

STUDENTS AND GUARDSMEN

U.S. Panel Opposes Policy of Issuing Loaded Guns to Troops Handling Disorder

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Text of report's conclusions
is printed on Page 38.

By JACK ROSENTHAL

Special to The New York Times

WASHINGTON, Oct. 4—The President's Commission on Campus Unrest declared today that students who committed and encouraged violence shared responsibility with the Ohio National Guard for death and injury at Kent State University last May.

In a detailed investigative report, the commission said: "The actions of some students were violent and criminal and those of some others were dangerous, reckless and irresponsible. The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable."

At the same time, the commission assailed as an underlying cause the Ohio National Guard's policy of issuing loaded weapons to troops called to control disorders.

If this policy, which is contrary to Department of the Army guidelines, had not been followed, the commission said, "no one would have died."

"The Kent State tragedy must surely mark the last time that loaded rifles are issued as a matter of course to guardsmen confronting student demonstrators," the commission continued.

4 Killed, 9 Injured

Four students were killed and nine injured in the May 4 shooting, which sharply intensified nationwide student demonstrations against the movement of American troops into Cambodia.

The commission is headed by William W. Scranton, former Governor of Pennsylvania. Its new report is the last of three publications, following a general report and an investigative report on the killing of two students at Jackson State College in Mississippi.

The new report contrasts with the Jackson findings, which sharply criticized Mississippi policemen. At Kent the commission found greater provocation from students and greater strains on law enforcement officers—in this case guardsmen—called to disorder control duty.

In a detailed 92-page assessment, the commission painted a scene of 103 weary guardsmen ordered on a futile march through 2,000 students who had assembled for a peaceful rally.

The commission did not attempt to assess guilt or innocence—a Portage County, Ohio, grand jury is now sitting—but sought to assess and explain the entire episode.

The commission examined the conduct of students in the context of three prior days of

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demonstrations, which had taxed the capacities of policemen both from the university and from adjacent Kent, a city of 30,000 population.

"Those who wreaked havoc on the town of Kent, those who burned the R.O.T.C. building, those who attacked and stoned National Guardsmen and all those who urged them on and applauded their deeds share the responsibility for the deaths and injuries of May 4," the commission said.

On May 2, two days before the shooting, the Reserve Officer Training Corps building on the campus was burned down by a crowd that, according to the Federal Bureau of Investigation, included many persons who were not Kent State students.

The commission noted that railroad flares, used to start the fire, and a machete and ice picks, gouged into fire hoses, "are not customarily carried to peaceful rallies."

No Evidence of Snipers

The report found no evidence to support earlier suggestions that the disorders had been planned by student radicals or that the guardsmen had been attacked by snipers.

But the commission found that students hurled many missiles at the skirmish line of troops, including a tree limb, a heavy stick and an estimated 340 rocks weighing up to 7½ pounds.

"The conduct of many students and nonstudent protesters at Kent State on the first four days of May, 1970, was plainly intolerable," the commission said. Repeating its prior general condemnation, it said: "Violence by students on or off campus can never be justified by any grievance, philosophy or political idea."

Order Is Criticized

The commission criticized the order of Brig. Gen. Robert H. Canterbury, assistant commander of the Ohio National Guard, for the troops to advance into a peaceful crowd of about 2,000 students.

Even if the guard had authority to halt a peaceful gathering—a debatable assumption the commission said—"the decision to disperse the noon rally was a serious error."

Many of the students, the report said, had assembled for a rally, either unaware of or indifferent to a ban on mass

meetings; many others were simply on their way to and from class.

The guardsmen marched some distance and then back again, the commission said, and it was on their return that 28 soldiers opened fire.

This march "did not disperse the crowd," the report said, "and seems to have done little else than increase tension, subject guardsmen to needless abuse and encourage the most violent and irresponsible elements in the crowd to harass the guard further."

The commission also assailed the actual firing.

"Even if the Guardsmen faced danger," the report said, "it was not a danger which called for lethal force. The 61 shots by 28 Guardsmen certainly cannot be justified. Apparently no order to fire was given, and there was inadequate fire control discipline."

The commission displayed considerably greater sympathy for the troops, however, than it did for the state and city policemen involved in the Jackson killings. These policemen, the Jackson report said, were motivated by confidence that they would not be punished and by animosity to Negroes.

The Kent report indicated, the commission felt that the Guardsmen were motivated by fear and weariness. It noted they had averaged only about three hours of sleep.

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AT SITE OF CAMPUS SHOOTING: Students examine bullet hole in iron sculpture at Kent State. Commission on Campus Unrest reported that 28 Ohio National Guardsmen fired 61 rounds in May after demonstrators had hurled many missiles, including 340 rocks.

The New York Times (by Gary Seltle)

Report Scores Kent Students and Troops

"Although General Canterbury said his men were 'not panic-stricken,' it is clear that many of them were frightened," the commission said.

Contrary to the belief of embittered students, some guardsmen did try to give first aid to shooting victims, the report said. The effort, however, enraged students in the vicinity and the troops fell back behind a cover of tear gas.

The commission's criticism of the general issuance of loaded weapons for the control of disorders was described by a commission staff member as the most important conclusion in the Kent report.

"The guardsmen should not have been able to kill so easily in the first place," the report stated, adding that only the flick of a thumb on the safety and the pull of a finger on the trigger stood between each guardsman and a lethal discharge.

"The general issuance of loaded weapons to law enforcement officers engaged in controlling disorders is never jus-

tified except in the case of armed resistance that trained sniper teams are unable to handle," the report said.