

JURY INDICTS 25 IN KENT DISORDER; GUARD IS CLEARED

'Major Responsibility' Laid
to University Leaders for
'an Attitude of Laxity'

STUDENTS ARE ASSAILED

Report Asserts a Barrage
of Flying Objects Forced
the Troops to Retreat

OCT 17 1970

Excerpts from grand jury's
report are on Page 22.

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Special to The New York Times

KENT, Ohio, Oct. 16—A special state grand jury indicted 25 persons today in connection with disturbances last May at Kent State University in which four students were slain in a burst of National Guard rifle fire.

The jury did not indict any Guardsmen, saying that they were not "subject to criminal prosecution" because they "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."

The jury's 18-page report said that "it should be made clear that we do not condone all of the activities of the National Guard on the Kent State University campus." But there was no explicit criticism of the Guard.

Three Groups Criticized

Rather, the jury found that the "major responsibility" for the May events "rests clearly with those persons who are charged with the administration of the university."

The report accused the university's administration of fostering "an attitude of laxity, over-indulgence and permissiveness," accused some faculty members of an "over-emphasis" on "the right to dissent," and criticized students for their behavior and allegedly "obscene" language.

Robert L. Balyeat, the special prosecutor, declined to say until the arrests are made whether those named in the sealed indictments included faculty members as well as students. Nor would he say what charges had been made in the 30 indictments that named 25 defendants on 43 counts.

By late afternoon, it appeared that no arrests would be made

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until Monday. Joseph Petrovsky, acting chief deputy sheriff of Portage County, said that the delay was "mainly a matter of processing paper work."

As news of the jury's findings reached the university, clusters of students gathered around the windows of the campus newspaper, The Daily Kent Stater, where signs reading "no Guard" were posted along with the Associated Press account of the jury report. The students shook their heads with a mixture of anger and resignation and muttered curses.

At noon, about 2,000 students and some plainclothes policemen gathered on the Commons for a rally sponsored by the campus Yippies. (Youth International party). The mood of the rally was loud and defiant, but determinately nonviolent, and there was no disorder as the group marched to the administration building to present a list of demands.

The grand jury said that on May 4, after students had gathered on the Commons, an order to disperse them "caused a violent reaction and the gathering quickly degenerated into a riotous mob."

The guardsmen who moved after the students with tear gas, the report said, were "forced to retreat" under a "constant barrage of rocks and other flying objects, accompanied by a constant flow of obscenities."

The cries, the report

"represented a level of obscenity and vulgarity which we have never before witnessed!" The jury continued: "The epithets directed at guardsmen and members of their families by male and female rioters alike would have been unbelievable had they not been confirmed by the testimony from every quarter and by audio tapes made available to the grand jury."

A Different Conclusion

In contrast to today's report, the report of the President's Commission on Campus Unrest had found that the 13-second burst of M-1 rifle fire that killed four students and wounded nine others was "unjustified and inexcusable." But that commission also criticized the students, asserting that the actions of some of them were "violent," and "criminal," and "reckless and irresponsible."

The state grand jury said that "over a period of several years" the university administration "has fostered an attitude of laxity, overindulgence and permissiveness with its students and faculty to the extent that it can no longer regulate the activities of either."

The university, the report charged, "has obviously contributed to the crisis it now faces" by the "overemphasis which it has placed and allowed to be placed on the right to dissent."

"We receive the impression," the jury said, "that there are some persons connected with

the university who believe and openly advocate that one has a duty rather than a right to dissent from traditionally accepted behavior in institutions of government."

In its conclusion, the grand jury warned that the conditions that led to the shootings still exist and said: "The time has come to detach from university society those who persist in violent behavior. Expel the troublemakers without fear or favor. Evict from the campus those persons bent on disorder."

In Columbus, Col. John E. McCann, the Ohio Guard information officer, said that officials were "naturally happy that the National Guardsmen involved in this unfortunate incident have been exonerated."

The parents of the four students who were killed were less enthusiastic.

"Holy mackerel! You mean you can get away with murder in this country?" asked Bernard Miller of Plainfield, N. Y., whose son, Jeffrey, died in the volley.

"It's ridiculous. They can't exonerate the National Guard after students are maimed for life and killed," Mr. Miller said. "These kids are dead. They are gone. My life is worthless. I live in an empty house."

Arthur Krause of Pittsburgh, whose daughter, Allison, was slain, said: "I guess you know what that statement was—legalized bull. But I can't say more at this time. I have a wife and daughter to think about. If

it were only me, I might do some strange things."

"We can't think of anything we want to say. We just don't want to talk about it anymore," Mrs. Lewis A. Schroeder of Lorraine, Ohio, the mother of William Schroeder, said in a faltering voice.

Mrs. Martha Scheuer of Youngstown, the mother of Sandy Scheuer, who died on her way to teach at a clinic for children with speech handicaps, said that she hoped that those responsible for the report "can live with their consciences."

At a brief news conference late this afternoon, the university president, Robert I. White, said "I appear before you rather well battered." Then he urged calm.

Students here had planned a nonviolent walk to the nearby town of Ravenna, where the grand jury met, to protest what they had expected to be a finding that would indict students and exonerate guardsmen.

But, after they met with town officials to inform them of the plan, apply for a permit and stress their nonviolent intentions, a court injunction was issued forbidding "picketing, passing out handbills, displaying of any signs, parades, demonstrations or confrontations" near the courthouse between the hours of 8 A.M. and 5 P.M. This morning the injunction was modified to be in effect 24 hours a day.

All witnesses who appeared

before the grand jury and the jurors themselves have been forbidden by another court order from speaking to newsmen.

That order was modified this morning to permit Mr. Balyeat, the prosecutor, to hold a news conference, accompanied by his assistant prosecutors, Perry Dickenson and Seabury Ford.

Mr. Balyeat said that the grand jury had considered more hours of testimony than the President's commission and added that he thought that that investigation "got into areas I thought they should not have."

'Judicial Process' Vowed

KENT, Ohio, Oct. 16 (AP)—The university president, Dr. White, went on closed-circuit campus television late in the afternoon and told students, "We have long known that the grand jury report would create problems." He assured the "25 unidentified defendants" that there will be "full judicial process," and added: "I am sure every legal safeguard will be observed."