# Kent State Jury Reaches No Verdict on the First Day of

six women began deliberations today in the \$46-million civil damage suit that grew out of the Kent State University campus shootings that killed four students and wounded nine others five years ago. The jury's Task

May 4, 1970, during an antiwar demonstration that followed three nights of violence and valdalism. Protests had been set off by President Nixon's the plaintiffs had to prove that the defendants had violated rights including the right to assemble peacefully; the right not to be deprived of life and liber to shootings Roth dis-

presented the jury with more amount of damages. than 500 variations of findings. Judge Young told the jurors

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The plaintiffs include the deprivation, under color of come around a corner at ground parents of the dead students state law, of a right and privilevel, fire one shot from a Federal jury of six men and and the nine students wounded lege secured to each plaintiff pistol and flee. six women began deliberations by National Guard gunfire on by both the United States Contoday in the \$46-million civil May 4, 1970, during an antiwar stitution and Congress.

A finding of liability against His instructions outlined the one or all of the defendants constitutional issues and the would mean that a second trial statutes affecting the case and would be held to assign the

The 29 defendants include the plaintiffs had to prove in the 95-day trial that a preponderance of the evidence established that the injuries and deaths came as a result of a.

Judge Young told the juriors were told to determine if the guardsmen of the shooting incident.

In addition juriors were told to determine if the guardsmen of the shooting incident.

Terry Norman, the photographer of the plaintiffs had to prove in the guardsmen and Mr. Rhodes were protected under the state's doctrine of sovereign immunity.

Qualified Immunity

after five hours and were to resume deliberations tomorrow.

The jurors assumed the task berty without due process of time of deciding if the defendants law: the right not to suffer time of the shootings. Both dis-They got the case after a could be held personally and two-hour reading by Judge Don J. Young in United States Dismillion in damages asked by against excessive government force.

"The plaintiffs allege they disperse a rally on the campus,"

Judge Young told the jurors that sovereign immunity was "not absolute," but "qualified" and that they must decide if Mr. Rhodes and Guard leaders had acted within the scope of the authority of their offices.

In addition the jurors were instructed to consider the plaintiffs" contention that state laws on assault and battery and negligence had been violated by the shootings and woundings.

Judge Young also told the jury to consider the defendants' contentions that the shootings had constituted self-defense on the part of the defendants and that the plaintiffs were guilty of contributory negligence.

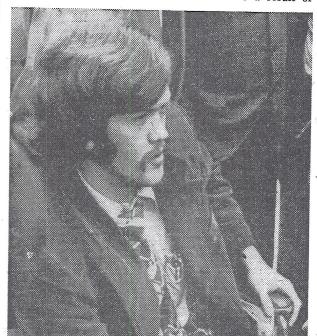
Few revelations sprang from the 14-week-old trial that brought testimony from more than 100 witnesses and pro-duced a transcript of more than

1,500 pages.
The testimony regarded as most damaging to the Guard came from a former captain J. Ronald Snyder, who testified in the seventh week that he had lied about finding a gun on the body of one of the dead students in order to support the Guard's contention that the troops had fired in self-defense.

### Startling Testimony

Startling testimony also came in the 13th week of the trial when a former student testified that she had seen a civilian fire moments before the Guard troops fired their 13-second

Joy Bishop testified that she had been standing on a dormitory roof with two other students when she saw a man



Dean Kahler, wounded in the Kent State shooting in 1970, waiting outside Federal Court in Cleveland yesterday as jury deliberated in civil trial.

puted her testimony.

## Denied Firing Gun

The two former students said that they had been standing with Mrs. Bishop and had not were deprived of these rights seen the man she had described. when there was an attempt to The defense also tried to show that an undercover campus pothe judge told the jurors.
In addition jurors were told been responsible for touching

# Deliberations in \$46-Million Suit

in the case, through a sworn crowd. statement, that he had not fired

distract the jury from the main deaths and injuries. thrust of the case, whether or not the shootings had been justified. He said the defense

the shooting.
"This is not a criminal case," he told the jury. 'No one is go-individuals. ing to jail. All we want is rehappened to them."

the incident with a .38-caliber of rock-throwing, screaming medieval doctrine of sovereign revolver that was turned over students just before the Guard immunity. to the authorities. He testified wheeled and fired into the It was not until April, 1974,

the weapon.

Mr. Kelner accused the defense of using the incidents to distract the jury from the main.

### Case 5 Years Old

not prove any justification for trying to sue the State of Ohio vail, but whether the claimant and its officers and, on another is entitled to offer evidence to front, suing the officials as support their claims. individuals.

sponsibility fixed. Thirteen in the officials as individuals that recovery is very remote and unnocent kids—my kids and I brought them the most success likely, but that is not the love them—didn't deserve what Starting on the lowest state test." court levels the plaintiffs were

when Chief Justice Warren F.

Burger ruled for the plaintiffs finally realized.

Justice Burger told the plainnot the shootings had been justified. He said the defense was bankrupt because it could five years ago on two levels, a plaintiff will ultimately pre-

It was their attempt to sue face of the pleadings as if a

Testimony in the rest of the repeatedly rebuffed because ter was one of the four killed, case centered on the disputed the courts, including the State issues of whether guardsmen Supreme Court, consistently sires when he said, "That is had feared for their lives and whether there had been a rush Governor were protected by the a jury and let them decide." Arthur Krause, whose daugh-