

Kent State Continued

THE Ohio National Guardsmen who suddenly wheeled and fired into a crowd at Kent State University last May apparently fabricated their story of imminent danger after their volley killed four students. That damning statement, contained in a Justice Department summary of an exhaustive FBI investigation and read on the Senate floor by Ohio Senator Stephen Young, directly contradicted the special state-appointed local grand jury that only three weeks ago completely exonerated the Guardsmen.

The grand jury, which had before it the entire FBI report as well as those of several other investigative bodies, nevertheless reported that the Guardsmen "logically" felt they faced "serious bodily injury" when they fired, and were

▶ "No Guardsman claims he was hit with rocks immediately prior to the firing." The summary said that despite the great number of rocks and other missiles aimed at Guardsmen earlier in the melee, only a single soldier was hurt seriously enough to require medical attention, and one Guardsman specifically stated that at the time of the shooting, the rain of rocks had diminished.

▶ "There was no initial order to fire." After the firing began, "some Guardsmen had to be physically restrained from continuing to fire their weapons."

▶ Finally, the summary says that in the FBI interviews with Guardsmen, mention of imminent danger occurs "almost as an afterthought . . . We have some reason to believe that the claim . . . that their lives were endangered by the stu-

is, it stopped the riot—you can't argue with that. It just stopped it flat." As Ford spoke, according to Reporter William Schmidt, he toyed with a .45-cal. pistol he keeps near his desk and kidded: "I could shoot you."

Strong Language. Ford had unintentionally placed himself in contempt of a court order directing more than 300 people who had played any role in the grand jury investigations to maintain complete public silence about the case. He said later he did not think he would be quoted by name, and suggested that he had been misquoted, although he did not say in what way. His bitter outburst brought a deliberately contemptuous statement from one of the most respected figures on the Kent State campus, Geology Professor Glenn W. Frank. In testimony given before the President's Commission on Campus Unrest, headed by William Scranton, Frank had ex-



"... WE FIND THAT THE STUDENTS DID ATTACK NATIONAL GUARD BULLETS WITH THEIR BODIES"
"The Guardsmen were not surrounded . . ."

"therefore" innocent of any crime under Ohio law. The guilt, said the grand jury, fell upon 25 persons, mostly students or former students, who were indicted on various counts of rioting, burning the university's ROTC building and interfering with firemen.

Rain of Rocks. The summary cited by Young was prepared by the Justice Department for internal use, interested Congressmen and state and local authorities. It constituted a forceful challenge of the basis for the jury's conclusion. Although the summary made it plain that there was great confusion both preceding and following the shooting, it contained the following findings: ▶ "There was no sniper . . . At the time of the shooting, the National Guard clearly did not believe that they were being fired upon."

▶ "The Guardsmen were not surrounded . . . They could easily have continued in the direction in which they had been going [across the crest of the hill where, instead, they unexpectedly stopped, turned, and fired]."

dents was fabricated subsequent to the event."

Shoot to Kill. The Justice Department report may well form the basis for a federal grand jury's re-examination of the case, a move being demanded by many at the university and elsewhere. That demand will undoubtedly receive impetus as the result of a startling interview given by Seabury Ford, Republican Party chairman of Portage County, where the grand jury met, and one of three special prosecutors in the case. His words provided substantial evidence for the charge by many at the university that the grand jury indictments and its sweeping condemnation of campus life reflected rabid political views.

In an interview in the *Detroit Free Press*, Ford said that the National Guardsmen on the campus last May "should have shot all" troublemakers, and that the incidents were Communist-inspired. "I think the whole damn country is not going to quiet down until the police are ordered to shoot to kill." Of the Kent shootings, he said: "The point



KENT STUDENT T SHIRT

pressed his abhorrence of student violence in strong terms. Within hours after Ford's statement became public he used equally strong language.

"I speak now in contempt of court," Frank said, "in contempt of the naive and stupid conclusions of the special grand jury, specifically as to their reasons for the May 4 disturbances; in contempt of Judge Edwin Jones for the gag rules . . . and in personal contempt for Lawyer Ford for his lack of understanding after 68 years of what I believe is a wasted life . . . It is my feeling that the Republican Party feels it must smash the student uprising to stay in power. I know that some people should be prosecuted for what they did in May. But that should not entitle the judge, a jury or a prosecutor to make a farce out of justice for their own gain or to gain favor with voters."

Both Ford and Frank pleaded guilty to contempt, but Judge Jones deferred sentencing until a federal court in Cleveland rules on whether his silencing order was constitutional.

more bullies. For too long, the strength of freedom in our society has been eroded by a creeping permissiveness—in our legislatures, in our courts, in our universities. For too long, we have appeased aggression here at home—and as with all appeasement, the results have been more aggression, more violence. The time has come to draw the line.

"If a man chooses to dress differently or wear his hair differently or talk in a way that repels decent people, that's his business. But when he picks up a rock, then it becomes your business and my business to stop him. Let me add this personal note. The terrorists of the far left would like nothing better than to make the President of the United States a prisoner in the White House. Let me set them straight. This is a free country, and I fully intend to share that freedom with my fellow citizens."

Curled-Lip Boys. Over the weekend, Nixon moved to expand the powers of the FBI: he ordered federal agents to move in quickly on request from state or local law-enforcement authorities whenever police officers have been attacked. In Phoenix, he called for the passing of new laws "that would give the peace forces new muscle to deal with the criminal forces"—and that, in turn, "requires men in Congress who will work and fight for laws that will put the terrorists where they belong—not roaming around civil society, but behind bars."

Nowhere in the President's speeches was there any evident attempt to rally the forces of reason in both parties against the minority of radicals; the clear implication was that only the President's supporters were on the side of right. In the Anaheim speech, the President pointed his political moral. To root out violence and lawlessness, said Nixon, "it is time for us to recognize that candidates for the Senate and the House who in the past have either condoned this, defended it, excused it or failed to speak against it—that these are men who do not have the qualifications now to take the strong stand that needs to be taken." Few candidates

for public office have condoned, defended or excused violence; few have failed to deplore it, in fact. The statement implies, however, what Agnew said flatly: that the Administration's opponents have stimulated and encouraged "these people," meaning extremists. Said Agnew last week: "It is time to sweep that kind of garbage out of our society."

The Vice President spent much of the final week in Dixie, denying that he was "reflecting or pushing what the curled-lip boys in the Eastern ivory towers contemptuously call a 'Southern strategy'" —and promising that "this Administration will appoint, and will see confirmed, a Southern strict constructionist on the Supreme Court." At a Navy League dinner in Manhattan, he fired an old-fashioned broadside at members of Congress who have become "viscerally antagonistic toward the whole defense complex." Said Agnew: "Deep down in their hearts is a feeling that international Communism is no longer really dangerous, at least not as dangerous as it used to be, so that America can safely dispense with expending major sums on modern armaments." It seemed a curious comment from a Vice President whose President has cut the U.S. defense budget, pursued strategic arms limitation talks with the Soviet Union, and only the day before had warmly feted the President of Communist Rumania.

Simplistic Solutions. Agnew's blunderbuss assaults on "radical liberals" have infuriated thoughtful moderates. New York's Mayor John Lindsay, who split with his party to back Democrat Arthur Goldberg against Nelson Rockefeller, observed last week that the 1970 campaign "has spread a cloud of suspicion and mistrust over our whole nation." He added: "Men with great power and high office make headlines that stir fears rather than rally hopes. They have charged that opposition to their policies somehow is an incitement to unrest and violence. That charge is incredible."

One of Agnew's principal candidates for political oblivion is New York's Charles Goodell, an outspoken critic of

the Viet Nam War. Last week, after finding himself trailing both Conservative James Buckley and Democrat Richard Ottinger in the New York *Daily News* straw poll, Goodell preempted *Lassie* to announce that he would stay in the race despite his poor showing and the Administration's refusal to endorse him. Sometimes, he said, a Senator "has to fight the tide—when the tide, in his opinion, is running wrong, when the frustrations of our people accumulate to lead them to simplistic solutions that will not solve." At week's end a reluctant Governor Rockefeller, who knows that many of his backers are also for Conservative Buckley, began a belated series of radio-TV spots and newspaper ads supporting Goodell.

The Democrats have been hobbled in their anti-Agnew campaigning by a lack of prominent national figures not preoccupied with their own re-election, but they have answered fire on occasion. Sargent Shriver labeled Agnew "this nation's great divider," and the venerable John McCormack, who is about to retire as Speaker of the House, recently accused the Administration of "playing on people's fears and dodging the issues." Said McCormack: "In all of my experience in campaigns, I have never witnessed such wholesale, patently contrived efforts to smear an entire party as that practiced by the Republicans in this campaign."

At its end, the 1970 campaign seemed an ill-concocted brew of partisan bile. Much of it was politics-as-usual, but the last spurt of violence and anger—coupled with Nixon's bellicose rejoinder—took it sharply beyond the ordinary. Anti-Administration members of Congress who survive the elections may return to Capitol Hill less inclined than ever to give Nixon an even break, especially as 1972 approaches. Quite possibly the broader political irritations will subside, as they traditionally do after a campaign. But for the present, the 1970 electoral battling left the land still more riven than it was before the skirmishing began.

POLICE SHIELDING THE PRESIDENTIAL LIMOUSINE DURING SAN JOSE ATTACK



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