

Judge Frees 8 in Kent State Case

Cleveland

U.S. District Court Judge Frank J. Battisti yesterday ordered the acquittal of eight former Ohio national guardsmen charged in the Kent State University shootings and termed the killings of four students "a series of tragic blunders and mistakes."

The former guardsmen were on trial here on charges of conspiring to violate the civil rights of the students in a 13-second volley of gunfire during an anti-war demonstration at Kent State on May 4, 1970.

Battisti ruled after three weeks of testimony that the

prosecution, which had introduced 32 witnesses, failed to prove that the guardsmen were guilty of conspiracy—the specific count with which they were charged.

Chief U.S. Prosecutor Robert Murphy said he was not surprised at the decision by Battisti to agree to a defense motion of acquittal and said the government would not appeal the verdict.

"On the basis of the evidence presented by the government, reasonable jurors must find a reasonable doubt as to whether the eight defendants possessed the specific intention to deprive the students of their constitutional right," Battisti said in a 17-page written opinion.

"It must be clearly understood that the conduct both of the guardsmen who fired and of the guard and state officials who placed the guardsmen in the situation... is neither approved nor vindicated by this opinion," Battisti said.

"It is entirely possible that state officials may yet wish to pursue criminal prosecutions against various persons responsible for the events at Kent State," the judge told the jury of four women and eight men. "This opinion does not pass on the propriety of such prosecutions, if any."

"It is vital that the state

Back Page Col. 4

From Page 1

and National Guard officials not regard this decision as authorizing or approving the use of force against unarmed demonstrators," the judge said. "Whatever the occasion or the issues involved, such use of force is and was deplorable."

Ohio Attorney General William J. Brown refused to speculate on the possibility of the state undertaking any criminal prosecution.

"I don't know what he's talking about," Brown said in commenting on Battisti's opinion. "I'd have to read the statement in its totality. After all, we've just defended them."

William Perkins, one of the defendants, said, "it was a terrible tragedy and we are sorry it happened. But it's pretty much over now."

Another defendant, James Pierce, said, "I'm very relieved and very happy. The last 4½ years have been tough."

George Muntean, a member of the jury, said on the basis of what he heard "the judge's decision was right. I



JUDGE FRANK BATTISTI 3 weeks of testimony

would have voted acquittal."

The defendants also included Ralph Zoller, Barry Morris, Lawrence McGee, Matthew McManus, Lawrence Shafer and Leon Smith.

Defense attorneys told newsmen the jurors took a poll just before they were discharged and all were in favor of acquittal on the basis of evidence presented by the government.

A.P. & U.P.