

U.S. JURY INDICTS 8 IN CAMPUS DEATHS AT KENT STATE U.

MAR 30 1974

One Present and 7 Former
Members of Guard Charged
in May 4, 1970, Killings

NO CONSPIRACY FOUND

20-Man Panel Does Not Cite
Any Officers or Officials
of Government for Roles
NYTimes

By AGIS SALPUKAS
Special to The New York Times

CLEVELAND, March 29—A Federal grand jury today indicted one present member and seven former members of the National Guard of Ohio on charges of violating the civil rights of four Kent State University students who were shot to death and nine others who were wounded.

But the grand jury of 20 men and women found no conspiracy among the guardsmen to shoot the students, a theory that had been raised in previous investigations.

It also did not cite any Guard officers or Government officials who have been criticized in several private investigations as having helped create an atmosphere on the campus that contributed to the shootings.

Jury To Stay Intact

Assistant Attorney General J. Stanley Pottinger, who is in charge of the Civil Rights Division of the Justice Department, said that the grand jury would not be discharged and could be reconvened to hear further evidence.

When he was asked if the indictments today meant the resolution of the evidence that has been presented so far, Mr. Pottinger said, "Yes."

The grand jury, which was convened last Dec. 18 met for 39 days, heard from 173 witnesses, looked at 250 exhibits and produced a transcript of 6,800 pages.

Those indicted today were charged with willfully assaulting and intimidating demonstrators on the Kent State campus who were protesting against the United States invasion of Cambodia. The indicted men were charged with firing guns in the direction of the protesters and violating their constitutional rights on May 4, 1970.

Penalty upon conviction is one year imprisonment and a \$1,000 fine. When death results from the action the penalty may be any number of years up to life in prison.

The men indicted today were five members of G Troop and three members of A Company — two of the three units total.

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ing 103 men and 10 officers who moved onto the campus to clear the commons of a demonstration that began at noon.

After several skirmishes with rock-throwing students, some of the members of the Guard suddenly turned and fired into the demonstrators.

Some of the guardsmen and officers after the shooting told investigators that they had fired because they had feared for their lives.

But some officers, other witnesses and photographs contradicted these assertions. A Federal Bureau of Investigation report of 8,000 pages that was used extensively by the present grand jury said that the assertion by the National Guard "that their lives were endangered by the students was fabricated subsequent to the event."

Until the present grand jury began its investigation the actions of the National Guard in the shooting have not been fully studied.

A state grand jury appointed by former Gov. James A. Rhodes, of Ohio, did not call key guardsmen who had fired their weapons and the state prosecutor did not present the F.B.I. report.

That grand jury indicted 25 persons, mostly students, for rioting and issued a report criticizing the university for permissiveness.

During the next three years there were numerous appeals and petitions from parents of the slain and wounded students, from students and from other interested citizens, which eventually lead Elliot L. Richardson, the former Attorney General, and Mr. Pottinger to reopen the case.

All of the guardsmen indicted today were charged with violating Title 18 of the United States Code, Section 242, which prohibits the deprivation of the rights of citizens by persons acting under the color of the law.

The following were indicted: Lawrence A. Shafer, 28, of Ravenna, Ohio, a former member of G Troop, 107th Cavalry.

James D. McGee, 27, of Ravenna, Ohio, a former member of G Troop, 107th Cavalry.

William E. Perkins, 28, of Canton, Ohio, a former member of G Troops, 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.

Barry W. Norris, 29, of Kent, Ohio, former member of G Troop, 107th Cavalry.

Mathew J. McManus, 28, of West Salem, Ohio, a present member of A Company, 145th Infantry.

Leon H. Smith, 27, of Bay City, Ohio, a former member of A Company, 145th Infantry.

The grand jury took three days of deliberation to come up with the indictments. There was an unusual closed session today before the indictments were presented in court. Present were the members of the grand jury, Mr. Pottinger, Mr. Robert Murphy, head of the

criminal section of the Civil Rights Division and Frederick M. Coleman, United States Attorney for Northern Ohio.

It could not be learned what went on in the secret session.

There have been reports that the grand jury would issue a report citing high officials for obstruction of justice. Mr. Pottinger, in a news conference, said today that this would be highly unlikely particularly in view of the indictments. A report, he said, could prejudice the cases of the defendants.

Judge Frank J. Battisti, chief judge of the District Court of Northern Ohio, thanked the grand jury and cautioned it that they were still bound by the oath of secrecy.



Ohio National Guard members firing at students at Kent State University on May 4, 1970. A U.S. grand jury indicted eight in resultant deaths.

Life Magazine via Associated Press