

KENT STATE JURY ACQUITS ALL, 10-2

AUG 28 1975

Panel in \$46-Million Action Holds 29 Defendants Not Liable in 1970 Shooting NYTimes

Special to The New York Times

CLEVELAND, Aug. 27—A Federal jury exonerated today Gov. James A. Rhodes, the former president of Kent State University and 27 Ohio National Guardsmen from any responsibility in the shootings at Kent State in 1970.

By a vote of 10 to 2, the six-man and six-woman jury found no grounds to hold the guardsmen, Mr. Rhodes and the former Kent State president, Robert I. White, personally and financially liable for the shootings.

Four students were killed and nine wounded on May 4, 1970, when guardsmen fired into a crowd of students protesting the United States invasion of Cambodia.

The wounded students and the parents of the four who were killed sued the defendants for \$46-million in damages in 13 separate cases. The trial lasted 15 weeks.

The jurors announced that they had reached a verdict at 4:47 P.M., after more than 33 hours of deliberations that began last Friday.

The court clerk began reading the verdicts at 5:21 P.M., beginning with the case involving Arthur Krause, whose daughter, Allison, was among the four killed.

"We the jury find in favor of all the defendants and against the plaintiff," the clerk read.

There were moans and tears at the plaintiffs' table as verdicts for the remaining 12 plaintiffs came down the same

Continued on Page 15, Column 2

Continued From Page 1, Col. 1

way.

When the verdict for Dean Kahler, a Kent State student who was paralyzed from the waist down as a result of the shootings, was read, Mr. Krause exclaimed, "My God!"

Thomas Grace, a former student from Syracuse, N.Y., who was shot in the foot, yelled, "Murderers!" as the clerk continued to read the verdicts.

During the reading of the verdicts, three of the six women jurors cried. Two of them—one an accountant, the other a housewife—had voted in favor of the plaintiffs.

Judge Don J. Young, who

presided over the civil damage suit in United States District Court, praised the jury for its work.

"Never has a jury been given a task so hard as the task given to you," he said.

"You have done the task no other body in government could. You have been asked to plumb the depths of our civil government, and by your verdicts you have plumbed those depths.

"You are owed the gratitude of everyone in the courtroom, as well as all the people of this free land."

Judge Young's comments brought another outburst from Mr. Grace, who yelled, "What freedom? This trial has been a sham in every way."

Judge Young excused the jurors, and they were escorted from the courtroom under Federal guard. The judge also ordered United States marshalls to escort the jurors to their homes.

Joseph Kelner, chief counsel for the plaintiffs, immediately asked the judge to set aside the verdict.

"This is a sad day in American justice," he said. His clients applauded.

Mr. Kelner accused the judge of numerous trial errors and of suppression of evidence.

"The air is laden with the sorrow of those who lost their children and those whose bodies have been maimed," he said. "The firing on unarmed stu-

dents by armed men will go down in history as a travesty unless you set aside this verdict."

Judge Young told Mr. Kelner to submit a written argument on the issue, and said that he would rule on it.

Defense attorneys praised the American system of jurisprudence.

One defense lawyer, Burt Fulton, praised the guardsmen as "very fine American young men."

"The jury believed their stories," he said.

The civil damage suit turned on the constitutional issues of freedom of assembly and the right to pursue life and liberty without excessive government force.

During the trial, lawyers for the victims argued that the guard shooting was willful and indiscriminate and violated the students' civil rights to gather on the campus and protest the Vietnam war.

Defense lawyers argued that the guardsmen were called out by the civil authorities to protect life and property and were justified in the shooting because students were charging their ranks and putting the men in fear of their lives.