

ESDAY, SEPTEMBER 16, 1975

SEP 16 1975

NYTimes

Letters to the Editor

Kent State Justice: 'It Is Not Too Late'

To the Editor:

For the past five years I have been engaged in the Kent State tragedy and have followed its aftermath in the courts.

These truths seem incontrovertible: No student who was either killed or wounded that day was culpable. None had committed a single act which might have warranted arrest, let alone killing or maiming. They were assaulted by agents of the state at random, and with fearful consequences. They deserve, or their survivors deserve, some kind of recompense.

But from the start I felt that courts were not the avenue whereby justice could be attained in this complex case. It was obvious that no jury composed of Ohio citizens who went through this shocking experience would find young men in the Ohio National Guard guilty of murder in the criminal trial or responsible for \$46 million of damages in the civil.

Even so, there were solid reasons for conducting the trials. Parents of the four dead students, the young people wounded by gunfire and the nation at large had a right to know what happened, and public trials might conceivably provide answers.

I was dismayed when the judge in the criminal trial saw fit to halt it before all the evidence was in, for this dropped a legal blanket over the facts, which now may never be wholly known. But that the judge was correct in stating that the Government had made no case at all against the

defendants there can be no doubt.

The outcome of the civil trial, in which the jury voted 9 to 3 against the students and in favor of the state officials including the Guard, should have surprised no one familiar with the case. It was asking too much of a local jury to bring in a guilty verdict against their neighbors. Had the trial been held in a more neutral area, say Oregon, the result might have been different. But not in Ohio.

This was one of those inflammable cases that cannot be satisfactorily handled in a court of law. It should have been turned over to either an impartial investigating committee—and I do not mean the Scranton Commission, which acted too soon after the event—or to the State Legislature.

It is not too late even now. The Ohio Legislature should pass special legislation awarding damages to the parents of the four dead students and generous medical expenses to those others who were wounded, most especially the young man who was paralyzed. These young people were wards of the state when they were shot by agents of the state, and they deserve the fullest consideration.

Money cannot compensate for what was done, nor can it approximate justice. But it will at least acknowledge the fact that the state of Ohio participated in a cruel, if unavoidable, injustice. And it will act as a promise that such injustice will not be repeated.

JAMES A. MICHENER

Pipersville, Pa., Sept. 10, 1975