

Guide to the ACLU of Ohio Kent State Project Records

MS 1800



compiled by Ann Rowlett and William Landis

June 2007

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Collection Overview

REPOSITORY: Manuscripts and Archives
Yale University Library
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New Haven, CT 06520-8240
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CALL NUMBER: MS 1800

CREATOR: American Civil Liberties Union of Ohio

TITLE: ACLU of Ohio Kent State Project records

DATES: Circa 1960-1980

PHYSICAL DESCRIPTION: 62.2 linear feet

LANGUAGE: English

SUMMARY: Records of ACLU of Ohio attorneys document preparation for the retrial of Krause v. Rhodes in 1978. Because the retrial was the culmination of a long, difficult legal battle for accountability in the deaths of four students and the injury of nine others, the collection includes not just materials assembled specifically for the 1978 trial, but also materials gathered for previous lawsuits related to the May 4th, 1970, shootings at Kent State University. The collection includes documents filed in various courts such as briefs, memoranda and motions, transcripts of trial proceedings, and depositions. It also includes materials produced by the attorneys and their staff, such as correspondence, research memoranda, legal strategy communications, and witness files of individuals who testified at one or more trials.

ONLINE FINDING AID: To cite or bookmark this finding aid, please use the following link: <https://hdl.handle.net/10079/fa/mssa.ms.1800>

Requesting Instructions

To request items from this collection for use in the Manuscripts and Archives reading room, please use the request links in the HTML version of this finding aid, available at <https://hdl.handle.net/10079/fa/mssa.ms.1800>.

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Key to the container abbreviations used in the PDF finding aid:

b. box
f. folder

Administrative Information

Immediate Source of Acquisition

Gift of the ACLU of Ohio, 2006.

The ACLU of Ohio Kent State Project records appear to have been promised to Yale just after the 1979 settlement. The attorneys and the families were concerned that if the materials were deposited with a quasi-governmental organization such as the Ohio Historical Society, they might be mishandled or manipulated, thus endangering the historical record -- so great was the distrust of government officials after the protracted legal battle for justice.

The materials had been stored in a Columbus, Ohio office for some years, and in 1995 the ACLU of Ohio staff had no record of the fact that the records had been promised to Yale. That year the files were deposited at Princeton University, the official repository of the national American Civil Liberties Union. After the previous arrangement came to light, the records were shipped from Princeton to Yale in 2002, and a formal deed of gift was signed in 2006.

Conditions Governing Access

The materials are open for research. Original audiovisual materials, as well as preservation and duplicating masters, may not be played. Researchers must consult use copies, or if none exist must pay for a use copy, which is retained by the repository. Researchers wishing to obtain an additional copy for their personal use should consult Copying Services information on the Manuscripts and Archives web site. Copies of commercially produced audiovisual materials contained in this collection cannot be made for researcher use outside of the repository.

Conditions Governing Use

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Preferred Citation

ACLU of Ohio Kent State Project Records (MS 1800), Manuscripts and Archives, Yale University Library.

Processing Information

Processing of the records and making them available to researchers was complicated by a court order issued in 1979, following the settlement, that sealed certain records or required that they be redacted. No one could verify whether the files shipped to Yale in 2002 had been brought into compliance with the court order. In 2006, an ACLU of Ohio staff member, who was also a library and information science student, worked in Manuscripts and Archives at Yale for a month to remove all confidential materials sealed by the court order so that the files could be opened for research. The ACLU staff member, in consultation with archivists at Yale, determined the overall arrangement of the records.

Related Material

Kent State Collection (MS 804), Manuscripts and Archives, Yale University Library.

Biographical / Historical

The American Civil Liberties Union, founded in 1920, works to defend the individual rights guaranteed by the Constitution and laws of the United States. While local ACLU chapters formed as early as 1921, a statewide Ohio ACLU affiliate was not formed until 1951. The statewide group remained a relatively small, unincorporated grassroots organization over the next two decades. The organization drew its influence as much from its local chapters as from its national and state groups.

Benson Wolman had just been hired as the state organization's executive director when four students were killed by the National Guard at Kent State University on May 4th, 1970. The National Guard had been called to the Kent campus to disperse a protest against Nixon's incursion into Cambodia. At 12:24 pm, a group of Guardsmen turned together towards the students and fired about 60 rounds into the crowd. Four students were killed and nine others were disabled or injured. Twenty-nine guards admitted firing.

Within days of the deaths of Sandra Scheuer, Jeffrey Miller, Allison Krause, and William Schroeder, the Kent Chapter of the ACLU deployed volunteers to interview witnesses about possible civil liberties violations that may have taken place before, during and after the May 4th disturbance. The national ACLU and Ohio affiliate joined together to form the Kent State Project, not just to redress the constitutional violations suffered by the victims of the shootings, but also those experienced by other students and community members as a result of the disturbance. The United Methodist Church also provided support and funds for the case. For instance, the ACLU intervened in the following situations where constitutional rights were violated:

- The dorm rooms of 8,500 students were searched without warrants days after the shootings (Morgan v. Hayth).

- Students and university officials were ordered by county judges not to publicly discuss a state grand jury report, violating their free speech rights (King v. Jones).

- A ban on student voting in academic communities was overturned (Fridrich v. Brown).

- Local officials tried to deny needy students the right to food stamps.

- Student groups were infiltrated by undercover agents in an attempt to entrap them, which involved unlawful surveillance and an invasion of privacy (VVAW v. Fyke).

- Limitations were sought on the use of deadly force, premature use of troops and nonarrest detentions (Morgan v. Rhodes, sub. Nom. Gilligan v. Morgan).

At the same time, the national ACLU and the Ohio affiliate offered legal representation to the victims. Sarah and Martin Scheuer, the parents of Sandra Scheuer, retained the ACLU as legal counsel, and the case became captioned Scheuer v. Rhodes (James Rhodes was Ohio's governor at the time). Other victims subsequently retained private attorneys, including the Krause family.

In the years that followed a number of investigations, grand juries and trials were undertaken, none of which resulted in a determination of accountability for the shootings. Attorneys for the Guardsmen argued that the individual Guardsmen were personally immune from civil charges because they were acting in their capacity as state officials. The attorneys for the families argued, however, that the Guardsmen had violated the victims' constitutional rights by depriving them of their due process rights: in essence, that they were killed or injured by government officials without being charged with or convicted of any crime. The case Scheuer v. Rhodes reached the U.S. Supreme Court, which decided that the Guardsmen could be sued as individuals. A victory in Scheuer v. Rhodes turned out to be a pivotal legal milestone, for it allowed a civil suit for damages against the National Guardsmen to go forward.

The pressure to pursue redress in a civil suit heightened when the National Guardsmen were exonerated in a criminal trial, *U.S. v. Shafer*, in 1974. The U.S. Supreme Court decision in *Scheuer v. Rhodes* that same year allowed the families to pursue a civil suit. A district court consolidated the families' lawsuits, and the merged case, captioned *Krause v. Rhodes*, reached trial in the spring of 1975. ACLU attorneys joined with

the private attorneys to argue wrongful death and injury. A jury found in favor of the Guardsmen, and the victims and their attorneys appealed to the U.S. Supreme Court arguing that a number of procedural and jury instruction errors prevented a fair trial. The Supreme Court acknowledged the errors, and sent the case back for retrial. The ACLU agreed to take on the appeal of this decision, and the trial began in late December 1978. The case was argued by ACLU attorney Sanford J. Rosen. After only a few days in court, the parties agreed to a settlement, in which the Guardsmen agreed to sign a "statement of regret," and \$675,000 in damages was distributed among the victims and their families. Attorneys' fees were also awarded.

The settlement was controversial. Some felt a better resolution could have been reached, or that allowing the trial to reach a jury again could have produced a finding against the Guardsmen, while others felt that the settlement closed the door on a tragic time in our nation's history. In the words of the family in the statement they issued after the settlement was reached: "The State of Ohio although protected by the doctrine of sovereign immunity and consequently not legally responsible in a technical sense, has now recognized its responsibility by paying a substantial amount of money in damages for the injuries and deaths caused by the shootings."

Scope and Contents

Records of ACLU of Ohio attorneys document preparation for the retrial of Krause v. Rhodes in 1978. Because the retrial was the culmination of a long, difficult legal battle for accountability in the deaths of four students and the injury of nine others, the collection includes not just materials assembled specifically for the 1978 trial, but also materials gathered for previous lawsuits related to the May 4th shootings. The collection includes documents filed in various courts such as briefs, memoranda and motions, transcripts of trial proceedings, and depositions. It also includes materials produced by the attorneys and their staff, such as correspondence, research memoranda, legal strategy communications, and witness files of individuals who testified at one or more trials.

A particular strength of the collection is two sets of interview transcripts prepared by the ACLU of Ohio, one set from 1970 and another from 1975. In 1970, individuals were interviewed about civil liberties violations they might have observed before, during, and after the May 4th, 1970 shootings. The 1975 interviews appear to have been conducted to gather additional eyewitness information in preparation for the 1975 civil trial. Finally, the collection includes a considerable amount of background material gathered from a variety of sources, such as investigative agencies, the media, Kent State University, and other parties interested in the events surrounding the May 4th shootings.

Arrangement

Arranged in three series: I. Legal Documents, 1970-1980. II. Attorney Work Product, 1970-1980. III. Background Materials, circa 1960-1979.

Collection Contents

Series I: Legal Documents, 1970-1980

This series consists of court documents prepared in litigation related to the May 4th, 1970 shootings at Kent State University. Included are depositions, briefs, motions, memoranda, affidavits, and exhibits. Transcripts of court proceedings are included for some of the lawsuits as well. The bulk of the material consists of a fairly complete set of legal documents filed in the civil trial, *Krause v. Rhodes*, in 1975, the appeals in 1977-1978, and the retrial, which commenced in late 1978.

Also included in the series are incomplete sets of court documents from other litigation related to the Kent State shootings, such as the criminal trial against the National Guardsmen, *U.S. v. Shafer*, and individual suits filed by victims' family members, such as *Scheuer v. Rhodes*, which was eventually consolidated with *Krause v. Rhodes*.

The best place to begin researching the legal proceedings is with the pleadings binders, which attorneys assemble in reverse chronological order to track all activity on a case. All court filings are typically included, and sometimes relevant correspondence. Well organized pleadings binders, with indices in the front of each binder, are included for the civil trial in *Krause v. Rhodes* (1974-1976), the *Krause v. Rhodes* appeal to the Sixth Circuit Court of Appeals (1976-1977), and the *Krause v. Rhodes* retrial (1978-1979). Pleadings binders are also included for *Scheuer v. Rhodes* (1970-1973).

An incomplete set of exhibits is included at the end of the series. Paper documents are arranged by exhibit number. Some exhibit items--such as audiotapes, bullets, and books--are housed separately. It is unclear whether the items were actually introduced at trial, and if so, in which court. Other items marked as exhibits appear in other series in the collection.

The series is arranged by case name, and therein broadly by document type. Materials for the *Krause v. Rhodes* trials are arranged chronologically following the progression of the trial, appeals, and retrial.

Krause v. Rhodes civil trial (United States District Court for the Northern District of Ohio, Eastern Division No. C-70-544)

Pleadings binders, including list of individual pleadings inside front cover of each binder

b. 1	Book I (1-88)	1970-1974
b. 1	Book II (89-144)	1974-1975
b. 2	Book III (145-181)	1975
b. 2	Book IV (182-229)	1975
b. 3	Book V (230-263)	1975
b. 3	Book VI (264-270)	1975-1976
	Appendix (Volume 11 is sealed by court order and was retained by the donor)	1976
b. 3	Volume 1: Litigation documents	
b. 3	Volume 2: Transcript	
b. 4	Volumes 3-5: Transcript	
b. 5	Volumes 6-8: Transcript	

Krause v. Rhodes civil trial (United States District Court for t [...] > Appendix (Volume 11 is sealed by court order and was retained by [...]) (continued)

b. 6	Volume 9: Exhibits	
b. 6	Volume 10: Photographs	
b. 6	Volume 12: Testimony and exhibits	
	Court documents	
b. 6	Circa 1974-1976, 4 folders	
b. 7	1975-1976, 5 folders	
b. 8	1976-1977, 2 folders	
b. 8	Voir dire of the jury, 4 volumes	1975
b. 8	Charge to the jury, plaintiffs' proposed revisions	1975
b. 8	Closing arguments, Joe Kelner	1975
	Depositions, individually bound	
b. 9	Raymond James Srp, Charles R. Fassinger, Myron P. Pryor, Harry D. Jones	1971-1974
b. 10	John W. Simons, Richard Lobo, William Feest, Alan Canfora, Dean Richard Kahler, James A. Rhodes, Charles Ayers, Howard Edward Ruffner	1974
b. 11	William Albert Ling, John Darnell, John Merrick McElroy, James Laurenson, Sylvester DelCorso, Robert H. Canterbury	1974
b. 12	Raymond James Srp, John E. Martin, James A. Rhodes, Dennis L. Breckenridge, Rodney Biddle, Colonel Arthur E. Wallach, LeRoy M. Satrom	1974-1975
b. 13	William B. Shimp, Jr., Robert Duane Maxwell, James F. Devoll, John E. McElroy, William J. McManus, James Edward Pierce, William E. Perkins, Dana Stewart, Leon Smith	1975
b. 14	Edith Wiencek, Lucy DeLeone, Colonel Sylvester T. DelCorso, Barry W. Morris, James D. McGee, Lawrence A. Shafer, Ralph W. Zoller, James Ronald Snyder	1975
b. 15	Robert Edward Matson (deposition transcript missing first 3 pages), James Russell, Dr. David Allen Ambler, Donald E. Manly, Jr., William James Chase, Arthur S. Krause, Robert B. Krupansky, Dale L. Antram	1975
b. 16	Richard D. Lutey, Sarah Scheuer, Dr. Robert I. White, William Herschler, Lloyd W. Thomas, Jr., Paul Petrella, Robert Hart, Roger A. Maas, James W. Farriss, Joseph Dale Sholl, Ronnie B. Myers, Russell E. Repp	1975
b. 17	Larry Mowrer, Phillip D. Raber, Richard R. Shade, Lonnie Dean Hinton, Roy W. Dew, Dwight G. Cline, John E. Martin, Frank Haas, Gordon R. Bedall, Thomas Kelley, David Lee Snure, Wayne Oakes	1975
b. 18	Charles Joseph Barnette, Paul Reynolds Naujoks, David Rogers, Robert F. Thompson, Ronald Joseph West, Paul Richard Zimmerman, Rudy Morris, Harry D. Jones, J. Gordon Peltier, Terrance Norman	1975

Krause v. Rhodes civil trial (United States District Court for t [...] > Depositions, individually bound
(continued)

b. 19	Dr. Robert White, Norman Minner Rich, M.D., John R. Cleary, James F. Ahern, Edward L. King	1975
Transcripts		
b. 20	Volume 1 (volume 2 is missing)	1975 May 27
b. 20	Volume 2 addendum	1975 May 28
b. 20	Volumes 3-5	1975 May 29- June 3
b. 21	Volumes 6-8	1975 June 4-9
b. 22	Volumes 9-11	1975 June 10-12
b. 23	Volumes 12-14	1975 June 16-18
b. 24	Volume 15 -17	1975 June 19-24
b. 25	Volume 18-20	1975 June 25-30
b. 26	Volume 21-23	1975 July 1-7
b. 27	Volume 24-26	1975 July 8-10
b. 28	Volume 27-29	1975 July 14-16
b. 29	Volume 30-32	1975 July 17-22
b. 30	Volume 33-35	1975 July 23-29
b. 31	Volume 36-39	1975 July 30- August 5
b. 32	Volume 40-42	1975 August 6-11
b. 33	Volume 43-46	1975 August 12-18
b. 34	Volume 47-49	1975 August 19-21
b. 35	Volumes 50-51, 53 (volume 52 is missing)	1975 August 22-25
Krause v. Rhodes civil trial appeals		
United States Court of Appeals for the Sixth Circuit, No. 76-1095		
b. 35	Pleadings binders (labeled Books VII-VIII), 2 volumes	1976-1977
Court documents		
b. 36	1976-1977, 5 folders	
b. 37	1977-1980, 3 folders	
b. 37	United States Supreme Court, October Term, court documents, 2 folders	1977

Krause v. Rhodes retrial

Pleadings binders

b. 37	Book 1, contains no list of individual pleadings	1978
b. 38	Books 2-3, including list of individual pleadings in each binder	1978

Court documents

b. 38	1978-1979, 2 folders
b. 39	1978-1979, 5 folders
b. 40	1979, 3 folders

Proceedings

b. 40	Volumes 1-2	1978 October- November
b. 41	Volumes 3-8	1978 November-1979 January
b. 42	Settlement pleadings	1979
b. 42	Depositions of Paul Locher, Lt. Gen. Walter G. Johnson, and Alan M. Canfora, 3 bound volumes	1978
b. 42	Other materials related to Krause v. Rhodes, 3 folders	1970-1974
b. 86	Krause v. Rhodes, additional briefs, depositions, and proceedings, 3 folders	1975-1978

Materials relating to other trials

b. 43	CBS v. Don Young, pleadings binder and other materials, 2 folders	1975
b. 43	Scheuer v. Rhodes, 2 folders	1970-1975
b. 44	Scheuer v. Rhodes, 3 folders	1970-1975
b. 45	Hammond v. Brown, court documents and transcripts, 3 folders	1970-1971
b. 46	Hammond v. Brown, court documents and transcripts	1970-1971
b. 46	Ohio v. Rupe, transcripts, 2 folders	1971

U.S. v. Shafer

b. 46	Hearings on motions	1974
b. 47	Hearings on motions, 3 folders	1974
b. 47	Transcript	1974
b. 48	Transcript	1974
b. 48	Court documents, 3 folders	1974

Materials relating to other trials > U.S. v. Shafer (continued)

b. 48	Witness list	1974
Other legal documents relating to the Kent State Project		
b. 49	Court documents, not Krause v. Rhodes, related to Kent State trials, 2 folders	circa 1973-1977
b. 49	Court documents	1970-1977
b. 49	King v. Jones, grand jury gag order, 2 folders	circa 1970-1971
b. 50	Affidavits	1975-1979
b. 50	Portions of transcripts, depositions, and proceedings, 3 folders	circa 1970-1979
b. 51	Exhibits and evidence, 5 folders	circa 1970-1979
b. 52	Exhibits and evidence, includes spent shell casings, 5 folders	circa 1970-1979
b. 188-189	Oversize exhibits, diagrams and overviews of site of May 4th, 1970, shootings, 6 items	circa 1970-1975
Exhibits, audiovisual materials (titles taken from labels on materials)		
Original audiovisual materials, as well as preservation and duplicating masters, may not be played. Researchers must consult use copies, or if none exist must pay for a use copy, which is retained by the repository. Researchers wishing to obtain an additional copy of non-commercially produced items for their personal use should consult the ordering reproductions information on the Manuscripts and Archives web site.		
b. 120	Sunday night, direct and filtered tracks <i>1 Audiotape Reel</i>	1970 May
b. 120U	Use copy <i>1 Audio Disc (CD)</i>	
b. 121	Sunday night <i>1 Audiocassette</i>	1970 May
b. 121Ub-121Ua	Use copy <i>2 Audio Discs (CD)</i>	
b. 122	Events, including shooting incident at KSU <i>1 Audiotape Reel</i>	1970 May 4
b. 122U	Use copy <i>1 Audio Disc (CD)</i>	
b. 123	Sunday evening and Monday activities beginning with Bell; Monday sequence ends with shooting <i>1 Audiotape Reel</i>	1970 May 3-4
b. 123U	Use copy <i>1 Audio Disc (CD)</i>	
b. 124	Governor Rhodes' press conference <i>1 Audiotape Reel</i>	1970 May
b. 124U	Use copy <i>1 Audio Disc (CD)</i>	

Exhibits, audiovisual materials (titles taken from labels on mat [...] (continued)

b. 125-126	Narrative tape, , 2 audiotapes <i>1 Audiotape Reel</i>	1970
b. 127	CBS outtakes (silent) [commercially-produced] <i>1 Film Reel (16mm)</i>	1970
b. 127U	Use copy <i>1 Optical Disc (DVD)</i>	
b. 128	Plaintiff's exhibit 50013/Defendant's exhibit R-1 ("Breckinridge-Head" written on leader) <i>1 Film Reel (16mm)</i>	circa 1970
b. 129	Recording from record in 1971 Chestnut Burr <i>1 Audiocassette</i>	1971
b. 130	May 3 demands/in news car; May 4 before shots <i>1 Audiocassette</i>	1970 May
b. 130Uc-130Ub	Use copy <i>3 Audio Discs (CD)</i>	

Series II: Attorney Work Product, 1970-1980

This series includes legal strategy materials gathered by attorneys, correspondence, two sets of alphabetically arranged witness files, and transcripts of interviews conducted by ACLU staff and volunteers in 1970 and 1975.

The witness files were created on individuals who testified in the 1975 civil trial, *Krause v. Rhodes*. The files contain one or more of the following documents: summaries and originals of depositions, trial testimony, Federal Bureau of Investigation interview reports (FBI Form 302), National Guard interview statements, Ohio State Highway Patrol interview statements, and handwritten statements. Some files also contain summaries of special grand jury and federal grand jury testimony. Some of these items are marked as exhibits.

The ACLU interviews (Groups 1-3) were conducted in 1970 to gather information about constitutional rights violations arising from events leading up to, during, and following the May 4, 1970 shootings. Interviewees were asked to trace their movements over those days, and to describe any civil liberties violations they observed, including parties involved, location, day and time, and the circumstances. An partial list of interviewees, created by the ACLU and somewhat difficult to follow, is included.

Additional interviews were conducted in 1975, presumably to develop strategy for the appeal of the civil trial decision. Interviewees were asked about the general chronology of the events around May 4, 1970, specifically regarding the beginning of the student rally, the National Guard's and students' activities on the practice field, and the march up Blanket Hill. Interviewees were also asked to describe their thoughts about the shooting, the aftermath, and their observations about why they thought it happened. Most of these interviews are handwritten on forms and legal paper.

Legal strategy materials contain memoranda, research summaries, and notes on witness and trial preparations. Folders of correspondence are also included, organized by year, including incoming and outgoing items as well copies of correspondence not directly involving parties to the litigation. Letters protected by attorney-client privilege have been removed by the ACLU of Ohio.

The series is arranged by broad types of material.

Strategy memoranda and notes		
b. 53	1970-1975, 7 folders	
b. 54	1975-1978, 7 folders	
b. 55	1979 English	
b. 55	Circa 1970-1980, 4 folders	
b. 56	Circa 1970-1980, 16 folders	
b. 57	Jury selection instructions, and opening statements	1974-1977
b. 57	Newspaper clippings relating to the case	1971-1975
b. 57	Deposition testimony and exhibits	circa 1974-1975
Correspondence		
b. 57	1970-1973, 4 folders	
b. 58	1974-1978, 5 folders	

Correspondence (continued)

b. 59	1978-1980, 4 folders	
b. 59	From the United Methodist Church	1971-1978
	Witness files, set 1	circa 1970-1978
b. 59	Bambeck, John, 2 folders	
b. 60	Berns, Ellis	
b. 60	Biddle, Rodney, 2 folders	
b. 60	Bishop, Joy	
b. 60	Breckenridge, Dennis	
b. 60	Brill, Charles	
b. 60	Brown, James	
b. 60	Canfora, Alan, 2 folders	
b. 61	Canterbury, Robert, 3 folders	
b. 62	Cleary, John, 2 folders	
b. 62	Cline, Dwight, 2 folders	
b. 62	Darnell, John	
b. 62	Deegan, Charles	
b. 63	Delaney, Michael, 2 folders	
b. 63	DelCorso, Sylvester, 2 folders	
b. 64	Denton, Deborah	
b. 64	Denton, William	
b. 64	Dombrowsky	
b. 64	Fallon, Howard	
b. 64	Farriss, James	
b. 64	Fassinger, Charles, 2 folders	
b. 65	Filo, John, 3 folders	
b. 65	Flesher, Okey, 2 folders	
b. 65	Grace, Thomas, 2 folders	
b. 66	Haberek, Judith	
b. 66	Hatfield, Robert	
b. 66	Herschler, William, 2 folders	

Witness files, set 1 (continued)

b. 66	Hinton, Lonnie
b. 66	Jacobs, Sharon
b. 66	James, Robert, 2 folders
b. 67	Jones, Harry, 2 folders
b. 67	Kahler, Dean
b. 67	Kamber, Gerald
b. 67	Lewis, Joe
b. 68	Locher, Paul
b. 68	Love, Richard, 2 folders
b. 68	Lutey, Richard
b. 68	MacKenzie, Donald
b. 68	McGee, James, 2 folders
b. 69	McManus, Mathew, Jr., 2 folders
b. 69	McNees, Ronald
b. 69	Martin, John, 2 folders
b. 69	Matson, Robert
b. 69	Montgomery, William
b. 70	Morris, Barry, 2 folders
b. 70	Morris, Rudy
b. 70	Mowrer, Larry, 2 folders
b. 70	Myers, Ronnie
b. 70	Naujoks, Paul
b. 70	Perkins, William, 2 folders
b. 71	Pickett, Robert
b. 71	Pierce, James, 2 folders
b. 71	Pryor, Myron, 2 folders
b. 71	Reedy, A. L.
b. 71	Repp, Russell, 2 folders
b. 72	Rhodes, James, 2 folders
b. 72	Robinson, Scott

Witness files, set 1 (continued)

b. 72	Rogers, David
b. 72	Ruffner, Howard
b. 73	Ruffner, Howard
b. 73	Russell, James
b. 73	Satrom, LeRoy
b. 73	Schott, Paul Allen
b. 73	Shade, Richard
b. 73	Shafer, Lawrence, 2 folders
b. 74	Smith, Leon, 2 folders
b. 74	Snure, David
b. 74	Snyder, James, 3 folders
b. 74	Snyder, Richard
b. 75	Srp, Raymond, 2 folders
b. 75	Stamps, Robert
b. 75	Stevenson, Alexander, 2 folders
b. 76	Stiegemier, Rae Wagner, 2 folders
b. 76	Thomas, Lloyd, 2 folders
b. 76	Tople, Paul
b. 76	White, Robert
b. 76	Wrentmore, Doug
b. 117	Zoller, Ralph, 2 folders

Witness files, set 2

circa 1970-1975

b. 117	Ambler, Biddle, Canfora, Canterbury, Cleary, Cline, Darnell, Delaney, DelCorso, 2 folders
b. 118	Fallon, Fassinger, Filo, Flesher, Gerstenslager, Grace, Herschler, James, Jones, Kahler, Lewis, Love, MacKenzie, Martin, 3 folders
b. 119	Matson, McGee, McManus, Montgomery, Morris, Mowrer, Perkins, Pierce, Pryor, Repp, Rhodes, Robinson, Ruffner, Russell, Shafer, Smith, Snyder, Srp, Stamps, Stevenson, Thomas, Tople (did not testify; no sealed materials in this file), Wagner (Steigemeir), Wrentmore, Zoller, 4 folders

ACLU interviews

b. 77	List of interviewees, partial	circa 1970
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ACLU interviews (continued)

b. 77	Group 1 interviews, arranged alphabetically by interviewee and numbered 1-104, plus several unnumbered anonymous interviews, 5 folders	1970
b. 78	Group 2 interviews, arranged alphanumerically (-A34, B1-B29, C1-C7), 3 folders	1970
b. 78	Written transcripts of statements received by the ACLU	1970
b. 78	Instructions and questions for ACLU testimony takers	1970
b. 79	Group 3 interviews, no apparent order and some duplicate interviews in Groups 1 and 2, 2 folders	1970
b. 79	Report forms, handwritten, providing information about the interviews, 4 folders	1975
b. 80	Sharon Swanson statement	1974
b. 80	Terri Sheridan report to Niki Schwartz about May 1970	1971
b. 80	Notes from interview with Colin (Bob) Beichler, Kent Fire Department	circa 1975
b. 80	Potential contacts	circa 1975
b. 80	Drafts of letters from Anne Taylor, ACLU, to possible witnesses	1975
b. 80	Investigative procedures	circa 1975
b. 80	Draft of questions for Frank Fassina	1975
b. 80	Location of guardsmen	circa 1975
b. 80	Interview forms and maps	circa 1971-1975
b. 80	Notes on <i>The Truth About Kent State</i> by Peter Davies	circa 1973-1975
b. 80	List of 63 points/events	circa 1971-1975
b. 80	Testimony excerpts and notes, 3 folders	circa 1971-1975
b. 81-82	Testimony excerpts and notes, 9 folders	circa 1971-1975
b. 83-84	Notes on index cards, foldered as received in rubberbanded groups	circa 1971-1975
b. 85	ACLU news releases, fliers, and reports	1970-1979
b. 85	Other interviews and first-hand accounts collected by the ACLU, 3 folders	circa 1970-1975
b. 85	Materials regarding controversy about KSU plans to build on the site of the the May 4th shootings	1974-1977
b. 189	Oversize site development plan for KSU Health, Physical Education & Recreation Facility, Richard Fleischman Architects, Inc.	1977 February 18
b. 85	Photocopies of handwritten notes	circa 1970
b. 85	Defense of Kent State students charged with curfew violations	1970-1971

Series III: Background Materials, Circa 1960-1979

This series consists of material gathered from a variety of sources, such as investigative agencies, the media, Kent State University, and other parties with an interest in events relating to the May 4, 1970 shootings, including James Michener and Peter Davies. Much of the material is not arranged beyond the creator level, where the individual or organization is known. Background materials were primarily used for research and legal strategy development by attorneys and their supporting staff.

While some documents produced by investigative agencies were required to be redacted by a March 12, 1979 court order issued by Judge William Thomas, the items in this collection were deemed acceptable for release by staff and the general counsel of the ACLU of Ohio in July 2006.

Included at the end of this series is a collection of audiotapes, most marked with a last name. The origin of the tapes is unknown. Other audiotapes may be found with other trial exhibits in Series I.

This series is arranged primarily by the author or organization responsible for producing or supplying the accumulated materials.

	FBI 302 forms (reports of interviews with a witness by FBI agents), redacted photocopies obtained either through public records requests or the legal discovery process	1970
	Set 1, unclear for what purpose volume-based arrangement was created and whereabouts of volumes 5-6 unknown	
b. 87	Volumes 1-4, 4 folders	
b. 88	Volumes 7-10, 4 folders	
b. 89	Volumes 11-13 and 1 unnumbered volume, 4 folders	
	Set 2, probably numbered and used by ACLU legal staff	
b. 98	1-199, 2 folders	
b. 99	200-499, 3 folders	
b. 100	500-737, 4 folders	
b. 90	Kent City Police Department daily patrol phone and radio logs (incomplete), 3 folders	1970-1972
b. 90	Kent State University Police Department daily patrol phone and radio logs	1970
b. 90	Bureau of Criminal Investigation charts of movements	1970 May 4
b. 90	Adjutant General's Department daily staff journal, Ft. Hayes and Medina, Ohio, 2 folders	1970
	Ohio National Guard	
b. 91	Logs, 2 folders	1970 May 2 and May 5
b. 91	Firing incident reports	1970 May 4
b. 91	Ohio State Highway Patrol newsclippings files	1970-1971
b. 91	U.S. Department of Justice summary of FBI report	circa 1970

Investigative agency materials		
President's Commission on Campus Unrest hearings		
b. 91	Transcripts, 3 folders	1970 August 18-19
b. 92	Transcripts, 2 folders	1970 August 20-21
b. 101	Transcripts, copy marked Plaintiff's Exhibit 45, 5 folders	1970 August 18-21
b. 93, 92	Military and law enforcement policies, regulations, and training manuals relating to control of civil disturbances, 6 folders	circa 1960-1970
Kent State University Police Department		
b. 94	Materials produced pursuant to 1975 subpoena, includes index, 11 folders	circa 1970-1978
Intelligence unit reports, incomplete		
b. 94	B1-B127	1971
b. 95	S3-S394	1971
b. 95	A1-A99	1972
b. 95	Other reports	1970
Ohio National Guard		
b. 95	Disturbance control training	circa 1969-1970
b. 95	State Operations Plan	1970
b. 95	Daily staff journal (Ft. Hayes, Greensburg, Medina, Akron, Kent State), 4 folders	1970 April 29-May 5
b. 96	Other documents related to Kent State disturbances	1970-1971
b. 96	Photographs	1970
Kent State University		
b. 96	KSU Archives, notes about and photocopies of materials in the archives, 10 folders	circa 1971-1975
b. 96	"The Events of May 1-4, 1970 at Kent State University," minority report of the Commission on KSU Violence, 2 folders English	circa 1971
b. 96	Interviews and statements used by the Commission on KSU Violence	1970
b. 97	Materials relating to KSU violence produced by the University, 3 folders	circa 1963-1978
b. 102	Restricted	
	Photographs	circa 1970-1975

Photographs (continued)

Arranged by photographer

b. 187	John Darnell, oversize folder	
b. 103	Howard Ruffner; Marcia L. Adams; Charles Ayers; Bruce Barton; Beverly Knowles Burger; Sandra Martin Bullock; John Darnell; Jack Davis; David Eads; John Filo; Howard Fisher; Michael Glaser; Richard C. Harris, Jr.; Lloyd D. Heilman; 17 folders	
b. 104	Kent State University Police Department; Donn Kevern; John Kevern; Lori Legge; William Ling; William J. McGuire III; Ronald McNees; Douglas Moore; Gregory Moore; Timothy Nighswawner; Terrance B. Norman; Timothy Oleski; James Peck; Don Roese; Deborah Ross; Stephen G. Scheuler; Larry Shank; Victor Sloan; Daniel Smith; Patricia Sorse; Rae Wagner Steigemeier; Michael Stein; Jerome Stoklas; James Thomas; Paul Tople; 26 folders	
b. 105	Harold C. Walker; Terry Wilson; 2 folders	
b. 105	Vacant campus scenes, views from parking lot across practice field	
b. 105	Unidentified photographers (many are duplicates from photographs arranged by photographer), 2 folders	
b. 105	Identification of National Guard troops	
b. 105	Plaintiffs' exhibits 3004-37006	
b. 105, f. 5	Photographs Kent State Shootings, May 4, 1970	1970 May 4
b. 106	Plaintiffs' exhibits 37007-54015	
	News clippings, pamphlets, and articles, originals and photocopies	
b. 106	1970s	
b. 107	1970s-2000, 3 folders	
b. 110	Unsorted materials, 16 folders	circa 1970-1979
	Books and periodicals	
b. 110	<i>The National Guardsman 70</i>	1970 June
b. 110	Hensley, Thomas R. and Jerry M. Lewis, <i>Kent State and May 4th: A Social Science Perspective</i>	1978
b. 110	Stang, Alan, <i>Kent State: Proof to Save the Guardsmen</i>	1974 June
b. 110	Taylor, Stuart, et al, <i>Violence at Kent State, May 1-4, 1970: The Students' Perspective</i>	1971
b. 108	Printed ephemera relating to Kent State violence and aftermath	circa 1970-1978
b. 108	Published and unpublished articles and essays	1969-1977
b. 108	National Archives materials, photocopies	
	Interviews	circa 1970

National Archives materials, photocopies > Interviews (continued)

b. 108	A-B, 4 folders	
b. 109	C-S, 9 folders	
b. 111	T-Y, 3 folders	
b. 111	Correspondence, Kent State	1970
b. 111	Memoranda and other materials regarding witnesses	circa 1970
b. 111	Ohio General Assembly bills after May 4th	1970-1972
b. 111	Davies, Peter, "An Appeal to the United State Department of Justice for an Immediate and Thorough Investigation of the Circumstances Surrounding the Shootings at Kent State University, May, 1970," 2 copies signed by author	1971 June 21
b. 112	Notes and reports relating to various aspects of the Kent State violence, 2 folders	1970-1979
b. 112	Photographs, photocopies, 3 folders	1970
b. 112	Kent 25 files, clippings, legal documents, and notes relating to the secret grand jury indictment of 25 individuals, many students, in relation to the violence at Kent State, 4 folders	1970-1971
b. 113	Kent 25 files, 10 folders	1970-1971
b. 114	Press conference transcripts, press releases, and media interview transcripts, non-ACLU	1970-1978
b. 114	Book manuscript or report, portion (p. 27-272)	circa 1970-1975
	Background material, unsorted	
b. 114	Photographs	circa 1970-1978
b. 114	Memoranda, witness lists, reports, and other materials, 4 folders	circa 1968-1971
	James Michener materials	
b. 115	Correspondence and other materials regarding consulting Kent State materials in the Michener papers at Library of Congress	circa 1974
b. 115	Kent, Michener index	circa 1974
b. 115	Photocopies of materials obtained from the National Archives, 7 folders	circa 1970-1971
b. 116	Photocopies of materials obtained from the National Archives, 4 folders	circa 1970-1971
	Audio materials, source unknown, titles transcribed from writing on tape cases, often barely legible Original audiovisual materials, as well as preservation and duplicating masters, may not be played. Researchers must consult use copies, or if none exist must pay for a use copy, which is retained by the repository. Researchers wishing to obtain an additional copy for their personal use should consult Copying Services information on the Manuscripts and Archives web site.	circa 1970-1975
b. 131	Beverly Knowles [restricted] 1 <i>Audiocassette</i>	

Audio materials, source unknown, titles transcribed from writing [...] > Beverly Knowles [restricted]
(continued)

b. 131U	Use copy 1 Audio Disc (CD)
b. 132	1. James McGee, 2. Howard Fisher, 3. Bruce Lenox [restricted] 1 Audiocassette
b. 132U	Use copy 1 Audio Disc (CD)
b. 133	1. Cliff Buchosh, 2. Dennis Holonak, 3. Varner Scott, 4. Jerry Yocum, 5. Rita Rosenberg, 6. Dr. Jos Ewing, 7. Christopher Jerman, 8. Tim Chitwood [restricted] 1 Audiocassette
b. 133Ua-133Ub	Use copy 2 Audio Discs (CD) Boxes 133Ua and 133Ub list Rosenberg, Ewing, Jerman, and Chitwood on disc label. Buchosh and Holonak are not listed on disc label, although mentioned on original disc in finding aid.
b. 134	1. Michael Turkoc, 2. Beverly Knowles, 3. Ralph Zoller, 4. Okey Flesher [restricted] 1 Audiocassette
b. 134U	Use copy 1 Audio Disc (CD)
b. 135	3. Bruce Lenox, 4. Dan Rossi, 5. Roger Maas, 6. Luckia Perry [restricted] 1 Audiocassette
b. 135U	Use copy 1 Audio Disc (CD)
b. 136	1. Gordon Biddle, 2. Robert Foley, 3. Rodney Biddle, 4. Beverly Knowles [restricted] 1 Audiocassette
b. 137	9. Dr. Robert White [restricted] 1 Audiocassette
b. 137Ub-137Ua	Use copy 2 Audio Discs (CD)
b. 138	1. Dr. Robt White, 2. Chester Williams, 3. Dr. Richard Dunn, 4. Mr. Robert Dix [restricted] 1 Audiocassette
b. 138U	Use copy 1 Audio Disc (CD)
b. 139	4. Okey Flesher, 5. Joseph Lewis, 6. Steven Boss, 7. Bruce King [restricted] 1 Audiocassette
b. 139U	Use copy 1 Audio Disc (CD)
b. 140	Richard Schreiber, Jerome Stoklas [restricted] 1 Audiocassette

Audio materials, source unknown, titles transcribed from writing [...] (continued)

b. 143, 142, 141	Michener [restricted], 3 audiocassettes <i>1 Audiocassette</i>
b. 144	Kamber [restricted] <i>1 Audiocassette</i>
b. 145	Jerry Persky, Nancy Rogers (Dykes) [restricted] <i>1 Audiocassette</i>
b. 146	Bev Burger (Knowles) [restricted] <i>1 Audiocassette</i>
b. 146U	Use copy <i>1 Audio Disc (CD)</i>
b. 147	Mike Delaney, Russel Fackler [restricted] <i>1 Audiocassette</i>
b. 148	Russel Fackler, Harry Montgomery [restricted] <i>1 Audiocassette</i> Original audiotapes and videotapes, as well as preservation masters and duplicating masters, may not be played. Consult a reference archivist to determine availability of a use copy or the process required to generate a use copy.
b. 148U	Use copy Only Montgomery is listed on use copy disc label.
b. 149	Stu Feldstein [restricted] <i>1 Audiocassette</i>
b. 150	Heffelf... [restricted] <i>1 Audiocassette</i>
b. 151	Judith Brennan (Young) [restricted] <i>1 Audiocassette</i>
b. 152	Frank Surace, Tim Rily [restricted] <i>1 Audiocassette</i>
b. 153	Calkins, Wm. Wuldman [restricted] <i>1 Audiocassette</i>
b. 154	Woodring, Whipple [restricted] <i>1 Audiocassette</i>
b. 155	Charles Brill [restricted] <i>1 Audiocassette</i>
b. 156	Zvara [restricted] <i>1 Audiocassette</i>
b. 157	Zahler, Test [restricted] <i>1 Audiocassette</i>
b. 158	Heffelf..., Zahler [restricted] <i>1 Audiocassette</i>

Audio materials, source unknown, titles transcribed from writing [...] (continued)

b. 159	Paula Tucker [restricted] <i>1 Audiocassette</i>
b. 160	Smythe [restricted] <i>1 Audiocassette</i>
b. 161	Smythe, Hupplebee [restricted] <i>1 Audiocassette</i>
b. 162	Paul Schott [restricted] <i>1 Audiocassette</i>
b. 163	Arthsall [restricted] <i>1 Audiocassette</i>
b. 163U	Use copy <i>1 Audio Disc (CD)</i>
b. 164	LaChance [restricted] <i>1 Audiocassette</i>
b. 165	Tim Masterson [restricted] <i>1 Audiocassette</i>
b. 165U	Use copy <i>1 Audio Disc (CD)</i>
b. 166	Tape 5 [restricted] <i>1 Audiocassette</i>
b. 166U	Use copy <i>1 Audio Disc (CD)</i>
b. 167	Jim Woodring [restricted] <i>1 Audiocassette</i>
b. 168	Unlabeled [restricted] <i>1 Audiocassette</i>
b. 168U	Use copy <i>1 Audio Disc (CD)</i>
b. 169	Nixon [restricted] <i>1 Audiocassette</i>
b. 169U	Use copy <i>1 Audio Disc (CD)</i>
b. 170	X-13, X-14, X-15, and X-16 [restricted] <i>1 Audiocassette</i>
b. 170U	Use copy <i>1 Audio Disc (CD)</i>
b. 171	X-31 [restricted] <i>1 Audiocassette</i>
b. 171U	Use copy <i>1 Audio Disc (CD)</i>

Audio materials, source unknown, titles transcribed from writing [...] (continued)

b. 172	SJR open [restricted] <i>1 Audiocassette</i>	
b. 172U	Use copy <i>1 Audio Disc (CD)</i>	
b. 173	WEA 5-27-70 (Plaintiff's Exhibit 50029) [restricted] <i>1 Audiocassette</i>	
b. 173U	Use copy <i>1 Audio Disc (CD)</i>	
b. 174	Dee Titchenal/#50027 May 4th(Shots) [restricted] <i>1 Audiocassette 1:33:40 Duration (HH:MM:SS.mmm) (Duration 1 hour, 33 minutes, 49 seconds)</i> <i>Approximately first minute of side A is blank. High Amount of Buzz on tape. High Amount of Hum on tape. Recording distorted at times.</i> [Aviary] ms_1800_s03_b0174 A copy of this material is available in digital form from Manuscripts and Archives and online .	
b. 175	Jerry Lewis [restricted] <i>1 Audiocassette</i>	
b. 176	Conte and officers [restricted] <i>1 Audiocassette</i>	
b. 176U	Use copy <i>1 Audio Disc (CD)</i>	
b. 177	WKSU, White and Matson [restricted] <i>1 Audiocassette</i>	
b. 178	WHLO tape/Paskoff - begin [restricted] <i>1 Audiocassette</i>	
b. 178U	Use copy <i>1 Audio Disc (CD)</i>	
b. 179	Ted Joy [restricted] <i>1 Audiocassette</i>	
b. 179U	Use copy <i>1 Audio Disc (CD)</i>	
b. 180-181	Governor Rhodes press conference , 2 audiocassettes <i>1 Audiocassette</i>	1970 May 3
b. 181U, 180U	Use copy <i>2 Audio Discs (CD)</i>	
b. 182	Carol and Bob Sacherman interview with Marvin Avroms <i>1 Audiocassette</i>	1974 August 20
b. 183	Jill Zimmerman, R. Margolis, Barry Morris, William Resch, Robt. Hatfield, John Koury [restricted] <i>1 Audiocassette</i>	

Audio materials, source unknown, titles transcribed from writing [...] (continued)

b. 184	Scobie, James Snyder [restricted] <i>1 Audiocassette</i>
b. 185	Rest of Williams-White [restricted] <i>1 Audiocassette</i>
b. 185U	Use copy <i>1 Audio Disc (CD)</i>
b. 186	James Pierce, Canterbury, Perkins, Pekanik, Hirst, Whitmer [restricted] <i>1 Audiocassette</i>
b. 186Ua-186Ub	Use copy <i>2 Audio Discs (CD)</i>

Selected Search Terms

The following terms have been used to index the description of this collection in the Library's online catalog. They are grouped by name of person or organization, by subject or location, and by occupation and listed alphabetically therein.

Subjects

Kent State Shootings, Kent, Ohio, 1970

Corporate Bodies

American Civil Liberties Union of Ohio
Kent State University -- Students