

Excerpts From Panel's Report on Shootings

Special to The New York Times

WASHINGTON, Oct. 1—Following are excerpts from the findings and conclusions of the President's Commission on Campus Unrest in its special report, "The Killings at Jackson State," released today:

Causes of Police Conduct

Many white law-enforcement officers—all officers who fired were white—are afraid of what black men may do to them in hostile surroundings. Whether that fear is justified is of little consequence; the fear exists.

Moreover, many white police officers are influenced by their disdain or hatred of blacks. One officer characterized the rock-throwing on Wednesday night as follows: "It's just a bunch of damn niggers."

The commission concludes that racial animosity on the part of white police officers was a substantial contributing factor in the deaths of two black youths and the gunshot injuries of twelve more.

Sgt. Charles Lee [of the Jackson police] testified that immediately after the shooting ceased, he asked everyone, "Who gave the order to fire? Who gave the order to fire?" He said, "Nobody said anything."

The only two city police officers who were assigned to respond to sniper fire, both of them armed with special rifles, did not shoot.

Policeman's View

One officer, who did fire, told commission investigators that if he saw a person in a crowd point a gun at him, he would fire his shotgun into the crowd, in the direction of the gun. Each load of double-ought buckshot contains an equivalent of nine .33-caliber bullets, each of which travels along a different trajectory and can be lethal for a distance in excess of 40 yards.

Even though the officers did fire into the crowd, it appears that no one would have been killed if birdshot had been used rather than buckshot. That the highway patrol used buckshot was the result of a change in its policy concerning ammunition.

at Jackson State College

This change in policy lends some support to the view, widespread among Jackson State students, that police, particularly highway patrolmen, have become more hostile in recent years to blacks and more inclined to deal harshly with black protesters.

Finally, the commission concludes that a significant cause of the deaths and injuries at Jackson State College is the confidence of white officers that if they fire weapons during a black campus disturbance they will face neither stern departmental discipline nor criminal prosecution or conviction.

After the highway patrol had completed its interviews, it made an oral report to Gov. John Bell Williams. Gov. Williams told commission investigators that he relied exclusively on the highway patrol's oral report in making his television report on the Jackson State incident to the people of Mississippi on June 4, 1970.

In that address, he characterized the highway patrol's inquest as a "complete and impartial investigation." The Governor explained the 28 seconds and 150 rounds of gunfire by saying that "the officers felt compelled in the interest of self-preservation to return the fire."

The Governor's chief conclusion was that "the officers . . . did not instigate the problem; they did not encourage it—the responsibility must rest with the protesters."

Conclusion

There must not be a repetition of the tragic incident at Jackson State.

We are heartened by the stated determination of Jackson city police and elected officials to take necessary steps to avoid the recurrence of tragedy at Jackson State College. It is imperative that this determination be reflected in action.

Chief Pierce has made it clear that the department policies with respect to the use of buckshot and birdshot will be re-examined. The chief testified that the police officers who lied to Sergeant Lee and the F. B. I. would be disciplined.

On the other hand, the reaction of the Mississippi Highway Safety Patrol to the deaths and injuries at Jackson State continues to be disturbing. Inspector Jones expressed the position of his patrol:

Q. Do you have any recommendations to make to the commission, particularly as it relates to command or control features for joint operation of law enforcement agencies, for this kind of thing if it should happen in the future?

A. No, sir; I don't.

Q. Does your department plan to take any corrective

steps in view of what happened?

A. Not that I know of. . . . There was no doubt in my mind that some of us would have been killed down there if the volley of shots hadn't gone off, and I see no reason for disciplining a man for saving his own life.

Q. Does your department . . . plan to take any corrective steps in the future to prevent this?

A. Not that I know of. We are also concerned with the escalation of rhetoric on the part of certain Jackson State students. While we understand the profound

emotional impact of the deaths and injuries of fellow students, we condemn statements to the effect that the next time something happens "all the pigs" will not walk away from campus, or statements suggesting that students arm themselves because of anticipated future confrontations with police. We condemn any action on the basis of such statements even more strongly.

The commission has devoted a considerable portion of its efforts to the investigation at Jackson State and the parallel investigation of the May events at Kent State, which are the subject of a separate report. The lessons of Jackson State and Kent State are reflected in many of the recommendations the commission has made in the chapters of its report on campus unrest. The commission believes that if those recommendations are followed, the tragedy of Jackson State is far less likely to be repeated. Indeed, we believe that no one would have died at Alexander Hall if those recommendations had already been accepted and acted on by police and highway patrol units.

Law Enforcement Officials

Even if there were sniper at Jackson State—a question on which we have found conflicting evidence—the 28-second barrage of lethal gunfire partly directed into crowded windows of Alexander Hall and into a crowd in front of Alexander Hall was completely unwarranted and unjustified.

The appropriate response to sniper fire is set out in Chapter 5 of our report. The guidelines stated there were violated in every respect at Jackson State. The police officers did not withdraw and seek cover even though they had an armored vehicle which would have provided ample cover.

The sniper team which, was present at Jackson State did not fire single aimed shots at an identified sniper; instead a large number of peace officers fired shotguns loaded with buckshot or rifles loaded with armor-piercing ammunition into a crowded dormitory and into a crowd of protesters. Indeed, the police sniper team did not fire at all.

The peace officers did not have a mobilization plan, nor did they have a tactical plan directly agreed upon and understood by all the units involved. They had no formal chain of command and no clear notion of who was in command among the various police and military forces present.

They did not have a common radio channel for use during the disorder, nor did they have a central command post to provide liaison. The individual peace officers did not know, as they should, the destination and plan of their unit.

Furthermore, there had been no adequate consultation with college officials before the law enforcement officers were sent on the campus.

College Administrators

Jackson State officials must develop plans and procedures for dealing with campus disorders and for making prompt decisions if a disorder occurs. They should establish and maintain formal lines of communication with law enforcement agencies.

The authority and responsibility of campus security guards at Jackson must be clarified. A rumor center should be established during periods of campus disorder where students can obtain denial of rumored events.

Students

All students, and particularly elected leaders, have a duty to condemn absolutely and unequivocally the use of force and violence. The aura of respectability that appears to surround violent protest when those protests are made in support of legitimate grievances must be eliminated. Possession or use of weapons on campus by students should be strongly condemned.

Students should recognize that the use of obscenities and derogatory terms such as "pigs" and "honkies" during a demonstration may trigger a violent if unjustifiable response by peace officers and that the use of such terms in

in every day speech in the presence of police officers escalates tension.

Government Officials

The Governor, the board of trustees of Mississippi's institutions of higher learning and the Mississippi Legislature should take whatever steps are necessary to insure that Jackson State College is developed rapidly to university status and that it becomes integrated.

The Federal and State Governments should provide long-term financial aid to Jackson State College—and to other predominantly black colleges—to insure that students attending these schools have opportunities equal to those available to students at predominantly white schools of comparable size.

The President should appoint a special adviser on black colleges. That adviser should prepare recommendations for specific Federal action in such areas as financial aid to black colleges.

The President and the Department of Defense must bring about integration of the National Guard at all ranks on more than a token basis. They should consider creation of additional positions to overcome the effects of past discrimination.

The President should direct the Department of Justice to review whether it would be appropriate for the United States to intervene in pending litigation to integrate the Mississippi Highway Safety Patrol. In addition, the President should direct the preparation of any necessary legislation for authorizing action by the Federal Government to integrate police agencies.

The commission recom-

mends that Federal, state and local officials take dramatic steps to reflect a commitment on the part of government to the protection of life and to the aggressive pursuit of equal justice—equal justice in the schools, in the courts, in jobs, and, most relevant of all to this investigation, equal treatment by policemen and just treatment of policemen.

But just treatment of policemen we mean that policemen receive recognition for the difficult job they have, particularly during times of civil disorders, and that unfair vilification of them be ended. We also mean that when policemen willfully violate the civil rights of black or white citizens, they should be prosecuted vigorously and fairly by the government.