

Around the Nation

not 6.3.71

# Kent State Suits Dismissed

CLEVELAND — A federal judge yesterday dismissed wrongful death suits filed on behalf of three Kent State University students killed by Ohio National Guardsmen and said former Gov. James A. Rhodes acted in "good faith" in ordering out the Guard.

U.S. District Court Judge James C. Connell, dismissing the suits which sought \$11 million in damages, also held the state had sovereign immunity and could not be sued unless it consents to being sued.

The suits were filed by the parents of Jeffrey C. Miller, 20, Allison Krause, 19, and Sandra Scheuer, 20.

"The governor of Ohio had determined in good faith that on the basis of the facts as they appeared, that riot and mob rule existed at Kent State University and this court cannot substitute its position for that of the executive (department) of the state of Ohio," Connell said.

The three were killed May 4, 1970, when guardsmen fired into a group of students.

## No Second Gun

LOS ANGELES — There was no "second gun" in the assassination of Sen. Robert F. Kennedy, only a standard pistol used by investigators to check on the loudness of the shot, the Los Angeles police chief said.

Chief Ed Davis denied at a news conference the existence of the "second gun" and defended the criminology



Rev. Neil McLaughlin and Sister Elizabeth McAlister leave Harrisburg court where the priest refused to plead in kidnap-bombing conspiracy.

gist who examined the Kennedy murder weapon.

Davis Saturday ordered an investigation into charges made by Barbara Warner Blehr, an attorney who said incompetent crime lab work indicated two pistols may have been used in the assassination, and that Kennedy was not shot by the gun taken from the convicted assassin, Sirhan B. Sirhan. That implied the possibility of another assassin.

## Hilliard Trial

OAKLAND, Calif. — Black Panther leader David Hilliard's attorneys failed in an effort to disqualify the prosecutor as a "sick man" with a record of past misconduct.

Defense counsel Vince Hallinan asked at the start

of the trial for attempted murder that Superior Court Judge William J. Hayes disqualify Assistant District Attorney Frank Vukota.

Hallinan charged that the prosecutor made a practice of suppressing evidence and had been cited for misconduct by appeals courts in past cases. Judge Hayes denied the motion and said Hilliard would get a fair trial.

## Priest Is Mute

HARRISBURG, Pa.—A Baltimore priest followed the pattern set by his seven co-defendants and refused to respond to charges of plotting to kidnap presidential adviser Henry A. Kissinger and raid draft boards in three states.

Federal Judge R. Dixon Herman then entered a plea of innocent on behalf of the Rev. Neil McLaughlin, 30, and reduced his bail from \$25,000 to \$5,000. Herman ordered McLaughlin to deposit \$500 with the court.

The Rev. Phillip Berrigan, imprisoned antiwar activist, and six other persons also refused to respond at their arraignment last week. In lieu of a plea, each defendant submitted to the court a "statement of conscience."

## Nets Cut Again

BOSTON—The deep-sea lobster boat Sea Fever reported a foreign fishing vessel had plowed through its nets for the second time in 24 hours.

The Coast Guard said the Sea Fever radioed the incident took place about 100 miles south-southeast of Nantucket Island near the

Lydonia Canyon fishing grounds.

The boat, owned by Robert H. Brown of Marblehead and operating out of Harwichport on Cape Cod, also said an incident Tuesday had cost her 45 lobster traps and three flags.

A Coast Guard helicopter was sent to investigate each incident and officials radioed the commander of the 120-boat Russian fishing fleet that they had been unable since last Wednesday to make radio contact with the Soviet inspection boat.

## Addenda

• In Atlanta, the Rev. Ralph David Abernathy called for the release on bail of Angela Davis, imprisoned in California on charges of murder in connection with a shootout last August outside a courtroom.

• In Wilmington, Del., seven grounds for acquittal or a new trial have been filed on behalf of state Rep. Thomas L. Little, who was convicted eight days ago for refusing to answer certain questions on his 1970 census form.

• In Raleigh, N.C., a prisoner who escaped from the Wake County Courthouse has been declared an outlaw and may be shot on sight. Robert Lee Thacker, a 27-year-old ex-convict, was awaiting trial on charges of stabbing two women.

• A New York City policeman and his brother, a narcotics officer, were indicted on conspiracy charges stemming from an alleged shake-down of a narcotics suspect.

From staff reports and news dispatches