

# KENT STATE STUDY BY F.B.I. DIFFERS FROM OHIO FINDING

Summary Quotes 6 in Guard  
as Saying Their Lives  
Were Not in Danger

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Excerpts from report on Kent  
are on Page 30.

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Special to The New York Times

WASHINGTON, Oct. 30—A

Justice Department summary of the inquiry by the Federal Bureau of Investigation into the shootings at Kent State University last May 4 differs sharply from the conclusion reached later by an Ohio grand jury that exonerated National Guardsmen on the ground that they believed they were physically threatened.

The 35-page summary makes the point that, in interviews with the F.B.I., most of the guardsmen who fired did not specifically say that they had fired because their lives were in danger.

"Rather, they generally simply state," according to the summary, "that they fired after they heard others fire or because, after the shooting began, they assumed an order to fire in the air had been given."

Four students were killed and nine wounded in the disorders.

The summary says that six guardsmen, including two sergeants and Capt. Raymond Srp of Troop G, "stated pointedly that the lives of the members of the guard were not in danger and that it was not a shooting situation."

## Grand Jury Conclusion

The special state grand jury concluded on Oct. 16 that the guardsmen "fired their weapons in the honest and sincere belief and under circumstances which would have logically caused them to believe that they would suffer serious bodily injury had they not done so. "They are not, therefore, subject to criminal prosecution under the laws of this state for any death or injury resulting therefrom," it added.

The grand jury did, however, indict 25 persons, including students, former students and faculty members on rioting and other criminal charges.

A spokesman for the Department of Justice said that the document was a general background summary written for internal use in the department and for the Congressional, state, and local authorities. He said he could not determine whether it had been given to the grand jury in Ohio.

The grand jury reported that

Continued From Page 1, Col. 3

it had had access to the data gathered in the F.B.I. investigation.

The Justice Department document, obtained here today, says there is "some reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event."

This summary also contradicts the statements of National Guard officers that there was a sniper on the campus; that the crowd of students had moved to encircle the guardsmen, and that the troops had run out of tear gas.

These conclusions parallel the findings of the President's Commission on Campus Unrest. In its report on Kent State earlier this month, the commission said neither it, the F.B.I., nor the Ohio State Highway Patrol had found evidence to support the assertion of sniping. The commission also found that the troops had some tear gas available.

Furthermore, the report cites information that is at issue with the grand jury's assertion that there was "a constant barrage of rocks and other flying objects" and its statement that 58 guardsmen were injured by stones.

According to the summary: "The guardsmen were not surrounded. Regardless of the location of the students following them, photographs and television film show that only a very few students were lo-

cated between the Guard and the Commons. They could easily have continued in the direction in which they had been going."

"Some guardsmen, including General [Robert] Canterbury [the commander of the Guard troops on campus] claim that the Guard did run out of tear gas at this time. However, in fact, it had not. Both Captain Srp and Lieutenant Stevenson of Troop G were aware that a limited supply of tear gas remained and Srp had ordered one canister loaded for use at the crest of Blanket Hill."

"Although many claim they were hit with rocks at some time during the confrontation, only one guardsman, Lawrence Shafer, was injured on May 4, 1970, seriously enough to require any kind of medical treatment. He admits his injury was received some 10 to 15 minutes before the fatal volley was fired. His arm, which was badly bruised, was put in a sling and he was given medication for pain. One guardsman specifically states that the quantity of rock throwing was not as great just prior to the shooting as it had been before."

With regard to whether the guardsmen felt themselves threatened by the students, the summary says: "As a general rule, most guardsmen add the claim that their lives were or were not in danger to the end of their statements [to the F.B.I.] almost as an afterthought. . . ."

"The F.B.I. interviews of the guardsmen are in many instances quite remarkable for

what is not said, rather than what is said. Many guardsmen do not mention the students or that the crowd or any part of it was 'advancing' or 'charging.' Many do not mention where the crowd was or what it was doing."

The summary places two of the students shot by the guardsmen—Jeffrey Miller and Allison Krause—"at the front of the crowd taunting the National Guardsmen." It says that Mr. Miller "made some obscene gestures at the guardsmen" and Miss Krause "was heard to shout obscenities at them."

## Doesn't Know Cause

Three other students who were shot, the Justice Department believes, taunted the Guard, and two others were probably encouraging the students to throw stones at the guardsmen. The summary says another student admitted throwing "two or three" stones at guardsmen and another was making an obscene gesture.

The department officials said that, insofar as they could determine, six of the victims "were merely spectators to the confrontation."

The report says that the Justice Department does not know what started the shooting. Saying that "we can only speculate on the possibilities," it mentions that one sergeant says the fired his shotgun once in the air when he saw a man running toward him with a stone.

"He alone of all the guardsmen does not mention hearing

shooting prior to the time he fired," the report says. "He asserts that 'at about the same time' he fired, others fired. Some guardsmen claim that the first shot sounded to them as if it came from a M-79 grenade launcher—a sound probably similar to that made by a shotgun."

## Five Are Quoted

The Justice Department summary also mentions the possibility that the guardsmen fired when they saw a noncommissioned officer turn and point his weapon at the crowd. A third possibility, it says, is that one of the guardsmen "either panicked and fired first or intentionally shot at a student, thereby triggering the other shots."

The summary says that seven National Guardsmen admit firing their weapons but assert they did not fire at the students. Five guardsmen in Troop G—the group of guardsmen closest to the architecture building—admitted firing a total of eight shots into the crowd or at a specific student, it says.

Of these five, one said that it looked to him as if the students were going to overrun the guardsmen. Another asserted he heard a muffled shot from a sniper. Two others said the crowd was advancing on the Guard unit. The fifth, Sgt. Lawrence Shafer, said he had fired at a man with bushy, sandy hair in a blue shirt advancing on him and making an obscene gesture.