



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

Kent State Truth Tribunal
Response to Follow-Up Report
4th Periodic Report of the United States

from the
110th Session of the Human Rights Committee, Geneva
March 2014

1 May 2015

I. Investigate & Examine the Kent State Audio Evidence

Seeking a credible, independent and impartial investigation into the Kent State audio recorded on May 4, 1970 during the 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 an NGO focused on [revealing truth](#) and bringing justice to Kent State Massacre victims and survivors.

Less than a day before her unlawful killing at Kent State University, Allison Krause said, "What's the matter with peace? Flowers are better than bullets". On May 4, 1970 Allison Krause was shot dead by U.S. military personnel as she peacefully protested the American Vietnam War and stood for PEACE.

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

III. Related Concluding Recommendation of the Committee & the US Delegation's Response:

At the US 4th Periodic Review on March 13, 2014, two UN Human Rights Committee members addressed the submitted issues of the Kent State Truth Tribunal. Messrs. Walter Kaelin and Yuval Shany flagged the United States regarding the killing at Kent State in several expressed reasons including lack of accountability, concerns related to command responsibility, the use of excessive and deadly force by the military and law enforcement, and US investigatory practices when credible, forensic evidence emerges 40 years later.

The next day the US delegation offered:

*"We were asked about Kent State: In 1970 **four students were killed, were murdered**. Nine were wounded. In 1974 the US Department of Justice prosecuted eight of the officers involved in that. The Judge threw out that prosecution. There is nothing we can do now. Between double jeopardy and **the statute of limitations**, there is nothing we can do. We are aware that there are some who say there's new evidence. We have looked at that new evidence and that new evidence does not make an unprosecutable case prosecutable."*

Even though the United States claimed Kent State was "murder and killing", their recent April 1, 2015 response does not include any action taken with regard to

the Kent State “unlawful killings”, as outlined in the March 2014 UNHRC concluding recommendations:

*“The party should ensure that **all cases of unlawful killing, torture or other ill-treatment, unlawful detention or enforced disappearance are effectively, independently and impartially investigated**, that perpetrators, including, in particular, persons in positions of command, are prosecuted and sanctioned, and that **victims are provided with effective remedies**. The responsibility of those who provided legal pretexts for manifestly illegal behaviour should also be established.”*

The Kent State Truth Tribunal United Nations Reports:

February 2013 Kent State Truth Tribunal UN Submission ~ <http://bit.ly/1f2X25i>

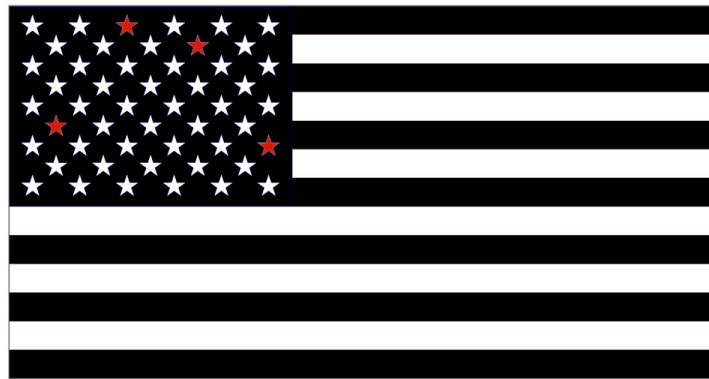
October 2013 KSTT Shadow Report ~ <http://bit.ly/1kBSjfa>

February 2014 KSTT Final Update ~ <http://bit.ly/1ezn0cG>

March 2014 KSTT Addresses the UN Human Rights Committee ~ <http://bit.ly/1dgliTW>

After the US 4th Periodic Human Rights Review at the United Nations, this tshirt design was created by artist Josh Starcher for the Kent State Truth Tribunal:

**IN 1970 FOUR STUDENTS
WERE KILLED, WERE MURDERED
- U.S. DEPT OF JUSTICE
BEFORE THE UNITED NATIONS HUMAN RIGHTS COMMITTEE 2014**



**SEEKING TRUTH & JUSTICE AT KENT STATE
TRUTHTRIBUNAL.ORG**

RECOMMENDATION: The United States must examine forensic evidence of expert

Stuart Allen's digital analysis of the Kent State tape and acknowledge his findings.

IV. US Unlawful Killings Require Acknowledgement, Credible Investigation & Accountability

When the United States Delegation said, ***"In 1970, four students were killed, was murdered"***, the long held US position that the killings at Kent State were simply a 'civil rights' matter was extinguished forever.

Now that the deaths at Kent State have been acknowledged by the State as murder, US authorities are required to treat the Kent State recording as evidence from a cold case homicide, and the tape must be credibly, impartially and independently investigated as noted in the United Nations Human Rights Council from the 26th session on the *'Promotion and protection of all human rights, civil, political, social and cultural rights'* mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions:

*... "the obligation of all States to **conduct exhaustive and impartial investigations** into all suspected cases of extrajudicial, summary or arbitrary executions, to identify and to bring to justice those responsible, while ensuring the right of every person to a fair and public hearing by a **competent, independent and impartial tribunal established by law**, to grant adequate compensation within a reasonable time to the victims or their families and to adopt all necessary measures, including legal and judicial measures, in order to bring an end to impunity and to prevent the recurrence of such executions, as stated in the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions."*

The requirement for effective investigation includes acknowledgement of new evidence in accordance with international norms such as the United Nations Manual on the Effective Prevention and Investigations of Extra-legal, Arbitrary and Summary Executions, U.N. Doc. E/ST/CSDHA/.12(1991).

<http://www1.umn.edu/humanrts/instate/executioninvestigation-91.html#11>

V. The Current Instituted History of the Kent State Massacre Confuses, Censors and Obscures the May 4, 1970 Unlawful Killings

Instead of examining the Kent State tape that emerged in 2010, the [US Justice Department](#) has refuted the provenance of the tape, ignored the new evidence, confused what was discovered, discredited the forensic expert and censored the 2010 forensic findings in the Kent State tape. This behavior echoes the tremendous effort on the part of the US government, Kent State University and US Justice Department to hamper and derail efforts for restorative justice to be achieved and Kent State truth to be known by the public since May 4, 1970.

Back in 1979, after nine years of civil litigation, where Kent State plaintiffs sued for wrongful death (the only legal option in the American judicial system), an

out-of-court civil settlement was reached, including \$15,000 paid by the State for the death of Allison Krause and a statement of regret signed by the Kent State shooters.

Rediscovered on September 2014, was the [Kent State Civil Settlement Statement of 1979](#), authored and signed by the plaintiffs, which shared the sentiments of all harmed in the May 4th Kent State Massacre. The Settlement Statement includes hard-fought-for recommendations to the US government that were patently ignored, never implemented and could have protected the lives of countless Americans.

Following the emergence of the new Kent State evidence, in 2012 Kent State University constructed a [\\$1.1 million visitor center](#) near the killing site. The visitor center exhibits are not factually accurate and whitewash US government complicity; the new Kent State tape evidence is buried, and when mentioned, criticized.

In 2011, forensic expert Stuart Allen was interviewed by CNN on his findings in the Kent State tape and until recently the interview was available to be viewed at CNN.com. This year Stuart Allen's CNN Kent State interview was removed from the CNN website; watch the CNN scrubbed [Stuart Allen interview](#) on youtube.

Will we ever learn the truth of what happened at Kent State?

To date there have been no credible investigations into what occurred at Kent State. This is a terrible precedent. Americans still do not have access to true knowledge through credible investigation of what occurs when US law enforcement and the military kill civilians. The same, flawed US grand jury system only exonerates and protects the police and those in authority. There is no facility for redress in America. Instead victims and surviving families are encouraged to "move on" yet many survivors suffer from harassment by the FBI for many years to come.

RECOMMENDATION: In the coming days, the Kent State Truth Tribunal will be making application to the Special Rapporteur on Extrajudicial, Arbitrary and Summary Execution, Mr. Christof Heyns. Mr. Heyns was recommended by Ms. Maria Clara Martin, Chief Americas Sections, Field Operations and Technical Cooperation Division, mmartin@ohchr.org at the UN in March 2014.

VI. Truth Tribunals: A New Standard for Citizen-Organized Accountability in America

When the courts fail to bring justice to the injured and when governments prefer to neglect their role in such tragedies, families sometimes turn to alternative means of gathering the truth. After years of exhausting efforts to find out what happened on the day of Allison's death, and failure to receive any meaningful recognition for the injury suffered by our family, we established the [Kent State Truth Tribunal](#) on the 40th anniversary of the killings. We felt the imperative to do

this for our family and to come together with others to create an accurate historical account of what occurred at Kent State, also honoring and preserving the first person narratives of original witnesses and participants.

When young Michael Brown was shot to death by US law enforcement in Ferguson, Missouri on August 9, 2014, Allison's family watched the efforts of the United States to investigate Michael Brown's unlawful killing, especially noting the parallels between Michael's killing and Allison's.

First a State grand jury was instituted and at the conclusion, those in authority failed to bring criminal charges for killing and exonerated US law enforcement. We recognized the similarities in the government's handling of the killings at Kent State. The results were almost identical with the State grand jury not capable of indicting the police officer that shot Michael dead. Those in authority in Ferguson and at the US Justice Department viewed the killing of Michael Brown through a 'civil rights' lens, outrageously ignoring the much more critical crime involved in Michael's killing by US law enforcement.

Ever since August 2014, deaths of people of color, particularly young people, at the hands of US law enforcement, have been dealt with as civil rights issues, neglecting to hold anyone accountable for the State killing civilians. In America there is no recourse, nor any other judicial avenue, no possibility for redress for acts of State-sponsored murder.

It has become clear that accountability is impossible in the current American judicial system. Because of the flawed system and since the witnesses and participants of civilian death by US law enforcement at Ferguson (Cleveland, Baltimore and more) will not have their truth recorded, known or honored, we wish to offer the use of the [Truth Tribunal methodology to enable a citizen-organized campaign](#) for accountability in these situations.

RECOMMENDATION: The Kent State Truth Tribunal seeks direction and support from the United Nations in offering the facility of citizen-organized Truth Tribunals to those harmed by State-sponsored, unlawful killings in America. Our goal is for the KSTT and the United Nations to work together to bring restorative justice and accountability to the United States. How may we get started?

VII. The Allison Center for Peace

Later in 2015 we will be inaugurating the Allison Center for Peace, a peace destination in America, creating an environment for the discussion and development of peaceful solutions, and focused on fostering peace in America.

As we form our center for peace in America, we invite the United Nations to become involved as a founding partner.

RECOMMENDATION: The Kent State Truth Tribunal wishes to explore an on-going relationship with the United Nations in the development of the Allison Center for Peace on the Mendocino coast of Northern California.