

8 Guardsmen Are Indicted in Kent Killings

By William Chapman
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One present and seven former Ohio National Guardsmen were indicted by a federal grand jury yesterday in connection with the slaying nearly four years ago of four Kent State University students and the wounding of nine others.

The grand jury in Cleveland charged that all eight

fired weapons in the direction of demonstrators on May 4, 1970, when the students were shot down during a mass protest of the Nixon administration's policies in the war in Southeast Asia.

They specifically were accused of violating the civil rights of the four dead and nine wounded campus demonstrators.

Shots fired by five of them, the indictment said, resulted in the deaths of the four students. Those five could face terms up to life imprisonment.

The other three, if convicted, face maximum sentences of a year in prison and a \$1,000 fine each.

The indictments followed four years of controversy over the cause of the shootings and a complete turnabout of government policy. The Nixon administration at first opposed convening a grand jury investigation, but last fall decided to begin one.

The killings at Kent State, a fast-growing rural college of nearly 20,000 students, sent shock waves around the country, touching off massive protests and resulting in the temporary closing of hundreds of colleges.

The shootings followed by a few days the announcement that U.S. troops had been ordered into Cambodia.

The following five defendants were charged in one count with firing .30-caliber M-1 rifles in the direction of the demonstrators:

• Lawrence A. Shafer, 28,

of Ravenna, Ohio, a former member of G Troop, 107th Cavalry.

• James D. McGee, 27 Ravenna, a former member of G Troop, 107th Cavalry.

• William E. Perkins, 28, of Canton, Ohio, a former member of G Troop, 107th Cavalry.

• James E. Pierce, 29, of Amelia Island, Fla., a former member of G Troop, 107th Cavalry.

Ralph W. Zoller, 27, of Mantua, Ohio, a former member of A Company, 145th Infantry.

It was their gunfire that resulted in the deaths of the four students, the indictment says.

In addition, Barry W. Morris, 29, of Kent, Ohio, a former member of G Troop, 107th Cavalry, was charged in a second count with firing a .45-caliber automatic pistol in the direction of the demonstrators.

Finally, two other men were charged in a third count with firing 12-gauge shotguns in the directions of the demonstrators. They are Mathew J. McManus, 28, of West Salem, Ohio, presently a member of A Company, 145th Infantry, and Leon H. Smith, 27, of Bay City, Ohio, a former member of the same company.

The indictment specified that one of the wounded victims, James D. Russell, was in the group of students in whose direction McManus and Smith fired their shotguns.

The Kent State shootings had been the subject of lengthy hearings and a state court indictment and an investigation by a commission ap-

pointed by President Nixon.

They were charged on both sides. National Guardsmen at first claimed they were fired upon by snipers and feared

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KENT, From A1

the massed students were prepared to ravage the campus.

No evidence ever was produced to show that student demonstrators had opened fire first.

There had been mass demonstrations, some dispersed by National guard tear gas, on the weekend preceding the gunfire. An ROTC building was set afire and the college president ordered a curfew.

The following Monday, guardsmen and students faced each other in a series of confrontations and finally converged on a section of the campus known as Blanket Hill.

As guardsmen moved up the hill, they were pelted by rocks and some opened fire. When it was over, Allison Krause, Jeffrey Glenn Miller, William K. Schroeder and Sandra Lee Scheuer were dead and nine others were wounded.

The killings provoked demands for several investigations. The first was conducted by an Ohio special grand jury, which indicted 25 persons, none of them National Guardsmen. That grand jury found that the guardsmen were justified in opening fire.

Almost all of those charges were subsequently dropped.

But the final report of the President's Commission on Campus Unrest concluded that the deaths were "unnecessary, unwarranted and inexcusable."

It acknowledged that the actions of some students were violent and criminal and that some of them were "reckless and irresponsible."

But it blamed the shootings on the failure of the guardsmen to be taught peaceful ways of dealing with demonstrations.

"The general issuance of loaded weapons to law enforcement officers engaged in controlling disorders is never justified except in the case of armed resistance that trained sniper teams are unable to handle," the commission reported.

"This was not the case at

Kent State, yet each guard-
man carried a loaded M-1 ri-
fle," it added. It observed that
guidelines of the Department
of the Army call for unloaded
rifles in such a situation. "No
one would have died at Kent
State if this lesson had been
learned by the Ohio National
Guard," the presidential com-
mission concluded.

The chairman of the presi-
dential commission, former
Gov. William Scranton of

Pennsylvania, urged the Jus-
tice Department to convene a
special federal grand jury to
investigate the shootings.

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

But late in 1973, the govern-
ment began to change its atti-
tude. A new Attorney General,
Elliot L. Richardson, reopened
the inquiry at the request of
J. Stanley Pottinger, assistant
attorney general in charge of
the civil rights division.

Pottinger said in August
that he was "not satisfied we
have fully exhausted" all
"areas of inquiry."

A four-man team headed by
Robert A. Murphy, criminal
section chief in the Civil
Rights Division, began work-
ing on the case.

In the meantime, another
new Attorney General, Wil-
liam B. Saxbe, had arrived
and initially expressed some
skepticism about convening a
grand jury to investigate Kent
State.

Saxbe said he might halt the
Justice Department investiga-
tion but added that if it had
hit "pay dirt" he might let it
proceed.

Saxbe is a former Republi-
can senator from Ohio. He
also is an inactive member of
the Ohio National Guard.
Spokesmen said yesterday
that he does not attend guard
meetings but still maintains
inactive status so that he will
eventually qualify for retire-
ment benefits earned while he
was on active status.

The grand jury was impa-
neled in Cleveland in Decem-
ber. Before reaching its con-
clusions in yesterday's indict-
ments, the panel heard testi-
mony from 173 witnesses, in-
cluding National Guardsmen
and students, and produced a
transcript running to about 6,
800 pages.

The indictments were
handed down yesterday after
noon in Cleveland.

Some of the lingering hosti-
lity between guardsmen and
students was evident yeste-
rday in initial reaction to the
indictments.

"I'm pleased that at lo-
ast there will be an accou-
nting before the law," said
Sarah Scheuer of Youngstown,
Ohio, mother of Sandy L.
Scheuer, one of the studen-
ts who was killed.

"All of this time we felt o-
urselves never did anything to
be punished for, let alone sho-
uld be," said Mrs. Louis Schroeder

Lorain, Ohio, mother of Wi-
lliam Schroeder, another of the
dead.

However, the Ohio adjutan-
tary general, Dana Stewart, had
a different view. "We are sorry
to see that these indictments
were brought against former
members of the guard and the
present member," he said.

"I hasten to point out that
this action only indicates that
the members of the grand jury,
in their own minds found rea-
son for further action."

Pottinger, who was in Cleve-
land yesterday when the in-
dictments were handed down,
said the jurors were not being
dismissed and might be called
back into session. He did not
elaborate except to say that he
considered it unlikely the
panel would write a report on
its investigation in addition to
the indictments.