

## The Kent State Trial

The trial by the State of Ohio of 25 defendants, most of them students, for offenses allegedly committed during the 1970 disorders at Kent State University faces some hard questions about even-handed justice. The indictments are based on a special grand jury report which a Federal judge has since found of such questionable objectivity that he ordered it destroyed. Meanwhile, Attorney General Mitchell has decided against Federal prosecution of any National Guardsmen for what he himself has called an "unnecessary, unwarranted and inexcusable" resort to gunfire that killed four students.

In view of such oddly selective official judgments of who is and is not to be held accountable, it would seem essential that the trial of those allegedly involved—not in the killing but in the demonstrations—must satisfy the most stringent standards of judicial objectivity. It is therefore deplorable that the case is being tried before the very same judge who originally allowed dissemination of the now expunged grand jury report. Moreover, on the first day of the pre-trial proceedings, the judge overruled the defense challenges against two jurors, one of whom had signed a petition supporting the actions of the National Guard. The juror has since been removed by peremptory challenge, but the uneasy feeling about judicial sensitivity toward students' rights lingers on.

There has recently been much concern—some of it eloquently expressed by Chief Justice Warren Burger himself—over the assault on the authority of the courts by radical lawyers and unruly defendants. A decline in public respect for these institutions constitutes a threat to the rule of law in a free society. But the most serious threat to the authority of the courts is an erosion of confidence in the fairness of the judicial process.

In the Kent State case, with its tragic and emotion-charged background, even more than normal care must be exercised to ensure a scrupulously fair trial. The slightest suggestion of judicial vindictiveness could undermine public faith in the judicial system far beyond the confines of Portage County, Ohio.