

Tight Curbs Placed on Kent State Trial

By HOMER BIGART

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RAVENNA, Ohio, Nov. 22—The first of 25 persons indicted in the 1970 Kent State University riots went on trial here today with the judge imposing tight restrictions on press coverage and prohibiting any student demonstrations "in, at, or near" the courthouse.

Jerry Rupe, 23 years old, who was not a student, is charged with rioting, arson, slashing a fire hose and throwing rocks at firemen on May 2, 1970, when a youthful crowd burned the campus reserve officers training corps building in protest against President Nixon's decision to send troops into Cambodia. The disorders culminated two days later in the killing of four students by the Ohio National Guard.

Common Pleas Judge Edwin W. Jones posted a three-page list of rules forbidding cameras and electronic equipment not only in the courtroom but also in the entire Portage County courthouse.

He banned the sketching and drawing of trial participants by television network artists. Attorneys, witnesses, jurors and county employes were prohibited from giving interviews to the press.

Students Protest in Snow

In defiance of this broad ban against demonstrations a handful of students in foot-deep snow stood outside the main entrance with signs "Sieg Heil, Judge Jones" and "Stop the Trials." Sheriff Joe Hedges went out and gave the students 10 minutes to disperse and they obeyed but said they would return.

Meanwhile, eight jurors were tentatively seated, two of them over challenges by the defense. Judge Jones overruled anings Bennett, although Mr. Bennett, a volunteer fireman, conceded that he had signed a petition supporting the behavior of the National Guard. Mr. Bennett seemed abashed when George Martin, a defense attorney, asked why he had signed.

"I don't know," Mr. Bennett said finally. No one had pressed him to sign, he said. He said he had gone to the Brown Jug Restaurant and "I just noticed it there."

"Do you feel today that the students were wrong and the

National Guard was right?" pressed Mr. Martin.

"I haven't thought that much about it," said Mr. Bennett.

Judge Jones also overruled a defense challenge against Jack Ferguson, who said he would generally give "more weight" to the testimony of a policeman or a fireman than to the words of other witnesses, and that he had expressed the opinion that "no doubt some [demonstrators] were guilty" of burning the R.O.T.C. building.

But Judge Jones recalled that last week Mr. Ferguson sat on the jury in a drug case in which a policeman testified for the prosecution, yet the jury returned a verdict of not guilty.

"He feels he can be fair and impartial," said Judge Jones, "and that is the ultimate question."

A third potential juror was seated without challenge for cause after stating "I don't like demonstrations," Orville Baisden, a Navy veteran of World

War II, was asked if he approved of the Vietnam war and the Cambodian incursion.

"If the Government thinks we should fight, we should fight," Mr. Baisden said.

An affidavit accusing Judge Jones of "bias and prejudice" was filed today by David Schribner, a New York attorney, in behalf of 10 students whose trial will follow Mr. Rupe's.

The affidavit pointed out that Judge Jones had convened the special grand jury that indicted the 25 defendants and that the judge had disseminated its report, containing what amounted to findings of guilt.

Last January, United States District Judge Thomas Williams ordered the report destroyed and it was burned last Monday by the Portage County Clerk of Courts, Mrs. Lucy DeLeone.

The affidavit seeking the removal of Judge Jones from the Kent State cases was referred to the Ohio Supreme Court.