

NYTimes

# KENT STATE STUDY CITES GUARDSMEN

New Yorker Says Some of Them Fired on a Signal

By JOHN KIFNER

A privately researched report on the Kent State University shootings, which is being widely circulated by a church group, contends that a small group of Ohio National Guardsmen had agreed among themselves to "punish" students and opened fire on a signal. The report appeals for a Federal grand jury investigation.

Four students were killed and nine others were wounded in a volley of National Guard rifle fire that swept a grassy slope and parking lot on the Kent State campus in Kent, Ohio, on May 4, 1970.

The latest report on the shootings was compiled by Peter Davies, a 40-year-old Manhattan insurance executive. He said he spent 14 months studying photographs of the incident and previous reports in compiling his study.

Mr. Davies's report is being circulated by the Department of Law, Justice and Community Relations of the United Methodist Church's Board of Christian Social Concerns in hopes of spurring the Justice Department into ordering a grand jury investigation.

Mr. Davies, a small man with thinning, graying hair, said he had been drawn into his study by shock at the shootings and by a close friendship with Arthur Krause of Pittsburgh, the father of one of the slain students.

A large photograph of Allison Krause, one of the Kent State victims, stood on a filing cabinet behind a desk in Mr. Davies's small insurance agency office in lower Manhattan as he spoke of his involvement in the case.

"We're not really interested in just seeing some guardsmen thrown in prison," he said. "What we're seeking is a vindication—that this is not a state where a uniform is immunity."

## Files of Letters

On his desk was one of four files of letters he had written to newspapers, government agencies and private groups pleading for a fuller investigation of the shootings. "My business," he said, "its been terrible. For the last 14 months I've been working on this at night, weekends, typing here at the office."

John P. Adams, director of the United Methodist Church's Department of Law, Justice and Community Relations, delivered a copy of Mr. Davies's report to the Justice Department a month ago. In a letter to Deputy Attorney General Richard G. Kleindienst, dated yesterday, Mr. Adams wrote that, "since we have received no response to the appeal, no replies to our letters concerning it," the group was releasing the report.

### No Action Taken

In the 14 months since the shooting, Justice Department spokesmen said several times that they were considering whether Federal grand jury action was warranted. No action has been taken.

The National Guard had been called to the Kent State campus to subdue unrest, including the burning of the Army Reserve Officers Training Corps building, following President Nixon's announcement that American troops had moved into Cambodia.

On Monday, May 4, guardsmen broke up a noon gathering on the campus Commons with tear gas, and a unit pursued students over a hill. The unit, made up of 96 guardsmen,

then found itself on a partly fenced football practice field, while several hundred students watched, many jeering, from the hillside and a parking lot. Some threw rocks or heaved back tear gas canisters.

The guardsmen then moved back up the hill in a ragged V-formation toward the Commons. When they reached the crest, the line suddenly wheeled and fired for 13 seconds.

Mr. Davies's report postulates the theory that, while on the practice field, a group of about eight guardsmen from Troop G of the 107th Armored Cavalry, tired, angry and resentful of the student demonstrators, agreed among themselves to shoot.

### Specific Targets Alleged

He contends that the soldiers chose several specific targets—students in the forefront of the crowd.

His study says that, of the students slain, Allison Krause is identifiable in several photographs shouting at guardsmen and Jeffrey Miller is identifiable in other photographs gesturing and throwing back a tear gas canister.

Of the wounded students, according to a Justice Department summary of a Federal Bureau of Investigation report, Alan Canfora, Thomas Grace, Robert Stamps, Dean Kahler and Joseph Lewis were "active

in taunting the Guard." Mr. Canfora, the report said, was waving a black flag.

Mr. Davies contends that the signal to begin the firing was a single shot from a pistol fired into the ground at the crest of hill. A tape recording of the volley reveals a single distinct shot before the rattle of the volley.

Mr. Davies's reconstruction of the incident is also based in part on testimony before the President's Commission on Campus Unrest by James C. Woodring Jr., a student who witnessed the shooting.

Mr. Woodring told the commission that he had seen a soldier with a pistol, whom he took to be an officer, fire just before the volley.

"He raised it above his head, then brought it down and fired point-blank into the ground," Mr. Woodring testified. "In my opinion, he gave some sort of hand signal to fire."

Mr. Davies contends that the group of men in Troop G fired the first shots, aiming many of them at a corner of the parking lot where the students in front of the crowd were clustered and that the other guardsmen, many of whom shot into the air, fired in reaction to the first shots.

The only criminal action that has grown out of the shootings at Kent State was that of a special Portage County, Ohio,

grand jury, which indicted 24 students and nonstudents and a Kent State professor on charges of rioting.

The special grand jury also issued a report that exonerated the guardsmen and placed "major responsibility" for the incident on the university administration for fostering "an attitude of laxity, overindulgence and permissiveness." The report was later ordered expunged and destroyed by a Federal District Court.