

1 what you are aiming at in any
2 way; is this true?

3 MR. HARRISON: It is not impossible to
4 hit what you are aiming at, but a man would have
5 no right to expect to hit it at that distance.

6 MR. HENIX: It would just be unreason-
7 able?

8 MR. HARRISON: He might hit it one time
9 and miss it 39 times.

10 MR. HENIX: But if he did hit it and if
11 he shot one of those projectiles that had 8 pel-
12 lets in it--

13 MR. LIMAN: 9.

14 MR. HENIX: 9 pellets, he would hit
15 what he was aiming at even if one hit?

16 MR. HARRISON: If he hit it at that dis-
17 tance it would be a miracle.

18 MR. LIMAN: If we can proceed now be-
19 cause we are running behind. I would like to
20 now proceed with the staff reading of testimony
21 which we took in private from various members of
22 the state police force who fired. These are
23 their explanations.

24 Mr. Munisteri, who is going to orches-
25 trate this, will illustrate the changes we made

1 in order to not disclose the
2 names. There were some editorial changes in order
3 to essentially avoid identifying the particular
4 personnel, also for some grammatical emphasis.
5 The Commission can sit anywhere. I think I have
6 a part.

7 MR. MUNISTERI: I hope the members of
8 the Commission will pardon my back.

9 I would like to explain the basic for-
10 mat followed preparing these selections made by
11 state police personnel. A number of state police
12 personnel were interviewed or deposed with a
13 Reporter, Court Reporter present, and a verbatim
14 transcript was taken of their answers to the ques-
15 tions. Some of these personnel were selected as
16 being representative of some of the actions that
17 took place on the morning of the retaking on the
18 13th. The depositions themselves went into other
19 matters as well, the state police activities on
20 the earlier days, but we have not included that
21 in this presentation.

22 The transcripts and the statements,
23 the readings that you will be hearing from the
24 staff members present at the Commission table
25 are the actual words spoken by the various state

1 police personnel in response
2 to the questions which I will read. However,
3 these depositions are not being read in their
4 entirety because they took a large amount of time
5 and because the topics often switched from one
6 subject to another on very short notice. We have
7 been scrupulously careful in maintaining the mean-
8 ing of the questions and the answers as they were
9 in the total original context. The answers have
10 also been edited to eliminate references to names.
11 We felt that there was no useful purpose from the
12 standpoint of the Commission's report to the pub-
13 lic at this time in identifying individual mem-
14 bers of the state police division. Another ex-
15 planation or word about designations that appear
16 on the little signs right in front of the people
17 who will be reading the parts. There is a per-
18 son designated as a lieutenant number one. His
19 location was A roof. Along the line the desig-
20 nations are the same. There is an arbitrary num-
21 ber assigned to the person and right underneath
22 that is the location where he began the police
23 action. Basically these are the four locations,
24 the roof of A block, the roof of C block, C
25 catwalk and A catwalk. There has been a dis-

1 tinction already as to what

1907

2 the particular details did. The ones coming out
3 C went to the left on E catwalk. The ones coming
4 out A bent to the right along D catwalk.

5 The persons designated as troopers are
6 not all troopers. Trooper is a rank in the state
7 police. The other ranks are various degrees of
8 sergeants, lieutenants, captains, majors, but
9 rather than put state police ranks, trooper is
10 often used as a generic name. Some of the people
11 noted here as troopers may have other ranks, but
12 the subject matter of the testimony read this
13 morning has more relevance of any kind to command
14 position that they have, so we have simply desig-
15 nated the people as troopers with an arbitrary
16 number designation.

17 We have attempted to compose the various
18 questions and answers according to basic subject
19 matter in a rough chronological order, starting
20 with the briefings given to the rifle teams on
21 the roofs of C and A blocks and proceeding to
22 their activity at the beginning of the assault
23 and the firing that was done by members of those
24 details. Then we are proceeding to statements
25 made by members of other details on C and A

1 catwalks as they advance. Then

1908

2 there had been a short amount of testimony that
3 was given by the state police personnel concerning
4 activities immediately after the prisoners have
5 been substituted.

6 MR. LIMAN: Mr. Liddle will be operating
7 with the pointer so that we can keep this within
8 context.

9 MR. MUNISTERI: Before I begin, I would
10 just like to introduce the people reading the
11 depositions. They are all members of the staff.
12 As you can see, there are two young ladies there.
13 There are not or were not any state troopers at
14 Attica who were women.

15 Reading from the left, Mr. Liman, Mr.
16 Thomas, Mrs. Conway, Mr. Clockwise, Mr. Cooper,
17 Mr. Hickman, Mr. Luxemburg, Mr. Rossbacher, Mr.
18 Hanson, Mr. Rosenfeld, Mr. Sun (all phonetic).

19
20
21
22
23
24
25

Lieutenant #1

1909

1
2 "Q On September 13, 1971, to what detail
3 were you assigned?

4 "A I was assigned to the .270 rifleman
5 squad on top of A-block roof.

6 "Q When were you first told that you were
7 going to be assigned to a .270 detail?

8 "A That would be the morning of the 13th, sir.

9 "Q Did you attend the briefing that morning?

10 "A Yes, sir, I did.

11 "Q Who was in charge of that briefing?

12 "A The major.

13 "Q Who else was present, not names, but
14 by rank?

15 "A By rank, the commissioned officers who
16 were in charge of the other details. A captain,
17 as I recall, assisted the major."

18 Lieutenant #2

19 "Q Who was present at the briefing?

20 "A Everybody who was going to be in charge
21 of a detail.

22 "Q It was at that time that you were assigned
23 to a detail?

24 "A Yes, sir.

25 "Q What detail were you assigned?

Lieutenant #2

1910

1
2 "A I had six riflemen on the roof of C-block."

Lieutenant #1

3
4 "Q Can you tell us the substance of what
5 was said at this briefing?

6 "A Yes. The major indicated that an
7 attempt would be made probably that morning to
8 retake the facility. He instructed generally and
9 then he instructed specifically each one of the
10 commissioned officers who were in charge of the
11 specific details.

12 "Q His general instructions dealt with
13 what?

14 "A Dealt with the overall situation and
15 how the assault was to take place.

16 "Q Did he describe the assault plan?

17 "A He described the assault plan, yes.

18 "Q Did he describe what each detail would
19 do?

20 "A Yes, sir, he did.

21 "Q And then he turned to each detail head
22 and gave him specific instructions?

23 "A We were in one room, it was a group
24 meeting. And he did not take any of the section
25 heads aside. Any instructions that were given

Lieutenant #1

1911

1
2 to a particular section head could be overheard
3 by the entire group.

4 "Q What were the instructions that were
5 given to you?

6 "A As head of my specific group?

7 "Q Yes, sir.

8 "A I was instructed that I would be in
9 charge of the .270 rifle group on the roof of
10 A-block and that being in charge, I would support
11 the detail led by a captain of the State Police,
12 who was leading the firing instructions group
13 out over the top of A-block tunnel.

14 "Q What do you mean by "support"?

15 "A The captain would be taking his people
16 out of A-block over the roof of A-block tunnel
17 and there were obstacles placed in the top of
18 A-block tunnel that he had to clear and the .270
19 riflemen were placed there so that if the captain
20 and his group met any resistance, the .270
21 riflemen could be called into play, if need be."

Lieutenant #2

22
23 "Q What were you told by the major your
24 assignment was to be?

25 "A Well, number one, our mission in the

1
2 rifle squad was to attempt to save the lives of
3 the hostages and to provide covers for members
4 of the assault team.

5 "Q At the time you were given this briefing,
6 the hostages were in D Yard -- at least that was
7 what you were told?

8 "A Yes, the same yard where they had been
9 for the past several days.

10 "Q Were you told how you were to attempt
11 to save the lives of the hostages?

12 "A My riflemen were to take action at
13 such time as the inmates took hostile action against
14 the hostages, at such time as we moved in.

15 "Q Were the words "hostile action" the
16 words that the major used?

17 "A Yes, sir, as I recall.

18 "Q When your people were instructed to
19 only fire at hostile action which was taken
20 toward the hostages -- was there any clarification
21 by what "hostile action" consisted of?

22 "A Hostile action that would perhaps take
23 a hostage's life; overt act.

24 "Q I take it that the fact that an inmate
25 was holding a hostage by the throat was not

Lieutenant #2

1913

1
2 considered sufficient hostile action to warrant
3 action?

4 "A That's hostile action, but we were
5 referring to the overt act of taking some action
6 further than that.

7 "Q During the period that you were at
8 Attica, were you called any names by inmates?

9 "A No, sir.

10 "Q Did you observe other troopers being
11 called names?

12 "A No, sir.

13 "Q Did you observe an increase in tension
14 among the troopers building up over the four days?

15 "A No, sir.

16 "Q Was there any concern expressed by the
17 major about the restraint or lack thereof in
18 connection with this assault?

19 "A No, sir, not to my knowledge.

20 "Q In particular, did the major give any
21 warnings about there being no indiscriminate
22 firing?

23 "A Yes, sir.

24 "Q What did he say?

25 "A That was it: No indiscriminate shooting.

Lieutenant #2

1914

1
2 That was stressed.

3 "Q Was there something that had happened,
4 to your knowledge, that occasioned the major
5 to stress that?

6 "A No, sir.

7 "Q Was there concern expressed among the
8 commissioned officer group that because of the
9 delay, the building up of concern and apprehension,
10 that such a warning might be necessary?

11 "A No, sir.

12 "Q Did you feel it necessary to give the
13 same warning to your men on the roof?

14 "A Yes, sir."

15 Lieutenant #1

16 "Q Were any instructions given by the
17 major with respect to when members of your detail
18 were to fire?

19 "A Yes, they were.

20 "Q What were those instructions?

21 "A The major stated that firing would take
22 place only upon the order of the commissioned
23 officers, only at such time as the captain on A
24 catwalk specifically contacted me via radio.
25 He had a portable radio, I had a portable radio--

Lieutenant #1

1915

1 pointing out any specific trouble areas where he
2 felt that .270 rifle fire was required."

Lieutenant #2

3 "Q Were there any specific directions
4 regarding firing into locations other than Times
5 Square and the catwalks?
6

7 "A I don't follow the question.
8

9 "Q Well, were you given any directions
10 about whether you could fire into D Yard, if it
11 became necessary?

12 "A No, sir.

13 "Q That was left up to the discretion of
14 each trooper, within the guidelines which you
15 have testified, that he should take such action
16 as was necessary?

17 "A When we were directed by the Troop
18 Commander, that was where everybody was, in D Yard.

19 "Q Was there any discussion at this
20 briefing held by the major as to the role of
21 correction officers in the police action?

22 "A Yes, sir. He spoke about the
23 correction people.

24 "Q What did he say?

25 "A He felt that it should be a State

Lieutenant #1

1916

1
2 Police organized and carried out thing. He
3 mentioned the fact that correction people could
4 be used for identification purposes, but that
5 he felt they should not be part of the assault
6 group.

7 "Q How many men were on the team that you
8 were assigned to command?

9 "A Six men.

10 "Q What was your first step in carrying
11 out the orders?

12 "A My problem then was to locate the men
13 who were on the list that I was originally given
14 and proceed to the top of A-block. Another
15 lieutenant who happened to be in charge of the
16 riflemen on top of C-block and myself put out
17 an order over our portable radios requesting the
18 .270 riflemen to assemble at a certain place in
19 the Administration yard.

20 "Q Did you give the names on each of your
21 details?

22 "A No, we did not. All qualified .270
23 riflemen. We then proceeded to the lawn in
24 front of the Administration Building, where we
25 assembled the .270 riflemen who had reported

Lieutenant #1

1917

1
2 after this was given out on the radio.

3 "Q What happened then?

4 "A Well, we found that some of the men
5 who had been given to me on the original list
6 were on other details about the facility, that
7 they had not so much gone with other men that
8 were on the details, but had been on a post and
9 were still assigned to that fixed post. They
10 did not report. What I am saying is when I got
11 to this group and read off the list of the six
12 names of the men who I was supposed to have in
13 my detail, not all of them were there.

14 "Q Do you recall the names of those who
15 did not show up?

16 "A I had no one show up who was on my
17 original list.

18 "Q What did you do then?

19 "A As the time was drawing close, from
20 the assembled .270 riflemen that were there at
21 this point, the lieutenant in charge of C-block
22 roof and myself selected six of the .270
23 riflemen from the group that were assembled
24 and I proceeded to A-block.

25 "Q How did you select the six, since there

Lieutenant #1

1918

1
2 were more than 12 .270 riflemen there?

3 "A Some of them I knew, sir. Because of
4 the fact that they were from my troop or I had
5 been with them in other troops.

6 "Q You then proceeded to A-block and what
7 happened there?

8 "A We went to A-block and we proceeded to
9 the third floor of A-block.

10 "Q What did you do there?

11 "A I had a briefing with the six men that
12 I had selected.

13 "Q What did you tell them?

14 "A I put forth to them the major's instruc-
15 tions, what our role was to be. The fact that we
16 were there on top of A-block to support the
17 group, of the captain on A catwalk that there
18 would be no indiscriminate firing; that firing
19 would be on a command of a commissioned officer,
20 myself, predicated on a radio call from that
21 captain, if he was required by his group; and
22 that I would select, point out and instruct
23 the specific man of the detail that I selected
24 to do any firing.

25 "Q Did you look out on the catwalk from

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A-block third floor?

"A Yes, sir, I did.

"Q What did you see?

"A At this point I took the entire group of .270 riflemen and we went to the interior of A-block and looked out over the catwalk. I wanted to be positive that the men in the group were familiar with what the interior of the courtyard looked like.

"I did not know whether all of them had even seen the courtyard at that time. I pointed out to them the location of different cell blocks, the location of the catwalk, the tunnels which were underneath, Times Square.

"Q What activity did you observe on the catwalk?

"A At that time on the catwalk there was the inmate-erected obstacle closest to A-block. There was, I believe, two or three inmates in the vicinity of this obstacle and there was inmate activity in the vicinity of Times Square.

"Q When you say "inmate activity in the vicinity of Times Square," what do you mean by that?

1
2 "A Inmates in the process of walking
3 about.

4 "Q What kind of weapons did you see?

5 "A At that time I saw no weapons.

6 "Q Then what did you do after that?

7 "A I may point out at this point that
8 one of the members of the--six members who I
9 had brought with me I found not to be equipped
10 with a .270 rifle, although he was a qualified
11 .270 rifleman and had reported to the group in
12 the first instance, and he reported with a
13 shotgun, assuming that the .270 rifles would
14 be supplied. I relieved him from the detail
15 at that point.

16 "Q What was his name?

17 "A I don't recall, sir.

18 "Q Is it possible that you selected only
19 five .270 men in front of the Administration
20 Building?

21 "A No, sir, I had six at that time.

22 "Q I am not an expert at guns, but I take
23 it that there is a rather sharp distinction be-
24 tween a shotgun and a rifle in appearance?

25 "A Yes, sir, there is.

1
2 "Q When did you first observe that the
3 six men that you had selected did not have,
4 did not all have .270 rifles and that one had
5 a shotgun?

6 "A When we first assembled on the third
7 story of A-block after I had selected them from
8 the Administration Building, marched back through
9 the Administration Building up into A-block.

10 "Q When you were marching, you did not
11 observe what kind of weapons they were carrying?

12 "A No, sir.

13 "Q What did you do when you found one
14 of your men had a shotgun?

15 "A I relieved him from the detail.

16 "Q What did you do?

17 "A At this point, feeling that the
18 detail was set up for six men, I was approached
19 by a correction officer and he volunteered to
20 join the group in the capacity I wished to
21 use him in.

22 "Q What time was this?

23 "A I am not sure. It was shortly before
24 9:00 o'clock.

25 "Q What did you tell the correction

Lieutenant #1

officer?

"A This officer had a .270 rifle with him. I instructed him in the mission of the group and the fact that if he were added to the group, it must be specifically understood that he was to take instructions only from myself and that there was to be no indiscriminate firing, and that I would give him specific orders as to the actual firing, if any firing took place.

"Q Did you inform any of your superiors that you had discharged one of your six members of the detail and had replaced him with a correction officer?

"A No, sir, I did not.

"Q Was there some reason that you did not do so?

"A The time element was such it was drawing close to the time of the assault. I felt as a commissioned officer in the State Police that I could make that type of decision without acknowledging it.

"Q Were you in radio contact with your commanding officers during this period?

1
2 "A Yes. There was a lot of radio traffic
3 during this period.

4 "Q Did you seek, before you dismissed
5 this .270 rifleman, to get him another gun?

6 "A No. There were groups of troopers
7 who were in A-block, although I hadn't observed
8 any with .270 rifles.

9 "Q Did you try on your radio to obtain
10 a trooper replacement for the .270 man you
11 dismissed?

12 "A No, sir.

13 "Q Did you know the correction officer?

14 "A Only from the time that I was in
15 Attica, yes.

16 "Q You mean from the period from
17 September 9th on?

18 "A Yes.

19 "Q Had the officer, prior to the 13th,
20 been on the third floor of A-block to express
21 an interest in participating in the police
22 action?

23 "A No, sir, he had not. I knew he was
24 there.

25 "Q Did you know he had a weapon?

1
2 "A I knew he had a weapon, yes, sir.

3 "Q Had you heard him talk about what
4 was going on in the yard?

5 "A No. We really did not get into a
6 close conversation of that sort.

7 "Q Did he tell you that any of his friends
8 were hostages?

9 "A Yes, sir.

10 "Q Did he mention the names?

11 "A At that time he did not mention any
12 names.

13 "Q After you had assembled this group of
14 six on the third floor of A, what did you do?

15 "A After the instructions to them and
16 after viewing the yard, it was at that time
17 quite close to the time that was planned to
18 commence retaking of the prison, so we
19 located the stairs, went to A-roof.

20 "Q Were you accompanied by an additional
21 correction officer?

22 "A Yes, sir. There was a correction
23 officer there who had keys, that was his job
24 at that time to have the keys to A-roof. He
25 accompanied us.

1
2 "Q What did you do when you got on A-
3 roof?

4 "A When we got on the top of A-roof,
5 I assembled the men, attempting to keep them
6 concealed from any activity in the courtyard
7 below, and placed them along the parapet.
8 There was a parapet probably three or four
9 feet high that stood out above the level of
10 the roof on the courtyard side of A-block.

11 "Q When you say you assembled the men,
12 how many men are you referring to now?

13 "A I am referring to the six. Five
14 troopers and the correction officer.

15 "Q What did the other correction officer
16 do who had shown you to the roof?

17 "A He said that he had keys that were
18 in his possession and were supposed to remain
19 in his possession and he would stay on the
20 roof to--

21 "Q Did he have a weapon?

22 "A Yes, sir.

23 "Q Where did he position himself?

24 "A I positioned my men in a southerly
25 direction along the parapet of A-block from the

1
2 peak of A-block.

3 "Q Where did he stay?

4 "A He went to the far or the southern-
5 most end of this group of men close by two
6 other State Police people who had accompanied
7 us up there, who were on a filming mission.

8 "Q Did you give this correction officer
9 any instructions with respect to firing his
10 weapon?

11 "A Yes, sir, I did.

12 "Q What did you say to him?

13 "A I said to the man he was not part of
14 our detail. He was there only to allow us
15 access to the roof and he was not to fire his
16 weapon.

17 "Q You are positive that you gave him
18 those instructions?

19 "A Yes, sir, I did.

20 "Q Did you observe him firing his weapon
21 later?

22 "A No, sir, I did not, although I later
23 found out that he had."

24 Lieutenant #2

25 "Q After you selected your six riflemen

1
2 did you then go up to C Roof?

3 "A Yes, sir.

4 "Q Do you recall when you got up to
5 the roof--what hour?

6 "A I don't recall the time. However, it
7 was quite a long walk from the Administration
8 Building to the roof of C-block.

9 "Q What instructions did you give your
10 men?

11 "A I told them what our mission was; when
12 they were to take action.

13 "Q When you told them when they were to
14 take action, what did you say?

15 "A At such time as hostile action was
16 taken by the inmates against the hostages.

17 "Q Were there any instructions about
18 whether you would give the signal for them to
19 fire?

20 "A No, sir. The word to move out was
21 going to come from the Troop Commander over
22 the radio after the gas was dropped.

23 "Q By the time you got to the roof, had
24 the hostages been taken up to the catwalk?

25 "A Yes, sir. While I was en route from

1
2 the Administration Building to the roof of C-
3 block, the situation changed. I heard over my
4 radio that several hostages were being marched
5 into Times Square.

6 "Q Were your instructions changed as a
7 result of that?

8 "A Well, they didn't really change.
9 However, our primary mission at that time was
10 to save the hostages at Times Square.

11 "Q Somebody told you that?

12 "A Yes.

13 "Q Who was that?

14 "A A captain.

15 "Q Did he tell you how you were to go
16 about trying to save them?

17 "A The same instructions: At such time
18 as they took hostile action, an overt act
19 against these hostages.

20 "Q You did not have a .270 yourself?

21 "A No, sir.

22 "Q Did you look through a scope or any
23 kind of binocular to observe the action with
24 respect to these hostages?

25 "A No, sir. I could see them.

1
2 "Q You were using your naked eyes,
3 while your men were looking at the subjects
4 through a magnifying object?

5 "A Yes, sir.

6 "Q Did you give your men particular
7 assignments with respect to the inmates around
8 the hostages?

9 "A No, sir.

10 "Q Did they divide up among themselves
11 which hostages to give protection to?

12 "A I didn't divide up the hostages--
13 the inmates--as such. I did tell them what
14 was down there in Times Square and if there
15 was any hostile action that my riflemen would
16 go from left to right in observing for this.

17 "W Was some effort made between your
18 riflemen and the riflemen who were on A Roof
19 to make sure that every hostage on the catwalk
20 was given cover?

21 "A No, sir.

22 "Q You didn't make any effort to
23 coordinate your line of protection to
24 hostages with the men on A Roof?

25 "A No, sir."

1
2 "Q What did you do when you were on the
3 roof of A-block?

4 "A I positioned, as I say, the men about
5 five or six feet apart behind the parapet of
6 A-block roof and I positioned myself then
7 about five or six feet behind the centermost
8 man, so that I was in the middle of this spread-
9 out group and prepared myself for the gas
10 attack and placed my portable radio at that
11 point so the men who were in my detail could
12 overhear conversations on the radio and they,
13 themselves, prepared themselves for the gas
14 attack.

15 "Q Did you then give instructions to each
16 man as to firing?

17 "A Yes, sir. It was from the radio that
18 we found out that hostages had been brought up
19 onto the top of the tunnel roofs and were being
20 guarded by inmates. We had, previous to this
21 time, not viewed this situation and remaining
22 concealed on the top of A-block roof, we did
23 not see this for ourselves.

24 "However, the radio, traffic on the radio
25 at that time indicated to us that hostages had

1
2 been brought up, placed on top of the tunnel
3 roofs.

4 "Q Did you then make any assignments
5 to your individual troopers and correction
6 officer on your detail of targets?

7 "A I did on two occasions. Radio
8 instructions were received from the major
9 to the effect that the hostages had been
10 brought up and the major then instructed over
11 the radio that any overt act on the part of
12 the inmates regarding the hostages would lead
13 to firing by the .270 riflemen.

14 "I acknowledged this over the radio and
15 then I went, in addition to the men in my group
16 who had heard this on the radio, I then went to
17 each and every one of them and individually
18 told them, again, there is to be no indiscrim-
19 inate firing, that firing would take place
20 only if an actual overt act was observed.

21 "Q Did you assign targets to the men?

22 "A No, sir.

23 "Q Did you at any time, before the gas
24 drop, raise yourself to see what the conditions
25 were on that catwalk?

1
2 "A No, sir. We remained concealed and
3 we raised up over the parapet at the time that
4 the two helicopters passed overhead.

5 "Q Did you make any effort to provide
6 cover for all of the hostages on the catwalk?

7 "A Yes.

8 "Q What I am asking you is, how did you
9 arrange these men so they wouldn't all be
10 focusing on one hostage and leaving all of the
11 others uncovered.

12 "A Yes, sir, I see. Yes, that I did.

13 "Q How did you do that?

14 "A From the radio conversations on the
15 radio, we were able to hear where the groups
16 of hostages and inmates were placed. The
17 radio indicated to me that there was a hostage
18 guarded by two inmates at the inmate-erected
19 barricade closest to A-block and that there was
20 a second group of inmates and guards, their
21 guards on the top of A-block towards Times
22 Square, and I split my group, the three troopers
23 closest to the peak of A-block, I instructed
24 when we raised over the parapet to focus
25 their attention on the group closest to A-block

1
2 and the three troopers to the right of me to
3 focus their attention on groups which were
4 closest to Times Square.

5 "Q Did the correction officer request
6 permission to cover his friend who was a
7 hostage?

8 "A No, sir, he did not.

9 "Q Did you at any time request over the
10 radio permission to eliminate the inmates who
11 were surrounding the hostages?

12 "A I did not feel I had to. I felt
13 that the major's instructions were clear on
14 that point.

15 "Q I am not asking you whether you felt
16 you had to. Did you actually ask for permission
17 over the police radio to eliminate the inmates
18 surrounding the hostages?

19 "A No, sir, I did not.

20 "Q Did you at any time report over the
21 radio that your men had the inmates in the
22 cross-hairs of their .270 rifles?

23 "A No, sir, I did not.

24 "Q When you gave the command to fire,
25 you just stated it was predicated on the fact

1
2 that they observed some overt act. What do
3 you mean by that?

4 "A What I mean is that my original
5 instructions had been to fire only upon an
6 overt act and it would have to be upon a
7 command of a commissioned officer, and I issued
8 the command to fire.

9 "The men who were on the .270 rifles would
10 fire only if they observed the overt act."

11 Lieutenant #2

12 "Q You mentioned that there were four
13 companies of riflemen. Where were the other
14 two?

15 "A One on the roof of C; one on the roof
16 of A; one on the third floor of A; and one on
17 the third floor of C.

18 "Q Did you know what the assignments of
19 the riflemen at the third floor of A and the
20 third floor of C were to be?

21 "A No.

22 "Q Were you there when they were briefed?

23 "A Yes, sir.

24 "Q Was their assignment the same as yours?

25 "A Basically, yes."

1
2 MR. MUNISTERI: In explanation, we
3 are now shifting to the troopers in those
4 details. They will be taken in turn with the
5 troopers on the roof of C going first.

6 MR. LIMAN: This is the .270 detail
7 on the roof of C which you are talking about.

8 Trooper #1

9 "Q Were you given any briefing about
10 what you should do?

11 "A You mean when we got on top of C-block?

12 "Q Yes, sir.

13 "A We were told that we were to protect
14 the lives of the hostages and the lives of the
15 assaulting force.

16 "Q Were you told where the hostages were?

17 "A Yes, we were.

18 "Q Where were you told they were?

19 "A That they were in the Times Square
20 area of the compound.

21 "Q Were you told that there were hostages
22 in the yard, as well?

23 "A Yes, sir.

24 "Q Were you able to observe, prior to
25 the gas drop, where those hostages were in the

1
2 yard?

3 "A No.

4 "Q Am I correct in my understanding
5 that when you went to the roof you were not
6 looking out to get your bearing of things?

7 "A That's correct.

8 "Q Had you been shown a map of where
9 you could expect to find people?

10 "A I don't remember.

11 "Q What I have difficulty in trying to
12 understand is how you could carry out the
13 instructions with respect to protecting
14 hostages if you weren't given instructions as
15 to where you could find them and identify them.

16 "A We were given instructions, by the
17 lieutenant who was in charge of the detail,
18 when we were on top of C-block.

19 "Q What did he tell you?

20 "A He told us exactly the formation of
21 the "X" in the compound and that the hostages
22 were positioned at the point where the inter-
23 section is--what they call Times Square; and
24 that there were hostages there and their
25 prisoner - guards behind them, with helmets on.

1
2 "Q Did he in any way try to describe
3 where the hostages were in D Yard, the ones
4 that were not on the catwalk?

5 "A I don't remember.

6 "Q Was there any conversation among you
7 as to taking particular hostages to protect
8 so that you wouldn't all have your weapons
9 sighted on the same hostage?

10 "A Well, the lieutenant told us as we
11 were positioned on the wall to try and position
12 ourselves with the hostages along the area of
13 Times Square.

14 "Q Did he make any assignment to each of
15 you of a hostage on the catwalk to protect?

16 "A Right.

17 "Q How did he do that?

18 "A There were six of us positioned along
19 the wall, and I was third from the left, facing
20 the D-block, cell block. And the lieutenant
21 stated that there was a hostage and a prisoner-
22 guard along--just in the group, but they were
23 more or less single-file, at the Times Square.

24 "Q Were you told anything about when
25 you should fire; what specific acts were

1
2 required?

3 "A We were told to fire anytime there
4 was an overt act toward the hostages."

5 Trooper #2

6 "Q What was your assignment at Attica
7 Correctional Facility on September 13, 1971?

8 "A I was assigned to a rifle squad.

9 "Q What did the lieutenant instruct you?

10 "A He instructed us to protect the
11 hostages and our own men and also to fire only
12 if there is a hostile act toward either of them.

13 "Q Did he indicate where the hostages
14 were?

15 "A Not at that time, no.

16 "Q Did he describe further what a hostile
17 act towards a hostage or another trooper was?

18 "A I don't recall.

19 "Q What did you take it to mean then? A
20 hostile act?

21 "A I take it to mean anything that would
22 cause harm to another individual. Death or
23 serious injury.

24 "Q Were you at any time told that you
25 were to provide cover for the assault team

1
2 that was going to come out on C-catwalk?

3 "A No.

4 "Q Did at any time before the gas drop,
5 did you have occasion to look over the parapet
6 to see what was going on in the yard or in the
7 compound?

8 "A No.

9 "Q Had you been given a description of
10 what the situation was there a few minutes before
11 the assault began?

12 "A Yes.

13 "Q What was that information?

14 "A The information was there were hostages
15 on Times Square with inmates with knives to their
16 throats.

17 "Q Were those to be the targets of the
18 270 rifle fire? The inmates, that is, that
19 were holding the hostages on the catwalk?

20 "A They were our main concern.

21 "Q Were you told what you were supposed
22 to be concerned with?

23 "A Yes.

24 "Q What was that?

25 "A It would be looking at Times Square,

1 it would be the second inmate from the left.

2 "Q This was told without your having
3 seen that area before you came up on the
4 parapet; is that correct? Or was that given
5 to you after you came on top of the parapet?
6

7 "A No, we hadn't seen anything yet.

8 "Q But you were told there were hostages
9 down there with inmates on them and that there
10 was a hostage which was the second from your
11 left and that was the one that you were to
12 concentrate your sights on?

13 "A Yes.

14 "Q Is that about right?

15 "A To watch that inmate for his actions."

16 Trooper #5

17 "Q You have qualified with the 270?

18 "A Yes.

19 "Q When did you first qualify?

20 "A I believe it was about three years ago.

21 "Q And how frequently did you fire the
22 weapon, you know, between the time you first
23 qualified and the time you were there at the
24 prison?

25 "A I fired when I first qualified with

1
2 it and that was the last time prior to Attica.

3 "Q Can you tell me what it means to
4 qualify, exactly what you have to do with it?

5 "A Well, we are required to fire so many
6 rounds from a pre-determined course and we must
7 obtain a certain score.

8 "Q Where did he give you the briefing?

9 "A It was on the second or third floor
10 of Cell Block A. There were some rooms there
11 that were being used by our people and he told
12 us while we were in there what we were going
13 to do.

14 "Q It was just him and your group, is
15 that right?

16 "A Yes.

17 "Q Was there anybody besides the seven of
18 you there?

19 "A Not right at that particular time, no.

20 "Q What were the instructions he gave you
21 in there?

22 "A He told us that we would be--we would
23 be on the roof of A-block and that we were to
24 go up and remain out of sight, position ourselves
25 along the wall facing the court yard and that

1
2 anticipated dropping tear gas into the
3 compound area and that we were up there to
4 try and protect the lives of the hostages
5 that were being held on the catwalks.

6 "Q Did he say that they were--the hostages
7 were on the catwalks at that point?

8 "A Yes, in fact we looked at them through
9 the windows facing the court yard before we
10 went up on the roof.

11 "Q When you looked out the windows were
12 you in a corridor that runs along in front of
13 cells or were you in a separate room?

14 "A Actually they were cells is what they
15 were, we were actually looking out the windows
16 of the cells.

17 "Q This was on the third floor of A?

18 "A I think second or third floor.

19 "Q Think about it, were you looking down?

20 "A It was up, so, we were looking down
21 at an angle, but I really don't recall what
22 floor it was.

23 "Q That is enough. Did he tell you
24 anything about when you were to fire and
25 what you were to fire at, any more specifics

1
2 than you have already given us?

3 "A Yes, we were instructed to pick
4 targets on the catwalks from the inmates who
5 were holding the hostages and that we were
6 not to fire until an overt act was committed
7 against one of the hostages.

8 "Q What did you understand, "Overt act"
9 to mean?

10 "A A motion to do harm to one of the
11 hostages.

12 "Q Something more than what was already
13 going on?

14 "A Yes, certainly.

15 "Q When you were looking out did some
16 of the hostages have knives held to their
17 throats or spears or things like that while
18 you were looking out the window?

19 "A No, I didn't see any of them, they
20 just had them up there sitting on stools.

21 Trooper #4

22 "Q By whom were the instructions given?

23 "A The lieutenant in charge.

24 "Q Can you describe what those instructions
25 were?

1
2 "A He told us that we were supposed--
3 they were supposed to go in very shortly and
4 that we were to take positions on the roof.
5 We were not to fire, unless he gave us a
6 direct order at a specific target, and he
7 went on and told us that he had to receive
8 orders from an officer on the catwalk that
9 was encountering problems and then that officer
10 would call him on the radio and he would pick
11 out one man and give him a specific target.

12 "Q Did he tell you what you were likely
13 to expect in connection with the assault,
14 what kinds of targets, problems?

15 "A I don't recall. We did discuss some
16 things, but I don't remember the specifics.

17 "Q Did you see any of the hostages?

18 "A Not when I first went up. It was a
19 few minutes, a couple minutes later when the
20 hostages appeared.

21 "Q When they appeared, tell us what
22 you saw.

23 "A The lieutenant instructed me to
24 watch the first hostage, that would be the
25 one on my left closest to me, and watch him

1
2 and try and get an identification on any people
3 that were around him.

4 "Q What was happening to the hostages
5 as you observed them?

6 "A The one I was--I was only watching
7 the one. There was another one off to the
8 right, but I did not concern myself with him.
9 The one I was watching, they propped him up
10 on a box or stool and he was blindfolded and
11 there was an inmate on either side of him and
12 they kept changing positions.

13 One would drop him--they moved back and
14 forth. They had knives in their hands and
15 they would lay them against his throat and
16 they would move. The other guy would lay it
17 against his throat.

18 "Q Your hostage that you were assigned
19 to was where, on which catwalk?

20 "A A-catwalk. He was the forwardmost--

21 "Q He was the one closest to you?

22 "A Closest to me on my left."

23 Trooper #3

24 "Q Were you given any instructions with
25 respect to your duties on the roof?

1 "A Yes, sir. We were.

2 "Q What were those instructions?

3 "A Our instructions were given to us
4 from the lieutenant that we were only to fire
5 when an overt act was committed by any inmate
6 and upon his order.

7 "Q At what--what time was it when he
8 gave those instructions to you?

9 "A I'm not aware what time it was.
10 You mean in reference--

11 "Q To the gas drop, how much time before?

12 "A Oh, 15, 20 minutes before the gas
13 drop.

14 "Q To your knowledge, at the time he was
15 giving those instructions, were there any
16 hostages up on the catwalk?

17 "A To whose knowledge, sir?

18 "Q To your knowledge.

19 "A No, I wasn't aware that there was any
20 up there at this time.

21 "Q When you say that the lieutenant
22 said that you were not to fire unless there
23 was any overt act, what did you interpret that
24 to mean?
25

1
2 "A When an attempt was made to take
3 the hostage's life.

4 "Q I'm not clear on this now.

5 "Did I hear you correctly that you didn't
6 know there were any hostages up on the catwalk
7 when he was giving those instructions?

8 "A Not to my knowledge.

9 "Q Oh, I see, you hadn't seen them?

10 "A I hadn't seen them.

11 "Q But you were told that there were?

12 "A Yes.

13 "Q Do you recall being instructed that
14 you were only to shoot on the command of the
15 lieutenant?

16 "A To the best of my knowledge, yes, sir.

17 "Q Did you recall being instructed that
18 the .270 rifle unit was to give cover to the
19 captain on A-catwalk and his men?

20 "A I don't recall that, sir.

21 "Q Was it the lieutenant that told you
22 that there were hostages on the catwalks?

23 "A Yes.

24 "Q And this was, as you say, 15 or 20
25 minutes before the gas drop?

1
2 "A Yes.

3 "Q Were you able to make any observa-
4 tions from that cell block out onto the
5 catwalks before going up on the roof?

6 "A No, sir.

7 "Q Did anyone else in your unit have
8 that opportunity, do you know?

9 "A Not that I know of.

10 "Q What did you interpret the words
11 "overt act" on the part of an inmate against
12 a hostage--did he go into details on that or
13 was that the basic statement that he made?

14 "A I don't follow your question, sir.

15 "Q When he said "overt act against a
16 hostage"--am I stating it correctly?

17 "A Yes.

18 "Q What did you interpret that to mean?

19 "A I interpreted it to mean an attempt
20 to take the hostage's life.

21 "Q What did you see when you raised
22 your head above and positioned your rifle
23 over the parapet, what did you see?

24 "A Well, it was a very short period
25 of time. We came up and I looked directly

1
2 into the main compound.

3 "Q Into D-Yard, you mean?

4 "A Where the majority of the--

5 "Q Inmates were?

6 "A Inmates were.

7 "Q And?

8 "A Then I swung around towards Times
9 Square in the vicinity and I observed these
10 individuals apparently holding a hostage.

11 "Q Had you been given any specific
12 instruction with respect of what your target
13 was going to be?

14 "A No, sir.

15 "Q Had you been given a description of
16 what was going on in the Times Square area
17 and the catwalks before you looked and saw
18 for yourself?

19 "A Again, sir, I don't quite understand
20 what you are asking.

21 "Q Did the lieutenant ever describe
22 to you what was--what were the positioning
23 of the hostages and the inmates in the Times
24 Square area?

25 "A No, sir.

1
2 "Q Were you given any instructions with
3 respect to where you were supposed to fire upon?

4 "A No.

5 "Q Or what you were supposed to fire
6 upon?

7 "A We were designated to fire upon--I
8 am trying to find the correct terminology--
9 the subject that may be attempting to take a
10 hostage's life and in an attempt to save the
11 hostage.

12 "Q Were you instructed at any time to
13 do the same with respect to the main compound?

14 "A It wasn't designated on the catwalk
15 or in the compound. It was anywhere that you
16 saw the situation.

17 "Q Were you also given instructions to
18 the same effect with respect to the life of
19 a trooper, if he was in danger?

20 "A This goes without saying."

21 Lieutenant #2

22 "Q Could you see what was happening to
23 the hostages on the catwalk before the gas
24 dropped?

25 "A Yes, sir.

1
2 "Q What did you see?

3 "A Well, I could see at least five
4 hostages down there. Several of them were
5 facing C-block, being held by an inmate from
6 behind, with what appeared to be a knife--some
7 sharp object.

8 "Q Were they standing or sitting?

9 "A Both.

10 "Q Did you see the gas drop?

11 "A Yes, sir.

12 "Q What were you looking at, at the
13 time the gas was dropped?

14 "A Times Square.

15 "Q What did you see happen?

16 "A A cloud of gas come down.

17 "Q Could you see the hostages?

18 "A Yes, sir.

19 "Q What happened to them?

20 "A Well, after the second drop was made,
21 I could see the one hostage right at Times
22 Square--the one that was facing C-block--the
23 inmate holding him made an overt act with his
24 knife, across his throat.

25 "Q Was he seated?

1
2 "A No; he was standing.

3 "Q When did you first hear gunfire?

4 "A After the second gas drop was made.

5 At that time, just at about the same time, the
6 Troop Commander over the radio gave the order
7 to move out for the other details.

8 "Q Where was the gunfire coming from?

9 "A I don't know.

10 "Q Did some of it come from your detail?

11 "A Yes, sir.

12 "Q Some of it came from other directions?

13 "A Yes, sir.

14 "Q Did you hear any gunfire at the time
15 of the first gas drop?

16 "A No, sir.

17 "Q How long did the firing keep up?

18 "A I don't know.

19 "Q Did you give an order to cease fire
20 to your men?

21 "A Yes, sir.

22 "Q When did you give the order?

23 "A At the time I received a cease fire
24 order from the Troop Commander over the radio.

25 "Q Do you have any idea how long after

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the firing started you got that order?

"A Yes, sir.

"Q How long?

"A Less than three minutes.

"Q Were your men firing up until that point?

"A Yes, sir.

"Q Do you know what they were firing at?

"A No, sir.

"Q Could you see people going down?

"A Yes, sir.

"Q In what areas?

"A Times Square.

"Q Did you see people going down in the yard?

"A In D Yard?

"Q Yes, sir.

"A No, sir.

"Q Do you know whether your men were firing in D Yard at this point?

"A No, sir.

"Q You don't know?

"A No, sir.

1
2 "Q Did they make an accounting of rounds
3 to you, afterward?

4 "A No, sir."

5 Trooper #1

6 "Q Did there come a point when you were
7 told to rise up and position yourselves to fire?

8 "A The point was when the helicopter came
9 over to disperse the gas, we were to come up and
10 protect the hostages.

11 "Q Was a signal given, a hand signal, or
12 just the helicopter itself?

13 "A I believe it was just the helicopter
14 coming over.

15 "Q Were you shooting from a kneeling
16 position?

17 "A Yes.

18 "Q You then rose up, and what did you
19 see when you rose up?

20 "A I saw the hostages and the prisoners
21 in the Times Square area.

22 "Q Could you see the gas dropping?

23 "A Yes. Everything was happening
24 simultaneously.

25 "Q Describe for us, in as much detail

1
2 as you can, what you saw and what you did.

3 "A What I saw and what I did?

4 "Q Right.

5 "A As I came up over the wall, I drew
6 my sights--my telescopic sights--into the Times
7 Square area. I saw a prisoner over a hostage
8 with a knife-type object in his hand. At this
9 time, also, the helicopter was coming in and
10 starting to disperse gas. At this point the
11 prisoner lunged forward, towards the hostage,
12 with a knife-type object in his hand. I dis-
13 patched one round of .270 ammunition and I
14 believe I struck the prisoner who was guarding
15 the hostage.

16 "Q Was the hostage seated?

17 "A Not seated. Kind of in a kneeling-
18 seated position.

19 "Q What was the motion that you observed
20 the prisoner engaging in with respect to the
21 hostage?

22 "A He was weaving from side to side.
23 And he had what looked to be a knife in his
24 hand.

25 "Q In his right hand?

1
2 "A Right. And, as the helicopter came
3 up over the wall, he looked up, like that, --

4 "Q Looked up at the helicopter?

5 "A At the helicopter. When the gas,
6 which was white in color, came down, he went
7 like this.

8 "Q You are lunging forward with your
9 weapon hand, about to strike--

10 "A As though he was going for the
11 hostage's throat.

12 "Q And that was the point when you fired?

13 "A Yes.

14 "Q Did the hostage also go down?

15 "A The hostage went down.

16 "Q Tumbled over?

17 "A Tumbled over.

18 "Q Then what happened?

19 "A I saw the hostage starting to crawl
20 away, and then I saw that he seemed to be all
21 right. And then I surveyed the scene. And
22 then there was another hostage next to him
23 or just about next to him who was trying to
24 crawl away. There was a Negro male behind
25 him, who was trying to stab him in the back

1
2 with a knife-type object. I dispatched a round
3 of .270 ammunition; I believe I struck him.
4 Then the hostages continued to crawl. I
5 surveyed the area and I saw a Negro male
6 running towards the hostages that were crawling
7 away from Times Square and he had a sword or
8 spear--it was a fairly long metallic object--
9 in his hand, running towards those crawling
10 hostages.

11 "Q He was running from A catwalk? He
12 was running towards Times Square?

13 "A Right.

14 "Q What did you do?

15 "A I dispatched another round.

16 "Q Did you hit him?

17 "A I believe I struck him.

18 "Q Then what did you do?

19 "A I again went back to the Times
20 Square area to--

21 "Q With your scope?

22 "A With my scope--to make sure that the
23 hostages were secure and that their safety was
24 all right. And, from right in the Times Square
25 area was another negro male coming up, with a

1
2 knife-type object in his hand, and trying to
3 stab one of the crawling hostages.

4 "Q Where were these hostages crawling?

5 "A They were all right in here. They
6 weren't crawling too fast because they had
7 their hands tied behind their back.

8 "Q This inmate was in the Times Square
9 area?

10 "A Right, right in this area here. And
11 he was lunging towards the crawling hostages.
12 And I again dispatched another round of .270
13 ammunition.

14 "Q Did you--

15 "A I believe I struck him.

16 "Q So, if I understand you correctly,
17 you believe you struck four inmates in that
18 area?

19 "A Right.

20 "Q During this period were other people
21 firing, as well?

22 "A Yes, they were.

23 "Q What happened after that?

24 "A The State Police force was in this
25 area--

1
2 "Q You say "in this area." Were they
3 past the barricade?

4 "A I believe so.

5 "Q Ultimately, after you had dispatched
6 these four shots, you saw the State Police
7 approaching the Times Square area?

8 "A Right.

9 "Q Then what did you do?

10 "A I was looking at the hostages, to
11 maintain their safety, and saw that the troops
12 were at the hostages so I felt that they were
13 safe.

14 "Q Then what did you do?

15 "A Well, I surveyed the yard, here, and
16 I saw that there was a group of hostages in this
17 tent city area.

18 "Q How could you tell that they were
19 hostages?

20 "A First of all, they were all white
21 males, and they were bound behind their backs,
22 and they had white cloths over their eyes. And
23 they were ringed by I don't know how many Negro
24 males with football helmets.

25 "Q I take it that with these scopes you

1
2 could get a view of a person's face in the
3 yard? The scopes had enough magnification?

4 "A Yes, but not to distinguish with
5 great detail or anything of that nature.

6 "Q In any event, you looked in this
7 area, where you put an "X." Then what did
8 you do?

9 "A I surveyed the area. As I was looking
10 through my scope, I saw one of the troopers run
11 into my scope's vision, so I immediately
12 pulled up my scope, fearing that I would hit
13 one of the assaulting force members, and also
14 feeling that the assaulting force was there
15 and they had the security of the prisoners at
16 hand. Then I surveyed this area in through
17 here.

18 "Q Let's put a "B." You surveyed that
19 area?

20 "A Yes, because the troopers were coming
21 in this area. And I surveyed this area to
22 more or less keep the assaulting force's
23 safety or their security from anyone coming in
24 through this area. At this point I saw a group
25 of, oh, approximately ten Negro males run from

1
2 this area, toward the hostages.

3 "A They were running from here. They
4 had scaled the trench and were running towards
5 the assaulting force that was going for the
6 hostages. They had spear-like objects in
7 their hands--an handles. And they were going
8 towards the troopers with these spears and ax
9 handles in their hands, as if to intercept
10 from helping the hostages. At this point I
11 beared down, through my sights, on the first
12 subject, closest to the assaulting force, and
13 I dispatched two rounds of .270 ammunition,
14 and I believe I struck him.

15 "Q You aimed at one particular person?

16 "A Right.

17 "Q Did you dispatch two rounds at him
18 because you thought you had missed with the
19 first?

20 "A I don't believe I missed, because
21 he went like this.

22 "Q He just staggered?

23 "A Right, but he kept on running, with
24 that spear-type object in his hand, towards
25 the troopers going in to secure the hostages.

1
2 And I immediately dispatched another round
3 and I believe I struck him.

4 "Q Then what did you do?

5 "A Then, since the assault force was
6 completely encircled, I immediately raised my
7 weapon, fearing that I would hit one of the
8 hostages or the assaulting force.

9 "Q Who were they encircled by? You
10 said that they were encircled.

11 "A No; they were encircling all the
12 prisoners who were in this area. Troopers
13 were coming in very fast, so I felt that I
14 should cease firing on my own, fearing that
15 I would hit one of the hostages or the troopers.
16 Right after I stopped, I got the order to cease
17 fire from the lieutenant."

18 Trooper #2

19 "Q Did there come a time when you saw
20 the hostages on the catwalk?

21 "A Well, I was in a bad predicament.
22 I had a gas mask on. We didn't know if the
23 gas would affect us up there or not so I had
24 a mask on.

25 I attempted to observe through the scope,

1
2 and I couldn't with a mask on so I had to take
3 that off.

4 "Q Then you proceeded to observe--

5 "A Some time had elapsed.

6 "Q During this time that had elapsed,
7 was there any firing going on from the roof
8 where you were?

9 "A I believe there was.

10 "Q When you took your gas mask off and
11 you then resumed to look through the scope,
12 what did you observe down on the catwalk?

13 "A It appeared to me as confusion.

14 "Q Could you--

15 "A Among the people in the Times Square
16 and the catwalks.

17 "Q Did you--when you say confusion,
18 do you mean that they had moved or--from their
19 previous positions that you had seen them in
20 when you had your gas mask on or could you
21 describe it a little for us?

22 "A They were not in the position which
23 we were told they were in prior to the
24 helicopter.

25 "Q Were they down on the catwalk, that

1
2 is, lying on the catwalk, both hostages and
3 inmates?

4 "A As I recall some were and some
5 weren't.

6 "Q Did you line anybody up in your
7 sights on the catwalk?

8 "A Not immediately.

9 "Q Did there come a time when the assault
10 forces along C-catwalk came out of C-block
11 toward the barricade that was erected on C-
12 catwalk?

13 "A Yes, sir.

14 "Q Did you observe that?

15 "A Yes, sir.

16 "Q What did you do then?

17 "A I observed an inmate turning
18 toward the troopers coming in.

19 "Q Yes. Do you mean those on C-catwalk?

20 "A Yes.

21 "Q And what happened?

22 "A I fired at one inmate on the catwalks
23 in the Times Square area.

24 "Q Could you indicate roughly the
25 location where that inmate was when you fired

1
2 at him?

3 "A He was roughly in this corner.

4 "Q Indicating the northeast corner--

5 "A Of Times Square.

6 "Q Did he go down?

7 "A Yes.

8 "Q Do you think you hit him?

9 "A I don't know.

10 "Q Did he have any headgear on?

11 "A I don't recall any.

12 "Q What was he doing when you fired at
13 him?

14 "A He had a big blade in his hand. I
15 don't know exactly what it was.

16 "Q Did he have a hostage?

17 "A No. It appeared to me he was going
18 toward the troopers who were coming on to the
19 catwalk.

20 "Q And they--how far away were the
21 troopers from this inmate when you fired at
22 him?

23 "A I can't say definitely.

24 "Q Were they behind the barricade or
25 were they to the Times Square side of the

1
2 barricade, if the barricade is in a position
3 approximately lower.

4 "A They would be on the block side.

5 "Q On the block side, around here?

6 "A Yes.

7 "Q And then what happened?

8 "A Then what happened in what respect?

9 "Q What did you do next?

10 "A Next I observed in the D-area.

11 "Q What were those observations?

12 "A Well, I saw some hostages moving
13 towards the area where the--correct that, I
14 saw some inmates moving toward the area where
15 the hostages were being kept.

16 "Q Did you fire at them?

17 "A Apparently carrying weapons.
18 Appeared to be home-made weapons.

19 "Q Did you fire at any one of them?

20 "A I fired at three of those.

21 "Q What were they doing, could you
22 tell us again?

23 "A They appeared to be running toward
24 the hostages with weapons.

25 "Q Could you tell me where the--let's

1
2 take the first inmate that you fired at down
3 in D- Yard, where was he?

4 "A I can't pinpoint him. They were all
5 in this general area.

6 "Q Indicating an area in the northwest
7 quardrangle of D-Yard.

8 And how far away from the hostages was this
9 first inmate that you fired at?

10 "A I can't say definitely.

11 "Q Well,--

12 "A It is hard to tell with a scope because
13 you can't see only what you have in the scope.

14 "Q Do you have any idea how many yards
15 away from the hostages he was when you fired
16 at him?

17 "A I couldn't determine that.

18 "Q How much time went by from the time
19 you shot at that inmate and the time you shot
20 at the second one in D-Yard?

21 "A It wasn't much time elapsed.

22 "Q Where was the other inmate with
23 respect to where the first inmate was? With
24 respect to that inmate, where was the second
25 inmate in D-Yard?

1
2 "A I couldn't say that either because
3 they were all moving.

4 "Q But was it in the same general area?

5 "A All in the same area, yes.

6 "Q All three.

7 When you fired at the first one, did he
8 go down?

9 "A I don't have any knowledge of that at
10 all.

11 I don't recall seeing him after that,
12 any one of the three as far as that goes.

13 "Q After you fired at the subject, you
14 don't recall seeing any of them after that,
15 after you pulled the trigger?

16 "A No.

17 "Q Did you fire more than once at each
18 subject?

19 "A No. I couldn't tell--when I fired
20 at one, he more or less disappeared, you know.
21 I lost track of him or whatever you want to
22 say.

23 "Q How did you pick up another one on
24 your scope? Were you looking for hostile acts?

25 "A Well, there was movement, action in

1
2 there.

3 "Q Were there any troopers on the
4 catwalks--I will indicate a specific one.
5 B-catwalk?

6 "A No. Not at that time.

7 "Q This was before the troopers got
8 to B-catwalk?

9 "A Yes.

10 "Q All the shooting--

11 "A This was before there were any
12 troopers in your field in front of us.

13 "Q And there were no troopers down in
14 D-Yard?

15 "A I don't believe at that time. There
16 could have been some obstructed down there in
17 the yard but I don't recall seeing any in the
18 yard.

19 "Q At the time that you shot your
20 three shots into D-Yard, you don't recall
21 that? You don't recall seeing any troopers
22 there?

23 "A No, I don't.

24 "Q Did you ever look into the actual
25 hostage circle with your scope?

1
2 "A I believe I did.

3 "Q Was this after or before you fired
4 into D-Yard?

5 "A I can't say definitely.

6 "Q So that I take it that you fired
7 four shots from your rifle?

8 "A Four in total, yes, sir.

9 "Q Did you fire any more than that?
10 What you have described?

11 "A No.

12 "Q Was there ever a cease-fire order up
13 on the roof where you were?

14 "A I heard a cease-fire. From where the
15 word came, I do not know.

16 "Q You mean you heard an oral exclamation
17 or was it over a radio?

18 "A One or the other. Myself, I quit
19 when there were troopers in front of us.

20 "Q You mean on B-catwalk?

21 "A Yes.

22 "Q And your recollection of a cease-
23 fire came after that?

24 "A As far as I know. I can't say
25 anything definite on the cease fire.

1
2
3 "Q What did you see the inmates doing in
4 the yard after the gas-drop?

5 "A D-Yard would be the furthest corner
6 away from me and actually the naked eye and with
7 the gas, it was rather hard to observe what was
8 going on in D-Yard. My attention was focused
9 mainly to the top of A-block tunnel and the top
10 of C-block tunnel, which I could see rather well.
11 And I watched the advance of the State Police
12 party across the tunnel tops.

13 "Q Did you see them firing, the advancing
14 party?

15 "A The people on top of A-block tunnel, I
16 did not.

17 "Q Did you see the ones firing on C-tunnel?

18 "A I think I did.

19 "Q Did you see what they were firing at?

20 "A No, sir, I did not.

21 "Q I take it that you did not use your
22 weapon at all?

23 "A No, sir. All I had was a revolver.

24 "Q You did not use it?

25 "A No, sir."

1
2 "Q You saw the helicopter come over head?

3 "A Yes, it was maybe a matter of a minute
4 that he came over the wall and started dropping
5 tear gas.

6 "Q And you saw the tear gas going down?

7 "A Yes.

8 "Q Where were your sights trained at that
9 time?

10 "A I was concentrating on an individual.
11 I was watching a hostage and three inmates through
12 my rifle scope on A-catwalk near Times Square.

13 "Q Where were the inmates located, on
14 the far side of him from where you were?

15 "A There were two behind him from where I
16 was and one in front.

17 "Q One in front?

18 "A Yes.

19 "Q Had you been directed to pick that
20 hostage out?

21 "A No.

22 "Q Had you been given any instructions
23 as to how you would choose the hostages you were
24 to cover, each man was to choose a hostage he was
25 to cover?

1
2 "A No.

3 "Q Did you have any conversation with the
4 people around you as to which ones they were
5 covering?

6 "A No.

7 "Q Did you see anything happen there
8 before or at the same time or after the gas
9 started to come down?

10 "A Yes, when the gas started to come down
11 the hostage that I was watching, they dragged him
12 down, appeared to be slashing his throat or
13 stabbing him.

14 "Q Were these the two that were behind him,
15 the two inmates that were behind him?

16 "A Yes.

17 "Q What did you see happen?

18 "A Well, when they--when the gas started
19 to drop they appeared to tip the man over this
20 way towards the right (indicating).

21 "Q Towards your right, as you are standing
22 now--towards the prisoner's right?

23 "A And he lowered his hand as if in a
24 stabbing motion.

25 "Q Lowering his left hand that contained

1
2 the knife?

3 "A Right.

4 "Q Right towards the torso of the hostage?

5 "A Yes, in the firection as if he was
6 going to stab him.

7 "Q Did you fire at about this time?

8 "A Yes.

9 "Q I take it you fired as soon after you
10 discerned that motion as you could?

11 "A When he moved I fired.

12 "Q Where were you aiming?

13 "A I was aiming for the largest part of his
14 body that I could.

15 "Q All right, could you tell whether or not
16 you hit the man?

17 "A He went down, but I didn't actually see
18 the bullet strike him.

19 "Q Did the hostage fall as well?

20 "A Yes.

21 "Q How about the inmate that was standing
22 next to the one that you fired at, you said there
23 was another one standing next to him on the other
24 side of the hostage?

25 "A I think he went down but I am not sure

1
2 that he fell. He was--I looked at him right
3 after I fired, but with the gas and everything it
4 looked like he was on his knees possibly.

5 "Q Do you remember what position he was in
6 before you fired and before the gas came down?

7 "A The second individual?

8 "Q Yes, the second person?

9 "A Yes, he was standing behind and to the
10 hostage's right with a knife at his throat.

11 "Q Did this prisoner make any motion that
12 you could see around this time?

13 "A No, nothing other than the fact he was
14 holding the knife at the throat of the hostage.

15 "Q Did you hear any one fire a weapon or
16 fire before you fired?

17 "A Seemed like it all started at once.

18 "Q Do you remember the targets of any of
19 the other shots?

20 "A Yes, I fired one or two shots at the
21 individual who I thought I said previously was
22 on his knees, the other inmate.

23 "Q Were these the next two shots you fired
24 after the first one?

25 "A Yes.

1
2 "Q Could you see whether or not you hit
3 him?

4 "A No.

5 "Q This is when he was where, he appeared
6 to be on his knees?

7 "A Yes.

8 "Q What about any other shots?

9 "A I fired I think two shots at an individual
10 who ran from the barricade back towards where the
11 hostages were; where the hostages were laying on
12 the catwalks.

13 "Q The hostages, you mean these four that
14 you have mentioned here?

15 "A Right.

16 "Q Go ahead.

17 "A And I fired I think twice at him.

18 "Q Now, this prisoner that you saw running
19 back he was going from where, near the barricade
20 when you saw him?

21 "A He was behind the barricade and when
22 I first saw him he was just leaving the barricade
23 running back towards the hostages.

24 "Q And it was while he was running there
25 that you fired at him?

1
2 "A Yes."

3 Trooper #4

4 "Q Were you observing your assigned target
5 up to the time of the gas drop?
6

7 "A Yes, sir.

8 "Q You did not drop below the ledge?
9

10 "A We were below the ledge--we just took
11 a quick look and got down and we stayed down
12 until the lieutenant told us to get up and assigned
13 a man to watch and then he said, 'Take up your
14 positions.'
15

16 "Q Was that before the gas drop?
17

18 "A Yes, sir.

19 "Q So, you were watching at the time of
20 the gas drop?
21

22 "A Yes, sir.

23 "Q Tell us what happened when the gas drop
24 occurred?
25

26 "A The chopper come over from my left and
27 just as the gas dropped, my hostage was taken
28 over backwards. The fellow had him--the inmate
29 on my right had the knife against his throat and
30 took him right over backwards just as the gas
31 dropped.
32

1
2 "Q When you say took him backwards, you
3 mean pulled him down?

4 "A Yes. Either pulled him down or took
5 him down with a knife.

6 "Q You couldn't tell which it was?

7 "A No, sir.

8 "Q What happened then?

9 "A Then I took a hot at that man.

10 "Q Were there any orders given to fire?

11 "A Yes, sir, there was. Just prior to the
12 drop, a captain come through and talked to the
13 lieutenant and the lieutenant came around and
14 said, 'There has been a change in orders. You
15 hold your fire until you see an overt act of
16 harming one of the hostages.'

17 "Q Will you--did he describe what would
18 constitute an overt act?

19 "A He did not explain it, no.

20 "Q It's just what you would have understood
21 from your experience on the police force?

22 "A Yes, sir.

23 "Q When you saw the hostage being pulled
24 down, you felt that the hostage was in danger?

25 "A Yes, sir, definitely.

1 "Q You then fired?

2 "A Yes, sir.

3 "Q Did you hear other weapons being fired
4 prior to the time you pulled your trigger?
5

6 "A I really can't say.

7 "Q Was it so simultaneous?

8 "A It really was. Everything went at once.

9 "Q After you fired at this subject, what
10 happened?

11 "A There was another inmate starting from
12 left to right toward the other hostage, and I
13 took a shot at him.

14 "Q Toward what other hostage?

15 "A There was another hostage to the right,
16 to the right of the first one, a little bit
17 further up the catwalk.

18 "Q And this inmate that was starting toward
19 him, was he coming from the direction of A-block
20 or from the direction of Times Square?

21 "A He was coming from the barricade.

22 "Q He was coming from the barricade?

23 "A The barricade cutting back just a little
24 bit left to right.

25 "Q Was he armed?

1
2 "A Yes, sir.

3 "Q What did he have?

4 "A He had a knife.

5 "Q How far was he from the hostage when
6 you took a shot at him?

7 "A I don't know.

8 "Q What kind of knife did he have? Was
9 it an elongated object or--

10 "A I don't really recall.

11 "Q Did he go down after you fired?

12 "A It seems to me that everything was
13 obscured there for a while. Just for a few
14 seconds everything was milling and the gas--I
15 don't believe I could see.

16 "Q Do I understand you were firing through
17 a gas mask?

18 "A Yes, sir.

19 "Q You have testified that you fired your
20 weapon twice. Did you have occasion to fire
21 again?

22 "A I fired, I think, once more and possibly
23 four. Actually, a total of four shots.

24 "Q Do you remember what occasioned the
25 other two shots?

1
2 "A There was another inmate started back
3 towards Times Square carrying a knife and I
4 don't recall whether it was one shot or two
5 shots I took at him.

6 "Q Do you know whether you hit him?

7 "A No, sir, I don't know.

8 "Q How long did the firing continue?

9 "A My firing?

10 "Q Yes, sir.

11 "A Oh, perhaps 15 or 20 seconds.

12 "Q How long did you hear other firing
13 continue that day, even sporadically?

14 "A I really don't know. I did not pay
15 any attention.

16 "Q What had caused you to stop firing?

17 "A The lieutenant was standing right
18 behind me and he said 'Cease firing,' so I stopped."

19 Trooper #3

20 "Q So then you looked out onto the Times
21 Square area and you said that you saw a hostage
22 with some inmates around him?

23 "A Yes.

24 "Q What happened?

25 "A They were--there was immediately after

1
2 the gas came over. They were sort of dragging
3 him backwards. In the vicinity of the Times
4 Square area. Exactly where, I couldn't pinpoint
5 it.

6 "Q It wasn't on a particular catwalk. It
7 was actually in the Times Square area?

8 "A Yes.

9 "Q Was it to the near side of the Times
10 Square area or to the left or the right or the
11 far side?

12 "A I don't actually recall, sir.

13 "Q What was happening then with respect
14 to that hostage?

15 "A They were, two individuals were holding
16 him and there was a third individual directly
17 behind him with an instrument at his neck and,
18 you know, he had him around the neck and he had
19 the instrument at his throat.

20 "Q And then what happened?

21 "A They were moving backwards and I fired
22 one round at the subject that was holding the--
23 that was holding the instrument at the hostage's
24 throat.

25 "Q Was the hostage sitting down in a chair?

1
2 "A No.

3 "Q Was he standing?

4 "A They were moving backwards. Sort of
5 shuffling.

6 "Q Standing?

7 "A Yes."

8 Trooper #6

9 "Q Monday morning you were at C-catwalk?

10 "A Yes, sir.

11 "Q When you went over did you have a
12 shotgun?

13 "A Yes, sir.

14 "A It was my own Ithica Model 37 Deer
15 Slayer.

16 "Q What ammunition did you have?

17 "A When I went over there?

18 "Q Yes.

19 "A I had deer slugs in my pocket, I don't
20 know how many I had.

21 "Q Were you simply given slugs or did you
22 select slugs to use?

23 "A At that time those slugs I had there
24 I had selected in the troop area prior to that.
25 I kept them from day to day.

1
2 "Q Any reason why you selected slugs
3 rather than Double 00 Buck?
4

5 "A The gun is made for deer slugs, the
6 accuracy is good on it and being my own gun I
7 am choosey what goes through it.

8 "Q How did you happen to bring your own
9 weapon to the Prison?

10 "A Shortage of shotguns, so, it was requested
11 to know if we could carry our own shotguns and we
12 were granted permission to carry our own and
13 starting Saturday morning I carried my own.

14 "Q Did you get any briefings or instruc-
15 tions from anybody?

16 "A Yes, sir, we got them from a captain.

17 "Q What did he tell you?

18 "A He told us that we were going to go in
19 and we were going to attempt to take the catwalks
20 so the recovery team could reach the hostages
21 and he says, 'This is no turkey shoot, I don't
22 want any unnecessary shooting unless it means
23 yourself for self-preservation or one of the
24 other members or the hostages.'

25 "Q Did he give you any kind of an overview
of where the different details would be and what

1
2 they would do?

3 "A Yes, sir, he told us there would be
4 men coming in A-catwalk, there would be men
5 coming through the tunnels and that the
6 recovery team would go into D-Yard.

7 "Q Were you told whether or not the people
8 in your group would be going into the yard?

9 "A We were to take the catwalks and to
10 hold the catwalks unless otherwise ordered to
11 do something else.

12 "Q Were you watching when the hostages
13 were brought up along the catwalk?

14 "A Yes, sir, the man at the gate at C-block.

15 "Q That is the gate you could look through?

16 "A Yes, sir.

17 "Q How many did you see altogether up
18 there?

19 "A Altogether I saw eight.

20 "Q Do you know any of the people--did
21 you know any of the people that worked at the
22 Prison?

23 "A Yes, sir.

24 "Q Guards or civilians?

25 "A Mostly guards.

1
2 "Q How many would you say were close
3 friends or acquaintances?

4 "A I couldn't really say, I would have
5 to say they were all friends, all guards that
6 were working there. They were all guards
7 that were working there. Somebody I would
8 stop and talk to any day of the week.

9 "Q How many are we talking about?

10 "A Probably a dozen guards and half a
11 dozen civilians.

12 "Q Did you know any of the people that
13 had been taken hostage?

14 "A Yes, sir.

15 "Q Did you recognize any of those men who
16 were brought up on the catwalks?

17 "A As friends you mean?

18 "Q Yes, well, just to know their names?

19 "A I didn't have binoculars, they had
20 blind folds over their eyes and their hands were
21 tied and things were happening so fast it was a
22 matter of seconds or minutes before we were
23 preparing to go in. Helicopters were flying,
24 there was a lot of yelling in the yard and as
25 far as the guys in C-block were concerned it

1
2 was time to say a little prayer for the men."

3 Trooper #6

4 "Q So, you walked out onto the catwalk,
5 what did you see and what happened?

6 "A Well, just as we started out the door
7 the helicopter came in and we opened the door.
8 There was a problem with the mattress that we
9 put up in case there was any projectiles fired.
10 The mattress was knocked down and I jumped off
11 the table and as I was jumping off, the helicopter
12 was just coming over Times Square area. The
13 hostage out here in the middle of it at the
14 Times Square area looked like the inmate was
15 holding him just cut his throat, I am just saying
16 it looked like that, the hostage went down to
17 the ground and the gas dropped and before it was
18 dropped I seen the inmate go down.

19 "Q About how many men were in front of you?

20 "A Well, I was seventh man out the door
21 and figuring two sides of the rail, one down
22 the middle, couldn't have been more than a
23 couple in front of me.

24 "See a man, one of the hostages on B-catwalk.
25 A knife went across the man's throat, the man

1
2 went down and the inmate went down, started
3 crawling towards the--trying to make it back
4 to the yard. There were a couple of shots
5 fired at him, concrete flew up around him and
6 gas dropped in around him and apparently he
7 dropped down into the yard.

8 "Q D-Yard?

9 "A Yes, apparently he went over the side,
10 he wasn't there when I could see again.

11 "Q What else?

12 "A And then I proceeded up towards the
13 catwalk, up towards the barricade.

14 "Q What happened?

15 "A Before I got to the barricade I was
16 watching the A-catwalk and watching the men
17 ahead of me and somebody come over the barricade
18 with gas tanks on their back.

19 "Q The A-catwalk?

20 "A Yes, division member and started
21 towards Times Square passing a couple inmates
22 that were laying on the ground on the cement
23 and there were other people laying there, presum-
24 ably the hostages. He run past them and one of
25 the inmates after he got up away from him just a

1
2
3 little ways one of the inmates jumped up with a
4 knife in his hands and started towards the
5 division member. He kept--I say he kept going,
6 I don't know just how far he stepped, I didn't wait
7 very long. He had the knife raised like he was
8 going to stab the guy and I pulled up and fired
9 and as I fired the man went sideways, his head
10 was kind of jerked off against the shoulder and
11 then the body just seemed to float towards Times
12 Square, he went down and never moved.

13 "Q Was it your shot?

14 "A Apparently it was my shot, the man was
15 attacking a division member from the back. I
16 can't swear that it was my shot or wasn't my shot.

17 "Q You were not yet at the barricade when
18 you fired this?

19 "A No, sir, I wasn't to the barricade.

20 "Q What happened when you got to the
21 barricade?

22 "A We had a little problem getting over
23 the barricade, the men on the right side couldn't
24 get over. I was the first one that tried to go
25 over the right of it, I got half way up and
I couldn't get up over it. They had tables

1
2 set up there, they had metal tops, I couldn't
3 get my feet to dig into it plus carrying a
4 shotgun. I stepped over to the left, went
5 over the barricade and just as I went over the
6 barricade another inmate, the other inmate that
7 was laying on the catwalk got up and ran right
8 past the division member with the tanks on his
9 back with a sword, homemade sword in his hand,
10 right straight past division member and he got
11 into the Times Square area and he was heading
12 straight for the hostage on the corner of B and
13 C-block with the sword raised. I seen he was
14 going to the other hostage on the ground, there
15 wasn't anybody directly in front of me on that
16 side and I fired twice at him.

17 "Q Were you back against the right-hand
18 rail at this point?

19 "A Yes, I moved back into the right-hand
20 side and everybody else was on the left-hand
21 side, what few men there was, there was only a
22 couple left out there, a couple got hung up on
23 the barricade. I fired twice and apparently I
24 missed him because the man kept going. I seen
25 dust fly off the bricks and he kept running and

1
2 by that time I couldn't shoot because there
3 was another division member in my way and I
4 proceeded on up.

5 "Q The bricks are the bricks on that
6 building at Times Square?

7 "A Yes.

8 "Q Go ahead.

9 "A As I started to proceed up just a little
10 ways the man was almost to the hostage. There was
11 a bunch of shooting, the guy went down and I
12 started moving a little further ahead and I see
13 that the hostage was down also. He had just--
14 they had just taken the blindfold off his eyes
15 and it appeared he was trying to pull himself
16 over the bars to slide over, underneath them and
17 I seen he was hit in the stomach. I moved to
18 Times Square and there was quite a concentration
19 of fire coming down A-catwalk, apparently they
20 were having a little trouble with a couple people
21 on A-catwalk because they had to fire even with
22 us doen there, so, being a lot of shooting there
23 I moved around Times Square and--

24 "Q You are keeping the structure on your
25 right as you go around Times Square?

1
2 "A Yes, sir, I don't believe you can get
3 around behind it.

4 "Q Go ahead.

5 "A I was heading for the hostage and I
6 believe it was the Captain says, 'Help this man
7 out', and at that time one trooper and another
8 trooper come up behind me and said, 'Cover the
9 three men on B-catwalk, we will carry him out',
10 which they did. They immediately picked him up
11 and started moving him, I don't know which way
12 they went out, all I know is I saw them carrying
13 him.

14 "Q So, you then moved down B?

15 "A Yes, sir.

16 "Q Were you moving on the left hand rail
17 now?

18 "A No, sir, I stayed against the D-Yard
19 so I would have been on the right-hand rail going
20 down.

21 "Q So, you are coming down and you are
22 keeping an eye on the yard?

23 "A Right.

24 "Q What did you see?

25 "A In the yard?

1
2 "Q Yes.

3 "A Well, I got down on B-catwalk into
4 approximately straight across from the hostages
5 there is a trench, there was a short trench
6 apparently they had just started over here
7 (indicating). Just a little bit off the main
8 trench they had this main trench all the way down
9 there through. A colored inmate jumped up and
10 he started running straight for the hostages.

11 "Q You saw him jump out of a trench and
12 start running which way?

13 "A Straight towards the hostages.

14 "Q What happened to him?

15 "A He got about into this area, not very
16 far from the hostages. There were hostages laying
17 on the ground, there were some getting up and
18 there were some had inmates laying on top of them
19 from what I could see. I waited until he got
20 almost to the hostages, didn't seem like anybody
21 else had saw him or maybe nobody else could get
22 a shot at him. I pulled up quick, shot once and
23 he went airborne and just as he started airborne
24 some of the guys were over here on D-catwalk, I
25 see him shooting off in this direction (toward

1
2 B-block) which they have been shooting right off
3 toward the wall and the guy collapsed (indicating).

4 "Q Do you remember anything about what he
5 was wearing?

6 "A All I can tell you about him he was a
7 colored inmate and if I remember correct he had
8 prison clothing on.

9 "Q All right, were there any troopers in
10 the yard at that point?

11 "A They were attempting to get down the
12 ladders at that time.

13 "Q Did you see them as they were going down
14 and stuff?

15 "A They were having a bit of a problem
16 getting down the ladders.

17 "Q What was the trouble?

18 "A The ladders were too short."

19 Trooper #7

20 "Q What did you see when you went out the
21 door to the catwalk?

22 "A There were three inmates at the barricade.

23 "Q Were you in the advance group of troopers?

24 "A I was in the first group out, yes.

25 "Q With the captain?

1
2 "A That's correct.

3 "Q Were you alongside of him?

4 "A Yes.

5 "Q On which side of him?

6 "A I was at his right.

7 "Q What happened?

8 "A We advanced towards the barricade; I
9 got to a position twenty to twenty-five feet
10 from the barricade and observed a subject holding
11 a sword aloft--what appeared to be a sword or
12 some type of homemade weapon. He was holding
13 it above his head, and I fired.

14 "Q Was he saying anything?

15 "A Not at that time. Prior to our going
16 out, this individual had uttered something to the
17 effect that we are all prepared to die.

18 "Q You could hear that?

19 "A Yes.

20 "Q He mounted the barricade--this individual?

21 "A No. He was standing behind the barricade.

22 "Q Did anybody else fire at him at the
23 same time, to your knowledge?

24 "A I believe so.

25 "Q Then when did you fire next?

1
2 "A I advanced a few steps closer to the
3 barricade, and I believe I stated that there were
4 two other subjects standing at the barricade.
5 There were three subjects, all together, that I
6 observed. I didn't observe these other two
7 subjects, outside of the one that I had fired
8 at. I believe they had ducked down behind the
9 barricade. And I fired three rounds into the
10 barricade.

11 "Q Can you tell me why you did that?

12 "A Well, I had observed these other
13 subjects, one subject with a weapon, and the
14 other subject I couldn't see his hand--he was
15 down behind the barricade, so to speak, and I
16 couldn't ascertain whether he had a weapon or not.

17 "Q Were you firing to make sure that they
18 would not come up and assault the troopers?

19 "A Well, I had to go down the side of
20 that barricade.

21 "I proceeded on towards Times Square.

22 "Q What happened then?

23 "A As I got to within twenty-five to thirty
24 feet of Times Square, I observed an individual
25 running from A-block barricade towards Times

1
2 Square, which was our objective. He was running,
3 I would say, as fast as he could and he had what
4 appeared to be a baseball bat or a night stick
5 held in his hand.

6 "Q What did you do?

7 "A I fired at him.

8 "Q Did he go down?

9 "A Yes.

10 "Q Did you think that he was trying to
11 assault you?

12 "A Not myself, in particular. Other
13 division members, he was a threat to.

14 "Q How many feet was he from you at the
15 time that you were firing?

16 "A On the diagonal, probably a hundred feet.

17 "Q What happened after that?

18 "A I advanced to within seven or eight
19 feet of the wire enclosure around the brick
20 structure at Times Square. Do you understand
21 that?

22 "Q That's right.

23 "A The part here (indicating). Prior to
24 going in to that area I had observed several
25 inmates going in and out of this structure. I

1
2 knew that there was a stairway down to the first
3 floor through there, and I fired three rounds into
4 the brick structure.

5 "Q What happened?

6 "A Nothing.

7 "Q Was there any movement there?

8 "A No.

9 "Q Did you see any inmates or anybody in
10 there?

11 "A No.

12 "Q Why did you fire inside the Times Square
13 area when you didn't see anybody?

14 "A I didn't know whether there might be
15 somebody crawling down behind the brick structure,
16 below the windows; and also, I knew there was a
17 stairway down to the first floor. And, therefore,
18 I fired to keep anybody from coming up--or anybody
19 down there from coming up--or to discourage them
20 from doing so.

21 "Q Then what did you do?

22 "A There were ladders placed in the yard
23 and I went down one of the ladders.

24 "Q That was not part of the original
25 mission that was assigned to you?

1
2 "A My mission was to secure the catwalk.

3 "Q What occasion had you to go into the
4 yard itself?

5 "A My mission, from my observation, had
6 been accomplished.

7 "Q When you went into the yard, what
8 happened?

9 "A I stepped over a trash can and
10 proceeded to the area of a circle of benches
11 in approximately the center of theyard where the
12 rest of the hostages that weren't on the walk
13 were being held.

14 "Q What did you observe there?

15 "A There were several individuals lying
16 around with different types of wounds, of which
17 I did not stop to check. I was familiar with
18 three of the correction officers that were held
19 as hostages and I found one of them.

20 "Q What did you do for him?

21 "A I went up to him and asked him if he
22 was all right. He hugged me. It was more or less
23 of 'Thank God you're all right,' this kind of
24 conversation.

25 "Q Then what did you do?

1
2 "A I gave him the night stick that I
3 carried on my belt and he assisted in pointing
4 out inmates in that particular area who were
5 helpful to the hostages during the time that
6 they were held."

7 Trooper #9

8 "Q After you were struck on the elbow,
9 then what happened?

10 "A They threw a variety of things.

11 "I observed one inmate stand up. He stood
12 on something behind the barricade and threw a
13 homemade spear at us which luckily missed us.

14 "Q How far away was the spear when it
15 landed?

16 "A It landed in back of me. I didn't turn
17 around and look at it.

18 "About the same time we received fire from
19 some place, I don't know where it came from. It
20 was a long-range tear gas projectile. This was
21 shortly after we come out of the door, a long-
22 range tear gas projectile hit the wall above us.
23 I think it came from Times Square.

24 It appeared to be lobbed in. It struck above
25 us. Shortly thereafter they threw a variety of

1
2 Molotov cocktails, none of which ignited. I
3 kicked one or two off the catwalk and the
4 captain said he kicked a couple off.

5 "I am sure it was one of those that struck
6 me in the elbow.

7 "Q When you saw this inmate that threw
8 the spear, what did you do?

9 "A I fired at him.

10 "Q How much of his body was exposed above
11 the barricade?

12 "A Quite a bit. He was apparently standing
13 on a table or something. The major portion of
14 his torso was exposed.

15 "Q Had the spear already gone past you over
16 your head before you fired?

17 "A I ducked and stepped to the left and I
18 fired as it was in the air, apparently. I can't
19 tell you exactly when.

20 "Q And what happened after you fired at
21 him?

22 "A He disappeared behind the barricade.

23 "Q Did you hit him?

24 "A He was hit, because when I went over
25 the barricade, he laid there. There was other

1 firing going on. I fired at him. He was hit.
2
3 Whether I hit him or not, I can't say.

4 "Q Did other men in your group fire also
5 when this inmate came out?

6 "A Yes. As this happened, there was other
7 firing from people in my group who had pulled
8 around to the center of the catwalk so they could
9 fire.

10 "Q Was there any other inmate that came up
11 over the barricade in a hostile manner?

12 "A Not that I noticed.

13 "Q After he threw the spear, did you feel
14 your life was in danger then?

15 "A From him, you mean?

16 "Q Yes.

17 "A I certainly did.

18 "Q Did he have anything else in his hands
19 after he threw it?

20 "A No. Not that I could see.

21 "Before we got to Times Square, I witnessed
22 several--several, two or three blacks running
23 from the direction of the A-catwalk barricade
24 and I recall one of them striking a person with
25 something and I think it was a hostage. It must

1
2 have been. It wasn't one of our people.

3 "Then he ran towards me. He had something
4 in his hand. I can't think of what it was. It
5 was a weapon of some kind. And there were two
6 blacks right behind him.

7 "I fired at the lead one. And he went down.
8 And the others--there were others firing, too.

9 "Q Had the men from the--the troopers come
10 from on A-catwalk yet?

11 "A No. We were ahead of them, apparently,
12 because I was within--I would say I was halfway
13 from the barricade to the block house, which is
14 50 yards. I was about 25 yards from Times
15 Square.

16 "Q How far away was the lead inmate that
17 you fired at when you fired at him?

18 "A He came running out of the catwalk and
19 he was probably 20 yards away from me. No, more
20 than that.

21 "Q Yards, you say?

22 "A Yards.

23 "Q Did you feel your life was in danger
24 when you fired at him?

25 "A Certainly did.

1
2 "Q How many shots did you fire at the
3 inmate?

4 "A Two, as best I can recall.

5 "Again, this is all taking place in a matter
6 of half a minute or a minute.

7 "It's difficult to recall exactly the
8 sequence of events, but we reached Times Square
9 and there were inmates running into the blockhouse.
10 I saw several run in there. Apparently they were
11 going down the stairs. These were inmates that
12 were up in Times Square.

13 Trooper #10

14 "Q Did you then proceed past the barricade
15 on to the direction of Times Square?

16 "A Yes, sir.

17 "Q What did you observe then?

18 "A That's quite a vast question.

19 "Q Just tell me what you think you should
20 answer.

21 "A I don't know how to answer your question.
22 Could you be more specific, please.

23 "Q Did you see anybody at Times Square other
24 than troopers?

25 "A Yes.

"Q Did there come a time when you went on

1
2 to B-catwalk?

3 "A Yes.

4 "Q Did there come a time when you fired
5 your weapon?

6 "A Yes, sir.

7 "Q What occasioned you to fire your weapon?

8 "A I beg your pardon?

9 "Q What occasioned you to fire your weapon?

10 "A The first round I discharged was between--
11 I was between the barricade and Times Square.
12 There was a black with a white headgear running
13 toward a hostage with a pipe or a club, I don't
14 know what he had. He had it raised over his head.

15 "Q In what hand did he have it?

16 "A I don't know.

17 "Q How far away from the hostage was he
18 at the time you fired at him?

19 "A I don't recall.

20 "Q How far away were you from the inmate
21 when you fired at him?

22 "A 50 yards, 40 yards.

23 "Q And why did you fire at him?

24 "A He was attacking the hostage.

25 "Q Well, you can't recall how far away he

1
2 was from the hostage?

3 "A He was in close proximity.

4 "Q How far along from Times Square in the
5 direction of B-block was the inmate?

6 "A I don't know.

7 "Q And what happened when you pulled the
8 trigger?

9 "A The gun discharged.

10 "Q What happened to the inmate?

11 "A I don't know.

12 "Q Did you see him go down?

13 "A I don't recall.

14 "Q What did you do after you fired that
15 shot?

16 "A I advanced toward Times Square.

17 "Q And what did you do?

18 "A Arrived at Times Square.

19 "Q And then what happened? Tell us more
20 or less chronologically your actions?

21 "A Well, if you could ask me the questions
22 I will answer them. I just couldn't narrate
23 what happened all day long.

24 "Q Did there come a time when you fired
25 your gun again?

1
2 "A Yes.

3 "Q What occasioned you to fire at that
4 particular time?

5 "A I was at Times Square and there was a
6 black male face down in the compound. I stopped
7 at the edge of the structure momentarily and
8 another trooper hit me on the right shoulder
9 and yelled, look out, he's got a knife. I turned
10 to my right and this black inmate was crawling,
11 he was getting up from his prone position up to
12 his knees with a knife in his hand and was moving
13 toward a trooper that had his back turned toward
14 him.

15 "The trooper was about four, five feet away
16 from the inmate. And I shot at the inmate.

17 "Q And what happened?

18 "A He went back and he went to the ground.

19 "Q Why did you fire at him?

20 "A He was starting toward the trooper with
21 the knife toward his back.

22 "Q So you felt that the trooper was in
23 danger?

24 "Observing the inmate, did he look wounded,
25 did he seem wounded?

1 "A I have no idea.

2 "Q How far away were you from the inmate
3 when you fired at him, approximately?
4

5 "A Six feet, five feet, five to six feet.

6 "Q And how far away was the trooper from
7 the inmate at the time that you fired at the
8 inmate?

9 "A About four feet.

10 "Q And how many rounds did you fire at
11 that inmate?

12 "A About four feet.

13 "Q And how many rounds did you fire at that
14 inmate?

15 "A Just one."

16 Trooper #8

17 "Q What occasioned your firing?

18 "A Shortly after passing the physical
19 barricade, I looked again over to C-catwalk and
20 observed that their team was in the process of
21 just approaching the physical barricade. Behind
22 it I observed two individuals who were standing,
23 there were other people laying.

24 "These people were standing facing C-catwalk
25 assault team and these two people I observed to

1
2 be hostile due to the fact that they were going
3 to throw an object.

4 "I observed them previously to this stock-
5 piling things, bottles that we believed to be
6 Molotov cocktails. In fact, the night before
7 they saturated the tunnel under A-catwalk with
8 some kind of flammable.

9 "They had thrown a bucket of something,
10 paint thinner or what on the walls and I believed
11 they were going to fire certain things if the
12 opportunity arose.

13 "Q Then what happened?

14 "A I directed a round of fire at these
15 two individuals who were over here. I didn't
16 know, actually believed my fire would be
17 effective due to the fact there was a considerable
18 distance and buckshot which would dissipate con-
19 siderably in that distance, but hoping to distract
20 them.

21 "Immediately upon my shot being fired these
22 two individuals went down and it was my belief
23 that they were the object of other fire.

24 "The area looked like it was--there was
25 dust flying and I believed that other bullets

1
2 were impacting in that area. Later on after the
3 assault operation was over, I went back to look
4 and this man was laying down. He had been
5 killed and I rolled him over. He had a bottle
6 under him. It was a jar. It looked like it
7 had a--something like flour and water.

8 "I don't know what was in it. It looked
9 like a liquid mixture of some kind. It had a
10 rag in it or around it. I believe it was a
11 Molotov cocktail.

12 "Q What were those two inmates actually
13 doing just before you pulled the trigger?

14 "A One was standing by the railing
15 closer to C-Yard. Immediately to his right was
16 another individual standing and he was holding
17 his hand like that and I believed he was trying to
18 ignite it. I don't know.

19 "It was my belief that they were attempting
20 to ignite this thing and they were going to
21 throw it at the assault team on the C-catwalk.

22 "Q All right. Continue.

23 "A There were a number of inmates and
24 individuals, I didn't actually know what they
25 were, laying on the catwalks. Some of them

1
2 looked like they had been hurt. They were
3 by-passed by me.

4 "Immediately at this time I was somewhere
5 along this area here. Two inmates came sprinting
6 out of the Times Square area and--

7 "Q Toward you?

8 "A Toward me, right. A white individual
9 on this side and a colored individual a little
10 bit behind him and to his left. Both people had
11 weapons in their hands and distorted expressions.

12 "I believe at that time they were hostile
13 and they were in the process of possibly assaultive
14 in their actions.

15 "Q How far away were they?

16 "A The distance of this room probably
17 from me.

18 "Q Is that when you fired into them?

19 "A I fired, directed one shot at each.

20 "Q Do you know how long this room is?

21 "A I would say 40 feet.

22 "Q Thank you.

23 "Continue.

24 "A The nature of Ithaca push-action
25 shotgun is that if you depress the trigger and

1
2 work the action it will fire rapidly. You don't
3 have to--you can do it two ways.

4 "You can shoot it, pull the trigger, push
5 it again, pull the trigger. If you keep the
6 trigger depressed, all you have to do is push
7 it and you are pushing a live round back against
8 the projected firing pin.

9 "This is actually what I did in this case.

10 "Q What happened to the inmates after you
11 fired?

12 "A They both immediately fell. Again,
13 whether from my fire power or other, I don't know.

14 "Q And then what happened?

15 "A Immediately proceeded past them and
16 then dropped to one knee. I believed myself at
17 that time to be firing far in advance of my own
18 assault team and I wanted to observe conditions.
19 I reloaded my shotgun. I put two or three, I
20 don't know--

21 "Q Did you have rifle slugs?

22 "A No, buckshot.

23 "I was at that time just outside the Times
24 Square area. At that time while I was reloading
25 and kind of like crouched in that position, I

1
2 observed a trooper running around this area over
3 here, from the C-catwalk running towards the
4 Times Square area to the directions of B-catwalk.

5 "As he rounded this point, almost out of
6 my sight, he appeared to collide with a negro
7 inmate. Whether the guy jumped him or bumped
8 into him, I don't know.

9 "The inmate was apparently running in the
10 other direction--

11 "Q Indicating a direction from D-catwalk
12 to the direction of C-catwalk. And then
13 colliding--

14 "A They collided and appeared in a sense
15 to momentarily be struggling. I started to rise
16 up, my intention was to go to his aid and at that
17 time I observed two inmates jump into view in the
18 Times Square blockhouse.

19 "I had noticed no activity in the blockhouse
20 prior to this point.

21 "These two inmates appeared to be heading
22 towards the door in the direction of this unknown
23 trooper. And I could see a weapon in one of
24 their hands.

25 "I don't know exactly what it was but it was

1
2 a sharpened instrument. And similar to things
3 I observed the inmates displaying prior to the
4 assault. It was my belief at that time that
5 they, their actions were hostile towards this
6 trooper.

7 "I directed again two rounds of buckshot
8 into the blockhouse. They immediately disappeared
9 from view. I went over to the door of the
10 blockhouse, looked in and observed no one in
11 the blockhouse.

12 "It was my belief they jumped down a
13 stairwell out of sight. Whether they had been hit
14 or not by this fire I don't know.

15 "Q Did you see anybody get shot aside
16 from the ones you shot? Or you thought you shot?

17 "A I saw individuals in this area--when I
18 first came out of this door here of A-block. I
19 saw a couple people flying around. It looked like
20 they had been impacted. But actually didn't
21 see anybody shot up close."

22 Trooper #9

23 "Q Did you see the troopers go down into
24 D-yard?

25 "A I saw one trooper hit the ground first.

1
2 The first one down the ladder. He turned around
3 and ran towards the group of hostages in the
4 center of the compound.

5 "I observed a black, apparently he came out
6 of the ditch, raise up and strike him with a bar,
7 it appeared to have a hook on it. It appeared to
8 be a wrecking bar or a similar type instrument.
9 The trooper went down.

10 "Q Do you mean the inmate struck this trooper?

11 "A Yes.

12 "Q From behind?

13 "A No. Head-on. He went down, rolled over
14 on his right side. The black raised the bar again
15 to strike and I fired at him from the catwalk.

16 "He went down. The trooper was already down.

17 "Later we learned it was Lt. Christian."

18 Trooper #6

19 "Q Did you see the rescue detail going
20 across theyard?

21 "A Yes, the first man in the rescue detail
22 hit the bottom, jumped a trench and started for
23 the hostages. Some of the hostages jumped up and
24 ran right straight past him.

25 "Q They ran out of the circle?"

1
2 "A Right. Nobody knew for sure if they
3 were hostages or what, but we knew that is where
4 the hostages were and there were no shots at that
5 time fired. They had pulled the things off their
6 eyes, pulled them down, a couple of them had
7 blindfolds hung around their neck yet. A trooper
8 got pretty near the hostage area and an inmate
9 hit him across the back of the head or the shoulders
10 with, I don't know, a baseball bat or maybe it was
11 a handle off of something, but it was a good sized
12 instrument and he really laid it on him, hit him a
13 couple of times and the member went down. At the
14 same time there was another colored inmate, jumped
15 up he started to get up like he was going to go
16 for a division member's weapon, and he got pretty
17 near to the member and apparently he decided to
18 stop.

19 "Q Was the trooper over the edge of the
20 hostage circle or--

21 "A No, I don't believe so. I don't think
22 he was into the hostage circle yet. Everything
23 was happening so fast I didn't stop to picturize
24 where he was. All I could see is he was in
25 trouble and there was no way for me to shoot

1
2 because there was hostages in the way. I yelled
3 to a couple other guys on both sides of me and
4 the same problem there, they couldn't shoot
5 because of the hostages. Then, all at once the
6 inmate went down and--

7 "Q Did you hear any firing?

8 "A Yes, sir, there was shooting.

9 "Q Did you see any hostages go down at that
10 time?

11 "A No, sir, I was only strictly watching
12 the area of the trooper."

13 Trooper #9

14 "Q Do you know whether the inmate that had
15 struck Lt. Christian was the subject of other fire?

16 "A No, I don't know.

17 "Q What happened to the hostages when you
18 fired?

19 "A What happened to them?

20 "Q Yes.

21 "A I don't know.

22 "Q Did they go down?

23 "A The hostages were not in my line of fire.
24 They were off to my left. In other words, Lt.
25 ~~Christian was running toward the hostages, but he~~

1
2 had not reached them yet.

3 "Q How many shots had you fired prior to the
4 time that you fired that round in the direction of
5 the inmate that assaulted Lt. Christian?

6 "A Five or six. As you fire, you reload
7 as you move.

8 "Q You mean you pumped it?

9 "A No. In other words, if you pump the
10 fresh round it, you stab others into the magazine
11 so you have a full magazine at all times."

12 Trooper #6

13 "Q What happened as you moved down B-catwalk?

14 "A I moved further down the barricade on
15 B-catwalk and after I got down here, by B-block
16 there was men coming out of the B-block and they
17 were ordered to jump over the side.

18 "Q Any of them pushed over?

19 "A I don't remember, there might have been
20 a couple of them held because there were a couple
21 that put up a resistance. There weren't any shots
22 fired. They were helped up to the bars and let
23 them extend themselves down.

24 "Q Any of them wounded?

25 "A I don't know.

1
2 "Q All right, did you see anyone else in
3 the yard that was shot?

4 "A Yes, sir.

5 "Q Whereabouts?

6 "A I moved down pretty near the barricade,
7 you have got the trench, the trench running up
8 along the catwalk.

9 "There was a bunch of tents just there like
10 there was everywhere else in the yard made up,
11 by this time troopers got down there and trying
12 to start getting the men moving towards D-catwalk
13 so we could concentrate them all in one section
14 and prevent any more shooting. A man opened up
15 a tent and there was a fellow in there, a
16 Puerto Rican fellow. I didn't know it was Puerto
17 Rican while he was in there, but after he came out
18 I seen it was. A division member kept yelling
19 at him to come out with your hands up and the guy,
20 I could hear him yelling something about I am hurt
21 or something and I was directly above the tent at
22 that time. All at once I see somebody come out
23 kind of holding his stomach and there was one big
24 lunge and there was a shot and the guy went down
25 and the guy had a knife in his hand and apparently

1
2 he wasn't that far from the trooper and he
3 attempted to take one chance at him and the trooper
4 pulled the trigger and hit him in the legs.

5 "Q Shotgun?

6 "A Yes."

7 Trooper #2

8 "Q Did you see any troopers firing, that is,
9 the troopers that were coming from A-block on
10 A-catwalk and the ones that were coming from C-block
11 along C-catwalk, did you see them fire?

12 "A I don't recall noticing any fire by them.

13 "Q Did you see any--aside from the inmates
14 which you described that you shot at, did you see
15 any acts of inmate resistance?

16 "A This is from the roof now, we are still
17 on the roof?

18 "Q You are still on the roof observing
19 down to D-yard, did you see any inmate resistance?

20 "A I saw some, yes.

21 "Q Could you describe it?

22 "A Well, they were more or less fighting
23 the troopers who were going in the D-area.

24 "Q Could you give us a description in your
25 own words of what that fighting was?

1
2 "A Well, there was physical struggles.

3 "Q Where?

4 "A In D-area.

5 "Q Where in D-area?

6 "A On the northern part.

7 "Q You say you saw inmates fighting the
8 troopers that came into the yard. How many
9 particular incidents did you see of that?

10 "A Maybe two or three. That I could see
11 from there.

12 "Q And you say they were struggling with
13 the troopers. Could you describe it?

14 "A Just a physical struggle. There was a
15 mass of people in there.

16 "Q Was it a kind of hand-to-hand direct
17 contact struggle?

18 "A Yes, it was contact.

19 "Q What happened to those inmates that
20 were struggling?

21 "A I don't know.

22 "Q Do you know whether they were shot or
23 whether they were hit on the head or whether they
24 were ordered to lie down, gestures that seemed
25 to you as orders to lie down?

1
2 "A All I can say is I saw struggling.
3 What happened to them, I don't know. I didn't
4 notice any shooting in the area."
5

Lieutenant #2

6 "Q Did you see anybody shooting, other
7 than the members of your own detail?
8

9 "A No, sir.

10 "Q Did you, while you were on the roof,
11 observe any acts of inmate resistance?
12

13 "A What do you mean by that?
14

15 "Q Well, did you observe any acts of inmates
16 attempting to assail troopers or anybody else other
17 than the one act with respect to a hostage which
18 you have testified to?
19

20 "A Well, after the shooting started I could
21 see that there were still hostages in Times Square
22 and the inmates were still running about out there,
23 trying to get at these hostages.
24

25 "Q How could you tell they were trying to
get at the hostages?
26

27 "A They were running in the direction of
28 them.
29

30 "Q Did they have anything in their hands?
31

32 "A I don't know.
33
34
35

1
2 "Q Other than what you saw on the catwalks,
3 as you have just described, did you see any other
4 acts of inmates attempting to assail people?

5 "A No, sir."

6 Trooper #3

7 "Q Did you see any other overt acts against
8 the hostage other than the one you have described?

9 "A No, sir."

10 Lieutenant #1

11 "Q Did you see any resistance by inmates
12 to the advancing troopers?

13 "A Resistance?

14 "Q Yes, sir. Any--

15 "A Clarify that.

16 "Q Did you see any inmates attempt to
17 assault advancing troopers?

18 "A No, sir.

19 "Q Did you see any inmates attempt to assault
20 hostages other than the one instance in which you
21 have described?

22 "A No, sir."

23 Trooper #3

24 "Q So that after the cease fire came, you
25 did observe inmates coming out into the yard

1
2 immediately below you?

3 "A Yes, sir.

4 "Q From the main compound?

5 "A Yes, sir.

6 "Q What did you see?

7 "A They were coming out quite rapidly.
8 A short period of time, they were all out and
9 lying prone in the yard.

10 "Q Did you see any hitting, did you see
11 anybody hit an inmate?

12 "A No.

13 "Q With a baton?

14 "A No, sir.

15 "Q Did you see any kicking?

16 "A No.

17 "Q Were you able to hear any name calling?

18 "A No, sir.

19 "Q Directed to inmates?

20 "A No, sir.

21 "Q Did you see any sort of prodding to
22 make the inmates crawl across the yard?

23 "A No, sir.

24 "Q Did you observe them crawling across
25 the yard?

1
2 "A Yes. As soon as I came out they were
3 instructed to lie prone on the ground apparently
4 and they kept coming out and falling prone and
5 filling the yard up and that was the extent of it.

6 "Q Did they then--how did they get across
7 the yard towards A-block?

8 "A They ran. If that is what you mean,
9 sir. I don't quite--

10 "Q Well, they were in a prone position.
11 You mean they got up and went towards--

12 "A They came out the door and they went
13 to the next clear spot and were prone on the
14 ground.

15 "Q Did there come a time when they started
16 crawling over to the block where you were?

17 "A When they would stumble, they would
18 crawl."

19 Trooper #6

20 "Q You were on the catwalks for quite a
21 while?

22 "A Yes, sir.

23 "Q When you saw the prisoners in A-Yard
24 after they had been subdued and they were being
25 stripped and all that did you see them being

1
2 lined up; you know, put in line?

3 "A Yes, sir.

4 "Q Did you see certain people being taken
5 out and have an x put on their back?

6 "A The only person I saw being taken out
7 of the crowd was when they were still flat on
8 their face and a man went down there with a rifle
9 in his hand, walked around for a while and picked
10 one inmate out of all the inmates there and said
11 he was the one that cut the man's throat up on the
12 catwalk and he was walked towards the wall and
13 made to stretch out with his hands up against
14 the wall and feet spread and he was guarded
15 there and turned over to the correction facility
16 guard.

17 "Q Did you see any of the prisoners lying
18 in A-Yard with a shotgun shell balanced on their
19 chest or their knee?

20 "A No, sir.

21 "Q Did you see anybody stuck in A-Yard?

22 "A In A-Yard?

23 "Q Yes, sir.

24 "A No, sir. I wasn't up there in A-Yard
25 constantly, I was back and forth on D-catwalk and

1
2 B-Catwalk.

3 "Q For a while I think there was quite
4 a long line of troopers looking out over A-Yard
5 right up and down A-catwalk?

6 "A Yes, sir, there were troopers up there,
7 also troopers in the yard.

8 "Q But I meant just standing there not walking
9 around, all looking into A-Yard?

10 "A Well, yes, sir, they were standing there
11 for the simple reason to make sure no on, no more
12 trouble arose there and it was pretty well
13 settled and that is the way they wanted to keep it."

14 Trooper #7

15 "Q Did you, during the course of that day,
16 see the inmates being stripped and processed?

17 "A Yes.

18 "Q Did you see any of the inmates being
19 struck?

20 "A I saw them as they were being taken from
21 D-Yard into A-Yard. They were running through a
22 double sally port, through the structure, and they
23 were being prodded.

24 "Q When you say "prodded," could you show
25 us the method of prodding?

1
2 "A Well, more or less on the back of the
3 legs and the buttocks with night sticks. Some
4 came out and wanted to go to the left or right
5 and they were trying to be bunnelled straight
6 ahead.

7 "Q Who was in the group that was forming
8 what you have described as the double sally port?

9 "A That was correction officers, troopers,
10 and sheriff's deputies.

11 "Q Other than that type of prodding, did
12 you see anything else that day?

13 "A Yes.

14 "Q What?

15 "A I did observe a correction officer
16 striking an inmate rather hard with a night
17 stick.

18 "Q Where did you see that?

19 "A This was in A-Yard.

20 "Q How long did that continue?

21 "A I don't know how long it had been going
22 on. There was a lieutenant there, who I called
23 attention to this individual, and we grabbed
24 him. And there was a--either a sergeant or
25 lieutenant--I can't tell him apart--we took him

1
2 over and advised him that we would get him out
3 of here. The last I saw of the individual,
4 he was being escorted towards A-block, towards
5 the Administration Building."

6 MR. MUNISTERI: That's the end.

7 MR. LIMAN: Thank you. We will resume,
8 Mr. Chairman, at 2:00 o'clock.

9 (Whereupon, a luncheon recess was taken
10 at 12:45 p.m.)
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