

Kent General Doubted Peril to Guard

By AGIS SALPUKAS

Special to The New York Times

CLEVELAND, July 28—Brig. Gen. Robert H. Canterbury, now retired, who was the top-ranking officer of the National Guard on the Kent State University campus in 1970, testified today that at the time the guardsmen opened fire a group of students were within one to two seconds of closing in on the troops on the right flank but that he did not consider the guardsmen to be "surrounded at that precise, that instant."

The general, who testified about his actions at the time of the shooting and moments after the shooting said that he was "horrified" when he heard the guardsmen form Troop G open fire. The guardsmen had marched up a hill on the campus in an effort to disperse students attempting to hold an antiwar rally shortly after noon on May 4, 1970.

One of the key questions in the civil suit brought by nine wounded students and the parents of four dead students against 38 guardsmen and three civilian officials is whether the guardsmen were in danger of being attacked by student demonstrators shortly before they opened fire. The plaintiffs are seeking \$46-million in damages.

There has been conflicting testimony from some of the more than 60 witnesses who have appeared thus far in the 11-week-old trial on whether the Guardsmen were in danger from the demonstrators.

Heard Students Hollering

General Canterbury, who said that he was about 35 yards away from Troop G just before the firing, said that a group of students at that point were "hollering, charging the Guard and threatening them."

The general testified that students were within "one to two seconds of closing on the Guard." After the firing began, he said that he immediately ran toward the men yelling, "Cease fire!" He said that he saw other officers with troops "physically trying to restrain the Guard from firing."

Under cross-examination by Joseph Kelner, one of the lawyers for the plaintiffs, General Canterbury, who retired in 1971 and now lives in Rudy, Ark., said that he had not given an order to fire.

When asked if an order to fire was justified, the general said, "I saw why an order

could be given to fire. My inclination was to go the last mile." Asked whether he thought the firing by the guardsmen was indiscriminate, the general paused and said: "With that number of shots some of it could be classified as indiscriminate."

Urged 'Troops Not to Fire'

After he had run over to the troops, General Canterbury said that he had put his hands on the shoulder of two guardsmen in an attempt to stop their firing. He said that he then walked up and down the line assuring the men that they were "under control and instructed the troops not to fire unless ordered by an officer."

The general said that he had also concurred with a suggestion made by Lieut. Col. Charles Fassinger, the officer in immediate charge of the troops, to gather up a sample of a rock thrown by demonstrators at the guardsmen. He testified that after the shooting the 105 guardsmen and 11 officers marched back over the campus commons to the R.O.T.C. building that had been burned May 2.

The general said that he saw demonstrators gesticulating at the Guard and that some were urging, "Let's go get them," motioning toward the Guard.

He said that he also recalled that a professor had come up to him and told him that he should move his men from the area and that they should lay down their weapons.

Mr. Kelner asked the general whether he had said to one of the professors: "If you don't get the kids out of here in the next five minutes we'll move on them, too." General Canter-

bury answered: "I said something like that."

The general also recalled that in talking to the men after the shooting, he had said: "Don't worry. You did what you felt you had to do."

The second witness to testify today was Dr. Robert I. White then president of Kent State University, who is also one of the defendants in the suit.

In a short meeting at the airport in Kent on Sunday morning, May 3, 1970, with Gov. James A. Rhodes and his aide, Dr. White recalled that the Governor had said to him "We are here to keep you open. You have been invaded by 400 to 500 [here Dr. White said he could not recall the exact word of the worst kind.]"

Governor Rhodes, who authorized the ordering of the guardsmen on the campus at the request of the Mayor of Kent, is scheduled to testify tomorrow.

Meeting With General

Dr. White said that he had attended a meeting May 4, 1970, at the firehouse called by General Canterbury. He said that he had not been given a mission to disperse a rally. He testified that toward the end of the meeting, Dr. Robert E. Matson, then vice president of student affairs, had said that there had been rumors that a rally had been scheduled for noon.

Dr. White said that there had been no general discussion of assemblies at the meeting called by General Canterbury and that the only point that he had made then was whether the campus should be exempted from a general 8 P.M. curfew in effect in the Kent area.