

FBI Report Of Kent State Shootings Differs Sharply From Ohio Probe Exonerating Guard

New York Times news service

WASHINGTON — A Justice Department summary of the investigation by the Federal Bureau of Investigation into the shootings at Kent State University last May 4 differs sharply from the conclusion reached later by

an Ohio Grand Jury that exonerated national guardsmen because they believed they were physically threatened.

The 35-page summary makes the point that, in interviews with the FBI, most of the guardsmen who fired did

not specifically say that they had fired because their lives were in danger.

"Rather, they generally simply state," according to the summary, "that they fired after they heard others fire or because after the shooting began, they assumed an order to fire in the air had been given."

Not Shooting Situation

The summary says that six guardsmen, including two sergeants and Capt. Raymond Srp, of Troop G, "stated pointedly that the lives of the members of the guard were not in danger and that it was not a shooting situation."

The special state grand jury concluded on Oct. 16 that the guardsmen "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 boldily 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 added.

The grand jury did, however, indict

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25 persons, including students, former students and faculty members on rioting and other criminal charges. Four students were killed in the volleys fired by the national guard.

A spokesman for the Department of Justice said that the document was a general background summary written for internal use in the department and for the congressional, state, and local authorities. He said he could not determine whether it had been given to the grand jury in Ohio.

The grand jury reported that it had had access to the data gathered in the FBI investigation.

Fabrication

The justice department document, obtained here, says there is "some reason to believe that the claim by the national guard that their lives were endangered by the students was fabricated subsequent to the event."

This summary also contradicts the statements of national guard officers that there was a sniper on the campus, that the crowd of students had moved to encircle the guardsmen, and that the troops had run out of tear gas.

These conclusions parallel the findings of the President's Commission on Campus Unrest. In its report on Kent State earlier this month, the commission said neither it, the FBI, nor the Ohio State Highway Patrol had found evidence to support the assertion of sniping. The commission also found that the troops had some tear gas available.

Takes Issue

Furthermore, the report cites infor-

mation that is at issue with the grand jury's assertion that there was "a constant barrage of rocks and other flying objects" and its statement that 58 guardsmen were injured by stones.

According to the summary:

—"There was no sniper . . . The FBI has conducted an extensive search and has found nothing to indicate that any person other than a guardsman fired a weapon."

—"The guardsmen were not surrounded. Regardless of the location of the students following them, photographs and television film show that only a very few students were located between the guard and the commons. They could easily have continued in the direction in which they had been going."

Tear Gas Available

—"Some guardsmen, including Gen. (Robert) Canterbury, (the commander of the guard troops on campus) claim that the guard did run out of tear gas at this time. However, in fact, it had not. Both Capt. Srp and Lt. Stevenson of Troop G were aware that a limited supply of tear gas remained and Srp had ordered one canister loaded for use at the crest of Blanket Hill."

—"Although many claim they were hit with rocks at some time during the confrontation, only one guardsman, Lawrence Shafer, was injured on May 4, 1970, seriously enough to require any kind of medical treatment. He admits his injury was received some 10 to 15 minutes before the fatal volley was fired. His arm, which was badly bruised, was put in a sling and he was given medication for

pain. One Guardsman specifically states that the quantity of rock throwing was not as great just prior to the shooting as it had been before."

"The FBI interviews of the guardsmen are in many instances quite remarkable for what is not said, rather than what is said. Many guardsmen do not mention the students or that the crowd or any part of it was 'advancing' or 'charging.' Many do not mention where the crowd was or what it was doing."

The summary places two of the students shot by the guardsmen — Jeffrey Miller and Allison Krause — "at the front of the crowd taunting the national guardsmen." It says that Miller "made some obscene gestures at the guardsmen" and Miss Krause "was heard to shout obscenities at them."

Three other students who were shot, the Justice Department believes, taunted the guard, and two others were probably encouraging the students to throw stones at the guardsmen. The summary says another student admitted throwing "two or three" stones at guardsmen and another was making an obscene gesture.

The department officials said that, insofar as they could determine, six of the victims "were merely spectators to the confrontation."

The report says that the Justice Department does not know what started the shooting. Saying that "we can only speculate on the possibilities," it mentions that one sergeant says he fired his shotgun once in the air when he saw a man running toward him with a stone.