

# Army Rules Tightly Curb 'Deadly Force'

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WASHINGTON, May 5— Army instructions on the use of "deadly force" in a riot situation are explicit—such force is justified only by "extreme necessity" and when "lesser means have been exhausted or are unavailable."

This rule is supported by numerous guidelines on the "application of force" in civil disturbances.

Basically, the National Guard is a state militia under the control of the Governor in each state. But it can be assigned a Federal role at the direction of the President and its major mission is to support the regular Army, particularly in emergencies.

Federal responsibility for the killing of four Kent State students by Ohio National Guardsmen yesterday was disavowed today by the chief spokesman for the Department of Defense, Daniel Z. Henkin, Assistant Secretary for Public Affairs.

"In a non-Federal status, the guard belongs to the Governor," Mr. Henkin said. "The National Guard is not presently in a federalized status."

However, the rules of engagement devised by the Army for civil disturbances and disasters form the basic doctrine for the National Guard.

A field manual entitled "Civil Disturbances and Disasters" contains a number of rules applicable in situations such as the one that confronted the troops at Kent State University. They include the following:

¶ "When deadly force is used, aim where possible to wound, not to kill."

¶ "Where other means have failed to control sniping, well-aimed fire by expert marksmen is to be used wherever possible and the number of rounds is to be kept to a minimum to reduce the hazard to innocent persons."

¶ "Although live ammunition can be issued to soldiers, they are not to load or fire their weapons except when authorized in advance by an officer under certain specific conditions or when required to save their lives."

¶ "The guiding principle for the application of force must be 'minimum force, consistent with mission accomplishment.'"

The guidelines note that the normal reflex is to return sniper fire with massive fire power, but warns: "In a civil disturbance situation, this tactic endangers innocent people more than snipers."

One observer of National Guard practices, Arnold Sa-

galyn, who directed the study of military and police response to disorders for the Kerner Commission, said today that incidents such as the one at Kent State "can happen again and again given the nature of the National Guard, the nature of their weapons and their training."

Mr. Sagalyn, now a private consultant on law enforcement and related problems, said that "practically no National Guard force in the United States today is getting enough training to enable them to provide the quality of performance required in these tough situations."

A warning against law enforcement over-reaction was stressed by the Kerner Commission, which investigated the causes of civil disorders in the nation.

Another staff member of the Kerner Commission, Melvin L. Bergheim, director of research services, noted that the troops in Ohio had been under stress for several days and had said they needed more sleep. Mr. Bergheim said that previous studies of riots had shown that lack of sleep appeared to contribute to over-reaction by policemen and military forces.