

# U.S. Kent State Report Said Kept From Jury

*P. O. Wilson*  
AKRON, Ohio, Nov. 10 (AP)

—The Akron Beacon Journal reported today that special prosecutor Robert L. Balyeat says the grand jury that investigated Kent State University disorders never saw a Justice Department report which said National Guardsmen fabricated their version of the incident.

Balyeat said he told the Beacon Journal it was "not normally the practice to present to a grand jury conclusions of other persons." He declined to say what evidence was presented to the jury which indicted 25 persons last Oct. 16.

Balyeat was contacted at his Lima, Ohio, law office.

The Justice Department memorandum said there was reason to believe that Ohio National Guardsmen fabricated their story of self-defense after four students were fatally shot and nine wounded in a May 4 campus confrontation between guardsmen and antiwar demonstrators.

The grand jury indicted no guardsmen.

The Beacon Journal said that it had asked Balyeat whether the grand jury saw the report and that Balyeat replied, "No."

"I'm not going to say what evidence was presented to the grand jury because that is con-

fidential." Balyeat told The Associated Press. He did say the jurors relied heavily on the report of the FBI, from which the Justice Department memorandum was based.

The grand jury, in exonerating guardsmen, said the troops had acted in the "honest and sincere belief . . . that they would suffer serious bodily injury had they not done so."

The Beacon Journal said that the attorney for Guard Capt. Raymond Srp confirmed that Srp wasn't called to testify before the grand jury.

The newspaper quoted Srp as saying "I didn't feel threatened and I was in the center of it."

According to the Justice Department memorandum, Srp and several guardsmen told the FBI that "the lives of the members of the guard were not endangered and that it was not a shooting situation."