The appeal of the August, 1975 court decision, which determined that members of the Ohio National Guard, former KSU President White and Governor Rhodes, could not be held liable for their actions on May 3-4, 1970; is still awaiting oral arguments in the U.S. Sixth Circuit Court of Appeals in Cincinnati. Several briefs and rebuttal briefs (including one requesting the dismissal of White from the litigation) have been filed in the appeal so far. Case lawyers indicate that oral arguments will be heard in late Spring or early Summer this year.

After one and one-half years of continuous negotiation the KSU Administration decided that the events that occurred here in May of 1970, and the activities scheduled for May 4, 1977, were not of such importance or significance to warrant either the day-off in commemoration or the dismissal of classes for any part of the day so that students and faculty could attend speeches and workshops. In response the May 4th Task Force called upon the KSU student body and faculty to participate in a day of "non-cooperation" on campus on May 4th this year to insure that "business as usual" does not occur.

To commemorate the four students slain on the KSU campus in 1970 by the Ohio National Guard, the May 4th Task Force proposed that four buildings on campus be named after Allison Krause, Sandy Schaefer, Bill Schroeder, and Jeff Miller. Since this action was taken in May of 1976 several hundred students have shown their support for the proposal through letters and petitions. So far the university administration and the Board of Trustees have avoided the issue at hand or completely ignored it.

This past Fall Quarter it became publicly known that the planned construction of a new Health, Physical Education, and Recreation (HPER) building would cover-up part of the area where the shootings occurred. Despite objections raised by students about the proposed facility the Board of Trustees passed the necessary legislation required to finalize the site. Objections included legal concerns related to the court case, the natural beauty of the area concerned, and the lack of representative student input during the building's planning stages. According to university architects groundbreaking for the HPER building will occur in late April or early May.

Peter Davies, author of The Truth About Kent State, has donated his extensive collection of May 4th papers and data to the Yale Sterling Library. Davies did not give the material to the KSU archives because the university would not, "... guarantee in writing that under no circumstances would it permit agents of the State of Ohio to search and seize (the) non-public material without a court order." Besides the callousness shown towards Davies and his collection by the KSU library the KSU Administration and Board of Trustees were noticeably absent in the attempt to obtain the material.

On December 7, 1976 the Task Force submitted to the Ohio Historical Center an application to designate the site of the shootings a Historical Site. In February the Preservation Advisory Board rejected the application by a 15-13 vote. They ruled that the site did not meet the National Register criteria of being 50 years or older.
On May 28, 1976 the May 4th Task Force once again requested the KSU administration to designate May 4th of each and every year a KSU holiday. The Task Force hoped that the eleven months before May 4, 1977 would provide ample time for the proper administrators, including the Calendar Committee, to reconsider their insensitive and indifferent stance taken in response to a similar request in 1976. That stance confirmed the administration's position that the slayings of four students on this campus in 1970 were not of such importance or significance to warrant either the day-off in commemoration or the dismissal of classes for any part of the day so that students and faculty could attend scheduled activities. Our hopes for a policy change have vanished.

In a letter to Scott Marburger, Executive Secretary of Student Caucus, Vice President John Snyder stated, "that classes will not be cancelled," but that, "I intend to write Deans and Chairpersons again to urge lenience for those who wish to participate..."

Last year this same gesture did not work, and it will not work again this year! Urging leniency does not insure students that an absence will be excused or that tests will not be given on May 4th, as happened last year. All that urging leniency to Deans and Chairpersons really does is attempt to shift the focus of responsibility from the KSU administration to the faculty. But it won't work! The only reason that May 4th will not be appropriately commemorated by the dismissal of classes will be administrative indifference. The only reason that students will be subject to academic retaliation for absences will be administrative callousness and doubletalk.

The KSU administration no more intends to encourage significant commemoration of May 4th than they do to keep room/board costs down or consider student opinion when determining university policy and priorities.

Therefore the May 4th Task Force calls upon the KSU student body and faculty to participate in a day of Non-cooperation on campus on May 4th this year to insure that "business as usual" will not occur. A complete program of workshops and speeches, including the annual Commons program, are scheduled on that day. The Task Force encourages the Kent State Academic Community to join us on May 4th, 1977.
Dear Congressman Seiberling:

We, the undersigned, join with many others in appealing to you and your colleagues on the House Judiciary Committee for immediate action on changing the civil rights law known as Section 242 of the U.S. Code, Title 18. We do so on this seventh annual memorial day here at Kent State University because the last hope for reform, as embodied in Senate Bill S.1, is now dead, and because each year that passes perpetuates the injustice of seven years ago. We urge you and your colleagues to take note of just what happened in the Justice Department's futile prosecution of eight Ohio national guardsmen charged with violating the civil rights of the students killed and wounded on this campus seven years ago. It was futile, Mr. Seiberling, because, as John Densmore of the Akron Beacon Journal put it, "If anything stood between the government's obtaining a conviction...it was the law under which the guardsmen were charged." We want that law changed so that never again will Americans be exposed to the kind of wanton misuse of lethal power with virtual immunity from successful prosecution that law enforcement officers and guardsmen enjoyed here, and at Orangeburg, Jackson State and Southern University. To demand action is on thing, to make constructive proposals is something else. David Hess of Knight Newspapers recently reported that a lawyer who has worked closely with your committee has proposed a straightforward revision of Section 242 that we endorse as a foundation on which to draft the kind of legislative reform that the deaths of Allison Krause, Sandra Scheuer, Jeffrey Miller, and William Schroeder cry out for:

"Any person, acting under color of law, who uses force recklessly, negligently, or in wanton disregard for the consequences, shall be subject to prosecution for the deprivation of civil and constitutional rights of any injured party, and shall be subject to a fine of not more than $1,000 or to imprisonment for not more than one year, or both: and if death results, shall be subject to imprisonment for any term of years or for life."

This is not, as Mr. Hess noted, an elegant piece of legislative draftmanship, but it is a beginning. Section 242 has got to be changed, and we appeal to you and the committee.

Name: __________________________________ Address: ____________________________