about obtaining testimonial transcript. Photocopies of that correspondence are also enclosed.

At the time I had the title page photocopied, I had anticipated copyrighting each section as it was finished. Then I learned that a restricted and limited circulation of a manuscript prior to publication does not jeopardize copyrightability, that copyrighting a work of this sort implies that it has been made public. I did not proceed with the copyright application and none of the manuscript has (yet) been made public.

Now there are several other things you should know, Mr. Stennis, the importance of which can hardly be overemphasized. At

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this stage, I can only amplify the contents of the second paragraph of my initial letter to you (Aug. 20, 1971). The information contained in All Honorable Men (and Women), especially the first section, is going to be made public. Whether it will be before or after a Senate investigation/action will depend almost exclusively on the decision made by your Committee. In this connection, it is most important that you know that I have made arrangements for its publication as automatically as possible coinciding with my untimely death or sudden and/or undue incapacitation. Especially under such regrettable circumstances, and to pre-answer the question that is certain to arise in the collective mind of a fair portion of the public--whether you were made aware of it?--my experience with you will be included in the publication. Not only will the publication be made domestically, but in several foreign countries and in more than one foreign language (another time consumer). In any event, the period of secrecy is approaching an end.

As you will note below, copies of this letter, with photocopies of the previous correspondence, are being sent concomitantly to your fellow Committeemen. Additionally, a copy of the manuscript is being sent to your Vice Chairman, Senator Bennett. I regret not being able to provide each, individually, with a copy. However, if strictly private means for photocopying are available to you, you have my permission to make extra copies for those directly concerned with this affair.

Although I provide the answers to a number of hitherto unanswered questions in my book, I daresay they stimulate still others to which answers are yet lacking. I would anticipate being able to answer some of those, but there are questions still incompletely answered in my mind, too. However, I believe the answers are obtainable and my conviction is strong that they should be found.

A few of the questions in your mind(s) probably concern me. For instance, you may wonder at my motive. That can be answered readily in one word: duty. And please accept such assurance as I can give that I do not seek to draw attention to myself. I can also tell you, and you may be interested in knowing it, that in the past I have been given a governmental clearance for Secret. The agency involved was the Navy; the time, circa 1958-1962. I would assume this is verifiable through the records of either or both the Navy and the FBI.

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Concluding for the moment, I now anticipate your agreeing that a personal meeting and discussion of this matter between myself and your Committee would be most desirable and advisable. I can arrange to take the time to visit Washington largely at your convenience, as originally proposed, but would be amenable to any other suggestion you might like to offer. In any case, several days' notice would be preferred.

Sincerely,


Albert S. Patterson

ASP:s

Encl.

cc: Hon. Wallace F. Bennett ✓
Hon. John S. Cooper
Hon. Len B. Jordan
Hon. William B. Spong, Jr.
Hon. Herman E. Talmadge
Benjamin R. Fern, Esq.

P.S. Early acknowledgment of receipt of this communication by all recipients would be appreciated.

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A Well, Mr. Dinis, I would say that I have lived on Cape Cod and having visited these islands I am aware some roads are paved.

THE COURT: I am sorry, that is not quite responsive. The question is whether or not you realized the road from the ferry to the cottage was paved.

MR. DINIS: That is correct.

THE WITNESS: Yes.

THE COURT: That is, did you become aware of it during your two trips?

THE WITNESS: Well, I would just say it was not of particular notice to me whether it was paved or unpaved.

THE COURT: Were you driving the car in either one of these times?

THE WITNESS: I was not.

Q (By Mr. Dinis) Well, while you were driving down Dyke Road and after you noticed it was a dirt road and you were driving at twenty miles an hour, what happened, Mr. Kennedy?

A Well, I became —

THE COURT: I'm going to ask one question. At any time after you got on the unpaved road, the so-called Dyke Road, did you have a realization that you were on the wrong road?

THE WITNESS: No. — *III*

THE COURT: Do you remember the question?

THE WITNESS: After I realized it was an unpaved road, what did I become aware of?

Q (By Mr. Dinis) Well, after you realized it was an unpaved road and that you were driving at twenty miles an hour, what happened then?

A I went off Dyke Bridge or I went off a bridge.

Q You went off a bridge into the water?

A That is correct.

Q Did you apply the brakes of that automobile prior to going off into the water?

A Perhaps a fraction of a second before.

Q What prompted you to do that?

A Well, I was about to go off a bridge and I applied the brakes.

Q Were there any lights in that area?

A Absolutely no lights in that area I noticed other than the lights on my vehicle.

Q Did you realize at that moment that you were not heading for the ferry?

A At the moment I went off the bridge, I certainly did.

Q Do you recall whether or not the — strike that question — well, what happened after that, Senator?

A Well, I remembered the vehicle itself just beginning to go off the Dyke Bridge and the next thing I recall is the movement of Mary Jo next to me, the struggling, perhaps hitting or kicking me and I, at this time, opened my eyes and realized I was upside-down, that water was crashing in on me, that it was pitch black I knew that and I was able to get half a gulp, I would say, of air before I became completely immersed in the water. I realized that Mary Jo and I had to get out of the car.

I can remember reaching down to try and get the door-knob of the car and lifting the door handle and pressing against the door and it not moving. I can remember reaching what I thought was down, which was really up, to where I thought the window was and feeling along the side to see if the window was open and the window was closed, and I can remember the last sensation of being completely out of air and inhaling what must have been a half a lung full of water and assuming that I was going to drown and the full realization that no one was going to be looking for us that night until the next morning and that I wasn't going to get out of that car alive and then somehow I can remember coming up to the last energy of just pushing, pressing, and coming up to the surface.

Q Senator, how did you realize that you were upside down in the car?

A Because — that was a feeling that I had as soon as I became aware that — the water rushing in and the blackness, I knew that I was, I felt I was upside down, I really wasn't sure of anything, but I thought I was upside down.

Q Were you aware that the windows on the passenger's side were blown out of the car, were smashed?

A I have read that subsequently, I wasn't aware of it at the time.

Q Were you aware that there was any water rushing in on the passenger's side?

A There was complete blackness. Water seemed to rush in from every point, from the windshield, from underneath me, above me. It almost seemed like you couldn't hold the water back even with your hands. What I was conscious of was the rushing of the water, the blackness, the fact that it was impossible to even hold it back.

Q And you say at that time you had a thought to the effect that you may not be found until morning?

A I was sure that I was going to drown.

Q Did you make any observations of the condition of Miss Kopechne at that time?

A At what time?

Q At that particular moment when you were thrashing around in the car?

A Well, at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at some time after I tried the door and the window I became convinced I was never going to get out.

Q Was the window closed at that time?

A The window was open.

Q On the driver's side?

A That's correct.

Q And did you go through the window to get out of the car?

A I have no idea in the world how I got out of that car.

Q Do you have any recollection as to how the automobile left the bridge and went over into the water?

A How it left the bridge?

Q Yes. What particular path did it take?

A No.

Q Did it turn over?

A I have no idea. — *I*

THE COURT: I would like to inquire, Mr. Dinis, something about the operation of the car, if you are finished. MR. DINIS. Go right ahead, your Honor.

THE COURT: You are driving along the dike sandy road and you are approaching the Dyke Bridge. Now, can you describe to me what you saw, what you did, what happened from the point when first you saw the bridge?

THE WITNESS: I would estimate that time to be fractions of a second from the time that I first saw the bridge and was on the bridge.

THE COURT: Did you have on your high beams, do you remember?

THE WITNESS: I can't remember.

THE COURT: Is it your custom to use high beams when you are driving?

THE WITNESS: I rarely drive. I really couldn't tell you. I may have.

THE COURT: It is recommended.

THE WITNESS: It is recommended, but sometimes if there is a mist you see better with low beams.

THE COURT: Did you see the bridge before you actually reached it?

THE WITNESS: The split second before I was on it.

THE COURT: Did you see that it was at an angle to the road?

THE WITNESS: The bridge was at an angle to the road?

THE COURT: Yes.

THE WITNESS: Just before going on it I saw that. — *(G)*

THE COURT: Did you make any attempt to turn your wheels to follow that angle?

THE WITNESS: I believe I did, your Honor. I would assume that I did try to go on the bridge. It appeared to me at that time that the road went straight. — *(H)*

THE COURT: Were you looking ahead at the time you were driving the car, at that time?

THE WITNESS: Yes, I was.

THE COURT: Your attention was not diverted by anything else?

THE WITNESS: No, it wasn't.

THE COURT: I don't want to foreclose you, Mr. Dinis. I want to go into the question of alcoholic beverages. Perhaps you had that in mind later?

MR. DINIS: Yes, your Honor.

THE COURT: All right.

Q Going back to the cottage earlier in the day, you stated you volunteered the information that you had a rum and Coca-Cola?

A That is right.
Q Did you have more than one?
A Yes, I did.
Q How many did you have?
A I had two.
THE COURT. What time was this?
THE WITNESS. The first was about 8 o'clock.
THE COURT. I would like to go back before that. I think that you said you visited some friends at the Shiretown Inn?
THE WITNESS. That is right.
THE COURT. Did you do some drinking then?
THE WITNESS. I had about a third of beer at that time.
THE COURT. And you had nothing further until this.
THE WITNESS. No, I had nothing further.
Q And when did you have this second rum and coke?
A The second some time later on in the evening. I think before dinner, sometime about 9:15. It would be difficult for me to say.
C Now, during the afternoon of the 18th did you have occasion to spend some time with your nephew, Joseph Kennedy?
A I might have greeted him in a brief greeting, but otherwise, no. I know he was concerned about where he was going to stay; that he had some reservations and that somehow they had gotten cancelled, but I would say other than a casual passing and a greeting, I would say No.
Q He was at this time on Chappaquiddick Island?
A Not to my knowledge. I never saw him at Chappaquiddick.
Q Did you see him at the Shiretown Inn?
A I might have seen him in inquiring whether he could stay at the Shiretown Inn.
Q Did he stay with you in your room?
A No, he did not.
THE COURT. I would like to ask some questions. You said you had a portion of beer late in the afternoon at the Shiretown Inn?
THE WITNESS. That is correct.
THE COURT. Then you had two rums and coke at this cottage at Chappaquiddick Island some time after you arrived. Not 8:30?
THE WITNESS. That is right.
THE COURT. Who poured those drinks?
THE WITNESS. Mr. Crimmins poured the first one. I poured the second one.
THE COURT. What amount of rum did you put in?
THE WITNESS. It would be difficult, your Honor, to estimate.
THE COURT. Well, by ounces.
THE WITNESS. By ounces? I suppose two ounces.
THE COURT. I mean, some people pour heavy drinks. Some pour light drinks.
THE WITNESS. Yes.
THE COURT. When did you take the last one?
THE WITNESS. I would think about 9 o'clock. The only way I could judge that, your Honor, would be that I ate about 10:00 and it was some time before I ate.
THE COURT. You had nothing alcoholic to drink after eating?
THE WITNESS. No, I didn't.
THE COURT. How much liquor was at this cottage?
THE WITNESS. There were several bottles so that I wouldn't be able to tell specifically.
THE COURT. Not a large supply?
THE WITNESS. I wouldn't be able to tell how much. There was an adequate supply.
THE COURT. Was there a sustained amount of drinking by the group?
THE WITNESS. No, there wasn't.
THE COURT. By any particular person?
THE WITNESS. Not that I noticed. There wasn't prior to the time I left.
THE COURT. Mr. Hanify, you have advised your client of his constitutional rights?
MR. HANIFY. Yes, I have, your Honor.
THE COURT. Were you at any time that evening under the influence of alcohol?
THE WITNESS. Absolutely not.
THE COURT. Did you imbibe in any narcotic drugs that evening?

THE WITNESS. Absolutely not.
THE COURT. Did anyone at the party to your knowledge?
THE WITNESS. No, absolutely not.
THE COURT. In your opinion would you be sober at the time that you operated the motor vehicle to the Lake Bridge?
THE WITNESS. Absolutely sober. — (J)
Q Senator Kennedy, what did you do immediately following your release from the automobile?
A I was swept away by the tide that was flowing at an extraordinary rate through that narrow cut there and was swept along by the tide and called Mary Jo's name until I was able to make my way to what would be the east side of that cut, waded up to about my waist and started back to the car, at this time was gasping and belching and coughing, went back just in front of the car.
Now, the headlights of that car were still on and I was able to get to what I thought was the front of the car, although it was difficult — and I was able to identify the front of the car from the rear of the car by the lights themselves. Otherwise I don't think I would be able to tell.
Q How far were you swept along by the current?
A Approximately 30—40 feet.
Q Did you pass under the bridge?
A The vehicle went over the bridge on the south side and rested on the south side, and that was the direction the current was flowing, and I was swept I would think to the south or probably east, which would be the eastern shore of that.
Q Some 30 feet?
A I would think 30 to 40 feet.
Q Now, in order to get back to the car was it necessary for you to swim?
A I couldn't swim at that time because of the current. I waded into — swam to where I could wade and then waded along the shore up to where I could go to the front of the car and start diving in an attempt to rescue Mary Jo. — (K)
Q Was the front of the car facing a westerly direction?
A I would think it was facing in a northerly direction.
Q Well, in regard to the bridge could you describe the location of the automobile with relation to the bridge?
A Well, your Honor, in the direction of north and south I will do the best I can.
THE COURT. We don't have any map, do we?
MR. TELLER. The bridge runs north and south, fairly close to north and south.
THE COURT. That is, coming towards Edgartown would be north and towards the ocean would be south?
MR. TELLER. Yes, sir.
MR. DINIS. May we use the chalk, your Honor?
THE COURT. Yes, if it is helpful.
Q Would that be helpful, Mr. Kennedy?
A It may be.
Q I believe there is a board behind you.
Assuming the bridge is north and south —
A Yes.
[Witness draws a sketch on blackboard.]
I would bet that that bridge runs more east-west than north-south. — (L)
MR. TELLER. Not directly north, but southeast—north-west.
Q Will you indicate, Mr. Kennedy, Edgartown?
A I would rather have counsel draw and respond. I will be delighted to do whatever the Court desires.
THE COURT. It is only for the purposes of illustration.
THE WITNESS. I suppose the road runs something like this.
THE COURT. You are trying to get the relation of the car to the bridge?
MR. DINIS. Yes, your Honor.
Q As you went off the bridge.
A I think it was like this.
THE COURT. All right, Mr. Dinis.
Q Mr. Kennedy, after you emerged from the automobile you say you were swept some 30 feet away from the car, is that correct?
A In this direction [indicating].
Q And how much time did it take you after you left the automobile to be swept down to about 30 feet, down the river?

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A By the time I came up I was, the estimate would be somewhere over here, which would be probably 8-10 feet, it is difficult for me to estimate specifically, and I think by the time I was able at least to regain my strength, I would say it is about 30 feet after which time I swam in this direction until I was able to wade, and wade back up here to this point here, and went over to the front of the car, where the front of the car was, and crawled over to here, dove here, and the tide would sweep out this way there, and then I dove repeatedly from this side until, I would say, the end, and then I will be swept away the first couple of times, again back over to this side, I would come back again and again to this point here, or try perhaps the third or fourth time to gain entrance to some area here until at the very end when I couldn't hold my breath any longer I was breathing so heavily it was down to just a matter of seconds. I would hold my breath and I could barely get underneath the water. I was just able to hold on to the metal undercarriage here, and the water itself came right out to where I was breathing and I could hold on, I knew that I just could not get under water any more.

Q And you were fully aware at that time of what was transpiring?

A Well, I was fully aware that I was trying to get the girl out of that car and I was fully aware that I was doing everything that I possibly could to get her out of the car and I was fully aware at that time that my head was throbbing and my neck was aching and I was breathless, and at that time, the last time, hopelessly exhausted.

Q You were not confused at that time?

A Well, I knew that there was a girl in that car and I had to get her out. I knew that.

Q And you took steps to get her out?

A I tried the best I thought I possibly could to get her out.

Q But there was no confusion in your mind about the fact that there was a person in the car and that you were doing the best you could to get that person out?

A I was doing the very best I could to get her out.

THE COURT. May I ask you some questions here about the depth of the water?

THE WITNESS. No, it was not possible to stand. The highest level of the car to the surface were the wheels and the undercarriage itself when I held onto the undercarriage and the tide would take me down, it was up to this point. [Indicating.]

Q [By the Court] You were not able to stand up at any point around any portion of that car?

THE WITNESS. Yes.

Q Mr. Kennedy, how many times if you recall did you make an effort to submerge and get into the car?

A I would say seven or eight times. At the last point, the seventh or eighth attempts were barely more than five or eight-second submersions below the surface. I just couldn't hold my breath any longer. I didn't have the strength even to come down even close to the window or the door.

Q And do you know how much time was used in these efforts?

A It would be difficult for me to estimate, but I would think probably 15-20 minutes.

Q And did you then remove yourself from the water?

A I did.

Q And how did you do that?

A Well, in the last dive I lost contact with the vehicle again and I started to come down this way here and I let myself float and came over to this shore and I came onto this shore here, and I sort of crawled and I staggered up some place in here and was very exhausted and spent on the grass.

Q On the west bank of the river?

A Yes.

Q As indicated by that chart?

A Yes, that's correct.

Q And how long did you spend resting?

A Well, I would estimate probably 15-20 minutes trying to get my - I was coughing up the water and I was exhausted and I suppose the best estimate would be 15 or 20 minutes.

Q Now, did you say earlier you spent 15 or 20 minutes trying to recover Miss Kopechne?

A That is correct.

Q And you spent another 15 or 20 minutes recovering on the west side of the river?

A That is correct.

Q Now, following your rest period, Senator, what did you do after that?

A Well, I -

Q You may remain seated.

A All right. After I was able to regain my breath I went back to the road and I started down the road and it was extremely dark and I could make out no forms or shapes or figures, and the only way that I could even see the path of the road was looking down the silhouette of the trees on the two sides and I could watch the silhouette of the trees on the two sides and I started going down that road walking, totting, jogging, stumbling, as fast as I possibly could.

Q Did you pass any houses with lights on?

A Not to my knowledge; never saw a cottage with a light on it. - (M)

Q And did you then return to the cottage where your friends had been gathered?

A That is correct.

Q And how long did that take you to make that walk, do you recall?

A I would say approximately fifteen minutes.

Q And when you arrived at the cottage, as you did, is that true?

A That is true.

Q Did you speak to anyone there?

A Yes, I did.

Q And with whom did you speak?

A Mr. Ray LaRosa.

Q And what did you tell him?

A I said, get me Joe Gargan.

Q And was Joe Gargan there?

A He was there.

Q He was at the party?

A Yes.

THE COURT. Excuse me a moment. Did you go inside the cottage?

THE WITNESS. No, I didn't go inside.

Q (By Mr. Dinis) What did you do? Did you sit in the automobile at that time?

A Well, I came up to the cottage, there was a car parked there, a white vehicle, and as I came up to the back of the vehicle, I saw Ray LaRosa at the door and I said, Ray, get me Joe; and he mentioned something like, right away, and as he was going in to get Joe, I got in the back of the car.

Q In this white car?

A Yes.

Q And now, did Joe come to you?

A Yes, he did.

Q And did you have conversation with him?

A Yes, I did.

Q Would you tell us what the conversation was?

A I said, you had better get Paul, too.

Q Did you tell him what happened?

A At that time I said, better get Paul, too.

Q What happened after that?

A Well, Paul came out, got in the car. I said, there has been a terrible accident, we have got to go, and we took off down the road, the Main Road there.

Q How long had you known Mr. LaRosa prior to this evening?

A Eight years, ten years, eight or ten years.

Q Were you familiar with the fact or - strike that - did you have any knowledge that Mr. LaRosa had some experience in skin diving?

A No, I never did.

Q Now, before you drove down the road, did you make any further explanations to Mr. Gargan or Mr. Markham?

A Before driving? No, sir. I said, there has been a terrible accident, let's go, and we took off -

Q And they went -

A - driving.

Q And they drove hurriedly down?

A That is right.

Q Towards the Dike Bridge area.

A. That is right.
 Q And where did you finally stop the white automobile that you were riding in?
 A Mr. Gargan drove the vehicle across the bridge to some location here (indicating) and turned it so that its headlights shown over the water and over the submerged vehicle. (Indicating on blackboard.)
 Q And what happened after the three of you arrived there?
 A Mr. Gargan and Mr. Markham took off all their clothes, dove into the water, and proceeded to dive repeatedly to try and save Mary Jo.
 Q Now, do you recall what particular time this is now when the three of you were at the ---
 A I think it was at 12:20, Mr. Dinis. I believe that I looked at the Valiant's clock and believe that it was 12:20.
 Q Now, Mr. LaRosa remained at the cottage?
 A Yes, he did.
 Q Was Mr. LaRosa aware of the accident?
 A No, he hadn't heard - no, I don't believe so.
 Q No one else at the cottage was told of the accident?
 A No.
 Q How many times did you go back to Dike Bridge that night?
 A Well, that was the only ---
 Q After the accident, that was the only occasion?
 A The only time, the only occasion.
 Q Now, how long did Mr. Markham and Mr. Gargan remain there, with you on that particular occasion?
 A I would think about forty-five minutes.
 Q And they were unsuccessful in entering the car?
 A Well, Mr. Gargan got half-way in the car. When he came out he was scraped all the way from his elbow, underneath his arm that he was bruised and bloodied and this is the one time that he was able to gain entrance I believe into the car itself.
 Q And did he talk to you about his experience in trying to get into the car?
 A Well, I was unable to, being exhausted, to get into the water, but I could see exactly what was happening and made some suggestions.
 Q So that you were participating in the rescue efforts? Well, to that extent.
 Q You were fully aware of what was transpiring at that time?
 A Well, I was fully aware that Joe Gargan and Paul Markham were trying to get in that car and rescue that girl, I certainly would say that.
 Q Did you know at that time or did you have any idea how long Mary Jo had been in the water?
 A Well, I knew that some time had passed.
 Q Well, you testified earlier that you spent some fifteen or twenty minutes of ---
 A Well, Mr. District Attorney, I didn't add up the time that I was adding to rescue her and time on the beach, the shore, and the time to get back and the time it took back and calculate it.
 Q Was it fair to say that she was in the water about an hour?
 A Yes, it is.
 Q Was there any effort made to call for assistance?
 A No, other than the assistance of Mr. Gargan and Mr. Markham.
 Q I know, but they failed in their efforts to recover ---
 A That is right.
 Q --- Miss Kopechne?
 A That is correct.

(Discussion off the record.)

MR. DINIS. I believe, your Honor, before the witness left the courtroom the question was whether or not any assistance had been asked for.

THE COURT. I think the answer had been No.

Q [By Mr. Dinis] And now may I ask you, Mr. Kennedy, was there any reason why no additional assistance was asked for?

A Was there any reason?

Q Yes, was there any particular reason why you did not call either the police or the fire department?

A Well, I intended to report it to the police.

THE COURT. That is not quite responsive to the question.

Q Was there a reason why it did not happen at that time?

THE COURT. Call for assistance.

THE WITNESS. I intended to call for assistance and to report the accident to the police within a few short moments after going back into the car.

Q I see, and did something transpire to prevent this?

A Yes.

Q What was that?

A With the Court's indulgence, to prevent this, if the Court would permit me I would like to be able to relate to the Court the immediate period following the time that Mr. Gargan, Markham and I got back in the car.

THE COURT. I have no objection.

MR. DINIS. I have no objection.

THE WITNESS. Responding to the question of the District Attorney ---

MR. DINIS. Yes.

THE WITNESS. ---at some time, I believe it was about 45 minutes after Gargan and Markham dove they likewise became exhausted and no further diving efforts appeared to be of any avail and they so indicated to me and I agreed. So they came out of the water and came back into the car and said to me, Mr. Markham and Mr. Gargan at different times as we drove down the road towards the ferry that it was necessary to report this accident. A lot of different thoughts came into my mind at that time about how I was going to really to be able to call Mrs. Kopechne at some time in the middle of the night to tell her that her daughter was drowned, to be able to call my own mother and my own father, relate to them, my wife, and I even --- even though I knew that Mary Jo Kopechne was dead and believed firmly that she was in the back of that car I willed that she remained alive.

(O) As we drove down that road I was almost looking out the front window and windows trying to see her walking down that road. I related this to Gargan and Markham and they said they understood this feeling, but it was necessary to report it. And about this time we came to the ferry crossing and I got out of the car and we talked there just a few minutes.

I just wondered how all of this could possibly have happened. I also had sort of a thought and the wish and desire and the hope that suddenly this whole accident would disappear, and they reiterated that this has to be reported and I understood at the time that I left that ferry boat, left the slip where the ferry boat was, that it had to be reported and I had full intention of reporting it, and I mentioned to Gargan and Markham something like, "You take care of the girls. I will take care of the accident." --- that is what I said and I dove into the water.

Now, I started to swim out into that tide and the tide suddenly became, felt an extraordinary shove and almost pulling me down again, the water pulling me down and suddenly I realized at that time even as I failed to realize before I dove into the water that I was in a weakened condition, although as I had looked over that distance between the ferry slip and the other side, it seemed to me an inconsequential swim; but the water got colder, the tide began to draw me out and for the second time that evening I knew I was going to drown and the strength continued to leave me. By this time I was probably 50 yards off the shore and I remembered being swept down toward the direction of the Edgartown Light and well out into the darkness, and I continued to attempt to swim, tried to swim at a slower pace to be able to regain whatever kind of strength that was left in me.

And some time after, I think it was about the middle of the channel, a little further than that, the tide was much calmer, gentler, and I began to get my --- make some progress, and finally was able to reach the other shore and all the nightmares and all the tragedy and all the loss of Mary Jo's death was right before me again. And when I was able to gain this shore, this Edgartown side, I pulled myself on the beach and then attempted to gain some strength.

After that I walked up one of the streets in the direction of the Shiretown Inn.

By walking up one of the streets I walked into a parking lot that was adjacent to the Inn and I can remember almost having no further strength to continue, and leaning against a tree for a length of time, walking through the parking lot, trying to really gather some kind of idea as to

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ALL HONORABLE MEN (and WOMEN)

--Or, Perjury at Edgartown

By

Albert S. Patterson

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WHY'S AND WHEREFORES

"It appears to be appropriate at the outset of this inquest that the reason for its existence, the results that it is intended to accomplish, and the rules of procedure and conduct I am adopting and ordering...should be pronounced...

"Inquests are, of course, primarily for the purpose of ascertaining whether or not any crime has been committed', says the Massachusetts Law Quarterly, 1921.

"The primary object of an inquest is to ascertain facts, to decide the question of whether or not criminal proceedings shall be instituted against the person or persons responsible for the death.", Massachusetts Law Quarterly, 1925.

"An inquest is an investigation. It is not a prosecution of anybody. It is not a trial of anyone. It is the duty of the Court to seek out and receive any and all information and testimony which is relevant, pertinent and material to the question as to whether criminal conduct caused or contributed to the death and, conversely, to reject that which is not.

"Although the Judge is not bound by the rules of evidence that apply in criminal cases, it is as much the duty of the Court to decline to receive such improper testimony to the end that persons innocent of any criminal involvement be not injured in reputation.

"For the reasons stated above and because this is not an adversary proceeding, transcript of testimony will not be furnished to the District Attorney or counsel."

Slightly abridged, but with nothing relevant omitted, the above were the words of the Honorable James A. Boyle, presiding, at the opening of the Kennedy-Kopechne inquest, Monday morning, January 5, 1970.

During the next four days, twenty-seven witnesses testified a person and several others--physicians, medical technicians, a physicist, engineers, all with a most impressive professional biography and array of qualifications in their respective fields--testified by affidavit (which, unfortunately, permitted no questioning of their statements). This took more than 750 pages of transcript, and then came Judge Boyle's 4,000-word report, from which the following is excerpted. (The Inquest, p.125.)

"...there are inconsistencies and contradictions in the testimony, which a comparison of individual testimony will show. It is not feasible to indicate each one."

Indeed, there were inconsistencies and contradictions. Some were with respect to certain incidents of common experience given by more than one witness, while others involve self-contradiction and contradiction with fact. The Judge, please note, implied disbelief of certain portions of Senator Kennedy's testimony by stating, a little further on and in view of a list of observable facts gleaned from several of the testimonies (see appendix)--

"I infer...that Kennedy and Kopechne did intend to return to Edgartown at that time; that Kennedy did not intend to drive to the ferry slip and his turn onto Dike Road was intentional."

"I believe it probable that Kennedy knew of the hazard that lay ahead of him on Dike Road but that, for some reason not apparent from the testimony, he failed to exercise due care as he approached the bridge."

I agree with the Judge. There were too many inconsistencies and contradictions to indicate each one, but I think it is quite feasible to indicate and expose a significant number of them, the most egregious and particularly those that can be shown to be either self-contradictory and/or contradictory to fact and which are, therefore, perjurious. Such exposure may enable the reader (including Judge Boyle) to take any of several possible courses: (1) to remove the doubt as to whether Senator Kennedy knew of the hazard that existed; (2) to remove at least some of the obscurity regarding the reason(s) why he did not exercise due care in approaching the bridge; (3) to decide whether, in fact, the Senator drove off the bridge deliberately, or (4) the reader may go back to sleep.

In essence, then, this book is intended to assist Judge Boyle. One of the results of the exposure, however, may be the exposure of some inconsistencies and contradictions (implied, at least) on the part of the Judge (but the Judge is an honorable man--so are they all, all, honorable men (and women)). At the end of the book at least one possible course will be suggested in case the reader asks, "What can be done about it?"

The world knows that this inquest concerned an alleged automobile accident in which, just before midnight, July 18, 1969, Senator Edward M. Kennedy drove off a narrow bridge on Chappaquiddick Island just off the southeastern coast of Massachusetts into a tidal pond and that a passenger, Miss Mary Jo Kopechne, subsequently lost her life by drowning as a direct result.

Much of the world knows that the inquest was held in secret. It was so secret, in fact, that, as indicated in the Judge's opening remarks, transcripts of testimony were denied the District Attorney. Not so much of the world knows that the inquest was postponed four months, and only a little of the world knows, I suspect, that the inquest has now been made public and is available to all. Copies may be obtained (\$1.00) by writing to the publisher: Magnum-Royal Publications, Inc., 1560 Broadway, New York, N.Y. 10036. This is the principal source--The Inquest--of the information about to be given. It is in magazine form, and references to specific statements in various testimonies will be made to page numbers therein, as on the preceding page.

Two other books, to my knowledge, have previously appeared on this broad subject. The first was The Bridge at Chappaquiddick (Little, Brown & Co., Boston, in hardcover), by Jack Olsen, a senior editor of Time, who did a remarkable job of researching and then recounting it most entertainingly. No reference was made to the

inquest and it is most probable that he wrote it prior to the inquest, or in the fall of 1969.

The second was Teddy Bare (Western Islands, Belmont, Mass.), by Zad Rust, which was written not only after the inquest, but after the emasculated Grand Jury session held another four months after the inquest. Where Olsen devoted his literary talents to the pre-accident Kennedy clan, including Teddy's Harvard ouster and typical Kennedy incidents and anecdotes, the circumstances leading up to the accident and its aftermath, plus his own absolutely unique hypothesis of how the "accident" might have happened (and I wonder if he will continue to believe so, if he still does, after he reads this book, if he does), Rust concentrated on the inquest and the behind-the-scenes goings-on that may very well have occurred. It is a devastating indictment of the Massachusetts judiciary, naming individual judges above Judge Boyle, but, in my opinion, it does not strip Teddy "bare". Both books are highly recommended to Kennedy-watchers and to any and all having an interest in this tragedy or in the cause of justice. The former will probably be found in many libraries, if not bookshops, while the latter is available at most American Opinion bookstores (look in your telephone directory) in paperback at \$2.00. Otherwise, the publisher can provide. Such is the scanty bibliography herein. Both books will be referred to from time to time.

In the preceding excerpted quotations from The Inquest, as well as in all the following, all indications of emphasis have been added. Abridgement has been for the sake of coherence. Tedious and unnecessary repetition has been eliminated for ease in reading, as well as irrelevancies regarding the selected exposures and basic facts. For example, there are numerous instances where answers given were repeated in the form of another question, only to be reaffirmed. Those questioning accuracy of either content or intent may avail themselves of an essentially unexpurgated copy from the source given.

Since Senator Kennedy is the surviving principal in this drama, on whom all other testimonies are merely ancillary, and since he also testified first, his testimony will be given first here. And, let it be remembered, Senator Kennedy is an honorable man--so are they all, all, honorable men (and women).

Footnotes will be indicated in the customary manner. Perjuries will be indicated by Roman numerals in brackets and will be discussed fully, or sufficiently, in a section immediately following testimony, while other statements of an unusual nature, such as might fall short of actual perjury, yet lack credibility, or warrant special comment, will be indicated by Roman letters in brackets and discussed similarly.

District Attorney Edmund Dinis put the questions to Mr. Kennedy, indicated by "Q", while the Senator's answers are indicated by "A". From time to time throughout the inquest, Judge Boyle interposed with questions of his own, his questions being slightly indented and preceded by the words, THE COURT.

TRAGEDY ON CHAPPAQUIDDICK

JULY 18-19, 1969



Dukes, ss.

Edgartown District Court

Edgartown, Massachusetts
Monday, January 5, 1970

FIRST DAY

THE TESTIMONY
OF
EDWARD M. KENNEDY

THE COURT: Senator, would you take the witness stand?
SENATOR KENNEDY: Yes.

EDWARD M. KENNEDY, Sworn

EXAMINATION BY MR. DINIS:

Q: Please give your name to the Court.

A: Edward Moore Kennedy.

Q: And where is your legal residence, Mr. Kennedy?

A: 3 Charles River Square, Boston.

Q: Directing your attention to July 18, 1969, were there plans made by you to have a gathering on Martha's Vineyard Island?

A: There were plans to participate in an annual sailing regatta in Edgartown on Friday, July 18th and Saturday, July 19th, and with my cousin Joe Gargan, Mr. Markham, Mr. LaRosa and a number of other people. 1/

Q: Could you tell the Court what your activities were during that afternoon from the time of your arrival?

A: Well, I arrived shortly after 1 o'clock on July 18th, was met by Mr. John B. Crimmins, driven through town, traveled by ferry to Chappaquiddick Island to a small cottage there where I changed into a bathing suit, later visited the beach on I imagine the east side of that island for a brief swim, returned to the cottage and changed into another bathing suit, returned to the ferry slip and waded out to my boat, later participated in a race which ended approximately 6 o'clock.

Q: When did you check into the Shiretown Inn that day?

A: Sometime after 6:30, before 7 o'clock.

Q: What were your activities after that?

A: I returned to my room, washed up briefly and returned to Chappaquiddick Island.

Q: Now, were you familiar with the island of Chappaquiddick?

A: Never been on Chappaquiddick Island before that day.

THE COURT: You said you took a swim on Chappaquiddick Island Friday afternoon?

1/ A neat evasion, the first crack out of the box. The question was whether Mr. Kennedy had made such plans, obviously with the cook-out in mind. The Senator, however, spoke merely of "plans" involving a number of people "to participate in a sailing regatta."

THE WITNESS: Yes, I did.

THE COURT: What automobile was being used at that time?

THE WITNESS: A four-door Oldsmobile 88.

THE COURT: Who drove you to the beach?

THE WITNESS: Mr. Crimmins.

THE COURT: Was the car operated over the Dike Bridge or was it left on the side?

THE WITNESS: No, it was operated over the Dike Bridge.

Q: Was there anyone at the cottage when you arrived there at 7:30 p.m.?

A: No, I don't believe so.

Q: Were there any other automobiles at that house that afternoon?

A: One other vehicle, so there were two in total to the best of my knowledge.

Q: Did you plan to stay overnight?

A: No, I did not.

Q: What transpired after you arrived at the cottage?

A: I took a bath in the tub, which was not available at the Shiretown Inn, and soaked my back; I later was joined by Mr. Markham, who arrived some time about 8 o'clock, engaged in conversation with Mr. Markham until about 8:30, and the rest of the group arrived at 8:30 or shortly thereafter.

Q: Now, did you have dinner at the cottage?

A: Well, at 8:30 the rest of the group arrived and were made to feel relaxed and at home, were served a drink, those who wanted them, and steaks were cooked on an outdoor burner by Mr. Gargan at about quarter of 10, I would think.

Q: Did you have occasion to leave the cottage at any time during that evening?

A: That is correct. Two different occasions.

Q: Would you please tell us about the first time?

A: The first I left at approximately 11:15 and I left a second time, sometime after midnight, by my best judgment it would be approximately 12:15. I left the immediate vicinity of the cottage which was probably fifteen or twenty feet outside the front door.

Q: Now, when you left on the first occasion, were you alone?

A: I was not alone.

Q: And who was with you?

A: Miss Mary Jo Kopechne.

Q: Anyone else?

A: No. [A]

Q: Do you know how she arrived?

A: To my best knowledge she arrived in a white Valiant that brought some of the people to that party.

Q: Do you know who owned that car?

A: I believe it was a rented car.

Q: When you left with Miss Kopechne, had you had any prior conversation with her?

A: Yes, I had. At 11:15 I was talking with Miss Kopechne. I noticed the time, desired to leave and return to the Shiretown Inn and indicated to her that I was leaving and returning to town. She indicated to me that she was desirous of leaving, if I would be

kind enough to drop me back at her hotel. I said, well, I'm leaving immediately; spoke with Mr. Crimmins, requested the keys to the car and left at that time.

Q: Does Mr. Crimmins usually drive your car or drive you?

A: On practically every occasion.

Q: Was there anything in particular that changed those circumstances at this particular time?

A: Only that Mr. Crimmins, as well as some of the other fellows, were concluding their meal, enjoying the fellowship, and it didn't appear necessary to require him to bring me back to Edgartown.

Q: And when you left the house at Chappaquiddick at 11:15, you were driving?

A: That is correct.

Q: And where was Miss Kopechne seated?

A: In the front seat. [B]

Q: Was there any other person in the car at that time?

A: No.

Q: Was there any other item, thing, or object in the car at that time of any size?

A: Well, not to my knowledge at that particular time. [C]

Q: And on leaving the cottage, where did you go?

A: Well, I traveled down, I believe it is Main Street, took right on Dike Road and drove off the bridge at Dike Bridge.

Q: Did you at any time drive into Cemetery Road?

A: At no time did I drive into Cemetery Road.

Q: Did you pass any other vehicle at that time?

A: I passed no other vehicle at that time and I saw no other person and I did not stop the car at any time between the time I left the cottage and went off the bridge.

Q: Do you recall how fast you were driving when you made the right on Dike Bridge?

A: No. I would say approximately seven or eight miles an hour.

Q: And what were the lighting conditions and weather conditions?

A: There was a reasonable amount of humidity. The night was clear, extremely dark.

Q: Were the windows opened or closed of the automobile?

A: Some of the windows were open and some were closed.

THE COURT: What about the window on your side?

THE WITNESS: I would expect it was open.

THE COURT: You don't remember that?

THE WITNESS: I don't remember that.

THE COURT: Was it a warm night?

THE WITNESS: I would think it was cool at that hour.

Q: Well, Mr. Kennedy, was the window on the driver's side open?

A: Yes, it was. [I]

Q: And you have no recollection as to the windows on the passenger's side?

A: No, I really don't.

Q: How fast were you driving on Dike Road?

A: Approximately twenty miles an hour. [II]

Q: Well, were you aware at the time that you were driving on a dirt road when you turned onto Dike Road?

A: I don't remember any specific time when I knew I was driving on an unpaved road. I was generally aware sometime that it was unpaved.

Q: When you left the house at 11:15, what was your destination?

A: The Katama Shores, ^{2/} the ferry slip, Shiretown.

Q: Now, had you been over that road from the ferry slip to the cottage more than once that day?

A: Yes, I had.

Q: Did you recall at the time that you noticed you were driving on a dirt road, that the road from the ferry slip to the house had been paved?

A: Well, Mr. Dinis, having lived on Cape Cod and having visited these islands, I am aware some roads are paved.

THE COURT: The question was whether or not you realized the road from the ferry to the cottage was paved.

THE WITNESS: Yes.

THE COURT: At any time after you got on the unpaved road, the so-called Dike Road, did you have a realization that you were on the wrong road?

THE WITNESS: No. [III]

Q: What happened then?

A: I went off Dike Bridge.

Q: Did you apply the brakes prior to going off into the water?

A: Perhaps a fraction of a second before.

Q: Well, what happened after that, Senator?

A: Well, I remembered the vehicle itself just beginning to go off the Dike Bridge [D] and the next thing I recall is the movement of Mary Jo next to me, the struggling, perhaps hitting or kicking me ^{3/} and I, at this time, opened my eyes and realized I was upside down, that water was crashing in on me, that it was pitch black [IV]. I knew that and I was able to get half a gulp of air before I became completely immersed in the water. I realized that Mary Jo and I had to get out of the car.

I can remember reaching down to try and get the doorknob of the car and lifting the door handle and pressing against the door and it not moving. I can remember reaching to where I thought the window was and feeling along the side to see if the window was open, and the window was closed. And I can remember the last sensation of being completely out of air and inhaling what must have been half a lungful of water and assuming that I was going to drown and the full realization that no one was going to be looking for us that night until the next morning [E] and then somehow I can remember coming up to the last energy of just pushing, pressing, and coming to the surface. ^{4/}

Q: Senator, how did you realize that you were upside-down?

A: Because--that was a feeling that I had as soon as I became

^{2/} The motel where the young ladies stayed, also referred to as The Dunes.

^{3/} "Perhaps"? With both of them upside down, this would have been a little difficult. The normal thing when one is upside down is to right one's self, unless it is deliberate, but there was no mention of this. His account of the actual "accident" and his miraculous "escape" is so filled with distortions and outright fabrications it may be difficult to follow and look up each of the references in turn. Reading straight through for continuity, then reviewing and looking up the references, is advised.

^{4/} Do you believe this? Upside down, what was he pushing and/or pressing against? Rather, how was he doing it?

aware that--the water rushing in and the blackness. I knew that I was; I felt I was upside-down. [F] I really wasn't sure of anything, but I thought I was upside down.

Q: Were you aware that the windows on the passenger's side were smashed?

A: I wasn't aware of it at the time.

Q: Were you aware that there was any water rushing in on the passenger's side?

A: There was complete blackness. Water seemed to rush in from every point--from the windshield, from underneath me, above me. It almost seemed like you couldn't hold the water back with your hands.^{5/} What I was conscious of was the rushing of the water, the blackness, the fact that it was impossible to even hold it back.

Q: Did you make any observations of the condition of Miss Kopechne at that time?

A: At what time?^{6/}

Q: When you were thrashing around in the car.

A: Well, at the moment I was thrashing around I was trying to find a way that we both could get out of the car, and at some time after I tried the door and the window I became convinced I was never going to get out.

Q: Was the window closed at that time?

A: The window was open.

Q: On the driver's side?

A: That's correct.

Q: And did you go through the window to get out of the car?

A: I have no idea in the world how I got out of that car.^{7/}

Q: Do you have any recollection as to how the automobile left the bridge and went over into the water?

A: No.

Q: Did it turn over?

A: I have no idea. [V]

THE COURT: I would like to inquire something about the operation of the car. Now, can you describe to me what you saw, what you did, what happened from the point when you first saw the bridge?

THE WITNESS: I would estimate that time to be fractions of a second from the time that I first saw the bridge and was on the bridge.

THE COURT: Did you have on your high beams?

THE WITNESS: I can't remember.

THE COURT: It is recommended.

THE WITNESS: It is recommended, but sometimes if there is a mist you see better with low beams.^{8/}

THE COURT: Did you see that it was at an angle to the road?

THE WITNESS: The bridge was at an angle to the road?

^{5/} The reader is requested to contemplate this statement, including the qualifying word, "almost".

^{6/} The question was most complex and abstruse, of course.

^{7/} I have. See page 56.

^{8/} Just what was the purpose of this verbal game? Minutes before, he had said the night was clear (emphasized, page 6).

THE COURT: Yes.

THE WITNESS: Just before going on it I saw that. 9/ [G]

THE COURT: Did you make any attempt to turn your wheels to follow that angle?

THE WITNESS: I believe I did, your Honor. I would assume that I did try to go on the bridge. [H] It appeared to me at the time that the road went straight.

THE COURT: Were you looking ahead at the time you were driving the car?

THE WITNESS: Yes, I was.

THE COURT: Your attention wasn't diverted by anything else?

THE WITNESS: No, it wasn't. 10/

Q: Going back to the cottage earlier in the day, you stated-- you volunteered the information that you had a rum and Coca-Cola?

A: That is right.

Q: How many did you have?

A: Two. The first was about 8 o'clock. The second some time later on in the evening. I think before dinner, about 9:15.

THE COURT: What amount of rum did you put in?

THE WITNESS: I suppose two ounces.

THE COURT: You had nothing alcoholic to drink after eating?

THE WITNESS: No, I didn't.

THE COURT: Were you at any time that evening under the influence of alcohol?

THE WITNESS: Absolutely not.

THE COURT: In your opinion, would you be sober at the time that you operated the motor vehicle to the Dike Bridge?

THE WITNESS: Absolutely sober. [J]

Q: Senator Kennedy, what did you do immediately following your release from the automobile?

A: I was swept away by the tide that was flowing at an extraordinary rate through that narrow cut there [VI] and was swept along by the tide and called Mary Jo's name until I was able to make my way to what would be the east side of that cut, waded up to about my waist and started back to the car, at this time gasping and belching and coughing, went back just in front of the car.

Now, the headlights of that car were still on and I was able to get to what I thought was the front of the car, although it was difficult, and I was able to identify the front of the car by the lights themselves. Otherwise, I don't think I would be able to tell.

Q: How far were you swept along by the current?

A: Approximately 30 or 40 feet.

Q: Now, in order to get back to the car, was it necessary for you to swim?

A: I couldn't swim at that time because of the current. I waded into--swam to where I could wade and then waded along the

9/ Then why did he ask the preceding question?

10/ The reader is urged to obtain a copy of the Aug. 1, 1969, issue of Time and look at the photo of the bridge (p. 13) taken from an estimated distance of some 60 feet on a very dark night through the windshield of a similar automobile.

shore to where I could go to the front of the car and start diving in an attempt to rescue Mary Jo. [K]

Q: Was the front of the car facing a westerly direction?

A: I would think it was facing a northerly direction.

Q: Well, in regard to the bridge, could you describe the location of the automobile with relation to the bridge?

THE COURT: We don't have a map, do we?

THE CLERK: The bridge runs fairly close to north and south.

Q: I believe there is a board behind you. Assuming the bridge is north and south--

A: Yes. (Draws sketch on a blackboard.)

I would bet that that bridge runs more east-west than north-south. [L]

Q: Will you indicate Edgartown, Mr. Kennedy?

A: I suppose the road runs something like this.

Q: As you went off the bridge--

A: I think it was like this. (The relationship of the car to the bridge.)

Q: After you emerged from the automobile, you say you were swept some 30 feet away from the car...

A: In this direction. (Indicating.)

Q: And how much time did it take you after you left the automobile to be swept down to about 30 feet?

A: By the time I came up, I was--the best estimate would be somewhere over here, which would be probably eight or ten feet. It is difficult for me to estimate specifically, and I think by the time I was able at least to regain my strength, I would say it is about thirty feet, after which time I swam in this direction until I was able to wade, and wade back up here to this point here, and went over to the front of the car, where the front of the car was, and crawled over to here, dove here, and the tide would sweep out this way there, and then I dove repeatedly from this side until, I would say, the end, and then I will be swept away the first couple of times, again back over to this side, I would come back again and again to this point here, or try perhaps the third or fourth time to gain entrance to some area here until, at the very end when I couldn't hold my breath any longer, I was breathing so heavily it was down to just a matter of seconds. I would hold my breath and I could barely get underneath the water. I was just able to hold onto the metal undercarriage here, and the water itself came right out to where I was breathing and I could hold on, I knew that I just could not get under water any more. 11/

Q: And you were fully aware at that time of what was transpiring?

11/ Read Mr. Dinis's question again, then Mr. Kennedy's reply the second time and see if you think the question was answered.

Additional notes: (a) This particular account has not been abridged. Any deviation from the Senator's actual words is the fault either of the court stenographer, the publisher of The Inquest or the present publisher.

(b) Just what he meant by "the water itself came right out to where I was breathing and I could hold on" falls short of being altogether clear. But then, they have peculiar water around Martha's Vineyard; you can't hold it back even with your hands.

A: Well, I was fully aware that I was trying to get the girl out of that car and I was fully aware that I was doing everything I possibly could to get her out of the car and I was fully aware at that time that my head was throbbing and my neck was aching and I was breathless, and at that time, the last time, hopelessly exhausted.

THE COURT: May I ask you some questions here about the depth of the water?

THE WITNESS: No, it was not possible to stand. The highest level of the car to the surface were the wheels and the undercarriage itself when I held onto the undercarriage and the tide would take me down. It was up to ~~me~~ (indicating).

[M]

THE COURT: You were not able to stand up at any point around any portion of that car?

THE WITNESS: Yes.

Q: Mr. Kennedy, how many times did you make an effort to submerge and get into the car?

A: I would say seven or eight times. At the last point, I didn't have the strength even to come down even close to the window or the door.

Q: And how much time was used in these efforts?

A: I would think probably 15 or 20 minutes.

Q: And did you then remove yourself from the water?

A: Well, in the last dive I lost contact with the vehicle again and I started to come down this way here and I let myself float and came over to this shore and I came onto this shore here, and I sort of crawled and staggered up some place in here and was very exhausted and spent on the grass.^{12/}

Q: On the west bank of the river?

A: Yes.

Q: And how long did you spend resting?

A: I suppose the best estimate would be 15 or 20 minutes.

Q: Now, did you say earlier you spent 15 or 20 minutes trying to recover Miss Kopechne?

A: That is correct.

Q: And you spent another 15 or 20 minutes recovering?

A: Now, following your rest period, what did you do?

Q: I went back to the road and I started down the road and it was extremely dark and I could make out no form or shapes or figures, and the only way that I could even see the path of the road was looking down the silhouettes of the trees on the two sides, and I could watch the silhouette of the trees on the two sides and I started going down that road, walking, trotting, jogging, stumbling, as fast as I possibly could.

Q: Did you pass any houses with lights on?

A: Not to my knowledge; never saw a cottage with a light on it. [N]

Q: And did you then return to the cottage where your friends had gathered?

A: That is correct.

Q: And how long did it take you to make that walk?

^{12/} See Perjury No. 6.

A: I would say (approximately 15 minutes.

Q: And when you arrived at the cottage, did you speak to anyone there?

A: Well, I came up to the cottage. There was a car parked there, a white vehicle, and as I came up to the back of the vehicle I saw Ray LaRosa at the door and I said, "Ray, get me Joe (Gargan)." And he mentioned something like, "Right away", and as he was going in to get Joe I got in the back of the car.

Q: Did Joe come to you, and did you have conversation with him?

A: Yes. I said, "You had better get Paul (Markham), too."

Q: What happened after that?

A: Well, Paul came out, got in the car. I said, "There has been a terrible accident; we have to go." And we took off down the Main Road there.

Q: How long had you known Mr. LaRosa prior to this evening?

A: Eight or ten years.

Q: Did you have any knowledge that Mr. LaRosa had some experience in skin-diving?

A: No, I never did.

Q: Now, before you drove down the road, did you make any further explanations to Mr. Gargan or Mr. Markham?

A: Before driving? No, sir. I said, "There has been a terrible accident. Let's go!" And we took off--

Q: Towards the Dike Bridge area?

A: That is right. 13/

Q: And where did you finally stop the white automobile you were riding in?

A: Mr. Gargan drove the vehicle across the bridge to some location here (indicating) and turned it so that its headlights shown over the water and over the submerged vehicle.

Q: And what happened?

A: Mr. Gargan and Mr. Markham took off all their clothes, dove into the water repeatedly to try and save Mary Jo.

Q: Now, do you recall what particular time (it was)?

A: I believe that I looked at the Valiant's clock and believe it was 12:20.

Q: Now, Mr. LaRosa remained at the cottage?

A: Yes, he did.

Q: Was Mr. LaRosa aware of the accident?

A: No, he hadn't heard--no, I don't believe so.

Q: No one else at the cottage was told of the accident?

A: No.

Q: Now, how long did Mr. Markham and Mr. Gargan remain there with you?

A: I would think about 45 minutes.

Q: And were they unsuccessful in entering the car?

A: Well, Mr. Gargan got half-way in the car. When he came out he was scraped all the way from his elbow; underneath his arm was all bruised and bloodied [O] and this is the one time that he was

13/ How did Mr. Gargan know just where to go? Note that Mr. Kennedy had just been asked if he had made any further explanations and he said "No."

able to gain entrance into the car itself. 11/

Q: And did he talk to you about his experience in trying to get into the car?

A: Well, I was unable to, being exhausted, to get into the water, but I could see exactly what was happening and made some suggestions. 15/

Q: So that you were participating in the rescue efforts?

A: Well, to that extent.

Q: Did you have any idea how long Mary Jo had been in the water?

A: Well, I knew that some time had passed.

Q: Was it fair to say that she had been in the water about an hour?

A: Yes, it is.

Q: Was there any effort made to call for assistance?

A: No, other than the assistance of Mr. Gargan and Mr. Markham.

Q: Was there any reason why no additional assistance was asked for?

A: Was there any reason? 16/

Q: Yes, was there any particular reason why you did not call either the police or the fire department?

A: Well, I intended to report it to the police.

THE COURT: That is not quite responsive to the question.

THE WITNESS: I intended to call for assistance and to report the accident to the police within a few short moments after going back into the car.

Q: And did something prevent this?

A: Yes.

Q: What was that?

A: With the Court's indulgence, to prevent this, if the Court would permit me I would like to be able to relate to the Court the immediate period following the time that Mr. Gargan, Markham and I got back in the car.

THE COURT: I have no objection.

THE WITNESS: Responding to the question of the District Attorney--at some time, I believe it was about 45 minutes after Gargan and Markham dove, they likewise became exhausted and no further diving efforts appeared to be of any avail and they so indicated to me and I agreed. So they came out of the water and came back into the car and said to me, Mr. Markham and Mr. Gargan at different times as we drove down the road towards the ferry that it was necessary to report this accident. 17/ A lot of different thoughts came into my mind at that time about how I was going to really to be able to call Mrs. Kopechne at some time in the middle of the night to tell her that her daughter was drowned, to be able to call my own mother and my own father, relate to them, my wife, and I even--even though I knew that Mary Jo Kopechne was dead and believed firmly that she was in the back of that car [P] I willed that she remain alive.

11/ But was somehow unable to establish contact with Mary Jo?

15/ Remember the "pitch blackness" he claimed a few minutes ago while under water himself, despite the headlights being on?

16/ Another of those complex and abstruse questions from Mr. Dinis.

17/ Rather than calling for professional help?

As we drove down that road I was almost looking out the front window and windows trying to see her walking down that road. I related this to Gargan and Markham and they said they understood this feeling, but it was necessary to report it. And about this time we came to the ferry crossing and I got out of the car and we talked there just a few minutes. I just wondered how all this could possibly have happened. I also had sort of a thought and the wish and desire and the hope that suddenly this whole accident would disappear, and they reiterated that this has to be reported and I understood at the time that I left that ferry boat--left the slip where the ferry boat was, that it had to be reported and I had full intention of reporting it, and I mentioned to Gargan and Markham something like, "You take care of the girls, I will take care of the accident." That is what I said and I dove into the water.

Now, I started to swim out into that tide and the tide suddenly became, felt an extraordinary shove and almost pulling me down again, the water pulling me down, and suddenly I realized at that time even as I failed to realize before I dove into the water that I was in a weakened condition, although as I had looked over that distance between the ferry slip and the other side, it seemed to me an inconsequential swim; but the water got colder, the tide began to draw me out and for the second time that evening I knew I was going to drown and the strength continued to leave me. By this time I was probably 50 yards off the shore and I remembered being swept down toward the direction of the Edgartown Light and well out into the darkness, and I continued to swim, tried to swim at a slower pace to be able to regain whatever kind of strength that was left in me.

And some time after, I think it was about the middle of the channel, a little further than that, the tide was much calmer, gentler, and I began to get my--make some progress, and finally was able to reach the other shore and all the nightmares and all the tragedy and all the loss of Mary Jo's death was right before me again. And when I was able to gain this shore, this Edgartown side, I pulled myself on the beach and then attempted to gain some strength. After that, I walked up one of the streets in the direction of the Shiretown Inn.

By walking up one of the streets, I walked into a parking lot that was adjacent to the Inn and I can remember almost having no further strength to continue, and leaning against a tree for a length of time, walking through the parking lot, trying to really gather some kind of idea as to what happened and feeling that I just had to go to my room at that time, which I did by walking through the front entrance of the Shiretown Inn up the stairs. [Q]

Q: Do you have any idea what time you arrived at the Shiretown Inn?

A: I would say some time before 2:00.

Q: Did you talk to anyone at that time?

A: I went to my room and I was shaking with chill. I took off all my clothes and collapsed on the bed. And at this time I was very conscious of a throbbing headache, of pains in my neck, of strain on my back; but what I was even more conscious of is the tragedy and loss of a very devoted friend.

Q: Now, did you change your clothing?

A: I was unable really to determine, detect the amount of time, and I could hear noise that was taking place. It seemed around me, on top of me, almost in the room, and after a period of time I wasn't sure whether it was morning or afternoon or nighttime,^{18/} and I put on--and I wanted to find out and I put on some dry clothes that were there, a pants and a shirt, and I opened the door and I saw what I believed to be a tourist or someone standing under the light off the balcony and asked what time it was. He mentioned to me it was, I think, 2:30, and went back into the room. [R]

Q: Had you known Miss Kopechne prior to July 18th?

A: Well, I have known her--my family has known her for a number of years. She has visited my house, my wife. She has visited Mrs. Robert Kennedy's house. She worked in the Robert Kennedy Presidential campaign, and I would say that we have known her for a number of years.

Q: Now, directing your--

A: If the question is, have I ever been out with Mary Jo--

Q: No, the question was whether you just knew her socially prior to this event.

A: Well, could I give you a fuller explanation, your Honor?

THE COURT: Go ahead.

THE WITNESS: I have never in my life, as I have stated in my television, had any personal relationship whatsoever with Mary Jo Kopechne. I never in my life have been either out with Mary Jo Kopechne nor have I ever been with her prior to that occasion where we were not in a general assemblage of friends, associates, or members of our family.

Q: Directing your attention to the 19th, at around 7:30 a.m., did you meet anyone at your room?

A: Not at 7:30 a.m.

Q: Did you meet anyone at anytime that morning at your room?

A: If your Honor would permit me to give--I would like to be specifically responsive, and I can, I think. It might be misleading to the Court if I just gave a specific response to it. Whatever the Court wants.

Q: Well, what time did you get up that morning?

A: I never really went to bed that night.^{19/}

Q: After that noise at 2:30 in the morning, when did you first meet anyone?

A: Sometime after 8:00 I met the woman that was behind the counter at the Shiretown Inn and I met Mr. Richards and Mr. Moore, very briefly Mrs. Richards, and Mr. Gargan and Mr. Markham, and I saw Mr. Tretter, but to be specifically responsive as to who I met in my room, which I believe was the earlier question, was Mr. Markham and Mr. Gargan.

Q: Now, what time did Mr. Markham and Mr. Gargan arrive?

A: About a few-- I would think about 8:30.

Q: Did you have any conversation with (them) at that time?

^{18/} Two or three hours earlier he had been chiefly concerned with how dark it was. Darkness at noon?

^{19/} No; there are indications that we shall soon see that he spent a good part of it telephoning. Also, see discussion of Anomaly R.

A: Yes. They asked had I reported the accident, and why I hadn't reported the accident; and I told them about my own thoughts and feelings as I swam across that channel and how I was always willed that Mary Jo still lived; how I was hopeful even as that night went on and as I almost tossed and turned (?--Auth.), paced that room and walked around that room that night that somehow when they arrived in the morning that they were going to say that Mary Jo was still alive. I told them how I somehow believed that when the sun came up and it was a new morning that what had happened the night before would not have happened and did not happen, and how I just couldn't gain the strength within me, the moral strength, to call Mrs. Kopechne at 2:00 o'clock in the morning and tell her that her daughter was dead.^{20/}

Q: Now, at some time you actually did call Mrs. Kopechne?

A: Yes, I did.

Q: And prior to calling Mrs. Kopechne, did you cross over on the Chappaquiddick ferry to Chappaquiddick Island?

A: Yes, I did.

Q: And was Mr. Markham and Mr. Gargan with you?

A: Yes, they were.

Q: Now, did you then return to Edgartown?

A: Yes, I did.

Q: Did anything prompt or cause you to return to Edgartown?

A: Well, what do you mean by "prompt"?

Q: Well, did anything cause you to return?

A: Other than the intention of reporting the accident, the intention of which had been made earlier that morning. [S]

Q: But you didn't go directly from your room to the police department?

A: No, I did not.

Q: Did you have a particular reason for going to Chappaquiddick first?

A: Yes, it was to make a private phone call to one of the dearest and oldest friends that I have and that was to Mr. Burke Marshall. I didn't feel that I could use the phone that was available, the public phone that was available outside of the dining room at the Shiretown Inn, and it was my thought that once that I went to the police station, that I would be involved in a myriad of details and I wanted to talk to this friend before I undertook that responsibility.^{21/}

Q: You mean that--

THE COURT: Excuse me, Mr. Dinis, I think we will take the noon luncheon recess.^{22/}

^{20/} Once again, how or why was he so certain that Mary Jo was dead? People have been known to survive for several hours in submerged cars, breathing in air bubbles, and it is known that Mary Jo lived for a while thusly. And was it lack of moral strength that kept him from calling for professional help while, hopefully, there was still time?

Note: This reply of the Senator's is faithful to the text in The Inquest.

^{21/} According to Jack Olsen, in The Bridge at Chappaquiddick, Mr. Kennedy could have had his choice of a dozen public phones within two blocks of the Inn.

^{22/} Unfortunately, we will never know what Mr. Dinis's question was.