



United States' Compliance with the
International Covenant on Civil and Political Rights

Kent State Truth Tribunal
Shadow Report to the Fourth Periodic Report of the United States

109th Session of the Human Rights Committee, Geneva
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I. Investigate the New Kent State Evidence Emerging in 2010

Seeking a United Nations, Human Rights Committee-directed, independent, impartial investigation into the May 4, 1970 Kent State Massacre (Article 2 (Right to remedy); Article 6 (Right to life); Article 19 (Right to freedom of expression); Article 21 (Right to peaceful assembly))

II. Reporting Organization

The Kent State Truth Tribunal (KSTT) was founded in 2010 upon the emergence of new forensic evidence regarding the May 4, 1970 Kent State Massacre. KSTT is a non-profit organization focused on revealing truth and bringing justice to Kent State Massacre victims and survivors.¹

The day before Allison Krause was killed on her college campus at Kent State University she said, “What’s the matter with peace? Flowers are better than bullets” to on-duty Ohio National Guardsmen. On May 4, 1970, Allison Krause was shot to death by U.S. military bullets as she peacefully protested the American Vietnam War and stood for PEACE.

Representing Allison Beth Krause, 19-year-old Kent State University student protester slain on May 4, 1970: Doris L. Krause, mother & Laurel Krause, sister.

III. Introduction and Issue Summary

In this updating report, we ask the High Commissioner of the Human Rights Committee to organize an examination of the new Kent State evidence emerging in 2010, exposing multiple elements of U.S. government involvement in the Kent State Massacre. The new Kent State evidence came to the attention of the U.S. Dept. of Justice and in 2012, the evidence was refused for examination or consideration by the Department and the Obama administration. In the U.S., there are no avenues for recourse now that the Department of Justice refuses interest or action.

What is known about the Kent State Massacre is that on May 4, 1970, a troop of Ohio National Guard fired between 61 and 67 shots into a crowd of unarmed anti-war student protestors at Kent State University in Kent, Ohio, killing four and wounding nine. For over 40 years, the U.S. government has claimed that the Guardsmen did not fire on command, and instead shot in self-defense after hearing sniper fire in the crowd. <http://nyti.ms/HtdisV>

In 2010, new forensic evidence emerged debunking the U.S. government’s theory. The evidence consisted of new high-tech analysis of an audio tape recorded by a Kent State student during the shooting. Though the original audio recording, known as the Kent State Strubbe tape, was destroyed by the U.S. Federal Bureau of

¹ For more information, please visit www.TruthTribunal.org.

Investigation (F.B.I.) in 1979, a bonafide copy of the tape was located in 2007 and was analyzed in 2010 by an internationally accredited forensic expert. The analysis, derived using state-of-the-art technology that was not available in prior investigations of the shooting, demonstrates that there was a 'command to fire' at the protestors. Moreover, the enhanced tape identified four pistol shots fired 70 seconds before the command. Although the U.S. Dept. of Justice was made aware of this new evidence, the Department declined to re-open its investigation of the Kent State shooting.ⁱ

Evidentiary protocol subscribes that the new Kent State evidence emerging in 2010 must be evaluated and investigated as the statute of limitations never expires with regard to homicides.

New Kent State Massacre evidence continues to emerge in 2013 including several memoranda from the U.S. Dept. of Justice and F.B.I. showing general acts of U.S. government collusion on May 4, 1970 as well as intentional, false reporting in Kent State Massacre investigative records created by the F.B.I. In U.S. Dept. of Justice letters, it was brazenly admitted the F.B.I. Cleveland office tampered with and destroyed the Kent State Strubbe tape original in 1979.ⁱⁱ Also emerging, photographs of two spent low-caliber shell casings believed to have been fired by an F.B.I. Informant/Provocateur at Kent State yet to date, still no U.S. government investigative interest nor action.

43 years later, there has still never been a credible, independent, impartial investigation into the U.S. government's involvement at Kent State on May 4th because it has been blocked by American leadership since the day of the massacre. With the emergence of the new Kent State evidence in 2010, it has become clear that those who ordered and executed the shooting meant to kill the kids at Kent State in May 1970. This has set a terrible precedent for the treatment of other lawful American protestors who have been harmed by government security forces since Kent State.

The victims of the Kent State Massacre and their families have been unable to obtain access to meaningful redress. In 1974, federal charges against eight members of the Ohio National Guard of willfully violating the rights of the dead and wounded studentsⁱⁱⁱ were dismissed because, according to the judge, the government had failed to prove its case.^{iv} In 1979 a civil rights settlement was reached with the issuance of a signed Statement of Regret and \$15,000 for Allison B. Krause, one of the victims of the Kent State Massacre.

However, the settlement did not include an apology or acknowledgement of wrongdoing. Moreover, the federal charges and settlement were centered on civil rights and constitutional violations - there has yet to be criminal indictments. Moreover, the U.S. military has failed to address its use of live ammunition on college campuses and whether appropriate force was used on protestors at Kent State.

In a strikingly similar matter, Bloody Sunday - a 1972 massacre involving British paratroopers firing live ammunition at protesters, leaving 14 dead - the United Kingdom organized a legitimate, impartial investigation after two failed previous investigations. The Bloody Sunday investigation overturned all prior examinations and admitted to wrongdoing by the State. At the time, the U.S. welcomed the publication of the resulting Bloody Sunday Inquiry report and expressed hope that "the completion of the independent inquiry's work and publication of its report will contribute to Northern Ireland's ongoing transformation from a turbulent past to a peaceful future."^v

IV. Relevant Question in List of Issues

Although the List of Issues did include broad language inquiring about measures taken by the U.S. to address police brutality and excessive use of force, it is our position that along with these issues, the American students at Kent State University were denied their Right to Life, their Right to Assemble Peacefully and their Right to Freedom of Expression or Protest.

The new forensic Kent State evidence emerging in 2010 offers a profoundly new view and a digital footprint indicating how the F.B.I. and other US government agencies were active and instigating the lethal confrontation on May 4, 1970 at Kent State University, killing four and wounding nine young Americans.

Alarmingly since Kent State, the U.S. government on a federal, state and local level has ramped up the brutal violence, the harassment and the arrest of Americans that dissent with American law enforcement and government covert groups, engineering violent State responses to American protest. These acts have categorically criminalized American protest with a high likelihood the actions of the State may become lethal again.

V. U.S. Government Response

The U.S. government offered no response to the Kent State Truth Tribunal's first consult in our plea for a credible, independent and impartial investigation into the Kent State Massacre.^{vi} As stated, in the 43 years since Kent State, the only response from the U.S. government has been to ignore, refuse and obfuscate Kent State Massacre accountability and tamper, hide or destroy key evidence indicating U.S. government involvement in the killing of protestors in May 1970.

The response Kent State Truth Tribunal seeks a credible investigation into the Kent State Massacre. We also demand that a mechanism for independent oversight of the F.B.I. be developed and instituted.

VI. Recommended Questions

1. Given the new forensic evidence emerging in 2010 related to the murders at Kent State, for what reasons has U.S. Department of Justice chosen to refuse to conduct a new, independent, impartial inquiry into the killings?
2. What lessons have American leadership learned from the May 4th Kent State Massacre? Under what circumstances will deadly, lethal force and war-grade weapons be used against peaceful American protestors, including on university and college campuses?
3. For what reasons and under what elements of law did the F.B.I. Cleveland office destroy the Kent State Strubbe tape in 1979?
4. What steps will the U.S. government take to ensure that the F.B.I., along with other U.S. law enforcement and investigative agencies, will not violate the fundamental rights of protestors, including the right to life?

VII. **Suggested Recommendations**

1. With a solid history of the U.S. government failing to institute or organize credible, independent investigations into events where U.S. government agencies may be involved, we call on the United Nations to organize an independent team of inspectors to examine the new forensic evidence found at Kent State in 2010. Internationally-accredited forensic expert Stuart Allen that examined the Kent State Strubbe tape is currently serving as International Advisor in Criminology and Forensics at the Research Institute for European and American Studies. Allen is available to provide direct testimony to the United Nations on his Kent State Massacre findings and analyses.
2. Requesting the United Nations conduct a full, independent and credible investigation into the May 4, 1970 shooting of 13 American protestors at Kent State University, killing four. Such an investigation must consider the new evidence and ensure that victims and their families have the right to be heard and given an opportunity to present evidence and testimony.
3. Going forward, the U.S. government must ensure that all incidents involving the killing, injuring or unlawful use of lethal force against protestors are promptly and impartially investigated, the perpetrators held accountable, and the victims and their families are provided with adequate information on the investigation and full redress. This should include a criminal investigation and prosecution of perpetrators in addition to other legal remedies for violations of civil and constitutional rights.
4. It is time for American leadership to begin taking notable steps towards reclaiming the American civil freedoms to peacefully protest and assemble. As the killing of protestors at Kent State and Jackson State in May 1970 wholly tarnishes and negates the U.S. government's reputation in protecting the civil and

political rights of American citizens, the Kent State Truth Tribunal calls for American leadership to act toward healing this key American wound and institute humane practices in actions with demonstrated respect toward American protestors.

VIII. Conclusion

Kent State Truth Tribunal comes before the High Commissioner of the Human Rights Committee to recommend the United Nations, a qualified, impartial body, conduct a credible and independent investigation in the new Kent State Massacre evidence from 2010. The United States Government has only demonstrated their refusal to acknowledge or account for collusion and wrong-doing at Kent State, for now more than 43 years. To succeed in recording an accurate history while also moving toward truth, justice and healing for Kent State, we humbly ask the United Nations to consider taking the lead in opening up a comprehensive examination into the factors, organizers and elements at work in the inhumane, State-sanctioned criminal acts of the Kent State Massacre – the Day that Changed America.

ⁱ Letter, Assistant Attorney General Thomas E. Perez to Alan Canfora, April 2012 *available at* http://www.cleveland.com/science/index.ssf/2012/04/justice_department_wont_re-ope.html.

ⁱⁱ John Mangels, *Justice Department won't reopen probe of 1970 Kent State shootings*, THE PLAIN DEALER (Apr. 24, 2012), *available at* http://www.cleveland.com/science/index.ssf/2012/04/justice_department_wont_re-ope.html.

ⁱⁱⁱ Scott L. Bills, *Kent State/May 4: Echoes Through a Decade*, 36 (The Kent State University Press, 1982).

^{iv} *Id.*; *United States v. Shafer*, 384 F.Supp. 496 (N.D. Ohio, E.D., 1974).

^v Press Statement, Phillip J. Crowley, Assistant Secretary, Bureau of Public Affairs, U.S. Department of State, *On the Publication of the Bloody Sunday Incident Report (June 15, 2010)* *available at* <http://www.state.gov/r/pa/prs/ps/2010/06/143155.htm>.

^{vi} *May 4th Kent State Human Rights & The United Nations*, MENDO COAST CURRENT (June 7, 2013), *available at* <http://mendocoastcurrent.wordpress.com/2013/06/07/may-4th-kent-state-human-rights-the-united-nations/>.