

Kent State Haunts America

A Church Study Finds a Conspiracy

These are excerpts from the conclusion of a report by Peter Davies and the Board of Christian Social Concerns of the United Methodist Church based on a new study of the killing and injuring of students at Kent State University on May 4, 1970.

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The killing of four students at Kent State now stands as a classic example of justice delayed, circumvented and mocked. Very few tragedies like this are so extensively photographed, and very few occur in conditions where so many witnesses are able to provide investigators with so much invaluable information. Unlike the inexcusable shootings at South Carolina State in 1968, and Jackson State in 1970, the killing at Kent State took place in broad daylight beneath a brilliant sun. Consequently, we have an almost step-by-step record of what happened on May 4, 1970, and this record suggests that the shooting began as the result of a planned and prearranged act involving a certain number of guardsmen.

Nothing occurred at Kent State to compare with the assault upon these same units by strikers in Cleveland. At the time of the shooting no student was closer than 60 feet in the area into which the firing would be directed. At the moment of the supposed "grave threat" to the lives of the guardsmen they had their backs to this "threat" and, therefore, were

incapable of evaluating its gravity. The sudden turn upon the sound of a shot, the incredible precision of that turn, the number of guardsmen involved in that sudden turn, the advance back toward the parking lot "led by a man with a .45," the deliberate aiming into the parking lot where certain students had harassed them five to ten minutes earlier, the pointed disinterest in so many students close by them along the terrace of Taylor Hall who could be considered a "threat"—all of these facts strongly indicate the execution of a conspiracy.

Section 241 of the United States Code, Title 18, provides the Department of Justice the statute necessary to convene a Federal grand jury for the purpose of investigating every aspect of the points raised in this appeal; an investigation the Ohio National Guard has so desperately sought to prevent by whatever means necessary. One judicial decision on Section 241 bears inclusion here:

"It is not necessary to find the conspiracy charged was formed against a particular individual, but it is sufficient if it appear that he was included in a class actually conspired against."

I submit the conduct of a number of Ohio National Guardsmen from the time they were on the practice field to the time they ceased shooting was such it "appears" that Allison Krause, Jeffrey Miller, Alan Canfora and several other Kent State students were "included" in the "class" conspired

against, i.e., college dissenters, long-hairs, college girls using obscenities, campus hippies and antiwar demonstrators.

Is it possible that this Administration does not want to expose itself to the public reaction which was unleashed by the conviction of Lieutenant Calley? Why else is the Department of Justice so reluctant to expose the Ohio National Guard to the scrutiny of a Federal grand jury? Why else did the State of Ohio convene a grand jury for the sole purpose of exonerating the National Guard of any responsibility for the four deaths and nine injuries? Why else does the Attorney General of the United States suggest that the "intervening action" of the Ohio grand jury "affect" his Department's deliberations without mentioning that their exoneration of the Guard has been declared unconstitutional by a Federal Court? Why else are the parents of the dead being denied the public judicial forum of a courtroom to compel Generals Del Corso and Canterbury to prove that the killing of their children was justified?

The tragic deaths at Kent State provide us with the unhappy, but unique, opportunity to demonstrate to our children that the hypocrisy, the lies, the self-preservation at any price, the contemptible facade is not more important than human life when those lives might have been taken deliberately with malice of forethought, as were the lives of those old men, mothers, young women and children at Mylai. Kent State, whether we like it or not, is America's Mylai in Ohio.



Bill Greer

There Must Be a Public Trial

By JOSEPH KELNER

Attorney General Mitchell has decided not to bring evidence before any Federal grand jury on Kent State. But the Scranton Commission found the Kent State killings were "unnecessary, unwarranted and inexcusable."

By dropping the Kent State case, the Attorney General assumes to wear three hats: as prosecutor, judge and jury. His oath of office mandates his duty to enforce the laws of the land which prohibit "inexcusable" killings. The evidence is clear and undeniable that:

- Four unarmed students were killed at Kent State, the nearest being 270 feet, the others over 300 feet from the firing squad. Nine others were wounded.

- No snipers fired at the guardsmen.

- The F.B.I. found that the claim by

the National Guardsmen that their lives were endangered by the students was fabricated subsequent to the event.

- On-the-scene photographs show many riflemen taking dead-level aim and firing. This is living proof of intent to kill. Military SOP (standing operating procedure) mandates to soldiers: "Never shoot a person unless you aim to shoot to kill."

- On-the-scene photographs show the rifle squad proceeded to higher ground; they wheeled around, almost simultaneously; many took dead-level aim with their rifles, almost simultaneously; one sergeant aimed straight ahead with a .45 caliber handgun, almost simultaneously; 28 riflemen fired 61 shots within 13 seconds at human targets in an area 300 feet away—almost simultaneously.

- Query: Was the sergeant with the .45 caliber handgun giving the firing

signal to the riflemen to fulfill a common purpose and plan, a conspiracy previously made to punish the students?

- Query: Would 28 men act together by reaching high ground, wheeling and firing at one time without having planned or being ordered to do so?

- Query: Why did several guardsmen "take the Fifth" Amendment in civil actions and refuse to answer any questions about the shooting upon the ground of possible self-incrimination?

- Query: How can killings in America be "unnecessary, unwarranted and inexcusable" and yet no effort made to prosecute?

The American public, and young Americans particularly, have a right to know the answers from their Government. Only a public trial can provide the answers.

Joseph Kelner is an attorney representing the family of Jeffrey Miller, one of four students killed at Kent State.