

Kent Slayings Probe Likely

Washington

The Justice Department is likely to convene a federal grand jury within the next 30 days to hear evidence on the slaying of four students at Kent State University by Ohio National Guardsmen in 1970, assistant Attorney General J. Stanley Pottinger indicated yesterday.

Pottinger, who is director of the Justice Department's Civil Rights Division, said at a news briefing that a decision had not yet been reached. However, the tenor of his remarks suggested that the calling of a federal grand jury in Cleveland was probable.

Such an action by the justice department could reverse a decision by former attorney general John N. Mitchell, who declined to ask for a grand jury investigation after four students were fatally shot and nine others were wounded during a confrontation with national guardsmen on the Kent State campus.

More recently, Leonard Garment, counsel to President Nixon, told student leaders at Kent State that

there would be no grand jury investigation.

In reply to questions, Pottinger insisted yesterday that Mitchell's decision to avoid a grand jury investigation of the Kent State slayings was not "capricious, erroneous or dishonest."

Pottinger said that there was some new information that contributed to his decision to consider calling the grand jury. He added, however, that his investigators did not have any "startling new evidence."

The purpose of the federal grand jury, Pottinger said, would be "inquisitorial," explaining that its purpose would be to "uncover evidence rather than to hand down indictments."

A state grand jury in Ohio previously had heard testimony on the Kent State confrontation, in which students demonstrating against the U.S. invasion of Cambodia were fired on by members of the Ohio national guard.

The state jury found no indictable offenses by the national guardsmen, but did indict 25 persons who took part in the student demonstrations.

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