

1 - Mr. Gebhardt
(Attention:
Mr. McDonough)
1 - Office 7133
1 - Mr. [redacted]
February 14, 1973

FBI, Cleveland (44-703)

Acting Director, FBI (44-45339)

b6 - 1
b7C - 1

KENFOUR

No Laboratory examinations are pending in this case. Therefore, the evidence submitted to the Laboratory in this case, and listed on the attached, is being returned at this time to your office under separate cover by Railway Express.

Departmental Attorney R. A. Murphy, Section Chief, Criminal Section of the Civil Rights Division, has advised that this evidence should be retained in view of civil actions brought by parents of victims against the State of Ohio which are still in litigation. Also, there is recurring Congressional interest in this case.

Enclosure

REC-76

44-45339-557

NOTE: Above was coordinated with Supervisor E. J. McDonough, General Investigative Division, who contacted Departmental Attorney Murphy on 1/31/73,

MAILED 22
FEB 14 1973
FBI

CC: ljj (6)

- Mr. Felt
- Mr. Baker
- Mr. Callahan
- Mr. Cleveland
- Mr. Conrad
- Mr. Gebhardt
- Mr. Jenkins
- Mr. Marshall
- Mr. Miller, E.S.
- Mr. Purvis
- Mr. Soyars
- Mr. Walters
- Tele. Room
- Mr. Kinley
- Mr. Armstrong
- Mr. Bowers
- Mr. Herington
- Ms. Herwig
- Mr. Mintz
- Mrs. Neenan

REC on McDonough

7410

McDonough

7410

7410

7410

FEB 15 1973

58 MAR 7 1973

MAIL ROOM TELETYPE UNIT

Kuzma-1

Evidence in the Kenfour case returned to your office:

Laboratory report dated 5/11/70:

Q1-Q13, Q16, Q20-Q27, Q38-Q52, Q116-Q124, K1-K7,
K7a five cartridges, K8-K41.

Also Submitted items: Leaflets from parking lot
by Prentice Hall, sign reading "Bring all the troops
home now," sign reading "Murder will the court
martial hang you," NEW MOBE literature and negatives
of demonstration.

Laboratory report dated 5/11/70:

Q125-Q127

Laboratory report dated 5/12/70:

Q128-Q134

Laboratory report dated 5/13/70:

Q135-Q139

Laboratory report dated 5/15/70:

Q144

Laboratory report dated 5/15/70:

Q145-Q160 and "Also Submitted" items.

Laboratory report dated 5/22/70:

Q161-Q174, Q176 and "Also Submitted" items.

Laboratory report dated 5/22/70:

Q177

Laboratory report dated 5/26/70:

Q178-Q180

Laboratory report dated 5/26/70:

Q181, Q182, K44, K45.

Laboratory report dated 6/1/70:

Q183

Laboratory report dated 6/1/70:

Q184-Q187

Laboratory report dated 6/1/70:

Q188

Laboratory report dated 6/2/70:

Q189-Q192, K46-K54

Laboratory report dated 6/4/70:

Q193-Q241

Laboratory report dated 7/1/70:

Q242; K55-K70 and "Also Submitted" item.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 27 1973
TELETYPE

| | |
|------------------|-------|
| Mr. Felt | _____ |
| Mr. Baker | _____ |
| Mr. Callahan | _____ |
| Mr. Cleveland | _____ |
| Mr. Conrad | _____ |
| Mr. Gebhard | _____ |
| Mr. Jenkins | _____ |
| Mr. Marshall | _____ |
| Mr. Miller, E.S. | _____ |
| Mr. Soyars | _____ |
| Mr. Thompson | _____ |
| Mr. Walters | _____ |
| Tele. Room | _____ |
| Mr. Baise | _____ |
| Mr. Barnes | _____ |
| Mr. Bowers | _____ |
| Mr. Herington | _____ |
| Mr. Conroy | _____ |
| Mr. Mintz | _____ |
| Mr. Eardley | _____ |
| Mrs. Hogan | _____ |

NR 003 CV CODE
320 PM URGENT 6-27-73 CLP
TO ACTING DIRECTOR, FBI. (44-45339)
FROM CLEVELAND (44-703) 4P

0
TENFOUR

b6 - 1
b7C - 1

[Handwritten initials]
cc - *[Handwritten signature]*

RE BUREAU CALL 6-26-73.

FOLLOWING ARE ANSWERS TO TEN QUESTIONS ASKED IN ABOVE

BUREAU TELCALL:

1. TERRENCE (TERRY) B. NORMAN WAS OPENED AS RACIAL
INFORMANT - PROBATIONARY ON [REDACTED] BY SA [REDACTED]
OF CLEVELAND OFFICE. NORMAN INTRODUCED TO SA [REDACTED] BY AKRON
POLICE DEPARTMENT, AND HE SUPPLIED INFORMATION OF VALUE RE NATIONAL
SOCIALIST WHITE PEOPLE'S PARTY (NSWPP), AND RECEIVED CASH PAYMENT OF
ONE HUNDRED TWENTYFIVE DOLLARS ON 4-2970 FOR SERVICES AND EXPENSES
WHILE ATTENDING A [REDACTED] IN [REDACTED] ON [REDACTED]

b6 - 1
b7C - 1
b7D - 2

REC 107 44-45339-559

[REDACTED] HE WAS DISCONTINUED AS SOURCE ON [REDACTED] AND IS
NOT NOW AN INFORMANT OF THIS DIVISION.

JUL 3 1973

2. NORMAN, IN ADDITION TO BEING A STUDENT AT KENT
STATE UNIVERSITY (KSU), WAS A FREE LANCE PHOTOGRAPHER AND

END PAGE ONE

[Handwritten initials]
10 JUL 10 1973

[Handwritten signature]
Kuzma-4

PAGE TWO

SOLD PHOTOGRAPHS TO KSU POLICE DEPARTMENT IN PAST. HE WAS ON CAMPUS AT TIME OF SHOOTING INCIDENT, AND WAS ATTACKED BY STUDENTS DURING DISORDERS, BECAUSE THEY THOUGHT HE WAS A NEWSPAPER PHOTOGRAPHER. HE WAS KNOCKED TO GROUND, AND DREW A .38 CALIBER REVOLVER FROM HIS POCKET AND ORDERED HIS ATTACKERS TO WITHDRAW. HE RAN TO NEAREST GROUP OF POLICEMEN AND SURRENDERED HIMSELF AND HIS REVOLVER TO THEM.

THE REVOLVER, A .38 SNUBNOSE, WAS SURRENDERED TO PATROLMAN

[REDACTED] OF KSU POLICE DEPT. WEAPON WAS THEN TURNED OVER

TO DETECTIVE [REDACTED], KSU PD AND THEN TO

DETECTIVE [REDACTED] KSU PD AND FINALLY TO DETECTIVE

[REDACTED] KSU PD ON 5-4-70. ON 5-5-70, [REDACTED] TURNED

WEAPON OVER TO SA DAVID J. COOK OF THE CLEVELAND OFFICE. ON 5-9-70.

WEAPON, ALONG WITH OTHER ITEMS OF EVIDENCE, WAS SUBMITTED TO FBI

LABORATORY. FBI LABORATORY RESPONDED BY LETTER 5-11-73, ITEMIZED THE

WEAPON AND DESCRIBED IT AS A MODEL 36 SMITH AND WESSON,

SERIAL NO 253838, AND 5 ROUNDS OF AMMUNITION. NO REPORT AS TO

WHETHER GUN HAD BEEN FIRED.

3. TO BE ANSWERED BY BUREAU.

4. NO.

5. REVIEW OF FILES AT CLEVELAND DIVISION CONTAIN NO

INFORMATION CONCERNING THIS QUESTION. ON 6-26-73, SA'S [REDACTED]

[REDACTED] AND [REDACTED] ADVISED THEY HAD NO CONTACT WITH NORMAN

AFTER 5-4-70, AND HAVE NO PERSONAL KNOWLEDGE OF HIS BEING ON

END PAGE TWO

b6 - 4
b7C - 4

b6 - 1
b7C - 1

Kuzma-5

PAGE THREE

KSU CAMPUS AFTER CAMPUS OFFICIALLY CLOSED.

6. NO ANSWER CONTAINED WITHIN FILES OF CLEVELAND DIVISION.

7. NO ANSWER CONTAINED WITHIN FILES CLEVELAND DIVISION.

HOWEVER, SA'S [REDACTED] AND [REDACTED] ADVISED THEY RECEIVED INFORMATION FROM UNKNOWN INDIVIDUAL THAT NORMAN LEFT KSU AFTER KENFOUR INCIDENT, AND REPORTEDLY WAS EMPLOYED BY

b6 - 1,8
b7C - 1,8

[REDACTED], SOME TIME IN YEAR 1970. THEY DO NOT KNOW HIS PRESENT WHEREABOUTS.

8. [REDACTED] PATROLMAN, KSU PD, INTERVIEWED BY FBI AGENTS 5-8-70, AND FURNISHED SIGNED STATEMENT THAT HE HEARD VOLLEY OF GUNFIRE ON 5-4-70, AND SEVERAL MINUTES LATER OBSERVED NEGRO MALE CHASING BOY LATER IDENTIFIED AS TERRENCE B. NORMAN, AND AT SAME TIME HEARD NEGRO CALL HIM BY NAME AND SHOUTED TO HIM THAT BOY HAD GUN. PATROLMAN [REDACTED] ADVISED HE DIRECTED NATIONAL GUARDSMEN TO STOP NORMAN, WHO HALTED AND TURNED GUN OVER TO PATROLMAN [REDACTED] PATROLMAN [REDACTED] OPENED CYLINDER OF GUN, OBSERVED THAT PRIMERS ON SHELLS HAD NOT BEEN DAMAGED, AND ALSO SMELLED WEAPON IN ATTEMPT TO DETERMINE IF IT HAD BEEN FIRED. PATROLMAN [REDACTED] ADVISED HE COULD NOT DETERMINE WHETHER GUN HAD BEEN FIRED. THEREFORE, HE TURNED GUN OVER TO DETECTIVE [REDACTED] KSU PD, AND TOOK NEGRO MALE AND NORMAN

END PAGE THREE

b6 - 4
b7C - 4

PAGE FOUR

TO STATION OFFICE.

ON 5-6-70, [REDACTED]

[REDACTED], KSU PD, ADVISED ON 5-4-70 HE OBSERVED SEVERAL MEN RUN DOWN HILL FROM JOHNSON HALL AND SAW PATROLMN

b6 - 4
b7C - 4

[REDACTED] TAKE GUN FROM INDIVIDUAL LATER IDENTIFIED AS TERRY NORMAN. DETECTIVE [REDACTED] ADVISED THAT [REDACTED] TOOK GUN, SMELLED BARREL AND HANDED IT OVER TO HIM, [REDACTED] ADVISED HE CHECKED GUN AND DETERMINE CYLINDER WAS LOADED WITH FIVE ROUNDS, NONE OF WHICH HAD BEEN FIRED.

9. NO. THERE IS NO OHIO STATE LAW REQUIRING PERMIT TO OWN HANDGUN.

10. THERE HAVE BEEN NO INQUIRIES CONCERNING NORMAN RECEIVED BY THIS OFFICE SINCE 5-4-70.

END

WGM FBIHQ CLR FOR URONE TEL

Kuzma-7

UNITED STATES GOVERNMENT

Memorandum

TO : Director, FBI (44-45339)

DATE: 7/24/73

FROM : *H/ma*
SAC, Cleveland (44-703)

SUBJECT: KENFOUR

ReButel call, 6/26/73; and Cleveland tel, 6/27/73.

Enclosed is a self-explanatory memorandum from the Assistant Senior Resident Agent, Akron, Ohio, indicating that the local press is interested in locating TERRY NORMAN.

This matter is being furnished to the Bureau for informational purposes.

Note: Enclosed is information forwarded by our Cleveland office.

*12 rec'd copy
7/30/73
0-70(6)
CJ miller
#33*

EXP. PROC.

P
ENCLOSURE

- ② - Bureau (Enc. 1)
- 1 - Cleveland

DMW/hs
(3)

17 JUL 27 1973

McDONOUGH
SEX



00 AUG 7 1973

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

Kuzma-8

F-291

UNITED STATES GOVERNMENT

Memorandum

TO : SAC, CLEVELAND (44-703) (C)
(ATTENTION: ASAC [redacted])

FROM : SA [redacted]

SUBJECT: KENFOUR
CR

DATE: 7/16/73

b6 - 1
b7C - 1

[redacted] Akron Beacon Journal, Akron, Ohio, telephonically contacted SA JAMES A. WILSON on 7/11/73 and wanted to know if the address for TERRY NORMAN could be provided. SA WILSON advised [redacted] that he personally did not know NORMAN's address, and even if it were known it could not be provided. He inquired if the reason for this was because NORMAN was under investigation, to which a "no comment" answer was given. It was explained that any information in FBI files was confidential and could not be provided. He inquired if anyone in the Cleveland Office could furnish this information and he was again told this type information was confidential and could not be provided. The conversation was terminated.

b6 - 7
b7C - 7

On 7/14/73 [redacted]

b6 - 1,4
b7C - 1,4
b7D - 4

[redacted] telephonically advised SA [redacted] the Akron Beacon Journal, a daily newspaper of general distribution in the Akron, Ohio area, [redacted] TERRY NORMAN. [redacted] the Beacon Journal [redacted]

According to [redacted] the Beacon Journal referred to NORMAN as an "FBI undercover agent", [redacted] NORMAN. [redacted]

b6 - 4
b7C - 4
b7D - 4

WMC:cmv
(3) *WMC*

1 - [redacted]

b7D - 1



5010-108-02

44-45339-561

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ENCLOSURE

Kuzma-9

CV 44-703

and that he believed that he should bring the matter to the attention of the FBI. He further advised that he desired that this information be maintained on a confidential basis [REDACTED]

b6 - 4
b7C - 4
b7D - 4

Agents of the Akron Resident Agency have been apprised of the above information and cautioned concerning efforts by the Akron Beacon Journal to obtain information regarding NORMAN through other law enforcement agencies.

The above is being furnished as a matter of information.

July 26, 1973

EX-109

REC-56

44-45339-562

Honorable Don Edwards
House of Representatives
Washington, D. C. 20515

Dear Congressman Edwards:

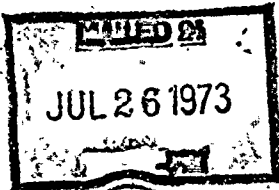
Your letter of July 20, 1973, inquiring about the gun taken from one Terrence B. Norman in May, 1970, has been received.

This weapon was a Model 36 Smith and Wesson revolver, serial number 253828. The weapon was received by the FBI on May 5, 1970, after passing through the hands of four police officers. The FBI conducted no examination of the weapon since it had passed through so many hands and since an examination could only show if the gun had been previously fired, not as to whether it had been fired at a specific time. The weapon was turned over to Mr. Seabury Ford, Special Assistant Attorney General for Ohio, on August 24, 1970, along with other evidence in this case, and I have no knowledge of its present whereabouts.

Sincerely yours,

Clm
Clarence M. Kelley

Clarence M. Kelley
Director



- Assoc. Dir. _____
- Asst. Dir.:
- Admin. _____
- Comp. Syst. _____
- Files & Com. _____
- Gen. Inv. _____
- Ident. _____
- Inspection _____
- Intell. _____
- Laboratory _____
- Plan. & Eval. _____
- Spec. Inv. _____
- Training _____
- Legal Coun. _____
- Cong. Serv. _____
- Corr. & Crm. _____
- Research _____
- Press Off. _____
- Telephone Rm. _____
- Director Sec'y _____

- 1 - Mr. Callahan (det.)
- 1 - Mr. Gebhardt (det.)
- 1 - Mr. McGowan (det.)
- 1 - Mr. Malmfeldt (det.)
- 1 - Mr. Bowers (det.)

NOTE: See Bowers to Director memo dated 7/26/73 captioned "Inquiry From Congressman Don Edwards (D.-Calif.) Concerning Kent State Investigation."

AUG 8 1973
AUG 6 1973
DWB:jo
(8)
MAIL ROOM TELETYPE UNIT

read to and approved by Robert Murphy in Civil Rights Div., Dept. of Justice and copy sent to him.
Kuzma-11

101-100-24-101
UNRECORDED COPY FILED IN

PETER RODINO, JR. (N.J.), CHAIRMAN

HAROLD D. DONOHUE, MASS.
JACK BROOKS, TEX.
ROBERT W. KASTENMEIER, WIS.
DON EDWARDS, CALIF.
WILLIAM L. HUNGATE, MO.
JOHN CONYERS, JR., MICH.
JOSHUA EILBERG, PA.
JEROME R. WALDIE, CALIF.
WALTER FLOWERS, ALA.
JAMES R. MANN, S.C.
PAUL S. SARBANES, MD.
JOHN F. SEIBERLING, OHIO
GEORGE E. DANIELSON, CALIF.
ROBERT F. DRINAN, MASS.
CHARLES B. RANGEL, N.Y.
BARBARA JORDAN, TEX.
RAY THORNTON, ARK.
ELIZABETH HOLTZMAN, N.Y.
WAYNE OWENS, UTAH
EDWARD MEZVINSKY, IOWA

EDWARD HUTCHINSON, MICH.
ROBERT MCCLORY, ILL.
HENRY P. SMITH III, N.Y.
CHARLES W. SANDMAN, JR., N.J.
TOM RAILSBACK, ILL.
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DAVID W. DENNIS, IND.
HAMILTON FISH, JR., N.Y.
WILEY MAYNE, IOWA
LAWRENCE J. HOGAN, MD.
WILLIAM J. KEATING, OHIO
M. CALDWELL BUTLER, VA.
WILLIAM S. COHEN, MAINE
TRENT LOTT, MISS.
HAROLD V. FROELICH, WIS.
CARLOS J. MOORHEAD, CALIF.
JOSEPH J. MARAZITI, N.J.

Congress of the United States

Committee on the Judiciary

House of Representatives
Washington, D.C. 20515

July 20, 1973

Mr. Felt _____
Mr. Baker _____
Mr. Callahan _____

GENERAL COUNSEL: Cleveland
JEROME W. ZEFER
ASSOCIATE GENERAL COUNSEL:
GARNER J. CLINE
COUNSEL:
JOSEPH FISCHER
HERBERT FUCHS
HERBERT E. HOFFMAN
WILLIAM P. SHATTUCK
ALAN A. PARKER
JAMES F. FALCO
MAURICE A. BARBOZA
DONALD G. BEHN
FRANKLIN G. POLK
ROGER A. PAULEY
THOMAS E. MOONEY
PETER T. STRAUD
MICHAEL W. BLOMMER
ALEXANDER B. COOK

Mr. Clarence M. Kelley
Director
Federal Bureau of Investigation
Department of Justice
Washington, D. C.

Mr. Mohrfeldt _____
Mr. Helm _____

0
KENFOUR

Dear Mr. Kelley:

My staff is conducting an inquiry into the shootings at Kent State on May 4, 1970. Our particular focus is on the role of the Federal Government in investigating the entire sequence of events surrounding the shootings.

In line with this, I respectfully request the serial number of the handgun, a .38 caliber Chief Special, taken from one Terrence B. Norman, shortly after the shooting on May 4, 1970.

OHIO

Additionally, I respectfully request the dates and results of any ballistics tests run on this gun by the Federal Bureau of Investigation. Further, I would appreciate information on the gun's present whereabouts.

Sincerely,

Don Edwards

Don Edwards
Chairman
Subcommittee on Civil Rights and
Constitutional Rights

EDWARDS
38 JUL 23 1973

UNRECORDED COPY FILED IN 67-102241-

- Mr. Conrad _____
- Mr. Gebhardt _____
- Mr. Jenkins _____
- Mr. Marshall _____
- Mr. Miller, E.S. _____
- Mr. Soyars _____
- Mr. Thompson _____
- Mr. Walters _____
- Tele. Room _____
- Mr. Baise _____
- Mr. Barnes _____
- Mr. Bowers _____
- Mr. Herington _____
- Mr. Conroy _____
- Mr. Mintz _____
- Mr. Eardley _____
- Mrs. Hogan _____

DE:sj

EX-109 (D. CALIF.)
REC-56 44-45339-5602

31
5 JUL 28 1973

*ack 7/26/73
DWB/gos
Bowers to Dir. memo
7/26/73
"Info from Cong. Don Edwards re
concerning print
State Invest."*

Bowers said he would answer
Jha
AUG 6 1973

Kuzma-12

SEVEN
31
NOV

UNITED STATES GOVERNMENT

Memorandum

TO : The Director

DATE: 7/26/73

FROM : D.W. Bowers

Ken FOUR

b6 - 1
b7C - 1

SUBJECT: INQUIRY FROM CONGRESSMAN DON EDWARDS (D.-Calif.)
CONCERNING KENT STATE INVESTIGATION

- Assoc. Dir.
- Asst. Dir.:
- Admin.
- Comp. Syst.
- Files & Com.
- Gen. Inv.
- Ident.
- Inspection
- Intell.
- Laboratory
- Plan. & Eval.
- Spec. Inv.
- Training
- Legal Coun.
- Off. Cong. & Public Aff.
- Corr. & Crim.
- Research
- Press Off.
- Telephone Rm.
- Director's Sec'y

b6 - 6
b7C - 6

On 7/18/73 [redacted] on the staff of the House Committee on the Judiciary, telephonically contacted my office and indicated he was doing work for Congressman Don Edwards, Chairman of the Subcommittee on Civil Rights and Constitutional Rights. He stated the Subcommittee would like to obtain from the FBI, if possible, the serial number of the gun taken from Terry B. Norman at Kent State during the riot there. [redacted] was advised that a check would be made and he would be contacted.

b6 - 6
b7C - 6

The Civil Rights Section of the General Investigative Division advised the gun involved was a Model 36 Smith and Wesson, serial number 253828. Contact was made with Robert Murphy of the Civil Rights Division of the Department of Justice who is handling the Kent State matter, for clearance concerning supplying the above information to [redacted]. On 7/20/73 Murphy advised he had no objections to [redacted] being furnished the serial number of the weapon. He stated, however, that [redacted] has been making numerous inquiries at various places concerning the Kent State incident. He said that in view of this he would strongly recommend that [redacted] be asked to submit his requests in writing prior to furnishing any information to him.

b6 - 6
b7C - 6

In view of Murphy's comments, [redacted] was contacted on 7/20/73 and asked to forward the request in writing so that we would have a complete and accurate record of his inquiry as well as our response. [redacted] said he would do this and on 7/23/73 a letter was received from Edwards concerning this matter. In this letter, dated 7/20/73, signed by Congressman Edwards, [redacted] not only asked for the serial number of the gun but also asked for the dates and results of any ballistics tests run on the gun by the FBI and any information concerning the gun's present whereabouts.

Enclosed is a response to Congressman Edwards. The information contained therein has been obtained from the Civil Rights Section of the General Investigative Division and this letter has been cleared by Robert Murphy of the Civil Rights Division of the Department.

RECOMMENDATION:

That the enclosed letter be sent.

- 5 AUG 8 1973
Encl. - Sent 7-26-73
- 1 - Mr. Callahan-Enc.
 - 1 - Mr. Gebhardt-Enc.
 - DWB:jo
 - (7)
 - 1 - Mr. McGowan-Enc.
 - 1 - Mr. Malmfeldt-Enc.
 - 1 - Mr. Bowers-Enc.

Handwritten signatures and initials:
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AUG 6 1973
NAC
H2
L-AM

UNRECORDED COPY FILED IN 62-10271-10

UNITED STATES GOVERNMENT

Memorandum

| | |
|----------------|-------|
| Assoc. Dir. | _____ |
| Asst. Dir.: | |
| Admin. | _____ |
| Comp. Syst. | _____ |
| Files & Com. | _____ |
| Gen. Inv. | _____ |
| Ident. | _____ |
| Inspection | _____ |
| Intell. | _____ |
| Laboratory | _____ |
| Plan. & Eval. | _____ |
| Spec. Inv. | _____ |
| Training | _____ |
| Legal Coun. | _____ |
| Cong. Serv. | _____ |
| Corr. & Crm. | _____ |
| Research | _____ |
| Press Off. | _____ |
| Telephone Rm. | _____ |
| Director Sec'y | _____ |

TO : The Director

DATE: 8/3/73

FROM : D.W. Bowers

SUBJECT: KENFOUR

Senator Birch Bayh (D.-Ind.) on the afternoon of 8/3/73 held a press conference in the Senate Judiciary Committee Room in which he stated that he was happy to learn that the Attorney General has authorized Assistant Attorney General J. Stanley Pottinger to conduct an additional inquiry into the shooting of 4 Kent State students in May, 1970. A copy of the statement issued during the press conference by Senator Bayh was obtained and is enclosed.

A considerable portion of this statement deals with information furnished by the Director to Senator Bayh in answer to questions submitted by the Senator during the Director's confirmation hearings. These questions and a major portion of Senator Bayh's statement concern the "mysterious role" of Terrence B. Norman and the .38 caliber revolver taken from him. Attached to the statement issued by the Senator are copies of a letter from the Senator to the Attorney General dated 8/2/73 and a copy of a letter he received on 8/2/73 from an officer in the Ohio National Guard who was in command of an infantry company at Kent State and copies of statements signed by 2 of his men. The Senator in his letter concludes that these items indicate it was quite possible that Norman fired the first shot.

RECOMMENDATION:

For information of the General Investigative Division.

Enclosures

- 1 - Mr. Callahan - Encs.
- 1 - Mr. Gebhardt - Encs.
- 1 - Mr. McGowan - Encs.
- 1 - Mr. Bowers - Encs.
- 1 - Mr. Herington - Encs.

REC-56 44-45339-564

AUG 7 1973

57 AUG 15 1973

DWB:jo
(7)

ENCLOSURE

PURCH. REC. UNIT

SENATOR BIRCH BAYH
Press Conference
August 3, 1973

I am happy to see that Attorney General Elliot L. Richardson has announced today that he has authorized Assistant Attorney General J. Stanley Pottinger to conduct an additional inquiry into the circumstances surrounding the fatal shooting of four Kent State University students by members of the Ohio National Guard on May 4, 1970.

I wrote to Assistant Attorney General Pottinger urging just such a course on July 9, 1973. During the confirmation hearing for FBI Director Clarence Kelley, a story in the Akron Beacon Journal drew my attention to the still mysterious role of one Mr. Terrence B. Norman. The story raised questions concerning what role Mr. Norman was playing at Kent State, why he was carrying a gun, and how he was able to stay on campus after it was closed.

On June 25, 1973, I submitted to Mr. Kelley a series of written questions in an effort to determine what, if anything, the FBI had done to investigate allegations that Norman may have precipitated the firing by National Guardsmen at Kent State by firing his .38 caliber revolver.

FBI Director Kelley reported on July 9, 1973 that Terrence B. Norman has never been under contract or directly employed by the FBI. However, Mr. Kelley reported that in April 1970, less than a month before the Kent State shootings, Norman had supplied information of value to the FBI regarding the National Socialist White People's Party, an outgrowth of the American Nazi Party, for which he received a cash payment of \$125. Mr. Kelley said Norman's .38 caliber snubnose revolver was surrendered to Patrolman Harold Rice of the Kent State University Police Department on May 4, 1970. It then passed through the hands of several other members of the Kent State police force before being turned over to the FBI on May 5, 1970. The FBI laboratory, however, did not examine the gun to determine whether it had been fired, Kelley said, since the gun had passed through a number of hands before coming into FBI custody. Such a laboratory examination, he said, could only show whether the gun had been fired recently, but not as to whether it had been fired on the specific date in question.

In response to other questions, Mr. Kelley said the FBI initiated an investigation of the incident on May 5, 1970 at the request of the Assistant Attorney General, Civil Rights Division, U.S. Department of Justice and results of the investigation were reported to the Justice Department.

Mr. Kelley indicated the FBI did not probe into circumstances by which Norman

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received an accredited press credential from the Press Officer of the Ohio National Guard and did not investigate why Norman, allegedly a regular student, was able to be on campus May 5 after the campus had officially been closed and the press had been excluded from the campus. He also reported that the FBI has no information as to why Norman was not subpoenaed by the Ohio State Grand Jury and said the FBI does not know the location of Mr. Norman presently. Significantly, Kaley also indicated there had been no questioning of Mr. Norman since the date of the shootings.

There are several obvious gaps in the original investigation, particularly as concerned the role of Mr. Norman.

The question of why Mr. Norman was never interviewed by the FBI has not been answered.

The question of why Mr. Norman, was able to remain on the campus after it had been officially closed and after the press had been excluded was not answered.

The question of how Mr. Norman received accredited press credentials was not investigated by the FBI.

Recently, since that time, I have received information from a company commander of the Ohio National Guard raising even more serious questions as to the thoroughness of the original investigation. I have today transmitted to Attorney General Richardson a letter from that Company Commander and two exhibits in the form of signed statements from members of his unit in the Ohio National Guard.

The letter of the Company Commander and the statements of two members of his company indicate Mr. Norman was present during the fusillade which killed the students.

The company commander states that he questioned four of his men who indicated that "as Norman ran toward our lines, people were chasing him yelling 'Stop that man -- he killed someone'." The Commander quotes a lieutenant in his unit as indicating that he had overheard Norman tell the Kent State police "I think I shot one of the students -- the students grabbed me and started beating me, so I pulled my gun." The Commander included in his letter to me the handwritten statements of two of his men who corroborate this version of the event.

In spite of the fact that there was thus substantial reason to believe that Norman may have in fact fired his gun, the commander reports that he was unable to arouse any interest on the part of the FBI when he reported the information to them.

The tragedy which occurred at Kent State was perhaps the most shocking and

traumatic event in the long history of student unrest through the period of the late 1960's and early 1970's. I believe that it is imperative that in this of all cases the American people have full confidence that justice has been fully and impartially carried out. I have, of course, forwarded this information to the Attorney General. I hope that the re-opened investigation announced today by Assistant Attorney General Pottinger will proceed forthwith to at last see to it that all the facts are fully made known.

August 2, 1973

The Honorable Elliot L. Richardson
Attorney General
Department of Justice
Washington, D. C.

Dear Mr. Attorney General:

As you may know, during the course of Mr. Kelley's confirmation hearings I submitted certain questions to him to be answered for the record once he assumed his position as Director of the Federal Bureau of Investigation. These involved the activities of Mr. Terrence B. Norman during the tragic killings at Kent State University on May 4, 1970. On July 9, 1973, Mr. Kelley submitted his answers to these questions.

As a result of certain press reports concerning Director Kelley's response, I received today a letter from an officer in the Ohio National Guard who was in command of an infantry company on the Kent State Campus. I enclose a copy of his letter, together with handwritten statements signed by two of his men. These seem to indicate that it is quite possible that it was in fact Norman who fired the first shot. As Director Kelley indicated, the FBI did not perform a ballistics test on the weapon.

Because this information appears to me to be highly significant, I am forwarding it to you and would request that you take the necessary steps to see to it that Mr. Norman's role in this unhappy occurrence is fully explored.

Sincerely,

/signed/

Birch Bayh
United States Senator

July 27, 1973

The Honorable Birch Bayh
The United States Senate
Senate Office Building
Washington, D. C. 20510

Dear Sir:

It was with much interest that I read a report by UPI in your investigation of the Kent State matters, especially those involving the mysterious reporter, Terry Norman.

On May 4, 1970, I was in command of Co. B of which 54 men were involved in the quote "skirmish line". It was through my men that Terry Norman returned after the shooting incident in which the four students were killed. Although I did not personally apprehend him, the incident came immediately to my attention and I attempted to gather all the information I could on the matter. Without any formal investigative capabilities, I was only able to gather statements from my own men and tried to relate these to the official investigative bodies which I came in contact with.

In addition to the copies of statements of two of my men which are enclosed with this letter, I also have the notes which I made while questioning several others who were near enough to the incident to have knowledge of it. Four enlisted men made the following statement, "as Norman ran toward our lines, people were chasing him yelling 'stop that man - he killed someone'. Another man, a lieutenant overheard Norman tell the campus police, 'I think I shot one of the students' -- the students grabbed me and started beating me, so I pulled my gun". As you will see from the attached statements, they are in agreement with the above statements.

The FBI seemed to show no interest whatever in these statements whenever I reported them and, in a letter from J. Edgar Hoover to Congressman John Ashbrook, the Director stated that the FBI never heard of Norman nor employed him. However, I notice that they now admit to having paid him for some information in April 1970. I believe the above mentioned letter was prompted by Sgt. _____ (one of the attached statements is his) inquiry through Congressman John Ashbrook, 16th Ohio Congressional District into this matter.

In addition to the above statements, Terry Norman had one other contact with the Ohio National Guard that I am aware of. It was with a member of another unit whose duty it was to issue press passes to personnel who were authorized to have them. In my questioning of this Guardsman, he reported that Norman attempted to get a press pass several times but was refused because he had no credentials. Norman then brought a person, believed by this guardsman to be a campus policeman, with him to apply for one. This individual stated that Norman should be issued a press pass because he was working for the FBI. When asked again for credentials this individual replied, "well not as an agent, just taking pictures". Norman was then issued a press pass on this basis. It should be noted here that none of the people making these statements or myself were called on to testify before the Grand Jury investigating the Kent incident.

If a check were made of the Akron City police files, I believe Terry Norman's name will appear therein for impersonating a police officer or carrying a weapon without a permit; however, this is not directly related to the May 4th incident.

If the above information is of no value to you, please feel free to disregard it; however, I would be willing to supply names of the personnel who made the statements contained herein, if desired. My only request being that these persons not be unduly harrassed as they have been in the past.

My interest in this matter is simply that this incident with Norman has never been fully answered to my satisfaction, I always wondered if the gun which the FBI checked was actually the one which Norman turned over on May 4 to persons other than the FBI.

I would appreciate if this letter would be treated confidentially as I am still a member of the Ohio National Guard and am still under indictment in the civil suits pending in the courts over the May 4th killings. I will, however, be willing to discuss at anytime what I know of this matter.

Thanking you, I am,

