

KENT PLAINTIFFS REST THEIR CASE

AUG 7 1975.

Scranton Panel's Report Is Ruled Inadmissible NYTimes

Special to The New York Times

CLEVELAND, Aug. 6—Attorneys for the victims of the 1970 Kent State shootings rested their case today. In 12 weeks, 76 witnesses appeared and the transcript is more than 10,000 pages long.

Final testimony in the \$46-million civil suit against Ohio National Guardsmen and state officials, including Gov. James A. Rhodes, came from James Ahearn, former New Haven police chief.

Mr. Ahearn was a member of the Scranton Commission, which investigated the killing of four Kent State students and the wounding of nine by National Guard gunfire on May 4, 1970, during an antiwar rally protesting the United States bombing of Cambodia.

Mr. Ahearn was called to testify as an expert witness in the handling of disturbances by law enforcement officers and concerning the conclusions he reached as a member of the Scranton Commission.

However, Federal Judge Don Young ruled that Mr. Ahearn could not testify on the commission's findings. He also would not allow submission of the commission's report as evidence because "the evidence they heard is not the kind of thing a court of law should receive."

The Scranton Commission concluded that the shootings were "unjustified, unwarranted and inexcusable."

Defense attorneys moved that charges be dismissed against the 41 defendants including Governor Rhodes, Guard General Sylvester del Corso and Robert Canterbury, and the former Kent State president, Robert White.

Judge Young overruled part of the defense motion, but reserved a ruling until tomorrow on 11 Guardsmen names as defendants but never called to testify.

Defense attorneys will open their case tomorrow with testimony from the former Mayor of Kent, who requested National Guard troops to quell the disturbance that erupted three days before the shootings.

The defense expects to call 14 witnesses over two weeks.

Judge Young indicated that the jury may have to consider more than 500 verdicts.