

Excerpts From Grand Jury Report on Incidents at

RAVENNA, Ohio, Oct. 16 (UPI)—The following are excerpts from the report of special grand jury that investigated the incidents that led to four student deaths at Kent State University last May:

The incidents originating on North Water Street in Kent, Ohio, on Friday, May 1, 1970, and which spread to other parts of the downtown area and the university, constituted a riot.

"We find that no provocation existed for the acts committed there and that many persons participating in this riot were not students, but were of a type who always welcome the opportunity to participate in the unjustified destruction of property.

"We find that the rally on the Commons on Saturday, May 2, 1970, which resulted in the burning of the R.O.T.C. building, constituted a riot. There can never exist any justification or valid excuse for such an act. The burning of this building and destruction of its contents was a deliberate criminal act committed by students and non-students.

"It should also be said that the many hundreds of students who described themselves as merely 'observers' or 'cheerleaders' are not totally free of responsibility for what occurred there.

Police Found Inadequate

"The grand jury finds from the evidence that the Kent State University Police Department, as presently constituted, is totally inadequate to perform the functions of a law enforcement agency. A clear example of this inadequacy was the shocking inability to protect the Kent city firemen who responded to the fire at the R.O.T.C. building on May 2.

That it was decided by those in command not to expose their officers to risk represents more than a question of judgment; it indicates a complete inability to respond in a manner expected of any police department. The persons who attacked the firemen numbered no more than four or five.

The total number of those



The New York Times

Seabury Ford, an assistant prosecutor, discussing the grand jury actions at news session in Ravenna, Ohio.

persons who actually attempted to fire the building did not exceed 10 or 12. It is obvious that the burning of the R.O.T.C. building could have been prevented with the manpower then available. If the burning had been prevented it is reasonable to believe that the events which followed on May 3 and 4 would not have occurred.

"The gathering on the Commons on May 4, 1970, was in violation of the directive of May 3 issued by the university vice president in charge of student affairs. We find that all the persons assembled were ordered to disperse on numerous occasions, but failed to do so.

Those orders, given by a Kent State University policeman, caused a violent reaction and the gathering quickly degenerated into a riotous mob. It is obvious that if the order to disperse had been heeded, there would not have been the consequences of that fateful day.

Those who acted as participants and agitators are guilty of deliberate, criminal conduct. Those who were present as cheerleaders and onlookers, while not liable

for criminal acts, must morally assume a part of the responsibility for what occurred.

"We feel that it should be made clear that the Ohio National Guard was called solely for the purpose of assisting the civil authority. At no time during the period of May 1 through May 4 was martial law declared.

"It should be made clear that we do not condone all of the activities of the National Guard on the Kent State University campus on May 4, 1970. We find, however, that those members of the National Guard who were present on the hill adjacent to Taylor Hall on May 4, 1970, 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 should be added, that although we fully understand and agree with the principle of law that words alone are never sufficient to justify the use of lethal force, the verbal abuse directed at the guardsmen by the students during the period in question represented a level of obscenity and vulgarity which we have never before witnessed!

The epithets directed at the guardsmen and members of their families by male 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.

It is hard to accept the fact that the language of the gutter has become the common vernacular of many persons posing as students in search of a higher education.

The grand jury also concludes that the weapons issued to the national guardsmen are not appropriate in quelling campus disorders.

Unfortunately, however, under current procedures, no other weapons have been

made available to the guard by the Department of the Army. Nonlethal weapons appropriate in connection with campus disorders should be made available to the National Guard in the future.

Guardsmen should be furnished with weapons that will afford them the necessary protection under the existing conditions.

We find that the major responsibility for the incidents occurring on the Kent State University campus on May 2, 3, and 4 rests clearly with those persons who are charged with the administration of the university. To attempt to fix the sole blame for what happened during this period on the National Guard, the students or other participants would be inconceivable.

The evidence presented to us has established that Kent State University was in such a state of disrepair, that it was totally incapable of reacting to the situation in any effective manner. We believe that it resulted from policies formulated and carried out by the university over a period of several years.

The administration at Kent State University 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 and is particularly vulnerable to any pressure applied from radical elements within the student body or faculty.

A second example of where the university has obviously contributed to the crisis it now faces is the over-emphasis which it has placed and allowed to be placed on the right to dissent. Although we fully recognize that the right of dissent is a basic freedom to be cherished and protected, we cannot agree that the role of the university should be to continually foster a climate in which dissent becomes the order of the day to the exclusion of all normal behavior and expression.

We receive the impression that there are some persons connected with the university who believe and openly

Kent State U.

advocate that one has a duty rather than a right to dissent from traditionally accepted behavior and institutions of government. This is evident by the administrative staff in providing a forum and available speakers for every "radical group" that comes along and the "speakers" that they bring to the campus.

A further example of what we consider to be an over-emphasis on dissent can be found in the classrooms of some members of the university faculty. The faculty members to whom we refer teach nothing but the negative side of our institutions of government and refuse to acknowledge that any positive good has resulted during the growth of our nation. They devote their entire class periods to urging their students to openly oppose our institutions of government even to the point where one student who dared to defend the American flag was ridiculed by his professor before his classmates.

CONCLUSION

The members of this special grand jury find that all the conditions that led to the May tragedy still exist. It is apparent that an apathetic university community has allowed a vocal minority to seize control of the university campus. This will continue until such time as the citizens, university administration, faculty and students take a strong stand against the radical element bent on violence.

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.

This grand jury has in this report been critical of Kent State University, but let no one assume that we do not consider the university a valued part of our community. It is our hope that out of this chaos will emerge order and purpose. It is our belief that Kent State University has the capacity to become a greater university in the future.