

8 Indicted for 1970 Kent State Shootings

Cleveland.

A federal grand jury yesterday indicted one present and seven former National Guardsmen 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 at this point found no conspiracy among the guardsmen to shoot the students, possibilities that have been raised in previous investigations.

It also did not cite any National 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.

Assistant Attorney General J. Stanley Pottinger, who is in charge of the Civil Rights Division of the Justice Department, said the grand jury, which took an unusually long time to reach its decision, would not be discharged and could be reconvened to hear further evidence.

Asked if the indictments meant the resolution of what evidence has been presented so far, Pottinger said, "yes."

The grand jury, which was convened last December 18, met for 39 days, heard from 173 witnesses, looked at 250 exhibits and produced a transcript of 6800 pages.

In its three-count indictment yesterday it charged five National Guardsmen with felonies for firing M-1 rifles in the direction of demonstrators on May 4, 1970. The maximum penalty on conviction of the felony charge is life imprisonment.

The other guardsmen were charged with misdemeanors; one for firing a .45 caliber pistol into the demonstrators and two others

with firing 12-gauge shotguns. The maximum penalty on the misdemeanor charges is one year in prison and a \$1000 fine.

The men indicted yesterday were five members of G Troop and three members of A Company, which were two of the three units comprising 103 men and ten officers who moved onto the campus on May 4, 1970, to clear the commons of a demonstration that began at noon.

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

Some of the Guardsmen and officers told investigators later that they fired because they had feared for their lives, being surrounded by demonstrators.

But some officers, other witnesses and photographs contradicted these claims. An FBI report of 8000 pages

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which was used extensively by the present grand jury said the claim by the National Guard "that their lives were endangered by the students was fabricated subsequent to the event."

The actions of the National Guard had not been fully examined before now.

A state grand jury appointed by former Ohio Governor James A. Rhodes, after the shootings, did not call key guardsmen who had fired and the state prosecutor did not present the FBI report.

The state 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 other interested citizens which eventually led

former attorney general Elliot M. Richardson and Pottinger to reopen the case.

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

The following guardsmen were charged with a felony count:

Lawrence A. Shafer, 28, of Ravenna, Ohio, a former member of G troop, 107th Cavalry.

James D. McGee, 27, of 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.

Barry W. Morris, 29, of Kent, former member of G troop, 107th Cavalry, was charged with a misdemeanor for firing a 45 caliber pistol.

Mathew J. McManus, 28, of West Salem, Ohio, a present member of A Company, 145th infantry, and Leon H. Smith, 27, of Bay City, Ohio, a former member of A company, 145th Infantry, were charged with misdemeanors for firing 12-gauge shotguns.

New York Times



AP Wirephoto

This photo was said to show National Guardsmen firing at Kent State students in 1970



AP Wirephoto

**A GIRL SCREAMED OVER A F ALLEN BODY AT KENT STATE
One of the notable pictures to be taken of the 1970 incident**