

OHIO AIDE ASSERTS U.S. ERRED ON KENT

Prosecutor Says Report by
F.B.I. Discredits Summary

CLEVELAND, Nov. 25 (AP)

—State Prosecutor Robert L. Balyeat says a Federal Bureau of Investigation inquiry has discredited a report from a Justice Department summary that Ohio National Guardsmen at Kent State University last May fabricated a story that their lives were in danger.

Mr. Balyeat, testifying in United States District Court yesterday said the Justice Department planned to remove the allegation from its summary on the Kent disorders.

In Washington, a Justice Department spokesman, Robert Stevenson, said the department would stand by its original assessment.

"There will be no revision of the summary," he said. He would not elaborate.

Mr. Balyeat told the court the Justice Department had based its conclusions on a new paper interview with an Akron machinist and that F.B.I. agents had been unable to find the man.

The prosecutor's testimony came in a court action by 32 Kent State professors who seek to throw out a state grand jury's indictments of 25 persons in connection with anti-war disturbances on the campus, which ended in a confrontation between guardsmen and students May 4.

Four students were shot to death and nine were wounded in the clash. No guardsmen were indicted.

"All reference to fabrication will be removed in a revision of the summary by the Justice Department," Mr. Balyeat said.

He said F.B.I. reports, which were among the source of the Justice Department summary contained no allegation of fabrication by the guardsmen.

The summary, never publicly released, was reported to have said that six guardsmen could be criminally charged in the shooting deaths.

The professors' suit contends that the grand jury indictments were intended to harass faculty members and impede them in the exercise of their rights to free speech.