Q Did the Correction Department, which made the decision which advised you of the decision to retake the institution ever ask you for an estimate of what the casualties would likely be?
A I was never questioned about this, no, sir.
Q Did you have any communication with the Governor prior to September 13?
A Prior to?
Q Yes.
A No, sir.
Q You asked prior to.
Did you have a communication afterward?
A Yes, sir.
Q What was the communication?
A Telephone.
Q What was the nature of the conversation?
A He spoke to me.
Q When he spoke to you, he spoke to you and thanked you?
A Yes, sir.
Q Did any of the Governor's staff present at Attica ever ask you for an estimate of the likely casualties from this effort to retake the prison?
A No one ever asked me for an estimate, sir.
Q Did you expect that there would be casualties, sir?
A I was afraid so. I hoped not.

When you say casualties, are we now talking about injuries or whatever?
Q Yes, sir. Death or wounded people.
A Or injury?
Q Right.

Who was responsible for providing medical aid to people who were wounded or injured?
A Well, the facility itself has some medical facilities on the grounds, but in addition to this I believe it was the National Guard who was requested to field a first aid unit or something. The complete breakdown I am not in possession.
Q Now, you were not, in any event, involved in this whole question of providing medical assistance to people who were injured?
A Other than I knew it was being provided. As far as doing the actual providing, no, sir.
Q Major, was there any decision made as to whether correction officers would be used in the assault?
A Yes, sir.
Q What was the decision? Who made it?
A Two correction officers were to be the only
correction people used in the actual police action to retake the facility and when I say the actual police action, I am talking about—and I think we are dealing with the 189—the 180 some odd men out of—I heard a figure of 600 before, which is all granted by sheriff's and other law enforcement people, but actual action group who were initially assigned to go into the inner yard, I believe, consisted of 189 state police officers and the rescue team were accompanied by two correction officers for the purposes of identification of hostages who we knew some of which were in prison garb.

Q Was there any decision made as to whether correction officers should participate in providing fire power for this assault?

A The correction officers, to my knowledge, were not to accompany us in and they were not to provide any assistance in the actual retaking of the facility.

Q Was there a reason that was—first of all, who made the decision that correction officers would not be used to provide fire power?

A I believe John Miller and I both discussed it with Superintendent Mancusi and whether he requested it or I did, for all intents and purposes I would say
Q What was the reason given for not using correction officers?
A The death of Officer Quinn.
Q You said the death of Officer Quinn?
A Yes, sir.
Q By that you meant the effect that it had on the correction officers?
A I--
Q What do you mean?
A I felt that it had an adverse effect on them. They lost one of their own and I think it had an effect on them for that reason we asked them not to participate in the actual take-over.
Q Did you feel that your men, who also heard the news of Officer Quinn's death, were capable of more self-restraint?
A Yes, sir.
Well, I'm sure they felt badly. I don't think it had the same impact on state police personnel that it had on correction personnel.
Q Did you mingle at all with your men during these four days that they were waiting for orders to go in?
A Yes.
Q Did you come to a conclusion as to their state of mind and mood?
A Yes, sir.
Q What was the conclusion, sir?
A I felt that they were restless. They had been away from home; that they were hoping that the thing would be concluded either by capitulation or to resolve it, but I think our mood was completely different than corrections. We had not lost one of our own people and I heard the expression "being up tight."

In my opinion—and I have handled details at other major events—I don't feel that our people were up tight. I don't think that this entered into it at all.

Q Did you know that some of your men were relatives of correction officers, brothers and cousins?
A Not at that time. I learned this later, that one of our people did have a brother who was a hostage, I believe.

Q When you made your tours around the institution, did you hear racial slurs, profanity?
A No, sir.
Q Who made the selection of which men to use in the retaking of the institution?
A I believe that I played a major part in
selecting the key personnel. As far as the individuals--in other words, I would probably--and I know that I did. I picked Captain MacCarthy and Lieutenant Christian on the rescue detail, but as far as picking the other 32 men, I did not do this.

Q When you say you picked them, you picked them for particular qualities?

A Yes, sir. I have had many years of exposure to Captain MacCarthy. I had worked with him and another factor in my selecting him was that he had some previous correction experience.

Lieutenant Christian I have had the privilege of working with for many years. I know that the man is a dedicated restrained officer and there are many factors that go into the selection and, here again I would like to make it perfectly clear that I don't want this misconstrued that I did not pick any other officers to lead a group.

Q Once you picked your group leaders, did they have the responsibility for selecting the details?

A Some did, some didn't.

For example, like with the rifle crews. The division has men trained in every troop in the use of scope rifles. So, one of the first requirements of being picked for this detail would necessitate you
being qualified in the handling of this type weapon, but basically once the officers for the groups were picked, then, the officers in charge basically selected their own personnel.

Q When did you brief your men on the role in the assault plan?
A I believe it was about 7 a.m. on Monday morning, sir.

Q Who was present at the briefing, sir?
A At that time he was Assistant Deputy Superintendent Fanny (phonetic). He was with me and all of the group or detail leaders were present.

In fact, I believe almost all of the commissioned personnel were present.

Q Do you recall what instructions you gave them?
A Yes, sir. Their assignments were explained. The anticipated problems, such as the barricades or whatever were explained. Also, the use of fire power was discussed in depth.

Q When you say it was discussed in depth, what was said on that subject?
A The subject was that there would be no indiscriminate use of fire arms; that force was to be used to repel force, however, they were cautioned against engaging into any hand-to-hand combat.
Q When you say that they were cautioned against engaging in any hand-to-hand combat, do you mean that they were told to avoid hand-to-hand combat?

A Avoid hand-to-hand combat.

Q Why?

A Because you always run the risk having weapons taken away from you.

Q So, did that mean that if an inmate was coming toward a correction officer with a knife or with a baseball bat, that the officer was not to try to subdue him by hand-to-hand combat, but would be free to use his weapon?

A Not necessarily. It would depend on the overt act of the inmate.

Q Suppose that the inmate seemed determined to use his baseball bat.

A The officer then would have to protect himself.

Q And if he could not use hand-to-hand combat, the nature of defending himself would be to discharge his weapon?

A It is up to him.

Q But if you have instructed the men not to use hand-to-hand combat--

A I told them to avoid it.
Q If they were told to avoid it, the only method left would be to use firearms; is that correct?
A Not necessarily.
Q What else, run?
A You could also use a gun in many ways. You could use a gun as a club, too.
Q That would be hand-to-hand combat.
A I don't know what you consider to be hand-to-hand combat.
Q When you told them to avoid hand-to-hand combat--I don't mean to be argumentative about this, but when you told them to avoid hand-to-hand combat, didn't you mean that they should not get themselves into a situation in which they were going to be slugging it out with an inmate?
A Right.
Q And wouldn't that--or put them in any situation which their weapons could be taken from them?
A No. Here again, Mr. Liman, it is not that easy to set up hypothetical situations. Each and every individual must be guided by his own conscience and the situation that he is confronted with.
I couldn't tell you that you could shoot me if I got within one foot of you as opposed to not shooting
me if I am 10 feet away from you because here again I don't know all the circumstances.

Q Now, having told the men to avoid hand-to-hand combat, was it then left up to the judgment of the trooper as to whether he should discharge his weapon?

A It is always left up to the individual officer.

Q Now, what controls are there over the judgment of the individual troopers?

A Well, I believe Mr. Little accurately explained that with his description or reading from some of our state police policies.

Q But those are the principals which you explained to your men, what is there in the way of controls to keep a man, induce a man to observe those principals when he goes into what may appear to him to be a combat situation?

A What you hope is adequate training.

Q Now, most of those men had never been in a situation like this; am I correct?

A I doubt very much if any of it had been in a previous situation comparable to this and I hope they never again see another one.

Q Do you have any idea how many of them had been in combat in war?
A No, sir.

Q Am I correct—and I base this on many interviews with state police officers—that it is really a rare occasion when a state police officer will have occasion to use his firearm?

A I don't know exact statistics, but I would say that that's probably a reasonable assumption.

Q There are many state police officers who have been in the force a number of years and have never had to discharge their weapon except at the range or in firearms practice.

A I think you will find this is true in any law enforcement agency, whether it be state police, municipality, or any other agency.

Q Other than training men that they should observe the rules, was there anything, any kind of control to make sure that they would actually obey the rule here; for example, instructions—were they to fire only on command?

MR. McKAY: Major Monahan, if you will hold just a minute until our reporter can change his roll.

Q Were there any other controls, Major, other than the training that a person should live by the rules?

A I don't think I can answer that question,
Mr. Liman, because I don't know specifically what you are after.

Q Normally a police officer has to sign out a weapon; am I correct?
A No. It is assigned to him.
Q So that you keep the serial number of the weapon?
A Every man is issued a hand gun and it is recorded in his personal jacket what gun he has assigned to him.
Q In this situation do you know whether any record was kept of the rifles that were assigned to particular division officers?
A No, I do not, sir.
Q And you--
A I don't have access to these records anymore, Mr. Liman.
Q But was there any program established at Attica to make sure that a record would be kept of each rifle that was assigned to each officer?
A No.
Could I inject something into this at this time?
Q Yes, sir.
A One of the programs associated with Attica was the lack of adequate facilities to set up and
maintain an efficient command post. There are many things probably that could have been done that were not done solely for this reason.

In other words, like you have a large detail. Many of them assembled in the yards in front of the administration building, yet you were working in a little room adjacent to a superintendent's office and there are many groups, whether they be advisors, observers, or whatever, coming and going. So, to get an efficient command post that you would like to do was not possible under these given circumstances.

Q Now, Major, was--my understanding of this situation at Attica was that there was no accounting for the ammunition issued to police officers; there was no record kept of what ammunition was issued and what was returned.

A I don't believe there was, sir.

Q And that there also was not a record kept of which police officer had which rifle?

A No, sir.

Q And also that in the case of shotguns, not only was there not a record kept of which shotgun was issued to which police officer, but you cannot determine by ballistics the origin of a particular shot--trace it to a shotgun?
A Not by projectiles. I believe there are some methods with casings, but it wouldn't have any bearing on this whatsoever.

Q Now, was there any--there was a television camera which was used to film this assault; am I correct?

A Yes, sir.

Q Were the police officers instructed that their actions were going to be filmed?

A No, sir.

Q Was any consideration given?

A At least I didn't instruct them.

Q Was any consideration given to telling them that?

A No, sir.

Q Were there any discussions of using warning shots or giving warnings before firing?

A None from my knowledge.

Q Am I correct that the normal police policy as it is reflected in the rules of the rank, is that a police officer should not discharge his weapon unless he is prepared to shoot to kill?

A I believe that's so, sir.

Q What is the theory behind that, shooting to kill rather than shooting to maim, if you have to shoot?
A It is a division policy, the origin of which I couldn't tell you.

Q We have also been told, major, that in briefing your men you not only made the statements that you reported here, but you also told them that this was not to be shooting fish in a barrel or a turkey shoot. Did you make statements like that?

A I believe I said something about fish in the barrel. I was being facetious. However, in being truthful with you people I thought I should include everything that I said.

Q And you thought you should underline these instructions for your men that they should use restrain and caution?

A Yes, sir.

Q Did you feel that the circumstances here were such that there was a danger that restraint might get one thing?

A I don't believe so, sir.

Q Did you think of this--you have been in combat; am I correct?

A Yes, sir.

Q Did you think of this as a combat-type situation?

A Well, like any combat, Mr. Liman, you don't
know exactly what you are going to encounter until you get into it and I hoped, as long as we are getting into supposition--I had hoped that the near-sight of our people going out on the two walks would induce the inmates to capitulate right then and there.

Q You mentioned that two correction officers were to be used to accompany the rescue force into the yard, major.

A Yes, sir.

Q Were they to be armed, do you know?

A I believe they were. I couldn't tell you.

Q But their function was to be identification?

A Yes, sir.

Q At the time you briefed you men, the hostages had not yet been brought to the catwalk?

A I don't believe so, sir.

Q You don't believe they had been brought to the catwalk?

A No.

Q When did you first learn, sir, that the hostages had been brought to the catwalk?

A When I observed them from the A-block gallery. I believe that's the phrasiology for it.

Q You had gone to the A-block gallery prior to the time set for the drop?
As our--after the briefing, the supervisors or the group supervisors in turn were instructed to brief their groups, details, and then position themselves. I don't know the exact time, but when I felt that they were in position, I then proceeded to the A-gallery and was positioned on the C-block side of the gate going on to the--not over by C. In other words, just--

Q  By--right over there on A-block--
A  Right there.
Q  Right by the catwalk?
A  In other words, there is a gate that comes out over that corridor, over a tunnel roof, and I was in the cell block area just to the left of that, but facing out into the yard. In other words, I would be looking down into this yard--no, this yard over here--here. Right.

Q  And were you on the floor that was at the same level as the catwalk?
A  The tunnel roof, yes, sir.
Q  So that would be the second floor?
A  Second. Yes, sir.
Q  Was it your plan to go out on the catwalk with some of your forces?
A  Yes, sir.
Q Were you equipped with a gas mask?
   A Yes, sir.
Q Was there any concern about the visibility problems that might be created with shotguns and this type of gas for your men?
   A Didn't anticipate it.
Q While you were stationed there, did you see the hostages brought out on the catwalk or were they there when you got there?
   A I truthfully couldn't answer that, Mr. Liman, whether they were being positioned when I got there or whether they were there prior to my arrival in the A-block.
Q Now, major, what did you see?
   A I saw a number of people that I believed to be hostages. They were human beings. A number of them had blindfolds over their face and each one of them either had one or two individuals positioned alongside of him, some of which had a sharp instrument up against the throat area of the people that I believed to be the hostages.
Q Did you have a police radio?
   A Yes, sir.
Q Who was going to give the order for the assault
hostages by utilizing the instruments at their throat, that they were to institute the necessary action in an effort to save the hostage's life.

Q Who gave these instructions, sir?

A I personally issued those instructions back to the base. However, whether it was my instructions or whether it was the instructions from the then Chief Inspector Miller, I don't know, because apparently there was a simultaneous observation or—I believe he was made known of the situation and from information made available to me he feels that he issued this order and I feel that I issued it, but apparently it was a joint—

Q Did you use in this order the term "overt act," that they were not to fire unless there was an "overt act" against the hostages?

A I don't recall the exact phrasiology. Whether I used "overt" or "attempted" or what to take the lives.

Q But the instructions were the men on the roof were not to fire merely because the hostages were being held with knives at their throats?

A Yes, sir. In fact, there was quite a lapse of time between the time of this order and when there was any fire.

Q And they were to wait until something was to
happen to the hostages?

A  Until they observed an act that they thought would be detrimental to the hostage and then an effort would be made to save the hostage.

Q  Was there to be a command by the lieutenant in charge of one of these group details for firing or was that up to each trooper in the detail to make that determination?

A  The lieutenant in charge of each detail with the individual who made the exact determination to fire. I don't know what instructions were relayed to them.

Q  In normal circumstances, would it then be up to each trooper to make that determination?

A  I don't know what instruction they received at that time.

Q  In any event, in your instructions, you did not say that they should hold fire until the lieutenant gives a command?

A  That's my recollection. Not in so many words. I don't know the exact phrasiology. I think the lieutenant was instructed to have his people select a target and keep them under observation and take the necessary action if an act was made.

Now, how this was relayed to the men, I don't know.
Q By target, you would mean the inmate who was holding an instrument against the hostage?

A Who was holding the instrument at the hostage's throat.

Q Did you see the gas drop?

A Yes, sir.

Q Tell me everything that you saw from that moment on.

A I was standing--

Q You can use that.

A I was standing approximately--

Q Can you hear that?

Yes, we can.

A I was standing approximately here looking out in this direction. The bird or the helicopter came in over the administration building, over the A-block, made his pass, dropped very low. In fact, I was concerned that he wasn't going to be able to pull it out. He made his initial pass and dropped the gas. As the gas dropped from behind this barricade, there was a projectile or some type of--whether it was a fire bomb or a gas projectile, I don't know, projected from behind the barricade toward the cell block, where our people were positioned.
A There was firing off to my right, which actually I couldn't account for. I then observed--

Q When you say off to your right, could it have been from the windows of A-block?

A It very well could have been.

As I came out--as I approached the Times Square area, I approached a number of people lying on the catwalk who were obviously injured. I called and asked for immediate medical assistance and then continued around the Times Square area and started across the catwalk going over to D, in that area.

And at this time our helicopter had followed the military bird in after he had made his gas run and utilizing an external speaker we have on them, he was issuing instructions to the inmates as to how to effect a surrender and what to do.

Q This was a taped message?

A No, sir. We had a man in the air.

Q Who was reading the message?

A He kept constantly repeating it. I don't believe it was taped.

Q Now, this message that he was reading had been composed the night before?

A Yes, sir. When we initially made up this message I believe he told them to put their hands on
their heads and I think we told them to proceed toward the tunnel and in discussing this with correction officials they pointed out that we were using the wrong terminology in referring to the tunnel. They said that the inmates didn't call it—if I say tunnel and they said catwalk, or it could have been vice versa, but whatever terminology we applied to that catwalk or tunnel area, they said would not be knowledgeable to the inmates, that this is not a phrase or a term that they used and the message was then changed to tell them to proceed to whatever terminology they used.

Q The message was rewritten, I take it, so that when it was issued it was issued as it had been composed with the Correction Department people?

A Yes, sir.

Q Now, that was issued by a helicopter which came in at some time, some point after the initial helicopter which dropped the gas; am I correct?

A I believe, sir, he was right behind the military bird and then just kept hovering over the yard.

In fact, something is coming back now. In addition to utilizing our bird to deliver this message, it was believed that the downdraft from the rotors would hold the gas down also and possibly make it more effective.
Q Was that helicopter coming over the yard when you reached the Times Square or had it been there before?

A The exact sequence of events I couldn't detail. However, I do recall as I started over to the--on the top of the catwalk going toward the D-block, I do recall hearing the instructions from the bird.

Q Do you know how much firing there was before the instructions were given?

A No, sir.

Q Now, was--when you discussed this with the correctional people, was there any discussion about the possibility of putting the message in Spanish at all?

A I don't believe so, sir.

Q They never raised that as a problem in the institution, that there were people there who did not speak English?

A If they did, it wasn't to my knowledge. and unless it was taped--I know the man that we use is not fluent enough to speak Spanish.

Q But they didn't bring that as a problem to your attention?

A No, sir.

Q What did you do afterward? I interrupted you.
I then observed a concentration of inmates trying to—in compliance with the instructions—effect their exit from the D-yard by going through—there is a door about half-way from Times Square—by going in that door and they would go through the tunnel and come out into the A-yard here.

In looking down into the A-yard side of the catwalk, it became apparent to me that our outer perimeter of the trooper group that we had sent into the A-tunnel and then go out into the yard—they had formed a perimeter by the door and they were too tight, because as the inmates were trying to comply with our instructions and effect their exit from the D-yard into the A-yard, they were—I believe there were a couple of steps there and some of them were falling down and it was becoming quite a jam in the doorway and I was concerned there that we were going to experience some injuries and/or possible deaths with suffocation and trampling.

I tried to attract the attention of the officer in charge in the yard. However, with the gas mask I was unable to do so.

Here again, utilizing the helicopter I had them contact the helicopter and he issued instructions to widen the perimeter which they did and that eliminated the problem.
Q In other words, you could not communicate with the officers because of the gas masks?

A In other words, I could not make myself understood from the top of the tunnel down into the yard.

So, once I saw that this was cleared up, I then exited the area--

Q Before that?

A Right.

Q Did you see any firing from a catwalk, sir?

A No.

Q Did you see any firing in the yard?

A I did not.

Q According--

A I heard firing. I didn't see any.

Q According to the log that was kept by the superintendent of the radio messages, at 9:52 you gave a cease-fire order.

Do you recall giving that?

A I don't recall, but I believe I did, sir.

Q What was the occasion for giving a cease-fire order?

A Because there were shots coming from over on the right-hand side of me that I couldn't account for.

Q When you say you couldn't account for them--
that means the A-block right over here.

When you say you couldn't account for them, do you mean that you couldn't--

A I couldn't attribute them to any detail that we had.

Q Did you see any inmate resistance, other than that projectile coming out from the barricade that you testified to; did you see any affects of inmates assaulting people or resisting surrender?

A No, sir. Because, as I told you, as soon as I told you I left the one area and this necessitates going out through A-cell area--I don't know if the Commission will be able to follow my description.

Q They have been through the prison a number of times.

A When you come out, there is an area where it is wall instead of window area and coming out there were people ahead of me.

Q I understand that during that period that it took for you to get from the window to where you were originally positioned before the drop to the exit onto the catwalk, you did not have visibility, but the firing continued even after you were out on the catwalk and I was asking whether during that period where you did have visibility and you did hear firing you saw any acts
A No, sir. The people who were down on the
tunnel roof were down as I got to them. In other
words, I saw no one crumble or go down.

Q Did you look when you got out in the
hostage area at all; did you try to pick out the hostage
area in the yard?

A Yes, sir.

Q Could you see what was going on there?

A I told you I saw them starting to comply
with our instructions and try to exit the yard and they
were experiencing difficulty.

Q You mean they were experiencing difficulties
going through the door?

A Trying to--

Q What about in the center of the yard where
the hostages were; did your eye catch that area?

A Not specifically. I looked the whole area
over trying to see what we were confronted with.

Q Did you see people getting hit--

A No, sir.

Q By bullets?

A No, sir.

Q And you not only couldn't account for where
the firing was coming from, but I take it you couldn't
account for what people were firing at them? That's true.

How long did the firing last?

I have heard various estimates. I believe—and here again, it's just information that has been provided to me, that the initial firing—when I say the initial firing—ceased inside of four minutes. There was firing afterwards when they took B and Z-block, but I believe that this firing was tear gas.

Major, you now know that correction officers did participate in firing. You have heard that?

I have heard that.

And you have also, I assume, that some of them inflicted lethal injuries by participating in firing from the roofs and where your men were stationed and also from the third floor of A-block. Were you aware that correction officers were going to participate in the .270 team or in the firing from the windows of A-block?

No, sir. My understanding was that the only participation would be the two officers who accompanied our 25-man group into the yard.
Q And you never authorized the correction officers to participate in any of these other details?

A No, sir.

Q Would you have gone out on that catwalk if you thought correction officers were going to be firing?

A I was contemplating retirement. I definitely wouldn't have gone out there.

Q You wouldn't have gone out there?

A No, sir. Not in that particular position.

Q Can you explain how it could have happened with all of these instructions that correction officers could have gotten in on this action?

A No, sir.

Q Who was responsible for making sure that only the people who were supposed to participate in the assault were in a position to do so?

A Well, as I said there were 189 people, I believe, committed to go into the yard. We could not--here again getting back to a division of command or a division of responsibility, we could not exclude correction from their own facility. We had requested that they not be used; that they not accompany us other than two and that once the facility was restored to lawful control, then they were to
provide custodial search and confine-
ments.

Q In fact, on the morning of September 13, 1971 you signed an agreement, did you not, and which I can read--

A Sure.

Q "In order to clarify the orders concerning command, a joint operation is being carried out at the Attica Correctional Facility by the Department of Correctional Services and the state police. In the event of a need for a custodial division, command remains with the correctional employees. Whereas if a need for command of police matters, such as an assault thrust, the command will rest with the state police. Each agency will fully cooperate with each other at all times."

So that you were to be in command of the assault and correction in command of custodial functions?

A Right.

However, the A block area, in my opinion, was not within the perview of this instruction, in that the assault thrust or the action to retake the facility was launched from there and went out into the yard. Anything in these blocks would, of necessity, have to be of a custodial aspect.
Q  But you are not suggesting that that custodial aspect would have included firing guns as part of this assault?

A  No. Maybe I didn't make myself clear.

In fact, I thought it was a complete and separate operation. In fact, as I said before, we had requested and had been assured that the only two participants from correction or had been part of the police action were the two who were assigned to us.

Q  Did you see the lieutenant down in the yard, Lieutenant Christian?

A  No, I didn't.

Q  You didn't?

A  I didn't see him.

Q  Did you see him in the yard?

A  No. In fact, one of the reasons why I left the area and went back to the so-called command post was an attempt to evaluate our position and in keeping with this, I did issue instructions out there that the groups on the two tunnel routes going toward B and D were to refrain from attempting to take B and D until we had completely cleared up this congested area and restored a little more semblance of order.

Q  Did you witness the process of stripping inmates in A yard?
A I saw some inmates being stripped in the yard. I wasn't in the yard.

Q Was that during the early part of the morning before you returned to the command post or did you come out again?

A I came out again afterwards, Mr. Liman. I was in and out on a few occasions, but--

Q Did you see any inmates being mishandled in that yard?

A I did not, sir.

Q Did you see any clubs being used?

A When I say mishandled--I saw inmates spread eagle on the ground, lying down, and then I saw inmates being taken to another area and being stripped, but seeing anyone struck, no.

Q Now, the ones spread eagle, did you see any shotgun shells or footballs on them?

A On the individuals?

Q Yes.

A No, sir.

Q Would it have been a proper method to restrain a man, to put a shotgun shell on him?

A I don't know exactly what you are getting at, sir, but I wouldn't consider it as such.

Q And you did not see that in your--in the time
that you spent out there?

A No, sir.

Q How much time, all told, Major, would you say you spent overlooking A yard that day?

A I don't think that I spent any concentrated time overlooking A yard.

Q In totality, 10, 15 minutes?

A No. I couldn't give you a figure because my purpose in going out--after I had gone back in I came back out and I had to go across that tunnel roofing and because then I wanted to check on the conditions of B and D and the yard area where they were stripping these people and then bringing them in underneath. I didn't pay that much attention to it.

Q Did you actually get inside the tunnel at all that day?

A In the tunnel itself in A yard?

Q Yes.

A No. I utilized the roof to get in and out. There was too much congestion out there.

Q Were you ever in the HBZ area?

A No.

Q The hospital?

A I have never been in the HBZ area.

Q Whose decision was it to use troopers to help
put the inmates back in their cells in A block itself?

A    I have no idea, sir.

Q    Did you know that troopers were being used for that function?

A    No, sir.

Q    Did you know that troopers who had been out in the yard and who had seen the blood and gore were being used for these duties?

A    No, sir.

Q    You mentioned, Major, that it was a consideration on your mind that correction officers had been affected by the death of Quinn or could have been affected by the death of Officer Quinn and, therefore, should not be used for the assault.

When this was discussed, was there any discussion raised by the Correction Department or anybody else there that perhaps the same strains would make them unfit for really returning these inmates to the cell, psychologically unfit?

A    I didn't engage in any such discussion.

Q    Did you hear reports of slashed throats that they; that inmates had slashed the throats and killed the hostages?

A    Yes, sir.
Q Where did those reports originate, sir?

A I have no idea, sir.

Q They were given a good deal of currency that day; am I correct?

A (Witness nodded his head in the affirmative.)

Q Was it your understanding, Major, that that was the cause of death of the hostages that day?

A No, sir, I would not, Mr. Liman. Here again, having spent the number of years in law enforcement that I have, I would not hazard a guess on the cause of death on any of them.

Q And you would not have released--

A No, sir.

Q To the press or to correction officers or any of the others such information also, I take it?

A No, sir.

Q Did you also hear the report of castration?

A Yes, sir.

Q When you returned to the command post was there any discussion that you overheard, Major, that perhaps with all of these stories going out that there has to be some need to take some extra steps to prevent reprisals against some inmates?

A I don't recall, Mr. Liman, exactly what time
I became aware of these stories about the throats or castrations, et cetera, but I know of no--I had no conversations with anyone about it.

Q We now know what the toll was day and I take it from your observations--because of the fact that you had a period of limited visibility, no visibility and then you went out on the catwalk, but whatever your observations were, you cannot account for all of the firing that took place that day?

A No, sir.

Q Now, knowing what the toll was, I ask you to give me a professional opinion as to whether you think it would have been less if the action had been taken the first day.

A All I can say is, based on my personal opinion, that I am confident that we could have regained control of the facility on the first day. Whether doing so would have resulted in the death of all the hostages or the death of no one is something that--it didn't happen, so it's clearly conjecture.

Q Do you think that the toll would have been less if you had taken the chance of going in without guns and engaged in hand to hand combat?

A I personally would not advocate that, sir.

Q And you would not have advocated it for the
reasons that you stated before, which were what, sir? Just to conclude.

A I have a responsibility to my own people. They are issued equipment and I do not think that it is within my jurisdiction to send them into an area that is being illegally held without being properly equipped.

MR. LIMAN: Thank you. I have no further questions.

MR. McKAY: Major Monahan, several members of the Commission will have questions. I would like to start with one on my own part just for clarification.

I'm interested in having it made clear to me, at least, what the armament was that the members of the principal assault teams have who went out from a long A catwalk and C catwalk.

As I understand it, there were about 10 who went in the barricade removal party first and then about 30 who were the major assault team and then a rescue group that followed them, making a total of 50 or 60 men going out each of the catwalks. Do I understand that all of each of these groups had hand guns?

THE WITNESS: Every trooper out there, sir, either did or should have had a hand gun.
MR. McKAY: And that those who were in the barricade removal squad would not have had any other armament except what they needed to cut the wire and to protect—to remove the barricade?

THE WITNESS: Just their hand guns, sir.

MR. McKAY: The major assault force, the 30 or so, then had in addition—all of them had one shotgun?

THE WITNESS: I don't know whether they all were equipped with shotguns or not. I don't know if we had enough.

MR. McKAY: What other alternative was there?

THE WITNESS: I don't follow you, Dean.

MR. McKAY: You mean they would have had the hand gun in any event and then as many shotguns as there were, they would have been issued?

THE WITNESS: Yes, sir.

MR. McKAY: Was there any other choice that any of them could have had?

THE WITNESS: Well, there were, I believe, in each group, and I think someone previously mentioned it, three individuals equipped with gas throwers. I don't know the exact descriptive
They looked like flame throwers, but they do throw out quite a gas dis-
bursal.

MR. McKay: I thought I heard it one time, perhaps in Mr. Little's presentation, that there could have been some choice by the individual members as to what they could have taken, but was that a choice as to which shotgun they could take?

The Witness: Basically, Dean, we only had one type of shotgun. In other words, we don't have multiple types.

MR. McKay: And none of them had rifles?

The Witness: No, sir. Not, at least, to my knowledge. They shouldn't have been equipped with rifles and I don't think anyone of them was.

MR. McKay: Mrs. Wadsworth.

Mrs. Wadsworth: Major Monahan, my question is about the assault plan. You were ready, as I understand it, by Sunday night to go in. You could have gone in. Your plan was together. Then the briefing was at 7:00 a.m. on Monday morn-
ing.

You could not at that time have anti-
cipated the hostages on the catwalk?

The Witness: No m'am.
MRS. WADSWORTH: Therefore, did that mean a major change in plan at the very last minute after you had been ready since Sunday? Did this make for any change in the way you went in?

THE WITNESS: Not for the way we went in. Actually, we had considered and had established the two teams in the event that the 27 people that we put down in the yard were overcome or attacked; that conceiveably we could have had utilized these people in an effort to effect their rescue.

MRS. WADSWORTH: And you didn't need to reach the head of the various teams and get the news out?

THE WITNESS: No, sir. Because the only people that would have been affected would have been--in this particular last minute change would have been the two teams involved.

MRS. WADSWORTH: And my other question is in the area of the use of gas. I think there is a great deal of public interest in this issue and a great deal of speculation about alternatives. I think I understand what gas was available to the troopers and then there was a National Guard and the helicopter. Is there anywhere in the
military, anywhere, any other kind of gas, any other kind of alternative which works more quickly, holds longer, has other properties; is there any other possibility of an alternative of the use of the gas?

THE WITNESS: It's a possibility, but not to my knowledge. I know of none.

MRS. WADSWORTH: I think the public is very interested in this.

THE WITNESS: And I can readily understand their interest in it. I am very interested in it myself, but I personally am not aware of any gas that conceivably would be more effective and this allegedly was to be.

MRS. WADSWORTH: Thank you, Major.

MR. McKAY: Mr. Wilbanks.

MR. WILBANKS: Major Monahan, in response to Mr. Liman, you responded that the controls over the individual police officers control over deadly force was by training. As far as my understanding goes, the New York City Police Department, for example, has a series of filmed incidents depicting a criminal act in which an officer might use his gun and each person in the class is given, for example, a toy gun and as the figure approaches
they are told to fire when they think the law allows them to fire and then as soon as one individual fires they stop the film and the entire class discusses why that officer used force in that particular situation.

They found that there is disparity among men as to when they think it is proper to fire.

My question is really this: is there a way in which in this training of state police officers they can practice the applications of the principals of law to real life situations? Do you see what I'm getting at?

THE WITNESS: Yes, sir. In fact, I have had an opportunity to--I am aware of the film that you are referring to. In addition to this, I am also aware of a training program that the FBI has as Quantico (phonetic), where instead of a film they have people, or silhouettes of people come up and here again you reenact what situations they wish to project.

I am confident in my own mind that our training people are aware of this. Whether we utilize it or we don't, I don't know. I have personally never been assigned to our training unit and this is not something that has been in exist-
ence for years, to my knowledge.

MR. WILBANKS: So you don't know whether the persons on the roof with the .270 and those that went into the yard had actually practiced when to use the weapons—in addition to practicing how to use the weapons?

THE WITNESS: You mean the simulated incidents?

MR. WILBANKS: Yes, sir.

In other words, the application of principals of law; you are not aware that these persons had received that training?

THE WITNESS: I couldn't answer you, sir, one way or the other. To my knowledge, I am not that aware of it.

MR. McKAY: Mrs. Guerrero.

MRS. GUERRERO: Major Monahan, I'm interested in Mrs. Wadsworth's question about gasses used, and you said that you were also interested in having—or rather using gasses that would make the people immobile, as it were, and without so terrible effects after so that they don't have to be killed.

THE WITNESS: Yes, m'am.

MRS. GUERRERO: Aren't you insisting now
that you have that alternative
in any event that might happen, and it could hap-
pen, if you know, any time?

THE WITNESS: I'm sorry. I don't just
understand your question.

MRS. GUERRERO: Aren't you assisting
with the authorities, whoever is the powers that
give you this--that you should have this alter-
native should anything happen tomorrow or within
a week or a month in any prison or a riot or the
streets that you have this alternative so that
neither your men or anybody who is rioting would
be killed?

THE WITNESS: I would hope, m'am, that
if there is such a gas available, and God forbid
again if they have a recurrence of this tragedy,
that this gas would be made available if there
is such a gas in existence.

MRS. GUERRERO: The point is that it
seems to us through listening to an awful lot
of people that the whole thing was very badly
organized, the assault. I mean, the whole thing.
As you yourself said, different people--talking
about with authority, you do this and you said
something and as you said before, you told them
what to do and they you don't know, somebody else claims that they told them what to do, you know, assaulting people and so---something that should be already in your arsenal as it were, in case something happens.

The next question that I have is you said that Mr. Oswald, who is the commissioner, had authority to give this signal to take the prison by force; right?

THE WITNESS: Yes, m'am.

MRS. GUERRERO: But do you think he can do that without higher authority telling him to go ahead?

THE WITNESS: I don't know the limitations on Commissioner Oswald's authority.

MRS. GUERRERO: I see. Thank you.

MR. MCKAY: Mr. Marshall.

MR. MARSHALL: Major, you came out towards Times Square and then turned right and overlooked D yard. And you spoke of seeing the inmates, then, complying with the instructions from the helicopter in trying to come back A yard and a jam-up.

Do I understand, though, that you saw no resistance in D yard at that time?
THE WITNESS: I personally did not observe any activity other than these people trying to comply and come toward the door at this time.

MR. MARSHALL: Thank you. That's all I wanted to ask.

MR. McKay: Bishop Broderick.

BISHOP BRODERICK: Major, do I understand you to say that on the first day at about 5:00 in the afternoon you had what you considered to be a sufficient number of men to go in, about 350 or so?

THE WITNESS: That's correct.

BISHOP BRODERICK: But it wasn't within your confidence to make this decision; was it?

THE WITNESS: No.

MR. McKay: Mr. Carter.

MR. CARTER: I have a few questions I would like clarified.

As I understand, only two correction officers were supposed to go in with the assault team, that is the police taking over. Do you know why this understanding was not enforced?

THE WITNESS: I believe, Mr. Carter, that they are the only two that did go in.
MR. CARTER: They were the only two that did go in?

THE WITNESS: With the initial group, yes, sir.

MR. CARTER: Then let me ask the question another way.

You said that it was contemplated that only the state police would use any fire arms in the assault.

THE WITNESS: Yes, sir.

MR. CARTER: But correctional officers did in fact use fire arms?

THE WITNESS: Yes, sir, but it is my understanding that this use of fire arms originated from the A block cell block area, not as the result of them accompanying our people out into the yard.

MR. CARTER: I don't--it wasn't a technicality, was it?

I mean, the understanding was that the state police were supposed to be the only force that was to use fire arms and to take over the prison without regard to where the fire arm was going to be used? In other words, it wasn't contemplated that the correction officers were to
take part in anything that was necessary?

THE WITNESS: That was my understanding, sir.

MR. CARTER: Now that I asked the question, why was this understanding not enforced?

THE WITNESS: I don't know, sir.

MR. CARTER: Could it have been enforced?

(Continued on page 1681.)
MR. CARTER: Was it in the plan that other than state troopers would participate? I mean, there was the mention of sheriffs. Was it contemplated that they would participate in any shooting that was necessary?

THE WITNESS: No, sir. Maybe I didn't make myself clear, Mr. Carter. The outer perimeter--there were other law enforcement agencies present: correction, sheriff or whatever, but the group that was assigned to go inside the yard areas, to go into D yard was to be exclusively state police, with the exception of the two correction officers. The others were to be out on the outer perimeter and then if the retaking was successful, they were to be utilized for custodial purposes.

MR. CARTER: I am now talking about the sheriffs' people who were in the state police. Was it contemplated that any sheriff, whether out on the perimeter or whatnot, would participate in any shooting that would be necessary?

THE WITNESS: No, sir.

MR. CARTER: Why was this not enforced?
THE WITNESS: I don't know, sir.

MR. CARTER: Did you--did I understand you to say in answer to a question from Mr. Liman that there were rumors of atrocities--

THE WITNESS: Yes, sir.

MR. CARTER: Prior to the assault?

THE WITNESS: I believe the ones that Mr. Liman talked to me about were following the assault--

MR. LIMAN: I asked you also before whether there were rumors going around the institution about acts of violence and atrocities and you said yes.

THE WITNESS: Yes, sir.

MR. CARTER: Were these rumors of atrocities--did they involve rumors of castration?

THE WITNESS: I believe there was one, sir.

MR. CARTER: I understand in answer to a question of Mr. Liman that you did not hear in your mingling with your troops any racial slurs.

THE WITNESS: I personally did not, sir.

MR. CARTER: Did you notice any racial
animosity arising; that is anti-black feeling, anti-Puerto Rican feeling?

THE WITNESS: I don't feel that I would be in a position, Mr. Carter, to give you an answer to that because I left the area up there the 12th of November. I went on terminal leave and retirement. To my knowledge I have had no contact with anyone within the state police that would reflect any racial tensions.

MR. CARTER: I am only talking now about the days before the assault, not afterwards. When you mingled with your men, were these rumors around?

THE WITNESS: No.

MR. CARTER: You heard none?

THE WITNESS: No, sir.

MR. CARTER: Am I also correct that after the assault you saw no reprisals enforced by anyone against any individual?

THE WITNESS: I personally did not, sir.

MR. McKay: Mr. Henix.

MR. HENIX: Major Monahan, isn't it true that in the police manual that individual members alone are responsible for his acts?

THE WITNESS: I didn't hear you, Mr. Henix.
MR. HENIX: In the police manual, does it say that individual members alone are responsible for their acts?

THE WITNESS: It's possible. I don't know just what you are quoting from.

MR. HENIX: Here is a quote from the manual of fire arms use.

"In considering the use of fire arms, members must keep in mind that the individual member alone is responsible for his act and that he may be required to justify them in a Court of law."

THE WITNESS: That is an excerpt from our rules and regulations, I would be in accord with it.

MR. HENIX: In view of this--I guess you could call this part of the manual of what a man has to be aware of in order to be a state trooper. How can this be enforced if shotguns issued without serial numbers aren't kept? Like the--the rifles issued without a count. How would it be possible to enforce this law within your own regiment?

THE WITNESS: I couldn't answer that.

MR. HENIX: The third part of it: if gas masks were not presented for identification,
wouldn't that have also con-
fused the issue in view of these figures 111-57
fire arm use, wouldn't gas masks make it also
that much more difficult to identify who the
person is or the persons are that are using wea-
pons?

THE WITNESS: I don't understand exactly
what you are getting at, sir.

With the exception of hand guns, I
would say no.

MR. HENIX: I think it spells out pretty
positively that any fire arm that is used--and
there were a variety of fire arms used, no con-
sideration was given to this fact?

THE WITNESS: When I say with the excep-
tion of hand guns, I don't know how you would re-
late an individual to a given weapon other than
the issued side arm.

MR. HENIX: But it says fire arms.
Wouldn't you consider a shot gun a fire arm?

THE WITNESS: Mr. Henix, I am not ques-
tioning you, sir.

MR. HENIX: Okay. I will go on from
there.

I would like to know in reference to
this assault if gas was dropped

and the troopers were using gas masks, is there
any particular reason for them using gas masks?

THE WITNESS: Definitely. To assure
that they would be able to function because with-
out the masks they would be vulnerable to the
effects of the gas the same as anyone else.

MR. HENIX: I understand this was a new
gas in a sense, the first time tried.

THE WITNESS: That I couldn't say one
way or the other.

MR. HENIX: In this type of situation,
anyway, used on American citizens. It might have
been used in foreign countries and all of that--

MR. LIMAN: Mr. Henix, I think that gas
has been used. Obviously, I don't think it has
been used in a situation like this, but this is
a regular issue, it is my understanding, of the
National Guard.

MR. HENIX: Okay.

The reason for asking this question is
that if considerations were given to the troopers
as to the effect of the gas, what do you think
the effects of the gas would have been to a per-
son without the gas masks? How do you think they
would have responded to this gas? Had you any idea?

A It was my understanding that it possibly temporarily disabled them and enabled them to capitulate.

MR. HENIX: At this same time the gas was dropped, my understanding is almost simultaneously there was a lot of firing. With this gas, wouldn't that confuse the visibility of those -- the sharpshooters?

THE WITNESS: I could not answer that because I don't know exactly the relationship of the gas cloud as to any given targets or the position from which any shots were directed.

MR. HENIX: I understand the helicopter circled the yard and dropped gas all over the place.

THE WITNESS: The gas, Mr. Henix, was not that instantaneously effective.

MR. HENIX: So you feel that the visibility was good; that in your planning or in the planning of those who were responsible for it, they never took into consideration the fact that the gas would make it more difficult, like you know, if you muddy up the water, you can't see to
the bottom as easily, they didn't take into consideration the possibility that they could create some type of confusion?

THE WITNESS: It wasn't discussed with me, sir.

MR. HENIX: One of the things you did say--you said that had you known that correction officers were going to participate, other than two guys, to direct the state troopers that you would have been more cautious.

THE WITNESS: I don't think I said that, Mr. Henix.

MR. HENIX: That was the implication.

THE WITNESS: I believe what I said or tried to project was that if there was any indiscriminate discharge of fire arms that I would not voluntarily have been in the line of fire knowingly.

MR. HENIX: Which in this particular incident it would have had to come from correctional officers in as much as they weren't supposed to be involved?

THE WITNESS: I couldn't say who did the firing. There were people there other than correctional people, I believe.

MR. HENIX: The reason for asking that
question is I was in reference to one of the questions that was posed, asking you were you aware of the attitude of the state troopers and I would like to ask you were you aware of the attitude of the correctional officers being there for that period of time, the fact that they had loved once?

THE WITNESS: Yes. I believe I answered that, sir. I believe that I stated that I thought that Officer Quinn's death had a very, very adverse effect on them.

MR. HENIX: But it didn't affect your troopers?

THE WITNESS: Not in the same vein, no, sir.

MR. HENIX: But it did affect the correctional officers?

THE WITNESS: You are getting into a little comradeship. They lost one of their own and I think when you lose one of your own, it is a little more meaningful than another agency.

MR. HENIX: That's why I asked the question, because I know if it was me I would have been affected by it and I would expect anyone in charge to take that into consideration
and say, "We really don't want these guys in there period now," just because of the attitude that I would be aware of. This is the reason I asked the question.

THE WITNESS: This is the reason that I took it with exception of two, but I could not exclude them from the facility.

MR. HENIX: I only have one more question to ask you, Major, and that is if you had it to do all over again--now, this is hindsight, of course, but if you had it to do all over again, what corrections would you make, if any, in reference to this assault?

THE WITNESS: I don't think I can answer that, Mr. Henix, because I think you would have to analyze each situation as it arose and make your plans accordingly.

MR. HENIX: But wouldn't that be a responsibility of authority, being a major, that you would have to analyze all situations?

THE WITNESS: I did analyze what I was confronted with.

MR. HENIX: I'm saying in retrospect now. You know, we have films. We have a lot of things that document what actually did happen.
looking back, a lot of discussions have been given to conditions that existed and what the inmates were all about, the rumors, the things that were deceptive, you know, and really wasn't true at all, like castration and things of that type. In retrospect now, would you have assaulted the prisoners the same way or would you have made some adjustments?

THE WITNESS: I don't consider, sir, that I assaulted any prisoners. I said that we launched a police action.

MR. HENIX: I'm saying the prison itself, you know, to retake the prison.

THE WITNESS: Well, if we assaulted the prison, then we would have to assault the inmates and I don't consider that we assaulted them. I think that we were the force or the entity that was used to restore that facility to control.

MR. HENIX: Okay. Thank you.

I think you know our practice, Major, to let each witness make a statement if he wishes.
Let me make a very brief statement before that on the question that might have arisen by a statement of one of the members of the Commission speaking a little earlier.

There might have been an implication that the Commission had made a judgment on one aspect of the whole matter that is before us. I just want to make it clear to you and anyone else that is listening that the Commission has not made judgment on any matter. Our purpose in the public hearing is to get the information available to us to the public and we will at a later time make a determination to the public.

Major, is there a statement you would like to make for us?

THE WITNESS: There are two areas that I would like to touch on.

As I stated before, during the course of my career in law enforcement, I have been exposed to death in many forms. I consider any loss of life, whether it be a single loss or a multiple loss, a tragedy, and I hope that this country never experiences another one.

And then secondly, in fairness to the governor of the State of New York, Nelson Rocke-
feller, I personally feel that he is being--not by the Commission, I personally feel that he is being unjustifiably criticized in that there has been a number of attempts to relate raw way, the Tombs, Riker's Island, et cetera with Attica and you did not have a parallel of the circumstances at all of these facilities. Once the correction officer died, I think the governor of the State of New York was powerless to concede to the one command and his arrival at Attica I personally don't believe would have accomplished anything.

MR. McKay: Thank you, Major Monahan for your statement and being with us.

THE WITNESS: Thank you very much for your consideration.

MR. Liman: We are so pressed for time that I think that perhaps if we could start just with the background questions to Mr. Jamalkowski and continue with him after lunch--every moment in this jam packed day counts.

MR. McKay: Yes.

Carl Jamalkowski, called as a witness after having been sworn by Mr. McKay, testified as follows:
BY MR. ROSSBACHER:

Q Mr. Jamalkowski, will you state your full name, please?
A Carl Chester Jamalkowski.

Q How old are you, please?
A 37.

Q Are you married?
A Yes.

Q Do you have any children?
A Three.

Q Where do you live, sir?
A Batavia, New York.

Q Do you have any relatives that work for the Department of Corrections?
A I have two brothers.

Q Are they stationed at Attica, sir?
A Yes.

Q Did you have military service, Mr. Jamalkowski?
A Three years.

Q When were you appointed a correction officer?
A January 1, 1959.

Q Were you appointed at Attica?
A No. At Sing Sing.

Q How long did you serve there?
A I believe it is about August 13 of '59.
Q Were you then transferred to Attica?
A Yes.
Q Have you been there ever since, sir?
A Yes.
Q During the disturbance at Attica were you on duty during those days?
A I was on vacation and day off at the same time, so I was away from the place.
Q I beg your pardon?
A I was on vacation plus it was my regular day off. I would have been off either way.
Q Were you called back that day?
A No. I found out by the news media.
Q During the day you were on, did you work on 12 hour shifts every day?
A With the exception of the first night when I came in, when I found out, from the next night on I did. That night I was told to go home at 8:00.
Q On the evening, Sunday evening, did you work that evening?
A Yes.
Q How long did you work?
A Sunday evening?
Q Yes, sir.
I came in at 8:00 that night and I was on duty until about possibly 3:00 the next afternoon.

Q Did you do a regular 12 hour shift coming off your shift at 8:00 a.m. that morning?

I'm sorry, regular 12 hour shift working from 8:00 to 8:00 and then coming off duty and then being held over.

A Are you getting to the morning now?

Q Yes, sir.

A Monday morning at about 8:00 or 8:10 we were told to go in the visiting room.

Q Is this the 12 hour shift, the shift coming off, the one that had been there overnight?

A Yes.

Q I take it you were assigned to the visiting room?

What were your instructions?

A Well, we were told--when roll call was called we were told to hang around the floor area. This would be the administration area and then someone said, "Go to the visiting room area." So, we cleared the area.

Q Were you given orders in the visiting room?

A No. There was one point that I remember when once we got in there one lieutenant said if anyone is
squeamish, let them know before things start.

Q Did anyone let the lieutenant know?
A Not to my knowledge.

Q How long were you in the visiting room actually?
A I believe I entered it about 8:10. I believe about quarter to nine I got fidgety. There were too many things going on that affected me and I felt, "Let me see what's happening."

Q What did you do then?
A I walked out of the visiting room. I got a drink of water and I figured, "Let me walk to the A block and see what's happening."

There was a lot of confusion going on at this time. The gate on that particular side of A block was open. I walked in just to say hi, what's going on, something like that and the lieutenant called my name, Lieutenant Brooks, and I said, "Oh, the jig's up. I have to go back to the visiting room," and he said, "Can you fix generators?"

And I said, "No, I can't," but I said, "I will find you someone who can."

I then went back to the visiting room and I announced that we needed a generator man or someone who
knew something about it and I found three officers who were familiar with it and I brought them back into A block.

They went to the left with Lieutenant Brooks. I went to the right and upstairs on the third floor.

Q You went up to the third floor, the top floor on the gallery?

A Yes.

Q Who did you find up there?

A There was possibly two troopers and possibly 10 to 12 officers. I don't think I recognized any of the officers. I think they were brought in from other institutions for this emergency.

Q Was there anyone else on the third floor at that time?

A Yes. General O'Hara.

Q I understand that you had worked on the front gate in the administration building during--

A He was on the rear gate of the administration building.

In other words, to leave the administration floor to go to A block you had to go through me.

Q As part of your duties, did you find during the four days that you had to take phone calls and locate people?
A Yes. There is a lobby phone.

We call it the lobby phone and someone said, "Do you know where General O'Hara is?" And it got to be a common thing and I figured I better start doing something right now, so I made out a piece of paper and people whose names that were thrown to me—or I asked people who was so and so and when they come by me so I knew who they were, part of my job was to recognize people and so on and so forth. And I started making a checklist of various people who I noticed I was getting phone calls for so I would know if they were in A block or upstairs or if they were toward the PKs office or wherever they may be.

Q As a result, I take it, you became personally familiar both by name and face with people like O'Hara and General Baker and Commissioner Oswald?

A Plus the Committee. Kenyat (phonetic), too and Bobby Seale, Kunstler. Just about anybody—anybody who went through there had to come to me.

Q You are certain it was General O'Hara on the third floor?

A General O'Hara has very distinguishing features. You cannot miss this man. He has very bright eyes. They are almost shiny. He is kind of dapper, I would say.
MR. ROSSBACHER: Mr. Chairman, I would say at this time we have no further questions and we will resume after lunch.

MR. CARTER: We are adjourned until 1:00--2:00.

(Luncheon recess taken at 12:43 p.m.)

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