

Justice Denied

This article was written by Doris Krause, Sarah Scheuer, Florence Schroeder and Elaine Miller, the mothers of the four Kent State students killed by National Guardsmen May 4, 1970.

Last March President Nixon said justice delayed was not only justice denied but that it also was "justice circumvented, justice mocked, and the system of justice undermined." For eighteen months now we have patiently borne the emotional torment of losing our children to Ohio National Guard gunfire and witnessing the circumvention of justice by the attorneys general of the United States and Ohio.

This indefensible mockery of our judicial system by those charged with upholding the law has forced us to assume the distressing role of prosecuting attorney in behalf of our dear children's constitutional rights. Even in this financially costly forum justice has been denied by the dismissal of our complaints under the ancient doctrine of sovereign immunity. Nevertheless, we retain our faith in the judiciary. The denials, circumvention and mockery that justice has suffered in the "inexcusable" killing of our sons and daughters is not a reflection of any inadequacy in the judicial system but of the broadening intrusion into that system of political ideology.

Just last month our faith was justified by the 8th District Court of Appeals in Ohio when it upheld, in a 2-1 landmark decision, Arthur Krause's appeal against the dismissal of his suit charging the state with responsibility for the "wrongful death" of his daughter. The majority opinion held that "sovereign immunity cannot be supported in Ohio," and that denial of responsibility "for the tortious conduct" of the state's authorized agents "is unjust, arbitrary and unreasonable."

Despite the torment of the past year and a half we have managed to recognize a very human failing which, for too long, divided us and compounded our grief. The actions of our children on May 4th spanned the spectrum of student dissent from disinterest to involvement and we foolishly allowed ourselves to distinguish between walking to class and shouting an obscenity in terms of innocence and guilt, a failing we believe far too many Americans have revealed in their need to justify the killing of our children.