La. Deputy Blamed in Student Killing

SOUTHERN, From A1

terday to check on the status of the local investigation.

But Justice Department sources said that local and federal officials in Louisiana have been in constant touch, and that it is the department's impression that the state attorney general and parish district attorney "are not looking the other way."

If the state officials appear to be dragging their feet, the sources said, the Justice Department may go forward with its case first.

According to the sources, the FBI material submitted thus far is consistent with the report of the state Commission of Inquiry, which was composed of an equal number of blacks and whites.

Reporting last month, the commission said, among other things, that it had not "uncovered any evidence that students were in possession of firearms, tear gas, grenade, or artillery simulators or launching devices at the time of the confrontation."

The commission concluded that violence erupted on the Baton Rouge campus only after a state trooper tossed a tear gas cannister at a group of students in front of the administration building seized earlier by students.

But, where the commission said it had narrowed the source of the fatal shot to a group of six deputies, the FBI places responsibility on one member of that group.

One of Guste's assistants said last month that all six deputies had been interviewed by the commission and each had denied firing the shot.

The two students killed on Nov. 16, Denver Smith and Leonard Brown, both 20-year-old blacks, were at the rear of a group of 45 fleeing from the administration building after a police tear gas barrage.

Controversy over the incident has continued ever since, with Louisiana Gov. Edwin W. Edwards at first blaming the sheriff's deputies but later insisting that students threw the first missile.

The Baton Rouge campus of Southern University was closed down after the shooting, reopening last week.

The FBI inquiry into the Baton Rouge incident was one of the first major ones conducted under the new policy of Acting Director L. Patrick Gray III of assigning out-of-town agents to investigate civil rights complaints.

Rather than relying on its New Orleans office, Gray assigned the special agent in charge from Philadelphia to head the Southern University investigation.

Interviewed recently on the new policy, Gray said that in any such case, "it's not fair to have the local agents do it. They know and work with the police and know and live among the people."

FBI Identifies

La. Deputy in Student Death

By Sanford J. Ungar
Washington Post Staff Writer

The FBI has reported that the two students killed Nov. 16 during a confrontation at Southern University in Baton Rouge, La., were the victims of a singe shotgun blast fired by a sheriff's deputy.

That deputy now has been tentatively identified, Justice Department sources said yesterday, and he is expected to become the subject of a federal grand jury investigation in Louisiana.

Although the FBI report on the incident may not be complete until the end of January, the criminal section of the Justice Department's Civil Rights Division has already reviewed more than 1,000 pages of it.

Responsible officials insist that they will make no decision before an "exhaustive review" of all material submitted by the bureau.

But according to sources familiar with the report, the items already submitted suggest that the deputy who fired the shotgun could be prosecuted under civil rights statutes passed in Reconstruction days that have been used in controversial cases in the South the last 10 years.

The Justice Department will probably defer any federal action, however, until the district attorney of East Baton Rouge Parish (county) has decided whether to file a criminal indictment in connection with the shooting.

A special Commission of Inquiry convened by Louisiana Attorney General William Guste already has reported its conclusion that the shot which killed the students came from an area where sheriff's deputies were deployed during the confrontation at Southern.

The commission's findings were turned over to the parish prosecutor on Dec. 14, but he left the decision whether to convene a local grand jury investigation to noted criminal lawyer Ossie Brown, who took over the district attorney's job this month.

Neither Brown nor Guste returned a reporter's calls yes-

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