

# Kent State Trial Hears Guard Ex Chief

REACTION

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By AGIS SALPUKAS

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CLEVELAND, July 23 —

Robert Canterbury, a retired brigadier general of the Ohio National Guard who was the highest ranking officer on the Kent State University campus on May 4, 1970, testified today that he had had no direct responsibility for the weapons used and whether they were loaded or for the tactics of the troops and the methods of dispersing students protesting against the United States invasion of Cambodia.

In the 10th week of the civil suit on behalf of 13 wounded students and the parents of four students slain in the confrontation with the National Guardsmen, Mr. Canterbury told of his activities on May 4, and the days immediately preceding the shootings.

Mr. Canterbury testified that his understanding of the role of the National Guard had differed from what was conveyed in a letter sent by the university to students on May 3.

In the letter, bearing the signatures of Dr. Robert Matson, then vice president of student affairs, and Frank J. Frisina, then the student president, all forms of outdoor demonstrations and rallies "peaceful or otherwise" were prohibited.

The letter also said that Gov. James J. Rhodes "through the National Guard, has assumed

legal control of the campus and the city of Kent."

Dr. Matson, who is now a professor at the Federal Executive Institute in Charlottesville, Va., also testified today. He said that at a meeting on May 3, 1970, Mr. Rhodes said that a state or of emergency was being prepared and that university officials should "move aside on this one."

On May 4, 1970, Mr. Rhodes was two days away from running unsuccessfully in a Republican primary for the United States Senate.

Critics of his actions in the Kent State shooting have accused him of using the confrontation for political purposes. Governor Rhodes, who won re-election last year, is due to testify next Tuesday.

General Canterbury, dressed in a blue suit and his graying hair trimmed in a crew cut, said that it had not been his understanding that the Guard would have legal control of the campus.

## Role of Guard

He said that the role of the Guard, as he had understood it, had been to assist the campus police and university officials, but not to take control of the campus.

Mr. Canterbury, who was appointed assistant adjutant general by Mr. Rhodes in 1967 was questioned by Joseph Kelner, an attorney for the plaintiffs. Mr. Kelner was frequently ad-

monished by District Court Judge Don J. Young for being argumentative with the witness.

The judge also upheld numerous objections from defense lawyers to Mr. Kelner's phrasing of questions. The plaintiffs' lawyers have asked the judge to give them enough latitude in the questioning to establish for the jury of seven men and five women what the witnesses thought of policies and events related to the Vietnam war.

Judge Young, has generally held that witnesses may tell what they saw and heard, but to let documents and facts speak for themselves.

General Canterbury, who was with the 105 National Guardsmen and 11 officers during the confrontation and shootings, said that he had a preconceived plan of how to carry out his mission of disbursing the students.

## Notifies Students

He said that first he had sent a campus policeman in a jeep to tell the students that they would not be allowed to assemble. Then, he said, he gave a "mission" to Lieut. Col. Charles Fassinger to disperse the demonstrators.

He said that he knew that the guardsmen had been armed with rifles, .45 caliber pistols and bayonets and had assumed that the weapons had been loaded but that he did not discuss this with his junior officers. He said that the decision to carry loaded weapons was up to the unit commanders and not him.

Asked by Mr. Kelner why he had not tried to talk the students into dispersing, Mr. Canterbury answered that, in view of the events of the previous Saturday and Sunday when an R.O.T.C. building was burned and there were numerous clashes with students, "it did not occur to me—I thought it would be a bad idea."

Mr. Canterbury said that he then followed a line of troops over the commons with no particular objective because he did not know "what the students were going to do." Mr. Canterbury agreed with the plaintiff's attorney that shooting would be the last resort to disperse the students and that the National Guard "certainly would exercise all other options before shooting."

Mr. Canterbury is due to resume his testimony on Monday.

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