

FEDERAL BUREAU OF INVESTIGATION

KENT STATE SHOOTING

PART 8 OF 8

FILE NUMBER: 98-46479

CODE TELETYPE NITEL

11/29/71
1 - Mr. C. W. Bates
1 - Mr. T. J. McNiff

TO SACS BUFFALO (98-1235)
CLEVELAND (98-2140)

FROM DIRECTOR FBI (98-46479)

[redacted], ET AL.; SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS ACT OF NINETEEN SIXTYEIGHT - INTERFERENCE WITH FEDERALLY PROTECTED FACILITY

RECVTEL NOVEMBER TWENTYEIGHT, LAST.

THIS IS TO CONFIRM BUREAU TELEPHONE CALLS, THIS DATE, FROM SA [redacted] TO SA [redacted] CLEVELAND, AND SA [redacted] BUFFALO, NOTIFYING OF DEPARTMENT AUTHORIZATION FOR SA [redacted] BUFFALO, TO APPEAR AT PORTAGE COUNTY COURTHOUSE, RAVENA, OHIO, NOVEMBER THIRTY, NEXT, FOR PURPOSE OF TESTIFYING AT LOCAL PROCEEDINGS IN CAPTIONED MATTER. BUFFALO CONTACT CLEVELAND TO INSURE NECESSARY ARRANGEMENTS FOR ABOVE TRAVEL AND PRESENTATION OF NECESSARY DOCUMENTS ARE EFFECTED. SHOULD AGENT [redacted] NOT BE ABLE TO APPEAR AS DIRECTED, NOTIFY DOMESTIC INTELLIGENCE DIVISION OF REASONS THEREFORE BY MOST EXPEDITIOUS MEANS.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

TJM:cae
(4)

REC. 28 98-46479-112

NOTE: 1X-100

19 NOV 30 1971 TELETYPE

Captioned matter relates to Bureau investigation of destruction of ROTC Building, Kent State University, Kent, Ohio 5/2/70. Concurrently, Bureau also conducted investigation of incident involving killing of four students at Kent State Unive 5/4/70, by members of Ohio National Guard. Department did not authorize Federal prosecution in either of the above matters, b deferred action pending prosecution by local or State authoriti As result of local grand jury action, 25 individuals were indic for their participation in activities occurring on Kent State University campus, 5/1-4/70. Trial of first defendant began in local court 11/22/70. Local authorities had requested of

Tolson
Felt
Rosen
Mohr
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Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Cleveland
Ponder
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Walters
Soyars
Tele. Room
Holmes
Gandy

57DEC 6 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

NOTE CONTINUED PAGE TWO

NITEL TO BUFFALO
CLEVELAND

RE: [redacted] ET AL.
98-46175

7C

NOTE CONTINUED:

Department appearance of SA [redacted] to testify in local proceedings in captioned matter 11/30/71. Evening of 11/29/71, Department Attorney Robert A. Murphy advised that such authorization has been granted. A letter to the Department confirming above authorization is being prepared.

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. A. Rose
1 - Mr. D. J. Dalbey
1 - Mr. T. E. Bishop

TO : Mr. E. S. Miller

DATE: 11/23/71

FROM : R. L. Shackelford

1 - Mr. C. W. Bates
1 - Mr. E. S. Miller
1 - Mr. T. J. Smith
1 - Mr. R. L. Shackelford
1 - Mr. T. J. McNiff

SUBJECT: [redacted] ET AL.
SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS - FEDERALLY PROTECTED ACTIVITY

PURPOSE:

To advise that trials of 25 individuals indicted by local grand jury for violations occurring out of violent activities on campus of Kent State University (KSU), 5/1-4/70, commenced 11/22/71, and to recommend that Cleveland submit weekly summary airtels keeping the Bureau abreast of developments.

DETAILS:

Captioned matter relates to Sabotage investigation of destruction of Reserve Officers' Training Corps (ROTC) Building at KSU, Kent, Ohio, 5/2/70. As a result of this Bureau's investigation, nine individuals were identified as having reportedly engaged in acts in violation of several Federal statutes.

Concurrent with the above, this Bureau also conducted an extensive investigation of the incident involving the killing of four students at KSU, 5/4/70, by members of the Ohio National Guard.

The Department of Justice did not authorize Federal prosecution in either of the above matters, but deferred action pending prosecutive action by local or State authorities. The Department made available to local authorities results of investigation conducted by the FBI.

As a result of local grand jury action, 25 individuals were indicted 10/16/70, for their participation in activities occurring on the KSU campus 5/1-4/70. Five of these individuals are subjects of the above ROTC Sabotage investigation. We have

Enclosure

FC-52 98-46477-113

98-46479
1 - 44-45339
TJM:cae
(10)

12 NOV 30 1971

— CONTINUED — OVER

been following local action in this matter in the event local prosecution was dismissed, consideration would then be given to representing facts to the Department for an opinion regarding Federal prosecution.

Available information indicates that State officials intend to try each of the 25 defendants separately. Trial against the first defendant began 11/22/71. A crowd of approximately 25 individuals, some affiliated with the SDS, gathered outside the courthouse to protest the trial. No incidents or arrests occurred. It is expected protest activity will occur on a daily basis; however, no information has been received indicating acts of violence are planned.

In view of our interest in current local proceedings as stated above, there is attached an airtel to the Cleveland Office instructing that these proceedings be followed through sources and a weekly summary airtel be furnished the Bureau commencing 11/29/71. Information having a bearing upon operation of the FBI or that which is determined to be of national import, should, however, be furnished the Bureau by the most expeditious means deemed necessary.

RECOMMENDATION:

That the attached airtel be approved and sent.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 2 3 1971

TELETYPE

NR 001 CV CODE

5:00 PM NITEL 11-28-71 SLO

TO DIRECTOR 98-46479

BUFFALO 98-1235

FROM CLEVELAND 98-2148

[redacted]; ET AL. SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS ACT OF NINETEEN SIXTYEIGHT -- INTERFERENCE WITH FEDERALLY PROTECTED FACILITY. OO: CLEVELAND.

FOR INFORMATION OF BUREAU AND BUFFALO, PORTAGE CO., OHIO AUTHORITIES, RAVENNA, OHIO, CURRENTLY BRINGING TO TRIAL APPROXIMATELY TWENTY FIVE INDIVIDUALS ON VARIOUS STATE CHARGES ARISING OUT OF DISTURBANCES AT KENT STATE UNIVERSITY (KSU) KENT, OHIO, DURING MAY TWO DASH FOUR, SEVENTY.

TRIAL OF PETER CHARLES BLIEK, THIRTY FOUR HIGHWOOD RD., ROCHESTER, N.Y. COMMENCES NOV. TWENTYNINE NEXT IN PORTAGE CO., OHIO, PROBABLY ON LOCAL ARSON CHARGES, AND JAMES D. PRIMM, JR. SPECIAL ATTORNEY AND ASSISTANT TO ATTORNEY GENERAL, STATE OF OHIO HAS REQUESTED THE PRESENCE

END PAGE ONE

EX-101 REC-18 98-46479-114

12 DEC 2 1971

1 ENCLOSURE

DEC 7 1971

CV 98-2148

PAGE TWO

OF SA [redacted], BUFFALO OFFICE, AT PORTAGE COUNTY COURTHOUSE, RAVENNA, OHIO, ALONG WITH ORIGINAL FD ~~THREE-TWO-ZERO~~ THREE TWO TWO AND EXECUTED WAIVER OF RIGHTS FROM BELIEVED EXECUTED BY BLIEK DURING INTERVIEW BY BUAGENTS DURING MAY TWENTYSIX, SEVENTY. SA [redacted], EXPECTED TO TESTIFY RE INTERVIEW OF BLEIK AND ANY STATEMENT RE CLOTHING BLEIK MAY HAVE BEEN WEARING ON THE NIGHT OF THE BURNING OF THE KSU ROTC BUILDING ON THE EVENING OF MAY TWO, SEVENTY.

ATTORNEY PRIMM WAS ADVISED TO FORWARD HIS REQUEST THROUGH THE DEPARTMENT OF JUSTICE AS THIS PROCEDURE HAD PREVIOUSLY BEEN ESTABLISHED BY THE DEPARTMENT AND THE BUREAU FOR THE HANDLING OF THIS TYPE OF REQUEST IN THIS MATTER. THEREAFTER IT IS UNDERSTOOD THAT THE APPROPRIATE DIVISION OF THE DEPARTMENT OF JUSTICE WILL ADVISE THE BUREAU REGARDING THE DISPOSITION OF THE SPECIFIC REQUEST.

IN THE EVENT THE DEPARTMENT APPROVES THE APPEARANCE OF SA [redacted] TO TESTIFY IN LOCAL COURT, THE BUREAU IS REQUESTED TO EXPEDITIOUSLY ADVISE BUFFALO OFFICE OF SAME.

END

REM FBI WASH DC CLR

1-MR. BATES

[redacted]

Domestic Intelligence Division

INFORMATIVE NOTE

Date 11/29/71

Attached reports presence of Special Agent [redacted] Buffalo Office, has been requested at Portage County Courthouse, Ravenna, Ohio, on 11/29/71 in connection with trial of one of about 25 individuals being brought to trial on various state charges arising out of disturbances at Kent State University (KSU), Kent, Ohio, in May, 1970. Request made by Special Attorney and Assistant to Ohio Attorney General, who also requested waiver of rights form executed by defendant and FD-302 (information that may become testimony) be made available. Special Agent [redacted] would be expected to testify regarding interview of defendant and any statement regarding clothing defendant may have been wearing on night KSU Reserve Officers Training Corps building was burned.

SAC, Cleveland, advised requesting Attorney that this request should be forwarded through the Department in accordance with previously-established procedure. Domestic Intelligence Division agrees with SAC, Cleveland, regarding this procedure. Following Department's consideration of the request you will be advised and appropriate reply will be furnished Cleveland Office.

HEM:kah

ENCLOSURE

114

1 - Mr. C. L. McGowan
1 - Mr. T. J. McNiff

Assistant Attorney General
Civil Rights Division

December 1, 1971

Director, FBI

[redacted]

SABOTAGE; SEDITION; DESTRUCTION OF
GOVERNMENT PROPERTY; CIVIL RIGHTS

This is to confirm telephone call November 29, 1971, from Acting Chief Robert A. Murphy, Criminal Section, Civil Rights Division, to Special Agent [redacted] of this Bureau authorizing Special Agent [redacted] of our Buffalo Office to appear at Portage County Courthouse, Ravenna, Ohio, November 30, 1971, to testify at local proceedings concerning violent activities which occurred at Kent State University, Kent, Ohio, May 1 - 4, 1970. Such authorization included possible introduction into evidence, by Special Agent [redacted] the executed Waiver of Rights and form FD-302 containing results of interview by Bureau Agents with Charles Blick, one of the individuals being tried on local charges in this matter.

For your information, Special Agent [redacted], upon receipt of the above telephone call, was promptly instructed to appear as directed above.

98-46479

DEC 1 - 1971
FBI

REC-89 98-4-64 7-115

TJM:cae
(5)

3 DEC 2 1971

NOTE: EX-117

Captioned matter relates to Bureau investigation of destruction of ROTC Building, Kent State University (KSU), Kent, Ohio, 5/2/70. Concurrently, Bureau also conducted investigation of incident involving killing of four students at KSU, 5/4/70, by members of Ohio National Guard. Department did not authorize Federal prosecution in either of the above matters, but deferred action pending prosecution by local or State authorities. As a result of local grand jury action, 25 individuals were indicted for their participation in activities occurring on KSU campus 5/1-4/70. Each subject is to be given separate trial, with trial of first defendant having begun 11/22/71, results not yet known. Charles Blick is second defendant to be tried. Above telephone call from Department Attorney Murphy was received 4:30 p.m., 11/29/71. Both Cleveland and Buffalo were telephonically notified of above prior to 5:15 p.m., 11/29/71, and a confirming nitel was sent to those offices that same evening.

DEC 10 1971

Nolson
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Miller, E.S.
Callahan
Casper
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Dalbey
Cleveland
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Tele. Room
Holmes
Gandy

MAIL ROOM ☐ TELETYPE UNIT ☐

TELETYPE

NR 002 CV CODE

9:40 PM URGENT 11/22/71 RJB

TO DIRECTOR

FROM CLEVELAND (98-2140) 2P

[redacted], AKA; ET AL; SABOTAGE, SEDITION, DGP CIVIL RIGHTS ACT OF SIXTYNINE, INTERFERENCE WITH FEDERALLY PROTECTED FACILITY.

TRIALS BEGAN IN PORTAGE CTY, COMMON PLEAS COURT, RAVENNA, O., THIS DATE AGAINST FIRST OF THE KENT TWENTYFIVE DEFENDENTS.

SEPERATE TRIALS ARE TO BE AFFORDED EACH DEFENDENT AND JERRY RUPE IS THE FIRST TO STAND TRIAL. FIRST DAY WAS DEVOTED TO SELECTION OF JURY.

APPROX TWENTYFIVE INDIVIDUALS, SOME OF WHOM ARE CURRENTLY AFFILIATED WITH SDS, GATHERED OUTSIDE COURTHOUSE AT ABOUT ONE PM TO PROTEST THE TRIALS. THERE WERE NO INCIDENTS, ARRESTS AND THE PROTESTORS DISPERSED IN ABOUT AN HOUR.

THE FOLLOWING INDIVIDUALS WERE OBSERVED IN THE GROUP: NORM CAULFIELD, WILLIAM ARTHRELL, JEFF BEUTLER, TOM GRACE, TONY WALSH, WILLIAM WHITTAKER, JERRY PERSKY, JODY ZALER, GREGG RAMBO, PAUL KEEN, DEBBIE SHYROK, BOBBY FRANKLIN.

END PAGE ONE

55DEC9 1971

EX-107 REC-18 98-2140-11

MCT-8

NO DEC 1 1971

HOWARD ALLISON, AN ATTORNEY FOR KENT TWENTYFIVE WAS ALSO OBSERVED IN THE GROUP.

ON NOV. TWENTY, LAST, PORTAGE CTY COMMON PLEAS COURT ISSUED ORDER BANNING ANY DEMONSTRATIONS NEAR THE COURTHOUSE WHICH WOULD INTERFER WITH THE ADMINISTATION OF JUSTICE. HOWEVER, NO ACTION WAS TAKEN AGAINST THE ABOVE INDIVIDUALS IN CONNECTION WITH THE COURT ORDER.

[redacted] 7d

INDICATED HE EXPECTS PROTEST ACTIVITY ON A DAILY BASIS DURING THE TRIALS BUT HAS NO INFO INDICATING THAT ANY ACTS OF VIOLENCE ARE PLANNED.

LOCAL AUTHORITIES IN PORTAGE CTY ARE COGNIZANT OF ABOVE.

ADMINISTRATIVE

IN THE ABSENCE OF ANY VIOLENCE NO LHM BEING SUBMITTED RE THE ABOVE. HOWEVER, CLEVELAND OFFICE WILL CONTINUE TO FOLLOW PROSECUTION AND KEEP BUREAU ADVISED ON A TIMELY BASIS.

P

END

REW FBI WASH DC

CC-MR. BATES

[redacted]

PLAINTEXT TELETYPE URGENT

12/3/71

TO SAC CLEVELAND (98-2140)

1 - Mr. E. J. McDonough
1 - Mr. T. J. McNiff

FROM DIRECTOR FBI (98-46479)

[redacted] ET AL; SABOTAGE, SEDITION, DGP, CIVIL RIGHTS.

K. WILLIAM O'CONNOR, DEPUTY ASSISTANT ATTORNEY GENERAL, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE, ADVISED DEPARTMENT HAS RECEIVED REQUEST FROM MICHAEL R. SZOLOSI, SPECIAL ASSISTANT ATTORNEY GENERAL, STATE OF OHIO, FOR BUREAU AGENTS TO TESTIFY AT LOCAL PROCEEDINGS IN CAPTIONED MATTER. O'CONNOR AUTHORIZED THE FOLLOWING: REGARDING TRIAL OF DOUGLAS CORMAK, SPECIAL AGENT [redacted] SHOULD APPEAR AT PORTAGE COUNTY COURTHOUSE, RAVENNA, OHIO, MONDAY, DECEMBER SIX, NEXT, AT EIGHT THIRTY A.M. WHERE HE SHOULD CONSULT WITH STATE SPECIAL COUNSEL JOHN HAYWOOD; REGARDING THE TRIAL OF MARY NICHOLAS, SPECIAL AGENTS [redacted] AND [redacted] SHOULD BE AVAILABLE FOR A TELEPHONE CALL MONDAY MORNING (TIME NOT SPECIFIED), DECEMBER SIX, NEXT, FROM STATE SPECIAL COUNSEL JAMES D. PRIMM AND BE PREPARED TO POSSIBLY TESTIFY PORTAGE COUNTY COURTHOUSE, TUESDAY, DECEMBER SEVEN, NEXT. SHOULD ABOVE

EX-112 EC-89 95-464-77-117

TJM:jlm
(4)

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 6 1971

TELETYPE

54 DEC 9 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

SEE NOTE PAGE TWO

1 DEC 6 1971

TELETYPE TO CLEVELAND
RE: ARTHUR SCOTT BARNHARDT, ET AL.
98-4G470

AGENTS NOT BE ABLE TO COMPLY WITH ABOVE INSTRUCTIONS, NOTIFY DOMESTIC INTELLIGENCE DIVISION OF REASONS THEREFOR BY MOST EXPEDITIOUS MEANS. MR. O'CONNOR ALSO AUTHORIZED YOUR CONTACTING LOCAL USA TO REQUEST REPRESENTATIVE OF THAT OFFICE TO BE PRESENT AT LOCAL PROCEEDINGS TO PROTECT INTERESTS OF AGENTS AND BUREAU.

NOTE:

Captioned matter relates to Bureau investigation of destruction of ROTC Building, Kent State University (KSU), Kent, Ohio, May 2, 1970. Concurrently Bureau also conducted investigation of incident involving killing of four students at KSU, May 4, 1970, by members of Ohio National Guard. Department did not authorize Federal prosecution in either of the above matters, but deferred action pending prosecution by local authorities. Local grand jury indicted 25 individuals for their participation in activities occurring on KSU campus May 1-4, 1970. Two of above indicted individuals have been tried this past week with one individual being found guilty on one charge and the second individual acquitted. Department previously authorized testimony of one Agent at one of the above trials. Department authorization mentioned in this teletype was received by Special Agent [redacted] General Investigative Division. A letter to the Department confirming above authorization is being prepared.

NR 04 CV CODE

4:34 PM URGENT 11-30-71 JMK

TO DIRECTOR (98-46479)

FROM CLEVELAND (98-2140) 1P

[redacted] ET AL; SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CR - FEDERALLY PROTECTED ACTIVITY.

RE BUREAU AIRTEL TO CLEVELAND, NOV. TWENTYFOUR, SEVENTYONE.

JERRY RUPE, FIRST DEFENDENT OF KENT TWENTYFIVE ON TRIAL IN COMMON PLEAS COURT, RAVENNA, OHIO, WAS FOUND GUILTY THIS DATE ON CHARGE OF INTERFERRING WITH FIREMEN. OTHER THREE CHARGES AGAINST RUPE WERE DISMISSED DUE TO HUNG JURY.

CHARGES AGAINST SECOND DEFENDENT ON TRIAL, PETER CHARLES BLIEK, WERE DISMISSED BY JUDGE WHEN STATE WITNESS FAILED TO POSITIVELY IDENTIFY BLIEK.

SA [redacted] BUFFALO DIVISION, WHO WAS SUBPOENAED IN BLIEK TRIAL, DID NOT TESTIFY DUE TO DISMISSAL OF CHARGES.

NO ANNOUNCEMENT HAS BEEN MADE AS TO SCHEDULING OF ADDITIONAL TRIALS.

REC-21 98-46479-118

ADMINISTRATIVE

DEC 8 1971

CLEVELAND WILL CONTINUE TO FOLLOW AND KEEP BUREAU ADVISED.

P.

END

TJT FBI WASH DC CLR

cc Mr. Bates

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 7 1971

TELETYPE

NR 006 CV CODE

727PM URGENT 12/7/71 RJB

TO DIRECTOR (98-46479)

FROM CLEVELAND (98-2140) 2P

[redacted] ET AL. SABOTAGE. SEDITION. DESTRUCTION OF GOVERNMENT PROPERTY. CIVIL RIGHTS - FEDERALLY PROTECTED ACTIVITY. OO: CLEVELAND.

A CONFIDENTIAL SOURCE WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, ADVISED THIS DATE THAT SDS GROUP AT KENT STATE UNIVERSITY (KSU) IS ORGANIZING DEMONSTRATION TO PROTEST TRIALS OF KENT TWENTYFIVE ON DECEMBER EIGHT, NEXT. SDS INTENDS TO HOLD RALLY ON KSU CAMPUS AT NOON AND THEN PROCEED TO RAVENNA, OHIO, TO PROTEST OUTSIDE THE COURTHOUSE. ACCORDING TO A SECOND SOURCE, WHO HAS FURNISHED RELIABLE INFORMATION IN THE PAST, TWENTY SDS MEMBERS ARE INVOLVED IN PLANNING THE DEMONSTRATION. HOWEVER, THEY HOPE TO OBTAIN ABOUT TWO HUNDRED SYMPATHIZERS FROM THE KSU STUDENT BODY. AFOREMENTIONED SOURCES ARE NOT AWARE OF ANY PLANS TO UTILIZE VIOLENT TACTICS.

END PAGEONE

1 EX-112

REC-32 98-46479-119

57 DEC 15 1971

cc to IDIU
Adm. data deleted

12 DEC 10 1971

LOCAL LAW ENFORCEMENT AGENCIES ARE COGNIZANT OF THE ABOVE.

ADMINISTRATIVE.

RE CLEVELAND AIRTEL TO BUREAU DECEMBER THREE, LAST.

[redacted] 7d

CLEVELAND WILL CONTINUE TO FOLLOW AND KEEP BUREAU ADVISED.

P

END

cc - Mr. Bates

[redacted]

1 - Mr. A. Rosen
1 - Mr. D. J. Dalbey
1 - Mr. C. W. Bates

Assistant Attorney General
Civil Rights Division

December 8, 1971

1 - Mr. E. S. Miller
1 - Mr. E. J. McDonough
1 - Mr. R. L. Shackelford
1 - Mr. T. J. McNiff

Director, FBI

[redacted]
SABOTAGE; SEDITION; DESTRUCTION OF
GOVERNMENT PROPERTY; CIVIL RIGHTS

This is to confirm telephone call December 3, 1971, from Deputy Assistant Attorney General F. William O'Connor, Civil Rights Division, to Special Agent [redacted], of this Bureau, authorizing the appearance of Special Agents [redacted] of our Cleveland Office, at Portage County Courthouse, Ravenna, Ohio, December 6 - 7, 1971, to testify at local proceedings concerning violent activities which occurred at Kent State University, Kent, Ohio, May 1 - 4, 1970.

For your information, upon receipt of the above telephone call, instructions were forwarded to our Cleveland Office instructing the above Special Agents to appear as indicated.

98-46479

TJM:cae
(10)

NOTE:

See memorandum R. L. Shackelford to Mr. E. S. Miller, captioned as above, dated 12/6/71, prepared by TJM:cae.

EX-112

REC-11

MAILED 11
DEC 8 - 1971
FBI

DEC 9 1971

DEC 15 1971

MAIL ROOM ☐ TELETYPE UNIT ☐

Memorandum to Mr. E. S. Miller
Re: Arthur Scott Barnhardt
98-46479

Agents would testify to results of interviews they conducted with defendants Cormak and Nicholas during above-mentioned Bureau investigation of destruction of ROTC Building.

Cleveland Office was advised of information received from Mr. O'Connor by urgent teletype dated 12/3/71. Cleveland has been instructed to keep the Bureau fully advised of pertinent developments.

Attached is a letter to the Assistant Attorney General, Civil Rights Division, confirming above instructions received from Deputy Assistant Attorney General K. William O'Connor.

RECOMMENDATION:

That the attached letter to Assistant Attorney General, Civil Rights Division, be approved and sent.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. A. Rosen
1 - Mr. D. J. Dalbey
1 - Mr. C. W. Bates

TO : Mr. E. S. Miller

DATE: 12/6/71

1 - Mr. E. S. Miller
1 - Mr. E. J. McDonough
1 - Mr. R. L. Shackelford
1 - Mr. T. J. McNiff

FROM : R. L. Shackelford

SUBJECT: [redacted]
SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS

PURPOSE:

To advise that Department has authorized three Special Agents of the Cleveland Office to testify at local proceedings in captioned matter on 12/6-7/71.

DETAILS:

Captioned matter relates to this Bureau's investigation of destruction of ROTC Building, Kent State University (KSU), Kent, Ohio, 5/2/70. Concurrently, this Bureau also conducted investigation of incident involving killing of four KSU students 5/4/70, by members of Ohio National Guard. Department did not authorize prosecution in either of the above matters, but deferred in favor of local prosecution.

As a result of local grand jury action, 25 individuals were indicted for their participation in activities occurring on KSU campus 5/1-4/70. Each subject is to be given a separate trial. The first two defendants have recently been tried, with one being found guilty on one count, with the second being acquitted. Department authorized appearance of one Agent at one of the above trials for purpose of offering testimony.

EX-100 REC-28 9 DEC 10 1971

On 12/3/71, Deputy Assistant Attorney General K. William O'Connor, Civil Rights Division, telephonically advised Special Agent [redacted] General Investigative Division, that he had received request from Michael R. Szolosi, Special Assistant Attorney General, State of Ohio, for Bureau Agents to testify at local proceedings in forthcoming trial of defendants Douglas Cormak and Mary Nicholas. Mr. O'Connor authorized the appearance of Special Agent [redacted] at Portage County Courthouse, Ravenna, Ohio, 12/6/71. He also authorized consultation of Special Agents [redacted] with local prosecutor Monday morning 12/6/71, in preparation for possible testimony 12/7/71.

Enclosure 12-8-71
98-46479
TJM:cae (8)

CONTINUED - OVER

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 7 1971

TELETYPE

IR 007 CV CODE

730PM URGENT 12/7/71 RJB

TO DIRECTOR (98-46479)

FROM CLEVELAND (98-2140) 2P

[redacted]. ET AL. SABOTAGE. SEDITION

OGP. CIVIL RIGHTS.

CHARGES AGAINST MARY HELEN NICHOLAS, KENT TWENTYFIVE DEFENDANT ON TRIAL IN COMMON PLEAS COURT, RAVENNA, OHIO, WERE DISMISSED DURING HER TRIAL THIS DATE.

STATE PROSECUTOR SUBSEQUENTLY REQUESTED THAT CHARGES BE DISMISSED AGAINST ALL REMAINING KENT TWENTYFIVE DEFENDANTS AND TRIAL JUDGE IS TAKING THE MOTION UNDER ADVISEMENT.

CONFIDENTIAL SOURCES WHO HAVE FURNISHED RELIABLE INFORMATION IN THE PAST ADVISED THAT THE SDS DEMONSTRATION SCHEDULED FOR DECEMBER EIGHT, NEXT, MAY BE CANCELLED DUE TO THE ABOVE.

END PAGE ONE

REC-3 98-4[illegible] -122

FX-100

DEC 13 1971

5 - TJM

51 DEC 15 1971

ADMINISTRATIVE.

RE CLEVELAND TEL TO BUREAU THIS DATE.

[redacted] 7d

CLEVELAND WILL CONTINUE TO FOLLOW AND KEEP BUREAU ADVISED.

P

END

cc- Mr Bates

[redacted]

FD-36 (Rev. 5-22-64)

FBI

Date: 12/3/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140) (P)

RE: [redacted] TC
ET AL
SABOTAGE; SEDITION;
DESTRUCTION OF GOVERNMENT
PROPERTY;
CIVIL RIGHTS -
FEDERALLY PROTECTED ACTIVITY

IL

OO: CV

Re Buairtel to CV, 11/24/71.

SUMMARY AIRTEL

Three of the 25 individuals indicted by the Portage County Special Grand Jury which investigated the campus disruptions at Kent State University (KSU), Kent, Ohio, during May, 1970, have been tried in Common Pleas Court, Ravenna, Ohio.

On 11/30/71, the first individual to be tried, JERRY RUPE, was found guilty of interfering with a fireman, which is a misdemeanor. RUPE had also been charged with arson, striking a fireman and first degree riot. However, the jury could not reach a decision on these charges.

EX-115

(2) Bureau
7 - Cleveland
(1 - 100-)(RUPE)
(1 - 100-)(FELBER)
(1 - 100-)(NICHOLAS)
(1 - 100-)(CORMACK)
(1 - 100-)(BLIEK)

REC-22 98-46477-123

7 DEC 8 1971

WMC/jsb
(9) 1xwrd 904D 12/10/71

SEE NEW LEFT

51 DEC 24 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 346-000 (11)

Also on 11/30/71, charges were dismissed against the second defendant, PETER CHARLES BLIEK, by the Judge, when a witness for the State of Ohio failed to positively identify BLIEK, and a special state prosecutor requested that the charge be dropped. BLIEK had been charged with burning an uninhabited building and first degree riot.

On 12/1/71, LARRY SHUB, the third defendant, entered a plea of guilty to first degree riot. SHUB had also been charged with attempted arson and second degree riot. State prosecutors indicate that the latter charges will probably be dismissed.

The next trials are scheduled to begin on 12/6/71; they will involve MARY HELEN NICHOLAS, who is charged with interfering with a fireman, and RICHARD C. FELBER, who is charged with first degree riot, attempted arson, assault and striking a fireman. The trial of DOUGLAS CORMACK was also scheduled for next week. However, CORMACK's attorney, DAVID SCRIBNER, filed an affidavit of prejudice charging that Judge ALBERT CARIS would not be able to provide a fair trial. A decision on whether Judge CARIS can hear the case will be decided by the Ohio Supreme Court.

During the week of 11/29/71 through 12/3/71, no attempts were made by dissident groups to disrupt the court proceedings.

LEAD

CLEVELAND:

AT KENT, OHIO

Will continue to follow the prosecutions and keep the Bureau advised.

38 (Rev. 5-22-64)

FBI

Date: 11/26/71

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140)(P*)

RE: [redacted]
ET AL
SABOTAGE; SEDITION; CIVIL RIGHTS - FEDERALLY PROTECTED ACTIVITY; DGP

OO: Cleveland

Re Cleveland teletype to Bureau, 11/22/71; and Cleveland airtel and LHM to Bureau, 10/29/71.

Enclosed herewith for the Bureau are eight (8) copies of an LHM concerning developments in the local prosecution regarding captioned matter.

The Cleveland Office will submit a weekly airtel summary regarding local prosecution in this matter. However, Cleveland will continue to immediately notify the Bureau of any unusual developments.

2 - Bureau (Enc. 8)(RM)
2 - Cleveland

WMC/clo
(4)

REC-34

EX-104 100-461179-124

30 DEC 1 1971

AGENCY JSD, C.C.D
DATE FORW. 12/3/71
HOW FORW. L-S
BY [illegible]

58 DEC 2 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 402-733

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio

November 26, 1971

[redacted]

An article appearing in the November 18, 1971, edition of the Akron Beacon Journal, a newspaper of general distribution in the Akron, Ohio, area, reported that the spokesman from the White House Press Office had advised that the Justice Department is studying the advisability of initiating a Federal Grand Jury in connection with captioned matter and that the White House would have nothing to say about it until the Justice Department reports back to the President.

Trials for the 25 individuals indicted by the Portage County Grand Jury in connection with the May, 1970, campus violence at Kent State University (KSU), Kent, Ohio, began in Common Pleas Court, Ravenna, Ohio, on November 22, 1971. Separate trials are to be afforded each defendant, with JERRY RUPE the first to stand trial. RUPE is being charged with arson, striking a fireman, interfering with a fireman and first degree riot in the burning of the campus ROTC building on the KSU campus on May 2, 1970. Jury selection for this trial took place on November 22 and 23, 1971.

On November 22 and 23, 1971, approximately 25 persons, some of whom are currently affiliated with the Students for a Democratic Society (SDS), gathered outside

98-46[illegible]-104

F

the courthouse in Ravenna, Ohio, at about 1:00 PM to protest the trial. These individuals were peaceful and there were no incidents or arrests. The protestors dispersed after about an hour, and some of them entered the courtroom where they peacefully observed the proceedings.

STUDENTS FOR A DEMOCRATIC SOCIETY (SDS)

Students for a Democratic Society (SDS) was founded during June, 1962, at Port Huron, Michigan, and in the 1960's functioned as the leading New Left campus-based student organization in the United States. From a stance of "participatory democracy," the SDS moved to a radical-revolutionary position. It maintained a national office at 1608 West Madison Street, Chicago, Illinois, until February, 1970. Internal factionalism during 1969 produced three main factions: Weatherman, Revolutionary Youth Movement (RYM) and Worker Student Alliance (WSA). The Weathermen and RYM no longer consider themselves associated with the SDS. The WSA faction continues to use the name SDS.

The following individuals were observed in the group of protestors:

NORM CAULFIELD
WILLIAM ANTHRELL (Arthur?) Williams
JEFF BUTLER
TOM GRACE
WILLIAM WHITTAKER
JERRY PERSKY
JOLY ZALER
BOBBY FRANKLIN.

Also observed was Kent, Ohio, attorney HOWARD ALLISON, who is employed as one of the lawyers for the "Kent 25." According to [redacted]

7d

RE: [redacted] ET AL

7C

Department, ALLISON advised the protestors to maintain a peaceful assembly, but told them he was there to represent any who might be arrested for unlawful assembly.

An article appearing in the November 23, 1971, edition of the Akron Beacon Journal reported that PAUL KEANE, who along with GREG RAMBO, forwarded to President NIXON a petition containing over 10,000 signatures asking for a Federal Grand Jury probe of the KSU violence, was present in Ravenna on November 22, 1971, to protest the local prosecution of the "Kent 25." The article quoted KEANE as saying that "The taxpayers of Ohio don't want to pay for a mockery of justice. The taxpayers ought to insist the trials stop." This article also reported that KEANE was critical of other protestors who chanted, "Ho, Ho, Ho Chi-Minh" and "Seig Heil, Judge JONES." KEANE maintained that such action would divide, not unify, the citizenry.

On November 20, 1971, Judge ELWIN JONES, who is presiding over the trials of the "Kent 25," issued an order which established the rules of conduct for the trials; and, among other things, prohibits any demonstrations near the courthouse which would interfere with the administration of justice.

7D

[redacted] advised on November 22, 1971, that the protests at the courthouse were organized by the SDS group from KSU and that he anticipated that they would continue to picket the trials for an indefinite period. He added, however, that he possessed no information indicating that this group intends any acts of violence or intends to disrupt the court proceedings.

7D

On November 24, 1971, [redacted] advised that the court would recess for Thanksgiving November 25, 1971, and would not convene again until Monday, November 29, 1971.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. A. Rosen
1 - Mr. D. J. Dalbey
1 - Mr. C. W. Bates

TO : Mr. E. S. Miller

DATE: 12/10/71

1 - Mr. E. S. Miller
1 - Mr. E. J. McDonough
1 - Mr. R. L. Shackelford
1 - Mr. T. J. McNiff

FROM : R. L. Shackelford

SUBJECT: [redacted]
SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS

PURPOSE:

To advise that after local court trials involving 5 of 25 individuals indicted in connection with the 1970 disorders at Kent State University (KSU), local authorities have requested court permission to dismiss charges against remaining 20 defendants.

DETAILS:

Captioned matter relates to this Bureau's investigation of destruction of ROTC Building, KSU, Kent, Ohio, 5/2/70. Concurrently, this Bureau also conducted investigation of incident involving killing of 4 KSU students 5/4/70 by members of Ohio National Guard. Department did not authorize prosecution in either of the above matters, but deferred in favor of local prosecution.

As a result of local grand jury action, 25 individuals were indicted for their participation in activities occurring on KSU campus 5/1-4/70. Each subject was to be given a separate trial. First trial began 11/22/71. Since that time, 5 individuals have been tried. One, Jerry Rupe, was convicted for interfering with firemen; two, Larry Shub and Thomas Foglesong, pleaded guilty to first degree riot; and two, Mary Nicholas and Peter Bliek, have been acquitted.

REC-51 - 125

On 12/7/71, Special State Prosecutor, State of Ohio, admitting he lacked sufficient evidence to proceed, requested court permission to dismiss all charges against the remaining 20 defendants that had been indicted by local grand jury. Two local Judges hearing these cases stated they could not dismiss the charges until the Ohio Supreme Court had ruled on Affidavits of Prejudice, filed against them by one of the defense attorneys.

98-46479

TJM:cae
(8)

51 DEC 20 1971

DEC 16 1971

CONTINUED - OVER

Memorandum to Mr. E. S. Miller
Re: [redacted]
98-46479

The Ohio Chief Justice has stated that he could not dismiss the affidavits without a formal request to do so from the defense attorney. It is expected that these local technicalities will be cleared up shortly and that a dismissal order will be forthcoming.

ACTION:

None. Above submitted for information. You will be kept advised.

TJM EM JAS/TJS

F-36 (Rev. 5-22-64)

FBI

Date: 12-10-71

Transmit the following in _____ (Type in plaintext or code)

Via Airtel _____ (Priority)

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140) (P)

SUBJECT: [redacted] ET AL
SABOTAGE; SEDITION; DGP;
CIVIL RIGHTS - FEDERALLY PROTECTED ACTIVITY
SUMMARY AIRTEL

OO: Cleveland

Re Bureau airtel, 11/24/71.

On 12/6/71, THOMAS FOGLESONG, Kent 25 Defendant entered plea of guilty in Common Pleas Court, Ravenna, Ohio, on charge of first degree riot in connection with May, 1970, disturbances at Kent State University (KSU). FOGLESONG had also been indicted for interferring with a fireman. Sentencing of FOGLESONG on the riot charge was deferred.

On 12/7/71, charges against Kent 25 defendant, MARY HELEN NICHOLAS were dismissed during the trial proceedings.

Subsequently, on 12/7/71, the prosecution for the State of Ohio filed a motion to dismiss charges against all remaining defendants. The judge took the motion under advisement, indicating that he would favorably consider the motion if attorneys for defense would withdraw previous charges of prejudice against common pleas judges handling the trial.

(2) - Bureau
4 - Cleveland
(1-100 NICHOLAS)
(1-100 FOGLESONG)
WJC:ham
(6)

REC-102 [illegible]

20 DEC 15 1971

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

On 12/7/71, the Akron Beacon Journal, a daily newspaper of general distribution in the Akron, Ohio, area reported that defense attorneys had announced that they were withdrawing their charges of prejudice. Common pleas court has recessed until 12/13/71.

On 12/8/71, the Students for a Democratic Society (SDS) organization at KSU held a demonstration at noon on KSU campus and speakers discussed the fact that charges against remaining defendants were being dropped. Approximately 100 persons attended the rally; however, most of them were spectators. This rally was peaceful and orderly and there were no incidents or arrests.

LEADS

CLEVELAND:

AT CLEVELAND, OHIO

Will continue to follow and keep Bureau advised.

FBI

Date 12-17-71

Transmit the following in _____ (Type in plaintext or code)

Via Airtel (Priority)

TO: DIRECTOR, FBI

FROM: SAC, CLEVELAND (98-2140) (P)

SUBJECT: [redacted] 7C
ET AL
SABOTAGE; SEDITION;
DGP; CIVIL RIGHTS - FEDERALLY
PROTECTED ACTIVITY
SUMMARY AIRTEL
OO: Cleveland

Re Cleveland teletype to Bureau, 12/10/71. 7d

On 12/17/71, [redacted] Ravenna, Ohio, advised that judges of common pleas court had not rendered a decision concerning the motion by prosecution for State of Ohio regarding dismissal of charges against remaining "Kent 25" defendants. [redacted] went on to advise that he expected a decision regarding this matter to be forthcoming in the near future.

UACB, Cleveland division will submit an LHM concerning prosecution in captioned matter when this matter is finally adjudicated by local authorities.

(2) - Bureau
2 - Cleveland

REC-110 98-2140-127

cc 904(D)

WHC:ham
(4)

6 DEC 22 1971

F92

51 JAN 4 1972

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 8 1971

TELETYPE

NR 005 CV CODE

6:10 PM URGENT 12-8-71 SLO

TO DIRECTOR 98-46479

FROM CLEVELAND 98-2140

[redacted]. ET AL. SABOTAGE. SEDITION. DESTRUCTION OF GOVERNMENT PROPERTY. CIVIL RIGHTS - FEDERALLY PROTECTED ACTIVITY. OO: CLEVELAND

[redacted]

KENT, OHIO, ADVISED THAT SDS DEMONSTRATION TOOK PLACE AS SCHEDULED THIS DATE AT NOON ON CAMPUS AT KSU. DEMONSTRATION LASTED ABOUT THIRTY MINUTES AND DEMONSTRATORS DID NOT PRECEED TO RAVENNA, OHIO, AS PREVIOUSLY PLANNED. APPROXIMATELY ONE HUNDRED INDIVIDUALS, MOST OF WHOM WERE OBSERVERS, ATTENDED. SPEAKERS INCLUDED KEN HAMMOND, JERRY PERSKY, ROBERT FRANKLIN, THOMAS LOUGH, BILL ARTHERELL, AND JEFF BEUTLER.

REC-21 128

SPEECHES GENERALLY CONCERNED THE FACT THAT PROSECUTION FOR THE STATE OF OHIO HAS REQUESTED THAT CHARGES AGAINST REMAINDER OF KENT

END PAGE ONE

16 DEC 28 1971

"O" "O KDH" Adm. data deleted

58 JAN 4 - 1972

TWENTYFIVE DEFENDANTS BE DISMISSED. A CEREMONY WAS HELD WHEREIN A DOCUMENT PURPORTED TO BE AN INDICTMENT WAS BURNED.

OBSERVED IN ATTENDANCE AT THE DEMONSTRATION WERE THE FOLLOWING INDIVIDUALS:

ROSEANN CANFORA; MARY HELEN NICHOLAS; JERRY ALTER; NORMAN CAULFIELD; RON TOMPKINS; JERRY LEWIS; TOM GRACE; TONY WALSH;

DEMONSTRATION WAS PEACEFUL AND ORDERLY AND THERE WERE NO INCIDENTS OR ARRESTS.

ADMINISTRATIVE:

RE CLEVELAND TELS TO BUREAU DECEMBER SEVEN, LAST.

CLEVELAND WILL CONTINUE TO FOLLOW AND KEEP THE BUREAU ADVISED.

P

END

CC-MR. BATES

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (98-46479) DATE: 2/8/72

FROM : SAC, CLEVELAND (98-2140)(C)

SUBJECT: [redacted]
ET AL
SABOTAGE; SEDITION; DGP;
CIVIL RIGHTS - FEDERALLY
PROTECTED ACTIVITY

96

OO: Cleveland

Re Cleveland airtel to Bureau, 12/17/71.

Enclosed herewith for the Bureau are 11 copies of an LHM concerning the disposition of local prosecution of the "Kent 25."

Inasmuch as this matter has been adjudicated locally and there is no federal prosecution outstanding, the Cleveland Office contemplates no additional inquiries in this matter UACB.

ENCLOSURE

2 - Bureau (Enc. 11)(RM)
2 - Cleveland
(1 - 100-SHUB)
(1 - 100-FOGLESONG)
(1 - 100-BLEIK)
(1 - 100-FELBER)
(1 - 100-CORMACK)
(1 - 100-GIBSON)
(1 - 100-TATE)
(1 - 100-HIRMAN)
(1 - 100-NICHOLAS)
(1 - 100-RUPE)
(1 - 100-RIGGS)
(1 - 100-MORGAN)
(1 - 100-MILLER)
(1 - 100-LEWIS)
(1 - 100-WEISSENBERGER)
(1 - 100-LOUGH)
(1 - 100-ADAMS)
(1 - 100-ARTHERLL)
(1 - 100-CANFORA, ALAN)
(1 - 100-CANFORA, ROSEANN)
(1 - 100-CULLUM)
(1 - 100-GERBETZ)
(1 - 100-ERWIN)
(1 - 100-HAMMOND)
(1 - 100-HARTZLER)

REC-103

129

29

8 FEB 1972

EFX
WFM/LEET
INT. SEC.

UNC/clo
(11)

Pay U.S. Savings Bonds Regularly on the Payroll Savings Plan

Memorandum to Mr. E. S. Miller
Re: [redacted] et Al.
98-46479

On 2/3/72, Clerk of Courts, Portage County, advised that in addition to charges being dismissed against the remaining 20 defendants, charges were also dismissed against Foglesong, supra, and it was anticipated that charges would shortly be dismissed against Shub, supra. The Clerk of Courts added that the court is not aware of any other local charges currently pending against any of the above-referred-to 25 defendants.

All of the above information has been furnished to the Department. The Department has been advised that no further action will be taken by this Bureau concerning this matter unless a specific request for same is received from the Department.

ACTION:

None. Above submitted for information.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio

February 8, 1972

[redacted] 7C

ET AL

Investigation in this matter was initiated as a result of violence which erupted on the campus of Kent State University (KSU), Kent, Ohio, during May 1-4, 1970. This disruption included the destruction by fire of a United States Army Reserve Officers Training Corp (ROTC) building and culminated with the slaying of four KSU students by members of the Ohio National Guard.

As a result of this disruption, on August 3, 1970, former State of Ohio Governor JAMES A. RHODES ordered that a Special Grand Jury be convened to investigate the events. On October 16, 1970, the Special Grand Jury returned indictments against the following 25 individuals who were allegedly involved in the disruptions:

NAME	CHARGE
LARRY SHUB	First Degree Riot
THOMAS FOGLESONG	First Degree Riot
PETER BLEIK	First Degree Riot; Arson
RICHARD FELBER	Attempt to Burn Property; Assault and Striking a Fireman; Interfering with a Fireman at the Scene of the Fire; First Degree Riot
DOUGLAS CORMACK	First Degree Riot; Inciting to Riot; Interfering with a Fireman

129

ENCLOSURE

RE: [redacted] ET AL 7C

RUTH GIBSON	Malicious Destruction of Property; Second Degree Riot
RONALD WEISSENBERGER	First Degree Riot; Second Degree Riot; Inciting to Riot; Interfering with a Fireman
Dr. THOMAS LOUGH	Inciting to Riot
DAVID ADAMS	Second Degree Riot
WILLIAM ARTHRELL	Second Degree Riot
ALAN CANFORA	Second Degree Riot
ROSEANN CANFORA	Second Degree Riot
JOSEPH CULLUM	Second Degree Riot
JOHN GERBETZ	Second Degree Riot
MICHAEL ERWIN	Second Degree Riot
KENNETH HAMMOND	Second Degree Riot
JEFFREY HARTZLER	Second Degree Riot
JOSEPH LEWIS	Second Degree Riot
THOMAS MILLER	Second Degree Riot
CRAIG MORGAN	Second Degree Riot
JAMES RIGGS	Second Degree Riot
JERRY RUPE	First Degree Riot; Arson; Assaulting a Fireman; Interfering with a Fireman
MARY HELEN NICHOLAS	Interfering with a Fireman

RE: [redacted] 7c

CAROL MIRMAN	Warrant never executed, specific charges unknown.
ALLEN TATE	First Degree Riot; Arson

The above individuals were referred to locally as the "Kent 25." Only five of the 25 individuals indicted were tried. FOGLESONG and SHUB entered pleas of guilty. RUPE was found guilty on the charge of interfering with a fireman, and subsequently received a six month sentence to run concurrently with a previous sentence on a narcotics charge. Charges against BLEIK and NICHOLAS were dismissed during their trials.

Two of the 25 defendants were never located and arrested by Portage County authorities. They were MIRMAN, who reportedly went to California, and TATE, who reportedly went to New York.

On December 7, 1971, Special State Prosecutor JOHN HAYWARD asked Common Pleas Judge EDWIN JONES to dismiss charges against the remaining 20 individuals under indictment due to lack of evidence.

On December 29, 1971, [redacted] 7d Portage County, Ravenna, Ohio, advised that on December 23, 1971, Common Pleas Judges EDWIN JONES and ALBERT CARIS signed orders dismissing the charges against the remaining 20 defendants. She noted that the request for dismissal was made by the State prosecutors on December 7, 1971, and that the request reportedly emanated from the office of the Ohio Attorney General WILLIAM BROWN. She added that she is not aware of any other charges by local authorities currently pending against any of the 25 defendants. She further advised that the only individuals who has been sentenced was RUPE and that FOGLESONG and SHUB were expected to be placed on probation.

On February 3, 1972, [redacted] 7d advised that on December 30, 1971, charges against FOGLESONG were also dismissed and that charges against SHUB will probably be

dismissed inasmuch as they both entered pleas of guilty. She reiterated that she is not aware of any other local charges currently pending against any of the 25 defendants.

"This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

UNITED STATES GOVERNMENT

Memorandum

1 - Mr. A. Rosen
1 - Mr. D. J. Dalbey
1 - Mr. C. W. Bates

TO : Mr. E. S. Miller

DATE: 2/24/72

1 - Mr. E. S. Miller
1 - Mr. E. J. McDonough
1 - Mr. R. L. Shackelford
1 - Mr. T. J. McNiff

FROM : R. L. Shackelford

SUBJECT: [redacted] ET AL.;
SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS

Tolson
Felt
Rosen
Miller, E.S.
Callahan
Casper
Conrad
Dalbey
Ponder
Bates
Bankart
Walters
Soyars
Tele. Room
Holmes
Gandy

PURPOSE:

To advise that after local court trials involving five of 25 individuals indicted in connection with 1970 disorders at Kent State University (KSU), local Judges signed orders dismissing charges against remaining 20 defendants.

DETAILS:

Captioned matter relates to this Bureau's investigation of destruction of ROTC Building, KSU, Kent, Ohio, 5/2/70. Concurrently, this Bureau also conducted investigation of incident involving killing of four KSU students 5/4/70 by members of Ohio National Guard. Department did not authorize prosecution in either of above matters, but deferred in favor of local prosecution.

As a result of local grand jury action, 25 individuals were indicted for their participation in activities occurring on KSU campus 5/1-4/70. Each subject was to be given a separate trial, first trial beginning 11/22/71. Since that date, five individuals were tried. Jerry Rupe was found guilty on a charge of interfering with firemen and received a six-month sentence to run concurrently with a previous sentence on a narcotics charge. Larry Shub and Thomas Foglesong pleaded guilty to first degree riot. Charges against Mary Nicholas and Peter Bleik were dismissed during their trials.

On 12/7/71, Special State Prosecutor, State of Ohio, admitting he lacked sufficient evidence to proceed, requested court permission to dismiss all charges against the remaining 20 defendants that had been indicted by local grand jury. On 12/23/71, two Common Pleas Judges, Portage County, Ravenna, Ohio, signed orders dismissing the charges against the remaining 20 defendants.

98-46479
TJM:cae
(8)

REC-19 T30

2 FEB 28 1972

CONTINUED OVER

66 MAR 8 - 1972

UNITED STATES GOVERNMENT

Memorandum

TO : ACTING DIRECTOR, FBI (98-46479) DATE: 5/9/73

FROM : SAC, CLEVELAND (98-2140) (C)

SUBJECT: [redacted]
ET AL
SABOTAGE; SEDITION; DGP;
CIVIL RIGHTS - FEDERALLY
PROTECTED ACTIVITY

(OO: CLEVELAND)

Enclosed herewith for the Bureau are five copies of an LHM concerning a newspaper article about captioned matter.

Enclosed LHM is being submitted for the information of the Bureau and for dissemination to the United States Department of Justice if warranted.

The Cleveland Office does not anticipate making any additional inquiries in this matter, but will keep the Bureau advised of any pertinent developments.

ENCLOSURE

(2) - Bureau (Enc. 5) (RM)
1 - Cleveland (1 enc.)

WHC/gak
(3)

2-AAG-CD-ISS
5/17/73 (ch. D)
RLS
LJB:dmn

REC-12 131

22 MAY 14 1973

EX-103

ENCLOSURE
SIX

211

58 MAY 29 1974

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio
May 9, 1973

70

[redacted]
ET AL

The following newspaper article, which appeared on May 4, 1973 in the "Akron Beacon Journal," a daily newspaper of general distribution in the Akron, Ohio area, reported that United States Representative JOHN SEIBERLING of Akron intends to request that the United States Department of Justice re-examine the 1970 slaying of four students at Kent State University, Kent, Ohio by members of the Ohio National Guard:

ENCLOSURE

1 : 1

Seiberling, To Ask KSU Shooting Quiz

By DAVID HESS
Boston Journal Washington Bureau

WASHINGTON — Complaining of a "double standard of justice," Rep. Seiberling (D) of Akron says he personally will ask newly-named Attorney General Elliot Richardson to reexamine the 1970 Kent State University shootings.

In a telegram to KSU President Glenn A. Olds, Seiberling said he and Sen. Edward Kennedy (D-Mass.) have been trying without success for months "to get the Justice Department to provide a full explanation for its refusal to conduct a Federal grand jury investigation."

THEIR efforts spring from the killing of four and wounding of nine students by Ohio National Guardsmen during a campus disturbance on May 4, 1970.

The President's Commission on Campus Unrest, headed by former Pennsylvania Gov. William Scranton, called the shootings "unnecessary, unwarranted and inexcusable."

Scranton himself urged the Justice Department to convene a grand jury.

But then-Atty. Gen. John Mitchell declined on the ground that his investigators could find no violation of Federal law.

MITCHELL'S successor, Richard Kleindienst, later subscribed to the same position.

Since then, both have resigned and have been implicated in the Watergate scandal.

Seiberling, a former Harvard classmate of Richardson, and Kennedy, who is a personal acquaintance of the new attorney general, conceivably could convince him to take a fresh look at the case.

"Whether we can get anywhere with Richardson or not remains to be seen," Seiberling says. "But Kennedy's chief counsel on the Judiciary subcommittee and I have agreed that we ought to try to approach him on the matter as soon as we can."

FOR A while early last year, Sen. Kennedy was considering holding subcommittee hearings on the Kent State and related cases.

Meanwhile, the parents of four students slain also called on Richardson to convene a jury. The parents sent the telegram to Richardson Thursday night.

KBI [redacted] 76
ET AL

(Mount Clipping in Space Below)

Did he trigger May 4?

Terry-Norman: insolved mystery

(Indicate page, name of newspaper, city and state.)

By Bill Gordon

On May 4, 1970, Terrence Norman, then a 21-year-old KSU student, came to a noon rally on the Commons equipped with a camera, a gas mask, and a .38 caliber pistol.

Minutes after the Ohio National Guard opened fire that day, Norman ran from the scene of the shootings, chased by two university staff members, toward a group of Guardsmen and campus policemen lined up on the site where South Hall used to stand. There the pistol Norman had been waving about was taken away from him and, shortly afterward, Norman was escorted to the campus police station for questioning.

Immediate speculation began that Norman's actions had somehow precipitated the shootings. Three justifications were given to support speculation. First, Guard spokesmen initially claimed that their troops fired only after a sniper fired at them first. Second, a single shot of unknown origin was heard and tape recorded before the troops unleashed their barrage of gunfire. Finally, other than Guardsmen, Norman was the only person on campus that day to have been observed with a gun.

The campus police, however, later put an end to such speculation when they announced that Norman's weapon had not been fired. They also denied Norman's claims that he had been photographing student demonstrators for them. Statements by a former Ohio National Guardsman and a former NBC newsman who witnessed the scene, however, contradict the official explanation of the incident.

In separate interviews, ex-Guardsman Michael Delaney and newsman Fred DeBrine, formerly with WKYC-TV's Akron bureau, gave similar versions of startling comments they attributed to Norman and to a campus policeman after Norman stopped running from Blanket Hill. Delaney and DeBrine both maintained that they heard Norman say: "I had to shoot. They were going to kill me."

Furthermore, they both said that a campus policeman who handled Norman's gun in their presence exclaimed that it had been fired. Delaney quoted the policeman as saying: "My God! The gun's been fired." DeBrine assented, remembering the officer's words as: "My God! He fired four shots. What are we going to do now?"

Patrolman Harold Rice and Detective Tom Kelley were the two K.S.U. officers who handled and examined the weapon at the scene. Both wrote in official K.S.U. police reports about the Norman incident that they opened the cylinder of Norman's gun there and that – in Rice's words – "all of the cartridges were fully loaded."

Norman, whose present whereabouts have eluded newsmen and researchers of the killings – could not be reached for comment. He had claimed to reporters that he had only used his camera that day.

The Justice Department's summary of the F.B.I.'s investigation of the killings states that Norman "was with the Guardsmen most of the time during the confrontation. A few students observed his weapon and claim that he fired it at students just prior to the time the Guardsmen fired. Norman claims that he did not pull his weapon until after the shooting was over and then only when he was attacked by four or five students."

The circumstances surrounding [illegible] killings – and Norman's [illegible] 1970 – have never been definitely explained by any investigative body.

Although he has been described as a surveillance photographer several students and newsmen who covered the campus disorders preceding reporting at on May 2 and May 3, Norman *claimed to have taken photographs* to show the campus police or the F.B.I.

DeBrine, who is now an anchorman at KATV in Little Rock, Arkansas, said that "Norman told me that he took pictures of demonstrators on the college campus" and then turned his pictures over to the F.B.I.

After the shootings, when Norman was asked by a Kent Record-Courier reporter if he was then employed by the K.S.U. police, he replied: "Of course I was working for them."

Former K.S.U. security chief Donald Schwartzmiller and others connected with the police department have said otherwise. In an interview, Schwartzmiller said that on May 4, 1970 after being informed that Norman had been taken into custody – he was surprised to learn that Norman was even on campus. Schwartzmiller also said he was surprised to learn that individuals had seen and talked to Norman on campus May 2 and May 3.

The former police chief said he had ordered the photographer "off campus and not to return" in the spring of 1969 after receiving reports of [illegible] which Norman brought several rifles onto campus. Schwartzmiller said that [illegible] his officers instructions in 1969 that if Norman was "seen on campus again, he was to be arrested for trespassing."

Schwartzmiller said however, that before the 1969 incident was brought to his attention, Norman provided the campus police with photographs of outside radical speakers who addressed campus rallies. Schwartzmiller described the deal the police had with Norman as "a mutual agreement" in which Norman offered to furnish the photographs "for nothing." Schwartzmiller also said that "I didn't see him from the time that I ordered him off campus until the day on May 4."

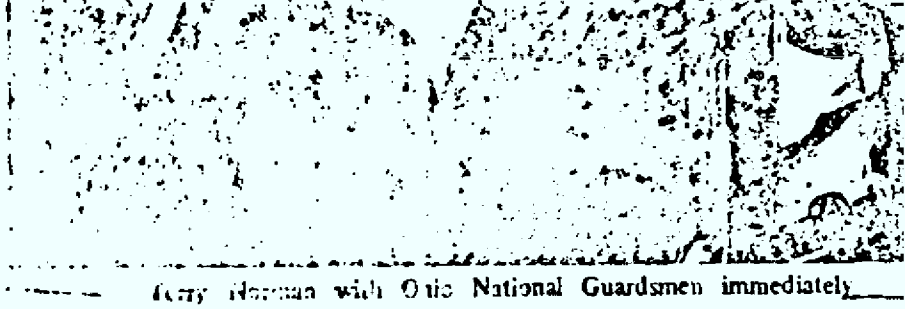
After Norman was taken into custody that day, Schwartzmiller declared: "I had full intentions of arresting him and filing charges for carrying a concealed weapon." But, he explained, he became "so wrapped up with reporters, gathering [illegible] issue credentials to Norman [illegible] but finally relented, [illegible] after another university official intervened on Norman's behalf – the [illegible] time a campus police officer.

The policeman, according to Delaney, told him that Norman had to be given credentials because the photographer was "with the F.B.I." The policeman, Delaney added, clarified that statement under questioning by saying "He's not really with the F.B.I., but he's shooting pictures for them. He's under contract to the F.B.I."

According to three sources, the F.B.I. began its investigation of the May 1970 disorders a day before the shooting – on May 3.

Delaney and DeBrine's reconstruction of the dialogue between Norman and the campus policeman after the shooting, which will appear in conspiracy theorist Peter Davies' forthcoming book on the tragedy, apparently has not been fully reported elsewhere.

Neither Delaney nor DeBrine was contacted by the President's Commission on Campus Unrest. The Commission, which held the only open hearings into the shootings, did not try to determine responsibility for the killings for fear of interfering with future judicial proceedings.



Terry Norman with Ohio National Guardsmen immediately [illegible]

RE: [redacted]
ET AL

7C



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FD-263 (Rev. 1-7-72)

FEDERAL BUREAU OF INVES IGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
CINCINNATI	CLEVELAND	11/19/73	11/8 - 14/73

TITLE OF CASE

KILLING OF FOUR STUDENTS AT KENT STATE UNIVERSITY, KENT, OHIO, MAY 4, 1970; ALLISON KRAUSE; ET AL - VICTIMS

REPORT MADE BY [redacted] TYPE V.

CHARACTER OF CASE

CR

REFERENCE:

Cleveland airtel to Cincinnati 11/5/73.

- RUC -

ADMINISTRATIVE:

All persons interviewed during this investigation were advised that this investigation is being conducted at the specific request of the U. S. Department of Justice, and that any information they furnished could be used in a court of law.

ACCOMPLISHMENTS CLAIMED				NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES		PENDING OVER ONE YEAR ☐ YES ☒ PENDING PROSECUTION OVER SIX MONTHS ☐ YES

APPROVED

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:
6-Bureau (44-45339)
3-Cleveland (44-703)
1-Cincinnati (44-1249)

15 NOV 26 1973

McDONOUGH

LBJ

Dissemination Record of Attached Report

Notations

SIX

DATA-PROC

- A* -

[illegible] PAGE

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to:

Report of: [redacted] Office: CINCINNATI
Date: 11/19/73

Field Office File #: 44-1249 Bureau File #: 44-45339

Title: KILLING OF FOUR STUDENTS AT
KENT STATE UNIVERSITY,
KENT, OHIO, MAY 4, 1970;
ALLISON KRAUSE;
ET AL -
~~CHANGED~~ VICTIMS

Character: CIVIL RIGHTS
~~SUBJECT~~:

Synopsis: The Administrative Assistant, Ohio National Guard (ONG), advised that a roster of all ONG personnel has previously been furnished and that no photographs are available for ONG personnel. Adjutant General, ONG, advised that all "ball-type" ammunition supplied to the ONG was issued by the U. S. Government, and no records maintained as to brands of ammunition maintained. Mrs. [redacted] Ohio, provided photographs of activities at Kent State University (KSU), in May, 1970 as taken by her son, [redacted] Ohio, [redacted] ONG, recalls observing an individual described as a white male, early 20's, blond hair, 5'8", 160 to 170 pounds, being allowed through the ONG lines and saying, "Some students grabbed my camera and began beating me, so I shot him", or words to this effect. This individual, presumed to be TERRY NORMAN by [redacted] produced either a chrome plated or a nickel plated revolver and turned the same over to an individual appearing to be a KSU police officer. Official Sundry Claims Board, Columbus, Ohio, advised that no claims for property damage have been filed as a result of the shootings at KSU. Officers, ONG, advised that all M-I rifles were shipped to the Letterkenny Army Depot, Chambersburg, Pennsylvania in October, 1971. Adjutant General, ONG, requests that all pending and subsequent requests for investigation be in writing.

- RUC -

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U. S. GOVERNMENT PRINTING OFFICE : 1970 O - 406-

CI 44-2149

DETAILS:

AT WORTHINGTON, OHIO

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/15/73

[redacted] Department, Ohio National Guard, (ONG), [redacted] telephone number [redacted] was contacted for the purpose of conducting additional investigation relating to the killing of four Kent State University, (KSU), students at Kent, Ohio, on May 4, 1970.

[redacted] was specifically requested to determine the present or last known whereabouts of ONG personnel who were on the campus of KSU during the period May 1 through 4, 1970, and they were identified as follows:

[redacted]

In response to the above request, [redacted] stated that ONG personnel are represented by Attorney at Law CHARLES BROWN, who has offices at 42 East Gay Street, Columbus, Ohio. He suggested that BROWN be contacted in an attempt to secure the current whereabouts of the above individuals, inasmuch as BROWN would have the most recent address for ONG personnel.

[redacted] was also requested

Interviewed on 11/8/73 at Worthington, Ohio File # 44-1249

by SAs [redacted] Date dictated 11/13/73

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to furnish a roster of all ONG personnel who were eith
in the city of Kent, Ohio, or on the KSU campus from
May 1 through 4, 1970, including the identification of
these individuals and the identification of the weapons
issued to them. [redacted] commented
that it is his belief that this information had
been previously furnished to the Federal Bureau of
Investigation, (FBI), during the investigation conducted
at KSU in May, 1970. He further commented that within
the last two months, the Adjutant General and Major
General DANA L. STUART, had personally furnished this
same information to Departmental Attorneys of the Civil
Rights Division of the United States Department of
Justice and this information was given to these
Attorneys in the office of the Attorney General of Ohio,
at Columbus, Ohio. He further advised that Major
General STUART had been interviewed by these Depart-
mental Attorneys. [redacted] stated
that for these reasons, he would decline to furnish
additional rosters.

[redacted] was further ques-
tioned as to the existence of a handprinted entry
appearing under Item Number 51 of the Duty Officers
Log, Page 4, as compiled by the Headquarters Troop,
Second Squadron, 107th Armored Cavalry, and dated
May 4, 1970. [redacted] advised that
inasmuch as this log was compiled and maintained by
the aforementioned Unit of the ONG located at the
Akron - Canton Airport, Akron, Ohio, this question
could only be resolved by contacting appropriate
military officers assigned to that Unit. He stated
that [redacted] has been succeeded
by [redacted]

[redacted] was also requested
to furnish a physical description of all Lieutenants
present on Taylor Hall Hill at the time of the shootings
on May 4, 1970, including all Lieutenants in Troop
G, of the 107th ARC, Company A, of the 145th Infantry
Regiment, and [redacted] of H Troop, 107th ARC.

In addition he was requested to furnish a physical description of [redacted], 145th Infantry Regiment, and also to identify the particular ONG Unit that was in the vicinity of the Newman Center and Verder Hall, on the campus of KSU, at approximately 10:00 P.M. on May 3, 1970. [redacted] again commented that this information could most readily be obtained from the particular ONG Unit who were assigned to the KSU Campus during the period May 1, through 4, 1970, as previously identified in investigation conducted by the FBI, and which Units are located in the Akron, Ohio, area. He commented that the personnel files including the physical examinations of these ONG personnel would be located within the particular ONG Unit.

In continuing, [redacted] related that no photographs are available of any ONG personnel, as none are required.

AT COLUMBUS, OHIO

FD-302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/15/

CHARLES E. BROWN, Attorney at Law, a partner in the law firm of Crabbe, Brown, Jones, Potts, and Schmidt, which is located in Suite 1400, 42 East Gay Street, was contacted at his office in an effort to determine the current or last known whereabouts of various Ohio National Guard personnel, who were on the campus of Kent State University during the period May 1, through 4, 1970.

Mr. BROWN explained that he has been retained by the office of the Attorney General of the State of Ohio to represent Ohio National Guard personnel and in this way he has appeared for and corresponded with some of the Ohio National Guard personnel, but certainly not all of them. Mr. BROWN consented to make available his correspondence file showing the most recent address of personnel with whom he had corresponded.

An examination of this file identified the most recent address for [redacted] Florida, telephone number [redacted] His previous address was identified as [redacted] Connecticut.

Interviewed on 11/9/73 at Columbus, Ohio File # 44-1249

SA [redacted] 11/13/73

by Date dictated

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FD 302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/15/73

Major General DANA L. STUART, the Adjutant General, Ohio National Guard, returned a telephone call to the Columbus Resident Agency of the Federal Bureau of Investigation, (FBI), in response to a previous telephone call made to the Adjutant General Department for the purpose of contacting Major General STUART.

Major General STUART was advised that in the current investigation concerning the killing of four students at Kent State University, Kent, Ohio, on May 4, 1970, it has been determined that there is a locked metal cabinet maintained in a vault at the Akron, Ohio, Police Department, and is reported to be under the control of the Ohio National Guard. Major General STUART was advised that investigation was being conducted in an effort to identify the type, brand, and caliber of ammunition issued to Ohio National Guard personnel and furthermore that the locked metal cabinet maintained in the Akron, Ohio, Police Department may provide this information.

Major General STUART commented that all "ball-type" ammunition supplied to the Ohio National Guard is issued by Federal sources of the United States Government. He commented that those specific records are maintained as to the brand of ammunition issued to members of the Ohio National Guard.

Major General STUART also advised that prior to providing his authority to examine the locked metal cabinet maintained at the Akron, Ohio, Police Department, for the Ohio National Guard, he is desirous of conferring with the Commanding Officer of the 145th Infantry, responsible for the maintenance of this cabinet.

Interviewed on 11/9/73 at Columbus, Ohio File # 44-1249

by SA [redacted] Date dictated 11/13/73

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CI 44-1249

AT DAYTON, OHIO

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/20/73

[redacted], Dayton Daily News, made available two photographs taken by [redacted] a former student at Kent State University (KSU), at Kent, Ohio, during May, 1970. [redacted] was formerly a part-time reporter for the Dayton Daily News.

The above photographs appeared in the Dayton Daily News immediately following the killing of four students at KSU on May 4, 1970.

An examination at the Photo Laboratory and the Newspaper Morgue at the Dayton Daily News was unable to locate any additional photos taken by [redacted]

On November 10, 1973, the above two photographs were forwarded to the Cleveland Division of the Federal Bureau of Investigation by registered mail.

Interviewed on 11/10/73 at Dayton, Ohio File # 44-1249

by SA [redacted] Date dictated 11/15/73

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AT COLUMBUS, OHIO

FD-302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/15/73

[redacted] Department, Ohio National Guard, advised that the records of that organization revealed the following last known addresses of five Ohio National Guard personnel:

[redacted]

Interviewed on 11/12/73 at Columbus, Ohio File # 44-1249

by SA [redacted] Date dictated 11/13/73

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FD-302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/15/73

[redacted], Ohio State Highway Patrol Headquarters, was contacted in an effort to determine if his organization possessed any information relating to the extent of property damage to automobiles parked in the Prentice Hall parking lot during the shooting of four Kent State University students on May 4, 1970, at Kent, Ohio.

[redacted] commented that he does not specifically recall the extent of property damage to the vehicles that were parked in the Prentice Hall parking lot, but did say that such information would have been included in the investigative report of the Ohio State Highway Patrol (previously furnished to the Federal Bureau of Investigation).

[redacted] suggested that [redacted] of the Ohio State Highway Patrol, who was responsible for the overall investigation of the Patrol Units at Kent State University be contacted for any information he might have in this regard.

Interviewed on 11/12/73 at Columbus, Ohio File # 44-1249

by SA [redacted] Date dictated 11/13/73

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CI 44-1249

AT CLARINGTON, OHIO

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/16/73

[redacted] Ohio, advised that her son, [redacted] presently residing Kent, Ohio, authorized her to furnish eleven colored photographs of various scenes and activities taken at Kent State in May, 1970. [redacted] furnished these eleven colored photographs but requested that they be returned.

[redacted] was advised that these photographs could be used as evidenciary material in a court of law.

Interviewed on 11/12/73 at Clarington, Ohio File # 44-1249

by SA [redacted] Date dictated 11/16/73

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CI 44-1249

AT MT. VERNON, OHIO

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/15/73

[redacted] was contacted at his place of employment, [redacted], telephone number [redacted]. He was advised of the identity of the interviewing Agent and that information was desired of him regarding his recollections of any events which had occurred on or about May 4, 1970, at Kent State University (KSU), Kent, Ohio.

[redacted] noted that he would be desirous of furnishing such information, however, he desired to do so in the presence of his attorney. He noted that in view of various lawsuits regarding this matter, he desired that his attorney be present during his furnishing such information.

The following information was thereafter volunteered by [redacted] in the presence of his attorney, [redacted] at [redacted], Ohio:

He is currently a [redacted] in the Ohio National Guard (ONG) and is assigned to [redacted]y, ONG, Wooster, Ohio, and has been a member of that organization for about six (6) years. On May 2, 1970, his unit was called to active duty at KSU, Kent, Ohio, in regard to some disturbances at that place. His unit and he were at that place through May 5 or 6, 1970.

At about 11:00 A.M., Monday, May 4, 1970, he was placed in charge of a security element of some eleven to thirteen troops, guarding some ONG vehicles containing radio equipment, which were parked near the previously burned Reserve Officers Training Corps (ROTC) building on the KSU campus. His troops were in a semi-circular formation, about twenty yards from the ROTC building, facing the hill on which the college's Taylor Hall was located. At about 12:00 noon, or shortly thereafter, about sixty other ONG troops formed near his location and thereafter went up the hill, disappearing from his sight on the other side of the hill. They were out of his sight for about fifteen to thirty minutes. He then observed a few of these troops reappear on the crest of the

Interviewed on 11/12/73 at Mt. Vernon, Ohio File # CV 44-703 CI 44-1249

SA [redacted] by _____ Date dictated 11/13/73

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hill. He then heard what sounded like gunfire, although he did not observe any shots being fired.

At about this time, the previously mentioned ONG troops came back over the crest of the hill and proceeded back down behind his security group. A few minutes thereafter, he observed some two to four individuals, who he believes were students, run down from the crest of the hill towards his position. He is unable to further describe these persons, but he could see that they were shouting something. As they reached a point about ten to twenty meters from his position, he was able to understand that they were shouting, "Stop him, he shot somebody", or possibly, "he killed somebody", or words to that effect.

He was standing on the left end of his line of troops. He then looked to his right, where he saw an individual, whom he recalls as being a white male, early twenties, about 5'8" tall, 160 to 170 pounds, blond hair, not long, wearing slacks and a jacket, colors unrecalled, and a white shirt, talking to one of his troops. As he moved in that direction, he observed that this individual had displayed something to the trooper, which he was later told was a press credential. This individual was then allowed through the ONG lines.

[redacted] continued that he had walked towards this individual who had been allowed through the line, however, before he reached him, he observed this individual being stopped by two persons who he assumed were KSU Security Police, as well as some two or three ONG officers. The individuals who he assumed to be Security Police were dressed in shirt sleeves, ties and trousers. He noted that he could not further describe these two persons and doubts if he would recognize them if he were to see them again.

As he neared this group, which was standing in a semi-circle about ten yards behind his security troops, he overheard the individual who had been allowed through his troops' lines say words to the effect that "Some students grabbed my camera and started beating me, and I shot him." [redacted] noted that he could not recall the exact words. He then saw this individual reach under his coat, and thinking he might be reaching for a weapon, he, [redacted] said "easy", and readied his rifle.

The individual slowly pulled a revolver from beneath his jacket, which was taken by one of the plainclothes individuals previously mentioned. He observed this person flip the cylinder open on the weapon, which he thinks opened to the right. As the cylinder was opened, the individual stepped to the side, and said, "There are two spent cartridges", or words to that effect. He noted that he did not see the cartridges himself, as he was not close enough to the individual to make out details regarding the weapon.

The two plainclothesmen then led the individual who had produced the gun away, and he has never seen any of these persons again.

[redacted] added that he recalls the gun as being a snub-nosed revolver, which was nickel or chrome plated. He noted that he owns a snub-nose .38 caliber Colt revolver, and this weapon appeared to be about the same size as his.

He noted that the next day, he saw an article which had appeared in the Akron, Ohio "Beacon-Journal" newspaper, which indicated that the person who had the revolver was named TERRY NORMAN. He noted that he does not know this individual personally, although he has seen several newspaper articles in which NORMAN was mentioned with regards to the events at KSU on May 4, 1970.

[redacted] continued that the ONG trooper who had allowed the individual through the line was named [redacted] (phonetic), who was released from the ONG shortly after these events due to the expiration of his enlistment. He noted that [redacted] lives somewhere near Wooster, Ohio.

He also noted that he does not desire to furnish the names of other members of the ONG who were present during the above events, as he has discussed this matter with them, and they have requested that he not do so in view of current lawsuits in which some of them have been named as principals. He noted that all officers of the ONG who were present at KSU in May, 1970, were named in various lawsuits which have been filed in regard to this matter. He noted that inasmuch as he has promised these persons that he would not involve them, he does not desire to do so at this time, noting that their names would be available from other sources, including the ONG Armory at

Wooster, Ohio. He noted, however, that he would furnish such names if called to testify before a grand jury or similar event. He also noted that the great majority of these persons were previously interviewed by the Federal Bureau of Investigation (FBI) in 1970 regarding this matter. However, these persons did not volunteer any information, as they had been instructed, apparently by the ONG, to only answer specific questions that were asked and not to volunteer any information.

He also noted that the Company Commander of his ONG company at the time of the above events was [redacted] who resides near Wooster, Ohio. [redacted] is now assigned to the headquarters of the ONG in Columbus, Ohio, although he still resides near Wooster. He noted that [redacted] could provide the names of persons present during the above events. He noted that he does not recall if [redacted] was present during these events or not. He noted that he does not know [redacted] home address, however, the ONG Armory at Wooster could provide it. He also noted that he had turned in a written statement regarding his seeing the gun recovered from the individual to [redacted] the same day (May 4, 1970) that these events occurred. This statement was made part of an ONG report regarding this matter. [redacted] furnished a xerox copy of this statement, which reads as follows:

[redacted] observed
May 4, 1970 the following; A number of peo
running down the hill yelling "stop that gu
he shot someone". I glanced to my left a
saw a young man showing a press pass to a
guardsmen and passing him. I noticed two
him also with a number of other people.
He was stopped 10 yds behind our line
on 5 people. a plain clothes official looki
him and was asking him questions, the
the young man say: "a student grabbed
camera and started to beat me up —
shot him" — He then reached into
his jacket a removed a silver colored
pistol which was taken from him and
was led away. He was a short blonde
haired guy wearing slacks, white shirt, jacket
had a camera around his neck.

[redacted]

He also noted that during the past summer of 1973, he also furnished a more detailed statement regarding his recollections of these events to a [redacted] of the ONG Judge Advocate General's Office. He noted that [redacted] is located in Columbus, Ohio.

[redacted] also noted that in the summer of 1970, investigators from the Ohio State Highway Patrol (OSHP) were at Camp Perry, Ohio, while his ONG unit was at firearms training. These investigators were conducting the investigation regarding the KSU matter for the state. He asked one of these persons, name unknown, regarding TERRY NORMAN. This person told him that NORMAN had been working for another law enforcement agency, and would not be prosecuted.

He also advised that an ONG Sergeant, name unknown, had been in charge of giving out press credentials at KSU in May, 1970. He noted that this person, name not known to him, is assigned to Headquarters Company, First Battalion, 145th Infantry, ONG, Akron, Ohio. He noted that this Sergeant should be able to furnish information regarding press credentials issued. [redacted] also noted that he heard from an unrecalled source that TERRY NORMAN had been granted press credentials because he claimed to be working for the FBI. He noted that he has no personal knowledge of this information.

[redacted] noted that he has directed correspondence to various persons inquiring regarding what action is to be taken, if any, regarding TERRY NORMAN. He noted that such correspondence was directed to the United States Department of Justice, the Ohio Attorney General, and several United States Senators. He noted that one of the replies received by him in response to these communications was a letter dated September 21, 1970, from PAUL W. BROWN, Attorney General, State of Ohio, which advised as follows:

PAUL W. BROWN
ATTORNEY GENERAL

CHARLES S. LOPEMAN
FIRST ASSISTANT ATTORNEY GENERAL

SHELBY V. HUTCHINS
CHIEF COUNSEL

OFFICE OF THE ATTORNEY GENER

STATE OF OHIO
COLUMBUS 43215

September 21, 197

[redacted]

Dear Mr [redacted]

I have checked out your information and it appears to be correct except for the fact that men from my Bureau of Criminal Identification and Investigation who are ballistics experts examined Mr. Norman's gun after it was taken away from him and found that it had not been fired. No witnesses other than yourself claims to have heard Mr. Norman say that he had fired his weapon. All of the details except for your testimony will be heard by the current Grand Jury in Kent. I have sent your letter to Mr. Balyeat in the event he wishes to call you. Thank you for writing to me.

Yours very truly,

PAUL W. BROWN,
Attorney General

PWB:hg
CC: Robert L. Balyeat

[redacted] also noted that he now resides at [redacted], Ohio, home telephone number [redacted] He also indicated that he did not desire to furnish a signed statement regarding the above at this time. He noted that as previously stated, he has furnished signed statements to the ONG regarding this information.

[redacted] is a white male, born [redacted] at [redacted] Ohio, [redacted] in height, weighing [redacted] pounds, and [redacted] He has no obvious physical handicaps which would impair his ability to recall events or to be a witness. [redacted] was advised that information furnished by him in this matter might be used in court, or become subject to testimony in judicial proceedings.

CI 44-1249

AT COLUMBUS, OHIO

FD-302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

[redacted] was contacted in an effort to determine whether or not he was in the possession of the exact extent of property damage to automobiles that were parked in the Prentice Hall parking lot during the shootings of four Kent State University students at Kent, Ohio, on May 4, 1970.

[redacted] recalled that there were probably four vehicles which had property damage as a result of the shootings. He stated that the investigation concerning the damage to these vehicles would have been included in the investigative report of the Ohio State Highway Patrol which has previously been furnished in this investigation.

[redacted] remarked that if any claims for property damage had been filed such claims would have been filed with the Kent State Unnversity Police at Kent, Ohio.

Interviewed on 11/12/73 at Columbus, Ohio File # 44-1249

by SA [redacted] Date dictated 11/13/73

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CI 44-1249

AT NEWARK, OHIO

FD 302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/15/73

[redacted] Ohio National Guard, Newark, Ohio, furnished the following information:

He stated that to his knowledge, there are no M-1 Rifles stored at the Ohio National Guard in Newark, Ohio.

He telephonically contacted [redacted], Worthington, Ohio, telephone number [redacted] and the interviewing Agent spoke with [redacted] on the telephone.

[redacted] advised that during the period from March, 1971 until September, 1971, that there were 12,096 weapons which included M-1 Rifles, declared as excess, and were shipped during this period to the arsenals at Rock Island, Illinois, or Letterkenny, Pennsylvania.

He stated that after these weapons were shipped received by the arsenals that they were either destroyed or sold as surplus. He stated that he would have to conduct a search by Serial Number of the weapons to determine to which arsenal they were sent.

Interviewed on 11/12/73 at Newark, Ohio File # 44-1249

by SA [redacted] Date dictated

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CI 44-1249

AT COLUMBUS, OHIO

FD-302 (REV. 7-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/15/73

Mr. JOEL TAYLOR, President, Sundry Claims Board, State of Ohio, 62 East Broad Street, telephone number 466-3848, advised that any claims filed against the State of Ohio as a result of property damage inflicted on automobiles at Kent State University during the shootings on May 4, 1970, would have been filed through his office. He stated that he had no knowledge of any claims being filed against the State of Ohio and the only claims filed have been claims for the recovery of Attorneys fees for defending Ohio National Guardsman who participated in crowd control during the hearings of the President's Commission and the Portage County, Ohio, Grand Jury.

Interviewed on 11/13/73 at Columbus, Ohio File # 44-1249

by SA [redacted] Date dictated 11/14/73

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CI 44-1249

AT WORTHINGTON, OHIO

FD-302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription

[redacted] National Guard, advised that the records of his office show that the Ohio National Guard shipped via Roadway Express, all of the M-I Rifles, totalling 12,906 rifles to the Letterkenny Army Depot located in Chambersburg, Pennsylvania, in approximately October, 1971.

[redacted] continued that all of the Units of the Ohio National Guard turned their weapons into the State National Guard Headquarters during the period of March, through September, 1971.

[redacted] continued that the M-I Rifles were shipped in boxes of ten to twenty weapons with the Serial Numbers stenciled on the outside of the boxes. He commented that there were no numerical sequence to the boxes and the Ohio National Guard has no record of when individual weapons were shipped. He also advised that the weapons were shipped by Government Bill of Ladings and were shipped in three different shipments.

In ending, [redacted] stated that the M-I Rifles had been replaced by M-14 and furthermore, that the Ohio National Guard maintains records for only three fiscal years and there is no way to check Serial Numbers of weapons issued to individual Guardsmen.

Interviewed on 11/13/73 at Worthington, Ohio File # 44-1249

by SA [redacted] Date dictated 11/14/73

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and its contents are not to be distributed outside your agency.

AT COLUMBUS, OHIO

FD 302 (REV. 11-27-70)

1

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/15/73

Major General DANA L. STUART, the Adjutant General of Ohio, Ohio National Guard, telephonically advised that all pending and subsequent requests for investigation concerning the killing of four Kent State University students at Kent, Ohio, on May 4, 1970, as it relates to the Ohio National Guard and its personnel will have to be in writing. General STUART stated that upon receipt of the specific written request he will make the request available to Attorney CHARLES BROWN, Special Counsel, retained by the Attorney General for the State of Ohio to represent Ohio National Guard personnel. Upon examination of the written request by Attorney BROWN, a determination will be made as to compliance with the request for investigation.

Interviewed on 11/14/73 at Columbus, Ohio File # 44-1249

SA [redacted] 11/14/73

by Date dictated

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency. It and its contents are not to be distributed outside your agency.

34*

-8-

FD-36 (Rev. 5-2-64)

Vol 45

FBI

Date: 10/18/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703) (P)

RE: KENFOUR

Enclosed for the Bureau are two copies each and for PG one copy each of two articles appearing in the 10/17/74 editions of "The Cleveland Press" and "The Plain Dealer" respectively, both of which are daily newspapers of general circulation in Northern Ohio. "The Plain Dealer" article is entitled "Agent denies calling guard FBI's target", and "The Cleveland Press" article is entitled "Battisti's ruling vital in Kent State case".

Also enclosed for the Bureau are two copies and for PG one copy of an article appearing in the 10/16/74 edition of the "Akron Beacon Journal", an Akron, Ohio, daily newspaper, entitled "FBI: Didn't Tell Guardsmen They Didn't Need Attorneys", wherein mention is made of questioning by defense counsel of Cleveland SA's DAVE J. COOK and THOMAS J. MURPHY, wherein each denied that he placed his service weapon on a table during the questioning of defendant MATHEW J. MC MANUS.

REC-18 REC-13 44-45339-782

EX 104

In the enclosed Cleveland newspaper articles, several allegations are attributed to SA ROBERT L. BURTON of the PG Office relating to alleged conversations that BURTON had with a National Guard officer. These allegations emanated from cross examination questioning by defense counsel C. D. LAMBROS who is representing several of the National Guard defendants.

2-Bureau (Enc. 6) (RM)
1-Pittsburgh (Enc. 3) (RM)
2-Cleveland

MVH:jac
(5)

1 OCT 21 1974

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

54 OCT 29 1974

GPO : 1970 O - 402-735

Inasmuch as SA's COOK, MURPHY, and BURTON have each emphatically denied under oath the allegations attributed to them in the hearing in U.S. District Court, CV, Ohio, and inasmuch as the court record confirms the respective denials, no further action is being taken.

(Mount Clipping in Space Below)

FBI: Didn't Tell Guardsmen They Didn't Need Attorneys

By JOHN M. DUNPHY
Beacon Journal Staff Writer

CLEVELAND — Two FBI agents involved in the questioning of Ohio National Guardsmen in 1970 denied Tuesday they told one of the Guardsmen he didn't need an attorney after he reportedly requested one.

Special agents John J. Brennan and Gary Harmon both denied they told former Guardsman Lawrence Shafer of Ravenna he didn't need an attorney present to witness the questioning.

Shafer's attorney, Bernard Stuplinski, said he is prepared to put Shafer on the witness stand to testify that he requested an attorney and was told he didn't need one.

BRENNAN and Harmon were among nine FBI agents called to testify in Federal Court Tuesday in pre-trial hearings to determine whether the FBI statements will be admitted into evidence at the trial scheduled to start Monday.

Shafer and seven other former Guardsmen were indicted on Federal civil rights charges in connection with the May 4, 1970, shootings on the Kent State campus.

Brennan, a 20-year veteran FBI agent, and Harmon, employed by the bureau since 1969, questioned Shafer for three hours on May 7, 1970, three days after four students were killed and nine wounded by Guard gunfire.

BOTH AGENTS testified they supplied Shafer with a waiver form outlining his constitutional rights to silence and having a lawyer present during questioning.

The agents testified Shafer read the form and signed it.

Here is how the FBI reported Shafer reacted during the shooting.

Sergeant 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. His weapon failed to eject and he had to eject the casing manually. He then saw a male with bushy, sandy hair, in a blue shirt advancing on him and making an obscene gesture (giving the finger). This man had nothing in his hands. When this man was 25-35 feet away, Shafer shot him. He then fired three more times in the air."

BRENNAN said he told Shafer the purpose of the FBI investigation was to determine if possible civil rights violations were committed and that Shafer might become a possible defendant in future prosecutions.

He also testified Shafer commented he wanted to "cooperate with us."

Stuplinski then asked Brennan the following questions:

Q—Do you deny Shafer asked for an attorney.

A—I deny that.

Q — Do you deny that either you or your partner (Harmon) told Shafer that whatever he said wouldn't go beyond that room and you were just trying to please some people and get the investigation over with?

A — I deny that.

Harmon denied the same set of questions and also denied the agents took Shafer from the interrogation room to view the shooting scene before returning to the room to answer further questions.

Shafer is the only Guardsman identified so far who allowed agent Harmon to prepare a written statement outlining his activities at the time of the shooting.

HARMON testified that the only portion of the statement written by Shafer was the last paragraph in which Shafer acknowledged the information written by Harmon was correct.

Harmon testified that Shafer signed the statement freely.

In other questioning from Guard defense lawyers, special agents Dave Cook, of Youngstown, and Thomas J. Murphy, of Canton, both denied they laid their service weapons on the table during the questioning of former Guardsmen Mathew J. McManus.

Stuplinski, who also represents McManus, said his client is prepared to testify the agents laid their weapons on the table during his questioning on May 6, 1970.

Both Cook and Murphy testified that McManus was presented a waiver form and signed it before questioning began.

(Indicate page, name of newspaper, city, and state.)
PAGE B 8
AKRON BEACON JOURNAL
AKRON, OHIO

Date: 10-16-74
Edition:
Author: JOHN M. DUNPHY
Editor: MARK ETHRIDGE JR
Title: KENFOUR

Character: CIVIL RIGHTS
or
Classification: 44
Submitting Office: CLEVELAND

☐ Being Investigated

44-703

FD-350 (Rev. 7-16-63)

(Mount Clipping In Space Below)

Agent denies calling guard FBI's target

By Christine J. Jindra

FBI agent Robert L. Burton testified yesterday in U.S. District Court that he did not recall telling an Ohio National Guard officer shortly after the May 1970 shootings at Kent State University that the FBI was out to get the guard.

Burton made the denial yesterday during a hearing on a motion to suppress statements the eight former guardsmen indicted in the shootings made to the FBI, the State Highway Patrol and the Portage County Grand Jury.

In mid-May of 1970 Burton asked guardsmen to try to identify themselves and other guardsmen in a photograph printed in Life magazine.

He said none of the guardsmen he questioned ever asked if they should have a lawyer present and that those questioned, including five of those indicted, had signed forms waiving their right to counsel and protection from self-incrimination.

Burton was among six FBI agents who testified yesterday that they advised guardsmen of their rights before questioning them. The ex-guardsmen are expected to contradict the FBI agents when they take the stand today.

Defense lawyers are trying to show that the only way FBI agents knew whom to question is because they had access to guard records.

These records, which contain statements the guardsmen made shortly after the shooting, have been ruled inadmissible at the trial because the guardsmen were not advised of their legal rights before they gave the statements.

Defense lawyers contend the ex-guardsmen talked to the FBI and highway patrol only because they were under orders to cooperate with law enforcement agencies investigating the incident.

None of the 15 FBI agents who have testified during the hearing said which guardsmen had acknowledged firing into the crowd of students.

Nor would the agents say that guard officials had furnished the names of those who shot. Under oath, the agents said they did not know or could not recall who told them to interview the eight defendants.

The eight are scheduled to go on trial Monday in the courtroom of Chief Judge Frank J. Battisti on charges that they violated the civil rights of students, including the four killed and nine injured May 4, 1970.

(Indicate page, name of newspaper, city and state.)

Pg. 7-A
The Plain Dealer
Cleveland, Ohio

Date: 10-17-74
Edition: Final
Author: Christine Jindra
Editor: Thomas Vail
Title: Kenfour

Character: or
Classification: Civil Rights
Submitting Office: Cleveland

☐ Being Investigated

CV 44-703

FD-350 (Rev. 7-16-63)

(Mount Clipping In Space Below)

Battisti's ruling vital in Kent State case

By JIM DUDAS

The most crucial decision in the case against eight men accused of the 1970 Kent State University shootings may be made before their trial even begins on Monday.

Chief Judge Frank J. Battisti must decide whether statements made by the defendants after the shooting should be allowed as evidence.

He has already ruled that written statements they made immediately after the shootings were inadmissable because the men were not advised of their constitutional rights. They were ordered to make those statements by their superior officers.

The statements now in question are those the national guardsmen made to FBI agents and members of the Ohio Highway patrol days after the incident that left four dead and 13 wounded.

Justice Department lawyers, through a parade of FBI agents and highway patrolmen to the witness stand, are attempting to show Battisti that the men were advised of their rights and understood the consequences of their statements.

It is generally believed that if Battisti does not allow the statements as evidence the case against the men will be drastically diluted.

Yesterday Robert Murphy, Justice Department lawyer, brought five members of the FBI and four members of the highway patrol to the stand. Each of them testified that they assured the guardsmen of their rights before questioning them.

However, not all the guardsmen signed cards stating that they understood their rights.

Those rights include having a lawyer present during questioning and refusing to answer questions.

There have been charges by defense lawyers that FBI agents told guardsmen their statements "would not leave the room."

Lawyer C. D. Lambros charged indirectly that FBI Agent Robert L. Burton told a national guard general that he (Burton) was ashamed of what the FBI was doing and that it was out to get the guardsmen and not the rioters."

(Indicate page, name of newspaper, city and state.)
Pg. F-7
The Cleveland Press
Cleveland, Ohio

Date: 10-17-74
Edition: Final
Author: Jim Dudas
Editor: Thomas Boardman
Title: Kenfour

Character:
or Civil Rights
Classification:
Submitting Office: Cleveland

☐ Being Investigated

CV 44-703

Lambros also asked if Burton, in referring to his statements to the general had ever said that if his statements got back to the FBI he (Burton) would be fired.

Burton emphatically denied the allegations.

During the proceedings the eight defendants sat in the jury box intently listening to the proceedings.

Next week jurors will sit in those same seats and decide whether the guardsmen violated the rights of students on May 4, 1970.

FD-350 (Rev. 7-16-63)

(Mount Clipping in Space Below)

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(Indicate page, name of newspaper, city and state.)
Pg. F-7
The Cleveland Press
Cleveland, Ohio

Date: 10-17-74
Edition: Final
Author: Jim Dudas
Editor: Thomas Boardman
Title: Kenfour

Character:
or Civil Rights
Classification:
Submitting Office: Cleveland

☐ Being Investigated

CV 44-703

ATTENTION

DUE TO ORIGINALITY OF ENCLOSURES - WE XEROXED COPIES OF THEM AND USED FOR CIVIL RIGHTS Division's FILE COPY & OWN CRU-(Liddell) -

Cof - 10/22/74

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 1 1974

NR 007 CV CODE

7:53 PM NITEL 10/23/74 RJB TELETYPE

TO: DIRECTOR (44-45339)

FROM: CLEVELAND (44-703) (P)

KENFOUR.

RE CLEVELAND NITEL TO BUREAU, OCT. 18, 1974.

FOR INFORMATION OF BUREAU, PROCEEDINGS IN UNITED STATES DISTRICT COURT, CLEVELAND, OHIO, ARE STILL CONCERNED WITH JURY SELECTION AND IT IS NOT EXPECTED THAT WITNESS TESTIMONY WILL BE ENTERED THIS WEEK.

HORACE HEAFNER OF THE EXHIBIT SECTION HAS CONCLUDED HIS CONFERENCES WITH ROBERT A. MURPHY ALONG WITH ADDITIONS TO PERTINENT VISUAL AIDS WHICH INCLUDED ON-THE-SCENE MEASUREMENTS AT KENT STATE UNIVERSITY, KENT, OHIO. MURPHY HAS ADVISED THAT HEAFNER'S TESTIMONY WILL NOT BE NEEDED UNTIL TUESDAY, OCT. 29, 1974. HOWEVER, MURPHY REQUESTED THAT HEAFNER CONFER WITH HIM ON THE AFTERNOON OF MONDAY, OCT. 28, 1974.

REC-16 44-45339-703

EX-117

ACCORDINGLY, HORACE HEAFNER WILL RETURN TO BUREAU HEADQUARTERS AFTERNOON OF OCT. 23, 1974 AND SHOULD EXPECT

OCT 29 1974

MR. HEAFNER
Aware.

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO RETURN TO CLEVELAND ON LATE AFTERNOON OF OCT. 28, 1974.

BUREAU WILL BE ADVISED OF ANY SUBSEQUENT PERTINENT DEVELOPMENTS.

END

HOLD

0-70 (Rev. 3-25-72)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

Memorandum

File 44

TO : Assistant Attorney General
CIVIL RIGHTS DIVISION

DATE: 10/29/74

FROM : Director, FBI

SUBJECT: KILLING OF FOUR STUDENTS AT KENT UNIVERSITY,
KENT, OHIO;
MAY 4, 1970;
ALLISON KRAUSE, ET AL - VICTIMS
CR

Reference is made to _____ memorandum dated _____
(your file _____).

There is enclosed one copy of the report of Special Agent _____
dated _____ at _____.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. Note:
Also enclosed are 1 copy each of 2 LHM's dated 10/21/74 entitled "KILLING OF FOUR STUDENTS AT KENT STATE UNIVERSITY, KENT, OHIO, MAY 4, 1970, ALLISON KRAUSE; ET AL - VICTIMS"; at Cleveland, Ohio.

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
Asst. Dir.:	
Admin.	✓
Comp. Syst.	
Ext. Affairs	✓
Files & Com.	
Gen. Inv.	✓
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Spec. Inv.	
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Legal Coun.	
Telephone Rm.	
Director Sec'y	

NR 001 CV CODE

2:15 PM URGENT 11/5/74 RJB JPS

TO: DIRECTOR (44-45339)

ALBANY

ATLANTA

CHICAGO

FROM: CLEVELAND (44-703)

KENFOUR.

RE CLEVELAND NITEL, NOVEMBER 4, 1974.

ROBERT A. MURPHY, DEPARTMENTAL ATTORNEY IN CHARGE OF PROSECUTION OF TRIAL IN CAPTIONED MATTER, REQUESTED SPECIAL AGENTS [redacted] ALBANY, [redacted] ATLANTA, AND [redacted] CHICAGO BE AVAILABLE TO TESTIFY IN USDC, CLEVELAND, OHIO, ON WEDNESDAY, NOVEMBER 6, 1974. RESPECTIVE AGENTS SHOULD EXPEDITIOUSLY PROCEED TO CLEVELAND.

FOR INFO OF BUREAU, MURPHY OR HIS ASSISTANTS HAVE BEEN IN TELEPHONIC CONTACTS WHITH FBI LAB SPECIAL AGENTS [redacted] AND [redacted] RE THEIR TESTIFYING IN THIS MATTER.

END

JTG FBIHQ CLR

REC-72 44-45339-786

21 NOV 7 1974

CC: LABORATORY

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 1 1974

TELETYPE

NR 19 PH PLAIN

645 PM NITEL NOV. 1, 1974 DCC

TO DIRECTOR (44-45339)

CLEVELAND (44-703)

FROM PHILADELPHIA (44-1790)

KENFOUR

Assoc. Dir.	
Dep.-A.D.-Adm.	
Dep.-A.D.-Inv.	
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Telephone Rm.	
Director Sec'y	

RE PH LET TO BUREAU, AUG. 8, 1974, WITH ENCLOSED MEMOS.

ON NOV. 1, 1974, ANN ROWLAND, LAW CLERK, KAHN-KLEINMAN LAW FIRM, CLEVELAND, OHIO, TELEPHONICALLY CONTACTED SA ROBERT T. DAULL AND ADVISED THAT HE WILL BE SUBPOENAED AS A WITNESS FOR THE DEFENSE IN THE KENT STATE TRIAL. ST 113 REC-56 44-45339-

ROWLAND ADVISED THAT SA DAULL WOULD APPEAR ON OR ABOUT NOV. 25, 1974, HOWEVER, A DEFINITE DATE WILL BE ESTABLISHED WITHIN THE NEXT TWO WEEKS. ROWLAND FURTHER STATED SA DAULL'S TRANSPORTATION EXPENSES WILL BE BORNE BY KAHN-KLEINMAN AND IN ADDITION, HE WILL RECEIVE 20 DOLLARS PER DAY.

IT IS ASSUMED SA DAULL WILL TESTIFY AFTER SUBPOENA HAS BEEN 21 NOV 7 1974 SERVED.

END

Tc
2 Cintels PH
Sacco
11/5/74

AIRTEL

11/5/74

To: SACs, Cleveland (44-703)
Philadelphia (44-1790)

From: Director, FBI (44-45339) REC-56

1 - Mr. Boyd

KENFOUR

EA-101

RePHnitel 11/1/74.

CV, at earliest opportunity, discuss with Departmental Attorney Robert Murphy or one of his staff, the possibility of SA [redacted] being subpoenaed as a witness for the defense as set out in retel. Obtain Murphy's views and advise the Bureau.

The Bureau should be immediately notified when Daull is actually subpoenaed, along with any other specifics known concerning desired testimony.

JJB:bap (6)

MAILED 7
NOV 5 1974
FBI

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
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Director Sec'y ___

NOV 13 1974

MAIL ROOM ☐ TELETYPE UNIT ☐

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Telephone Rm. ____
Director Sec'y ____

NR 03 CV CODE

2:4 AM NITEL OCTOBER 26, 1974 SLO

TO: DIRECTOR (44-45339)

FROM: CLEVELAND (44-703)

KENFOM.

ROBERT A. MURPHY, CIVIL RIGHTS DIVISION, U.S. DEPARTMENT OF JUSTICE, CURRENTLY IN CLEVELAND, OHIO, ADVISED THAT HE DESIRES TO TRACE THE CHAIN OF CUSTODY RE THE ORIGINAL TAPE RECORDING MADE AT KENT STATE UNIVERSITY (KSU) ON MAY 4, 1970 BY [redacted] WHICH HAS BEEN IDENTIFIED AS Q-153, INCLUDING THE PERIOD THAT THE ORIGINAL RECORDING WAS OBTAINED FROM THE OFFICE OF THE ATTORNEY GENERAL, COLUMBUS, OHIO, AND THEREAFTER FORWARDED TO THE BUREAU.

MURPHY NOTED THAT SOMETIME AROUND AUG., 1973, AT THE INSTRUCTION OF JOHN HOYLE AND PAUL LAWRENCE OF HIS DIVISION, WHILE IN COLUMBUS, OHIO, ONE OR TWO BOXES OF EVIDENCE WERE FORWARDED TO THE BUREAU ALONG WITH AN INVENTORY OF THE CONTENTS OF THE BOX(ES). MURPHY BELIEVES THAT AFTER THE ORIGINAL RECORDING WAS FORWARDED TO THE BUREAU, IT WAS OBTAINED AT BUREAU HEADQUARTERS BY EITHER HOYLE, LAWRENCE,

REC-67

OR HIMSELF AND THEREAFTER HAND CARRIED BY ONE OF THEM TO CLEVELAND FOR USE DURING FEDERAL GRAND JURY, DECEMBER, 1973 TO JANUARY, 1974.

ACCORDINGLY, THE BUREAU IS REQUESTED TO ADVISE RE THE CONTENTS OF ANY INVENTORY PARTICULARY AND NOTATIONS AS TO THE RECEIPT AND/OR DISPOSITION OF THE ORIGINAL [redacted] TAPE RECORDING. IT IS NOTED THE DISPOSITION OF THE ORIGINAL RECORDING IS GENERALLY ACCOUNTED FOR AFTER ITS USE DURING THE GRAND JURY. 7C

ALSO, FOR INFO OF BUREAU, TRIAL IN THIS MATTER WILL COMMENCE OCTOBER 29, 1974, WITH TESTIMONY OF HORACE HEAFNER OF THE EXHIBITS SECTION, ADMINISTRATIVE DIVISION, SCHEDULED FOR OCTOBER 31, 1974. IT WILL BE NECESSARY FOR HEAFNER TO TRAVEL TO CLEVELAND FOR CONFERENCE WITH MURPHY DURING LATE AFTERNOON OF WEDNESDAY, OCTOBER 30, 1974. advise 10/29 Epm

END

HOLD

E.J. MACDONOUGH, DIV 6 -
ADVISED 11/5/74 TIM
CV HAS BEEN [illegible]
ADVISED RE CUSTODY DETAILS
OF QNSS RECORDING. NO FOLLOW
ACTION NECESSARY. [illegible]
7/DR

AIRTEL

11/4/74

To: SAC, Cleveland (44-703)

From: Director, FBI (44-45339) 1 - Mr. Boyd

KENFOUR

ReCVtelcall 11/4/74.

Enclosed herewith is 1 copy for completion of your file of a Bureau O-70 (F) memorandum dated 10/23/73, a copy of a Civil Rights Division memorandum dated 9/20/73, and a receipt dated 7/12/74, signed by Departmental Attorney Paul Lawrence.

Enclosures (3)

MAILED 8
OCT 04 1974
FBI

REC-19 44-45339-

NOV 8 1974

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
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Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

MJB:bap (4)

MAIL ROOM ☑ TELETYPE UNIT ☐

0-7(
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Civil Rights Division

DATE: 10/23/73

ATTENTION: MR. JOHN HOYLE

FROM : Director, FBI

SUBJECT: KILLING OF FOUR STUDENTS,
KENT STATE UNIVERSITY, KENT, OHIO, 5/4/70;
ALLISON KRAUSE, ET AL. - VICTIMS;
SUMMARY PUNISHMENT
CIVIL RIGHTS

Reference is made to urlet memorandum dated 9/27/73
(your file RA-DJ 144-57-338).

There is enclosed one copy of the report of Special Agent _____
dated _____ at _____.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☒ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. SEE NOTE PAGE 2.

CC placed in KENT STATE FILE - 44-45339-584 LC Work

Filed (1)

This will confirm receipt of your letter dated 9/20/73 settir forth an inventory of some of the materials collected by you office in the course of captioned investigation. It will serve to acknowledge receipt by this office of the items set forth therein except for Item 17 (State Highway Patrol Photo Album A) which you indicate you have retained, and Items 16 and 17, which were delivered to Mr. Hoyle on 10/19/73 as per his request. All other items listed therein received by this Bureau will be sealed in the original box that they were received in and held for your disposition.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
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Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO MR. WALSH

DATE: 11/1/74

FROM J. P. DUNPHY

SUBJECT: KENFOUR

This case involves the trial in United States District Court, Cleveland, Ohio, of eight Ohio National Guardsmen who have been indicted in connection with the shooting incident on the Kent State University Campus on May 4, 1970.

On October 21, 1974, Visual Information Specialist Horace J. Heafner proceeded to Cleveland, Ohio. Mr. Heafner was to testify concerning exhibits previously prepared by him. Heafner conferred with Departmental Attorney Robert Murphy re testimony in captioned case. Mr. Murphy requested that additional measurements be made on the campus of Kent State University and that these measurements locate distance shown in photograph taken by students on May 4, 1970. In addition, he requested that measurements be made of trees located in the vicinity of Taylor Hall and that these locations be plotted on diagrams for use in trial of captioned case concerning which Mr. Heafner would testify.

Since jury selection had not been made, Mr. Murphy requested that Heafner return to Washington, D. C., on 10/23/74 and return to Cleveland on 10/30/74 for testimony.

Heafner returned to Cleveland, Ohio, 10/30/74 and testified in U. S. District Court on 10/31/74. The 5-man defense counsel attempted to prevent admission of the exhibits into evidence by attacking Mr. Heafner's qualifications. However, 23 years of experience in addition to his art training was sufficient for the Judge, and the exhibits were admitted.

REC-35

After testimony, Mr. Murphy advised Heafner that he is subject to recall for additional testimony regarding measurements made in connection with photographs taken by students on May 4, 1970. He will advise the Bureau if such testimony is needed. Heafner returned to WDC on 10/31/74.

NOV 6 1974

RECOMMENDATION:

For information only.

1 - Mr. McDonough (General Investigative Division)

NOV 19 1974

HJH/adl (3)

11/6/74
GENERAL INVESTIGATIVE DIVISION

The trial of the eight Ohio National Guardsmen who were on duty at Kent State University (KSU), on 5/4/70, is currently underway at Cleveland, Ohio, in U. S. District Court. Defendants have been charged with violating the civil rights of four students who were killed and others who were wounded.

The attached advises that Civil Rights Division (CRD) Attorney Robert A. Murphy has requested our Cleveland Office furnish a 12 gauge shotgun from the Cleveland Office inventory for the purpose of displaying same in Federal Court. Two subjects are charged with firing 12 gauge shotguns at the time of the confrontation and two of the wounded students were hit with shotgun fire.

SAC Cleveland has observed that introduction of a Bureau shotgun could carry a stigma or adverse inference with those in attendance at the trial and recommends against it. The General Investigative Division concurs with the SAC, Cleveland, and Cleveland is being instructed to suggest to Departmental Attorney Murphy that he use a suitable photograph or obtain a shotgun on loan or rental from a local gun dealer for his purpose.

JJB/pwl

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 06 1974

TELETYPE

NR004 CV PLAIN

3:40PM URGENT 11/6/74 SMD

TO: DIRECTOR (44-45339)

FROM: CLEVELAND (44-703)

KENFOUR

Assoc. Dir. ____
Dep.-A.D.-Adm. ____
Dep.-A.D.-Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

ON THIS DATE, ROBERT A. MURPHY, CR USDJ, REQUESTED THE LOAN OF A TWELVE GAUGE SHOTGUN FROM CLEVELAND'S INVENTORY FOR THE PURPOSE OF DISPLAYING SAME IN FEDERAL COURT IN TRIAL OF CAPTIONED MATTER INASMUCH AS TWO OF THE SUBJECTS ARE CHARGED WITH THE DISCHARGING OF TWELVE GAUGE SHOTGUNS DURING THE CONFRONTATION ON THE KENT CAMPUS ON MAY FOUR NINETEEN SEVENTY AND TWO OF THE WOUNDED VICTIMS ARE KNOWN TO HAVE BEEN HIT WITH SHOTGUN FIRE.

REC 24 - 45339 - 191

MURPHY EXPECTED THAT THE SHOTGUN, IF MADE AVAILABLE, WOULD BE RETURNED ON THE SAME DATE TO THE CLEVELAND OFFICE. HE NOTED, HOWEVER, THAT IF THE WEAPON SHOULD HAVE TO BE KEPT THROUGH THE DURATION OF THE TRIAL, IT WOULD BE IN THE SECURE POSSESSION OF THE CLERK OF THE CHIEF JUDGE TRYING THE CASE.

NOV 11 1974

IT IS NOTED ALSO THAT MURPHY IS UNABLE TO SECURE AN EXEMPLAR OF THIS TYPE OF SHOTGUN FROM THE OHIO NATIONAL GUARD AS THE GUARD NO LONGER USES OR MAINTAINS SHOTGUNS IN THEIR INVENTORY.

AIRTEL

11/8/74

To: SAC, Cleveland (44-703)

From: Director, FBI (44-45339) 7-1

REC-1

KENFOUR

1 - Mr. Boyd

ReCVtel 11/6/74 and Butelcall to CV, 11/7/74.

This will confirm reButelcall advising that the Bureau concurs with the recommendation of SAC, Cleveland, as set out in retel and instructing that you suggest to Departmental Attorney Murphy that he use a suitable photograph or obtain a shotgun on loan or rental from a local gun dealer for his purpose.

JJB:bap (4)

NOTE: This refers to Departmental Attorney Murphy's request of the CVO that it furnish a 12-gauge shotgun from the office inventory to display in Federal Court during the current trial of subjects. SAC, Cleveland, observed that introduction of the Bureau shotgun could carry a stigma or adverse inference wi those in attendance at the trial and recommended against it. Informative note of 11/6/74 attached to retel set out instructions for CV as contained in this airtel.

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

MAIL ROOM ☐ TELETYPE UNIT ☐

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 07 1974

TELETYPE

NR 001 CV CODE

10:45 AM URGENT 11/7/74 RJB

TO: DIRECTOR (44-45339)

PHILADELPHIA (44-1790)

PITTSBURGH

FROM: CLEVELAND (44-703)

KENFOUR.

RE CLEVELAND TELCALL TO PITTSBURGH, NOV. 7, 1974.

ON NOV. 7, 1974, ROBERT A. MURPHY, DEPARTMENTAL ATTORNEY, ADVISED SA [redacted] PITTSBURGH OFFICE, IS NECESSARY WITNESS IN TRIAL IN THIS MATTER CURRENTLY IN SESSION IN USDC, CLEVELAND, OHIO. SA [redacted]S EXPECTED TO TESTIFY CONCERNING PHOTOGRAPHIC IDENTIFICATION OF SUBJECT GUARDSMEN.

FOR INFO OF BUREAU AND PHILADELPHIA, DEPARTMENTAL ATTORNEY MURPHY HAS PREVIOUSLY BEEN ADVISED OF THE POSSIBILITY OF SA [redacted] BEING SUBPOENAED AS A WITNESS FOR THE DEFENSE IN THIS MATTER. IT MAY BE NOTED THAT PHILADELPHIA WAS PREVIOUSLY ADVISED A TENTATIVE DATE OF NOV. 25, 1974 RE SA [redacted] POSSIBLE TESTIMONY.

REC-16 44-45339

IN VIEW OF THE APPARENT ACCELERATED PACE OF THE TRIAL IN

NOV 11 19...

56 NOV 15 1974

THIS MATTER, POSSIBILITY EXISTS DAULL MAY BE CALLED AT AN EARLIER DATE. MURPHY ANTICIPATES CONCLUDING PROSECUTIVE ACTION THIS WEEK.

IN DISCUSSING THIS MATTER WITH MURPHY, HE EXPRESSED THE DESIRE TO SPEAK WITH SA [redacted] WHEN HE ARRIVES IN CLEVELAND.

CLEVELAND OFFICE AND MURPHY UNABLE TO SPECULATE AS TO SIGNIFICANCE OF SA [redacted] TESTIMONY IN VIEW OF THE CONTENTS OF HIS INTERVIEW OF MAY 15, 1970 OTHER THAN THE FAVORABLE IMPRESSION AN FBI AGENT WOULD HAVE ON THE COURT AND JURY IN BEHALF OF THE DEFENSE, MERELY BECAUSE OF HIS PROFESSION. IT IS NOTED THAT [redacted] WAS A STUDENT AT KENT STATE UNIVERSITY, KENT, OHIO, DURING 1970 PRIOR TO HIS BUREAU EMPLOYMENT.

BUREAU WILL BE ADVISED EXPEDITIOUSLY RE ANY OTHER SPECIFICS CONCERNING [redacted] POSSIBLE TESTIMONY AS THEY BECOME KNOWN TO CLEVELAND.

UACB, SA [redacted] SHOULD IMMEDIATELY PROCEED TO CLEVELAND FOR TESTIMONY.

END

JAC FBIHQ CLR

11/8/74

GENERAL INVESTIGATIVE DIVISION

This is the case in which 8 former Ohio National Guardsmen (ONG) were being tried in U. S. District Court, Cleveland, Ohio, for violating the Civil Rights of 4 students who were killed and other students who were wounded at Kent State University on 5/4/70.

The attached from Cleveland Office advises that at approximately 11 a.m., today, Chief Judge Frank J. Battisti returned a directed verdict of acquittal on all 8 subjects. Judge Battisti contended that the Government's testimony had not shown sufficient willful intent by any of the 8 subjects to specifically deprive any of the victims of their Civil Rights.

JJB:bap

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 08 1974

TELETYPE

NR 002 CV CODE

1:40PM URGENT 11-8-74 KAM

TO: DIRECTOR (44-45339)

FROM: CLEVELAND (44-703) (P)

KENFOUR.

ON THIS DATE, ROBERT A. MURPHY, DEPARTMENTAL ATTORNEY IN CHARGE OF THE PROSECUTION OF THIS CASE AT CLEVELAND, OHIO, ADVISED AT APPROXIMATELY 11:00 AM THAT CHIEF JUDGE FRANK J. BATTISTI, USDC, CLEVELAND, OHIO, RETURNED A DIRECT VERDICT OF ACQUITTAL OF THE CHARGES AGAINST ALL EIGHT SUBJECTS IN THIS MATTER. MURPHY STATED THAT IT WAS CHIEF JUDGE BATTISTI'S CONTENTION THAT THE TESTIMONY OFFERED BY THE GOVERNMENT HAD NOT SUFFICIENTLY SHOWN THE WILLFUL INTENT ON THE PART OF ANY OF THE EIGHT SUBJECTS TO SPECIFICALLY DEPRIVE ANY OF THE VICTIMS OF ANY CIVIL RIGHTS AS WAS CHARGED IN THE INDICTMENT.

REPORT WILL FOLLOW.

END.

REC-67 44-45339-

NOV 15 1974

HOLD FOR ONE PLS VFR FBIHQ

NOV 20 1974

VRS:AS:DRE:caj

Files
Gauf
Saloschin
Hauser
FBI
Efroymson

NOV 7 1974

David L. Engdahl, Esq.
Steven A. Sindell, Esq.
Sindell, Sindell, Bourne, Stern & Goldsbaldt
1400 Leader Building
Cleveland, Ohio 44114

Dear Messrs. Engdahl and Sindell:

This is in reply to your letter of October 3, 1974. In that letter you appealed from a denial by the Assistant Attorney General for the Civil Rights Division of your request for the data collected by the FBI in the course of its investigation of the shooting incident that took place at Kent State University on May 4, 1970.

Having given your appeal careful consideration, I am affirming the denial. As you have acknowledged, the requested records are 'investigatory files compiled for law enforcement purposes' and therefore are exempt under exemption seven of the Freedom of Information Act (5 U.S.C. § 552(b)(7)) from compulsory disclosure. Furthermore, I have concluded that it would be inappropriate for me to direct a discretionary release at this time. There is pending in a federal court a criminal case involving much of the material in the requested files. As the Assistant Attorney General pointed out to you, it would be inconsistent with the Government's obligation to present an effective case for the prosecution and to insure a fair trial for defendants to release these records at the present time.

You have also suggested a stipulation for a delay in the disposition of the matter until after the conclusion of the criminal trial, with the entire matter to be finally decided by me at that time. I am unable to agree to your suggestion for two reasons. First, by the time the trial is over much of the requested material may well be a part of the public record and therefore become available to you, thus obviating or substantially modifying any basis for additional release. Second, subsequent to the criminal

REC-50 44-[illegible]

21 NOV 4 1974

SEE

proceedings it would be more appropriate to direct any request to the Civil Rights Division for consideration in accordance with the normal administrative procedure.

I agree with the suggestion of the Assistant Attorney General that you consider resubmitting your request after the criminal proceedings are completed, in light of the situation as it then exists.

Sincerely,

William B. Saxbe

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gebhardt

DATE: November 13, 1974

FROM : C. L. McGowan

1 - Mr. Gebhardt
1 - Mr. McGowan
1 - Mr. Helterhoff
1 - Mr. McDermott
1 - Mr. Mintz

SUBJECT: KENFOUR

This is the case involving the shooting deaths of 4 students and wounding of others at Kent State University, Ohio, on 5/4/70.

Reference is made to my memorandum dated 10/17/74 and addendum of Legal Counsel Division, 10/21/74.

The purpose of this memorandum is to recommend that no additional affidavits be obtained from Bureau Agents concerning certain allegations made by 2 defendants in this case regarding the manner in which they were advised of their rights by these Agents.

Affidavits were previously requested and received from these Bureau Agents and the Legal Counsel Division reviewe these affidavits and advised that while the affidavits suffice for administrative, intra-Bureau purposes, they are not in form usable by the U. S. Attorney. The Legal Counsel Division also advised that at present, there does not appear to be any necessity for further action beyond the refinement and possible changes in emphasis of the actual affid to be submitted for the use of the U. S. Attorney.

Since this review by the Legal Counsel Division, the Bureau Agents had the opportunity to refute under oath these allegations in judicial proceedings before Chief U. S. District Judge Frank J. Battisti, Cleveland, and the Judge subsequently held these statements from the defendants furnished to the Bureau Agents, admissible. Subsequently, on 11/8/74, Chief Judge Battisti returned a direct verdict of acquittal on the charges against all 8 defendants in this matter. This acquittal was not based upon any allegations made by the two defendants at issue in this matter.

REC-25

ACTION: Neither the U. S. Attorney nor the Department has requested any affidavits from Bureau Agents in this matter and since the Agents subsequently refuted these allegations under oath, no additional affidavits are being requested at this time.

44-45339

HNH:bap (6)

DEC 3 - 1974

PERS. REC. UNIT

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO Mr. Gebhardt

DATE: 10/17/74

FROM C. L. McGowan

1 - Mr. Gebhardt
1 - Mr. McGowan
1 - Mr. Boyd
1 - Mr. McDermott
1 - Mr. Mintz

SUBJECT KENFOUR

This is the matter in which we conducted extensive investigation resulting in 8 members of the Ohio National Guard (ONG) being indicted by a Federal Grand Jury for violating the Civil Rights of 4 Kent State University students who were shot and killed by the ONG on 5/4/70. Trial is scheduled for 10/21/74 in U. S. District Court, Cleveland, Ohio, and a hearing on defendants' motions to suppress their statements began on 10/15/74.

In connection with the suppression hearing, SAC Fehl of our Cleveland Office received a subpoena on 10/11/74 to produce the FBI Agent's Handbook and any other manuals or instructions setting forth the procedure by which the Bureau takes statements from witnesses or potential accusees. Assistant Director John Mintz, Legal Counsel, has been in contact with Attorney John Hoyle of the Civil Rights Division and Hoyle concurred with Mr. Mintz's suggestion that a motion to quash be prepared on the grounds that the documents requested were not material to the defense. Our Cleveland Office has advised that as of close of business 10/16/74, the court had not heard the matter concerning the subpoena of SAC Fehl but instead had gone directly into testimony of the Special Agents who had previously interviewed the various defendants.

REC-25 44-45339-79

Three of the defendants (McManus, Perkins and Shafer) have filed motions to suppress their signed statements furnished to our Agents. Perkins and Shafer do not deny they were advised of their constitutional rights, but both claim when they asked the Agents if they needed an attorney, they were allegedly told that there was no need for an attorney, and that "whatever was said would go no further" and that the Agents "were just trying to please some people with the investigation and get it over with." The Agents who interviewed Perkins and Shafer have submitted affidavits denying the allegations; McManus made no allegations against the FBI.

44-45339
JJB:bap (6)
Encs.

PERS. REC. UNIT

CONTINUED - OVER

64 DEC 3 1974

Memorandum to Mr. Gebhardt
RE: KENFOUR

Enclosed with this memorandum is a copy of each of the following documents:

(1) Motion to Suppress by defendant McManus and reply brief to the Government's brief in opposition to McManus' motions.

(2) Motion to Suppress of defendant Perkins with sworn affidavit and Perkins' reply brief to the Government's opposition to his motion to suppress.

(3) Motion of defendant Shafer and affidavit to suppress, along with Shafer's reply brief to the Government's brief in opposition to his motion.

(4) The Government's answer to defendants' motions to suppress.

(5) Sworn affidavits from SAs [redacted] all of whom interviewed defendants Perkins and Shafer, which affidavits deny the defendants' allegations.

ACTION: That the above documents and affidavits be forwarded to the Office of Legal Counsel for review.

You will be promptly advised of any subsequent pertinent developments.

ADDENDUM: LEGAL COUNSEL DIVISION PCD:vlb 10/21/74

Legal Counsel Division has reviewed the allegations made and the affidavits submitted in this matter. While the affidavits suffice for administrative, intra-Bureau purposes, they are not in form usable by the United States Attorney. It is noted that the language of Special Agent [redacted] affidavit is much more tentative than that of Special Agent [redacted] but that both use the form of stating that they do not recall certain rather important things they are alleged to have said or Perkins said. If they actually do not recall these things, that is proper; however, if the usage of the term is stylistic and the Special Agents actually know that something was said or not said, the statements should be declarative of those facts. It is noted that Special Agent [redacted] affidavit is much better in terms of form, language and substance than the other three and that he is able to make positive statements on the points raised even though over four years have elapsed. The resolution of this matter is an issue of fact to be decided in the criminal case and hopefully will absolve the Special Agents concerned. At present, there does not appear to be any necessity for further action beyond the refinement and possible changes in emphasis of the actual affidavits to be submitted for the use of the United States Attorney.

This has been resolved in favor of the motion to suppress 10/22/74 motion denied on basis I suggested to USA.

NR 003 CV CODE

9:23 PM NITEL 11/4/74 JSM

TO: DIRECTOR (44-45339)

ALBANY

ATLANTA

CHICAGO

FROM: CLEVELAND (44-703)

KENFOUR.

ON NOV. 4, 1974, ROBERT A. MURPHY, DEPARTMENTAL ATTORNEY IN CHARGE OF PROSECUTION OF TRIAL OF SUBJECT IN THIS MATTER, ADVISED AGENT TESTIMONY MAY BE NECESSARY BY FOLLOWING SPECIAL AGENTS FOR WEDNESDAY, NOV. 6, 1974:

SA [redacted] ALBANY; SA [redacted] ATLANTA; SA [redacted] CHICAGO; AND FBI LAB EXAMINERS [redacted] MURPHY NOTED THAT TESTIMONY BY [redacted] WOULD LIKELY BE WEDNESDAY AFTERNOON.

THE ABOVE SPECIAL AGENTS OF RESPECTIVE DIVISIONS AND BUREAU HEADQUARTERS SHOULD MAKE NECESSARY RESERVATIONS FOR TRAVEL TO CLEVELAND FOR TESTIMONY BY NOV. 6, 1974.

CLEVELAND WILL CONFIRM SPECIFIC TIME AND DATE AND ADVISE.

END

Assoc. Dir.
Dep.-A.D.-Adm.
Dep.-A.D.-Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
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Intell.
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Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

EX-116

REC-57

44-45339

14 NOV 25 1974

SENT

November 25, 1974

Honorable J. Stanley Pottinger
Assistant Attorney General
Civil Rights Division
Department of Justice
Washington, D. C.

Dear Mr. Pottinger:

Special Agent in Charge Frederick C. Tebl of our Cleveland Office has brought to my attention the outstanding performance of Robert A. Murphy, Paul S. Lawrence, John C. Boyle, and Miss Marjorie L. Jones of your staff in connection with the prosecution of eight individuals growing out of the incident which took place in May, 1970, at Kent State University, Kent, Ohio.

This case was unusually complicated and the preparation for trial required an assessment of the significance and relevance of a great number of witnesses, photographs and other physical evidence. This very difficult task was handled with efficiency and dispatch by the members of your staff and their performance was in keeping with the highest traditions of their profession. My association in our Cleveland Office shares my appreciation for their dedicated efforts.

Sincerely yours,

MAILED
NOV 24

NOT RECORDED
191 DEC 6 1974

C. M. Kelley

Clarence M. Kelley
Director

ENCLOSURE

1 - Cleveland (44-703)
Reurairtel 11-11-74 and Bucal 11-21-74

NOTE: SAC Cleveland recommended letter of appreciation and the GID concurred. Bufiles and Cleveland files contain no information to preclude such a letter. Full name of Department of Justice employees, including correct name of Miss Marjorie L. Jones, obtained by phone call to Cleveland Office.

JHS:lb (8)

Asst. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir. ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

20 DEC 31 1974

TELETYPE UNIT

FD-263 (Rev. 1-7-70)

45

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
CLEVELAND	CLEVELAND	9/19/74	9/11/74

TITLE OF CASE

KENFOUR

REPORT MADE BY

SA [redacted]

CHARACTER OF CASE

CR

REFERENCE

Report of SA [redacted] 9/16/74, at Cleveland.

P

ACCOMPLISHMENTS CLAIMED					☒ NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	FUG.	FINES	SAVINGS	RECOVERIES			PENDING OVER ONE YEAR PENDING PROSECUTION OVER SIX MONTHS

APPROVED

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

(4) - Bureau (44-45339)

1 - USA, Cleveland

2 - Cleveland (44-703)

10-23

14 SEP 23 1974

REC-109

Dissemination Record of Attached Report

Agency	
Request Recd.	
Date Fwd.	
How Fwd.	
By	

Notations

McDONOUGH

DATA PROC

58 DEC 16 1974

COVER PAGE

UNI D STATES DEPAR MENT OF J TICE
FEDERAL BUREAU OF VESTIGATION

Copy to: 1 - USA, Cleveland

Report of: SA MARTIN V. HALE
Date: 9/19/74

Office: Cleveland, Ohio

Field Office File #: (44-703)

Bureau File #: (44-45339)

Title:
KILLING OF FOUR STUDENTS AT
KENT STATE UNIVERSITY
KENT, OHIO
5/4/70;
ALLISON KRAUSE, et al -
VICTIMS

Character: CIVIL RIGHTS

Synopsis:

[redacted], advised he was a [redacted] with the Ohio National Guard during May, 1970. He advised he was also issued a .45 caliber pistol and about four rounds of ammunition. [redacted] stated he did not give a statement to the Inspector General or the Ohio State Highway Patrol in 1970 as he was never asked to do so.

P

DETAILS:

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U.S. GOVERNMENT PRINTING OFFICE 1976

1 Date of transcription 9/13/74

[redacted] was interviewed at his place of employment, [redacted] was advised of the identities of the interviewing Agents and of the fact that he was being interviewed in connection with his activities as an Ohio National Guardsman present at Kent State University on May 4, 1970. He was advised of certain rights to which he wa entitled as contained in an "Interrogation; Advice of Rights" form and waived these rights by executing the form.

[redacted] stated that he was a [redacted] with the Ohio National Guard, and that when his unit was called up in connection with the Kent State University disturbance of May, 1970, he was issued the grenade launcher regularly assigned t him along with several rounds of projectile, canister-type tear gas. He advised that he was also issued his regularly assigned .45 caliber pistol and about four rounds of ammuniti [redacted] advised that his unit maintains weapon cards for ea weapon in its inventory; however, he does not recall who issu him his weapons and ammunition or what procedures were used t reflect his personal accountability for the weapons.

[redacted] advised that during the period his unit w on the Kent State University campus, he had possession and co of his weapon and ammunition. He stated that an inventory of the ammunition was taken by an officer, possibly [redacted] on a daily basis; however, he does not recall if an inventory of ammunition was taken following the shootings whi occurred on the Kent State University campus. [redacted] stat that he did not draw or fire his .45 caliber pistol at any ti during this period.

He said the .45 caliber ammunition was turned in to his unit at the time he checked in his grenade launcher and .45 caliber pistol.

Interviewed on 9/11/74 [redacted] File # Omaha 44-36

SA [redacted]

by SA [redacted] LPK:dds Date dictated 9/12/74

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

[redacted] denied previously telling Special Agent[illegible] of the Federal Bureau of Investigation that he was not carrying a pistol, or telling them that if he had been carrying a pistol he would have used it. He said he recalls making a statement about a rifle to the effect that if he had had a rifle, he might have used it.

[redacted] advised that he has not seen his grenade launcher or .45 caliber pistol since surrendering it to his National Guard Unit following the Kent State shootings, and does not know that this pistol was ever submitted to the Federal Bureau of Investigation for testing purposes.

[redacted] advised he did not give a statement to the Inspector General or to the Ohio State Highway Patrol in 1970 as some members of his unit did, because he was never asked to do so.

In addition to the above, when interviewed on September 11, 1974, [redacted] stated he would be leaving [redacted] to return to [redacted] Ohio, exact address unknown, and will be employed by the [redacted] Cleveland, Ohio.

FBI-36 (Rev. 5-22-54)

FBI

Date: 10/23/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-45339)
(ATTENTION: ADMINISTRATIVE DIVISION,
MECHANICAL SECTION-PHOTOGRAPHIC UNIT))

FROM: SAC, CLEVELAND (44-703) (P)

RE: KENFOUR

Enclosed herewith for the Bureau is one copy each of nineteen 5 X 7 color photos taken at the Kent State University Campus on 5/11/70 by SA [redacted]

Also enclosed are three rolls of 35 mm Kodacolor negatives taken by SA [redacted] which contain the negatives for the above-described [redacted] prints.

ROBERT A. MURPHY, Chief Departmental Attorney for the prosecution of this matter in USDC, has requested four copies each of the 19 prints in 8 X 10 size for utilization in trial purposes.

The Photographic Unit is requested to identify the respective negatives for the 19 prints.

It is anticipated that MURPHY will have one of his representatives pick up the developed prints some time during the weekend of 10/26-28/74 for their available use when trial reconvenes on the morning of 10/29/74 at CV, Ohio.

The Bureau will be expeditiously advised when more specific arrangements are made for the pick up of the requested prints.

3-Bureau (Enc. 22) (RM)
2-Cleveland
MVH:jac
(5)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

44-45339-800X
CV-112
REC-38
RECORDED
8 OCT 29 1974
10/24/74
3 rolls 35 mm color film 36 exp
19 color photos in color
THREE
5 NOV 1974
JUN 4 1975

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gebhardt

DATE: 11/19/74

FROM : C. L. McGowan

1 - Mr. Gebhardt
1 - Mr. McGowan
1 - Mr. McDonough
1 - Mr. Walsh

SUBJECT: KENFOUR
OO: CV

SAC, Cleveland, recommends a letter be addressed over the Director's signature to J. Stanley Pottinger, Assis Attorney General (AAG), Civil Rights Division (CRD), U. S. Department of Justice (USDJ), bringing to his attention the individual efforts of 4 Departmental employees in connection with their participation in the prosecutive proceedings in this case. SAC also recommends individual letters of commen for the case Agent and field supervisor for the commendable manner in which they handled the investigation in this case.

BACKGROUND: This case involves an extensive Civil Rights investigation conducted by the Bureau in connection with the killing of 4 students and wounding of se others by the Ohio National Guard (ONG) in May, 1970, at Kent State University, Kent, Ohio.

Upon request of the Department of Justice, the Bur instituted an extensive investigation into the above inciden shortly after it occurred in May, 1970. After an extensive, thorough investigation, the results of which were disseminat to the USDJ, the Department decided at that time not to pres the case to a Federal Grand Jury (FGJ). 310-326

Subsequently, in August, 1973, the Department decided to reopen the investigation. The Department then asked for certain additional investigation which was promptly and thoroughly handled by the Cleveland Division.

The Department thereafter presented this matter t a FGJ in Cleveland. Eight former guardsmen were indicted and the matter was brought to trial in Cleveland beginning in October, 1974. On 11/8/74, at the conclusion of the presentation of the Government's case, Chief U. S. District Court Judge Frank J. Battisti directed a verdict of acquitta on all charges against all 8 defendants stating the Governme had not sufficiently proved willful intent on the part of subjects to deprive the victims of their Civil Rights.

REC-71 44-45339-1861

44-45339

Enclosures

EJM:bap (5)

17 NOV 4

CONTINUED - OVER

Addendum of Administrative Division... Page 5.....

Memorandum to Mr. Gebhardt
RE: KENFOUR

RECOMMENDATIONS OF SAC, CLEVELAND:

(1) SAC, Cleveland, recommends that a letter be addressed over the Director's signature to J. Stanley Pottinger, AAG, CRD, USDJ, bringing to his attention the individual efforts of 4 Departmental employees under his direction in connection with their participation in the prosecutive proceedings of this case.

Throughout the re-opening of the investigation, the presentation to the FGJ and those phases preparatory and during the proceedings in USDC, CV, the bulk of the gathering of all of the evidence was under the direction of Robert A. Murphy, Chief, Criminal Section, Civil Rights Division, and his assistants, Paul Lawrence, John Hoyle, and Marjorie Jones.

SAC, Cleveland, pointed out that this matter possesse an almost limitless number of witnesses, photographs, and other physical evidence. The responsibility of attempting to assess the significance and relevance of each witness, each photograph, and any and all physical evidence required degrees of competence, diligence, and dedication not always evident in attorneys in our criminal justice system. However, it is the measured opinion of the CV Office, based upon the almost daily contact with Robert Murphy and his colleagues since the Fall of 1973, that Murphy and each of his above-named colleagues brought to the prosecution of this case the kind of professionalism which would warrant their efforts b brought to the attention of the Director.

SAC, Cleveland, feels that such a commendation letter from the Director would not suggest any implication or inference one way or another in regard to the Bureau's opinion on the decision to re-open and prosecute this matter or the outcome which has brought this matter to a close.

In their continuous contact with the case Agent in th matter, each of the above Departmental officials has expressed high regard for the Bureau's work product and Bureau personnel, it is felt each would value such a letter concerning his association with one of the most important, if not the most important, cases each has been associated with.

 CONTINUED - OVER

7C

(2) SAC, Cleveland, also recommends that SA [redacted] the Cleveland case Agent since the inception of this case, receive a letter of commendation from the Director for his efforts throughout the entire handling of this matter. Since the re-opening of this investigation, this matter has required continuous contact with the above-named Departmental officials with resulting requests for investigation, many with short deadlines. In addition, SA [redacted] had to assist in the coordination of Bureau evidence and statements made to BuAgents with the prosecutive goals of the Department.

The Civil Rights Section of the GID further points out that SA [redacted] has handled this case in a most thorough, outstanding manner. He handled the submission of voluminous reports in this matter and obviously reviewed them thoroughly and with his knowledge and initiative, was most influential in making sure they were of the highest quality. He also coordinated the multitude of exhibits, including hundreds of photographs. Through his outstanding coordination, organization, and know-how, not an item requested by the Department was out of place at the time of the judicial proceedings even though some of this material was collected or obtained nearly 4 years previously. He displayed the highest caliber of performance in handling this case. SA Hale has not previously been commended in this case.

(3) SAC, Cleveland, also recommends that SA [redacted], who was recently transferred from CV to Bureau Headquarters, receive a letter of commendation from the Director for his excellent supervision of this case. SA [redacted] who was connected with this case since its inception, exhibited an informed understanding of the Kent State case and also assisted SA [redacted] in liaison with the Departmental attorneys while still having supervision over a desk with a volume case load.

RECOMMENDATIONS OF THE GENERAL INVESTIGATIVE DIVISION (GID):

(1) The GID concurs with SAC's recommendation that a letter be addressed over the Director's signature to J. Stanley Pottinger, AAG, CRD, USDJ, bringing to his attention the individual efforts of 4 Departmental employees under his direction in connection with their participation in the prosecutive proceedings of this case.

(2) The GID concurs with SAC that SA [redacted] should be commended; however, recommends that since he handled this matter in such an outstanding professional manner, that he receive an incentive award (rather than SAC's recommendation for a letter of commendation), the amount to be determined by the Administrative Division.

(3) GID concurs with SAC's recommendation that SA Helterhoff receive a letter of commendation in this matter.

(4) In addition, GID recommends that a general letter be directed to the SAC, Cleveland, commending through him all other CV Agents who participated in the investigation.

ADDENDUM OF ADMINISTRATIVE DIVISION TEA:pms 11-21-74

SAC, Cleveland, recommended a letter of commendation for SA [redacted] for his performance in handling of evidence in the liaison with U. S. Attorneys during the trial in U. S. District Court, Cleveland, during October, 1974, regarding the shooting at Kent State University. GID recommends that the performance of SA [redacted] deserving of an incentive award and Administrative Division concurs with GID. File reviewed and nothing noted therein to preclude recommended recognition.

SAC also recommended SA [redacted] recently transferred from Cleveland Division to FBIHQ, for an individual letter of commendation for his efforts in this matter. GID and Administrative Division concurs. SAC, Cleveland, with the concurrence of GID had also recommended a letter of appreciation to the Attorney General's Office recommending the individual efforts of 4 Departmental employees. External Affairs handling. It is also agreed that a general letter of commendation should be directed to SAC, Cleveland, to commend through him other participating personnel.

RECOMMENDATIONS:

1. That an incentive award in the amount of $150 be afforded SA [redacted]

2. That an individual letter of commendation be afforded SA [redacted] who is on transfer to FBIHQ.

3. That a general letter of commendation be directed to SAC, Cleveland, to commend through him other participating personnel.

Appropriate letters attached.

12-15-74

FBI

Date: 11/11/74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703) (P)

RE: KENFOUR

In 8/73, the Civil Rights Division of the U.S. Department of Justice re-opened the investigation concerning the circumstances relating to the shooting at Kent State University (KSU) on 5/4/70. Thereafter, indictments were sought and obtained via a FGJ, and eight subjects were thereafter brought to trial in USDC, CV, Ohio, 10/74.

On 11/8/74, at the conclusion of the presentation of the Government's case, the defense counsel sought and obtained from Chief Judge FRANK J. BATTISTI a directed verdict of acquittal of all charges against all eight subjects based upon the Chief Judge's contention that the Government had not sufficiently exhibited willful intent on the part of subjects to deprive the victims of their civil rights.

Throughout the re-opening of the investigation, the presentation to the FGJ and those phases preparatory and during the proceedings in USDC, CV, the bulk of the gathering of all of the evidence was under the direction of ROBERT A. MURPHY, Chief, Criminal Section, Civil Rights Division, and his assistants, PAUL LAWRENCE, JOHN HOYLE, and MARGARET JONES.

As the Bureau is already aware as indicated by the voluminous reports prepared in the investigation of this case since 5/70, this matter possesses an almost limitless number of witnesses, photographs, and other physical evidence. The responsibility of attempting to assess the significance

2-Bureau
2-Cleveland
FCF:jac
(4)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

U.S.Government Printing Office: 1972 — 455-574

and relevance of each witness, each photograph, and any and all physical evidence required degrees of competence, diligence and dedication not always evident in attorneys in our criminal justice system. However, it is the measured opinion of the CV Office, based upon the almost daily contact with ROBERT MURPHY and his colleagues since the Fall of 1973, that MURPHY and each of his aboved-named colleagues brought to the prosecution of this case the kind of professionalism which would warrant their efforts being brought to the attention of the Director. Accordingly, I recommend that a letter be addressed over the Director's signature to J. STANLEY POTTINGER, Assistant Attorney General, Civil Rights Division, U.S. Department of Justice, bringing to his attention the individual efforts of his four employees in connection with their participation in the prosecutive proceedings of this case.

I feel that such a commendation letter from the Director would not suggest any implication or inference one way or another in regard to the Bureau's opinion on the decision to re-open and prosecute this matter or the outcome which has brought this matter to a close.

It may be noted that the re-opening of the investigation of this matter and the subsequent decision to seek prosecution were accompanied by national notoriety. Also, the controversy attached to this case was not unlike past such cases some of which have been characterized as being "political" in nature. In this instance although the Bureau was the prime investigating agency, the Bureau has not been subject to any adverse criticism or publicity.

In their continuous contact with the case agent in this matter, each of the above Departmental officials has expressed his high regard for the Bureau's work product and Bureau personnel, and it is felt each would value such a letter concerning his association with one of the most important, if not the most important, cases each has been associated with.

CV possesses no information which would preclude the preparation of such a letter.

I am also recommending that SA [redacted] the Cleveland case agent since the inception of this case, receive a letter of commendation from the Director for his efforts throughout the entire handling of this matter. Since the re-opening of this investigation, this matter has required continuous contact with the above-named Departmental officials with resulting requests for investigation, many with short deadlines. In addition, SA [redacted] had to assist in the coordination of Bureau evidence and statements made to BuAgents with the prosecutive goals of the Department.

I am also recommending that SA [redacted], who was recently transferred from CV to Bureau Headquarters, receive a letter of commendation from the Director for his excellent supervision of this case. SA [redacted] exhibited an informed understanding of the Kent State case and also assisted SA [redacted] in liaison with the Departmental attorneys while still having supervision over a desk with a volume case load.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE	OFFICE OF ORIGIN	DATE	INVESTIGATIVE PERIOD
CLEVELAND	CLEVELAND	12/16/74	11/8/74 - 12/16/74

TITLE OF CASE

KENFOUR

REPORT MADE BY

SA [redacted]

CHARACTER OF CASE

CIVIL RIGHTS

REFERENCE

Cleveland teletype to Bureau, 11/8/74.

- P -

ENCLOSURES

Enclosed herewith for the Bureau are one copy each of eight disposition sheets re subjects MC GEE, MC MANUS, MORRIS, PERKINS, PIERCE, SHAFER, SMITH and ZOLLER.

ACCOMPLISHMENTS CLAIMED						ACQUITTALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		
						8	PENDING OVER ONE YEAR [X] YES [ ] PENDING PROSECUTION OVER SIX MONTHS [ ] YES [X]

(X) NONE

APPROVED

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN SPACES BELOW

COPIES MADE:

(4) - Bureau (44-45339) (Enc. 8)

1 - USA, Cleveland

2 - Cleveland (44-703)

DEC 23 1974

Dissemination Record of Attached Report				
Agency	[illegible]			
Request Recd.				
Date Fwd.	12-20-74			
How Fwd.	0-7 (F)			
By	[illegible]			

Notations

McDONOUGH

SIX

[illegible] PICO

50 JAN 16 1975

COVER PAGE

CV 44-703

LEADS

CLEVELAND:

AT CLEVELAND, OHIO

Will follow and report any status or disposition of any evidentiary items.

ADMINISTRATIVE

The primary purpose of this report is to record the acquittal of all eight subjects in this matter.

This case is being maintained in a pending status in view of the voluminous amount of evidence still retained by the Cleveland Office.

It is noted that a civil action in this matter is still pending in U.S. District Court, Toledo, Ohio.

Cleveland is withholding the return or other disposition of any evidence pending specific instructions and approval from the CRD, USDJ.

FD-204 (Rev. 3-3-59)

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Cleveland

Report of: SA MARTIN V. HALE
Date: 12/16/74

Office: CLEVELAND

Field Office File #: 44-703

Bureau File #: 44-45339

Title: KILLING OF FOUR STUDENTS AT KENT STATE UNIVERSITY, KENT, OHIO - May 4, 1970; ALLISON KRAUSE, ET AL. - VICTIMS

Character: CIVIL RIGHTS

Synopsis: On 11/8/74, in USDC, Cleveland, Ohio, Judge FRANK J. BATTISTI returned a directed verdict of acquittal of charges against all eight subjects - JAMES DANIEL MC GEE, MATHEW JUNIOR MC MANUS, BARRY WILLIAM MORRIS, WILLIAM EARL PERKINS, JAMES EDWARD PIERCE, LAWRENCE ANTHONY SHAFER, LEON HERBERT SMITH, and RALPH WILLIAM ZOLLER. The subjects had been charged with violations of Title 18, Sections 2 and 242, U.S. Code.

- P -

DETAILS: AT CLEVELAND, OHIO:

On November 8, 1974, ROBERT A. MURPHY, Criminal Section, Civil Rights Division, U.S. Department of Justice (CRD, USDJ) who was in charge of the prosecution of this case in U.S. District Court, Cleveland, Ohio, advised that on that date Chief Judge FRANK J. BATTISTI, at the conclusion of the presentation of the Government's case, returned a directed verdict of acquittal of all charges against all eight subjects in this case. The subjects included JAMES DANIEL MC GEE, MATHEW JUNIOR MC MANUS, BARRY WILLIAM MORRIS, WILLIAM EARL PERKINS, JAMES EDWARD PIERCE, LAWRENCE ANTHONY SHAFER, LEON HERBERT SMITH, and RALPH WILLIAM ZOLLER.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

U. S. GOVERNMENT PRINTING OFFICE : 1969 O - 351-078

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
CIVIL RIGHTS DIVISION

DATE: **12/20/74**

FROM : Director, FBI

SUBJECT: **KILLING OF FOUR STUDENTS AT KENT STATE UNIVERSITY, KENT, OHIO - MAY 4, 1970; ALLISON KRAUSE, ET AL-VICTIMS CIVIL RIGHTS**

Reference is made to _____ memorandum dated _____ (your file _____).

There is enclosed one copy of the report of Special Agent [redacted] dated **12/16/74** at **CLEVELAND**.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. XXX [illegible] for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. 1

NOTE: Our Cleveland Office is withholding the return and/or other disposition of evidence in this case pending specific instructions from the Civil Rights Division, United States Department of Justice.

5JA

FD-36 (Rev. 5-22-64)

FBI

Date: 12-31-74

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703) (P)

SUBJECT: KENFOUR

Re Cleveland airtels to the Bureau, 10-30-73, and 12-4-73, with accompanying LHM.

Enclosed for the Bureau are four copies of a self-explanatory LHM regarding a contact at the Cleveland Office by [redacted] Ohio.

One copy also being furnished for the Office of the United States Attorney, Cleveland, Ohio.

The contact by [redacted] is set forth in LHM form for dissemination in view of her apparent propensity for contacting several government agencies, including the FBI, CIA, and the CRD, USDJ. [redacted] is well known by name to officials of the Criminal Section of the CRD, USDJ, particularly those having a working knowledge of the Kent State investigation and prosecution.

[redacted] was advised that the only action that the Cleveland Office could take concerning her information would be to forward same to the USDJ.

(2) - Bureau (Enc. 4)
2 - Cleveland

MVH:rep
(4)

REC-35 44-45339-805

JAN 4 1975

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 403-735

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio

December 31, 1974

KILLING OF FOUR STUDENTS
AT KENT STATE UNIVERSITY
KENT, OHIO
MAY 4, 1970;
ALLISON KRAUSE;
ET AL -
VICTIMS

Reference is made to memoranda at Cleveland, Ohio, of October 30, 1973, and December 4, 1973, both of which were comprised of the results of interviews of [redacted] 23371 Farringdon, Euclid, Ohio 44123.

On December 30, 1974, [redacted] appeared at the Cleveland Office of the Federal Bureau of Investigation (FBI) and exhibited a clipping which she stated she had observed on Page 9-A of the December 29, 1974, edition of "The Plain Dealer," a Cleveland, Ohio, daily newspaper of general circulation in Northern Ohio. It is noted that this article is headlined "Ex-CIA agent details his activities in U.S." [redacted] made repeated references to the contents of the above mentioned article and in response to a specific question as to how her situation relates to the article, she replied that it is her belief that during the years 1968 and 1969 she may have been the type of individual that the Central Intelligence Agency (CIA) is alleged to have placed under surveillance. She recalled her trip to Europe during those years for approximately a six month period, which included travel and temporary residence on the island of Crete and travel through Belgium and England while en route back to the United States.

[redacted] by her own admission, noted that she had been a "pest" with regard to her repeated efforts to speak with J. STANLEY POTTINGER, ROBERT A. MURPHY, PAUL LAWRENCE, JOHN HOYLE, and other officials of the Civil Rights Division, U. S. Department of Justice, both during the seating of the Federal Grand Jury at Cleveland, Ohio, and during several trips to Washington, D.C.

44 [illegible] 237 -805

RE: KILLING OF FOUR STUDENTS
AT KENT STATE UNIVERSITY
KENT, OHIO
MAY 4, 1970;
ALLISON KRAUSE;
ET AL -
VICTIMS

[redacted] also stated that she had personally gone to the headquarters of the CIA in Virginia in an effort to ascertain the extent to which that agency may have maintained a file on her activities during 1968 through May, 1970. She also advised that she had personally visited the headquarters of the FBI, Washington, D.C., in connection with her rights under the Freedom of Information Act and was advised by a representative of the FBI that no file was maintained on her or her activities and no record existed concerning her other than the information which she had freely and voluntarily provided at Cleveland, Ohio, on October 30, and December 4, 1973, respectively.

[redacted] was questioned as to what specifically she desired of the FBI or the U. S. Department of Justice based upon her impressions of the contents of "The Plain Dealer" article relating to alleged CIA activities. She responded that it is her belief that the individuals she previously referred to as "they" may, in fact, have been agents of the CIA and that she can perceive the possibility that the shooting incident at Kent State University on May 4, 1970, may have been provoked directly or indirectly by agents or activities of the CIA inasmuch as her harassment terminated the day of the shooting.

Set forth below is a photostatic copy of an article entitled, "Ex-CIA agent details his activities in U.S.," which appeared on Page 9-A of the Sunday edition of "The Plain Dealer," Cleveland, Ohio, dated December 29, 1974.

Ex-CIA agent details his activities in U.S.

© New York Times Service

NEW YORK — A former CIA agent has told the New York Times how his work in domestic spying grew from relatively minor liaison duties into complex intelligence gathering.

By the time the agent, who insisted on the right to remain anonymous, left the CIA in 1972, he said his unit in New York was maintaining huge files on American radicals, antiwar professors and attorneys and others, he told the Times.

He was involved in infiltration of radical groups, attempts to convert radicals into CIA informers and collection of psychological profiles on more than 40 top radicals, he said.

The former agent said New York City became a prime CIA domestic spying target during the Nixon administration because it was considered a big training ground for radical activities in the United States.

The agent, who spent more than four years in the late 1960s and early 1970s spying on radical groups in New York, said more than 25 CIA agents were assigned to the city at the height of antiwar activity at Columbia University and elsewhere.

The agents were tightly controlled by senior officials in the New York office of the domestic operations division, a little-known domestic unit set up in 1964 by the CIA in more than a dozen cities across the nation, the former intelligence official said.

The division's ostensible function then was legal: To coordinate with the American corporations supplying "cover" for CIA agents abroad and to aid in the interrogation of American travelers after their return from foreign countries.

The former agent's description of life as a domestic CIA spy was provided during a series of interviews last week. The contact with the Times came after publication last Sunday of the first account of the massive spying.

The former agent said that his involvement began with the advent of the Black Panther movement in 1967 and the increase of antiwar dissent during the last months of the Johnson administration. "And then it started to snowball from there," he said.

The Times, working with details supplied by the former agent, was able to verify that he served as an undercover intelligence spy, although it was impossible to check all of his information.

The former agent said that if he was exposed he would be forced to publicly deny any link to the agency.

A high-ranking government intelligence official, informed of the story, said his description of day-to-day life as a domestic spy "seemed a little bit far out." But the official added that he was unable to deny any specific allegations pending a check of files.

The Times, quoting well-placed sources, reported last Sunday that the CIA had violated its charter by conducting massive and illegal intelligence operations inside the United States.

The former intelligence agent said the CIA had supplied him with "more than 40" psychological assessments of radical leaders during his spy career.

High-ranking CIA officials, including Richard Helms, the former director of the agency and now ambassador to Iran, told Congress in the wake of the Watergate scandals that only two such assessments — done by psychiatrists working for the agency — have ever been prepared on Americans citizens.

"What we were trying to do," the former CIA agent said in an interview, "was to find out what the radicals were marketing and to learn if they had any new products.

"They were a target company and we were like another company in competition. We were interested in their executives and that's why we did the profiles, so we could learn what we'd have to offer in order to buy them over to us."

The 1947 legislation setting up the CIA bars the agency from any internal security or police function inside the United States.

A number of well-informed sources confirmed that the bulk of the actual domestic spying throughout the United States was conducted by various offices of the domestic operations division, initially assigned in the mid 1960s to such tasks as infiltrating agents into various ethnic and emigre groups in large cities.

"When I first came to DOD," the former agent said, "it was a low-key operation. Mostly we did liaison" with other intelligence agencies.

"And then someone started noticing those kids," the former agent said, referring to the antiwar activists.

"The first actual (physical) surveillance came when people like Mark Rudd started moving around," he said. Rudd was a leader in the student demonstrations that disrupted Columbia University for two weeks in the spring of 1968.

"We'd go out, take some photographs and follow them," he said. "We had different ID's for different jobs. We'd use newspaper ID's, or flash a badge and say we were a reporter for a magazine — it made things a lot easier."

One of the domestic operations division's first functions was to attempt to infiltrate its agents into a radical unit targeted for domestic spying, the former CIA said. A second major goal was to "turn somebody around" — that is, persuade a member of a group to become an informer.

By the time he left the agency in early 1972, the former agent continued, his unit's domestic files were huge. "At the end," he said, "we were working on antiwar professors and attorneys. We'd figured out a way to log and map up the whole world."

"The goal of our operation," he said, "was to find out beforehand what the radicals were going to do — it was preventative. We just wanted to find out what they were up to and pass it on."

In that regard, the former agent said, "the professors were great. They wanted to work with you.

"A professor — no matter how liberal he was — he was mad. He didn't want those kids to tell them how to run his university."

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Airtel

1/20/75

To: SAC, Cleveland (44-703)

From: Director, FBI (44-45339)

KENFOUR
CIVIL RIGHTS

EX-101

- Mr. Heiterhoff

Enclosed are two copies of a self-explanatory Departmental letter dated 1/16/75 along with its enclosure.

SUBJ: when requested items are returned.

Enclosures - 4

NOTE: Department requests Cleveland Division to return certain items to Ohio State Highway Patrol and this orders Cleveland to return these items.

HNH:kfk
(4)

RECEIVED
JAN 24 1975
FBI

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director's Sec'y ___

JAN 30 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

FD-36 (Rev. 5-22-64)

FBI

Date: 1/22/75

Transmit the following in _____ (Type in plaintext or code)

Via AIRTEL _____ (Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703)(P)

KENFOUR
CIVIL RIGHTS

Re Bureau airtel to Cleveland, 1/20/75.

Enclosed herewith for the Bureau are four (4) copies of a self-explanatory LHM concerning the return of the indicated documents to a representative of the Ohio State Highway Patrol as authorized and requested by the Civil Rights Division of the U.S. Department of Justice.

A copy of instant LHM also designated for the USA, Cleveland.

1 CRO
1 CRau
1/27/75
OPR F
H.VH:mjg

(2) - Bureau (Enc. 4)
2 - Cleveland
MVH/bms
(4)

EX-101

REC 17 44-45339-807

JAN 24 1975

JAN 31 1975

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

* U. S. GOVERNMENT PRINTING OFFICE : 1968 O - 346-000 (11)

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio

January 22, 1975

KENFOUR

[redacted], Ohio State Highway Patrol, Cleveland, Ohio, appeared at the Cleveland office of the Federal Bureau of Investigation (FBI) concerning the following matter:

44-45327 304

FD-302 (REV. 11-27-70)

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 1/22/75

Subsequent to a telephonic conversation on January 21, 1975 with [redacted] Ohio State Highway Patrol, 14000 Broadway, Cleveland, Ohio, [redacted] appeared at the Cleveland office of the Federal Bureau of Investigation. [redacted] noted that he had been instructed by [redacted] of the Ohio State Highway Patrol to contact Special Agent [redacted] relative to the return of various documents previously obtained from the Ohio State Highway Patrol.

The pertinent documents were made available to [redacted] for his review after which [redacted] executed a receipt for the return of the documents to him, a copy of which is attached hereto.

70

Interviewed on 1/22/75 at Cleveland, Ohio File # Cleveland 44-7

by SA [redacted] /bms Date dictated 1/22/75

2

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

Airtel

1/28/75

To: SAC, Cleveland (44-703)

1 - Mr. Helterhoff

From: Director, FBI (44-45339)

KENFOUR

Enclosed are two copies of a memorandum from the Director to the Assistant Attorney General, Civil Rights Division.

Enclosed memorandum sets forth the Bureau's position relative to any subpoenas issued in the civil suit regarding captioned matter and is being forwarded to your office for information purposes.

Enclosures - 2

NOTE: Enclosed memorandum sets forth Bureau policy relative to subpoenas in civil case regarding captioned matter.

REC-50 44-45339-80

14 JAN 29 1975

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

HNH:kjk (4)

MAILED 21
JAN 28 1975
FBI

MAIL ROOM ☑ TELETYPE UNIT ☐

0-70 (Rev. 3-28-72)
ORIGINAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Civil Rights Division

DATE: February 14, 1975

ATTN: MR. ROBERT MURPHY

FROM : Director, FBI

SUBJECT: KILLING OF FOUR STUDENTS
AT KENT STATE UNIVERSITY,
KENT, OHIO,
MAY 4, 1970,
ALLISON KRAUSE, ET AL - VICTIMS

FILE COPY

Reference is made to BY memorandum dated 1/27/75 (your file).

There is enclosed one copy of ~~the report of Special Agent~~ an LHM dated 2/13/75 at Cleveland.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☒ Please advise whether ~~you desire any further investigation.~~ **evidence can be returned.**

F. ☐ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

Enc. 1

NOTE: Our Cleveland Division also advised that on 2/13/75 Kevern again made inquiry concerning the evidence. Please advise whether this evidence can be returned.

FILE COPY

FD-36 (Rev. 5-22-64)

F B I

Date: 2/11/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (~~44-45449~~)

FROM: SAC, CLEVELAND (44-703) (P)

SUBJECT: KENFOUR

Enclosed for the Bureau are (4) copies of an LHM setting forth two requests for the return of various items of evidence previously made available to the FBI in this matter.

One copy of instant LHM being designated to the USA, Cleveland, Ohio.

It is requested that the Bureau obtain a response from the CRD, U.S. Department of Justice relative to whether or not Cleveland may return the items to the respective contributors.

2 - Bureau (Enc. 4)
1 - Cleveland

MVH/lmp
(3)

SI-117

REC-35 44-45449-810

12 FEB 13 1975

Approved: FEB 25 1975 Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 402-735

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio

February 11, 1975

KILLING OF FOUR STUDENTS
AT KENT STATE UNIVERSITY,
KENT, OHIO,
MAY 4, 1970,
ALLISON KRAUSE, ET AL - VICTIMS;

[redacted]

7C b

D7C

In addition, [redacted] of Kent, Ohio, in November, 1973, furnished to Special Agents of the FBI negatives of photographs which he described as having been taken by him on the Kent State University Campus, Kent, Ohio, on May 4, 1970.

Recently both [redacted] have each requested the return of those items furnished to the FBI.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

44-4[illegible]-9-810

1*

Airtel

2/28/75

To: SAC, Cleveland (44-703)

1 - Mr. Helterhoff

From: Director, FBI (44-45339)

KENEFOUR

Enclosed are two copies of a self-explanatory Departmental letter dated 2/25/75.

SuLHMa when negatives are returned.

Enclosures - 2

NOTE: The Department has requested the return to contributors of certain negatives in this matter.

HNH:kfk
(4)

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.: ____
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Legal Coun. ____
Plan. & Eval. ____
Rec. Mgmt. ____
Spec. Inv. ____
Training ____
Telephone Rm. ____
Director Sec'y ____

MAR 7 1975

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel

3/3/75

To: SAC, Cleveland (44-703)

1 - Mr. Helterhof

From: Director, FBI (44-45339)

KENFOUP

Enclosed are two copies of a Departmental lette dated 2/6/75.

The enclosed Departmental letter sets forth the position of the CRD, USDJ, relative to producing certain documents in the civil suits in this matter, and this le is being furnished to your office for information.

Enclosures - 2

NOTE: Enclosed letter sets forth position of CRD re producing documents in civil suits.

REC-6

44-45339-

19 MAR 4 1975

HNH:kfk
(4)

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.: ___
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

MAIL ROOM ☐ TELETYPE UNIT ☐

FD-36 (Rev. 5-22-64)

FBI

Date: 3/13/75

Transmit the following in _____ (Type in plaintext or code)

Via Airtel _____ (Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703) (P)

SUBJ: KENFOUR

Re Bureau airtel to Cleveland, 2/28/75.

Enclosed for the Bureau are four copies of an LHM setting forth the fact that the 57 negatives were returned to [redacted] on 3/11/75, and receipt obtained reflecting the return.

Copy of LHM being furnished to USA, Cleveland.

2 - Bureau (Enc. 4)
2 - Cleveland

WES:sjk
(4)

REC-11 15332-845

EX 104

MAR 17 1975

MAR 24 1975

Approved: _____ Special Agent in Charge

Sent _____ M Per _____

U.S.Government Printing Office: 1972 — 455-574

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to File No.

Cleveland, Ohio

March 13, 1975

KILLING OF FOUR STUDENTS AT
KENT STATE UNIVERSITY
KENT, OHIO - MAY 4, 1970
ALLISON KRAUSE, ET AL - VICTIMS

7C

On March 11, 1975, a total of fifty-seven (57) .35 mm negatives previously furnished to the Federal Bureau of Investigation were returned to [redacted] ent, Ohio.

A receipt was obtained from [redacted] reflecting the return of these 57 negatives.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

815

[redacted]-

Airtel

3/14/75

To: SAC, Cleveland (44-703)

From: Director, FBI (44-45339)

1 - Mr. Helterhoff

KENFOUR

Enclosed is a copy of a memorandum with enclosures from the Director to the Assistant Attorney General, Civil Rights Division.

The enclosed sets forth information relative to the Freedom of Information Act re captioned matter and is being forwarded to your office for information purposes.

Enclosures - 3

EX-131

REC-59 44-45339-817

7 MAR 18 1975

MAILED
MAR
FBI

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

HHH:kfk
(4)

MAIL ROOM ☑ TELETYPE UNIT ☐

FD-36 (Rev. 5-22-64)

FBI

Date: 3/14/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703) (P)

SUBJECT: KENFOUR

Enclosed herewith for the Bureau are four (4) copies of an LHM in captioned matter.

Instant LHM was prepared and is submitted in response to a telephonic request received at the Cleveland Office from ROBERT A. MURPHY, CRD, USDJ, on 3/13/75. In his call MURPHY stated he was calling from Boston, Massachusetts and requested that the Cleveland Office attempt to ascertain what transcripts of testimony offered before the local Ohio Grand Jury may currently be maintained by the Cleveland Office. Instant LHM sets forth the names of those individuals who appear to have testified before the local Grand Jury in this matter and for whom transcripts are currently in possession of the Cleveland Office.

Copy of LHM being furnished USA, Cleveland.

2 - Bureau (Encl. 4) ENCLOSURE
2 - Cleveland

MVH:mak
(4)

REC-19 44-45337-816

EX-117

6 MAR 20 1975

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

56 MAR 27 1975

GPO : 1976 O - 402-1

0-70 (Rev. 3-28-72)
OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

UNITED STATES GOVERNMENT

Memorandum

TO : Assistant Attorney General
Civil Rights Division

DATE: March 18, 1975

ATTN: MR. ROBERT A. MURPHY

FROM : Director, FBI

SUBJECT: KILLING OF FOUR STUDENTS AT
KENT STATE UNIVERSITY,
KENT, OHIO - MAY 4, 1970
ALLISON KRAUSE, ET AL - VICTIMS

FILE COPY

Reference is made to my memorandum dated 3/17/75 (your file).

There is enclosed one copy of ~~the report of Special Agent~~ an LHM dated 3/14/75 at Cleveland.

A. ☐ This covers the preliminary investigation and no further action concerning a full investigation will be taken by this Bureau unless the Department so directs.

B. ☐ The investigation is continuing and you will be furnished copies of reports as they are received.

C. ☐ The investigation requested by you has now been completed. Unless advised to the contrary no further inquiries will be made by this Bureau.

D. ☐ Pursuant to instructions issued by the Department, no investigation will be conducted in this matter unless specifically directed by the Department.

E. ☐ Please advise whether you desire any further investigation.

F. ☒ This is submitted for your information and you will be advised of further developments.

G. ☐ This is submitted for your information and no further investigation will be conducted unless specifically requested by the Department.

H. ☐ This covers the receipt of a complaint and no further action will be taken by this Bureau unless the Department so directs.

NOT RECORDED
7 MAR 21 1975

Enc. 1
NOTE: Furnished per request of Mr. Robert A. Murphy.

FILE COPY

54 MAR 2[illegible] 1975

ENCLOSURE

FD-36 (Rev. 5-22-64)

1.

FBI

Date: 3/28/75

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL
(Priority)

TO: DIRECTOR, FBI (44-45339)

FROM: SAC, CLEVELAND (44-703) (P)

SUBJECT: KENFOUR

For information of Bureau, on the morning of 3/28/75 ROBERT A. MURPHY, CRD, USDJ, telephoned the Cleveland Office to advise that he was requesting his Assistant, MARGIE JONES of the CRD to travel to Cleveland during the week of 3/31/75 - 4/4/75 and most likely specifically on Wednesday, 4/2/75. The purpose of the trip is to bring to the Cleveland Office several documents pertaining to State Grand Jury testimony previously furnished to the Department in this matter and also for Miss JONES to review similar documents currently in possession of the Cleveland Office. MURPHY explained that he will then authorize the return of State Grand Jury testimony transcripts to a representative from the Attorney General's Office for the State of Ohio and that he will be in correspondence with that office.

MURPHY advised that he would communicate in writing with the Bureau concerning the return of State Grand Jury testimony. In this regard, MURPHY stated it is his desire that "we", the Bureau and the Department, return any requested evidence to the contributor, including the State of Ohio, for any appropriate disposition rather than make same available direct to attorneys for the Plaintiffs. MURPHY noted that by such a procedure, the Department would not be open to any accusation of favoring one particular side over the other in the civil suit.

REC-46 44-45339-419

12 MAR 31 1975

0 - Bureau
2 - Cleveland
MVH:mak
(4)

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

GPO : 1970 O - 402-735

Above for information of Bureau only. No LHM being submitted inasmuch as MURPHY stated he would be corresponding with the Bureau re this matter.

For additional information of the Bureau, the Cleveland Office is currently the repository in this case for a voluminous amount of evidence, including physical evidence such as M-1 rifles, .45 automatic pistols, etc. Cleveland is desirous of disposing of same consistent with the exigencies with regard to the pending civil case in U.S. District Court in the Northern District of Ohio. Accordingly, the Bureau is requested to ascertain through the Department whether or not much of the evidence obtained by the Bureau, particularly the physical evidence as opposed to documents, can be returned. If so, certain authorization from the Department should be obtained.

Airtel

3/27/75

To: SAC, Cleveland (44-703)

From: Director, FBI (44-45339)

REC-

1 - Mr. Helterhoff

CENTRAL

Enclosed are two copies of a self-explanatory Departmental letter dated 3/21/75.

SuLHM when negatives are returned.

Enclosures - 2

NOTE: Department has requested return of certain negatives in this case.

MAILED 5
MAR 2 7 1975
FBI

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
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Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

HNH:kfk
(4)

MAIL ROOM ☐ TELETYPE UNIT ☐