

Part 9/3d73

U.S. Seeks Kent State Jury Data

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The Justice Department is seeking to obtain secret testimony given to a special Ohio grand jury after the May, 1970, fatal shooting of four Kent State University students by Ohio National Guardsmen.

J. Stanley Pottinger, assistant attorney general for civil rights, said last week that in the next two weeks he will ask the Portage County, Ohio, Common Pleas Court, which has custody of transcripts of the testimony, to release them to his investigators.

The transcripts are said to include testimony of at least 20 guardsmen, among them five or six the FBI has identified as responsible for the shootings during a campus protest demonstration against the U.S. invasion of Cambodia.

Testimony of some Kent State faculty members is also said to be in the transcript. The testimony apparently was ignored by the grand jury, convened at the time by Ohio

Gov. James A. Rhodes. That grand jury indicted 25 persons, most of them Kent State students and faculty, but it exonerated the guardsmen from any wrongdoing.

In contrast, the President's Commission on Campus Unrest, headed by former Pennsylvania Gov. William W. Scranton, called the shootings "unnecessary, unwarranted and inexcusable." Scranton urged the Justice Department to conduct a special federal grand jury investigation.

But in August, 1971, John N. Mitchell, the Attorney General, decided there was no basis for a federal prosecution and closed the Justice Department's investigation.

Elliot L. Richardson, the new Attorney General, reopened the inquiry last month at Pottinger's request. Pottinger said he was "not satisfied we have fully exhausted" all "areas of inquiry."

Pottinger said last week that Robert A. Murphy, criminal section chief in the Civil Rights Division, heads a team of four attorneys working on the case. He said a decision on whether to present information to a federal grand jury will not be made for about eight weeks.

"We're trying to push the investigation as rapidly as we can," he said. "We're not reopening the entire investigation, but we're looking only at areas where there are gaps in our knowledge or at new allegations."

"I'm not going to a grand jury for the sake of appearance. It would be a mistake to use any investigation for cosmetic purposes. We'll go to a grand jury if we've got something serious."