



The Mystery of Chappaquiddick

"There goes Ted's presidency, right there," recalled Dun Gifford in a video interview before his death in 2010, remembering when his chartered plane flew over the Dyke Bridge on Chappaquiddick Island on the morning of July 19, 1969, soon after the tragedy. Gifford was a legislative assistant to U.S. Senator Edward Moore Kennedy at the time. Even prior to calling the police, Kennedy had called him early that morning to come to nearby Martha's Vineyard off the coast of Cape Cod. His principal mission was to remove Mary Jo Kopechne's body from the jurisdiction of Massachusetts legal authorities, as quickly as possible.



Gifford's remark neatly summarizes the tragedy that took the life of 28-year-old Kopechne, a passenger in Kennedy's black Oldsmobile when it plunged into the waters of Poucha Pond on Chappaquiddick Island sometime during the night of July 18-19. Gifford considered Kopechne a friend, but as for so many involved in this sad story, her death was relegated to secondary considerations to how it affected Teddy Kennedy.

It was the year after Kennedy's brother Robert had been assassinated while running for president in 1968, and Ted was considered the most likely nominee of the Democratic Party to challenge President Nixon in 1972.

Mary Jo was one of the "Boiler Room Girls" who had been so instrumental in the presidential campaign effort of Bobby Kennedy. No airhead, she had helped craft his speeches, and played a key role in winning delegates for him to the upcoming Democratic National Convention. She was present when Sirhan ended the campaign with a gunshot on June 5, 1968, and was reportedly emotionally crushed.

Along with five other young women active in that campaign, she was invited to attend what was called a "cookout" on Chappaquiddick Island, located about 500 feet off Martha's Vineyard, planned to coincide with the annual sailing regatta contest in which Ted had participated for several years. As it turned out, all six were single women in their twenties. Also attending were five married men, without their wives, and one bachelor.

Steaks were served, and an abundance of alcohol was available for those who wanted it. Robert Bruguiere, then a patrolman with the Edgartown Police Department, told *The New American* in a recent interview that after the cookout, he personally saw three 48-gallon containers overflowing with empty liquor bottles and empty beer cans at Lawrence Cottage, the location of the party euphemistically called a "cookout." Chemical analysis demonstrated that Mary Jo probably had consumed about five one-ounce drinks of 80- to 90-proof liquor. Eyewitnesses indicated that the senator had begun drinking much earlier in the day, and had continued to consume more at the cookout. It was well known that following



the assassination of his brother the previous year, his drinking had markedly increased.

Sometime after 11:00 p.m., Kennedy left the party, accompanied by Mary Jo. He asked for the keys to his Olds from his driver, John Crimmins. This was unusual, as Kennedy rarely drove himself. They told no one else they were leaving, or whether they would be returning that night. According to Kennedy, he was tired and wanted to get some sleep before the next day's boat race. He was staying at a lodge in Edgartown on Martha's Vineyard. Mary Jo, he said, asked if he would drop her off at her motel in Edgartown. To get off Chappaquiddick Island, it was necessary to use the ferry, which ordinarily ceased operation at midnight.

In his televised speech a week later, after Mary Jo's death, Kennedy insisted, "There is no truth, no truth whatever, to the widely circulated suspicions of immoral conduct that have been leveled at my behavior and hers regarding that evening." He added, "Nor was I driving under the influence of liquor."

They never made it to the ferry, if that was his intention. In an interview given for the Miller Center Foundation a few years ago, even Gifford admitted, "I think it's pretty clear where they were headed. They never got there. I don't think there's any doubt about that."

Kennedy Reported the Incident — Hours Later

In his statement to the Edgartown police, when he finally reported the accident the next morning (approximately nine hours later), Kennedy wrote, "I was driving my car on Main Street, Chappaquiddick, on my way to get the ferry back to Edgartown. I was unfamiliar with the road and turned right onto the Dyke Road instead of bearing hard left on Main Street." In his speech, Kennedy explained that his car went off "a narrow bridge, which had no guard rails and was built on a left angle to the road."

Kennedy said that he "somehow" managed to escape the car as it filled with water, then made "immediate and repeated efforts to save Mary Jo by diving into the strong and murky current" (the pond is actually an inlet from the Atlantic Ocean). Had he made it across the bridge, they would have quickly arrived at a secluded beach where he, Mary Jo, and some other cookout participants swam in the ocean earlier in the day.

According to Kennedy, after failing to get her out of the car, he walked the mile and a half back to the cottage, where he got the help of two friends, his cousin Joseph Gargan and Paul Markham (then U.S. attorney in Massachusetts), and returned in a previously rented Valiant to Poucha Pond. They were also unsuccessful in rescuing Mary Jo. Kennedy and the two then drove back to the ferry, which now had ceased operation for the night. According to his statement, Kennedy then impulsively jumped into the channel to swim across to Edgartown. It is more likely that Kennedy and his two friends used a small rowboat to get across, as a witness saw three men crossing the channel in a small boat between 1:00 a.m. and 2:00 a.m. Gargan and Markham likely then used the boat to return to Chappaquiddick after dropping Kennedy off on the shore of Edgartown.

When Kennedy finally reported the incident at about 10:00 a.m., it was to Edgartown Police Chief Dominic Jim Arena. Arena had been alerted earlier that morning that an automobile had been sighted in the water off Dyke Bridge. The leader of a small police department, Arena opted to go check it out himself. Arriving at the scene, he borrowed a swimsuit from the husband of Mrs. Sylvia Malm, whose house, often referred to as "Dyke House," was a short distance from the bridge. He was unable to open







the door of the vehicle, and sent for John Farrar, a skin diver with the Search and Rescue Division of the Edgartown Volunteer Fire Department. Farrar recovered the body of Mary Jo Kopechne about 9:00 a.m.

Once Arena found out that the car was registered to Kennedy, he phoned his office from the Malm house, and found out that Kennedy was there. Arena returned to the station and took Kennedy's statement, which concluded with the words, "When I fully realized what had happened this morning, I immediately notified the police."

This would be one of many comments made by Kennedy over the next several days that were, simply put, not correct. Kennedy walked past houses on Chappaquiddick where he could have called police, including the Malm house less than 100 yards away, and the Chappaquiddick fire station. At 2:25 a.m., Kennedy asked a hotel clerk for the time — apparently establishing an alibi — and made several phone calls before he finally contacted the police. It took Kennedy well over an hour after he emerged from his hotel room the next morning to make his way to the police station. There were many glaring inconsistencies in his story — both in the written statement for Arena (written by Markham, now back in Edgartown) and in the televised address made a week later (composed after several days of consultation with a team of lawyers and speechwriters, including Ted Sorenson).

Photo: AP Images

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Everyone — the Edgartown Police Department, the district attorney's office, the medical examiner, the inquest held to look into the matter, and the grand jury — ultimately failed to hold Kennedy to account for his actions, which had resulted in the death of Mary Jo Kopechne. The Edgartown prosecutor, Walter Steele, had even known Kennedy for several years, having served together with him as an assistant district attorney! The clever evasions of the Kennedy team managed to keep legal authorities from uncovering the full truth of the tragic episode.

Search for the Truth

What was the truth? At this late date, with most of the participants now dead, we can never have a complete picture of what happened. Kennedy pled guilty to leaving the scene of an accident. He was let off with a two-month sentence, which was suspended. In the later inquest, the judge was so pro-Kennedy that District Attorney Edward Dinis threatened to walk out of the proceedings if the judge did not allow him to do his job. And Dinis was no right-wing Republican. He had been a delegate to the Democratic National Convention in 1956, personally escorting Senator John Kennedy to the speaker's platform when Kennedy ran unsuccessfully for vice-president. Dinis had even failed in a bid for Congress on the Democratic Party ticket, bitterly comparing a newspaper that opposed him to The John Birch Society.

Following the death of Mary Jo, the assistant medical examiner quickly concluded that she had died by drowning, despite performing no autopsy. The next day, when the district attorney had a better grasp of the unusual circumstances of her death, he called for an autopsy. He was told, incorrectly, that her body had already left the state for burial in Pennsylvania. Soon, however, it really was removed from Dinis' jurisdiction — on a Kennedy-chartered plane, her body accompanied by Kennedy's legislative aide, Dun Gifford!

Later, when Dinis filed a petition to have Kopechne's body exhumed so an autopsy could be performed,







the case was heard by Judge Bernard Brominski of Wilkes-Barre, Pennsylvania. Brominski insisted that Dinis bring his petition to him in person. When Dinis entered the judge's office, he noted a huge bust of John Kennedy. Not surprisingly, Brominski ruled that there was no justification to exhume the body of Mary Jo for an autopsy.

In all fairness, the grand jury, led by a local druggist, Leslie Leland, did want to delve deeper into the case and explore the unanswered questions, and hopefully reveal what were the actual circumstances of Mary Jo's death. However, the supervision of the grand jury was assigned to Judge Wilfred Paquet. Paquet was a former member of the Massachusetts Democratic state committee, who had managed the campaign of Democrat Governor Paul Dever. One fellow judge said that Paquet was a known "Kennedyphile."

To the shock of the grand jury, Paquet opened the session with an hour-long speech, stressing the restrictions upon their investigation. He did not even allow them to be provided the transcript of the inquest in which Senator Kennedy and other important witnesses had answered questions, and he told them that they could not call any of the witnesses who had testified at the inquest. That left them with calling four rather inconsequential "witnesses," before adjourning in disgust. Paquet then warned them that they were bound by a permanent pledge of secrecy.

Leland later wrote a book about his experiences, *Left to Die*, detailing the obstacles placed in their way, and relating anonymous threats that were made against him and his family if the grand jury pursued the case. District Attorney Dinis later conceded that he was sure that if the grand jury had been allowed to function, they probably would have returned an indictment for manslaughter.

What evidence might have led the grand jury to make such a serious charge against a U.S. senator, a Kennedy, who was considered the leading candidate for the Democratic nomination for president in 1972, if he sought it?

Challenges Emerge to Kennedy's Version of Events

Over the years, many books have been published on the Chappaquiddick Affair. Perhaps the most well known was *Senatorial Privilege: The Chappaquiddick Cover-Up*, by Leo Damore. Despite giving Damore a \$150,000 advance, Random House ultimately refused to publish the book, forcing him to get it published by a smaller and much more conservative publisher, Regnery Gateway, in 1988. It became a best-seller. Damore had almost completed a second book on Ted Kennedy in 1995 when he died from a gunshot. Police concluded his death was a suicide.

In the Damore book, as well as others by Zad Rust (*Teddy Bare*) and Kenneth Kapel (*Chappaquiddick Revealed*) and an explosive magazine piece by *Reader's Digest* in 1980, a wealth of information was uncovered, along with much speculation based on that information.

Even before these books and others like them were written, Kennedy's own explanation for the events simply did not appear to make sense. In his statement to the Edgartown police, Kennedy claimed he was on his way back to the ferry and, unfamiliar with the road (despite having been over it several times), "turned right on the Dyke Road instead of bearing hard left on Main Street." This is difficult to believe, as "Main Street," as he called it, is a paved road that curves left, complete with signs pointing left to the ferry. Dyke Road, on the other hand, was a very rough dirt road. To leave the paved road, one would have to come to almost a complete stop to turn right onto Dyke Road. Kennedy later told the inquest that he had no place to turn around once he was on Dyke Road, but there was actually more than one





driveway that he could have used for that purpose. And his pleading unfamiliarity with the road was unconvincing because he had been down Dyke Road earlier in the day, when he, Mary Jo, and others had gone swimming in the ocean located just beyond the bridge he failed to cross.

Then, he introduced a possible defense: "I was exhausted and in a state of shock." In their book, Chappaquiddick: The Real Story, James Lange and Katherine DeWitt lamely attempted to argue that this was actually the case, offering it as the most logical explanation for all of the oddities of Kennedy's behavior, including his failure to report the incident for several hours. They even seem to accept that Kennedy had really hurt his neck (thus the famous neck brace he wore to Mary Jo's funeral the next week). When this writer asked Chief Arena if Kennedy displayed any sign of shock, or any problem with his neck early the next morning, he emphatically told me no. In Damore's Senatorial Privilege, Arena is quoted as saying he took a "real close look at" Kennedy, and recalled, "I found it hard to believe that the Senator had been in a major automobile accident. His face bore no traces of any marks. He never sat down or appeared in any kind of physical discomfort. If he had been injured, in shock, or confused, nothing of it lingered in our meeting."

Several others offered similar observations. Zad Rust, in his *Teddy Bare*, noted that, according to Kennedy's story, "encumbered by a back-brace and soaked clothes and shoes after his near-drowning," he was able to walk a mile and a half back to the cottage, seek out Gargan and Markham and explain what had happened, then "take them back to the accident scene; to direct their efforts to save the trapped girl; and a few minutes later to jump into the strong current of the Martha's Vineyard channel, which is 500 feet wide, swim across it, and reach the harbor," and then reappear "composed and dry at 2:25 a.m. that same night standing in front of his hotel neatly clothed and talking and acting in a way that betrayed no strain or emotional disturbance."

His supposed amnesia was very selective. "Of all his 'scrambled thoughts,' he remembered only those that provided justification for his delay in reporting the accident to the police," Rust concluded.

Ferryman Harvey Ewing saw Kennedy early the next morning, and decided to take a photograph, but Kennedy was walking so fast that the picture is out of focus. He said Kennedy looked "in fine shape," and it surprised him to find out later that the senator had been in an automobile accident. "I'd watched him closely and his movements were completely normal. My impression was, he looked in good shape."

Dr. Milton Brougham, chief of neurosurgery at Cape Cod hospital, performed an electroencephalogram on Kennedy at his regular doctor's request, which revealed "no abnormalities." According to the *Boston Globe*, medical authorities they consulted said that any neurological symptoms or alterations of awareness, levels of consciousness, or memory would have shown up on the test.

Since neurological problems with memory loss do not adequately explain the drive off Dyke Bridge and the actions of Edward Kennedy for the next several hours, other theories have been proposed. Some of the most ardent of Kennedy defenders have proposed that the CIA somehow framed him, at the direction of President Nixon. Others have suggested that Kennedy was not even in the car when Mary Jo drove off the bridge.

Other Theories of What Happened at Chappaquiddick

One theory seems to have some validity until receiving closer examination. Donald Nelson, in his *Chappaquiddick Tragedy: Kennedy's Second Passenger Revealed*, asserted that it was another woman, Rosemary Keough, who was in the front seat with Kennedy. This theory rests on the discovery of





Keough's pocketbook in the car after it was pulled from the pond. Nelson argued in his book that Mary Jo was asleep in the back seat of the car, and while both Kennedy and Keough were able to get out of the car, they were unaware of Kopechne's presence until her body was discovered the next morning.

While believed by some, this theory just has too many holes. For one thing, it is well established that cookout participants Charles Tretter and Keough left the cottage at 11:15 p.m. for a "walk" that lasted until two o'clock the next morning. Besides that, when Arena expressed condolences to Kennedy the next morning for his "friend Rosemary Keough" (because of the discovery of the pocketbook), Kennedy immediately responded that the woman in the car was Mary Jo Kopechne. Logically, if Kennedy was unaware that she was in the back seat of the car the night before, he would have still been unaware of it the next day.

It seems likely that Kennedy's testimony that he and Mary Jo left the party around 11:30 p.m. is correct, but his contention that he drove off the Dyke Bridge only a few minutes later is contradicted by the testimony of Dukes County Deputy Sheriff Christopher Look. Kennedy was insistent that he was at the Dyke Bridge at 12:20 a.m., with Markham and Gargan, who were making an effort to save Mary Jo. When challenged on this time claim, Kennedy argued that he noted the time on the rented Valiant's clock.

The problem is that the Valiant had no clock.

Look, a descendant of the famed Revolutionary War hero John Paul Jones and a well-respected person on the island (he later won several elections for sheriff), was nearing the end of his shift at the Edgartown Yacht Club, where he was working as a security guard. Several witnesses confirm that Look left the club around 12:25 a.m., bound for his home on Chappaquiddick Island. At 12:45 a.m., a time when Kennedy claimed his Olds was submerged in the pond, Look saw a black car approaching the intersection where the main road curved toward the ferry, Dyke Road, and Cemetery Road.

The black sedan passed in front of Look, as he slowed almost to a stop. He explained that many will make the curve too sharp, and that he did not want to get "sideswiped." He could see a man and a woman in the front seat.

The car continued forward onto Cemetery Road, a private dirt road, then stopped. As it appeared to Look that they were about to back up, Look reasoned the couple might be lost. He stopped his own sheriff's cruiser and began to walk toward the vehicle. When he closed to about 25 feet, the car began backing up, then sprang forward rapidly down Dyke Road. He noted the tag began with an L, and included 7s at the beginning and the end.

The next morning, as Look watched Kennedy's car being pulled out of the pond, he walked over to officer Robert Bruguiere. Bruguiere told *The New American* that Look told him, "That is the same car I saw last night." When Bruguiere informed him that it was registered to Teddy Kennedy, Look jokingly said, "I didn't see anything."

But of course he had. As the *Washington Post* wrote in 1979, "The dispute can be stated simply: If Look saw what he said he saw the night of the accident, Kennedy's account of the tragedy is a tissue of lies."

Why is this so important? It means that Kennedy was somewhere on Chappaquiddick Island for over an hour with Mary Jo Kopechne, a woman not his wife, in the middle of the night. The most innocent explanation is that they were simply discussing politics, possibly his upcoming race against Nixon in





'72. But whatever he and Mary Jo were doing at 12:45 a.m., Kennedy certainly did not want to be found behind the wheel of an automobile by a deputy sheriff, in a state of drunkenness, with an attractive young woman. The timing was important for another reason. The ferry was known to cease operation after midnight, destroying Kennedy's claim that he was going to the ferry.

Not surprisingly, Kennedy insisted that his time frame was correct and Look had not seen his car at 12:45 a.m. But, as Look later put it, "Either he's lying or I am." A check of Massachusetts license plates found only seven other black Oldsmobiles with plates that began with an L and a 7 and ended with a 7 in the entire state, according to investigators.

It is most likely that Kennedy's Olds shot off Dyke Bridge a few minutes later, making Kennedy the only person in the bridge's 22-year history to accomplish that feat. Witnesses have admitted that Kennedy had begun drinking earlier in the day, and he had yet another drink before the other guests arrived at Lawrence Cottage. Damore wrote, "It was also common knowledge that Teddy Kennedy was drinking more than it was wise for him to do on public occasions."

The results of the blood-alcohol test conducted after her death showed that Mary Jo was "drunk" at the time of her death.

To find out just how fast Kennedy was driving, *Reader's Digest* consulted traffic engineers "with long experience in evaluating accidents for both the federal government and private clients." The study was conducted by Raymond McHenry, considered among the nation's "foremost experts" in automobile-accident analysis. Using sophisticated analytical techniques, he ran his data through a computer and calculated that Kennedy, who was driving on the wrong side of the road, hit the bridge at about 34 miles per hour. The car shot about 35 feet into the water.

As the car went off the bridge, the front and right side of the car would have dipped and hit the water, and the car would have tipped over onto its roof. Kennedy's window was rolled down, and the force of the water coming from the passenger side perhaps propelled him up and out of the car. Mary Jo, however, never got out of the car.

What Caused the Death of Mary Jo Kopechne?

As a teenager at the time of this event, this author wondered: If Kennedy made it out of the car, why did his female passenger remain in the vehicle and drown? Actually, the evidence indicates that she most likely suffocated, not drowned. But why did she not get out of the car? After all, she could swim, the water was only seven feet deep, and they were only about 10 feet from the shore. As I read several books and magazine and Internet accounts of the whole tragic episode, I formulated what I believe is the most logical explanation.

I now believe it was a combination of factors. Mary Jo had a reputation as only a moderate drinker, but that night she was in a state of intoxication. It was pitch black and she was no doubt disoriented, with the car turned upside down. At the hearing for the petition to grant an exhumation and an autopsy, it was revealed that a series of tests indicated blood stains on the back of Kopechne's blouse. Perhaps in the course of the accident, she received a blow to the back of the head, leaving her in a reduced state of consciousness. The blood stains would also be consistent with death by suffocation, rather than drowning. Exactly what caused the blood stains is just one of the reasons that an autopsy was called for. But, a "Kennedyphile" judge in Pennsylvania thought otherwise.





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Another reason for an autopsy was to look for evidence as to how long she was alive after the wreck, while Kennedy was failing to report it. (Within a short walking distance, there was a house near Dyke Bridge, where Kennedy could have phoned for assistance). The skin diver, John Farrar, who eventually retrieved Mary Jo's body out of Kennedy's car, was convinced that she lived for at least an hour, and probably more, in an air pocket. When he reached her body the next morning, he found it rigid, with both of her arms outstretched, clawing at the bottom of the back seat, with her head arched backward, as though gasping for air in a floorboard not yet submerged in water. This led Farrar to conclude that she died, not by drowning, but by asphyxiation. The mortician supported Farrar's contention, noting that he had never seen so little water in a drowning victim. He also believed her cause of death was suffocation.

Farrar contended that she may have lived for as long as four hours. "There would have been an airlock in the car — there always is in such submersions — that would have kept her alive," Farrar insisted. "If we had been called, I could have reached the scene in 45 minutes." Chief Arena was disinclined to believe Farrar's remarks until he received a clipped article from the *The Boston Herald Traveler* in the mail. It told of a woman in New Hampshire who had spent *five* hours in a submerged automobile. Doctors said an air bubble inside the car had enabled her to breathe. Unlike the unfortunate Mary Jo, she survived her ordeal.

Farrar was not allowed to testify at the inquest, but another witness, Dr. Werner Spitz, deputy chief medical examiner for the state of Maryland, insisted that, based on his reading of the medical examiner's report, Mary Jo did not die immediately, but was able to breathe air for an undetermined length of time.

If Farrar, the mortician, and Spitz are all correct, then Mary Jo was most likely gasping for air in a semi-conscious state, while Kennedy was back in Edgartown at 2:25 in the morning, "checking the time" with the hotel clerk. Whatever his intention, this could have created a nice alibi for Kennedy that he was across the channel in Edgartown while Mary Jo Kopechne was dead — or near death — in his 1967 Olds.

Clearly, the state of Massachusetts failed her. Attorney Melvin Belli, in commenting on the lack of justice for the young woman, said the Kennedys have "gone around parading themselves as sponsors of little people and yet let that little person in the back seat of a car go unexamined to the grave." And, in his own unique way, Senator Barry Goldwater remarked, "If I had run that girl off that bridge, you wouldn't have heard the end of it."

Yet when Senator Kennedy delivered his speech a few days after Mary Jo's death, a good one-fourth of his television address was devoted to his own political future, complete with the statement in which he asked whether "some awful curse" hung over his family. He asked the people of Massachusetts to help him decide whether to resign or continue to serve them in the Senate.

Perhaps Senator Kennedy said it best, although he was referencing the Watergate Scandal and not the leniency given to him by the legal authorities of Massachusetts, when he said, "Do we operate under a system of equal justice under the law? Or is there one system for the average citizen and another for the high and mighty?"

The answer to Kennedy's second question is a decided yes, at least in regard to what happened in Massachusetts in the summer of 1969. In the succeeding months, that state's legal system was perverted in an effort to salvage the political future of Senator Edward M. Kennedy.







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