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OHIO GUARD FINDS NO PROOF OF SNIPER

But Officers Say Troops
at Kent State Feared for
Lives When They Shot

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Special to The New York Times

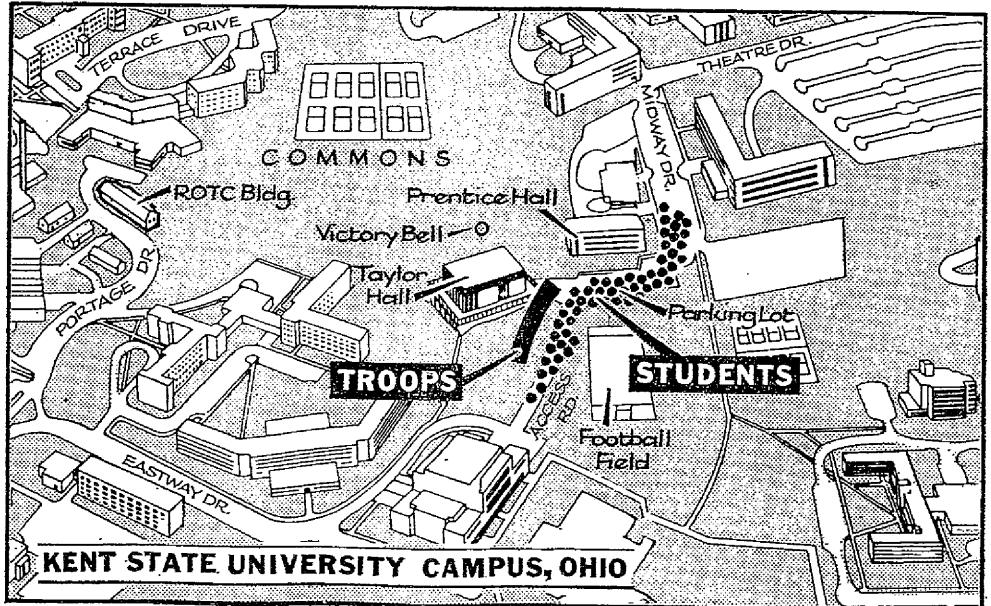
KENT, Ohio, May 5—Officers of the Ohio National Guard said today they were unable to produce evidence of sniper fire at the guardsmen who killed four Kent State University students here yesterday, but they said the soldiers had fired without orders because they feared for their lives.

Maj. Gen. Sylvester T. Del Corso, the State Adjutant General and Guard commander, said in Columbus this afternoon that he had heard reports that a sniper on a roof had fired on the guardsmen but that "there is no evidence."

Both General Del Corso and his deputy, Frederick P. Wenger, had issued statements within hours after the troops had killed the four students and wounded eight others by firing downhill into a crowd, saying definitely that a sniper's bullet had provoked the volley.

The campus, ringed by

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National Guardsmen (heavy line) fired on students (indicated by dotting) below crest of hill on Monday, killing four. Guardsmen had gathered at R.O.T.C. building, whose burning Saturday touched off disorders, and had dispersed students from the Commons.

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guardsmen who deployed three armored personnel carriers, was quiet and nearly empty of students today. Shortly after 4 A.M., a fire, apparently set, broke out in a university storage barn and burned it down. The university has been closed indefinitely and the students sent home.

The university president, Dr. Robert I. White, told a news conference today that Gov. James A. Rhodes had ordered the guardsmen in without his authorization while he was out of town, but he added he was not sure what he would have done. He called for a study of the incident on the order of national commissions that have investigated violence.

Agents of the Federal Bureau of Investigation roped off the

area of the shooting and the ruins of the Reserve Officer Training Corps building, burned down Saturday night on the second of four days and nights of trouble here.

Robertson Memorial Hospital said at 9 P.M. that the three students who were in critical condition were now listed as in "guarded" condition. One student was still in satisfactory condition, another had been transferred to a hospital in Cleveland, and a third was discharged.

Maj. D. E. Manly, the commander of the Ohio Highway Patrol unit working with the guardsmen here, today denied reports by the Guard that his men, circling overhead in a helicopter, had confirmed the sighting of a sniper on a roof.

Importance Denied

Yesterday, Guard spokesmen asserted that the patrol helicopter had spotted the reputed

sniper. At first, he was said to have been seen at the same time as the shooting; later, the time was set at about an hour and a half afterward.

"There is nothing in the log on the sighting," Major Manly said today.

In a discussion with several newsmen late last night, Brig. Gen. Robert Canterbury, the officer in command of the guard units here, said: "In my opinion, the fact that there is or is not a sniper is not important."

"I think the reason the people fired was because they were being assaulted with rocks and concrete," the general said. "When you get to the ultimate, you cannot deny a man the right to use a weapon if he feels his life was threatened."

"In any situation, whether in combat or anything else, the decision to use a weapon must

be reserved to the individual. And that's not written in any rulebook."

General Canterbury and other Guard officials say that no order to fire was given to the troops but that the men made "individual decisions" to shoot when they feared their lives were threatened.

The guardsmen here are armed with fully loaded M-1 rifles, with a round in the chamber. This means the weapon is immediately ready to be fired without pumping the bolt to put a round in the chamber.

At a news conference this afternoon, General Canterbury contended that the carrying of loaded weapons had "contributed," by acting as a deterrent to violence, to what he described as "the small number of casualties" during disturbances in the state. It did not do so yesterday afternoon, when a skirmish line of guardsmen suddenly fired into a crowd, about 20 minutes after a noon rally had been broken up by tear gas.

The gunfire could have lasted only a few seconds, but to those who were there the time seemed much longer as, frozen in horror, they heard the crackle of the gunfire, watched students dive to the ground and saw others buckle and fall as they were hit.

The guardsmen had pursued the students over a hill from the Commons, a grassy gathering spot, and found themselves in a football practice field. Slightly uphill, about 500 students had retreated around the corner of a women's dormitory.

About half a dozen youths raced out of the crowd and

hurled the tear-gas canisters back in the direction of the Guard and threw rocks. Most fell far short, but several guardsmen were hit.

In all, perhaps 20 or so rocks and small pieces of concrete were thrown.

At his news conference, General Canterbury put the strength of the Guard party at 100, and asserted that every man among them had been injured.

One guardsman was treated and released for injuries at Robinson Memorial Hospital and another was admitted with heat prostration, which occurred some time after the encounter.

After a short time, the guardsmen, moving in single file, went back up the hill to a point near Taylor Hall, the architecture building. The students cheered at the apparent retreat, and began moving through a parking lot toward the troops.

Guard Opened Fire

As the guardsmen reached the crest of the hill they suddenly spun to the right in unison, forming a line. Some dropped to one knee. Then they opened fire.

Answering questions from the horde of newsmen who have poured into this little northeastern Ohio town, General Canterbury said: "I felt the situation there was extremely dangerous." He added that he felt his own life was in danger.

He indicated that he felt, as previous Guard statements have said, that his troops were either

surrounded or in danger of being overrun.

No Pentagon Study

WASHINGTON, May 5—The Pentagon announced today that it did not plan to investigate the Kent State deaths involving Ohio National Guardsmen. A spokesman said the Guard was on non-Federal status and that responsibility therefore lay with the Governor of the state.

The Justice Department will "very probably" investigate the violence at Kent State, Ronald L. Ziegler, the President's press secretary, said. Justice Department officials were reported already in Kent, making a preliminary study.



FOLLOWING TRAGEDY: Students leaving Kent State yesterday. Robert I. White, school's president, ordered the university closed and the dormitories evacuated Monday after four students were killed by National Guard fire.

Associated Press