

action brought loud cheers from the students.

They also chanted "Pigs off campus." Again an announcement was made over a loudspeaker ordering the students to disperse. The students responded by chanting "Sieg heil" and "One, two, three, four, we don't want your war."

Weapons Loaded

Between 12:05 P.M. and 12:15 P.M., the 96 men of Companies A and C, 145th Infantry, and of Troop G, 107th Armored Cavalry, were ordered to advance. Bayonets were fixed and their weapons were "locked and loaded," with one round in the chamber, pursuant to rules laid down by the Ohio National Guard. All wore gas masks. Some carried .45 pistols, most carried M-1 rifles, and a few carried shotguns loaded with 7½ birdshot and 00 buckshot. One major also carried a .22 Beretta pistol.

Prior to the advance, Company C was instructed that if any firing was to be done, it would be done by one man firing in the air. It is not known whether any instructions concerning the firing of weapons was given to either Company A or Troop G.

General Canterbury moved with the troops. As they approached the students, tear gas was fired at the crowd. The combination of the advancing troops and the tear gas forced the students to retreat. Some rocks were thrown by the students at this time but were for the most part ineffective. Some students probably came "equipped" with bags full of rocks in anticipation of a confrontation.

Pursued Main Group

Fifty-three members of Company A, 18 members of Troop G and two members of Company C, all commanded by General Canterbury and Lieut. Col. Fassinger, moved to the south and east of Taylor Hall, pursuing the main body of students.

[One] group retreated to the area of a football practice field southeast and approximately 150 yards from Taylor Hall. The guardsmen apparently momentarily halted to allow the students on the practice field time to pass through the two gates in the fence surrounding the field. The Guard then moved down the steep incline from Taylor Hall and onto the field where it took up a position in the northeastern portion of the field close to the fence. Seven guardsmen claim they were hit with rocks at this time. They were also cursed constantly.

Some of the students who had retreated beyond the fence obtained rocks and possibly other objects. They then began to pelt them [guardsmen] with objects. The number of rock throwers

at this time is not known and the estimates range between 10 and 50. We believe that the rock throwing reached its peak at this time. Four guardsmen claim they were hit with rocks at this time. Fourteen others claim they were hit with rocks but do not state when they were hit.

Rocks Thrown by Guard

Some rocks were thrown back at the students by the Guard. The majority of students, who had merely stood aside and allowed the Guard to pass through their ranks, massed on the hill in front of Taylor Hall to observe . . . Thus, the Guard appeared to be flanked on three sides by students while on the practice field.

The Guard shot tear gas at the students in the parking lot and at those to the south of them . . .

It was, as far as we can tell, ineffective. A small amount of tear gas was also fired without result at the mass of onlookers gathered in front of Taylor Hall.

Just prior to the time the Guard left its position on the practice field, members of Troop G were ordered to kneel and aim their weapons at the students in the parking lot south of Prentice Hall. They did so, but did not fire. One person, however, probably an officer, at this point did fire a pistol in the air. No guardsman admits firing this shot.

The Guard was then ordered to regroup and move back up the hill past Taylor Hall.

Followed the Guard

The students at this time apparently took up the chant, "one, two, three, four, we don't want your war." Many students believed that the Guard had run out of tear gas, and they began to follow the Guard up the hill.

Some guardsmen, including General Canterbury and Major Jones, claim that the Guard did run out of tear gas at this time. However, in fact, it had not. Both Captain Srp and Lieutenant Stevenson of Troop G were aware that a limited supply of tear gas remained and Srp had ordered one canister loaded for use at the crest of Blanket Hill.

Some rocks were thrown as they moved up the hill and seven guardsmen claim that they were struck at this time. The crowd on top of the hill parted as the Guard advanced and allowed it to pass through. When the Guard reached the crest of Blanket Hill by the southeast corner of Taylor Hall at about 12:25 P.M., they faced the students following them and fired their weapons. Four students were killed and nine were wounded.

The few moments immediately prior to the firing by the National Guard are

shrouded in confusion and highly conflicting statements. Many guardsmen claim that they felt their lives were in danger from the students for a variety of reasons—some because they were "surrounded," some because a sniper fired at them; some because the following crowd was practically on top of them; some because the "sky was black with stones;" some because the students "charged" them or "advanced upon them in a threatening manner;" some because of a combination of the above. Some claim their lives were in danger, but do not state any reason why this was so.

Approximately 45 guardsmen did not fire their weapons or take any other action to defend themselves. Forty-seven guardsmen claim they did not fire their weapons. There are substantial indications that at least two and possibly more guardsmen are lying concerning this fact.

Heard Others Firing

Most of the guardsmen who did fire do not specifically claim that they fired because their lives were in danger. Rather, they generally simply state that they fired after they heard others fire or because after the shooting began, they assumed an order to fire in the air had been given. As a general rule, most guards add the claim that their lives were or were not in danger to the end of their statements almost as an afterthought.

Six guardsmen, including two sergeants and Captain Srp of Troop G, stated pointedly that the lives of the members of the Guard were not in danger and that it was not a shooting situation. The F.B.I. interviews of the guardsmen are in many instances quite remarkable for what is not said, rather than what is said. Many guardsmen do not mention the students or that the crowd or any part of it was "advancing" or "charging." Many do not mention where the crowd was or what it was doing.

We have some reason to believe that the claim by the Guard that their lives were endangered by the students was fabricated subsequent to the event. The apparent volunteering by some guardsmen of the fact that their lives were not in danger gives rise to some suspicions. One usually does not mention what did not occur . . .

A chaplain of Troop G spoke with many members of the Guard and stated that they were unable to explain to him why they fired their weapons.

The students tell a conflicting story of what happened just prior to the shootings. A few students claim that a mass of students who had been following the Guard on its retreat suddenly "charged" the Guardsmen hurling rocks.

A few other students claim that the students were gathered in the parking lot south of Prentice Hall—a distance of 80 yards or better from the Guard—when some of the Guardsmen suddenly turned and fired their weapons at the gathered crowd. They generally either do not mention rock throwing or say that it was light and ineffective.

Around the Parking Lot

A plurality of students give the general impression that the majority of students following the Guard were located in and around the parking lot south of Prentice Hall. They also state that a small group of students—perhaps 20 or 25—ran in the direction of the Guard and threw rocks at them from a moderate to short distance. The distance varies from as close as 10 feet to 50 feet or more. However, available photographs indicate that the nearest student was 60 feet away. At this time, they allege that the Guard began firing at the students.

There are certain facts that we can presently establish to a reasonable certainty. It is undisputed that the students who had been pursued by Troop G and Company A in turn followed the guardsmen as they moved from the practice football field to Taylor Hall. Some rocks were thrown and curses were shouted. No verbal warning was given to the students immediately prior to the time the guardsmen fired.

We do not know whether the bullhorn had been taken by the Guard from the R.O.T.C. building. There was no tear gas fired at the students, although, as noted, at least some guardsmen, including two officers in Company G, were aware that a limited number of canisters remained. There was no request by any guardsmen that tear gas be used.

There was no request from any guardsman for permission to fire. Some guardsmen, including some who claimed their lives were in danger and some who fired their weapons, had their backs to the students when the firing broke out. There was no initial order to fire.

Testimony on 'Command'

One guardsman heard someone yell and believed he'd been given an order to fire. Another "thought" he heard a command to fire. He, however, claims he did not fire. Another heard a warning to "get down" just before the firing. Another "thought" he heard "someone" say "warn-

ing shots." Another "thought" he heard "someone" say "if they continue toward you, fire." Most guardsmen heard no order and no person acknowledges giving such an order. Colonel Fassinger states that all orders are given verbally and that there are no hand signals used to communicate with troops.

One guardsman, Sergeant McManus, stated that, after the firing began, he gave an order "fire over their heads."

The guardsmen were not surrounded. Photographs and television film show that only a very few students were located between the Guard and the commons. They could easily have continued in the direction in which they had been going. No guardsman claims he was hit with rocks immediately prior to the firing, although one guardsman stated that he had to move out of the way of a three-inch "log" just prior to the time that he heard shots. Two guardsmen allege that they were hit with rocks after the firing began.

Although many claim they were hit with rocks at some time during the confrontation, only one guardsman, Lawrence Shafer, was injured seriously enough to require any kind of medical treatment. He admits his injury was received some 10 to 15 minutes before the fatal volley was fired. His arm, which was badly bruised, was put in a sling and he was given medication for pain.

Testimony on 'Sniper'

There was no sniper. Eleven of the 76 guardsmen at Taylor Hall claim that they believed they were under sniper fire or that the first shots came from a sniper. Two lieutenants of Company A, Kline and Fallon, claim they heard shots from a small-caliber weapon and saw the shots hitting the ground in front of them. Lieutenant Fallon specifically claims the shots came from a sniper, lot south of Prentice Hall. Sergeant Snure of Company A was facing away from the students when, he alleges, something grazed his right shoulder. He claims it was light and fast and traveled at a severe angle to the ground near his right foot. Captain Martin and Specialist 4 Repp of Company A claim they heard what they thought were small-caliber weapons from the Johnson-Lake Hall area. Others including General Canterbury merely state the first shot was fired by a small-caliber weapon.

A few guardsmen do not state that they thought the

first shot was from a sniper but do state that the first shot, in their opinion, did not come from an M-1 rifle; it is alleged the sound was muffled or came from what they thought was an M-79 grenade launcher, converted for firing tear gas.

Some construction workers also reported hearing fire from a small-caliber weapon prior to the firing by the National Guard. The great majority of guardsmen do not state that they were under sniper fire and many state that the first shots came from the guardsmen.

The F.B.I. has conducted an extensive search and found nothing to indicate that any person other than a guardsman fired a weapon. As a part of their investigation, a metal detector was used in the general area where Lieutenants Kline and Fallon indicated they saw bullets hit the ground. A .45 bullet was recovered, but again nothing to indicate it had been fired by other than a guardsman.

The Guard clearly did not believe that they were being fired upon. No Guardsman claims he fell to the ground or took any other evasive action and all available photographs show the Guard at the critical moments in a standing position and not seeking cover. In addition, no Guardsman claims he fired at a sniper or even that he fired in the direction from which he believed the sniper shot. Finally, there is no evidence of the use of any weapons at any time in the weekend prior to the May 4 confrontation; no weapon was observed in the hands of any person other than a Guardsman, with the sole exception of Terry Norman, during the confrontation. Norman, a free-lance photographer, was with the Guardsmen most of the time during the confrontation.

Gun Checked Later

His gun was checked by a Kent State University policeman and another law-enforcement officer shortly after the shooting. They state that his weapon had not been recently fired.

Each person who admits firing into the crowd has some degree of experience in riot control.

Seven members of Troop G admit firing their weapons, but also claim they did not fire at the students. Five persons interviewed in Troop G, the group of guardsmen closest to Taylor Hall, admit firing a total of eight shots into the crowd or at a specific student.

Specialist 4 James McGee claimed that it looked to him like the demonstrators were overrunning the 107th. He then saw one soldier from Company A fire four or five rounds from a .45 and saw a sergeant from Troop G also fire a .45 into the crowd. He claims he then fired his M-1 twice over the heads of the crowd and later fired once at the knee of a demonstrator when he realized the shots were having no effect.

Specialist 4 Ralph Zoller claims he heard a muffled shot which he alleges came from a sniper. Thereafter, he heard the Guard shoot and he fired one shot in the air. He then knelt, aimed and fired at the knee of a student who he claims looked as if he was throwing an object at Zoller.

Specialist 4 James Pierce, a Kent State student, claims that the crowd was within 10 feet of the guardsmen. He then heard a shot from the Guard. He then fired four shots—one into the air; one at a male 10 feet away with his arm drawn back and a rock in his hand (this male fell and appeared to get hit again); he then turned to his right and fired into the crowd; he turned back to his left and fired at a large Negro male about to throw a rock at him.

S. Sgt. Barry Morris claims the crowd advanced to within 30 feet and was throwing rocks. He heard a shot which he believes came from a sniper. He then saw a 2d lieutenant step forward and fire his weapon a number of times. Morris then fired two shots from his .45 "into the crowd."

Sgt. Lawrence Shafer heard three or four shots come from his "right" side. He then saw a man on his right fire one shot. He then dropped to one knee and fired once in the air. He then saw a male with bushy, sandy hair, in a blue shirt (Lewis) advancing on him and making an obscene gesture. This man had nothing in his hands. When this man was 25-35 feet away, Shafer shot him. He then fired three more shots in the air.

In addition to Herschler, at least one person who has not admitted firing his weapon, did so. The F.B.I. is currently in possession of four spent .45 cartridges which came from a weapon not belonging to any person who admitted he fired. The F.B.I. has recently obtained all .45's of persons who claimed they did not fire, and is checking them against spent cartridges.