our procedure is that if you at this time wish to make any statement of your own without response to questions, you are welcome to do so.

THE WITNESS: I would rather not.

MR. CARTER: Thank you very much, sir.

(Witness excused.)

MR. LIMAN: Lieutenant Christian.

L T. J O S E P H C H R I S T I A N, called as a witness, having been first duly sworn by Mr. McKay, was examined and testified as follows:

MR. LIMAN: Mr. Munisteri.

EXAMINATION BY MR. MUNISTERI:

Q Will you state your name, please.

A Joseph P. Christian.

Q You are a member of the New York State Police?

A I am.

Q What is your rank?

A Lieutenant.

Q Were you at Attica in that capacity during the disturbance last September?

A I was.

Q You were there for the whole four days, were you?

A Yes, sir.
Q: Were you wounded at Attica?
A: Yes, I was.

Q: On Monday morning, the 13th of September, did you receive a briefing on your assignment?
A: I did.

Q: Is that from the major?
A: Yes, sir.

Q: What detail were you assigned to?
A: I was assigned to the hostage rescue detail.

Q: And had you heard that detail and its mission described earlier today by Mr. Little and by Major Monahan?
A: Yes, sir.

Q: Would you briefly run over what the assignment was as it was given to you?
A: Basically it was for a captain, myself, and 25 troopers, including several sergeants, to proceed into the, what we believed hostage area in the center of D-Yard. To protect the hostages if we could, and to evacuate them.

Q: Would you go into a little more detail as to what route you were to take, what ammunition and weapons your group had?
A: Yes. Most of my men were assigned a shotgun, their personal or division issued firearm which is a
handgun. We had three ladders. And we went into the A Catwalk from A Block. Proceeded down A Catwalk to Times Square, passed Times Square to B Catwalk and we were to drop two or three ladders down in this area and proceed down the ladders into what we believed was the hostage compound in the center of D Yard.

Q: Had you made observations of the area of those yards on the days preceding?

A: Yes, sir, I did.

Q: What were you told about the location of the hostages?

A: Information had been passed to me that the only available knowledge we had was we believed the hostages were in the center of D Yard. They were surrounded by some slight structure. Benches, mattresses and so forth.

Q: What information was given to the men in your detail about ammunition? I take it you repeated substantially what the Major told you and the Captain?

A: I didn't repeat any information myself. The Captain was in charge of the detail and he gave the 25 men that were on our detail instructions of what the Major had relayed to him.

Q: And what was said on the issue of when firearms were to be used, what kind of firearms were to be used?
Well, we were 25 men going into A Yard where there were about 1200 prisoners.

We knew we would be possibly exposed to attack by numerous or large groups of men. This was a possibility. And each man was advised when he entered the yard to make sure that no one or no large group came up and confronted them with weapons and if they did, the men were then to use whatever force necessary to stop them.

Q What kind of ammunition did the men have for the shotguns?

A Most of the men had Double-O-Buck. I believe some of them had 12 gauge rifle slugs.

Q When you began your mission, what were your arms?

A I had a shotgun. I had a division issue .38. I also had a .357 personal weapon, which I am allowed to carry on duty.

Q Do you have any special reason for why you are permitted to carry that?

A Well, originally I was in charge of firearms training for several years and as a firearms instructor, rather than use the division gun, you are allowed to use another weapon.

Q When you began your mission, where were you located, you and your men?
A In A Block on the ground floor at the base of the stairs leading up to the catwalk.

Q Were you there when the gas was dropped?
A Yes, sir, I was.

Q Before the gas was dropped, how long were you in that general area waiting to begin?
A I was in and out of the area several times but the most of the group was there approximately an hour.

Q Were you informed when the hostages were brought out on to the tops of the tunnel roofs?
A I was informed and I also saw from my position I could see C Catwalk from my position at the base of the stairs.

Q So you were looking out on to C Yard at ground level, is that right?
A Yes, sir.

Q And did you observe the gas come down?
A Yes, I did.

Q Did you observe any of the men go out on to the catwalk while you were still on the ground level?
A Yes, I did.

Q When your actual action started, what did you do?
A First of all, as I was still on ground level,
I observed some objects coming over the barricade towards the A Yard gate as the men started out the gate. I could see the men start out the gate and I watched them towards Times Square and the barricade and I could see some objects coming over.

Several of them fell down at the base of A Block.

In other words, ground level of A Block. I noticed in particular several brown bottles which we believed were Molotov Cocktails which we had seen earlier. As the men proceeded out on to the Catwalk, which these were what we call barricade detail men, the next group of men started after them. My particular group was the third group out of the door. We climbed the stairs, the captain and myself lead the way. This is my detail, and then we proceeded out into the catwalk itself.

Q You then--did you proceed down A Catwalk then?
A Yes, sir, I did.
Q Was there any firing by any members of your detail?
A Yes, we were halfway to the barricade on A Catwalk and I noticed to the right side in the yard an individual run from an enclosure, run from enclosure, which was ahead of us.
In other words, there was some sort of a doorway where he came out of a doorway or some partition and he ran and he had a spear, a long handled spear of some sort in his hand.

As he raised it and attempted to throw it, he was shot by someone to my rear.

Q Did you continue along the barricade with your detail?

A Yes, sir. At this time the barricade had been partially cleared and a number of men had gone through, some men were still working on the large picnic tables and other articles which were still on top but our detail passed.

Q Did you proceed down to Times Square and through Times Square?

A I proceeded to Times Square along with the Captain and the men behind me, several of them carrying ladders, I believe. Three ladders were in our force. As I arrived at Times Square I noticed a man stretched out with his feet towards C Block and his head towards the opposite side. And I noticed that he had a large slash on his throat from one side to the other side. Along with my detail were two correction officers who were supervisors in the correction officers department. I believe I requested that they go with me because they
could identify and point out hostages to us.

Q Was this part of the instructions that you had been given by the major, that you would be accompanied by two correction officers?

A Yes, sir.

Q Did you go down the first ladder that was put down?

A Yes, I was approximately ten to 15 feet pass Times Square, in that vicinity, the first ladder dropped. The other men and the Captain continued on pass to drop other ladders and go down there.

Q Were you the first one down the ladder?

A No, sir, I was the second one down. Another trooper went ahead of me. When I was climbing down, I advised the trooper to hold the ladder against the wall and let the other men come down.

Q After you got to the bottom, what did you see?

A I turned towards the area which we believed the hostages were being held. As I turned, I could see a number of men standing up in the center of what we believed was a hostage compound. Most other men were lying down. In fact, I don't recall seeing anyone else standing up in the yard at this particular time. This was within a minute, a minute and a half of the original
gas being dropped.

I noticed these men standing. I noticed also several of them had blindfolds. I then knew this was the hostage compound.

Q  Were you still standing at the base of the ladder?

A  Yes, sir.

I further noticed a man striking the men or a man who had the bandage across his eyes. I noticed someone swing a club at this man. At this particular time I proceeded towards the compound itself.

Q  How were you proceeding?

A  I ran as fast as I possibly could.

Q  Did you encounter any obstacles?

A  I did. There was a large ditch, which was unknown to us because we could not view it from any of the blocks that we were in prior to going over the wall.

Q  Was that roughly where that black line is on the--

A  Yes, that's a ditch. It was a deep ditch that was dug there.

Q  Dug over the ditch?

A  I jumped over the ditch and I was quite surprised at the depth of it. I noticed as I jumped over
it a lot of men were lying down in it. I continued pass and went out towards the compound, the hostage compound. Arriving at the compound. The man who had been swinging the--

Q Can you help Mr. Liman point out the approximate area?

A I believe it was closer towards me. Right in that vicinity. Right about there. As I reached the little enclosure, again, I saw these men standing up with bandages on, some of them on their eyes and I also saw some of them had them down by now.

In other words, the bandage was down by their mouth and they were trying to get them down. One man identified himself as a hostage, crawled out beneath the bench towards me and stated to me, I'm a hostage. Help.

Q How close was he to you at this point?

A Oh, approximately 10 feet. He had his hands tied and he yelled I'm a hostage, help. I yelled to him, lay down. Lay down. I had a gas mask on along with the rest of my men. They had gas masks on also and I believe that he couldn't hear me. So I had my shotgun in both hands. I then took my gas mask partially off and yelled to him, lay down. Which he did.

Q He had been standing before that?
A Half standing. Half standing.

I noticed a man who had been swinging the, what I believed was a club was standing to the left of this compound now. He had on a blue jacket which I identified as having seen in the past a correction officer's jacket or blouse and he was swinging a night stick, a regular type night stick in a manner by the thongs like he was supposed to be there.

Q Had you kept track of this man visually as you proceeded across the--

A No, I did not. No, I did not.

I moved towards the man who had the jacket on. I knew that this man was not a correction officer. We had been advised that there were no black correction officers being held hostage. I motioned to this man with my shotgun, I pointed at him in this manner and went like this, motioning him to my left, his right.

He readily moved and about ten or fifteen foot, I pointed my shotgun down, the man dropped down to the ground, put his arms out and was lying flat on his stomach. As--

Q What did you do then?

A As I was about to turn back to the hostage compound itself, I was suddenly struck from the rear and I was struck over the back of my helmet which I had
on, glancing along to my shoulder and I fell back- wards.

As I fell backwards I looked to my back and I observed a black man standing with what I believe was a pipe of some sort or a bar.

Q To which side was this man?

A This was almost directly in back or slightly to my left now. I noticed at the same time someone was standing next to him, to my right as I am lying on my back yet.

I just fell down. This all took place in a matter of seconds. I fell backwards, noticed the man who had just struck me and I heard either the other man or this man yell, "Get the gun. Get the gun."

With that, I clutched my shotgun tighter and with that I also saw the man who was standing to my right and rear raise what appeared to be an axe. As he raised it, I suddenly felt my leg burn and I knew that I had been hit.

Q What was the position of your leg at this time?

A I was on my back, my leg was pointed up towards the air a little bit. In other words, it was almost in this fashion here. As I got hit in the leg, I started to roll to my right and as I rolled to
my right, I felt something hit my arm, this arm here, the right arm, and I believed that I was hit again.

I felt no pain with this one. As I rolled over, I went unconscious.

Q Where were you, which direction was your head lying? Would you refer to the chart behind you and sort of just indicate which direction your feet were pointing in and which direction your head was as you went down?

A My head was here. My feet were on this side.

Q Where were you when you regained consciousness?

A I regained consciousness right at the same spot. I believe it was only a matter of minutes that I regained consciousness.

Q Was there anybody around you at that time?

A Yes, sir. Now there were four troopers who were standing over me. And they were talking.

Q Just before you lost consciousness, did you see either of those two men who were standing over and behind you, did you see either of them start to drop to the ground?

A Yes, sir. As I felt the burning sensation in my leg and I had looked to my rear, I noticed the man on the right go down.
In other words, he just dropped down to the ground.

Q I take it this was a very fleeting glimpse that you had?

A Yes, sir.

Q When you regained consciousness there were several troopers around you?

A I believe there were four.

Q Did they treat your wound?

A Yes. One of the troopers ripped my pants, pulled up the pants leg and I was bleeding quite profusely at this time.

Q Where were you struck, where was the wound?

A It went in just below the inside of my knee and it came out below my ankle on the left side. In other words, it passed through the entire length of the leg.

Q The calf?

A The calf, yes, sir.

Q Continue with what happened.

A One trooper ran, he said I'm going to get a stretcher and he ran towards the side tunnel entrance-way. And another trooper had some bandages or they had something which they put a tourniquet around my leg, above the knee.
Q    Were you carried out of the yard shortly afterward?
A    Yes, I was carried out of the yard shortly thereafter.

Q    Were you taken to a hospital?
A    Yes, I went to Wyoming County Hospital.

Q    How long did you remain in one hospital or another?
A    A total of eight weeks.

Q    Have you reported for work since the 13th of September?
A    No, I have not. I am still on sickleave yet.

Q    Are you able to walk?
A    I am able to walk, yes, but I am having difficulty with the ankle and other soft tissue damage that was done.

Q    Do you have any other effects of the assault on you that day?
A    Yes, I have one further effect. When I was struck, whether it was from the striking or what, I have very loud ringing in both of my ears yet which started that day and it has never stopped since.

Q    Do you know what kind of a projectile it was that hit your leg?
A    From all indications and from speaking to doctors
who treated me and from my own observation, I believe it was a .12 gauge rifle slug in my leg and it was a Double-O-Buck in my arm.

Q The single pellet from a Double-O-Buckshot?
A Yes, sir. This bullet did not go through my arm. It went through most of my arm and stopped underneath the skin which was later removed by the doctor. The rifle slug went all the way through and continue on out.

Q Were you told anything, going back now to your instructions, were you told anything about your detail was supposed to move across the yard in a line?
A No, sir because of the knowledge that we had that the inmates had gasoline and we had information that when we went in the yard gasoline was to be poured on the wooden article or whichever was holding them and it was going to be set fire. So we knew that speed would be essential and we couldn't go in a line and we couldn't have any particular form.

I might further add that along the railing of both catwalks, which is A Catwalk and C Catwalk--

Q I think it is B--
A A, C and B. All three catwalks. There were large blankets placed across the railing to prevent our viewing what I believe to prevent our viewing of what...
was going on behind the railing. The Times Square 1821 Building enclosure itself had blankets around it and we could not see into that. We also saw them pouring substances on these blankets on a number of occasions. We believed it was inflammable material or substance because we had received information that they were going to set fire to this as we went in.

Of course, the rain the preceding night dampened everything.

Q Sunday night it had been raining?
A Yes, sir, very hard.
Q Did this information about the possible immobilization of the hostages, did that come to you from the Major?
A Yes, it did. And also for the number of days preceding our going in, the correction officers themselves told us different things that were possibilities that they might do.

MR. MUNISTERI: Thank you, Lieutenant,
I have no further questions.

MR. LIMAN: Lieutenant, I have one question. You were hit, you said, with only one of the pellets of the shotgun shell in the arm?

THE WITNESS: Yes, sir.

MR. LIMAN: The other 8, therefore, went
elsewhere?

THE WITNESS: I believe it would be hitting the man who was to my right. I believe I would have caught one to the left of him.

In other words, when the pellets came towards him, one hit me and I believe the rest hit him or in his proximity.

MR. WADSWORTH: I believe the questions from the Commission will be from Mr. Henix.

EXAMINATION BY MR. HENIX:

Q I only have one question to ask. And that's in reference to how were you dressed, like all State Troopers?

A Yes, sir, all troopers who went in the yard to my knowledge, had on a helmet, a tear gas mask, grey uniforms, which we troopers wear. None of them had to my knowledge, rain coats on, orange rain coats.

And it was decided not to wear raincoats because raincoats are cumbersome and a man could probably trip on them. They are rather long so we did not wear raincoats going into the yard.

Q Do you feel from any position within--within the institution on the perimeter of the yard or on the roof tops, you know, that you could have been distinguished as a trooper?
A Oh, no, sir. I don't believe I could.

Not from the roof tops. Possibly from the catwalk into the center, yes, but from the catwalk across 300 feet, no, we would not be distinguished that far.

Q Was fire coming from that direction?
A Sir?
Q Was any gunfire coming from that direction that you know of?
A Only the ones that hit me that I know of.
Q It came from a greater distance, it didn't come--would you know if it came off the catwalk or if it came out of one of the windows?
A I would not know.
Q Were you aware that shooting was taking place from these windows?
A No, I was not.
Q The reason for asking that, because you said that you believed there was a rifle bullet that actually went into your--
A No, it's a rifle slug, sir. It comes out of a shotgun. When the slug comes out of the shotgun it has rifling on it.
Q I am not sure I understand. How many slugs are in there?
A One.

Q Just one?

A One. A shotgun slug has one slug in it and it has rifling on it. The rifling on it is to guide it along.

In other words, make it more accurate rather than not having rifling on it.

MR. LIMAN: That's alternative ammunition for the Double-O-Buck?

THE WITNESS: Yes, sir.

MR. LIMAN: You could either load the shotgun with a rifle slug in which case you would get one piece of metal, or with Double-O-Buck in which case you would get nine pellets?

THE WITNESS: Right.

Q The reason for my question really was, at no time do you know of any case where inmates did, even though they threatened to take his shotgun, but you don't know of any cases where inmates did manage to take a weapon from a State Trooper?

A I was put out of the whole thing very fast. I don't know what happened after the first couple minutes.

Q Did you hear any rumors to that effect?

A I might say from that time I have not been
at any of the barracks. I have been on leave ever since. I have not discussed the matter with anyone.

Q Did you ever think yourself perhaps you were shot by a fellow officer?

A I believed it, in fact, I felt they did shoot me, yes, the fellow officers did, to protect and save my life, which they did.

Q The one that went through your leg, the first one that hit you, you felt was really aimed--

A That was after I was struck, recalling what I had stated earlier. I was struck, knocked down and then the second man raised the axe and then I got shot in the leg and at the same time within a second in the arm.

MR. HENIX: Thank you.

MR. WADSWORTH: Lieutenant Christian, you know the procedure of the Commission is to invite a statement from each witness beyond the questioning. Would you like to make a statement at this time?

THE WITNESS: No, I would not.

MR. WADSWORTH: Thank you very much for your cooperation.

(Witness excused.)
MRS. WADSWORTH: Mr. Liman, is there another witness?

MR. LIMAN: No. We are resumed tomorrow early, 9 a.m.

MRS. WADSWORTH: Then this session of the Commission is recessed until 9 a.m. tomorrow morning.

(Time noted: 4:50 p.m.)
CERTIFICATE

STATE OF NEW YORK )
: ss
COUNTY OF NEW YORK)

I, LEON ZUCK, a Shorthand Reporter and
Notary Public within and for the State of New York,
do hereby certify:

That I reported the continued proceedings
in the within entitled matter (pages 1572 to 1827
and that the within transcript is a true record of
said proceedings.

I further certify that I am not related
to any of the parties to this action by blood or
marriage; and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand this 27\textsuperscript{th} day of April 1972.

[Signature]

LEON ZUCK