

FEDERAL BUREAU OF INVESTIGATION

Date 6/19/707C
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(1)

[REDACTED], Sandusky, was contacted at his residence and shown a series of 22 photographs of individuals who might have been present at the burning of the ROTC Building at Kent State University (KSU), Kent, Ohio, on May 2, 1970.

[REDACTED] could make no identification of the individuals in the photographs and further stated that during most of the actual burning of the building he was not in a good position to see who was actually participating as he was on top of Johnson Hall.

On 6/17/70 at Sandusky, Ohio File # Cleveland 98-2340

by SA [REDACTED] DE/jls Date dictated 6/19/70

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FEDERAL BUREAU OF INVESTIGATION

7C
7d

6-19-70

Date

1

[REDACTED] Cuyahoga Falls, Ohio, was advised of the identity of the interviewing Agents. [REDACTED] was shown photographs of the following people, and she advised she is unable to identify any of the people in the photographs, as people who took part in the burning of the Kent State University (KSU) ROTC building on the KSU campus on May 2, 1970:

[REDACTED]
[REDACTED]
[REDACTED]

THOMAS DAVID MILLER, aka., Tom Aquinas

ALLEN TATE

PETER CHARLES BLEIK

UNSUB (center of photograph, facing camera)

THOMAS GRAYDON FOGLESONG

[REDACTED]
[REDACTED]

JERRY RUPE

RICHARD CONRAD FELBER

ALAN CANFORA

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 6-17-70 at Cuyahoga Falls, Ohio File # Cleveland 98-2140
by SAs [REDACTED] Date dictated 6-19-70

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CV 98-2140

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7C

[REDACTED]

[REDACTED]

PETER CHARLES BLEIK (long hair and beard)

PETER CHARLES BLEIK (long hair and beard, no shirt)

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION

7C
DL1Date June 19, 1970

[REDACTED]

Kent Hall, Kent State University, was advised of the identity of the interviewing Agents, at which time he was furnished a number of photographs and requested to view these photographs to determine if any of these individuals were present during the burning of the ROTC Building at Kent State University on May 2, 1970.

[REDACTED] viewed all of the photographs made available to him, at which time he stated that he did not recognize any of the individuals as having been present during the burning of the ROTC Building. He stated, however, that he was not in a position to eliminate any of these individuals, he just wanted to make it known that he could not recognize any of them as persons that he recalled as having seen on campus the evening of May 2, 1970.

On 6/18/70 at Kent, Ohio File # Cleveland 98-2140
 by SA [REDACTED] WES:jmd Date dictated 6/18/70

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FEDERAL BUREAU OF INVESTIGATION

7C
701Date June 19, 1970

[REDACTED]

after being advised of the identities of the interviewing Agents, was furnished a group of photographs and requested to view these photographs to determine if he could recognize any of these individuals as having been present on campus during the burning of the ROTC Building at Kent State University (KSU) on May 2, 1970.

[REDACTED] reviewed these photographs after which he stated that some of the individuals appeared familiar to him, however, the familiarity of these individuals did not necessarily indicate that he had seen them at the burning of the ROTC Building and that he was unable to make any positive identification.

6/18/70

Kent, Ohio

Cleveland 98-2140

On _____ at _____

File # _____

SA [REDACTED]

R.

6/18/70

by _____

Date dictated _____

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FEDERAL BUREAU OF INVESTIGATION

76
7d

Date 6-19-70

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[REDACTED] was shown photographs of the following individuals:

ALLEN TATE
PETER CHARLES BLEIK

[REDACTED]

[REDACTED]

ALAN CAFFORA

[REDACTED]

[REDACTED]

THOMAS ROSSIGNOL

[REDACTED]

RICHARD [REDACTED]

THOMAS DAVID MILLER

[REDACTED] stated that he could not identify any of the above individuals as being in the group of five or six males he had seen in the vicinity of the burning ROTC building at Kent State University on May 2, 1970, and who attempted to cause students to throw rocks and disrupt the efforts being made to extinguish the fire.

On 6-17-70 at [REDACTED] Ohio File # Cleveland 98-2140

by SAs [REDACTED] Date dictated 6-17-70

FEDERAL BUREAU OF INVESTIGATION

7C
70

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Date June 18, 1970

[REDACTED]
[REDACTED] Kent, Ohio, was advised of the identity of the interviewing Agents and was displayed a group of photographs which are listed below. [REDACTED] advised he was unable to identify any of these persons as having been at the scene of the burning of the ROTC Building on the Kent State University (KSU) campus on the evening of May 2, 1970:

[REDACTED]

PETER CHARLES BLEIK (3 photos)

ALAN CANTORA

[REDACTED]

RICHARD CONRAD FELBER

THOMAS GRAYDON FOGLESONG

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

THOMAS DAVID MILLER

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 6/18/70 at Kent, Ohio File # Cleveland 98-2140
by SA [REDACTED] Date dictated 6/18/70

CV 98-2140
2

JERRY RUPE



ALLEN TATE

UNKNOWN SUBJECT

74

FEDERAL BUREAU OF INVESTIGATION

PL 76

Date 6/19/70

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[redacted]
Akron, Ohio, was advised of the official identity of Special Agents [redacted] of the FBI. Present was his mother, Mrs. [redacted]

SA [redacted] furnished [redacted] with an Advice of Rights Form which he read, said he understood but refused to execute by signature. His mother also read a copy of the Advice of Rights Form, stated she understood the purpose of this form and was agreeable to the FBI Agents present to interview her son.

[redacted] stated he is 17 years of age and is a student at Woodridge High School, Peninsula, Ohio. He was told the purpose of the interview with him was to show him some photographs in connection with the burning of the ROTC Building on the Kent State University (KSU) campus, Kent, Ohio, on the night of May 2, 1970. [redacted] said he was agreeable to viewing these photographs.

He was shown a group of photographs which included the following individuals who he observed on the KSU campus, Kent, Ohio, on the night of May 2, 1970, at the scene of the burning of the ROTC Building:

[redacted]
[redacted]
(previously known to [redacted] as [redacted] (LNU).

[redacted]
[redacted]
[redacted]

JERRY RUPE, (previously known to [redacted])

On 6/18/70 at Akron, Ohio File # Cleveland 88-2140

by SAs [redacted] Date dictated 6/19/70

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CV 98-2140

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RICHARD CONTRAD FELBER (previously known to
[REDACTED] as RICK (LRU).

[REDACTED] stated he had no additional
information to furnish the FBI concerning the burning of the
ROTC Building, KSU, Kent, Ohio, on May 2, 1970.

FEDERAL BUREAU OF INVESTIGATION

PL 72

Date 6-19-70

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[redacted] was shown photographs of the following individuals:

ALLEN TATE
PETER CHARLES BLEIK
[redacted]

JERRY RUPE
[redacted]

ALAN CAMERON
[redacted]

THOMAS FOGLESONG
[redacted]

RICHARD MILLER
[redacted]

THOMAS DAVID MILLER

After viewing these photographs, [redacted] said he did not recognize any of them as persons he knew or as anyone he had seen throwing rocks or burning rags at the ROTC building at Kent State University on May 2, 1970. None of these individuals was identified by [redacted] as those persons he had seen stealing a fire hose at the ROTC fire.

[redacted] stated that he doubted very seriously whether he would be able to positively identify anyone he had seen involved in the ROTC building incident, even if he saw these individuals personally.

On 6-17-70

at [redacted] Ohio

File # Cleveland 98-2140

SAs [redacted]

Date dictated 6-17-70

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FEDERAL BUREAU OF INVESTIGATION

7C
7d

Date 6/19/70

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[redacted] Kent, Ohio, was interviewed at his place of employment [redacted] Ohio, telephone number [redacted] and advised as follows:

[redacted] stated after viewing a group of 22 photographs of individuals believed to be involved in the burning of the ROTC Building at Kent State University (KSU), Kent, Ohio, on May 2, 1970, that none of the individuals viewed were identical to the individuals he observed at the burning.

6/19/70 at Warren, Ohio File # Cleveland 98-2140

SAs [redacted] Date dictated 6/19/70

CV 98-2140

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7d

After viewing photographs of the foregoing individuals, [REDACTED] advised that he did not recognize any of these individuals as persons participating in the activities that occurred on the campus of Kent State University during the period of May 2, 1970 through May 4, 1970.

CV 98-2140

RJM:ral

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The following investigation was conducted by
SAs [redacted] at Cuyahoga Falls,
Ohio, on June 18, 1970.

An attempt was made to contact [redacted]
[redacted] and [redacted] father, [redacted].
[redacted] advised the interviewing Agents that his stepson is not
home. [redacted] left Cuyahoga Falls, with his parent's
permission, during the first part of June, 1970, after he
got out of high school for the summer. [redacted] completed
his junior year at Cuyahoga Falls High School. [redacted]
told his parents he wished to travel around the United States
during the summer of 1970. [redacted] does not know where his
stepson is or how to get in touch with him. [redacted] called
his parents on about June 7, 1970, and stated he was in Florida
and was planning to go to Atlanta, Georgia.

[redacted] advised he would tell his stepson that the
FBI wished to show him some photographs the next time [redacted]
calls home. [redacted] will contact the Akron, Ohio, FBI office
as soon as he hears from his son and can possibly set up a place
where photographs can be shown to [redacted] will be
returning to Cuyahoga Falls for high school in September, 1970.

CV 98-2140
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On June 17, 1970, [REDACTED]
[REDACTED] Ohio, grandmother of [REDACTED]
[REDACTED] advised [REDACTED] left [REDACTED]
Ohio, early A.M. this date enroute to Boston, Massachusetts.
She advised she does not know his mode of travel or exact
destination, however, he is to return within two or three
days, and she would inform him he should contact the Canton,
Ohio, Resident Agency of the FBI.

On June 17, 1970, [REDACTED]
[REDACTED] Ohio, advised her daughter, [REDACTED]
is currently in Chicago, Illinois, visiting friends, exact
address unknown, and is to return to [REDACTED] Ohio June 19, 1970
and thereafter enter summer school at Kent State University,
Kent, Ohio, June 22, 1970. She advised her daughter would
be available on or after June 19, 1970.

FEDERAL BUREAU OF INVESTIGATION

7C
PL

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Date 6/23/70

[REDACTED]
[REDACTED] Kent, Ohio, age 22,
a Senior student at Kent State University (KSU), Kent,
Ohio, was recontacted June 23, 1970, at which time she
was shown a group of 22 photographs of various male
individuals.

From this group she identified a photograph
of [REDACTED] date of birth August 25, 1951
as the only individual whom she recognized. [REDACTED]
stated [REDACTED] is the person she referred to in her
signed statement furnished to the FBI on May 14, 1970. She
said he is the individual she talked to on May 8, 1970 at
Kent, Ohio, at which time he told her he was involved in
the burning of the ROTC Building at KSU on May 2, 1970.
She continued that [REDACTED] admitted to her he crawled
through a window of the ROTC Building and started the fire
from the inside while some of his friends and others
started the fire from the outside. [REDACTED] also told
her he was from Canton, Ohio and was not a student at KSU
but that he had a brother who was a student at KSU.

On - 6/23/70 at Kent, Ohio

File # Cleveland 98-2140

by SA [REDACTED]

Date dictated 6/23/70

XXXXXX
XXXXXX
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FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) b7c b7d with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

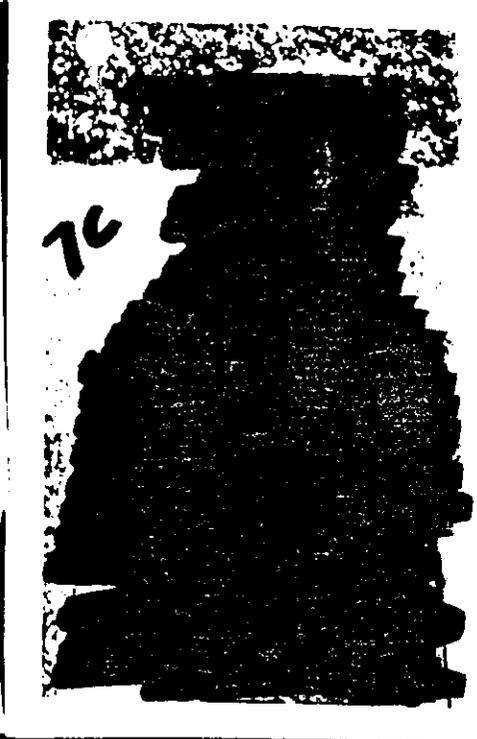
_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

5 Page(s) withheld for the following reason(s):
Index of Names from Reports

- For your information: _____
- The following number is to be used for reference regarding these pages: _____

XXXXXX
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X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
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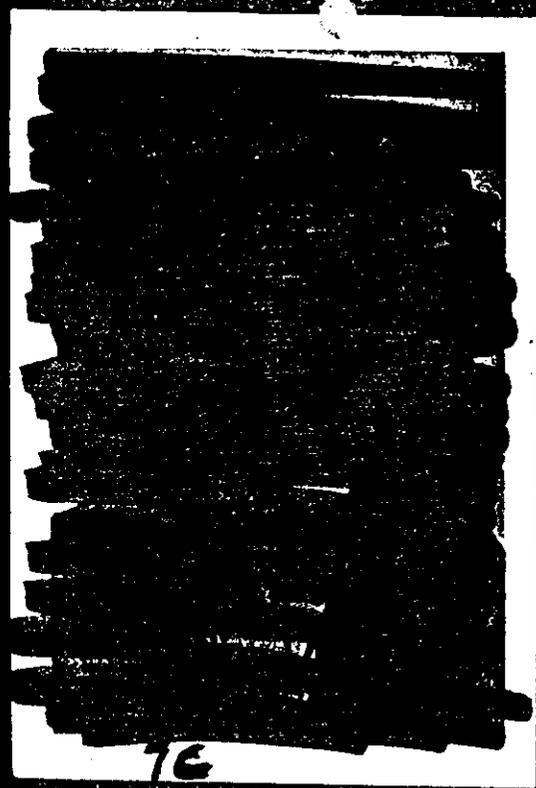


THOMAS GRAYDON FOGLESONG
DOB 5-7-50
6' 3" 180 lbs.
Blond hair - blue eyes



UNKNOWN SUBJECT
(center of photo, facing
camera)

PETER CHARLES BLEIK
(long hair & beard, no shirt)



76



ALLEN TATE
DOB 2-13-51
6' 2 1/2" 176 lbs.
Black hair - brown eyes

RICHARD CONRAD FELBER
DOB 9-12-49
6' 1 1/2" 165 lbs.
Blond hair - green eyes

THOMAS DAVID MILLER
a.k.a. TOM AGUINAS
DOB 4-15-19
5' 9" 130-140 lbs.

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

2 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) b7c with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

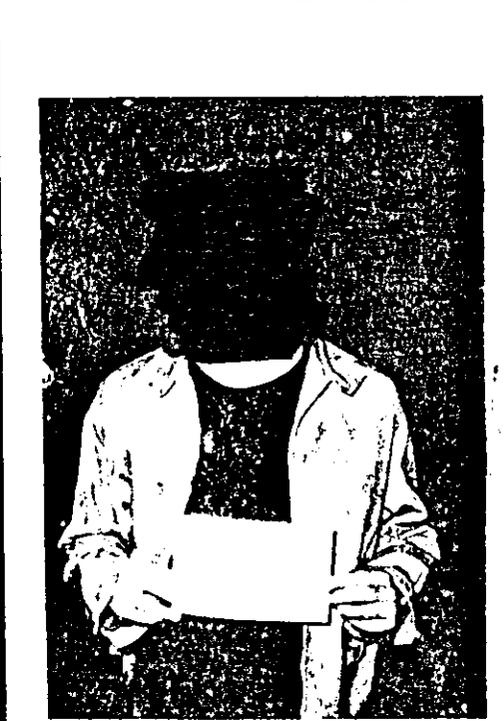
_____ Page(s) withheld for the following reason(s):

For your information: _____

The following number is to be used for reference regarding these pages:

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X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
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[REDACTED]

PETER CHARLES BLEIK
(long hair, beard, and

[REDACTED]

[REDACTED]





ALAN CANFORA
DOB 2-13-49
5' 7" 135 lbs.
Blond hair - green eyes

PETER CHARLES BLEIK
(long hair & beard)





JERRY RUPE
DOB 7-23-48
5' 11" 150 lbs.
Brown hair - blue eyes

22

[REDACTED]

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. C. D. DeLoach
- 1 - Mr. A. Rosen
- 1 - Mr. C. L. McGowan

TO : Mr. W. C. Sullivan

DATE: 6/10/70

FROM : Mr. C. D. Brennan

- 1 - Mr. W. C. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. G. H. Menzel

SUBJECT:

[REDACTED]

PETER CHARLES BLEIK;
DOUGLAS CHARLES CORMACK; RICK FELBER;
THOMAS GRAYDON FOGLESONG;

[REDACTED]

JERRY RUPE;
SABOTAGE; SEDITION; CIVIL RIGHTS -
FEDERALLY PROTECTED ACTIVITY;
DESTRUCTION OF GOVERNMENT PROPERTY

Breit

7C

Rm

By airtel 6/5/70, Cleveland advised that Philip Morris Attorney, Internal Security Division, Department of Justice, had contacted that office following a review of reports in this investigation which concerns the burning of the ROTC building at Kent State University on 5/2/70.

Mr. Morris advised he was not inclined to present a sabotage case to a Federal grand jury at this time until additional investigation is conducted because he saw no reason to call uncooperative witnesses and that if it was necessary to call such persons to testify, he desired additional information concerning them on which he could base his interrogation. He advised that subject [REDACTED] and Bleik are the only subjects he would consider in connection with a sabotage violation. Mr. Morris advised that he desired certain potential witnesses be reinterviewed and exhibited photographs for identification purposes, which photographs were not available at the time of the initial interview.

As relates to the other subjects, Mr. Morris advised it would be more appropriate to consider charging them with a violation of Title 18, Section 238, U. S. Code. This section

Enclosure sent 6-11-70

GHM:kks
(7)

REC-58

98-46479

EX-105

JUN 25 1970

CONTINUED OVER

JUL 3 1970

SIX

Memo to Mr. W. C. Sullivan

Re: [REDACTED]

Peter Charles Bleik; Douglas Charles Cormack;
Rick Felber; Thomas Graydon Foglesong;

[REDACTED]
Jerry Rupe; [REDACTED]

of the Antiriot Law prohibits interference with firemen or police during civil disorders. Mr. Morris stated a decision on such charges could not be made until the Internal Security Division consults with the Criminal Division which handles this violation.

It was pointed out to Mr. Morris that local or state authorities would probably initiate prosecutive action before the investigation requested by him could be completed. Although apparently sufficient evidence of such Antiriot Law violation is available, Mr. Morris advised that Assistant Attorney General J. Walter Yeagley, had been contacted and concurred with his recommendation to request additional investigation before any Federal prosecutive action is initiated.

It is agreed that the investigation requested would be important in the event of a trial, particularly with respect to a sabotage violation by [REDACTED] and Bleik, but it appears that this request by the Department side-steps an immediate decision on the Antiriot Law charges against seven subjects. Such a tactic is in keeping with foot dragging by the Internal Security Division.

Attached is a letter to the Attorney General requesting an immediate decision as to prosecutive action against those subjects in this case who may have violated the Antiriot Law statute.

RECOMMENDATION:

That the attached letter to the Attorney General requesting an immediate decision as to prosecuting subjects for violation of the Antiriot Law be approved.

Rem *GK* *W* *R*

- 1 - Mr. C. D. DeLoach
- 1 - Mr. A. Rosen
- 1 - Mr. C. L. McGowan

The Attorney General

July 6, 1970

Director, FBI

- 1 - Mr. W. C. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. G. H. Menzel

[REDACTED], and others
**SABOTAGE; SEDITION; CIVIL RIGHTS -
 FEDERALLY PROTECTED ACTIVITY;
 DESTRUCTION OF GOVERNMENT PROPERTY**

7C

Reference is made to my letter dated June 11, 1970, in this matter which requested an early decision as to whether prosecutive action was warranted concerning certain subjects involved in the destruction of the Reserve Officers' Training Corps building at Kent State University May 2, 1970.

A representative of this Bureau attended a meeting at Ravenna, Ohio, on June 25, 1970, with Mr. Jerris Leonard, Assistant Attorney General, Civil Rights Division, who advised that he had requested this meeting on your specific instruction. Those attending the meeting also included representatives of the Portage County, Ohio, Prosecutor's Office and the Ohio State Highway Patrol.

Mr. Leonard pointed out that it had always been the policy of the Department of Justice in situations of this type to defer to state authorities in lieu of Federal prosecution. He advised that it had been decided to turn over to the Portage County, Ohio, Prosecutor's Office all evidence and information relating to the investigations of incidents at Kent State University between May 1, 1970, and May 4, 1970. Mr. Ronald J. Kane, Prosecutor, Portage County, Ohio, assured Mr. Leonard that he would vigorously pursue the evidence and information received and secure prosecution against any individual who has violated state laws in connection with the above incident. Mr. Leonard was advised during this meeting that reports of investigation of these incidents by the Ohio State Highway Patrol and the Ohio National Guard are forthcoming and will be furnished to Mr. Kane.

- _____ DeLoach
- _____ Mohr
- _____ Bishop
- _____ Casper
- _____ Callahan
- _____ Conrad
- _____ Felt
- _____ Gale
- _____ Rosen
- _____ Sullivan
- _____ Tavel
- _____ Walters
- _____ Tele. Room
- _____ Holmes
- _____ Gandy

GHM:amt
(13)

MAILED 3
JUL - 6 1970
COMM-FBI

EX-117
 REC 53
 WCS/KH
 SEE NOTE PAGE TWO
 94

19 JUL 7 1970

MAIL ROOM TELETYPE UNIT

7 JUL 7 1970

The Attorney General

Inasmuch as Federal prosecution in this matter is no longer being considered, no further investigation will be conducted in this case unless specifically requested by you. You have been furnished the results of previous investigation and a closing report will be promptly submitted.

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Civil Rights Division
- 1 - Assistant Attorney General
Criminal Division
- 1 - Assistant Attorney General
Internal Security Division

NOTE:

See memorandum C. D. Brannan to W. C. Sullivan captioned as above, dated 7/2/70, GHM:pab..

1 - Mr. C. D. DeLoach
1 - Mr. Rosen
1 - Mr. C. Sullivan
1 - Mr. C. D. Brennan
1 - Mr. G. H. Menzel

7/8/70

AIRTEL

To: SAC, Cleveland (98-2140)

From: Director, FBI (98-46479)

[REDACTED] and others
SABOTAGE; SEDITION; CIVIL RIGHTS -
FEDERALLY PROTECTED ACTIVITY;
DESTRUCTION OF GOVERNMENT PROPERTY

7C

ReCVteletype 6/25/70.

In view of the Department's decision in this matter that information and evidence will be turned over to the local prosecutor in Ohio in lieu of Federal prosecution, there appears to be no basis for additional investigation in this case.

Accordingly, the Attorney General has been advised that no further investigation will be conducted in this case unless such has been specifically requested by the Department.

Cleveland will therefore discontinue investigation and promptly submit a closing report. Advise by return communication the date it is contemplated such a report will be submitted. No dissemination of information or evidence in this matter shall be made by Cleveland to local authorities until you are so advised by the Bureau.

GHM:amt
(8)

REC 16

19 JUL 8 1970

NOTE:

By memorandum 7/2/70, the Director was advised that the Department decided to make available to the local Ohio prosecutor all information and evidence in this case for local prosecution in lieu of Federal prosecution. It was recommended and approved by the Director that the Attorney General be advised that no further investigation will be conducted unless specifically requested. Cleveland is therefore being requested to discontinue investigation and submit closing report.

JUL 7 - 1970
COMM-FB

59 JUL 13 1970

MAIL ROOM TELETYPE UNIT

FBI

Date: 6/25/70

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

Via _____

(Priority)

TO: DIRECTOR, FBI (98-46479)
FROM: SAC, CLEVELAND (98-2140) (P)
SUBJECT: [REDACTED]

ETAL
SABOTAGE; SEDITION;
DESTRUCTION OF GOVERNMENT
PROPERTY; CIVIL RIGHTS ACT OF 1968 -
INTERFERING WITH FEDERALLY
PROTECTED FACILITY

7C
7C
REK
P. J. [unclear]

Re Bureau telephone call, 6/24/70; Cleveland
report of SA [REDACTED] 6/23/70.

[REDACTED]

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

RJK/gjz
(4)

EX-116
REC 27

98-46479-96

25 JUN 27 1970

INT. SEC.

SECRET

ENCLOSURE

CMC

Special Agent in Charge

Sent _____ M Per _____



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON, D.C. 20535

Cleveland, Ohio

June 25, 1970

[REDACTED]
PETER CHARLES BLEIK;
DOUGLAS CHARLES CORMACK;
RICHARD CONRAD FELBER;
THOMAS GRAYDON FOGLESONG;

7C

[REDACTED];
[REDACTED];
JERRY RUPE;

[REDACTED];
SABOTAGE; SEDITION;
DESTRUCTION OF GOVERNMENT
PROPERTY; CIVIL RIGHTS ACT OF 1968 -
INTERFERING WITH FEDERALLY
PROTECTED FACILITY

7

On June 18, 1970 [REDACTED]

[REDACTED], was displayed a group of photographs (as listed below) by Special Agents of the Federal Bureau of Investigation. He stated from this group he recognized JERRY RUPE and ALLEN TATE as having been on the Kent State University (KSU) campus on the evening of May 2, 1970. He said that he had not seen TATE in the vicinity of the U. S. Army ROTC Building at the time persons were attempting to set fire to this building, but later saw him in the area of the small archery shed that was burned and also at the Tri-Towers area.

[REDACTED] stated that he had seen JERRY RUPE in the immediate vicinity of the U. S. Army ROTC Building when persons from the crowd assembled around the building were attempting to set fire to the building. He commented he had never seen RUPE trying to set fire to the U. S. Army ROTC Building, but he had seen him throw stones and also had been agitating the crowd. He stated he had observed RUPE burn a United States of America flag and had later seen him beating an unknown person who apparently had attempted to take his photograph at the time he was burning the American flag. [REDACTED] again stated that at no time had he seen RUPE

RE: [REDACTED]

ETAL
SABOTAGE; SEDITION;
DESTRUCTION OF GOVERNMENT
PROPERTY; CIVIL RIGHTS ACT OF 1968 -
INTERFERING WITH FEDERALLY
PROTECTED FACILITY

attempting to set fire to the building.

The following is a list of the photographs
observed by [REDACTED]

[REDACTED]
PETER CHARLES BLEIK (3 photos)

ALAN CANFORA

[REDACTED]
RICHARD CONRAD FELBER

THOMAS GRAYDON FOGLESONG

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
THOMAS DAVID MILLER

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
JERRY RUPE

7d

7C

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RE: [REDACTED]

ETAL
SABOTAGE; SEDITION;
DESTRUCTION OF GOVERNMENT
PROPERTY; CIVIL RIGHTS ACT OF 1968 -
INTERFERING WITH FEDERALLY
PROTECTED FACILITY

[REDACTED]

ALLEN TATE
UNKNOWN SUBJECT

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]

Domestic Intelligence Division

INFORMATIVE NOTE

Date 7/7/70

The attached refers to Bureau letter to the Attorney General 7/6/70 which advised no additional sabotage investigation concerning the burning of the Kent State University ROTC Building would be conducted in absence of a specific request from the Department. Cover memorandum approving this letter is also attached.

This action resulted from the decision of the Department to turn over information and evidence to local authorities in lieu of Federal prosecution.

The attached requests no dissemination of investigation conducted be made until a procedure to be followed is received from the Department.

Cleveland has been advised to discontinue investigation and submit a closing report but not to furnish information to local authorities without advice from the Bureau.

GIM:bkr

[Handwritten signatures and initials]

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Director
Federal Bureau of Investigation

DATE: July 15, 1970

FROM : *JL* Jerris Leonard
Assistant Attorney General
Civil Rights Division

SUBJECT: Your Memorandum of July 6, 1970
[REDACTED], and others
Sabotage; Seditious Activities; Civil Rights -
Federally Protected Activity;
Destruction of Government Property

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

7C

You will please not deliver any of the information or execute in any other way the proposals set out in the referenced memorandum until you receive specific authorization from me.

A memorandum setting out the procedure to be followed relative to this matter will be forthcoming.

C. D. Bishop
Pat...

cc: Attorney General
Deputy Attorney General
Will Wilson
J. Walter Yeagley

REC-36 78-46479 -

EX-109

JUL 12 1970

66 JUL 16 1970

RECEIVED
5 15 1970

File 98-46479

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. C. D. DeLoach
- 1 - Mr. A. Rosen
- 1 - Mr. C. L. McGowan

TO : Mr. W. C. Sullivan

DATE: July 2, 1970

FROM : C. D. Brennan

- 1 - Mr. W. C. Sullivan
- 1 - Mr. C. D. Brennan
- 1 - Mr. G. H. Menzel

SUBJECT: [REDACTED] and others
 SABOTAGE; SEDITION; CIVIL RIGHTS -
 FEDERALLY PROTECTED ACTIVITY;
 DESTRUCTION OF GOVERNMENT PROPERTY

7C

Investigation of the ROTC building arson at Kent State University (KSU), 5/2/70, resulted in the identification of nine subjects who were reportedly engaged in various acts including setting fire to the building and interfering with firemen fighting the blaze which destroyed structure. Since 5/2/70, Cleveland has submitted five reports consisting of 12 volumes totaling more than two thousand pages of investigation in this case.

By memorandum 6/10/70 you were advised that the Internal Security Division requested certain additional investigation in this case before any other Federal prosecutive action would be initiated. Inasmuch as the facts then indicated prima facie violations by seven subjects of the Antiriot Law in connection with interference with firemen, this request for investigation sidestepped making a prosecutive decision. The Attorney General by letter 6/11/70 in connection with the foregoing was requested to promptly advise whether prosecutive action was warranted. In reply to this letter, the Internal Security Division on 6/15/70 pointed out that its request for additional investigation related only to the possible sabotage aspects of the case. The Criminal Division on 6/15/70, also in response to this letter to the Attorney General, requested the FBI determine the nature of any local prosecution at Kent, Ohio. It was explained that this information was desired to support a position that Federal prosecution was warranted as to such matters as Destruction of Government Property and Antiriot Law violations considering the lack of local action in over 45 days.

REC-36

The attached teletype stated that the Assistant Attorney General, Civil Rights Division, stating he was acting under instructions of the Attorney General, agreed to turn over all evidence and information to the Portage County Prosecutor in Ohio for local prosecution as to all incidents at KSU between 5/1-4/70. This naturally includes the ROTC burning on 5/2/70 and the matter relating to the killing of students on 4/70.

5 JUL 20 1970

Enclosures (2) sent 7-6-70

CONTINUED - OVER

GHM:pab (7)

Memorandum to Mr. W. C. Sullivan
RE: ARTHUR SCOTT BARNHARDT, and others

In view of the foregoing, there appears to be no prospect for Federal prosecution of any violation and no basis for further investigation by the FBI. Reports of investigation by Ohio State Highway Patrol and Ohio National Guard relating to incidents at KSU between 5/1-4/70 are forthcoming and will be made available to the Portage County Prosecutor.

RECOMMENDATION:

That the attached letter to the Attorney General be approved advising that inasmuch as all evidence and information in this matter will be made available to local authorities in lieu of Federal prosecution, no further investigation will be conducted by the FBI. Upon approval of this recommendation Cleveland will be instructed to submit a closing report.

10/27/70
- Cal
WCS/6
OK
H

FBI

Date: 7/9/70

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

AIRTEL

(Priority)

msj

P11

TO: DIRECTOR, FBI (98-46479)
FROM: SAC, CLEVELAND (98-2140) (P)
RE: [REDACTED], and others
SABOTAGE; SEDITION; CIVIL RIGHTS -
FEDERALLY PROTECTED ACTIVITY;
DESTRUCTION OF GOVERNMENT PROPERTY

7C C. D. BRENNAN

Carroll M...

Re Cleveland airtel to Bureau and all offices,
dated 5/10/70.

By communication dated 7/8/70, the Bureau advised
in view of the Department's decision in this matter that infor-
mation and evidence will be turned over to the local prosecu-
tor in Ohio in lieu of Federal prosecution, there appears to be
no basis for additional investigation in this case.

Accordingly, the Attorney General has been advised
that no further investigation will be conducted in this case
unless such has been specifically requested by the Department.

Consequently, all investigation regarding this matter
is to be discontinued per Bureau instructions. Cleveland is
discontinuing investigation in instant matter and anticipates
a closing report will be submitted by 7/17/70.

Receiving offices will discontinue all investigation
regarding this matter and immediately furnish Cleveland any
pertinent FD-302s for incorporation into closing report,
noting anticipated date, above, for submission of report.

- 2 - Bureau (RM) — *100904*
- 2 - Each Office (RM)
- 2 - Cleveland

REC 37

99

GAH/clo
(120)

EX-115

JUL 11 1970

JUL 20 1970

Approved: *CDC/imp*
Special Agent in Charge

Sent _____ M

SEARCHED
SIX

F B I

Date: 7/9/70

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

(Priority)

C. D. BRENNAN

TO: DIRECTOR, FBI (98-46479)
FROM: SAC, CLEVELAND (98-2140)(P)

RE: [REDACTED]
ET AL
SABOTAGE; SEDITION;
DESTRUCTION OF GOVERNMENT PROPERTY;
CIVIL RIGHTS ACT OF 1968 -
INTERFERENCE WITH FEDERALLY
PROTECTED FACILITY

7C

OO: Cleveland

Re Bureau airtel to Cleveland, 7/8/70.

In accordance with Bureau instructions, Cleveland has discontinued investigation in this matter. Auxiliary offices have been advised to also discontinue investigation and promptly submit results to Cleveland Office. Cleveland will submit closing report to Bureau by 7/17/70.

2 - Bureau (RM)
2 - Cleveland

WMC/clo
(4)

EX 105

REC-39

7-11-70-100

JUL 11 1970

INT. SEC.

54 JUL 12 1970
Special Agent in Charge

Sent _____ M Per _____

504

- 1 - Mr. W. C. Sullivan
- 1 - Mr. A. Rosen
- 1 - Mr. C. D. Brennan

The Attorney General

July 27, 1970

Director, FBI

- 1 - Mr. R. L. Shackelford
- 1 - Mr. G. H. Menzel
- 1 - Mail Room (5531 JB)

[REDACTED]
 PETER CHARLES BLEIK;
 DOUGLAS CHARLES CORMACK;
 RICHARD CONRAD FELDER;
 THOMAS GRAYDON FOGLESONG;

7C

M.A.L. (SD)

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4
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9

[REDACTED]
 TERRY ROBE

SABOTAGE; SEDITION; CIVIL RIGHTS -
 FEDERALLY PROTECTED ACTIVITY;
 DESTRUCTION OF GOVERNMENT PROPERTY

JUL 27 1970
 COMM-FBI

Reference is made to my letter dated July 6, 1970, which advised that no further investigation would be conducted concerning the burning of the Reserve Officers' Training Corps facility at Kent State University, Kent, Ohio, on May 2, 1970, unless specifically requested by you. You were also advised that a closing report would be submitted concerning this matter.

There is enclosed for your information a copy of the closing report of Special Agent [REDACTED] dated July 20, 1970, at Cleveland, Ohio, which contains further investigation conducted.

7C

A copy of the enclosed report is being furnished to Honorable John D. Ehrlichman at the White House.

EX-116

REC-51

46479-101

Enclosure

- 1 - The Deputy Attorney General (Enclosure)
- 1 - Assistant Attorney General (Enclosure)
 Internal Security Division

JUL 27 1970

GHM:kks
 (13)

SEE NOTE PAGE TWO

MAIL ROOM TELETYPE UNIT

The Attorney General

1 - Assistant Attorney General (Enclosure)
Civil Rights Division

1 - Assistant Attorney General (Enclosure)
Criminal Division

NOTE:

See memorandum Mr. R. L. Shackelford to Mr. C. D. Brennan, dated 7/24/70, captioned as above, prepared by GHM:kks.

- 1 - Mr. W. C. Sullivan
- 1 - Mr. A. Rosen
- 1 - Mail Room (5531 JB)
- 1 - Mr. C. D. Brennan
- 1 - Mr. R. L. Shackelford
- 1 - Mr. G. H. Menzel

July 27, 1970

BY LIAISON

Honorable John D. Ehrlichman
 Assistant to the President
 for Domestic Affairs
 The White House
 Washington, D. C.

Dear Mr. Ehrlichman:

Reference is made to my letter dated June 29, 1970, and previous letters, furnishing you the results of investigation of the Federal Bureau of Investigation concerning the burning of a Reserve Officers' Training Corps building at Kent State University on May 2, 1970.

There is enclosed for your information a copy of the report of Special Agent [redacted] dated July 20, 1970, at Cleveland, Ohio, which contains the results of additional investigation conducted.

A copy of this report is being furnished to the Attorney General.

EX-117 REC 18

Sincerely yours,

454779-10

2 JUL 28 1970

Enclosure

GHM:kks
 (8)

NOTE:

Tolson
 DeLoach
 Mohr
 Bishop
 Casper
 Callahan
 Conrad
 Felt
 Gale
 Rosen
 Sullivan
 Tavel
 Trotter
 Tele. Room
 Holmes
 Gandy

54 JUL 21 1970

See memorandum Mr. R. L. Shackelford to Mr. C. D. Brennan, dated 7/24/70, captioned as above, prepared by GHM:kks.

MAIL ROOM TELETYPE UNIT

Handwritten signatures and initials:
 [Signature]
 [Signature]
 [Signature]
 [Signature]



UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D.C. 20535

July 27, 1970

BY LIAISON

Honorable John D. Ehrlichman
Assistant to the President
for Domestic Affairs
The White House
Washington, D. C.

Dear Mr. Ehrlichman:

Reference is made to my letter dated June 29, 1970, and previous letters, furnishing you the results of investigation of the Federal Bureau of Investigation concerning the burning of a Reserve Officers' Training Corps building at Kent State University on May 2, 1970.

There is enclosed for your information a copy of the report of Special Agent [REDACTED] dated July 20, 1970, at Cleveland, Ohio, which contains the results of additional investigation conducted. **7C**

A copy of this report is being furnished to the Attorney General.

Sincerely yours,

J. Edgar Hoover

Enclosure

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE CLEVELAND	OFFICE OF ORIGIN CLEVELAND	DATE 7/20/70	INVESTIGATIVE PERIOD 6/8/70 - 7/1/70
TITLE OF CASE [REDACTED] PETER CHARLES BLEIK; DOUGLAS CHARLES CORMACK; RICHARD CONRAD FELEER; THOMAS GRAYDON FOGLESONG; [REDACTED] JERRY RUPE; [REDACTED]		REPORT MADE BY [REDACTED]	TYPED BY C.
		CHARACTER OF CASE SABOTAGE; SEDITION; DESTRUCTION OF GOVERNMENT PROPERTY; CIVIL RIGHTS ACT OF 1968 - INTERFERENC WITH FEDERALLY PROTECTED FACILIT	

76

REFERENCES

6/23/70. Cleveland report of SA [REDACTED] dated
Bureau airtel to Cleveland, dated 7/8/70.

- C -

ADMINISTRATIVE

In accordance with instructions contained in

ACCOMPLISHMENTS CLAIMED					<input type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN: PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/>
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES		

APPROVED *CSC/jrp* SPECIAL AGENT IN CHARGE

COPIES MADE:
14 - Bureau (98-46479) (RM)
1 - USA, Cleveland
5 - Cleveland (98-2140)

DO NOT WRITE IN SPACES BELOW

103 REC-
4 JUL 23 1970
SI 107

Dissemination Record of Attached Report			
Agency	AC, D, G, I, S, J, K, L		
Request Recd. Date	4/8/1970		
How Fwd.	...		
By			

Notations

INT. SEC.
[Handwritten signatures and stamps]

100 & 1000...
100 & 1000...
[Handwritten notes]

COVER PAGE

CV 98-2140

referenced Bureau airtel to Cleveland, dated July 8, 1970, Cleveland has discontinued investigation and placed this matter in a Closed Status.

B*
COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, CLEVELAND

Report of: SA [REDACTED]
Date: 7/20/70

Office: CLEVELAND

Field Office File #: (98-2140)

Bureau File #: (98-46479)

Title: [REDACTED]
PETER CHARLES BLEIK;
DOUGLAS CHARLES CORMACK;
RICHARD CONRAD FELBER;
THOMAS GRAYDON FOGLESONG;

7c

Character: [REDACTED]

Synopsis: JERRY RUPE;
[REDACTED]

SABOTAGE; SEDITION; DESTRUCTION OF
GOVERNMENT PROPERTY; CIVIL RIGHTS
ACT OF 1968 - INTERFERENCE WITH
FEDERALLY PROTECTED FACILITY

7d

Synopsis:

[REDACTED], Kent, Ohio, witnessed burning of ROTC Building and furnished names of individuals she recognized in crowd at fire. She stated she observed [REDACTED] attempt to set the building on fire. She also saw JERRY RUPE burn an American Flag and saw RUPE and an individual she believed to be RICK FELBER attack a fireman.

Photographs of suspects were displayed to [REDACTED], and he identified those individuals he observed at burning.

[REDACTED], described burning as being "premeditated" inasmuch as some demonstrators possessed flares and machetes. He said that only about six or seven individuals appeared to actually engage in starting the fire, and a group of about 20 persons interfered with the firemen attempting to extinguish the fire.

[REDACTED] New York, furnished names of five individuals who he believed had witnessed the burning of the building.

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

1 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) b7c with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

_____ Page(s) withheld for the following reason(s):

For your information: _____

The following number is to be used for reference regarding these pages:

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

FEDERAL BUREAU OF INVESTIGATION.

1

Date June 29, 1970

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[REDACTED]
Kent, Ohio, furnished the following information:

She stated she had been on the Kent State University (KSU) campus on the evening of May 2, 1970, with [REDACTED]

[REDACTED] she said they had arrived on campus at about 7:30 p.m. and had gone to the Commons area where a crowd had started to gather around the bell. She commented the crowd then began a march toward the Tri-Towers dormitory area, and upon arriving there, several more students joined the crowd.

After leaving the Tri-Towers area, the crowd then marched past the Eastway Center and returned to the Commons area, arriving there sometime after 8:00 p.m. She remarked some of the persons in the crowd began throwing stones at the United States Army ROTC Building, which is located next to the Commons. She noted the only persons she recognized in this crowd were JERRY RUPE, RICK FELBER, and [REDACTED]

[REDACTED] advised she did not observe either RUPE or FELBER attempt to set fire to the ROTC Building, but she did see [REDACTED] go to one of the windows which had been broken by stones and attempt to set fire to the curtains with a match. He was unsuccessful in these efforts, and the crowd had laughed at his attempts. She stated she had observed JERRY RUPE, and she believes FELBER, attack one of the firemen from the Kent Fire Department. They knocked this man down and had also pulled the firehose away from the firemen. This firehose was pulled into the crowd and cut with knives. She added RUPE and FELBER had knives in sheaths on their legs, and these were used to cut the hoses. She commented in addition to these activities, she had observed RUPE burn an American flag.

[REDACTED] advised she had seen some flares thrown at the ROTC Building, but they did not appear to have

On 6/23/70 at Kent, Ohio

File # Cleveland 98-2140

by SA [REDACTED]
SA [REDACTED]

Date dictated 6/23/70

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7D

started the fire in the building. She noted [REDACTED] had been with her during these activities, and he had not engaged in anything other than to throw a few rocks at the building. She stated a part of the crowd had then left the area of the ROTC Building and went to a small building located on the other side of the Commons where some baseball equipment reportedly was stored, and this building was broken into and later burned. She commented she and [REDACTED] had been with this group, but had not participated in the burning of the small building.

The group then marched across the campus, down Terrace Drive to East Main Street and had then started toward downtown Kent. She said as they were marching toward the downtown area, the Ohio National Guard had arrived in the Kent area, and she and [REDACTED] went back on campus with several others of the crowd.

[REDACTED] This group then started walking back toward the Commons area and upon arriving back at the Commons, she observed the ROTC Building was in flames. She stated neither she nor [REDACTED] had been present when the ROTC Building was set on fire and she does not know who set the building afire. She commented during the time she had been in the area of the ROTC Building, she had not seen anyone throw burning rags into the building, and when she and [REDACTED] left the area to go with the crowd, the ROTC Building was not on fire.

[REDACTED] advised the above information is as she recalls the burning to the ROTC Building, and she does not recall seeing anyone in the crowd, other than those she has mentioned.

She advised she would not be willing to testify to the information she has furnished.

[REDACTED] observed a large group of photographs from which she selected the following as being persons she either knows or recognizes. She again stated the only person she knows were at the ROTC Building burning are those she mentioned, and other than their photographs which are among this group, she does not recall seeing any of the others at the above incident.

[REDACTED]

CV 98-2140

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The following is the group selected by [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

RICHARD CONRAD FELBER

JERRY RUPE

THOMAS DAVID MILLER, also known as Tom Aquinas

[REDACTED]

[REDACTED]

(1)

Date 7/2/70

[redacted] was located for interview at [redacted] Ohio. [redacted] was advised of his rights orally by SA [redacted] and of the identity of the interviewing agents and he read his rights and thereafter executed a "Warning of Rights and Waiver Form".

On this occasion, [redacted] was shown a group of photographs and after viewing same he singled out the following photographs stating the individuals depicted therein are totally unknown to him and he does not recall having seen any of the individuals on the Kent State University Campus on May 2, 1970 at the time the ROTC Building was burned. Persons picked as unknown by [redacted] are as follows:

ALAN CANFORA:

[redacted]

UNKNOWN SUBJECT, center of photo facing camera;
Three photos of PETER CHARLES BLEIK;

[redacted]

The remaining photographs displayed to [redacted] this occasion, were chosen by him as persons known to him and he furnished the following statements with regard to each of these persons:

[redacted] - an individual who he met at Kent, Ohio on May 2, 1970 and rode to the ROTC Building area prior to same being burned, known to him as a student, high school, from Peninsula, Ohio.

THOMAS DAVID MILLER - known to him as a friend of JEFF MILLER, one of the individuals shot on the Kent State University Campus, May 4, 1970, THOMAS DAVID MILLER, not closely associated with or known by [redacted]

On 6/24/70 at Canton, Ohio File # Cleveland 98-214

by SAs [redacted] TLB:lah Date dictated 6/25/70

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]

CV 98-2140
(2)

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[redacted] picked a photograph of him, [redacted]
[redacted] bearing the date of birth [redacted]

[redacted] - identified by [redacted] as an individual with whom he rode to the Kent State University Campus in his, [redacted], 1970 green Maverick on May 2, 1970, and thereafter traveled with [redacted] to the rally held at the Commons, near the ROTC Building.

THOMAS GRAYDON FOGLESONG - known to him as a student who traveled from 127 N. Matawa Street, Kent, Ohio on May 2, 1970 to the Tri-Towers Dormitory and thereafter was observed at the burning of the ROTC Building on the Kent State University Campus.

[redacted] stated he recalls this individual's name was [redacted] and identified him as the individual who drove the Volkswagen Bus to the Tri-Towers Dormitory to an area near the rally and he, [redacted], rode in this bus with this individual.

ALLEN TATE - [redacted] stated he does not know this individual by name, however, he observed him at the Tri-Towers Dormitory complex and at the ROTC fire on May 2, 1970 and this individual talked to him about being involved in the incident on May 2, 1970, however, he did not observe TATE throw any rocks or set the fire.

JERRY RUPE - He stated RUPE resided with [redacted] Kent, Ohio and he recalls RUPE was wearing striped pants at the time he was present in the vicinity of the ROTC Building, which was burned on the Kent State University Campus, May 2, 1970 and he, RUPE, was observed to throw milk cases, steel, through the windows of the ROTC Building and was also carrying a burning American flag around the area.

RICHARD CONRAD FELBER - [redacted] stated as he recalls FELBER was wearing either striped pants or Levis on the night the ROTC Building was burned on the Kent State University Campus, May 1970, and he, FELBER, is a roommate of JERRY RUPE's and [redacted], Kent, Ohio.

cv 98-2140
(3)

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[REDACTED] advised he rode to the Tri-Towers Dormitory complex on the Kent State University Campus on the night of May 2, 1970, from 127 N. Matawa Street, in the 1970 Green Maverick, owned by [REDACTED]. He advised he recalls that JERRY RUPE and RICK FELBER rode to the Tri-Towers Dormitory from this same address in a yellow Chevrolet, owned by RICK. He stated the individual who he knows as [REDACTED] as the driver of the Volkswagen Bus, drove the Volkswagen Bus to the Tri-Towers Dormitory with the other individuals previously described and he and [REDACTED] thereafter, traveled with [REDACTED] and the other individuals in the Volkswagen Bus to the area of the Student Union, where the rally was to be held, near the ROTC Building, on the Kent State University Campus.



Date JUN 19 1970

[REDACTED] who has just completed his sophomore year at Kent State University (KSU), was interviewed at the [REDACTED]. [REDACTED] advised that he is majoring in architecture at KSU.

[REDACTED] advised that on the morning of Saturday, May 2, 1970, he heard that there would be a rally held at the KSU campus at 8:00 PM that evening. He advised that the rally was to be held on the Commons. He advised that he arrived about 20 minutes early that evening and saw a crowd of approximately 500 people there, and noticed several teachers in the crowd wearing blue arm bands. He advised that he does not know why these teachers were there, but did recognize one or two of them as having been involved in campus demonstrations the previous year.

[REDACTED] advised that the crowd seemed unorganized at this time and that shortly after he arrived two males ran over to the Victory Bell and began ringing it as a call for more people to join the crowd. He advised that "radical types" then ran up the hill toward Taylor Hall, and headed toward the Tri Towers Dormitory chanting "one two three four, we don't want your (obscene) war". He advised that some of these individuals apparently were carrying cans of spray paint concealed on their person because immediately upon arriving at Tri Towers they began spraying anti-war and anti-NIXON slogans on the sidewalks and pillars of Tri Towers.

[REDACTED] advised that apparently the reason for the crowds moving to Tri-Towers was to encourage the students living there to come out and join the crowd. He advised that the crowd got no initial response from those inside the dormitory and then numerous people decided to enter the dormitory and run through the halls in order to roust out some students. He advised that he remained outside in the crowd and shortly after the dormitory

On 6/12/70 at [REDACTED] Illinois File # CG 98-1975

by SAS [REDACTED] Date dictated 6/15/70

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.

7d

was entered the fire alarm sounded, many students then emptied out of the dormitory and joined the crowd.

[REDACTED] advised that the crowd moved to Eastway and Beal-McDowell Dormitory complexes but did not enter these buildings. He advised that some students from these dormitories came out and joined the crowd which had grown to about 1,000 people. He advised that the crowd then went toward the Army ROTC building.

[REDACTED] further advised that during this entire phase of the Saturday night disturbances at KSU, a guppy shaped, unmarked helicopter followed the crowd from above.

[REDACTED] advised that as the crowd moved across the Commons toward the ROTC building, it began to lose momentum. He advised that at this point, someone shouted "to the ROTC building" and the crowd gathered, spread and ran to the building. He advised that a handful of students in the front of the crowd began throwing rocks at the ROTC building.

[REDACTED] advised that the KSU police were nowhere to be seen at this point in the demonstration. [REDACTED] advised that as some students began throwing rocks at the ROTC building the crowd began to cheer. He advised that he could not recognize anyone who was throwing rocks because it was very dark at this point. He advised, however, that these rock throwers appeared to him to be "hippie types". He advised that the crowd appeared to get braver because they did not see the KSU Police anywhere in the area. He advised that some individuals in the fore-front ran up to the building and broke windows with a big oil drum which they continuously smashed against the windows. He advised that at this point a student threw

3
CG 98-1975

two lighted flares at the ROTC building, the first landing on the roof with no affect and the second being thrown carefully threw a broken window. He advised that a student approached a broken window and reached inside and set the draperies on fire, but this fire seemed not to spread.

██████████ advised that he feels this activity in front of the ROTC building was "premeditated" since people do not normally walk around carrying flares or the machetes which were later used to chop the fire hoses when the fire department arrived on the scene.

██████████ advised that it appeared to him that only six or seven students were actually engaged in setting the ROTC building on fire. ██████████ advised that at this point the firemen appeared from the opposite side of the ROTC building and one fireman began dragging a hose around the corner. He advised that before this fireman could make any progress in controlling the blaze, about 20 students lunged on him and he turned the hose on them. He further advised that the group of 20 or so quickly overpowered the fireman and he ran off. He advised that he was then surprised to see a number of machetes appear and to see the individuals wielding them quickly chop the fire hoses.

██████████ advised that shortly before the firemen had arrived a "hippie" held up an American flag and set it on fire, whereupon someone in the crowd took a flash picture. He advised that a shout sounded up calling for the crowd to "get that camera". He advised that a number of individuals then jumped on the cameraman and beat him up and destroyed his camera. ██████████ advised that the firemen made a second attempt to put out the fire at the ROTC building but again their hoses were chopped by machete wielding individuals in the crowd.

7d

[REDACTED] advised that in the mean time he observed from a distance another student set a fire in the opposite corner of the ROTC building and this fire began to spread. He advised that he observed someone standing near a motorcycle parked in a lot nearby. He advised that this individual made several trips between the motorcycle and the corner of the building where the fire was spreading. He advised that he does not know what this individual was doing nor could he recognize him because of the distance and darkness involved.

[REDACTED] advised that at this time the KSU Police arrived on the scene wearing gas masks, helmets and carrying tear gas guns. He advised that the police did not order anyone around, but only tried to protect the firemen in their efforts to extinguish the blaze in the ROTC building. He advised that there were only about 18 KSU policemen and they lined up along the side of the building with their tear gas guns ready. He advised that the crowd approached perhaps within 20 feet of them, but quickly backed off when the police fired tear gas at them. He advised that this enabled the firemen to put out the blaze in the first corner of the building.

[REDACTED] advised that a number of individuals in the forefront of the crowd who were perhaps the same ones who had initiated the rock throwing, then led the crowd to the tennis courts, where they ripped down a chain linked fence and set fire to a sports equipment shed. He advised that the van guard of the crowd proceeded past President WHITES house and went down Main Street, where the crowd polarized with the "activist" marching down the street and those who were simply observing stood on the grass and sidewalks. He advised that the individuals in the street tore down signs, overturned telephone booths, broke windows and scattered trash and trash cans all over. He advised that the crowd caused traffic on Main Street to be diverted.

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CG 98-1975

7d

[REDACTED] advised that at the intersection of Main and Lincoln Streets he observed the Ohio National Guard (ONG) approaching in trucks and jeeps. He advised that the people standing on the sidewalks began to scatter but then stopped when they realized that the ONG would not do anything anyway. He advised that the group in the streets, however, began throwing rocks at the ONG, which then picked up speed and proceeded into downtown Kent without ever entering the KSU campus. He advised that this was at about midnight. He advised that this seemed to encourage the crowd and as a result some students began smashing windows in a information booth located in front of the library.

[REDACTED] advised that the crowd then proceeded back toward the Commons at which point the KSU police again shot gas. He advised that the crowd began to scatter when numerous people began shouting "back to the Commons", and he observed large flames on the horizon near where the ROTC building was located. He advised that a cheer went up from the crowd as they realized that the ROTC building was burning out of control and would soon be destroyed.

[REDACTED] advised that at about 12:30 AM, he left and went back to his dormitory. He advised that throughout the night there were small groups of people milling around the campus and he heard and saw many students leaning out the windows of the dormitories yelling obscenities at the ONG.

[REDACTED] advised that Sunday was very quiet and many students actually socialized with members of the ONG and the entire atmosphere seemed to him to have calmed down considerably. He advised that he and some friends spent approximately one hour talking with some guardsmen and he would have been the last to think that any additional violence would have broken out.

7d

[REDACTED] advised that on Monday afternoon a rally formed after a declaration banning the gathering of crowds had been issued. He advised that about 4,000 students gathered in the Commons area, concentrating on the Johnson, Engelmon, West, and Prentice Halls areas. He advised that the ONG occasionally fired gas at the crowd but the wind blew this gas back in their own faces which caused the crowd to laugh. He advised that the ONG continuously urged the crowd to disperse and return to their dormitories and a student continuously ran between the crowd and the Victory Bell and rang it. He advised that the antics of this student around the Victory Bell appeared to be the main attraction at the time and the attempts of the ONG to chase this student away seemed to keep everyone in hysterics. He advised that he was on the northside of Taylor Hall and the students gathered on the south side apparently were throwing rocks, bricks, bottles, and pieces of pipe at the ONG which was gathered on the south - southwest corner. He advised that the crowd appeared to him to be "antagonizing the ONG to a very high degree." He advised that the rock-throwing students approached within a short distance of the ONG, which began to retreat from range and then turn and knelt. He advised that he then heard what sounded like a five to seven second volley of small firecrackers but it was apparently the ONG firing at the students. He advised that he did not see any students actually get shot and did not know that anyone had been shot until a short time later when he saw a student with blood streaming down his arm who said that some students had been shot.

FEDERAL BUREAU OF INVESTIGATION

1

Date 6/16/70

[REDACTED] was interviewed at the Cook County Jail, 26th and California Avenue, where he was incarcerated while awaiting disposition of narcotic charges stemming from his recent arrest by Officers of the Cook County Sheriff's Police.

[REDACTED] advised he left Southern Illinois University (SIU) in mid April and went to New York City, where he stayed for two days. He advised that he did not meet anyone in particular in New York, and just loafed around looking at the sites. He advised that he then flew from New York's La Guardia Airport to Cleveland, Ohio, where he was met at the airport by [REDACTED], who he had met while both were inmates at the Federal Youth Correction Center (FYCC), Ashland, Kentucky. He advised that he then accompanied [REDACTED] to a house at 230 East Main Street, Kent, Ohio, where [REDACTED] resided while enrolled at Kent State University (KSU).

[REDACTED] advised that he stayed with [REDACTED] for seven or eight days and while there, met the following individuals:

[REDACTED] who played in a band called "The Measles".

[REDACTED], who worked for the Welfare Department and was recently discharged from the United States Navy.

[REDACTED] (phonetic), who appeared to be Jewish and had a girlfriend from New Jersey named [REDACTED]

[REDACTED], who was from New Jersey.

[REDACTED] who was a quiet guy.

[REDACTED], who owned a 1956 Thunderbird automobile, black in color, with a removable top.

[REDACTED] advised that [REDACTED] had a girlfriend who looked like MIA FARROW. He advised that across the street from this house where all these people lived, was a KSU Sorority House, and that a lot of the girls would come over

On 6/8/70 at Chicago, Illinois File # CG 98-1975

by SA [REDACTED] Date dictated 6/10/70

to the house and talk with the guys who lived there. He advised that one of these girls called herself [REDACTED] (phonetic), and another was named [REDACTED]

[REDACTED] advised that [REDACTED] had a former girlfriend her name he does not know, who always came over to the house with food. He advised that this girl was sort of "kookie" and still had a crush on [REDACTED] and tried to slit her wrist one time while he was there. He advised that he told [REDACTED] that he better get that crazy girl out of the house before she got them all in trouble.

[REDACTED] advised that he did not discuss politics with any of the people who lived in this house at 230 Main S because politics do not interest him. He advised that he did not engage in any discussions about ROTC either.

[REDACTED] advised that he left KSU on a Monday or a Tuesday near the end of April, and hitchhiked to Gainesville Florida, to visit [REDACTED] who was a student at Santa Fe Junior College, and a friend of his from FYCC. He advised that he remained there about two days, and then travelled by bus to Mobile, Alabama, where he caught a flight to O'Hare Airport, Chicago, changed planes, and flew to Omaha, Nebraska. He advised that he met a girl at O'Hare named [REDACTED] who was also flying to Omaha. He advised that from Omaha he and [REDACTED] hitchhiked to California. He advised that while hitchhiking outside of Salt Lake City, Utah, a hippy-type guy and girl in a Volkswagen Van stopped and told them about the shootings at KSU. He advised that this was the first time he had heard about the trouble at KSU. He advised that they told him that a lot of campuses had been closed down and that there was rioting on other campuses. He advised that they had a radio and that the news reports seemed to indicate that the shooting had occurred a day or two before.

[REDACTED] advised that he went from California where he spent only three or four days to SIU and then went to Parkridge, Illinois, to visit [REDACTED] a friend of his from SIU. He advised that while attending the Kikapoc (phonetic) Creek Rock Festival a guy named [REDACTED] gave him some LSD to

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7d

sell and he was subsequently arrested by undercover agents of the Cook County Sheriff's Police.

[REDACTED] advised that while at KSU, he was introduced to JEFF MILLER by [REDACTED] who arranged through JEFF to buy some marijuana. He advised that he thinks [REDACTED] was from JEFF's home town. He advised that he was introduced to JEFF MILLER at the house at 230 East Main Street. He further advised that he does not believe that [REDACTED] knew JEFF MILLER prior to this time.

[REDACTED] advised that while at KSU, he attended a rally at which a prominent person, perhaps Dr. SPOCK, was scheduled to speak, but left before the speaker arrived because there had been a delay of over one hour in starting the rally and he became bored.

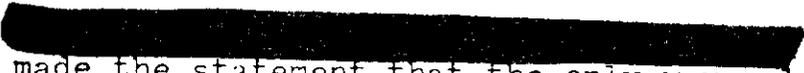
[REDACTED] advised that he has seen photographs in magazines of the KSU shootings and believes he saw a picture of [REDACTED] kneeling next to a body which was perhaps that of JEFF MILLER. He advised that after viewing this photograph, in the magazine, he called [REDACTED]'s home and was told by [REDACTED] mother that she did not know where he was. He advised that he then called [REDACTED] who said he thought [REDACTED] had gone to Pennsylvania.

[REDACTED] advised that when he was at KSU, the campus seemed to be very quiet and he had no indications of any impending demonstrations. He advised that he has no indications that [REDACTED] is involved in any New Left activities, but feels that if there was a demonstration, [REDACTED] would be in it simply out of curiosity. He advised that he did not discuss political matters with JEFF MILLER and has no indications that JEFF was involved in New Left activities. He advised that he talked briefly with [REDACTED] about the draft, but had no indication that ANDY was involved in New Left activities. He advised that he got the impression, however, that [REDACTED] was perhaps the most likely one to be involved in such disturbances. He further advised that while at KSU, he met a white male named [REDACTED] who was a

CG 98-1975

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7C

, and that  once made the statement that the only way police harassment of youths could be stopped was for Negroes and hippies to band together.

FEDERAL BUREAU OF INVESTIGATION

-1-

Date 6/19/70

[REDACTED] New York, telephone [REDACTED] a white male born February 24, 1949, at [REDACTED], upon interview advised as follows:

He was a Junior at Kent State University, Kent, Ohio, during the 1969-1970 school year, and left the campus in early May, 1970.

On the evening of May 2, 1970, at which time there was a curfew in effect at Kent, he was visiting his girl friend, [REDACTED] at her residence at [REDACTED] Kent. Also present at that time was [REDACTED] roommate, [REDACTED] (phonetic) and her boy friend, [REDACTED]

Sometime between 8:30 P.M.-9:00 P.M. to the best of his recollection, they heard the sounds of police, fire and other emergency vehicles outside and went out on the porch of the residence at [REDACTED], and noted flames coming from the campus area. The four of them drove to the campus, and noted the ROTC Building on campus was ablaze and almost burned to the ground. There were crowds of several thousand students and others in the area watching the fire.

At the time [REDACTED] arrived at the area of the fire, the fire trucks had already left and he heard that when they had attempted to extinguish the fire the fire hoses had been cut by students or others. When [REDACTED] and his three companions arrived at the fire scene, the National Guard and other law enforcement officers were merely allowing the fire to burn out and were primarily concerned with keeping the crowd away from the fire at a safe distance.

[REDACTED] heard from unrecalled sources, that the fire had been started by a small group of students, numbering at most 150, and that had the Ohio State Police riot police, who had been on campus, taken firm steps at that time they could have prevented the building being set afire.

On 6/16/70 at [REDACTED] New York File # Cleveland 98-2140
Buffalo 98-1235

by SA [REDACTED] Date dictated 6/16/70

CV 98-2140
BU 98-1235

7d

-2-

[REDACTED] stated he is more than willing to cooperate fully with the FBI in this investigation, but inasmuch as he was nowhere near the ROTC Building at the time of the fire outbreak, he could furnish no really pertinent information.

[REDACTED] advised he had no idea who had actually set the fire, and could furnish no information concerning it.

FEDERAL BUREAU OF INVESTIGATION

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(1)

Date 6/24/70

[redacted] Pennsylvania, 15147, telephone number [redacted] advised as follows:

[redacted] is 20 years old. He is employed by the [redacted] Pennsylvania. He was a second year student majoring in physical education at Kent State University (KSU), Kent, Ohio, during the school year 1969-1970.

[redacted] was home the weekend of May 1-2, 1970. He returned to the KSU campus at about 2:30 PM, on Sunday, May 3, 1970, and observed that the Reserve Officer Training Corps (ROTC) Building had been completely destroyed.

[redacted] was told by various individuals that Kent, Ohio, was under Martial Law. Many students were saying that there was to be a rally on the University campus at noon the following day, Monday, May 4, 1970.

On May 4, 1970, [redacted] was hurrying from his room off the campus to attend the rally, he heard a volley of shots. He hurried to the campus Commons where he pushed to the front of about 1,500 students. Someone said that a student had been killed.

At this time, there were a great many long haired students in the front and he is of the opinion they may have been the leaders of the students.

It was said that the leaders were graduate students or instructors. He did not know any of them. One of the students with whom he discussed the matter stated that one of the girls involved was known to be a student at Akron University. The KRAUSE girl who was killed, was previously observed on the campus by [redacted] indefinite number of days prior to the rally, carrying a cat. She had that reputation and was the "hippie" type.

On 6/23/70 at [redacted] Pennsylvania File # Cleveland 93-2140
Pittsburgh 93-1317
by SA [redacted] Date dictated 6/24/70

CV 98-2140

PG 98-1317

(2)

7d

Following the shooting, the National Guard attempted to disperse the crowd which remained at about 1,500 individuals. One Guard announced that the crowd had 5 minutes to disperse. Many members of the crowd hooted and used profane language and some made obscene signs with their hands. Some students sat down and refused to move [REDACTED] left shortly thereafter. He had no knowledge of the identities of the students involved.

FEDERAL BUREAU OF INVESTIGATION

7

1

Date 7/2/70

[redacted]
Ohio, advised he is employed during the Summer as a laborer for [redacted] presently working at [redacted] Ohio. [redacted] is a Sophomore at Kent State University (KSU), Kent, Ohio.

During the weekend of May 1-4, 1970, [redacted] returned to the campus on Saturday afternoon, May 2, 1970. During the evening when the ROTC Building on campus was burned, [redacted] was in his dorm, Heer Hall, and he advised he had no knowledge of the individuals who burned the building. [redacted] advised he was in possession of no information as to who was responsible for setting the fire.

[redacted] advised that on Monday, May 4, 1970, he arrived at the Commons area subsequent to the shooting of the students, as he had a class scheduled in Van Deusen Hall. He had no information to relate concerning the shooting of the students.

Concerning both the burning of the ROTC Building and the demonstration [redacted] was of the opinion that these were spontaneous incidents. He heard no prior announcements concerning either by any individual or group. He had no suspects in the ROTC Building burning.

[redacted] volunteered the following background information:

Name: [redacted]
Race: white
Sex: Male
DOB: 11/13/50
POB: Warren, Ohio
Address: [redacted] Ohio
Marital status: Single

On 6/24/70 at [redacted] Ohio File # Cleveland 98-214

by SA [redacted] Date dictated 6/26/70

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.

CV 98-2140

2

7d

Occupation:

Student - Sophomore,
Kent State University,
Kent, Ohio; during the
Summer is a laborer
for [REDACTED]

School address:

[REDACTED], Ohio

Major Study:

Heer Hall, KSU

Height:

Physical Education

Weight:

5'9"

Hair:

175 lbs.

Eyes:

brown, long

Arrests:

Brown

None

XXXXXX
XXXXXX
XXXXXX

FEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

3 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

- Deleted under exemption(s) b7c b7d with no segregable material available for release to you.
- Information pertained only to a third party with no reference to you or the subject of your request.
- Information pertained only to a third party. Your name is listed in the title only.
- Document(s) originating with the following government agency(ies) _____, was/were forwarded to them for direct response to you.

_____ Page(s) referred for consultation to the following government agency(ies); _____ as the information originated with them. You will be advised of availability upon return of the material to the FBI.

3 Page(s) withheld for the following reason(s):
Index of Names from Report

- For your information: _____
- The following number is to be used for reference regarding these pages: _____

XXXXXX
XXXXXX
XXXXXX

XXXXXXXXXXXXXXXXXXXXX
X DELETED PAGE(S) X
X NO DUPLICATION FEE X
X FOR THIS PAGE X
XXXXXXXXXXXXXXXXXXXXX

UNITED STATES GOVERNMENT

Memorandum

- 1 - Mr. W. C. Sullivan
- 1 - Mr. A. Rosen
- 1 - Mr. C. D. Brennan

- Tolson
- Sullivan
- DeLoach
- Brennan
- Callahan
- Casper
- Conrad
- Felt
- Gale
- Rosen
- Tavel
- Walters
- Soyars
- Tele. Room
- Holmes
- Gandy

TO : Mr. C. D. Brennan

DATE: 7/24/70

FROM : Mr. R. L. Shackelford

- 1 - Mr. R. L. Shackelford
- 1 - Mr. G. H. Menzel

SUBJECT:

[REDACTED]
 PETER CHARLES BLEIK;
 DOUGLAS CHARLES CORMACK;
 RICHARD CONRAD FELBER;
 THOMAS GRAYDON FOGLESONG;

7C

J. S. [unclear]
[unclear]

[REDACTED]
 JERRY RUPE;
 SABOTAGE; SEDITION; CIVIL RIGHTS -
 FEDERALLY PROTECTED ACTIVITY;
 DESTRUCTION OF GOVERNMENT PROPERTY

The purpose of this memorandum is to advise that a closing report dated 7/20/70 (a copy attached), has been received from Cleveland concerning the Kent State University ROTC burning which further substantiates the involvement of several of the above subjects in this incident.

One individual interviewed advised she observed subject [REDACTED] attempt to set fire to the ROTC building. This individual also saw subject Rupe burn an American flag and saw Rupe and a person she believed to be subject Felber attack a fireman. Another person advised he considered the burning of the ROTC building to be premeditated since demonstrators possessed flares and machetes. This individual believed only about six or seven persons started the fire and about twenty persons interfered with firemen fighting the blaze.

[REDACTED]

By letter 7/6/70, the Attorney General was advised that inasmuch as Federal prosecution is no longer being considered, no further investigation in this case would be conducted unless specifically requested by him. He was advised that a closing report would be submitted.

Enclosures *sent 7-27-70*
 98-46479
 GHM:kks
 (6)

REC-22

22 JUL 30 1970

CONTINUED - OVER

58 AUG 1 1970
 7-17-70

Memorandum to Mr. C. D. Brennan

Re: [REDACTED]

Peter Charles Bleik;
Douglas Charles Cormack;
Richard Conrad Felber;
Thomas Graydon Foglesong;

74

[REDACTED]
Jerry Rupe; [REDACTED]
98-46479

RECOMMENDATION:

That the attached letter to the Attorney General with copies for the Deputy Attorney General, Assistant Attorneys General, Internal Security Division, Civil Rights Division and Criminal Division; and a letter to John D. Ehrlichman at the White House be approved, enclosing for each a copy of the above report. Also if approved, in accordance with Mr. Ehrlichman's request, a copy of the report will be furnished to the President's Commission on Campus Unrest.

8

[Handwritten signature]

[Handwritten signature]

[Handwritten signature]

OK.
[Handwritten initials]

FBI

Date: 8/31/70

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

Via AIRTEL _____
(Priority)

Willb...
4/2/70

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140)

RE: [REDACTED]

ET AL
SABOTAGE; SEDITION; DESTRUCTION OF
GOVERNMENT PROPERTY; CIVIL RIGHTS ACT OF 1968 -
INTERFERENCE WITH FEDERALLY PROTECTED FACILITY

7C

From
File
9/4/70

Re Cleveland airtel, 8/24/70.

On this date, the items listed in referenced airtel,
along with other material seized in the search of 230 East
Main Street, Kent, Ohio, on 5/10/70, were returned by SAs
of the Cleveland Division to [REDACTED],
[REDACTED], Kent, Ohio. These items
were all originally obtained from [REDACTED] on 5/10/70, and a
receipt was obtained from him regarding the return of all
these items to him on 8/31/70.

7C

3 - Bureau
2 - Cleveland

JNO:jks
(5)

98-46479-105

EX-109

REC-22

FBI
LAB.

SEP 2 1970

L.T. BSC

60 SEP 15 1970

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per *SIX*

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

DATE: 8/25/70

TO: FBI, Buffalo (98-1235)

Re: UNSUBS;
FIREBOMBING OF ROTC BUILDING
Kent State University (KSU)
Kent, Ohio
May 2, 1970
SABOTAGE

Invoice of Contents

Q13 through Q15

Registered

716975

MAILED 3
AUG 25 1970
COMM-FBI

- Crypt.-Trans.
- Document
- Handwritten mark*
- Radio Engine
- LFPS

Special Instructions:

Mail Room: Show shipment date and registry number.
Shipping Room: Show shipment date; bill of lading number;
Initial invoice; return to Section checked in block; after
initialing in block, invoice to be placed in administrative file.

56 AUG 31 1970

FBI File No.

8/25/70

PC-C6812 MK

()

[REDACTED]

NY 11803

August 12, 1970

7C

Director of FBI Lab.
Dept. of Justice
Washington, D.C.

Gentlemen:

Shortly after the incidents at Kent State University, on approximately May 5 to May 12, FBI officers for the Cleveland office searched my son [REDACTED] quarters at 230 E. Main St. Kent, Ohio. The officers took clothing, books, papers to be examined in the then current investigation.

Upon the advice of [REDACTED] of the Patchogue, I.I. office of the FBI, I am writing to you requesting that the personal belongings of [REDACTED] be returned to his home, at the above address. The books and papers are of little value, but the garments you hold are valuable and in excellent condition.

I would appreciate a prompt reply if you still need the clothes for your investigation, or their immediate return. Thank you.

Sincerely yours

[REDACTED]

REC-88

18 SEP 14 1970

EX-109

seven

letter 8/31/70
Jmk

- 1 - Mr. Conrad
- 1 - Mr. G. H. Menzel, 904 9th & D
- 1 - Mr. Williams, 7133
- 1 - Mr. Aaron

August 31, 1970

[REDACTED]
[REDACTED] New York 11803

op 2
7C

Dear Mr. **[REDACTED]**

Reference is made to your letter received on August 21, 1970, requesting advice concerning the return of certain items belonging to your son which were reportedly taken from 230 East Main Street, Kent, Ohio, in May 1970.

A number of items were obtained from this address during an investigation conducted by this Bureau as the result of the execution of a search warrant on May 10, 1970.

At the direction of United States Attorney Robert B. Krupansky, the items obtained as the result of this search warrant are being returned to **[REDACTED]**, 230 East Main Street, Kent, Ohio, or to some other person in charge of those premises. Inquiry concerning these items should be directed to that address.

Handwritten notes:
 9/1/70
 [initials]

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
 Director

MAILED 24
 AUG 31 1970
 COMM-FBI

EX-109

C-38

98-46479 - 116

- 1 - New York (with copy of incoming)
- 1 - Cleveland (with copy of incoming)

MEW:mjk(7)

(SEE NOTE PAGE 2)

60 SEP 17 1970
 MAIL ROOM TELETYPE UNIT

Handwritten notes:
 10 30 AM '70
 [initials]

- 1 - Mr. Conrad
- 1 - Mr. G. H. Menzel, 904 9th & D
- 1 - Mr. Williams, 7133
- 1 - Mr. Aaron

August 31, 1970

[Redacted]
[Redacted] New York 11803

of -
76

Dear Mr. [Redacted]

Reference is made to your letter received on August 21, 1970, requesting advice concerning the return of certain items belonging to your son which were reportedly taken from 230 East Main Street, Kent, Ohio, in May 1970.

A number of items were obtained from this address during an investigation conducted by this Bureau as the result of the execution of a search warrant on May 10, 1970.

At the direction of United States Attorney Robert B. Krupansky, the items obtained as the result of this search warrant are being returned to [Redacted], 230 East Main Street, Kent, Ohio, or to some other person in charge of those premises. Inquiry concerning these items should be directed to that address.

Handwritten: [unclear]
[unclear]

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover
Director

MAILED 21
AUG 31 1970
COMM-FBI

EX-109

C-88

98-46479 - 106

- 1 - New York (with copy of incoming)
- 1 - Cleveland (with copy of incoming)

MEW:mjk (7)

(SEE NOTE PAGE 2)

60 SEP 17 1970
MAIL ROOM TELETYPE UNIT

Handwritten: [unclear] 10 33 AM '70

Mr. Bernard Novick

NOTE:

Reply co-ordinated with Supervisor G. H. Menzel,
Domestic Intelligence Division. Delay in replying to addressee
necessitated by obtaining information from the Cleveland Office.
See Cleveland airtel to the Director dated 8/24/70,
Re: [REDACTED] et al.; Sabotage; Sedition; Destruction
of Government Property; Civil Rights Act of 1968 - Interference
with Federally Protected Facility.

CV 98-2140

#9 Items found in first floor bedroom:

- 6 rubber balloons
- 1 tube Elmer's contact cement
- 1 tube Duco Cement
- 1 cardboard tube partially covered with aluminum foil, with burned hole in one end (makeshift marijuana pipe?)

The above items were among those seized in the search of 230 East Main Street, Kent, Ohio, under authorization of a search warrant issued 5/10/70, by U.S. Commissioner CLIFFORD E. BRUCE, Cleveland, Ohio. This search warrant was executed 5/10/70, by searching the aforementioned residence for clothing, incendiary material or any other material that could be used for destructive purposes by explosion, thermal or incendiary destruction.

The occupants of the aforementioned premises were subsequently determined not to have been involved in the burning of the ROTC building and the actual perpetrators have been identified. As a result, U.S. Attorney ROBERT B. KRUPANSKY has advised the above listed items may now be returned.

Cleveland Division obtained the above items from [REDACTED] who signed the certification regarding these items taken from his premises at 230 East Main Street, Kent, Ohio, where other persons were also living in this communal-type residence. In order to preclude several individuals making claim on us for the same items, the Cleveland Division will return all these items taken from the 230 East Main Street address to [REDACTED] at that address, or, in [REDACTED] absence, to any other person in charge of those premises.

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

DATE: 9/9/70

Re: UNSUBS; FIREBOMBING OF ARMY ROTC
BUILDING, KENT STATE UNIVERSITY,
KENT, OHIO, 5/2/70; SABOTAGE

TO: SAC, Cleveland

Invoice of Contents

Q16

9/9/70
EXM

- Crypt.-Trans.
- Document
- File*
- Radio Eng.
- LFPS

718391

MAILED 21
 SEP 9 - 1970
 COMM-FBI

Registered

Special Instructions:
 Mail Room: Show shipment date and registry number.
 Shipping Room: Show shipment date; bill of lading number;
 initial invoice; return to Section checked in block; after
 initialing in block, invoice to be placed in administrative file.

FBI File No.

93-112-79

6/8/70

56 SEP 17 1970

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

FROM : SAC, CLEVELAND (98-2152) (C)

SUBJECT: ^{c g/c}
ALLEGED PLOTS TO
DESTROY ROTC BUILDING,
CLASSROOMS AND DORMITORIES AT
KENT STATE UNIVERSITY (KSU)
KENT, OHIO
SABOTAGE

DATE: 9/1/70

OO: Cleveland

Re Cleveland airtel and LHM to the Bureau, 6/23/70.

Enclosed herewith for the Bureau are six (6) copies of a Letterhead Memorandum (LHM) pertaining to captioned matter. Locally, two copies are being disseminated to Secret Service, Cleveland and one copy each to military intelligence agencies.

In the absence of any acts to burn or bomb KSU buildings during the summer school session at KSU, and in the absence of any known plots to perpetrate such acts during the coming fall school session, the Cleveland Office is not contemplating any additional inquiries in this matter, UACB.

Logical sources have been alerted to the possibility of violence at KSU, and in the event pertinent information is subsequently received indicating that acts of violence are imminent, the Cleveland Office will promptly advise the Bureau and all interest agencies.

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

WMC/gjz
(3)

REC 11

98-46477-107 X

ENCLOSURE

Copy to: ^{2/20/70} ~~6/23/70~~

Routing slip for info. into 9/30/70 by ~~WMC/gjz~~

SI-121

SEP 3 1970

1cc 9040
3cc's destroyed

AN 1 971 KSW
9/2/70

91070

[Handwritten signature]



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cleveland, Ohio

September 1, 1970

ALLEGED PLOTS TO DESTROY
ROTC BUILDING, CLASSROOMS
AND DORMITORIES AT
KENT STATE UNIVERSITY (KSU)
KENT, OHIO
SABOTAGE

Reference is made to memorandum, captioned as
above and dated June 23, 1970, at Cleveland, Ohio.

The following individuals, when contacted on
June 23, 1970, advised that they were unaware of any plans
by individuals, or organizations, to burn or bomb any buildings
on the KSU campus:

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] recalled that there had been a
theft of explosives from the United States Army Ammunition
Plant, Ravenna, Ohio, early in the Spring of 1970, but that
no recent thefts of this nature had been reported.

The above individuals did advise, however, that the
atmosphere surrounding the KSU campus continues to be tense,
and that there are a variety of rumors circulating as to the
possibility of additional acts of violence at KSU. Each of the
above individuals indicated that they would advise the Federal
Bureau of Investigation in the event they learned of any actual
plans for violence.

7d

43-10471-107X

ENCLOSURE

RE: ALLEGED PLOTS TO DESTROY
ROTC BUILDING, CLASSROOMS
AND DORMITORIES AT
KENT STATE UNIVERSITY (KSU)
KENT, OHIO
SABOTAGE

When contacted on July 29, 1970 and August 24, 1970,
[REDACTED] supra, advised that there had not
been any attempts to burn, or bomb, KSU buildings during the
summer school session. He reiterated that he would notify
the Federal Bureau of Investigation in the event he learned
of any plans of violence on the campus during the fall school
term.

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.

FBI

Date: 10-28-70

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140)

RE: [REDACTED] **7C**
ET AL.
SABOTAGE; SEDITION;
DESTRUCTION OF GOVT. PROPERTY;
CIVIL RIGHTS ACT OF 1968 -
INTERFERENCE WITH FEDERALLY
PROTECTED FACILITY

Sent
[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

Enclosed for the information of the Bureau are two copies of an article which appeared in the 10-23-70 issue of "The Cleveland Press", a daily evening newspaper published in Cleveland.

ENCLOSURE

- ② - Bureau (Encl. 2) (RM)
- 1 - Cleveland
- JNO:mr
- (3)

ca 954(10)

OCT 30 1970

NOT RECORDED
OCT 30 1970

[Handwritten signature]
[Handwritten signature]

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

Kent State riot charges explained

By DOUGLAS McCORMICK
Press Ohio Bureau

RAVENNA — Of the 25 persons indicted by the Portage County Grand Jury, some have been charged with first-degree riot and some with second-degree riot.

Other charges include inciting to riot and obstructing a fireman.

Under state law enacted in 1968 first-degree riot involves five or more persons in violent and tumultuous conduct with intent to commit a felony or facilitate a felony or any forceful offense against a person, or when a violator knows somebody uses or intends to use a deadly weapon or explosive.

Possible examples would be the rioter who as one of a group bombs a building or clobbers a guardsman with a rock.

A person convicted for first-degree riot may be put in prison for 1 to 3 years under a felony penalty. Or he may be fined up to \$1000 or imprisoned up to one year, or both, which is a misdemeanor penalty. Judges are given discretion in levying punishment.

If the person carried a firearm during the riot he could be sentenced to an additional 1 to 3 years.

Second-degree riot involves five or more persons in violent and tumultuous conduct with intent to do a lawful act with unlawful force and violence in such a manner as to create a clear and present danger to person or property.

Or the violators may be acting with intent to prevent or coerce official action, or hinder a function of government, or commit or facilitate the commission of a misdemeanor.

Thus a possible example of a second-degree rioter would be a person who is in a protest march (lawful) that gets out of hand, surges into the street and ties up traffic (unlawful) so that a fire truck can't get to a burning building.

Another example might be a person who as a member of a group rages over the campus smashing windows.

Penalty for second-degree riot may be imprisonment for up to one year, a fine of up to \$1000, or both.

Inciting to riot means inciting to first-degree riot. Penalty is the same as for first-degree riot.

Obstructing a fireman can result in a sentence of 30 days to six months, or a fine of \$50 to \$500.

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

E-9 THE CLEVELAND
PRESS
(Cleveland, Oh)

Date: 10/23/70

Edition: FINAL

Author:

Editor: THOMAS BOARDMAN

Title:

Character:

or

Classification:

Submitting Office: Cleveland

Being Investigated

ENCLOSURE

FBI

Date: 10/20/70

Transmit the following in _____

(Type in plaintext or code)

AIRTEL

Priority _____

(Priority)

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140)

RE: [REDACTED]

ET AL.
SABOTAGE; SEDITION;
DESTRUCTION OF GOVT. PROPERTY;
CIVIL RIGHTS ACT OF 1968-
INTERFERENCE WITH FEDERALLY
PROTECTED FACILITY

76

76

Enc. for the Bureau are two copies of articles re captioned matter, which appeared in the 10/16, ~~10/17~~ and 10/19/70 issues of "The Cleveland Press", a daily evening newspaper published in CV.

[REDACTED] Ravenna, Ohio, made available on 10/19/70, the following names of individuals who have been indicted by the Special Grand Jury investigating the Kent State shootings on 5/4/70:

DOUGLAS CHARLES CORMAK
12841 Cherry Lane
Chesterland, Ohio

JOSEPH B. COLLUM
2506 Vera Place
Canton, Ohio

JOHN GERBETZ

RUTH GIBSON

KENNETH J. HAMMOND

REC-86

11-11-79 70

2 OCT 22 1970

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

1-Cleveland

JNO:jac

(3)

1cc 9040 ENCLOSURE

36 NOV 17 1970

[Handwritten signature]

MARRIDALE
SK

INT. SEC. 11
5-70

6 NOV 10 1970
56 NOV 10 1970

Special Agent in Charge

Sent _____ M Per _____

CV 98-2140

DR. THOMAS LOUGH

THOMAS D. MILLER

CAROL LYNN MIRMAN
1012 Page Street
San Francisco, California

JAMES M. RIGGS

JERRY RUPE

LARRY A. SHUB

DAVID O. ADAMS

WILLIAM G. ARTHRELL

PETER BLIEK

ALAN M. CANFORA
308 Newell Street
Barberton, Ohio

ROSE ANN CANFORA

RICHARD G. FELBER
Portage County Jail

THOMAS GRAYDON FOGLESONG
3046 South Oak Hill Road
Silver Lake, Ohio

JEFFREY D. HARTZER

JOSEPH J. LEWIS

CRAIG A. MORGAN
Apartment 718
College Towers
Kent, Ohio

MARY HELEN NICHOLAS

CV 98-2140

ALLEN TATE

RONALD WEISSENBERGER

MICHAEL STEVEN ERWIN



It is to be noted that five of the above individuals are subjects in instant 98 case.

(Mount Clipping in Space Below)

PROF, 4 OTHERS ARRESTED IN KSU VIOLENCE ROUNDUP

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

1 THE CLEVELAND
(Cleveland, Oh

Date: 10-19-70

Edition: FINAL

Author:

Editor: THOMAS BOARDMAN

Title:

Character:

or

Classification:

Submitting Office: CLEVELAND

Being Investigated

ENCLOSURE

~~By MARY SWINDELL~~
Press Staff Writer

RAVENNA—A Kent State professor and a convicted drug peddler were the first persons put under arrest today as deputies rounded up 25 persons indicted in the campus disorders of last May.

Two of the first five in custody were Greater Clevelanders.

Prof. Thomas S. Lough, 42, professor of sociology indicted for inciting to riot, surrendered voluntarily, apparently having learned that he was to be arrested. He was accompanied by his attorney.

The other also was easy to find. He was Richard C. Felber, 21, of Akron, a freshman at Kent State last year and presumably a student at the time of the fatal clash. He was already in jail.

Felber was charged with first degree riot, attempting to burn property, assault and interfering with a fireman at the scene of a fire. The fire was that which razed the ROTC Bldg. May 2.

He recently was convicted of selling drugs and is in the Portage County Jail here awaiting transfer to the Mansfield Reformatory to begin a sentence of 20 to 40 years.

Lough was released on \$5000 personal recognizance bond.

The Greater Clevelanders, both of whom surrendered voluntarily, were James M. Riggs, 20, of 29235 Sunset Dr., Westlake, a sophomore in business administration, and Larry Shub, 1676 Glenmont Dr., Cleveland Heights, a freshman last year.

Each is under indictment for second-degree riot.

The fifth in custody is Jerry Rupe, 21, of Kent, not a student, who already was in Stark County Jail on a charge of possession of narcotics. He was indicted for arson, assault, striking a fireman, interfering with a fireman and first-degree riot.

DEPUTIES, armed with warrants, were rounding up the others. None will be named until arrested.

None of those indicted last week by a special Grand Jury was among the National Guard troops who killed four students and wounded nine as a climax to four days of rioting on the KSU campus.

University officials chafed at the continuing court orders banning discussion of the jury report.

Kent State President Robert I. White said he had been given permission by the presiding judge to comment but not to criticize. He said he would not hold any press conferences as a consequence.

MEANTIME, the Case Western Reserve Student Mobilization Committee to end the War in Vietnam announced a public meeting

on the Kent State jury report would be held Thursday at 8 p.m. in the Student Union Ballroom, 11111 Euclid Ave.

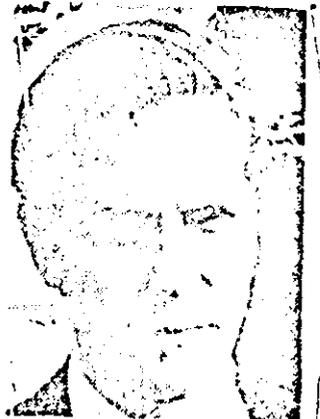
Jerry Gordon, coordinator of the National Peace Action Coalition, will speak. Cosponsors include the B'nai B'rith Hillel Foundation, Young Socialist Alliance and the Peace Action Committee.

Five other groups will sponsor a rally tomorrow at 8 p. m. in the CWRU student union ballroom. Theme will be "Avenge Kent--Jail the Murderers, Free the Students." Students from Kent will speak. Sponsors are Youth Against War and Fascism, Cleveland State University Conference, Artists for Peace, Postal Defense Committee and CWRU Strike Community.

In Columbus, the American Civil Liberties Union of Ohio called for a Federal Grand Jury investigation of the Kent State killings on the grounds that National Guardsmen had deprived students and others of their civil rights.

IN CLEVELAND, Cong. Louis Stokes said in a press conference that the jury findings had given new fuel to radicals. He said it was unfortunate that the jury could find no reason to return indictments against those who pulled the triggers.

In a speech in St. Louis last night, Robert W. Morse, former president of Case Western Reserve called the shootings "an act of assassination against American youth." He said he still found it impossible to believe that "Middle America's sons and daughters were shot down in an open field on their own campus."



Prof. Thomas S. Lough

(Mount Clipping in Space Below)

KENT JURY

INDICTS

25

Guard absolved

in report

Campus rally

is peaceful

Riot panelist

disagrees

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

A-1 THE CLEVELAND PRESS

(Cleveland, Oh)

Date: 10/16/70

Edition: FINAL

Author:

Editor: THOMAS BOAR

Title:

Character:

or

Classification:

Submitting Office: Clevela

Being Investigated

By HASKELL SHORT, Press Ohio Bureau Chief

RAVENNA — A special state's Grand Jury today indicted 25 persons for 43 offenses as it returned its investigative report of the May rioting at Kent State University which saw four students killed and nine wounded by National Guard troops.

The jury ruled that the guardsmen, placed in an untenable position with only deadly weapons to control an onrushing, rock-throwing crowd, fired in self-defense and cannot be prosecuted under Ohio laws.

Names of the persons indicted were kept secret until they have been arrested. Those accused were not identified in any way—but they definitely did not include guardsmen.

Robert Balycat, the state's chief investigator in the inquiry, would not detail the offenses charged against the indicted 25 other than to say no narcotics offenses were involved and the offenses all occurred between May 1 and May 4.

THE COURTROOM in Ravenna and the KSU campus five miles away were tense as the jury returned its report pinning responsibility for the four days of rioting upon the university administration's permissive policies toward radicals, which left the administration powerless to control its campus.

The report said it is reasonable to believe that the tragic events of Sunday and Monday (May 3 and 4), following the Saturday night burning of the campus ROTC building, would not have occurred if KSU police had moved in to chase away the four or five students actively fighting firemen at the scene.

Jurors mentioned no names but they sharply criticized the conduct of National Guard commanders, the university administration, a segment of the faculty and university policy developed over the years recognizing all radical student groups wanting to use campus facilities.

IN CONTRAST to the report by the President's Commission on Student Unrest that the Kent shootings were unnecessary and unjustified, this jury of Portage County residents said it uncovered evidence beyond that found by the FBI and other investigative agencies.

While criticizing guard commanders for giving the troops only deadly M-1 rifles, called inappropriate to use in student disorders, the Grand Jury said the retreating soldiers, under rock attack by a riotous mob, fired "in the honest and sincere belief . . . they would suffer bodily injury had they not done so."

"They are not, therefore, subject to criminal prosecution under the laws of this state for any deaths or injuries resulting therefrom," the 18-page report stated.

THE FBI HAD TURNED over all evidence it gathered to the state to help the Grand Jury in its investigation.

Although the Justice Department could continue its Kent investigation it would be highly unusual if the Federal Government would build a case against the National Guard with evidence that a jury of local citizens found the shootings justified.

The Grand Jury also concluded that the same conditions which led to the tragic events still exist and will continue until the university, faculty and students "take a strong stand against radicals bent upon violence and destruction of the school."

It urged that all who would disrupt the university be expelled.

THE GRAND JURY report came after 25 days of studying evidence gathered by federal and state agencies and hearing testimony from more than 300 witnesses.

Special security precautions were evident as the report was released because Robert White, KSU president, warned two days ago that radicals were surfacing again on campus.

The report gave a detailed description of events leading to the shootings as the 74 guardsmen on campus duty retreated across the practice football field toward Taylor Hall when their tear gas barrage failed to break up a student rally at noon. It said 58 guardsmen were hit by rocks.

"The most discouraging aspect of the university's role in the incidents . . . that the administrative leadership has totally failed to benefit from past events."

"Whatever may have been in the minds of those harassed and otherwise taunted the national guardsmen it is clear that from the time the Guard reached the practice football field they were on the defensive had every reason to be concerned for their own safety," the jury said.

Student participants were branded as "guilty of deliberate criminal conduct . . . those who stood by cheer leaders and onlookers, while not liable for criminal acts, must assume a part of the responsibility for what occurred."

"TEAR GAS WAS admittedly ineffective because of wind direction and velocity, and it was the belief of most of those guardsmen present on the field that the supply of tear gas had been exhausted," the jury said.

"The circumstances present at the time indicate that 74 men surrounded by several hundred hostile rioters were forced to retreat back up the hill toward Taylor Hall under a constant barrage of rocks and other flying objects, accompanied by a constant flow of chants such as, 'Kill, kill, kill.'

"Photographic evidence has established beyond any doubt that as national guardsmen approached the top of the hill adjacent to Taylor Hall a large segment of the crowd surged up the hill led by small groups of agitators, approaching to within a short distance of the rear ranks of the guard."

Although some of the student demonstrators claimed only a few rocks were thrown, the Grand Jury reported that construction workers in the area testified that 200 bricks were taken.

OTHER WITNESSES testified students carried bags of rocks to the rally while others had gas masks and equipment in obvious anticipation that something was going to happen.

Rocks were also stockpiled in the area, some witnesses testified.

"There is additional evidence that advance planning had occurred in connection with the rally held that fatal noon," the jury report said.

"Agreeing with the principle of law that words are not enough to justify use of lethal force the verbal abuse directed at the guardsmen by men and women students was such that the jurors would not have believed it except that it was confirmed by much testimony and audio tapes.

The jurors obviously were shocked by the "verbal abuse" referred to, saying:

"(It) represented a level of obscenity and vulgarity which we have never before witnessed . . . It is hard to accept the fact that the language of the utter has become the common vernacular of many persons posing as students in search of higher education.

"**THE FACT THAT** the Guard fired in self-defense is not an endorsement of the manner in which those in command of the Guard reacted.

"To the contrary . . . the order to disperse crowd on the Commons put the guard in an untenable and dangerous position with weapons inappropriate for dealing with campus disorders.

"Unfortunately, however, under current practices other weapons have been made available to the guard by the Department of the Army."

The jurors said "23 concerned faculty members" issued a statement attacking President Nixon, his Vietnam policies, racism, Governor Rhodes and the school administration, although coupled with a plea for understanding of campus issues, committed "an irresponsible act clearly not in the best interests of Kent State."

The report stated that document, distributed in dormitories early Sunday evening before the shooting Monday, was prepared in the office of the dean for university council, known as the ombudsman.

The report slapped at a small minority of faculty members who "devote their entire class periods to telling their students to openly oppose our institution's government, even to the point where one student, who dared defend the American flag, was ridiculed by a professor before his classmates."

THE GRAND JURY declared as "riots" in a sense the disorders of Friday night in downtown Kent when the trouble began, the Saturday rally that led to the burning of the ROTC building, the Sunday student sitdown in the streets and the Monday rally. It said students ignored proper orders to disperse.

The evidence is that the National Guard was ordered into Kent following Kent Mayor Leroy Satrom's second call to Governor Rhodes' office for help because the mayor felt local authorities could not handle the situation and no more policemen were available.

"The guard was called solely for the purpose of assisting the civil authority," the jury said and "at no time during the period was martial law declared."

THE JURY SAID the campus police department is "totally inadequate to perform the function of a law enforcement agency" and recommended it be placed under control of a professional police officer.

A clear example of the campus police inadequacy, the jurors said, was "the shocking inability" to protect city firemen responding to the ROTC building fire.

A squad of university police was mobilized three blocks away but "it was decided by those in command not to expose the officers to risk."

This, the jurors said, was a question of judgment but showed a complete inability to respond in the manner expected of a police department.

"It is hard to accept the fact that the language of the gutter has become the common vernacular of many persons posing as students in search of higher education."

AS IT TURNED OUT, the jurors said, no more than four or five students attacked firemen and no more than 10 or 12 persons were involved in burning the building. Early reports had been that a mob of students had chased firemen away.

"It is obvious that the burning of the ROTC building could have been prevented with the manpower available," the jurors said. "If the burning had been prevented it is reasonable to believe that the events which followed on May 3 and 4 would not have occurred."

The jurors heaped criticism upon university police developed over the years that "frustrated an attitude of laxity, overindulgence and permissiveness with the students and faculty to the extent it can no longer regulate the activities of either."

This situation, the jurors said, made Kent "particularly vulnerable to any pressure applied from radical elements from within the student body or faculty."

AS AN EXAMPLE, the jurors said, the university delegated disciplinary authority under a student code that is "totally ineffective."

"As a matter of policy all criminal offenses uncovered by campus police except felonies are given to student judicial boards with the disposition, if any, being recommended counseling or other meaningless sanctions," the jurors said.

Another example of the university contributing to its own crisis, the jurors said, is overemphasis on the right to dissent.

The jury said this is the procedure that allows students for a Democratic Society, Young Socialist Alliance, Red Guard, Student Religious Liberals, and others to use violence to use the campus.

The jurors, expressing the hope that "out of this crisis will emerge order and purpose," called Kent State University a valued part of the community and urged the university to quickly expel trouble makers and prevent on campus disorder.



107

FBI

Date: 11-24-70

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

Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (98-46479)

FROM: SAC, CLEVELAND (98-2140)

RE: [REDACTED]; ETAL
 SABOTAGE; SEDITION;
 DESTRUCTION OF GOVT. PROPERTY;
 CIVIL RIGHTS ACT OF 1968 -
 INTERFERENCE WITH FEDERALLY
 PROTECTED FACILITY

7C

Enclosed for the information of the Bureau are two copies of an article which appeared in the 10-16-70 issue of "The Record-Courier" a daily newspaper published at Kent, Ohio. This article sets forth the text of the Special Grand Jury report on the disturbances at Kent State University (KSU) 5/1-4/70.

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

JNO:ral
(3)

X-110

REC-1 98-46479

NOV 27 1970

[Handwritten signature]
5-7

Approved: *[Signature]*
Special Agent in Charge

Sent _____ M Per _____

DEC 4 1970

(Mount Clipping in Space Below)

Entire text of special grand jury report

The order of this Court made and entered into September 5, 1970 pertaining to the Special Grand Jury which convened September 14, 1970 is supplemented in the following respect:

1) Paragraph 7 of said order of September 5, 1970 is supplemented by the addition of the following paragraph:

Special Counsel for the Attorney General may hold one (1) press conference on October 16, 1970 at which time they may present to the news media that portion of the report of the Special Grand Jury which is not secret and may answer only general questions pertaining to such portions of the report of the Special Grand Jury without giving any specific information, commenting on any of the evidence presented to the said Special Grand Jury or making any interpretation of such report.

It is further ordered that a copy of this supplemental Order shall be made available to the Special Counsel of the Attorney General and to all representatives of the news media participating in said press conference.

It is further ordered that the Clerk of this Court shall enter this Supplemental Order upon the Journal of this Court. DATED THIS 15th DAY OF OCTOBER, 1970.

Edwin W. Jones,
Albert L. Caris

ENTRY ON SPECIAL GRAND JURY

IN RE THE MATTER OF THE SPECIAL GRAND JURY:

This day appeared at the bar of this Court the Special Grand Jury heretofore impaneled and sworn in and for this Portage County, viz:

- | | |
|-------------------------|-----------------------------------|
| 1. Robert R. Hastings | 9. Carol Ann Balogh |
| 2. Robert W. Brown | 10. Thomas W. Yeager |
| 3. Norman B. Hill | 11. Lewis G. Bacon |
| 4. Elizabeth H. Heisa | 12. Anna R. Kaminsky |
| 5. Lewis B. Miller | 13. Dallas Pigott |
| 6. James H. Deffenbaugh | 14. Malcolm P. Avery |
| 7. Otha O. Drake | 15. Lowell T. Davis |
| 8. Edward M. Gannon | Marjorie L. Allman
(Alternate) |

and by their Foreman presented to the Court, their certain 30 bills of indictments covering 25 defendants and 43 offenses; each endorsed by Robert R. Hastings the said Foreman of the Special Grand Jury, "A True Bill," to which endorsement said Foreman subscribed his name, and against the following named persons for the following specified offenses, viz:

Also their report in writing to the Court in the following words and figures, viz:

ENCLOSURE

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

p. 9

THE RECORD-C
(KENT-RAVENNA)

Date: 10-16-70

Edition:

Author: A. R. S.
Editor: LORIS TRO

Title:

Character:

or

Classification:

Submitting Office: CL

Being Investigated

97-42497-10

REPORT OF THE SPECIAL GRAND JURY
TO THE HONORABLE Edwin W. Jones, Judge of the
Court of Common Pleas, Portage County, Ohio.

The Special Grand Jury of the Court of Common Pleas of said County of the September term, A.D. 1970, hereby report to the Court that they have been in session 25 days, and herewith by their foreman present to the Court the Indictments found by said Jury.

We have carefully examined all such matters as have legitimately come to our notice and within our charge, having examined over 300 witnesses, and presented 30 true bills covering 25 defendants and 43 offenses considered by us. The business of this Special Grand Jury has been transacted in as expeditious a manner as possible.

As has already been reported here, this Special Grand Jury received testimony from more than 300 witnesses who have fairly represented every aspect, attitude, and point of view concerning the events which occurred in the city of Kent, Ohio and on the campus of Kent State University during the period from May 1, 1970, to May 4, 1970, inclusive. The persons called as witnesses, the order of their appearance, and the questions presented, clearly indicated an effort at complete impartiality with a full and complete disclosure of all available evidence. We are satisfied that each of these objectives was accomplished.

Many persons, some of whom claimed publicly to be in possession of pertinent information, and who were not subject to subpoena were invited to testify. Some of those invited did appear, while others declined. All persons who requested to testify were permitted to do so.

In addition to the many witnesses summoned to testify, this Grand Jury viewed and otherwise received all physical evidence believed to have any probative value, including numerous audio tapes, photographs, motion picture films, and physical evidence recovered at the scene.

All requests for further information made by this Grand Jury have been complied with by the Special Counsel for the Attorney General as to the law applicable and the facts.

The Grand Jury has had available the independent investigative reports of the Federal Bureau of Investigation, Ohio Highway Patrol, Ohio Bureau of Criminal Identification and Investigation, and all other police agencies involved. Their reports and all pertinent information and evidence have been examined in detail. The Grand Jury expresses its appreciation to all investigative agencies for their cooperation.

In addition, the Grand Jury has received a substantial amount of additional information and evidence that was not available to the police agencies at the time of their investigations. Some facts were discovered subsequent to the investigation of other agencies.

This Grand Jury expresses its appreciation to Judge Edwin W. Jones for his leadership and guidance during our deliberations. We further commend the Court for its foresight in providing an atmosphere of judicial dignity within which our work could be accomplished. It is our sincere belief that the Court's order restricting publicity in no small measure provided this atmosphere. The Grand Jury wishes further to express its appreciation to the radio, TV, and press media for following not only the letter, but the intent of the Court's order.

The Grand Jurors have determined numerous questions of fact relative to the issues presented. The Grand Jurors wish to stress the fact that our findings are entirely our own and no outside influences were exerted. In view of the many conflicting and contradictory accounts previously published concerning these events, we feel it appropriate to report those findings at this time. They are as follows:

I.

The incidents originating on North Water Street in Kent, Ohio on Friday, May 1, 1970, and which spread to other parts of the downtown area and the University, constituted a riot.

We find that no provocation existed for the acts committed there and that many persons participating in this riot were not students, but were of a type who always welcome the opportunity to participate in the unjustified destruction of property.

The investigative techniques utilized by law enforcement agencies in connection with the suppression of the riotous conduct of May 1, 1970, were not adequate to permit the successful prosecution of many of the persons who participated. It is apparent that new methods and techniques designed to preserve the identity of future participants (rioters, etc.) must be made available to our law enforcement agencies. That those responsible for riots, etc. be held accountable, without exception, and to the maximum extent provided by law, is obvious.

II.

We find that the rally on the Commons on Saturday, May 2, 1970, which resulted in the burning of the R.O.T.C. building, constituted a riot. There can never exist any justification or valid excuse for such an act. The burning of this building and destruction of its contents was a deliberate criminal act committed by students and non-students. Nor did the rioters stop with the burning of the R.O.T.C. building. They also set fire to the archery shed and moved from there to East Main Street on the front campus where they engaged in further acts of destruction and stoned the members of the National Guard as they entered Kent.

Arson is arson, whether committed on a college campus or elsewhere. The fact that some of the participants were college students changes nothing, except perhaps to further aggravate the seriousness of the offense.

It should also be said that the many hundreds of students who described themselves as merely "observers" or "cheerleaders" are not totally free of responsibility for what occurred there. It seems to us that many students are quick to say that "this is our campus," but slow to realize that this carries with it a responsibility to care for and protect that campus and the buildings situated there.

III.

The Grand Jury finds from the evidence that the Kent State University Police Department, as presently constituted, is totally inadequate to perform the functions of a law enforcement agency. A clear example of this inadequacy was the shocking inability to protect the Kent City firemen who responded to the fire at the R.O.T.C. building on May 2nd. The fire was reported to the Kent Fire Department by a University Police dispatcher. One squad of Kent State University Police officers had mobilized in an area approximately three blocks from the R.O.T.C. building. They were readily available to lend the protection to which the firemen were entitled. That it was decided by those in command not to expose their officers to risk represents more than a question of judgment; it indicates a complete inability to respond in a manner expected of any police department. The persons who attacked the firemen numbered no more than 4 or 5. The total number of those persons who actually attempted to fire the building did not exceed ten or twelve. It is obvious that the burning of the R.O.T.C. building could have been prevented with the manpower then available. If the burning had been prevented it is reasonable to believe that the events which followed on May 3rd and 4th would not have occurred.

The inadequacy of the Kent State University Police Department was further demonstrated with its failure to respond to the events which occurred on Friday night, May 1, 1970, the early morning of Saturday, May 2nd, and Sunday night, May 3rd. This is not intended to criticize any individual officer of that department. If the responsibility for providing adequate law enforcement on campus is to remain with an agency physically situated on that campus, the ultimate command, supervision, and control of that agency must be divested from the University administration and placed in the hands of professionally trained personnel.

IV.

The Grand Jury finds that the events of Sunday, May 3, 1970, on campus and at the corner of Lincoln Street and East Main Street in Kent, Ohio, constituted a riot.

The avowed purpose of the leaders of this group was to march into the city of Kent in protest of, and in direct violation of the 8:00 P.M. curfew established by the mayor of Kent. As the students attempted to leave the campus, they were stopped at the intersection of Main and Lincoln Streets by the Ohio National Guard, Kent City Police Department, Ohio Highway Patrol and the Portage County Sheriff's Department. The protesters then sat down in the street and engaged in their usual obscenities, rock throwing, and other disorderly conduct. Had it not been for the combined efforts of the law enforcement agencies present, further extensive damage to persons and property would have resulted in the city of Kent that night. After their removal from the intersection of East Main and Lincoln Streets, the rioters were dispersed by tear gas and retreated to the dormitory complex known as Tri-Towers where some members of the mob continued to advocate further acts of violence and destruction.

V.

The gathering on the Commons on May 4, 1970, a violation of the directive of May 3rd, issued by the University Vice President in charge of Student Affairs. We find that all the persons assembled were ordered to disperse on numerous occasions, but failed to do so. These orders given by a Kent State University policeman, caused a violent reaction and the gathering quickly degenerated into a riotous mob. It is obvious that if the order to disperse had been heeded, there would not have been the consequences of that fateful day. Those who acted as participants, agitators are guilty of deliberate, criminal conduct. Those who were present as cheerleaders and onlookers, while liable for criminal acts, must morally assume a part of the responsibility for what occurred.

VI.

We find that as of 5:28 P.M. on Saturday, May 2nd, the circumstances then present in the city of Kent, Ohio, necessitated the request for assistance of the National Guard.

The events which led to this request began with a phone call at 12:47 A.M., May 2nd by Mayor LeRoy Satrom to the Governor's office to advise him of the riot and destruction which had taken place in Kent. This phone call resulted in the dispatching of an officer of the National Guard to assess the situation. As of Noon on Saturday, May 2nd, it had been determined by the Adjutant General that the situation did not require the presence of the National Guard.

At 5:28 P.M. on Saturday, May 2nd, Mayor Satrom called the office of the Governor and at this time formally requested the assistance of the National Guard. The fact which prompted Mayor Satrom to make this decision was:

1. Threats by students to downtown merchants of property damage if they did not post signs on the premises protesting the war in Vietnam and Cambodia.
2. Reports that two carloads of members of the Women's faction of the Students for a Democratic Society were in Kent and/or the University campus area.
3. Information that various weapons had been seen on the Kent State University campus.
4. Reports that the R.O.T.C. building, the Kent Post Office, and the Army Recruiting Office in Kent would be burned or otherwise destroyed.

In addition to receiving this information, Mayor Satrom had, by this time, been advised that substantial assistance would not be available from any local law enforcement agencies to assist in protecting the city and its residents.

We feel that it should be made clear that the Ohio National Guard was called solely for the purpose of assisting the civil authority. At no time during the period of May 1st through May 4th was martial law declared.

VII.

It should be made clear that we do not condone all of the activities of the National Guard on the Kent State University campus on May 4, 1970. We find, however, that those members of the National Guard who were present on the hill adjacent to Taylor Hall on May 4, 1970, fired their weapons in the honest and sincere belief and under circumstances which would have logically caused them to believe that they would suffer serious bodily injury had they not done so. They are not, therefore, subject to criminal prosecution under the laws of this state for any death or injury resulting therefrom.

Fifty-eight Guardsmen were injured by rocks and other objects hurled at them as they moved across the "Commons" to Taylor Hall Hill and down to the practice football field, and were then forced to retreat. Whatever may have been in the minds of those who harassed and otherwise taunted the National Guard, it is clear that from the time the Guard reached the practice football field, they were on the defensive and had every reason to be concerned for their own welfare. Tear gas was admittedly ineffective because of wind direction and velocity and it was the belief of most of those Guardsmen present on the football practice field that their supply of tear gas had been exhausted. That it was later determined that one of ten grenadiers still had a small supply of tear gas remaining in no way changes this fact. The circumstances present at that time indicate that 74 men surrounded by several hundred hostile rioters were forced to retreat back up the hill toward Taylor Hall under a constant barrage of rocks and other flying objects, accompanied by a constant flow of obscenities and chants such as "KILL, KILL, KILL". Photographic evidence has estab-

lished, beyond any doubt, that as the National Guardsmen approached the top of the hill adjacent to Taylor Hall, a large segment of the crowd surged up the hill, led by smaller groups of agitators approaching to within short distances of the rear ranks of the Guardsmen.

The testimony of the students and Guardsmen is clear that several members of the Guard were knocked to the ground or to their knees by the force of the objects thrown at them. Although some rioters claim that only a few rocks were thrown, the testimony of construction workers in the area has established that 200 bricks were taken from a nearby construction site. Various students were observed carrying rocks in sacks to the "rally", others brought gas masks and other equipment from off campus in obvious anticipation of what was to happen. Rocks had been stockpiled in the immediate vicinity and cries of "GET THE ROCKS" were heard as the Guardsmen went onto the practice field. There was additional evidence that advance planning had occurred in connection with the "rally" held at Noon on May 4th.

It should be added, that although we fully understand and agree with the principle of law that words alone are not sufficient to justify the use of lethal force, the verbal abuse directed at the Guardsmen by the students during the period in question represented a level of obscenity and vulgarity which we have never before witnessed! The epithets directed at the Guardsmen and members of their families by men and female rioters alike would have been unbelievable had they not been confirmed by the testimony from every quarter and by audio tapes made available to the Grand Jury. It is hard to accept the fact that the language of the Guardsmen has become the common vernacular of many persons posing as students in search of a higher education.

The fact that we have found those Guardsmen who fired their weapons acted in self defense is not an endorsement of the manner in which those in command of the National Guard reacted. To the contrary, we have concluded that the group of Guardsmen who were ordered to disperse the crowd on the Commons were placed in an untenable and dangerous position.

The Grand Jury also concludes that the weapons issued to the National Guardsmen are not appropriate in quelling campus disorders. Testimony presented to this Grand Jury reveals that the commanding officers of the National Guard are in agreement that the M-1 Rifle and other high powered weapons are not the type of weapons suited for such missions, except in those instances where required to return sniper fire. Unfortunately, however, under current procedures, no other weapons have been made available to the Guard by the Department of the Army. Non-lethal weapons more appropriate in connection with campus disorders should be made available to the National Guard for the future.

The Grand Jury takes note of some who have advocated that the Guard be committed to action without live ammunition. With this we cannot agree. Guardsmen should be furnished with weapons that will afford them the necessary protection under the existing conditions.

VIII.

Among other persons sharing responsibility for the consequences of May 4, 1970, then must be included "23 concerned faculty of Kent State University" who posed and made available for distribution on May 3, 1970, the following document:

"The appearance of armed troops on the campus of Kent State University is an appalling sight. Occupation of the town and campus by National Guardsmen is testimony to the domination of irrationality in the policies of our government.

"The President of the United States commits an act of war and refers to his opposition as "barbs", students and faculty and, indeed, all thinking people know his position is not only rational but patriotic. True, burning buildings at Kent State University is no joke; we reject such tactics. Yet the burning of an ROTC building is no accident. We deplore this violence but we feel it must be viewed in the larger context of the daily burning of buildings and people by our government in Vietnam, Laos, and now Cambodia.

Leadership must set the example if it is to persuade. There is only one course to follow if the people of this country -- young and old -- are to be convinced of the good faith of their leaders: The war must stop. The vendetta against the Black Panthers must stop. The Constitutional rights of all must be defended against any challenge, even from the Department of Justice itself. If Mr. Nixon instead continues his bankrupt, illegal course, the Congress must be called upon to impeach him.

Here and now we repudiate the inflammatory inaccuracies expressed by Governor Rhodes in his press conference today. We urge him to remove the troops from our campus. No problem can be solved so long as the campus is under martial law.

"We call upon our public authorities to use their high offices to bring about greater understanding of the issues involved in and contributing to the burning of the ROTC building at Kent State University on Saturday, rather than to exploit this incident in a manner that can only inflame the public and increase the confusion among the members of the University community."

Signed by 23 concerned faculty,
Kent State University, Sunday Afternoon,
May 3, 1970

Several hundred copies of this unusual document were distributed in the various dormitories situated on the Kent State University campus during the late afternoon and early evening of May 3, 1970. The offices and facilities of the Dean for the Faculty Council, known as the Ombudsman, were made available to those persons who participated in its preparation. If the purpose of the authors was simply to express their resentment to the presence of the National Guard on campus, their timing could not have been worse. If their purpose was to further inflame an already tense situation, then it surely must have enjoyed some measure of success. In either case, their action exhibited an irresponsible act clearly not in the best interests of Kent State University. Although the 23 persons referred to at the close of the statement did not actually affix their signatures to the document, they, together with one additional party, did leave their signatures with the Dean for the Faculty Council as evidence of their authorship and approval.

It should be pointed out that at least 60 faculty members were invited to the meeting, but a majority apparently elected not to be associated with the product that resulted.

The conduct of these faculty members is in sharp contrast to those of the faculty who, through their efforts on May 4th., restored order and prevented further rioting after the shooting.

IX.

We find that the major responsibility for the incidents occurring on the Kent State University campus on May 2nd., 3rd., and 4th. rests clearly with those persons who are charged with the administration of the University. To attempt to fix the sole blame for what happened during this period on the National Guard, the students or other participants would be inconceivable. The evidence presented to us has established that Kent State University was in such a state of disrepair, that it was totally incapable of reacting to the situation in any effective manner. We believe that it resulted from policies formulated and carried out by the University over a period of several years, the more obvious of which will be commented on here.

The administration at Kent State University has fostered an attitude of laxity, over-indulgence, and permissiveness with its students and faculty to the extent that it can no longer regulate the activities of either and is particularly vulnerable to any pressure applied from radical elements within the student body or faculty. One example of this can be clearly seen in the delegation of disciplinary authority under a student conduct code which has proven totally ineffective. There has been no evidence presented to us that would indicate that college students are able to properly dispose of criminal offenders within their own ranks any

more than they are capable of devising their own curriculum, participating in the selection of faculty, or setting the standards for their admission to or dismissal from the University. Neither have we been convinced that the faculty is necessarily equipped to assume and successfully carry out responsibilities of a purely administrative character which for many years were considered to be totally outside the area of responsibility normally associated with the teaching faculty of our colleges and universities. In short, a segment of the student population and the faculty have demanded more and more control of the administrative functions of Kent State University. The administrative staff has constantly yielded to these demands to the extent that it no longer runs the University.

The student conduct code, as already indicated, has been a total failure. As a matter of policy, all criminal offenses uncovered by the University Police Department, except those which constitute felonies, were referred to judicial boards composed solely of students residing in the dormitory where the alleged offender resided. These students determined the guilt or innocence of the accused and prescribed the punishment. The end result has been, of course, that where any final disposition has been made at all it has consisted of recommended counseling or some other meaningless sanction.

Offenses for which suspension or dismissal from the University could be imposed were heard by the Student Faculty Judiciary Council. Membership consists of two faculty members, two students, and a fifth member who shall be a Dean of the defendant's college or a faculty member designated by him. A total of only 5 students were dismissed for non-academic reasons during the academic year 1969-70 out of a total enrollment of more than 21,000.

A second example of where the University has obviously contributed to the crisis it now faces is the over-emphasis which it has placed and allowed to be placed on the right to dissent. Although we fully recognize that the right to dissent is a basic freedom to be cherished and protected, we cannot agree that the role of the University should be to continually foster a climate in which dissent become the order of the day to the exclusion of all normal behavior and expression.

We receive the impression that there are some persons connected with the University who believe and openly advocate that one has a duty rather than a right to dissent from traditionally accepted behavior and institutions of government. This is evident by the administrative staff in providing a forum and available facilities for every "radical group" that comes along and the "speakers" that they bring to the campus. It has been the policy of Kent State University to routinely grant official recognition to every group that makes application. The few conditions that have been imposed are meaningless and we have been unable to find a single instance where recognition has been refused. This is the procedure by which the Students for a Democratic Society, Young Socialist Alliance, Red Guard, Student Religious Liberals, and other groups who advocate violence and disruption were granted recognition. Provisional recognition is automatic upon filing. During the period that is required to process the application, the organization is permitted to the same use of the University facilities that it has when fully recognized. No distinction is made between ordinary student organizations whose objectives are related to legitimate activities on campus and the politically active organizations whose membership openly advocates revolution and anarchy. Once temporary or permanent recognition is granted the organization may sponsor speakers from off campus and have the use of University facilities and equipment for that purpose. It was in this manner that Jerry Rubin was brought to the campus in April, 1970, by the Student Religious Liberals. The inflammatory speech given by Mr. Rubin was so interspersed with vulgarity and obscenity that it could not be reported by the local news media.

A further example of what we consider an over-emphasis on dissent can be found in the classrooms of some members of the University faculty. The faculty members to whom we refer teach nothing but the negative side of our institutions of government and refuse to acknowledge that any positive good has resulted during the growth of our nation. They devote their entire class periods to urging their students to openly oppose our institutions of government even to the point where one student who dared to defend the American flag was ridiculed by his professor before his classmates.

We do not mean to suggest that these faculty members represent a majority of the faculty at Kent State University. To the contrary, we suspect that they form a small minority of the total faculty, but this does not mean that their presence should be ignored.

The most discouraging aspect of the University's role in the incidents which have been the subject of our investigation is that the administrative leadership has totally failed to benefit from past events. The same condescending attitude toward the small minority bent on disrupting the University that existed last May is still present. On Wednesday, October 7, 1970, the Youth International Party, more commonly known as the "YIPPIES", applied for and were granted permission from the University to use its auditorium. The request for use of the University facilities was granted in the customary routine manner with no apparent interest in the purpose of the gathering. The meeting was later billed as a "Yippie Open Smoker" and was attended by some 250 persons. The agenda consisted of several speakers who exhorted in the usual obscene rhetoric with the customary demands to fire Bobby Seale, remove R.O.T.C. from campus, and to put an end to the Liquid

On Sunday night, October 11, 1970, two appearances were scheduled at the Memorial Gymnasium for a rock music group known as the "Jefferson Airplane." During their second performance and while the "Airplane" were doing their musical numbers, color slides were projected onto a screen behind the group consisting of psychedelic color scenes of the Ohio National Guard on Kent State campus and scenes of the shooting on May 4th, complete with views of the bodies of the victims.

On October 12th, the "YIPPIES" scheduled a second meeting at the Auditorium which was supposed in some manner to relate to the activities of this Grand Jury. Again, on October 14, 1970, the same "YIPPIE" group scheduled a Noon rally on the Commons. Neither of these events attracted more than a handful of spectators and this is to the credit of the student body. What disturbs us is that any such group of intellectual and social misfits should be afforded the opportunity to disrupt the affairs of a major university to the detriment of the vast majority of the students enrolled there.

CONCLUSION

The members of this Special Grand Jury find that the conditions that led to the May tragedy still exist. It is apparent that an apathetic university community allowed a vocal minority to seize control of the university campus. This will continue until such time as the citizen university administration, faculty and students take a strong stand against the radical element bent on violence.

The time has come to detach from university society those who persist in violent behavior. Expel the troublemakers without fear or favor. Evict from the campus the persons bent on disorder.

This Grand Jury has in this report been critical of Kent State University, but let no one assume that we do not consider the University a valued part of our community. It is our hope that out of this chaos will emerge order and purpose. It is our belief that Kent State University has the capacity to become a greater university in the future.

Respectfully submitted,
Robert R. Hast
Fore

October 16, 1970

There being no further business for said Special Grand Jury, they are recessed subject to the further order of Court.

Edwin W. J.
Judge -- Common Pleas Court

SAC, Cleveland (98-2140)

8/25/71

Director, FBI (98-46479)

1 - Mr. T. J. McNiff

1418

[REDACTED]

7C

ET AL.
SABOTAGE; SEDITION; DGP;
CIVIL RIGHTS ACT OF 1969;
INTERFERENCE WITH FEDERALLY PROTECTED
FACILITY

Furnish Bureau with communication concerning status of local prosecution involving 25 individuals indicted as a result of violence occurring 5/70 at Kent State University. No active investigation is to be conducted in this matter but requested information should be obtained through public source material and contact with established sources.

ps

TJM:cae
(4) *cae*

JM

NOTE:

The Cleveland Office conducted an extensive sabotage investigation concerning the burning of an ROTC Building at Kent State University 5/2/70. As a result, 9 individuals were identified as having reportedly engaged in acts in violation of several Federal statutes. The Department, after reviewing the reports, deferred prosecution in favor of local authorities. Subsequently, local grand jury indicted 25 individuals as a result of this action. Last information in file indicates that 20 of these individuals were arrested and 5 others were fugitives

MAILED 8
AUG 24 1971
FBI

It is felt that this matter should be followed, in the event local prosecution is dismissed, so that this matter could then be re-presented to the Department for an opinion regarding Federal prosecution. In view of the recent decision of the Department not to conduct additional inquiries concerning the shooting by the National Guard on the Kent State University campus 5/4/70, Cleveland is instructed to obtain the desired information in a manner not designed to initiate controversy or speculation.

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EX-100

REC-50

98-46479-110

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19 AUG 25 1971

TJM

MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (98-46479)

DATE: 10/29/71

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

SUBJECT: ARTHUR SCOTT BARNHARDT
ET AL
SABOTAGE; SEDITION; CIVIL
RIGHTS - FEDERALLY PROTECTED
ACTIVITY; DGP

SEARCHED
SERIALIZED
INDEXED
NOV 5 1971
BY: [Signature]

OO: Cleveland

sent re Glenn Alvero

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

The Cleveland office is placing this matter in a Pending Inactive status and will continue to follow local prosecution and report any significant developments.

CC TO: State (Burg) (300)
REQ. REC'D 1-16-74
FEB 1 1974
ANS. BY: [Signature]
Re: [Signature]

EX-100

REC-10 91 76 111

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

WMC:ham
(4)

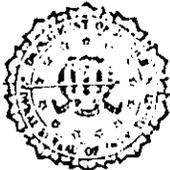
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UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

Cleveland, Ohio

October 29, 1971

[REDACTED] **7C**
ET AL

On October 20, 1971, [REDACTED]

[REDACTED] Kent State University (KSU),
Kent, Ohio, advised that the trials of the 25 individuals
who were indicted by the Special Portage County Grand Jury
for their alleged participation in the May, 1970, disruptions
at KSU have been postponed indefinitely pending appeals on
behalf of those indicted and on behalf of the prosecution
for the Grand Jury.

The October 22, 1971, edition of the Akron Beacon
Journal, a daily newspaper of general distribution in the
Akron, Ohio, area, reported that the U. S. Sixth Circuit Court
of Appeals, Cincinnati, Ohio, dismissed a second appeal by
Ravenna attorney, SEABURY FORD, a special prosecutor for the
Grand Jury, "to let the controversial Kent State University
grand jury report stand." This article went on to advise that
"the court also confirmed a lower court decision which upheld
grand jury indictments against 25 persons in the KSU tragedy.
The appellate court also reserved a lower court decision which
had ruled a "gag rule" imposed on persons connected with the
grand jury unconstitutional.

A second article appearing in the aforementioned
edition of the Akron Beacon Journal reported that Cleveland,
Ohio, attorney, GERALD MESSERMAN had indicated that decisions
by the U.S. Sixth Circuit Court of Appeals paved the way for
U. S. District Court Judge WILLIAM K. THOMAS, Cleveland, Ohio,
to carry out his January 28, 1971, ruling ordering the con-
troversial Portage County Grand Jury report to be destroyed.
This article went on to advise that to complicate matters

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SECURE

RE: ARTHUR SCOTT BARNHARDT
ET AL

further, appeals have been pending in both Federal and State Courts. The article indicated that MESSERMAN, representing 32 KSU faculty members, was pursuing his appeals through the Ohio State Courts, while attorneys, DAVID SCRIBNER, of New York, and BENJAMIN SHEEREP, of Cleveland, were representing a group of KSU students and had appealed to the Federal Courts. According to the article, these groups were originally joined together, but that they split on January 28, 1971, when Judge THOMAS ruled out the grand jury report and allowed the indictments against the 25 persons to stand. "Judge THOMAS said the report which exonerated National Guardsmen and blamed the KSU uprising on the university faculty and administration, made fair trials for the 25 impossible and violated free speech" this article further reported.

In a separate article appearing in the Akron Beacon Journal on October 20, 1971, it was reported that aides to the Ohio Attorney General were in Ravenna, Ohio, on October 18 and October 19 interviewing those who might testify for the prosecution in the cases of the 25 persons indicted. According to this article, Ohio Attorney General WILLIAM BROWN is concerned about the trials starting before 1972 because "State law requires that a person be brought to trial within three court terms after he is indicted." The third court term since the indictments were returned on October 5, 1970, will end on December 31, 1971. The article went on to indicate that "there has never been a ruling on whether the three-term requirement is waived while appeals are pending."

 advised that the situation involving the prosecution of the 25 persons indicted by the Portage County Grand Jury is further complicated by the fact that KSU students are petitioning for a Federal Grand Jury regarding the May, 1970, violence.

RE: ARTHUR SCOTT BARNHARDT
ET AL

Not State Approved

An article appearing in the October 21, 1971, edition of the Akron Beacon Journal reported that KSU students, GREG RAMBO and PAUL KEANE, accompanied by KSU President Dr. GLENN A. OLDS, were in Washington, D.C. to present a petition to the White House asking for a Federal Grand Jury investigation. This article said that the aforementioned individuals met with Presidential Aide LEONARD GARMENT, "who promised to solicit a response from President NIXON within a month." It also stated that these individuals were attempting to arrange a meeting with Justice Department officials. According to the article, "more than 10,380 KSU students, faculty, and local residents signed the petition." It stated that "the petition charges there is a 'discrepancy' between Attorney General JOHN MITCHELL's decision of August 13 that there is 'insufficient evidence' to warrant a Federal Grand Jury probe and the FBI's report that the shooting was 'unjustified.'" The article further indicated that the aforementioned individuals were being assisted in Washington by Senator EDWARD KENNEDY, who was attempting to arrange a meeting for the students with Justice Department officials, and being assisted by Senator GEORGE MC GOVERN, who had arranged for a press conference for the students.

miss. Edward Kennedy George Mc Govern

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