

# Kent Legal Defense Fund

Box 116,  
Kent, Ohio 44240

February, 1971

Dear Friend,

We would like to send you our warmest greetings and thanks for contributing to the defense of the Kent 25.

It has been ten months since last Mays' tragedy at Kent State University and many new developments have taken place - the most important being Judge Thomas' decision to expunge the Grand Jury Report and uphold the 25 indictments. The report was stricken because 1). "of its sweeping violation of law and constitutional rights," and 2). because "it would be unreasonable to expect or ask a prospective juror to honestly to promise to completely disregard these findings and to treat the indictments not as proof of guilt but only as an accusation of crime."

THE INDICTMENTS OF THE KENT 25 should be dropped. We have appealed Judge Thomas' decision because the effects of the Grand Jury Report have been burned into the minds of millions of people making a fair trial virtually impossible.

The court proceedings are extremely costly. To date, the Defense Fund has spent \$50,000 on bail, court costs, transcripts, and fund-raising. The Kent 25 have yet to come to trial. When and if they do, it will cost approximately \$8,000 per indictee.

The process of intimidation at Kent State continues. The local officials have joined with the administration to stifle student dissent. The Defense Fund will continue to fight these attacks on individual rights and freedoms.

In peace,

The Kent Legal Defense Fund

University President Robert I. White calls the Grand Jury report "a prime example of a brewing national disaster." He told the Associated Press in early November that "The grand jury report was inaccurate, disregarded clear evidence and, if pursued in all its nuances, would eventually destroy not only Kent State but all major universities in America."

riculum, and other social ills. Slamming the students, vilifying them, indicting them — pays off. Short of shooting students, there is almost no other way of silencing them — unless it's shackling the university itself, and that, too, is on the order of the day.

Severe as the Grand Jury is with the students, it is especially ferocious in attacking the Kent State University administration and faculty. The main charge: *soft on the students, soft on radicals*. The Grand Jury makes it amply plain that if the administration and faculty were as hard-hearted and hard-hatted as the jurors, there would have been no burning of the campus ROTC building on May 2, no call-out of the Guard on May 3, and no shooting of students on May 4. Here again, the Jury position is diametrically opposite the Scranton Commission. The Commission cites FBI information that a "significant proportion" of those who set fire to the ROTC building were not students! The whole crisis—the Grand Jury alleges—is the fault of the university administration, not the Guard's fault; not even much the student's fault—but the administration's fault, and the administration hasn't improved one bit since last May, the Jury states in its conclusion, because the administration is still on the side of dissent, still is responsive to student needs. The Jury finds this intolerable. Imagine, it declares in its report, an administration that permits such groups to come to the campus as Yippies, Students for a Democratic Society—and Jefferson Airplane!

It is a tough, angry, often irrational Grand Jury. Its report is a repudiation of the university leadership and a barely veiled threat of impending sweeping

change. The threat is not only in the hostile spirit and tone of its report but in its flat exhortation to "expel the troublemakers without fear or favor." Since the administration led by President Robert I. White has already been assessed with "major responsibility for the incidents occurring on the Kent State University campus on May 2, 3 and 4," it is clear that the university leadership is in the class of "troublemakers" to be evicted from the campus. Let all administrations sympathetic to student concerns and needs take note—and warning.

Still, the hardest blow so far has been thrown at the students in the form of indictments. In the absence of specific charges—no Bill of Particulars has been presented; a request for one has even been *refused*—one can only conclude that a frame-up and legal lynching are in the process.

Help fight it. Help beat it back. Help spread the word. And please be generous. Send your check today. Make it substantial. Make it payable to KLDf.

Issued by the Kent Legal Defense Fund, Inc.  
Box 116, Kent, Ohio 44240

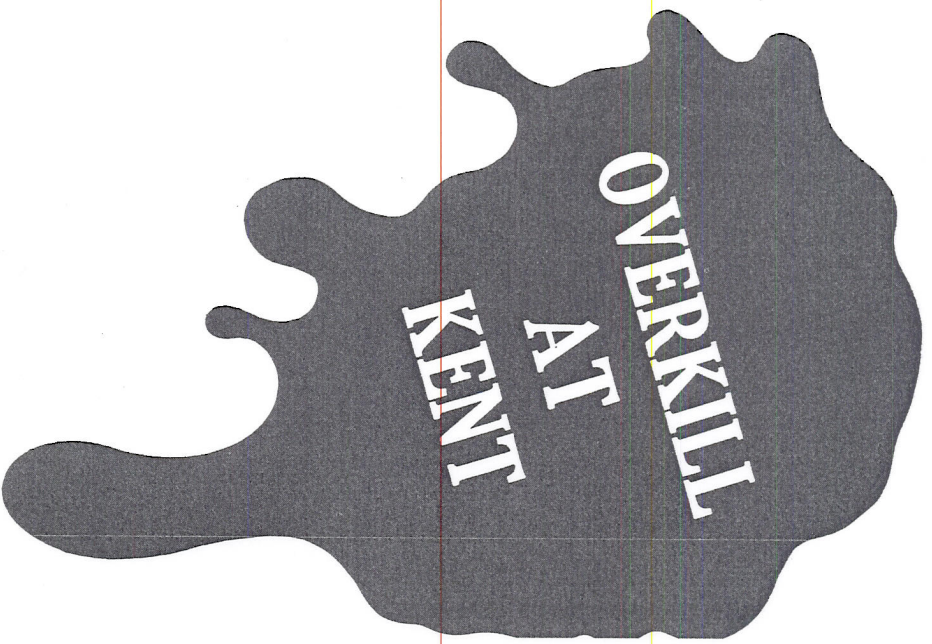
**KENT LEGAL DEFENSE FUND, INC.**  
**BOX 116, KENT, OHIO 44240**

To help with the legal defense of the 'KENT 25'... plus others who may be indicted, I enclose:

- \$ \_\_\_\_\_  \$1000     \$500     \$100
- \$50     \$25     \$10    \$ \_\_\_\_\_

(Please make your check payable to KLDf)

Name \_\_\_\_\_ (Please Print)  
 Address \_\_\_\_\_  
 City & State \_\_\_\_\_ Zip \_\_\_\_\_



First...  
a shooting of students  
in cold blood

Now...  
a legal lynching of  
fellow students and teachers

## A Special Ohio Grand Jury Has Committed an Outrage!

**Flying in the Face of Exhaustive Reports and Findings by The FBI... The Scranton Commission on Campus Unrest... The Akron Beacon-Journal...**

all of whom condemned the National Guard shootings and killings on the Kent State campus last May 4th as unprovoked . . .

all of whom are in agreement that the students that fateful day were peaceful and showing no inclination to violence or rioting as they gathered on the Commons to attend a noontime anti-war rally protesting the Cambodian invasion . . .

### The Special Grand Jury has

- absolved the National Guard of wrongdoing
- put the blame for the May 4th events on the university administration and the faculty
- INDICTED 25 STUDENTS, TEACHERS AND OTHERS ON UNSPECIFIED CHARGES OF 'RIOTING'

The Grand Jury outrage amounts to this: It has whitewashed a highly culpable National Guard unit and command; it has made a vindictive attack on

## The Grand Jury Deceives the Public

The Grand Jury report of October 16, 1970 exonerating the National Guard of wrong-doing states that the guardsmen "fired their weapons in the honest and sincere belief . . . that they would suffer serious bodily injury had they not done so."

The FBI says differently! A Justice Department summary of the FBI findings declares: "*We have reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event.*"

The Grand Jury charges in its report that the May 4th anti-war rally on the Commons "quickly degenerated into a riotous mob" when orders were issued by the Guard for the students to disperse.

The Scranton Commission says differently! "The rally was peaceful and **there was no apparent impending violence** . . . Under these circumstances,

the Kent State academic community—motivated by hopes of political gain among Ohio voters; it has launched a blatant, unjust, unwarranted drive to railroad 25 students and teachers to prison. But . . .

### Its Outrage Goes Deeper!

ON MAY 4TH, ARMED FORCE WAS USED TO STIFLE FREE SPEECH ON A UNIVERSITY CAMPUS; SINCE THAT TIME, THE OHIO LEGISLATURE HAS ENACTED AN EXTENDED 'RIOTS' STATUTE SO REPRESSIVE OF THE RIGHT OF ASSEMBLY AS TO BE VIOLATIVE OF THIS MOST BASIC OF FIRST AMENDMENT FREEDOMS. TAKING ITS CUE FROM THESE REGRESSIVE ACTS, THE SPECIAL GRAND JURY HAS LAUNCHED A DRIVE UNDER THE GUISE OF LAW THAT MAY WELL SERVE AS A MODEL OF HOW TO THROTTLE STUDENTS ON CAMPUSES EVERYWHERE AND HOW TO MURDER THE FREE UNIVERSITY.

THE SPECIAL GRAND JURY MUST EITHER CEASE AND DESIST . . . OR BE BEATEN IN THE COURTS. FORMER ATTORNEY-GENERAL RAMSEY CLARK HAS JOINED THE DEFENSE. SO CAN YOU. JOIN AND HELP SUPPORT THE KENT LEGAL DEFENSE FUND—NOW!

the Guard's decision to march through the crowd for hundreds of yards up and down a hill was highly questionable . . . The Guard fired amidst great turmoil and confusion, engendered in part by their own activities."

### Note:

The FBI and Scranton Commission findings are virtually the same as those adduced independently by the Akron *Beacon-Journal* and published as an 8-page report in its issue of May 24—less than two weeks following the campus holocaust. U.S. Senator Stephen M. Young of Ohio has been steadfast in his support of the students and has spoken out on the Senate floor in their behalf . . . as he did on October 13.

## The Grand Jury Is Engaged In a Legal Lynching

Seabury Ford, Republican Party chairman of Portage County—where Kent State University is located and whose population has not been friendly to the students for some time—was one of three prosecutors named to serve with the Grand Jury when it was empanelled by the Governor. Ford's bloodthirsty attitude toward the students was revealed in an interview he gave to the *Beacon-Journal* shortly after the Jury's October 16 report was made public. Ford told the paper that the National Guard "should have killed all the troublemakers." (Ford is a former member of the Guard unit that killed students Allison Krause, Jeffrey Glenn Miller, Sandra Lee Scheuer and William K. Schroeder). His vigilante-type statement affords an insight into the judicious spirit of the Grand Jury—which is only in recess and may hand down more indictments.

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## Why the Grand Jury Vendetta Against the Students, Administration and Faculty?

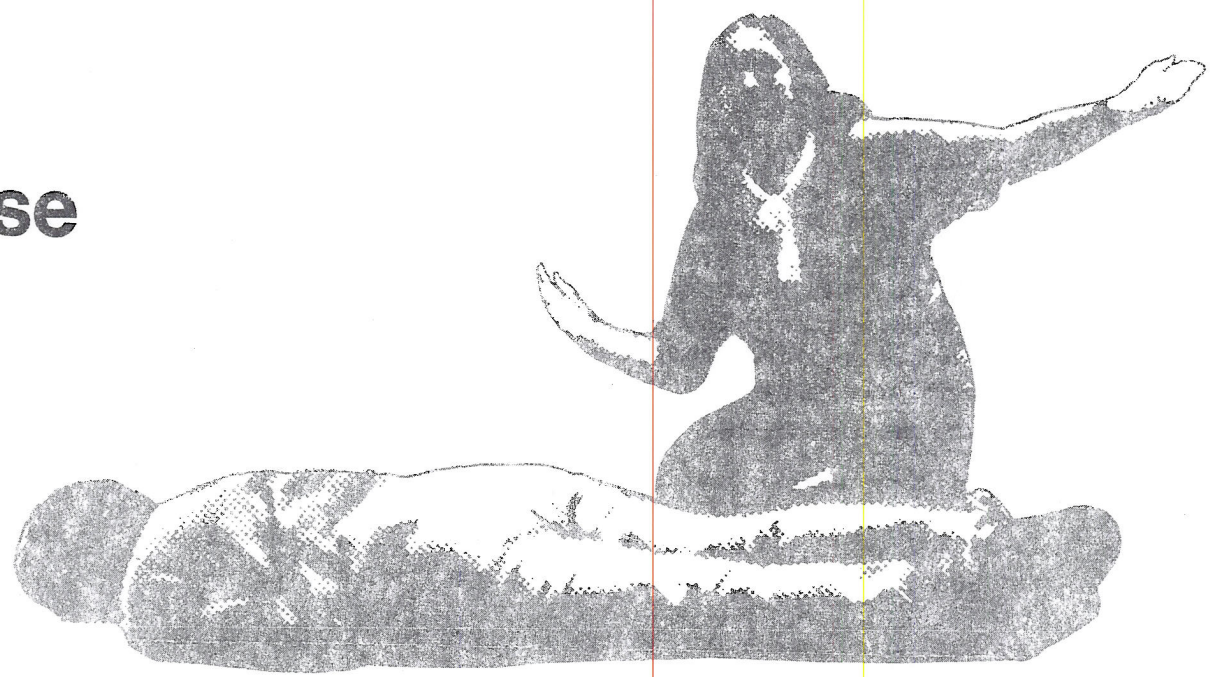
Its primary consideration is surely this: that an official, legal action of purely local character has become necessary to offset the damaging effect of the FBI and Scranton Commission findings.

Moreover, students have become "fair game," so to speak. The White House set the tone with its famous epithet that some students are "bums." To others, they are public enemy number one—as to the hard hats, so called. Slamming students has become, for some politicians, a way of stuffing the ballot box and staying in power. For others, striking out at students has become a form of relieving the fear that one's stake in society may be uprooted by the student drives against militarism, racism, poverty, urban decay, a stultified educational apparatus and cur-

24 MAR 71

# Kent Legal Defense Fund

Box 116,  
Kent, Ohio 44240



Dear Friend:

May 4, 1970: Allison Krause, Jeffrey Glenn Miller, Sandra Lee Scheuer and William K. Schroeder, students at Kent State University, were killed when the National Guard fired into an anti-war rally.

July 23, 1970: "We have reason to believe that the claim by the National Guard that their lives were endangered by the students was fabricated subsequent to the event."

--Justice Department's  
Summary of F.B.I. Report  
Akron Beacon Journal

October 4, 1970: "The indiscriminate firing of rifles into a crowd of students and the deaths that followed were unnecessary, unwarranted and inexcusable."

--President Nixon's Commission  
on Campus Unrest  
New York Times

October 16, 1970: An Ohio grand jury exonerated the National Guard of wrongdoing, and indicted 25 individuals -- Kent students, faculty and others -- on charges that usually included riot and arson. A bill of particulars has been refused. One of the grand jury prosecutors, a former member of the Guard unit involved, told a reporter that "they ought to shoot all the troublemakers." Three hundred grand jury witnesses, including Kent President, Robert I. White, were forbidden, on the other hand, from commenting for several weeks on the grand jury action. Ohio officialdom generally, besides making it clear that the "troublemakers" have to be punished, in a vicious attack on the University itself, blamed it for the demonstration against the U.S. invasion of Cambodia.

January 28, 1971: Despite Federal Judge William K. Thomas' order that the Grand Jury Report be destroyed, the INDICTMENTS OF THE KENT 25 STILL STAND. Judge Thomas ordered the report destroyed 1) because of its sweeping violation of law and constitutional rights, and 2) because it would be "unreasonable to expect or ask a prospective juror honestly to promise completely to disregard these findings and to treat the indictments not as proof but only as an accusation of crime."

The Grand Jury action continues to:

- \* Force 25 individuals whom even the F.B.I. described as peaceful to face costly and agonizing court battles -- possibly prison.
- \* Prejudice students and the university by holding them up to public scorn.
- \* Diminish the constitutional right of free speech at Kent.
- \* Be the basis for an unwarranted attack on the entire American University System and Academic Freedom.

THE KENT INDICTMENTS CANNOT GO UNCHALLENGED. They must be fought immediately and vigorously, and with the best possible legal representation. The defense cannot be hampered by lack of funds. Even with completely volunteered attorneys' service, the costs have been and will continue to be enormous for such things as transcripts and legal research.

Please support these students and all the vital basic rights that are in jeopardy - academic freedom - free speech - the right to dissent - the right to a fair trial. Send as generous a contribution as you can. It will be your investment in helping America to save itself - not for itself - but in spite of itself.

Sincerely yours,

*Benjamin Spock Ramsey Clark Stephen M. Young*

Benjamin Spock, M.D.

Ramsey Clark

Stephen M. Young  
Former U.S. Senator  
from Ohio