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Kent State: What You Still Don't Know

Galen Lewis

While the media gears up for the twentieth anniversary of the Kent State shootings, those of us who are still interested in the subject can expect to be awash again in the same old photos and rhetoric. There will be the officer in the jeep with the bullhorn, a line of troops moving up Blanket Hill in a mist of tear gas, a girl weeping over a lifeless body. These images, though redundant, are important both as reminders of the senseless tragedies wrought by senseless policies and as a history lesson for those people too young to remember 1970 and what it meant to the life of a nation.

As pure history, Kent State is well documented. There are hundreds of photos and thousands of pages of eyewitness accounts, official logs, evidence lists and court testimony. As political and legal history, Kent State is a miasma of manipulation and deception to which the media was a naive, if not willing, accessory after the fact. The most important questions about Kent State were never closely examined by the media, which instead chose to accept the official line about what happened. Kent State was a thousand-piece jigsaw puzzle with all the major figures filled in and only the background missing. For most, that was enough.

There have been a few individuals who have looked at the unanswered questions about Kent State, but they have rarely pursued the answers with vigor. There are some good reasons for investigators to become discouraged. The official record is voluminous. A large part of the most crucial body of evidence was never made public because it was obtained through the grand jury process. Attorneys for the governor, the university and the guard successfully filed motion after motion to keep this material out of the public record.

Boxes of federal grand jury materials were turned over to attorneys for the dead and the wounded students *after the trial had begun*. The judge in the first civil trial had ordered that the plaintiff's legal team be able to see the material, but it arrived so late in the proceedings that members of the legal team were forced to stay up all night, for many nights, reading the material and then appear in court the next day to carry on with very little sleep. After reading the material, it was obvious to the plaintiffs why the attorneys for the defendants had waited until the last possible moment to turn it over. As it turned out, the late nights and hard work were negated when all attempts to introduce the material in open court were stymied by the judge and opposing attorneys.

The legal team for the plaintiffs encountered similar problems with material contained in the state grand jury files. A comic note was added when a very frazzled, middle-aged Portage County clerk arrived in the doorway of a courthouse meeting room, panic in her eyes, clutching an armload of papers to her bosom. A portly gentleman had to coax her into letting plaintiff representatives have the papers. He reassured her that they were required by law to release the files while he pried her fingers from the bundle.

These materials contained the full record of the grand jury, including testimony notes, deliberations, evidence lists and written and phone communications. Plaintiffs' legal team were permitted to view the materials, take notes and then leave. It was their understanding that sometime after they left the courthouse, the materials were destroyed. While they were never able to confirm the fact, to anyone viewing the record it would have been obvious why certain individuals would want it destroyed.

Just exactly what questions could be answered if all the facts about Kent State had been made public? Among them would be the following: Was there an order to fire? Who gave the order? Was the burning of the ROTC building planned by officials or was it a spontaneous act carried out by rampaging students? What were the numbers of agents and the extent of undercover activity on and around the Kent State campus during those crucial four days in May? Was there a conspiracy on the part of some national guardsmen to cover up what happened on the day of the shootings?

The most important unanswered question of all: If Kent State was an event important enough to be discussed in school books, commemorated by thousands and remembered by millions, why hasn't there been a serious effort on the part of the media to establish once and for all what really happened on May 4?

Those of us who tried to establish the truth in the courts failed—or was it that the courts failed us? It is a peculiar feeling for an admirer of the Constitution to experience the legal system as an adversary rather than an avenue for the truth, or to consider the media from a post-Watergate perspective—as dupes for the official line. But the courts, the media, and the public of 1990 are more cynical and suspicious than they were in 1970. We've come a long way—maybe.

Paramilitary operations on U.S. college campuses, while unheard of at one time, seem more plausible now. Officials using legal and extra-legal means to suppress the truth about their actions have become common place. Journalistic dismissal of official versions of events in favor of independent reconstructions have become a necessity.

I've seen reference of late to the "two histories" of our country. There is the official, sanitized history which our children read about in their textbooks and then there is the true history of secret government opera-

tions, cover-ups, conspiracies, classified documents, and public lies. Frances Fitzgerald, in writing about Iran-Contra and the trial of Oliver North, makes reference to the new "modernist drama," in which, like "Einstein's universe, the simple, old-fashioned questions cannot be answered directly, and the most serious questions have jokes for answers." Perhaps Kent State was the first of a genre.



Activists from all over the country rally at Kent State on August 20, 1977, to support the memorial effort. Photo © by John P. Rowe.