

8 Guardsmen Are Indicted in Kent Killings

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One present and seven former Ohio National Guardsmen were indicted by a federal grand jury yesterday in connection with the slaying nearly four years ago of four Kent State University students and the wounding of nine others.

The grand jury in Cleveland charged that all eight fired weapons in the direction of demonstrators on May 4, 1970, when the students were shot down during a mass protest of the Nixon administration's policies in the war in Southeast Asia.

They specifically were accused of violating the civil rights of the four dead and nine wounded campus demonstrators.

Shots fired by five of them, the indictment said, resulted in the deaths of the four students. Those five could face terms up to life imprisonment.

The other three, if convicted, face maximum sentences of a year in prison and a \$1,000 fine each.

The indictments followed four years of controversy over the cause of the shootings and a complete turnaround of government policy. The Nixon administration at first opposed convening a grand jury investigation, but last fall decided to begin one.

The killings at Kent State, a fast-growing rural college of nearly 20,000 students, sent shock waves around the country, touching off massive protests and resulting in the temporary closing of hundreds of colleges.

The shootings followed by a few days the announcement that U.S. troops had been ordered into Cambodia.

The following five defendants were charged in one count with firing .30-caliber M-1 rifles in the direction of the demonstrators:

- Lawrence A. Shafer, 28, of Ravenna, Ohio, a former member of G Troop, 107th Cavalry.
- James D. McGee, 27, Ravenna, a former member of G Troop, 107th Cavalry.
- William E. Perkins, 28, of Canton, Ohio, a former

member of G Troop, 107th Cavalry.

• James E. Pierce, 29, of Amelia Island, Fla., a former member of G Troop, 107th Cavalry.

Ralph W. Zoller, 27, of Mantua, Ohio, a former member of A Company, 145th Infantry.

It was their gunfire that resulted in the deaths of the four students, the indictment says.

In addition, Barry W. Morris, 29, of Kent, Ohio, a former member of G Troop, 107th Cavalry, was charged in a second count with firing a .45-caliber automatic pistol in the direction of the demonstrators.

Finally, two other men were charged in a third count with firing 12-gauge shotguns in the directions of the demonstrators. They are Mathew J. McManus, 28, of West Salem, Ohio, presently a member of A Company, 145th Infantry, and Leon H. Smith, 27, of Bay City, Ohio, a former member of the same company.

The indictment specified that one of the wounded victims, James D. Russell, was in the group of students in whose direction McManus and Smith fired their shotguns.

The Kent State shootings had been the subject of lengthy hearings and a state court indictment and an investigation by a commission appointed by President Nixon.

They were charges on both sides. National Guardsmen at first claimed they were fired upon by snipers and feared

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the massed students were prepared to ravage the campus.

No evidence ever was produced to show that student demonstrators had opened fire first.

There had been mass dem-

onstrations, some use of tear gas, on the weekend preceding the gunfire. An ROTC building was set afire and the college president ordered a curfew.

The following Monday, guardsmen and students faced each other in a series of confrontations and finally converged on a section of the campus known as Blanket Hill.

As guardsmen moved up the hill, they were pelted by rocks and some opened fire. When it was over, Allison Krause, Jeffrey Glenn Miller, William K. Schroeder and Sandra Lee Scheuer were dead and nine others were wounded.

The killings provoked demands for several investigations. The first was conducted by an Ohio special grand jury, which indicted 25 persons, none of them National Guardsmen. That grand jury found that the guardsmen were justified in opening fire.

Almost all of those charges were subsequently dropped.

But the final report of the President's Commission on Campus Unrest concluded that the deaths were "unnecessary, unwarranted and inexcusable."

It acknowledged that the actions of some students were violent and criminal and that some of them were "reckless and irresponsible."

But it blamed the shootings on the failure of the guardsmen to be taught peaceful ways of dealing with demonstrations.

"The general issuance of loaded weapons to law enforcement officers engaged in controlling disorders is never justified except in the case of armed resistance that trained sniper teams are unable to handle," the commission reported.

"This was not the case at Kent State, yet each guardsman carried a loaded M-1 rifle," it added. It observed that guidelines of the Department of the Army call for unloaded rifles in such a situation. "No one would have died at Kent State if this lesson had been learned by the Ohio National Guard," the presidential commission concluded.

The chairman of the presidential commission, former Gov. William Scranton of Pennsylvania, urged the Justice Department to convene a special federal grand jury to investigate the shootings.

But in August, 1971, then Attorney General John N. Mitchell decided there was no basis for a federal prosecution and closed the Justice Department's investigation.

But late in 1973, the government began to change its attitude. A new Attorney General,

the inquiry at the request of J. Stanley Pottinger, assistant attorney general in charge of the civil rights division.

Pottinger said in August that he was "not satisfied we have fully exhausted" all "areas of inquiry."

A four-man team headed by Robert A. Murphy, criminal section chief in the Civil Rights Division, began working on the case.

In the meantime, another new Attorney General, William B. Saxbe, had arrived and initially expressed some skepticism about convening a grand jury to investigate Kent State.

Saxbe said he might halt the Justice Department investigation but added that if it had hit "pay dirt" he might let it proceed.

Saxbe is a former Republican senator from Ohio. He also is an inactive member of the Ohio National Guard Spokesmen said yesterday that he does not attend guard meetings but still maintains inactive status so that he will eventually qualify for retirement benefits earned while he was on active status.

The grand jury was impaneled in Cleveland in December. Before reaching its conclusions in yesterday's indictments, the panel heard testimony from 173 witnesses, including National Guardsmen and students, and produced a transcript running to about 6,800 pages.

The indictments were handed down yesterday afternoon in Cleveland.

Some of the lingering hostility between guardsmen and students was evident yesterday in initial reaction to the indictments.

"I'm pleased that at long last there will be an accounting before the law," said Sarah Scheuer of Youngstown, Ohio, mother of Sandy Lee Scheuer, one of the students who was killed.

"All of this time we felt our son never did anything to be punished for, let alone shot," said Mrs. Louis Schroeder of Lorain, Ohio, mother of William Schroeder, another of the dead.

However, the Ohio adjutant general, Dana Stewart, had a different view. "We are sorry to see that these indictments were brought against former members of the guard and the present member," he said.

"I hasten to point out that this action only indicates that the members of the grand jury in their own minds found reason for further action."

Pottinger, who was in Cleveland yesterday when the indictments were handed down, said the jurors were not being

and might be called back into session. He did not elaborate except to say that he considered it unlikely the panel would write a report on its investigation in addition to the indictments.