

## Ohio Rests Case for First of 25 Indicted in Kent State Disorders

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RAVENNA, Ohio, Nov. 24— After calling only five witnesses, the state suddenly rested its case today against the first of 25 persons indicted in the 1970 campus disorders that resulted in the killing of four Kent State University students by the Ohio National Guard.

One of the witnesses, David R. Helming, a volunteer fireman, swore that the defendant, Jerry Rupe, a 23-year-old sandal maker, was among three persons who assaulted him during the burning of the Reserve Officer Training Corps building on the campus at Kent on May 2, 1970, two days before the fatal clash between students and National Guardsmen.

Mr. Rupe, a Ravenna resident who was not a student, is charged with arson, first-degree rioting, slashing a fire hose, and throwing stones at firemen during the burning of the building.

Mr. Helming said that he had watched the three persons flip burning rags from a long wooden stick through the broken windows of the R.O.T.C. building.

He testified that when he had reached a window with a firehose, Mr. Rupe struck him with the stick, knocked him to the ground and jumped on him while the others wrenched the hose from his grasp and ran off with it.

### Concedes Back Was Turned

The fireman conceded that his back had been turned when Mr. Rupe allegedly struck him. But he angrily insisted under cross-examination that Mr. Rupe was the assailant.

He said he had been watching Mr. Rupe for several minutes before the assault and was certain that "Rupe had the club."

Kent State students among the courtroom spectators groaned derisively at this and were admonished by the bailiff.

Only one other witness was able to place Mr. Rupe among the 1,000 youthful demonstrators who were present at the burning of the building.

This witness was an undercover campus policeman, William Robert Maxwell, who had mingled with the crowd wearing Levi's and a rough jacket.

Mr. Maxwell said he was able to recognize Mr. Rupe because the defendant had been under surveillance for two weeks as a suspected pusher of drugs.

The policeman testified that he had watched Mr. Rupe and three or four others assault an unidentified photographer who was thrown to the ground and kicked.

Later, he said, Mr. Rupe joined a crowd of 10 to 15 youths who "attacked firemen and dragged the hoses away."

He said the defendant had appeared on the scene wearing an American flag as a headband, Mr. Rupe subsequently removed the flag and burned it at the end of a stick, Mr. Maxwell said.

But Mr. Maxwell did not witness Mr. Rupe's alleged assault on the fireman the policeman said he had seen Mr. Rupe throw rocks at the R.O.T.C. building but had not observed the alleged attempt at arson.

### Unable to Identify Rupe

Two university officials who observed the disorder said that they were unable to identify Mr. Rupe. Another university official was brought in to testify that the old R.O.T.C. building, known as East Hall, was owned by the State of Ohio and was valued at \$29,000.

The prosecution's testimony was over so quickly that the defense counsel, James Hogle Jr., was unready with witnesses so the trial was adjourned until Friday.

Mr. Hogle conceded in his opening statement that Mr. Rupe had interfered with firemen but said it was only to the extent of joining 40 others in pulling hoses away from the firemen.

The interference charge is a misdemeanor, carrying a fine of \$50 to \$500, or imprisonment of 30 days to six months, or both.

Special prosecutor James Primm Jr. told the jury of eight men and four women that the state would prove Mr. Rupe guilty on all four charges.

The state's first witness, Dr. David Ambler, Vice President of Student Affairs, said he saw youths throw flares under the roof of the R.O.T.C. building.

When the roof failed to ignite, two youths with a crowbar or a baseball bat smashed the windows and threw burning rags into the building, Dr. Ambler said.

There was so much tumult that he found it impossible to read an order to disperse, he testified adding that he left the scene and on returning several hours later "observed in utter shock that the building was completely destroyed."