

Mitchell Rules Out U.S. Jury on Kent

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Attorney General John N. Mitchell announced yesterday that he would not ask for a federal grand jury investigation of last year's fatal shootings of four Kent State University students because "there is no credible evidence of a conspiracy between National Guardsmen to shoot students on the campus."

Mitchell said that while the available facts support a conclusion that the rifle fire was "unnecessary, unwarranted and inexcusable," a federal grand jury probe would be unlikely to result in "successful prosecutions of individual guardsmen" or to produce any new evidence.

Four students were killed and nine wounded in the brief volley of gunfire at Kent State on May 4 last year. Killed during a protest against President Nixon's announcement of the incursion into Cambodia were

Allison Krause, Jeffrey Miller, William Schroeder and Sandy Scheuer.

In a joint statement, Mr. and Mrs. Arthur Krause, Elaine Miller, Mr. and Mrs. Louis Schroeder and Mr. and Mrs. Martin Scheuer called the Attorney General's decision a "shock" equal to "the shock that came to us when our children were killed"

"When National Guard troops fired high-powered combat weapons and killed unarmed students, we suffered an inestimable personal loss," the parents said, "but our nation's Bill of Rights was seriously damaged as well. It was demonstrated that the government could condone the indiscriminate killing of those who oppose its policies and even those who innocently stand near to a protest demonstration."

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Mitchell Rules Out Probe Of Kent State by Grand Jury

KENT, From A1

Rep. William Moorhead (D-Pa.), who has been trying to prod the Justice Department into convening a grand jury on the shootings, said, "We predicted this response by the Attorney General and we're not surprised by it."

On May 24, Moorhead and 19 other congressmen sent a letter to Mitchell asking for a federal grand jury probe. When no response was forthcoming, Moorhead wrote his fellow signees, saying "you should be aware of the possibility that the Justice Department may announce their decision, not to pursue the case, sometime during the congressional recess . . . to minimize congressional response."

Congress recessed on Aug. 6. Mitchell expressed his sympathy for the parents of the Kent State students who were killed and said he hoped "that incidents like this will never again be a part of our national life."

Mitchell's announcement of the conclusions of the Justice Department differed from those of a special Ohio grand jury which last October exonerated the National Guard and placed the blame on disruptive students and faculty. The Ohio grand jury indicted 25 persons in connection with the tragedy. None was a National Guardsman.

The Justice Department echoed the conclusions of the President's Commission on Campus Unrest, which called the shootings "unnecessary,

unwarranted and inexcusable."

Mitchell's decision has been expected since last March when the Civil Rights Division of the Justice Department recommended against convening a federal grand jury.

Justice officials said that criminal action against the guardsmen would require establishing their "intent" to violate the civil rights of the demonstrators and such intent would be difficult to prove.

Kent State President Robert I. White said the school "must and does accept" the Justice Department's decision. "Undoubtedly, there are many who will be disappointed," he said, but the Justice Department is "the only agency with complete knowledge of all the testimony and evidence gathered by the local, state and national fact-gathering departments."

But Kent State student Howard Ruffner, who won an award for his photography the day the shootings, reacted differently: "In his statement, Mitchell says he believes the FBI report and the Scranton Commission Report and then turns around and says there isn't enough evidence to call a grand jury . . . This is more of a whitewash than anything else."

And Joann Schulte, editor of the student Daily Kent Stater, said, "This way the Guard is still getting off. It's like they are not guilty of anything at all. But if we keep bringing up the past, Kent State is never to get anywhere either."

Pete Davies, a New York insurance executive who is-

sued a report last month charging that the guardsmen opened fire on a prearranged signal, said he found it difficult to reconcile Mitchell's decision with the findings of the FBI and the Scranton Commission's conclusions.

Davies, whose study was published with funds from The United Methodist Church, said it is for "a jury to decide on the evidence whether or not there is a prosecutable case."