

Victims Parents Upset

By Jules Witcover
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The mother of one of the Kent State University students killed by Ohio National Guardsmen in May, 1970, called yesterday for a congressional investigation of the prosecution case that ended in acquittal of eight former guardsmen.

Florence Schroeder, whose 19-year-old son, William, was one of four Kent State students slain when the guardsmen fired on them during an antiwar demonstration, said she did not criticize the judge for his ruling.

"This was a case of limited

scope," she said of the criminal trial before U.S. District Judge Frank J. Battisti, who granted a defense motion for acquittal yesterday on grounds the prosecution had failed to prove "specific intent" to conspire to violate the civil rights of the students.

"When I was in the service," he said, "before I was ever given a rifle I was told if I ever aimed it, I should aim to kill. They had live ammunition in their rifles, they aimed them, they shot them. The judge must have another definition of intent."

Krause said he phoned aides of Sen. Edward M. Kennedy

(D-Mass.) and Rep. Don Edwards (D-Calif.), chairmen of Senate and House Judiciary subcommittees dealing with civil rights, to urge them to investigate the Justice Department's handling of the case.

A spokesman for Kennedy said the senator will ask the Senate Subcommittee on Constitutional Rights to re-examine the conspiracy provision in the Civil Rights Act of 1968 under which the guardsmen were tried.

"We have four people dead and nine others wounded, and that's evidence enough," Mrs. Schroeder said in a telephone

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interview from her home in Lorain, Ohio.

There will be a broader opportunity to explore the Justice Department's handling of the case, she said, in civil suits the parents filed against Ohio officials at the time of the shooting, including then-Gov. James A. Rhodes, elected last Tuesday to a third non-consecutive term.

Arthur Krause of Pittsburgh, whose 19-year-old daughter, Allison, was another of the victims, said he was disappointed in the judge's verdict.

Krause said the civil suit against Rhodes and others is

scheduled for trial in April, at which time he intends to have Rhodes, who will be governor again by then, called to testify on his role.

Sarah Scheuer, whose 20-year-old daughter, Sandra, was another of the victims, said of the judge's decision: "Naturally we're disappointed that they'd let murderers get off scott-free. Yesterday two of the guardsmen admitted firing and today the whole thing is off. I don't understand it."

The shootings of William Schroeder, Allison Krause, Sandra Scheuer and a fourth student, 20-year-old Jeffrey G. Miller of Plainview, N.Y., occurred in a 13-second burst of

gunfire on May 4, 1970, by guardsmen sent to the campus by Rhodes to quell a student protest against American military involvement in Cambodia.

Four days earlier, then President Nixon had announced U.S. ground forces were being sent into Cambodia to clean out enemy sanctuaries. The announcement set off campus protests and strikes around the country.

On May 1, the guardsmen were sent to the Kent State campus and the next night, an ROTC building was burned out. On Monday morning, guardsmen carrying loaded rifles with fixed bayonets lined

up facing the assembled students on the campus green. An order to disperse was given by bullhorn, in keeping with a Rhodes' order banning all outdoor demonstrations on the campus.

The order precipitated shouts, obscenities and the throwing of rocks and other debris, and the guardsmen were ordered to move in and disperse the crowd. They did so, firing tear gas as they advanced, but another barrage of debris and the return of unexploded tear-gas canisters forced them to retreat up a hill, from which they turned and fired into the crowd.