

Mitchell Deciding Whether He'll Call A Kent State Jury

Special to The New York Times

WASHINGTON, July 23—The Justice Department said today that Attorney General John N. Mitchell would soon announce a decision on whether to convene a Federal grand jury to investigate last year's shooting at Kent State University at Ohio.

Mr. Mitchell is expected to make the decision after he returns next week from London, where he is attending the American Bar Association's annual convention.

A Justice Department spokesman said that officials "at the highest level" were still reviewing the events surrounding the killing of four students and the wounding of nine others by Ohio National Guardsmen during campus disorders on May 4, 1970.

Former Assistant Attorney General Jerris Leonard, who conducted the Justice Department's investigation until he left office as head of the Civil Rights Division in April, submitted his recommendation on possible Federal action to the Attorney General before his departure, the spokesman said. He would not disclose Mr. Leonard's recommendation.

Yesterday, a branch of the United Methodist Church released a report by Peter Davies, a New York insurance broker, which put forward the theory that a small group of guardsmen had agreed among themselves to "punish" students and opened fire on a signal.

The Justice Department acknowledged that it had received copies of the report a month ago, but said that officials in the Civil Rights Division had concluded that it contained nothing new.

Kent Suit Dismissed

CLEVELAND, July 23 (UPI)—A Federal judge dismissed today a \$4-million wrongful-death suit filed by the father of one of the four students killed at Kent State.

Judge James C. Connell ruled that the State of Ohio had sovereign immunity and could not be sued unless it consented to being sued. Louis Schroeder of Lorain, Ohio, had filed the suit in behalf of his son, William, who was killed with the three other students.