

Key Testimony Due Today in Kent Trial

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CLEVELAND, July 21 — The civil suit brought by the parents of the four students slain and the nine wounded on May 4, 1970, on the Kent State University campus is nearing a climactic point after 10 weeks of testimony by 57 witnesses that has filed over 7,000 pages of testimony.

The attorneys for the plaintiffs, who are seeking \$46-million in damages from four officials and 37 present and former National Guardsmen, are expected to call, starting tomorrow, the key men who commanded the troops and assumed responsibility for keeping order on the campus during the week of protests against the invasion of Cambodia.

The students were shot in a confrontation between National Guardsmen and demonstrators and students.

Objections Sustained

Robert H. Canterbury, retired brigadier general of the Ohio National Guard who was in command of the troops on the day of the shootings, and Sylvester DelCorso, who was an adjutant general and head of the entire Ohio National Guard, also now retired, are both due to be called as witnesses this week. Mr. DelCorso is expected to take the stand tomorrow.

Gov. James A. Rhodes, who was also governor at the time of the shootings, is due to testify next week.

The trial so far has consisted mostly of testimony of students, National Guardsmen

and other eyewitnesses to the events of May 4.

Judge Don J. Young of United States District Court has kept the testimony sharply focused on what witnesses saw and did on May 4 and the preceding weekend in Kent.

When the plaintiffs have sought to have witnesses express their opinion on such points as whether the force used by the National Guardsmen were excessive, the judge has usually sustained the defense lawyers' objections.

Today, for example, after upholding an objection by a defense lawyer that a question being asked of a witness was also for asking his opinion, Judge Young turned to Steven Sindell, an attorney for the plaintiffs, and said that the witness's opinion "would muddy the waters."

"Let us get on with the facts," the judge said.

Such rulings by the judge have made it difficult for the plaintiffs' lawyers, they indicate, to present their key points to the jury of seven men and five women.

These lawyers seek to show that the guardsmen were not in danger from the demonstrators, that they used unnecessary force and that they, to satisfy their opening fire, later concocted stories about snipers, shots before they opened fire and an attack on them by demonstrators.

This issue became clear today from the questions they were allowed to ask of John W. Simons, who was then a chaplain assigned to the 107th Armored Cavalry and was with the guardsmen when the shooting took place.

In previous statements and interviews, Mr. Simons, a major, has criticized the guardsmen for firing at the students. He has said, for instance, that the guardsmen were uncontrolled, that they fired without an order. He also criticized the actions of the commanders and Governor Rhodes.

'Opinions Not Involved'

But when Mr. Sindell, who questioned Mr. Simons today, sought to have him express his opinions on the amount of force used, Judge Young sustained the defense's objections.

"This man's opinions are not involved in this litigation," the judge said.

Like most other witnesses, Mr. Simons was led through his recollections of May 4, 1970.

He said that he had seen a jeep go out on the commons on the campus and attempt to disperse the students and that a brick had bounced off the jeep. He said that he also had seen very few students near the guardsmen.

A main point of contention has been whether or not the students were moving towards the Guard, getting close and threatening, or whether they were hundreds of yards away and not endangering the guardsmen.

Some of the parents of the slain students listened to the testimony today in the courtroom. They included Mrs. Martin Scheuer, mother of Sandra Lee Shuer; Mr. and Mrs. Schroeder, parents of William K. Schroeder, and Mrs. Miller Holstein, mother of Jeffrey G. Miller.