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Four Years After Kent State,

By Peter Davies

Unlike previous anniversaries of the May 4, 1970, shootings at Kent State University, today's scheduled ceremony on the campus takes place in the aftermath of Federal grand jury indictments of eight Ohio National Guardsmen and a unanimous United States Supreme Court decision that the parents of the four read students, as well as the nine wounded, have the right to sue Ohio officials and Guard officers for having violated the students' civil rights.

It is the first anniversary that is not marred by clouds of cover-up and injustice. But what do the eight indictments mean in terms of over-all responsibility for what happened at Kent State four years ago?

None of the guardsmen alleged by the grand jury to have "willfully" assaulted and intimidated the students held ranks higher than that of sergeant, and none are accused of having ordered the shooting or of firing the first shot that triggered the thirteen-second volley of fatal gunfire.

Was there an order to fire? Who bears ultimate responsibility for issuing live ammunition to the hundred or so soldiers sent out to break up a lawful rally? Was the shooting the

result of some kind of decision reached at the state, or even the national level, in the context of a natural White House desire to put a lid on campus demonstrations against President Nixon's decision to support the South Vietnamese invasion of Cambodia?

These questions, and more of a specific nature, have not been answered. Recently, the indictment of eight low-ranking guardsmen calls to mind the Watergate burglars and how their indictments and convictions left such an abundance of haunting questions that were not answered until James W. McCord Jr. wrote his famous letter and John Dean appeared before the Senate Watergate Committee.

It is possible that when the trial of the eight gets under way some light will be shed on why no officers were indicted, and why Sylvester T. Del Corso, former Adjutant General of the Ohio National Guard, has recently refused to comment on the question of who authorized the loading of M-1 rifles.

Beyond the part played by the Guard, there are other curious aspects of the case yet to be fully investigated, either by the Justice Department or Congressman Don Edwards's civil rights subcommittee of the House Judi-

ciary Committee. To what extent, for instance, was the administrative hierarchy of Kent State University informed of a possible decision to suppress the demonstration by force? Why did Dr. Robert I. White and Dr. Robert E. Matson, the university's president and vice president at the time, go to lunch in the town of Kent immediately after a meeting with Assistant Adj. General Robert H. Canterbury, at which it was decided that the noon rally on May 4, 1970, would be dispersed by troops equipped for combat? Instead of being on the campus, they were at the restaurant when word came of the shootings.

In 1970, Frank Haas, a guardsman, was intensely questioned by Federal agents when it was discovered that his .45-caliber pistol had been fired, even though he was six miles away from the campus at the time his weapon was used by another guardsman. He was able to satisfy the F.B.I. that it certainly was not possible for him to have used the weapon, but why was this vital fact kept secret? It was not until last October that it was learned publicly, by The Akron Beacon Journal, that someone had fired Frank Haas's .45 on May 4, 1970. Inevitably, this stunning disclosure directed attention to an odd statement in the

Unanswered Questions

Justice Department's summary of the F.B.I. report on the Kent State killings: "The F.B.I. is currently in possession of four spent .45 cartridges which came from a weapon not belonging to any person who admitted he fired. The F.B.I. recently obtained all .45's of persons who claimed they did not fire, and is checking them against spent cartridges."

The American people still have not been informed of the result of this check, even though eight guardsmen have been indicted.

As for the eight guardsmen, I wonder to what degree their lawyers are going to feel free to solely represent the interests of their clients at the expense of the interests of former state officials.

Gov. John J. Gilligan of Ohio recently overruled his attorney general and ordered the state to pay the legal expenses of the indicted guardsmen. It is difficult to see how their lawyers, depending upon the state for their fees, can disregard the high stakes involved when it comes to the responsibility for what happened at Kent State.

The local cover-up of 1970 was effectively conducted by James A. Rhodes, then Governor of Ohio, and

the National Guard officers, Major General Del Corso and Brigadier General Canterbury. This was nationally sustained by the 1971-72 decisions of former United States Attorneys General, John N. Mitchell and Richard G. Kleindienst, against permitting a Federal grand jury to hear the case.

The local cover-up was evident in the selection of Seabury Ford as one of the state's special prosecutors for the Ohio grand jury in Portage County, which exonerated the guardsmen and indicted 25 students on various counts. Mr. Ford, once a member of the same guard unit involved in the shootings, told a newsman that the guardsmen "should have shot all the trouble-makers."

When Elliot L. Richardson, as Attorney General, reopened the investigation of the Kent State incident last year, it culminated in the indictments. Nevertheless, the burning question on this fourth anniversary is a remarkable reflection of the same question left unanswered by the trial of the Watergate burglars: Who set the wheels in motion that led to the crime, and why?

Peter Davies is author of "The Truth About Kent State: A Challenge to the American Conscience."