

8¹ our procedure is that if you at this time 1805
2 wish to make any statement of your own without
3 response to questions, you are welcome to do so.

4 THE WITNESS: I would rather not.

5 MR. CARTER: Thank you very much, sir.

6 (Witness excused.)

7 MR. LIMAN: Lieutenant Christian.

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

11 MR. LIMAN: Mr. Munisteri.

12 EXAMINATION BY MR. MUNISTERI:

13 Q Will you state your name, please.

14 A Joseph P. Christian.

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

17 A I am.

18 Q What is your rank?

19 A Lieutenant.

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

22 A I was.

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

25 A Yes, sir.

1 Q Were you wounded at Attica?

2 A Yes, I was.

3 Q On Monday morning, the 13th of September,
4 did you receive a briefing on your assignment?

5 A I did.

6 Q Is that from the major?

7 A Yes, sir.

8 Q What detail were you assigned to?

9 A I was assigned to the hostage rescue detail.

10 Q And had you heard that detail and its mission
11 described earlier today by Mr. Little and by Major
12 Monahan?

13 A Yes, sir.

14 Q Would you briefly run over what the assign-
15 ment was as it was given to you?

16 A Basically it was for a captain, myself,
17 and 25 troopers, including several sergeants, to proceed
18 into the, what we believed hostage area in the center
19 of D-Yard. To protect the hostages if we could, and
20 to evacuate them.

21 Q Would you go into a little more detail as to
22 what route you were to take, what ammunition and weapons
23 your group had?

24 A Yes. Most of my men were assigned a shotgun,
25 their personal or division issued firearm which is a

1 handgun. We had three ladders. And we went into 1807
2 the A Catwalk from A Block. Proceeded down A Catwalk
3 to Times Square, passed Times Square to B Catwalk
4 and we were to drop two or three ladders down in this
5 area and proceed down the ladders into what we believed
6 was the hostage compound in the center of D Yard.

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

9 A Yes, sir, I did.

10 Q What were you told about the location of the
11 hostages?

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

17 Q What information was given to the men in your
18 detail about ammunition? I take it you repeated sub-
19 stantially what the Major told you and the Captain?

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

24 Q And what was said on the issue of when firearms
25 were to be used, what kind of firearms were to be used?

11 A Well, we were 25 men going into A Yard where 1808
2 there were about 1200 prisoners.

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

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

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

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

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

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

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

24 Q When you began your mission, where were you
25 located, you and your men?

1 1/2 A In A Block on the ground floor at the base 1809
2 of the stairs leading up to the catwalk.

3 Q Were you there when the gas was dropped?

4 A Yes, sir, I was.

5 Q Before the gas was dropped, how long were
6 you in that general area waiting to begin?

7 A I was in and out of the area several times
8 but the most of the group was there approximately an
9 hour.

10 Q Were you informed when the hostages were
11 brought out on to the tops of the tunnel roofs?

12 A I was informed and I also saw from my po-
13 sitionk I could see C Catwalk from my position at the
14 base of the stairs.

15 Q So you were looking out on to C Yard at
16 ground level, is that right?

17 A Yes, sir.

18 Q And did you observe the gas come down?

19 A Yes, I did.

20 Q Did you observe any of the men go out on to
21 the catwalk while you were still on the ground level?

22 A Yes, I did.

23 Q When your actual action started, what did you
24 do?

25 A First of all, as I was still on ground level,

1
13 I observed some objects coming over the barricade 1810
2 towards the A Yard gate as the men started out the
3 gate. I could see the men start out the gate and
4 I watched them towards Times Square and the barricade
5 and I could see some objects coming over.

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

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

18 Q You then--did you proceed down A Catwalk then?

19 A Yes, sir, I did.

20 Q Was there any firing by any members of your
21 detail?

22 A Yes, we were halfway to the barricade on A
23 Catwalk and I noticed to the right side in the yard an
24 individual run from an enclosure, run from enclosure,
25 which was ahead of us.

14 In other words, there was some sort of 1811

2 a doorway where he came out of a doorway or
3 some partition and he ran and he had a spear, a long
4 handled spear of some sort in his hand.

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

7 Q Did you continue along the barricade with
8 your detail?

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

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

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

1
15 could identify and point out hostages to us.

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2 Q Was this part of the instructions that you
3 had been given by the major, that you would be accom-
4 panied by two correction officers?

5 A Yes, sir.

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

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

12 Q Were you the first one down the ladder?

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

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

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

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gas being dropped.

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

5

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

7

A Yes, sir.

8

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

12

Q How were you proceeding?

13

A I ran as fast as I possibly could.

14

Q Did you encounter any obstacles?

15

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

19

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

21

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

23

Q Dug over the ditch?

24

A I jumped over the ditch and I was quite sur-
25 prised at the depth of it. I noticed as I jumped over

1 it a lot of men were lying down in it. I continued 1814
2 pass and went out towards the compound, the hostage com-
3 pound. Arriving at the compound. The man who had been
4 swinging the--

5 Q Can you help Mr. Liman point out the approxi-
6 mate area?

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

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

17 Q How close was he to you at this point?

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

25 Q He had been standing before that?

18 A Half standing. Half standing. 1815

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

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

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

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

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

22 Q What did you do then?

23 A As I was about to turn back to the hostage
24 compound itself, I was suddenly struck from the rear
25 and I was struck over the back of my helmet which I had

1 on, glancing along to my shoulder and I fell back- 1816
2 wards.

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

6 Q To which side was this man?

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

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

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

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

22 A I was on my back, my leg was pointed up
23 towards the air a little bit. In other words, it was
24 almost in this fashion here. As I got hit in the
25 leg, I started to roll to my right and as I rolled to

1
20 my right, I felt something hit my arm, this arm 1817
2 here, the right arm, and I believed that I was hit
3 again.

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

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

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

12 Q Where were you when you regained consciousness?

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

16 Q Was there anybody around you at that time?

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

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

23 A Yes, sir. As I felt the burning sensation
24 in my leg and I had looked to my rear, I noticed the
25 man on the right go down.

2 the ground.

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

5 A Yes, sir.

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

8 A I believe there were four.

9 Q Did they treat your wound?

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

13 Q Where were you struck, where was the wound?

14 A It went in just below the inside of my
15 knee and it came out below my ankle on the left side.

16 In other words, it passed through the entire
17 length of the leg.

18 Q The calf?

19 A The calf, yes, sir.

20 Q Continue with what happened.

21 A One trooper ran, he said I'm going to get a
22 stretcher and he ran towards the side tunnel entrance-
23 way. And another trooper had some bandages or they
24 had something which they put a tourniquet around my
25 leg, above the knee.

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22 Q Were you carried out of the yard shortly
2 afterward?

3 A Yes, I was carried out of the yard shortly
4 thereafter.

5 Q Were you taken to a hospital?

6 A Yes, I went to Wyoming County Hospital.

7 Q How long did you remain in one hospital or
8 another?

9 A A total of eight weeks.

10 Q Have you reported for work since the 13th of
11 September?

12 A No, I have not. I am still on sickleave yet.

13 Q Are you able to walk?

14 A I am able to walk, yes, but I am having diffi-
15 culty with the ankle and other soft tissue damage that
16 was done.

17 Q Do you have any other effects of the assault
18 on you that day?

19 A Yes, I have one further effect. When I was
20 struck, whether it was from the striking or what, I have
21 very loud ringing in both of my ears yet which started
22 that day and it has never stopped since.

23 Q Do you know what kind of a projectile it was
24 that hit your leg?

25 A From all indications and from speaking to doctors

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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-0-Buck in my arm.

Q The single pellet from a Double-0-Buckshot?

A Yes, sir. This bullet did not go through my
arm. It went through most of my arm and stopped under-
neath 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

1
24 was going on behind the railing. The Times Square 1821
2 Building enclosure itself had blankets around it and
3 we could not see into that. We also saw them pouring
4 substances on these blankets on a number of occasions.
5 We believed it was inflammable material or substance
6 because we had received information that they were
7 going to set fire to this as we went in.

8 Of course, the rain the preceding night
9 dampened everything.

10 Q Sunday night it had been raining?

11 A Yes, sir, very hard.

12 Q Did this information about the possible
13 immobilization of the hostages, did that come to you
14 from the Major?

15 A Yes, it did. And also for the number of days
16 preceding our going in, the correction officers them-
17 selves told us different things that were possibilities
18 that they might do.

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

21 MR. LIMAN: Lieutenant, I have one ques-
22 tion. You were hit, you said, with only one of the
23 pellets of the shotgun shell in the arm?

24 THE WITNESS: Yes, sir.

25 MR. LIMAN: The other 8, therefore, went

1
25 elsewhere?

1822

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

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

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

10 EXAMINATION BY MR. HENIX:

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

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

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

22 Q Do you feel from any position within--within
23 the institution on the perimeter of the yard or on the
24 roof tops, you know, that you could have been distinguished
25 as a trooper?

1 25 A Oh, no, sir. I don't believe I could. 1823

2 Not from the roof tops. Possibly from the catwalk
3 into the center, yes, but from the catwalk across
4 300 feet, no, we would not be distinguished that
5 far.

6 Q Was fire coming from that direction?

7 A Sir?

8 Q Was any gunfire coming from that direction
9 that you know of?

10 A Only the ones that hit me that I know of.

11 Q It came from a greater distance, it didn't
12 come--would you know if it came off the catwalk or if
13 it came out of one of the windows?

14 A I would not know.

15 Q Were you aware that shooting was taking
16 place from these windows?

17 A No, I was not.

18 Q The reason for asking that, because you said
19 that you believed there was a rifle bullet that actually
20 went into your--

21 A No, it's a rifle slug, sir. It comes out of
22 a shotgun. When the slug comes out of the shotgun it
23 has rifling on it.

24 Q I am not sure I understand. How many slugs
25 are in there?

1
27 A One.

2 Q Just one?

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

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

8 MR. LIMAN: That's alternative ammuni-
9 tion for the Double-0-Buck?

10 THE WITNESS: Yes, sir.

11 MR. LIMAN: You could either load the
12 shotgun with a rifle slug in which case you would
13 get one piece of metal, or with Double-0-Buck
14 in which case you would get nine pellets?

15 THE WITNESS: Right.

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

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

24 Q Did you hear any rumors to that effect?

25 A I might say from that time I have not been

1
28 at any of the barracks. I have been on leave 1825
2 ever since. I have not discussed the matter with any-
3 one.

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

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

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

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

16 MR. HENIX: Thank you.

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

22 THE WITNESS: No, I would not.

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

25 (Witness excused.)

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MRS. WADSWORTH: Mr. Liman, is there 1826
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.)
