

Questions Over Kent State

Twenty-five students of Kent State University have been told that they must stand trial for their alleged part in the 1970 campus disorders during which four students were killed by National Guard gunfire. The indicted students have considerable grounds for questioning the course justice has taken, particularly since the grand jury report on which their indictments are based has been ruled illegal and improper. However, the Court of Appeals—though agreeing with the lower court's assessment on the jury report—has let the indictments stand.

Apart from the technical aspects of the case, the fact borne out by two court rulings is that the grand jury was biased, if not downright vindictive, in its attitude toward the university and the students. More important, Attorney General Mitchell has long since decided against any Federal prosecution of individual National Guard men in connection with the student deaths. Even though Mr. Mitchell acknowledged that the Guard's resort to gunfire was "unnecessary, unwarranted and inexcusable," he contended that chances of proving personal guilt against any guardsman were virtually nil.

Would it not seem logical as well as humane to admit that a conspiracy on the part of the students to threaten the lives of the guardsmen is at least as difficult to prove? One need not justify the student demonstrators' improper and provocative actions to question a judicial process that, having abandoned all efforts to act against military personnel directly responsible for four deaths, persists in the prosecution of students on the basis of a discredited grand jury document.