

Kent Shooting Unnecessary, Study by FBI Concludes

Inquirer Washington Bureau

WASHINGTON, July 23. — The FBI has concluded that the campus shooting by the Ohio National Guard that led to the deaths of four Kent State University students was "not necessary and not in order," it was reported in a copyrighted story in the Akron Beacon Journal.

The Justice Department has advised Ohio officials that six Guardsmen could be criminally charged, The Akron, O., newspaper said it had learned.

The newspaper reported a Justice Department spokesman as saying the FBI investigation report of the shooting was a memorandum for Ohio officials prepared by the Department's Office of Civil Rights and signed by Jerris Leonard, chief of its Civil Rights Division.

The FBI says the Guardsmen were not surrounded by demonstrators, had not run out of tear gas, and could have controlled the situation without shooting.

More than 100 FBI agents investigated the May 4 shooting at KSU. Their findings filled a 7500-page report and were summarized in 10 pages.

ABOUT 200 HECKLERS

The Beacon Journal has learned that the summary says:

—The shootings "were not necessary and not in order."

—About 200 demonstrators who were heckling Guardsmen could have been turned back if arrests had been made or more tear gas fired.

—No Guardsmen were hurt by flying rocks or projectiles,



JERRIS LEONARD

... signs report

and none was in danger of his life at the time of the shooting. There was no hail of rocks beforehand.

—One Guardsman fired at a student who was making an obscene gesture; another fired at a student preparing to throw a rock.

The Justice Department said the memorandum contains investigative material collected by the FBI for possible use by a grand jury. The memorandum also sets forth various courses of action that Ohio officials could take.

U. S. RESERVES OPTION

Attorney General John Mitchell has not seen the memorandum, the department spokesman said.

The department is deferring action to allow Ohio authorities to act on their own, but

"we have not foreclosed Federal action."

The report lists names, ranks, outfits and home addresses of six Guardsmen who might be charged.

RIOT SIGNIFICANCE

It is understood the report raises the question whether the student-Guard confrontation could be classed as a riot.

The finding suggests that because there was no immediate threat to life or property, the KSU demonstrators were not rioters, even though they were warned to disperse.

Whether or not there was a riot takes on considerable significance. Under law, if there had been a riot, no Guardsman could be prosecuted for his actions. In the absence of riot conditions, charges might be warranted.

Those killed in the shooting were Allison Krause, 19, of Pittsburgh; Sandra Scheur, 20, of Youngstown, O.; William Schroeder, 19, of Lorain, O., and Jeffrey Miller, 20, of Plainview, N. Y.

Nine students were wounded.

SAW 'LOG FLYING'

FBI investigators say the firing lasted about 11 seconds, and their report pinpoints the victims' distances from the Guardsmen. It says four students were shot frontally, the others in the side or back. Altogether 13 were hit with bullets.

One Guardsman is said to have told probes he saw a "three-inch log" flying toward him just before the shooting started. It is not known, the FBI advises, whether this touched off the midday shooting, in front of Taylor Hall.

Another Guardsman in the squad which opened fire said he used up a clip of ammunition, but is quoted as saying, "I didn't see any people falling . . . I didn't think I was hitting anyone."

UP TO DEPARTMENT

Two Guardsmen maintain

they fired their weapons only into the air. Another is pictured by investigators as running around and shouting hysterically, "I shot two teenagers . . . I shot two teenagers."

An FBI spokesman in Washington said the Justice Department, and not the FBI, must decide whether any crimes will be charged and what those crimes might be.

"It's their show," he said.

Another FBI source suggested his agency is continuing to work on the Kent State investigation—that the probe is not yet closed.

The FBI findings are expected to be used by the Commission on Campus Unrest, headed by former Pennsylvania Gov. William Scranton.

6-MAN TASK FORCE

The Commission plans to send a six-member investigative force to KSU next week. The task force will review reports and recommend courses of action to the commission, which will begin taking on-the-spot testimony the week of Aug. 10. The commission is holding hearings in Washington.

KSU disturbances began Friday night, May 1, as hundreds rampaged through the Kent business area. Store windows were broken.

Trouble moved to the campus the next evening when demonstrators stormed the Army ROTC building and set it afire.

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