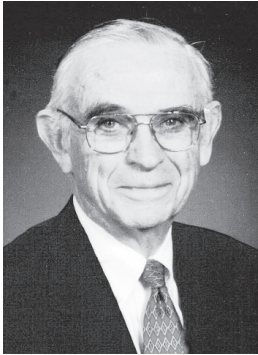


What Actually Happened on Chappaquiddick

By Donald Frederick Nelson



Donald F. Nelson

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Nelson's research was split evenly between experiment and theory. When the AT&T divestiture led to research restrictions, he retired and became a professor of physics at Worcester Polytechnic Institute, retiring again in 2000.

Nelson has been a member of the Worcester Torch Club for 25 years and has given nine lectures; "What Actually Happened on Chappaquiddick" is the fifth to be published in *The Torch*. Comments and questions are welcome: dfnelson@charter.net.

This paper was presented to the Worcester Torch Club on April 14, 2016.

On the first evening of the annual Edgartown Yacht Club Regatta, July 18, 1969, Sen. Ted Kennedy threw a party for some friends in a secluded cottage on Chappaquiddick Island, a part of Edgartown that is on Martha's Vineyard. The partygoers included six young unmarried women who had worked in Bobby Kennedy's presidential campaign "Boiler Room," Kennedy's close cousin Joe Gargan, three political associates of Kennedy, his chauffeur, and Kennedy. Late that night Kennedy left the party. It became known the next day that he had driven off Dike Bridge into the salt-water Pocha Pond and that Mary Jo Kopechne had drowned in his car. Mary Jo was one of the "boiler-room girls" and, according to Kennedy, was his front-seat companion.

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This became the most famous automobile accident of the twentieth century for three reasons. First, Ted was a nationally prominent senator and then the standard bearer of the famous Kennedy family. Second, the ramifi-

cations of the incident prevented Kennedy from ever becoming the Democratic nominee for president. Third, Kennedy's explanation of the events of that night was widely regarded as a successful cover-up.

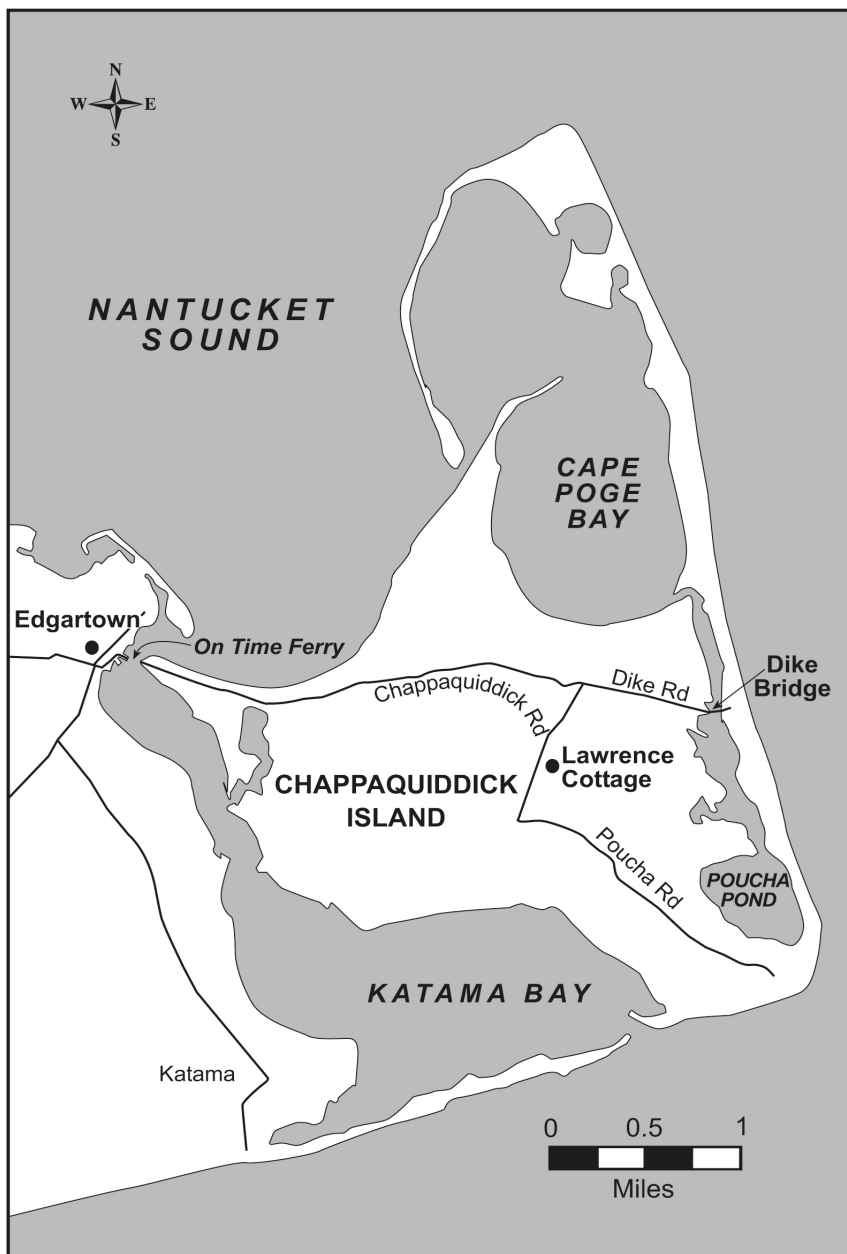
After the inquest was over and its record made public, the *New York Times* editorialized that the case was closed legally, but not resolved. That lack of resolution has persisted to this day. I have written a book, *Chappaquiddick Tragedy: Kennedy's Second Passenger Revealed*, whose goal is to bring factual resolution to all aspects of this famous incident. I am neither trying to vilify anyone nor rehabilitate anyone, just present what actually happened.

The strangeness of the case was immediately apparent. Kennedy did not report the accident to the police until the middle of the next morning. Then, in a police report, he claimed to have dived repeatedly to save Mary Jo, but after failing to do so, to have simply walked back to the party and asked Joe Gargan and one-time U.S. Attorney of Massachusetts Paul Markham to take him to the ferry landing so he could get to Edgartown. The *On Time* ferry had ceased operations for the night, but somehow he made it to his room at the Shiretown Inn in Edgartown by 2:25 that morning and made sure he was noticed there. Why had he not hammered on the doors of the two nearby cottages, which had lights burning, to get help? Why had he not called the police immediately rather than waiting ten hours? Why had he fled to Edgartown?

Kennedy's police report the next morning said he was driving to the ferry to take Mary Jo to her motel. They left about 11:15 p.m., before the ferry stopped running. He said he made a wrong turn onto Dike Road. People familiar with the area, however, doubted that anyone could mistake the abrupt right turn onto a gravel road leading to the bridge for the paved curve toward the ferry. Further, Deputy Sheriff Huck Look saw the Kennedy car turn onto Dike Road not at 11:15, but at 12:45 a.m., well after the ferry ceased normal operations, with a man driving and a woman in the front seat. Additionally, Mary Jo had not taken her purse containing the key to her motel room. Mary Jo had not said a word about leaving to her roommate, and Kennedy had not said "Good night" to his other ten guests.

From day one, appearances indicated a cover-up. But what was being covered up? Imagination ran wild. But Kennedy was stuck with this story and maintained it throughout the investigation.

So what did really happen? Kennedy, driving at almost 40 mph, failed to make the slight left turn onto Dike Bridge and flew off the right side. As the right front wheel dropped off the bridge first, the car rotated in air, landing flush on the passenger side of the car, imploding tempered glass shards from the windows and denting the entire side of the car. The car bounced off the water like a skipping stone, continued to rotate, landed on its roof, indenting it, and sank upside down. The front passenger seat occupant would have had to receive cuts and scratches, called dicing, from the imploding window. The decelerating motion of the car, its flooding, and its sinking would all make it virtually impossible for a front seat passenger to end up in the rear seat. But Mary Jo's body was found in the rear seat, with no dicing or any other blemishes. She simply could



Chappaquiddick portion of Martha's Vineyard. (Mapping Solutions)

not have been the front-seat passenger observed by Deputy Look.

Then who was the front-seat passenger? The first clue was a women's handbag found in the front-seat compartment of the sunken, overturned car. It belonged to Rosemary Keough, another of the boiler room girls. She later explained that she had left her purse in the car earlier that

evening when in the car on an errand. Throughout the investigation and inquest, that account of the handbag was never challenged or even analyzed, even though a neighbor, Dodie Silva, offered observations to a reporter that challenge whether Keough was even in the car on that particular errand. Silva was never called to testify at the inquest. But if the handbag had been left there earlier, any of the other young

women—except, obviously, Keough herself—would, on getting into the car with Kennedy, presumably have recognized the bag and returned it to Rosemary Keough before leaving on the fateful ride. The presence of the handbag suggests that Keough, not Mary Jo Kopechne, was the front-seat companion of Kennedy, and the second passenger in the car.

So how did Mary Jo get in the back seat?

There had been a lot of drinking at the cookout at the cottage. The neighboring Silvas, over a hundred yards away, reported that the level of noise and singing at the party kept them awake past two in the morning. Indicative of the fuzzy, relaxed, inebriated state of the partygoers was that ten of them had motel rooms back in Edgartown, and they all knew that the ferry stopped running around midnight (although it could be called after hours for a premium), but none of them except Kennedy ever got there. None of those ten had planned on staying in the small cramped cottage. The number of empty liquor bottles testified to at the inquest can be used to calculate that there were ten ounces of liquor consumed at the party per person. That's a lot. Mary Jo's body had an alcohol content indicating she had had three drinks in the last hour of her life or many more over the four hours of partying. For a 5' 2", 110-pound woman, that is a lot, and a lot more than Mary Jo usually drank. She, realizing she had imbibed too much, apparently slipped out of the party unobtrusively and lay down in Kennedy's commodious Olds 88 rear seat. Later Kennedy and Keough, also having had several drinks, got into the car at a moonless time of night. They did not notice Mary Jo passed out on the darkened rear seat.

This makes understandable both the accident and the later lying about it. Kennedy and Keough both escaped

from the car, which was sunk in only six feet of water. From their point of view, it would have been a one-car, unobserved, no-significant-injuries accident. There would have been no demanding reason to report the accident that night. The car would not be retrieved until morning, and Kennedy would have wanted to avoid a sobriety test. So naturally they did not knock on the doors of neighboring houses. They had no knowledge of Mary Jo still in the car. Kennedy, of course, would not have wanted his apparently amorous adventure known. From the long, close relationship of Kennedy with his cousin Gargan, it is easy to conclude that Kennedy would have asked Gargan to take the blame for the accident as a lone driver. This has been reported twice in print from "reliable sources."¹ Kennedy, to avoid all connection to the accident, then would have hurriedly gotten to Edgartown to establish an alibi there.

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Kennedy was relaxed and amiable the following morning as he talked with friends on the deck outside his room. Then Gargan and Markham suddenly appeared, "sopping wet" (*The Inquest* 39; see also *Investigative Reports*), apparently from having examined the wreck and seen Mary Jo's body. Kennedy, after being told

this in private, emerged from his room a changed man, now grim, anxious, and troubled. Gargan would not take the fall now. Kennedy would have to. He now needed a new story, but his first attempted avoidance of all responsibility made it difficult. His first planned alibi having been undone by this new development, he was forced to resort to the simply unbelievable story of his police report.

My book goes into much more detail than I have space for here about the inquest held in early 1970, but I do want to describe a piece of clinching information that I discovered in the inquest testimony, information the import of which neither the district attorney, nor Judge Boyle, nor subsequent investigators or authors looking into the Chappaquiddick accident seem to have ever grasped.

Both Keough and another party guest, Charles Tretter, testified they spent the crucial time around the accident on a long walk (*The Inquest* 21-28). Tretter described the walk as beginning when Kennedy's car was gone, but a second car, a white Valiant, was parked by the cottage. He said his walk was confined to Chappaquiddick Road between the cottage and the intersection with Dike Road. He noted that the Valiant passed during the walk. Other testimony indicates that Gargan and Markham were in the Valiant taking Kennedy to the ferry slip. Thus Kennedy had returned to the cottage during Tretter's walk. Since Kennedy would have had to return to the cottage along the same section of Chappaquiddick Road on which Tretter was walking, one can deduce that Tretter had to encounter Kennedy along that road.

Tretter's testimony also suggests strongly that he began the walk not accompanied, but alone. Four times in his testimony, he describes beginning the walk in first-person singular. "I left the cottage..."; "I left 11:30 or..."; "I

walked out of the cottage...”; “I went out for a walk...” But in describing the first incident that occurred after he would have encountered Kennedy—the passing of the Valiant—he uses “we” in describing the incident, and he uniformly uses “we” in describing the further progress of the walk. *Thus, the testimony indicates the walk with Keough began only when Tretter encountered her and Kennedy.* This again points to Rosemary Keough being Kennedy’s surviving front-seat companion, the second passenger in Kennedy’s car. This lucky happenstance of meeting up with Keough allowed her to go unnoticed when Kennedy returned to the cottage, thus discouraging consideration of the possibility of a second passenger in the car in previous analyses.

There is an even more troublesome reason to be sceptical of some aspects of the inquest: the improper pressures secretly brought to bear on Judge James Boyle.

Keough, herself, seemed in the early years to speak of the accident in a way that supports the account presented here. On both the first and fifth anniversaries of the accident, she said “My friend Mary Jo just happened to be in the wrong car at the wrong time with the wrong people” (Damore 407; *Boston Globe*, October 30, 1974), a turn of phrase that suggests Mary Jo was in the car with more than just one other person and that Mary Jo was there by happenstance, not intention.

There is an even more troublesome reason to be sceptical of some aspects of the inquest: the improper pressures secretly brought to bear on Judge James Boyle. John Farrar, water rescue expert of the Edgartown Fire Department at the time of the accident, was later told in confidence by Dorothy Commins, who was Boyle’s secretary throughout the Chappaquiddick investigation and inquest, that, as best he remembers her words, “You can’t imagine the intensity of communications and directions coming down from Boston to Judge Boyle to control the whole procedure” (Farrar).² Whether those communications originated from judicial or political sources was left unsaid, but either would have been at least improper. Perhaps the most revealing word Commins used was “intensity,” for it implies repeated calls, which would occur only if “Boston” were receiving new information regularly about the inquest progress and testimony. Since the inquest was closed-door, some participant must have been keeping the powers in “Boston” informed.

It is a disturbing revelation. It goes a long way towards accounting for a number of indications of Boyle controlling the inquest in Kennedy’s favor. But in the end, in a show of courage, he reported that he did not believe Kennedy’s story and found him negligent in Mary Jo’s death. In his initial remarks at the inquest, he had said such a finding would require him to issue an indictment, which under Massachusetts law would have been for involuntary manslaughter. But then, apparently having been intimidated, he did not take that step. He resigned his judgeship on the day the inquest report was made public. His son has said that he never mentioned the inquest the rest of his life, probably out of embarrassment.

Should Kennedy have been tried for involuntary manslaughter? Based on the inquest findings of Judge Boyle

concerning his false story, “yes” would seem to be the demanded answer. But in reality Kennedy didn’t know Mary Jo was in the car, a strongly exculpating circumstance. So in the conclusion of the book, I write, “Odd as it may seem, all of the mind-numbing ineptness of the police investigation and all of the politically driven laxness of the prosecution and all of the judicial favoritism ended, in this author’s opinion, with a proper level of punishment for Ted Kennedy! His sin was repeatedly lying, not callously abandoning a friend to drown.”

Notes

1 See the story by Jack Anderson in the *New Bedford Standard-Times* of August 8, 1969, and that in the *Boston Globe* of October 29, 1974.

2 Some time after the inquest, Commins worked for Farrar at the Turf ‘N Tackle Shop. Farrar, in relating the substance of his conversations with Commins to the author, said he felt free to convey this information offered in confidence now that Commins was deceased.

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*The publication of this article is funded by
The Torch Foundation*