

BLAME FOR S.U. NARROWED TO 6

By BILL LYNCH

States-Item Bureau

BATON ROUGE — One of six sheriff's deputies fired the shotgun blast that killed two Southern University students Nov. 16, Atty. Gen. William J. Guste Jr. said today.

He did not give the names of the six and said it will be up to the East Baton Rouge Parish grand jury to determine which of the six fired the shot.

Guste said the special biracial committee he set up to probe the incident determined that the blast of No. 4 buckshot had to have come from one of the six officers, but did not pursue the matter further.

"The matter may involve personal culpability and addresses itself more properly to a grand jury," said Guste.

"We have no evidence as to whether the shooting was accidental or deliberate, nor have we determined the identity" of the man who fired the shot, he said.

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All of the six have been interviewed, he said, but none has acknowledged firing the shot or identified the one who did it. One of Guste's aides said it is unlikely that the exact person will ever be identified unless he comes forward on his own.

GUSTE DEcried the episode and said it never should have happened. "It is a tragedy of the worst sort," he said.

The attorney general's comments came after the release of a preliminary report on the Nov. 16 confrontation. The biracial panel of 12 had examined evidence in secret since Nov. 27.

In releasing the 24-page document, Guste said the parish district attorney and grand jury should investigate possible criminal actions on the part of the police.

The committee already had reported the violence that ripped the Baton Rouge campus of Southern Nov. 16 was initiated by police and that the two students were killed by shotgun pellets fired from a police shotgun.

"POLICE SPECIALISTS have determined the angle and estimated the distance from which the shot was fired as it related to the administration building and to the students who were shot," the report said.

"They have determined the general area from which the shot came."

The report said, "on the basis of this and other evidence, the commission has concluded that the lethal shot came from an area where sheriff's deputies were deployed."

"It is, therefore, the conclusion of this commission that the evidence and statements accumulated by the commission be turned over immediately to the district attorney of East Baton Rouge Parish for further investigation by his office of possible criminal liability of any individual involved."

THE COMMISSION also identified Lt. Robert G. Crow, commander of the

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state police tactical squad at the scene, as having hurled the first missile at the students that precipitated the ensuing battle.

The missile was a tear gas canister which had a defective fuse and was thrown back by a student, the report said.

The confrontation quickly erupted into a volley of tear gas canisters lobbed by hand and fired from shotguns.

Among the shotgun shells was a fatal round filled with No. 4 buckshot.

The findings of the special committee disagrees sharply with the preliminary explanations offered by Gov. Edwin W. Edwards, who claimed television films of the battle which he viewed showed that students began

The students who died were
of New Roads and Leon-

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ard Brown of Gilbert, both 20, both black.

BROWN DIED at the scene and Smith died 25 minutes after being taken to a hospital.

The violence climaxed more than three weeks of unrest at the Southern system's 9,000-student campus at Baton Rouge and 2,500-student campus at New Orleans.

The Baton Rouge campus of the predominantly black university has been shut down until Jan. 3 while most students at SUNO have continued to boycott classes.

The commission criticized the students for taking over the administration building, which led to police intervention at the campus.

However, the probe group also concluded that students were not armed.

"The action of students in and out of the administration building prevented the use of the building for its normal purposes and prevented the administrative personnel from performing their duties," the report said.

"We find this conduct was improper," the commission held.

THE COMMISSION also said, "The investigation has not uncovered any evidence that students were in possession of firearms, tear gas, grenades or artillery simulators or launching devices at the time of the confrontation."

The commission also said its investigation showed some members of the state police unit had been issued No. 00 buckshot and No. 4 buckshot as well as tear gas canisters. This was in contrast to claims that police did not have No. 00 buckshot.

The commission also said it was the policy of the sheriff's office to permit deputies to carry weapons of their own choice onto the campus.

"Various members of the sheriff's personnel were equipped with a variety of ammunition, including tear gas shotgun shells, tear gas canisters, No. 4 and No. 00 buckshot shells and high velocity rifle ammunition.

SHERIFF AL AMISS of East Baton Rouge Parish, the report said, had instructed his men not to use unnecessary force and cautioned them against over-reacting.

"He did instruct his men to load buckshot in the magazines of their shotguns but not into the chambers," the report said.

"Only upon a specific order of Maj. Sliman or Chief Deputy Rives to 'lock and load live ammunition' were the sheriff's deputies to insert buckshot into the chambers of their shotguns.

"Such an order was never given," the commission said.

Sheriff Amiss gave students five

minutes to clear the area and leave the building, speaking over a loud-speaker, the report said. Students began to disperse but about 45 remained around the front steps of the administration building and an unknown number remained inside.

The commission said Sheriff Amiss made a second announcement over the loudspeaker giving the students two minutes to leave.

At this point, state police Capt. Rudolph Ratcliff led his squad up to the students in front of the building.

THE REMAINING students rejected an order by Ratcliff to leave, and sat down around the steps.

"Some shouted obscenities at the police and told the police to 'come and get us,'" the report said.

"Captain Ratcliff turned back towards his unit and said something to the effect—'It looks like we will have to gas them.'

"At this point, Lt. Robert B. Crow, commander of the state police tactical squad, interpreted this statement to be a command to commence using gas.

"He then pulled the pin on a tear gas canister and bowled the canister toward the feet of the students, although neither he nor other members of his squad had donned their gas masks.

"He followed this action by quickly tossing in two additional tear gas canisters," the report said.

After a student threw back the first tear gas canister, it exploded in mid-air, causing a concussion and showering several officers with gas, the report said.

THE SECOND tear gas canister also was tossed back by students, this time toward sheriff's deputies deployed at another point in front of the administration building.

The third canister, the report said, discharged gas among the students.

While this was happening, sheriff's deputies began advancing on the administration building.

The explosion of tear gas created confusion in the ranks of law enforcement units, the commission asserted.

Some lawmen proceeded to don gas masks while others proceeded to fire tear gas from shotguns and throw tear gas canisters.

Students began running and Brown and Smith were among the last to run from the area.

"As they passed near the southeast corner of the front of the administration building in front of a ligustrum bush, they fell, mortally wounded by

shotgun pellets," the report stated.

"Investigation thus far has indicated that the students were killed by No. 4 shotgun pellets," the report said.

THE COMMISSION concluded that the two students died from a single blast from a shotgun. It said 23 of a possible 27 pellets in one shotgun shell had been accounted for, leading the group to that conclusion.

The students received 19 wounds and

10 pellets were recovered from their bodies. The condition of the wall of the building indicated that some shotgun pellets struck it.

The confrontation on that fatal day, Nov. 16, began when students appeared at the office of Southern University President Dr. Leon Netterville inquiring about the arrests of student leaders in connection with earlier demonstrations on the campus.

Students have been demanding the resignation of Netterville and other top administration officials and faculty members as well as resolution of a large number of grievances.

The students met with Netterville, who told them he would not discuss the matter under the circumstances. The commission said Netterville neither told the students crowded into his office that they were violating any law nor that he would return to the room.

STUDENTS HAD claimed that Netterville told them to wait in his office until he returned from a meeting of the state Board of Education.

They said that was why they were still in the president's office when police arrived on the campus.

Netterville contacted another official of the university and instructed him to summon police.

James L. Hunt, director of administrative services, whom Netterville called, notified the sheriff's office that the president was in the administration building with a large number of students and the deputies were needed on the campus.

The commission said a security officer, Maj. William Pass, testified he urged students to leave the building but they refused.

At no other time did university officials order students to leave, the commission said. Pass and other security guards escorted Netterville from the building to his car where he had a brief conference with some of the students.

NETTERVILLE LEFT the campus for the state Board of Education meeting and no effort was made by stu-

dents to detain him.

The president left Hunt in charge of the university.

As a result of Hunt's various phone calls, the sheriff's office was under varying impressions as to conditions at the university. The sheriff's department believed variously that Netterville was being held by students, that he was released, that students had occupied the building, and were holding a campus security guard hostage.

The commission said the fact was that no university personnel were held hostage or detained.

After the incident had ended, Gov. Edwards went to the campus and examined the situation and one of his conclusions was that the extent of damage in the administration building was a clear indication of student intentions.

However, the commission said, "the administrative offices were left in a state of disarray and some of the furniture had been used to barricade a door and a window."

THE COMMISSION said, "Subsequent investigation revealed no significant damage to the offices or to paper, files, or equipment in the administration building."

The commission noted not long after the administration building was cleared, several fires were discovered on the campus, the most serious of which occurred at the registrar's office.

Education department officials have estimated the damage by fires to the campus buildings at more than \$200,000.

The commission in its preliminary report apparently made no effort to investigate these fires.

THE COMMITTEE was selected by Guste who serves as a 13th member and as chairman. He named the panel after Gov. Edwards called on him to conduct an investigation.

The group includes Judge Israel Augustine of New Orleans, Cornelius Bass and Wanda Butler, both Southern stu-

dents from New Orleans, Revius Ortigue, a New Orleans lawyer, and state Rep. Theodore Marchand of New Orleans, and Sidney Cates. Former assistant superintendent of the New Orleans Police Department. These were the black members.

Whites serving included Louisiana Tech President Dr. F. J. Taylor, Ray Blanco, dean of students at the University of Southwestern Louisiana in Lafayette, Ouachita Parish Sheriff Bailey Grant, Shreveport lawyer Jack Dykes, Turner Catledge, former executive editor of the New York Times and state Sen. Robert Jones of Lake Charles.

The report notes that Gov. Edwards has assured the commission that the report will be the official viewpoint of the state.

However, Edwards—who defended police and blamed student actions for precipitating the incident—already has indicated he probably will not endorse the findings.

The commission interviewed more than 225 persons and utilized the services of a number of agencies with expertise in the field of ballistics and criminal investigation.

The commission said it would issue a detailed final report later "because we feel that we should make certain recommendations in order that this type of tragedy can be avoided in the future."

No effort was made to pass on the merits of particular student grievances. Those, it said, must be left to the responsible agency.