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NEW YORK STATE SPECIAL COMMISSION ON ATTICA

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In the Matter of the :  
Public Hearings :  
at :  
NEW YORK, NEW YORK :

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Channel 13/WNDT-TV  
433 West 53rd Street  
New York, New York

April 26, 1972  
9:05 a.m.

Before:

- ROBERT B. MCKAY, Chairman,
  - MOST REV. EDWIN BRODERICK,
  - ROBERT L. CARTER,
  - MRS. AMALIA GUERRERO,
  - AMOS HENIX,
  - BURKE MARSHALL,
  - WALTER N. ROTHSCHILD, JR.,
  - MRS. DOROTHY WADSWORTH,
  - WILLIAM WILBANKS,
- Commission Members.



1 tation of various statistics pertaining 1830  
2 to the dead, wounded, the number of shots fired  
3 and other material.

4 This will be followed by a presentation  
5 by Mr. Harrison of our staff of the characteris-  
6 tics of the ammunition that was used, which in  
7 turn will be followed by readings from various  
8 depositions we took, giving the explanations by  
9 the troopers of why they fired when they did.

10 We will hear from Colonel Miller of  
11 the State Police.

12 We will also be hearing -- be seeing,  
13 a State Police assault film and other photogra-  
14 phic material this afternoon.

15 We will be hearing from a citizen of  
16 Attica, as well as from an inmate who was injured  
17 in the assault, and the day will conclude with  
18 testimony and a presentation by the psychiatric  
19 consultant to the Commission, who interviewed the  
20 inmates, including many inmates in HBZ, with  
21 respect to his findings on the tensions, frustra-  
22 tions and problems at Attica.

3 Mr. Sackett.

4 MR. SACKETT: Thank you, Mr. Liman.

5 I would like to begin by saying that I

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1 will be using this chart to portray -- 1831  
2 both the wounded and dead persons that died as a  
3 result of the State Police assault on September  
4 13, 1971. From that moment on.

5 The -- I draw your attention to the dots  
6 with black circles around them, which indicate  
7 inmates wounded by gunshot fire in D-yard on  
8 September 13, 1971.

9 Now, the total number of inmates wounded  
10 by gunshot fire on that day was 85. However,  
11 not all of them are indicated on the map because  
12 there are approximately 51 wounded inmates, that  
13 is wounded by gunshot fire on this map, and the  
14 others that are not shown are -- either have not  
15 been interviewed because they are in segregation  
16 in HBZ at Attica, or because they were relieved  
17 before our being able to interview them, or the  
18 inmate himself, when we spoke to him, was not  
19 certain as to his location.

20 But essentially the locations that we  
21 have there are from what the individual inmate  
22 advised us or informed us during the interview  
23 with him.

24 MR. LIMAN: There was no photographic  
25 record kept of the injured, so that the only way

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2 is from their own statements as to where they  
3 were.

4 MR. SACKETT: I would like to indi-  
5 cate that in the -- with respect to the hostages,  
6 wounded by gunfire, that is wounded that are  
7 surviving, there are three hostages wounded by  
8 gunshot fire in the yard at the time of the assault.

9 Now, turning to those that died of gun-  
10 shot fire as a result of the assault at Attica  
11 Correctional Facility on September 13, 1971.

12 I would like to start by outlining the  
13 general --beginning with the inmates. I would  
14 like to outline the general location of the in-  
15 mate or where he was when he was shot, the general  
16 description of the wounds that he received and  
17 a summary of the ballistics that are available  
18 at this time.

19 I would like to start by indicating  
20 that -- the inmates will remain unnamed at this  
21 time. An inmate received at this location on  
22 A catwalk a gunshot wound to the chest and abdo-  
23 men causing severe internal bleeding. There were  
24 other non-fatal wounds to the chin, ankle and  
25 left hand. The projectile or projectiles were at

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least one .270 rifle bullet and several 1833  
stray double-0 buckshot.

Another inmate, also on A catwalk --

MR. LIMAN: By "stray" it means  
that it was not the full nine double-0 pellets?  
Therefore, they were pellets that had separated  
over the distance from the rest of the pellets  
in the cartridge?

MR. SACKETT: That is correct.

In other words, it was not a compact or  
a full load of a double-0 buck shell.

Another inmate, also on A catwalk at  
this location approximately, received a gunshot  
wound to the chest, causing massive internal  
bleeding, and there were other non-fatal wounds  
of the right ankle and thigh.

The projectile was a rifle bullet and  
other projectiles that hit him were not identi-  
fied.

A third inmate, also on A catwalk at  
this location died of multiple bullet and buckshot  
tracks through the chest causing massive inter-  
nal bleeding. There were also scattered buckshot  
wounds of the buttocks, the back, the left axilla  
and the right thigh. The projectiles were rifle

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2 A fourth inmate, also on A catwalk at  
3 approximately this location --

4 MR. LIMAN: I should interrupt to  
5 say that we will be summarizing when we conclude  
6 the total number of dead and the nature of the  
7 ammunition used.

8 MR. SACKETT: Right.

9 A fourth inmate, also on A catwalk, died  
10 of multiple and widely distributed gunshot wounds.  
11 There were perforations in the right shoulder,  
12 right axilla, the chest, the abdomen, the penis,  
13 the left and right thighs. The ballistics re-  
14 vealed that he had one .270 bullet that was re-  
15 covered and two double-0 pellets that were re-  
16 covered.

17 At this time, I would like to indicate  
18 that even though a particular inmate or hostage  
19 might have had more than one pellet not all of  
20 them were always removed. In other words, some-  
21 times a person, a deceased, might have six, seven  
22 or eight pellets, and they might have removed only  
23 two and submitted them to ballistics, and the  
24 rest remained in the body, and they showed up by  
25 X-ray. So that --

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general, determine from the shotgun pellets which gun they were ejected from; is that correct?

MR. SACKETT: That's correct, but they are always submitted to ballistics in any event.

So, if I mentioned that there were two double-0 recovered, it doesn't mean that there were no more left in the body.

Another inmate on A catwalk at approximately this location received a gunshot wound to the back that went through the lungs, causing immediate suffocation from blood flowing into the air passages.

There was also a large destructive gunshot wound to the right buttock. This inmate was hit by rifle bullets that were not identified.

Now, turning to C catwalk. There was an inmate at this location that died from a gunshot wound to the back, and that came out the chest, causing massive internal bleeding. It was determined by the pathologist that it was a rifle bullet, but it was not recovered.

Another inmate, in close proximity to the one I just mentioned, at that location on C

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1 catwalk, received a gunshot wound to 1836  
2 his head, which caused severe laceration of the  
3 brain tissue. The bullet was not recovered.

4 Now, focusing at the Times Square area  
5 where there were inmates that died from gunshot  
6 fire.

7 At this location there was an inmate  
8 who received gunshot wounds from three or more  
9 loads of shotgun shells. One was fatally injured  
10 in the back by a rifled slug that carried the  
11 wadding into the wounds. The wadding is the  
12 material which is used to pack the rifled slug or  
13 the pellets in double-0 buck, and if it is fired  
14 at close range and it hits the target, occasion-  
15 ally the wadding will go right into the person  
16 also and on occasion it is recovered.

17 MR. LIMAN: That would indicate a  
18 close-range shot?

19 MR. SACKETT: That's correct.

20 This inmate also received, in addition,  
21 one pattern of twelve perforations in the lower  
22 back and a third pattern of at least eight in and  
23 out tracks in the lower right thigh. The only  
24 pellets recovered were six double-0 buck.

25 Another inmate in the Times Square area

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1 at this location received a gunshot 1837

2 wound to the back, causing massive internal  
3 bleeding. The projectile was a .270 rifle bullet.

4 Another inmate at Times Square area at  
5 this location received thirteen entrance wounds,  
6 five bullets into the face, head, neck and chest,  
7 and six bullets entered the back and two bullets  
8 entered the thigh. Many of these bullets came  
9 from a personal side arm and the bullets entering  
10 the back were the last to strike the deceased.

11 Another inmate, also in the Times Square  
12 area, died at this location, or was shot at that  
13 location by three compact loads of Double-0 buck-  
14 shot in the left chest and the left neck, one in  
15 the left wrist, and also the shot wadding was  
16 recovered from the neck.

17 MR. LIMAN: By compact, again, you  
18 mean it was the full load?

19 MR. SACKETT: That's correct. And  
20 many double-0 buckshot pellets were recovered.

21 Another inmate at the Times Square area  
22 received two single bullet wounds, one in the back  
23 and one in the right axilla. The bullets were  
24 not recovered.

25 Now, in this location at Times Square,

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1 but underneath, that is, inside Times 1838  
2 Square, there is another inmate who received a  
3 gunshot wound to the back, causing injuries of  
4 the abdominal organ. It was at close range and  
5 seven double-0 pellets were recovered.

6 MR. CARTER: Would that be in the tun-  
7 nel?

8 MR. SACKETT: This would be inside  
9 the tunnel, the Times Square area, instead of up  
10 on top. Actually, this particular inmate was found  
11 in the staircase leading from the top of Times  
12 Square down inside Times Square.

13 Now, turning to A yard.

14 An inmate received three loads of shot-  
15 gun shells, one rifled slug in the back destroy-  
16 ing the spinal cord and then non-fatal wounds  
17 of the elbow, forearm and other parts of the body.

18 The projectiles were double-0 pellets  
19 and rifled slug.

20 Now, turning to D-yard, in this loca-  
21 tion.

22 An inmate received, at this location  
23 here, a gunshot wound to the back, causing exten-  
24 sive laceration of the right lung. This was from  
25 a .270 rifle bullet. Another inmate at this

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1 location -- these dots here indicate the 1839  
2 sidewalk inside the yard -- received two fatal  
3 gunshot wounds, one in the back, causing massive  
4 internal bleeding, and another gunshot wound to  
5 the groin. These wounds were caused by a .38  
6 caliber revolver and many other double-0 buckshot  
7 pellets.

8 Another inmate received a gunshot wound  
9 to the back, passing through the heart and lungs,  
10 and this was a stray double-0 pellet. Just one  
11 pellet caused the death.

12 MR. LIMAN: That was all that was  
13 found, one entrance wound of one out of nine pel-  
14 lets in the cartridge?

15 MR. SACKETT: That's correct, Mr. Liman.

16 Still another inmate was shot in this  
17 location in D-yard. He received two shot wounds  
18 to the back of the head and there were five or  
19 six double-0 pellets recovered.

20 MR. LIMAN: Again, this was not a  
21 full load?

22 MR. SACKETT: Yes -- well, not a  
23 full load. In other words, there were only five  
24 or six. It is thought that they came from the  
25 same weapon.

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1 MR. LIMAN: Right. 1840

2 MR. SACKETT: Another inmate at this  
3 location received a gunshot wound to the back,  
4 causing fatal hemorrhage of the heart and lungs.  
5 There were five double-0 pellets recovered, and  
6 they were scattered about the body.

7 Another inmate received a gunshot wound  
8 to the right shoulder that went through the chest  
9 and perforated the heart, and it was at this  
10 location, and the projectile was from a .270  
11 caliber rifle bullet.

12 Another inmate, at the following loca-  
13 tion, died from gunshot wounds to the abdomen,  
14 perforating the stomach and the intestine. There  
15 was one projectile removed, the nature of which  
16 was undetermined.

17 MR. LIMAN: For the record, because  
18 I would like the stenographic record to show  
19 where you are putting this now, the last person  
20 you described was wounded in the area near B  
21 tunnel, and the one before that was also shot in  
22 the area near B tunnel; am I correct?

23 MR. SACKETT: Yes.

24 MR. LIMAN: Both of those?

25 MR. SACKETT: Another inmate, which

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1 was found at -- in D-yard, approximately -- 1841  
2 well, he was alongside D tunnel at the corner of  
3 Times Square. He received a gunshot wound to the  
4 front of the left shoulder, which went through  
5 the left lung, resulting in massive internal  
6 bleeding. The projectile that was removed was a  
7 rifled slug.

8 Another inmate received a gunshot --  
9 two gunshot wounds at this location -- I might  
10 indicate that this particular inmate was under-  
11 neath the sidewalk, so that he was not on the level  
12 with the ground, but that he had secreted him-  
13 self underneath the sidewalk in one of the many  
14 tunnels that had been dug by the inmates during  
15 the four days.

16 MR. LIMAN: This was the inmate who,  
17 when he was found, had advanced rigor mortis,  
18 and we have had testimony before about rumors  
19 that a hostage was found buried in the ground, and  
20 I mentioned at the time that there was no hos-  
21 tage found buried in the ground; that there was  
22 the inmate who had been shot and whose body was  
23 removed later in the morning of that day?

24 MR. SACKETT: Yes. And there is an  
25 indication that -- by the pathologist, that the

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1 cause of death was due to exsanguina- 1842  
2 tion, that is, he bled to death, and there was a  
3 possibility that with quick medical attention the  
4 exsanguination might have been averted.

5 Still another inmate in D-yard, along-  
6 side the tunnel -- the D tunnel in this location,  
7 that is, between the D tunnel door and D-block,  
8 an inmate that received a gunshot wound to the  
9 right chest passing through the heart. It was  
10 a single double-0 pellet and there was another  
11 pellet that was not identified which hit the in-  
12 mate in the right knee.

13 Another inmate was found at the location  
14 approximately near the B-block tunnel in the  
15 northeastern quadrant of D-yard, who received a  
16 gunshot wound to the chest that passed through  
17 the heart.

18 This was caused by a .270 rifle bullet.

19 Now, there are two inmates that died  
20 that day for whom we have no reports. There our  
21 investigation uncovered no witness who could  
22 tell us where these two particular inmates were  
23 when they were shot. The indications are that  
24 they were somewhere in D-yard and one of them  
25 received a gunshot wound to the right buttock,

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cava. He died of a .270 rifle bullet.

Now, the inmate I just described had at least been seen after he was shot in A-yard. There was no indication that he was shot in A-yard, but that he was seen there. Apparently he had been transported from the yard into A-yard and was there for a period of time before he was taken to the hospital.

MR. LIMAN: He was transported after he was wounded and then later taken to the hospital?

MR. SACKETT: Correct.

So, then, I will indicate at this location where this last inmate was seen, but that was not -- or by all accounts -- was not the place where he actually received the gunshot wounds.

Another inmate was in a similar situation. We have no reports at this time of where he was in the yard, if in the yard, when he was shot.

MR. LIMAN: Why don't we put those, really, just instead of in the place we know they weren't shot, just so that we can keep track of them.

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1  
2 them outside.

3 And this last inmate received a gunshot  
4 wound to the chest by one stray double-0 pellet.

5 Now, turning to the hostage, I would  
6 like to indicate, starting now on B catwalk.  
7 There was a hostage that died of gunshot wounds  
8 to the abdomen that severed the spinal cord and  
9 another gunshot wound that entered the back.

10 Two independent, two separate bullets.  
11 One was a .270 rifle bullet and the other one was  
12 unidentified, and he was at approximately this  
13 location when he was shot.

14 Oh, excuse me. I think I will use a  
15 different color to indicate the hostages.

16 MR. HENIX: Very good. Very good.

17 MR. SACKETT: He was on B catwalk,  
18 very close to the Times Square.

19 Another hostage that was found on A  
20 catwalk at this location indicated died of a gun-  
21 shot wound to the chest which passed through the  
22 heart. He died of a rifle bullet.

23 MR. LIMAN: We have based our locations  
24 of the deceased on photographic evidence we have  
25 examined, on various reports of the inmates, State

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1  
2 available to us.

3 MR. SACKETT: Now, these were the  
4 only two hostages that died from gunshot wounds  
5 on the catwalks.

6 I direct your attention to the area of  
7 the hostage circle and there a hostage, one of  
8 the hostages, received a gunshot wound to the head  
9 and another to the right elbow. There were two  
10 separate double-0 pellets.

11 MR. LIMAN: You mean double single  
12 double-0 pellets, or was it a cluster?

13 MR. SACKETT: No, no. Not a cluster.  
14 There were two pellets, one in the head and one  
15 in the right elbow.

16 MR. LIMAN: I think -- are those  
17 yellow thumbtacks showing up; otherwise, you are  
18 better off just using red.

19 MR. SACKETT: I don't know. Can I  
20 have an answer on that? I can't see the moni-  
21 tor.

22 MR. LIMAN: I am looking at the  
23 monitor. They don't seem to show up. That's  
24 what I seem to be basing it on.

25 MR. CARTER: They show up.

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2 Another hostage died from a gunshot  
3 wound to the left shoulder that passed through  
4 the heart. It was an undetermined projectile.

5 Another hostage died from a gunshot  
6 wound to the back -- or rather, I'm sorry. There  
7 were two gunshot wounds to this hostage, both  
8 fatal. One to the head, and the other to the  
9 chest. There was one identified bullet and one  
10 double-0 pellet, each causing the two injuries.

11 MR. LIMAN: When you are saying  
12 pellet, we are talking about one pellet out of the  
13 nine that are ejected from a shotgun?

14 MR. SACKETT: From a shotgun shell,  
15 right.

16 Still another hostage died from a gun-  
17 shot wound to the head from a .270 rifle bullet.

18 Another received three gunshot wounds,  
19 one to the head, one to the chest -- these last  
20 two being fatal wounds -- and one to the back,  
21 lodging in the spine. There were three separate  
22 double-0 buck pellets which were distributed,  
23 one in the head, one in the chest, and one in the  
24 back, so that it is very possible they were from  
25 at least two different guns.

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1 At this location, another hos-  
2 tage dying in the area or in the circle of hos-  
3 tagers, died of -- again, from three gunshot  
4 wounds. One in the head, one to the right arm,  
5 and one to the right hip. Three double-0  
6 pellets were recovered, one in each area of the  
7 wounds.

8 Another hostage died from three gun-  
9 shot wounds, one to the right flank, one to the  
10 back of the neck and one to the right buttock.  
11 Again, three double-0 pellets caused the injuries.

12 MR. LIMAN: So, again, in the case  
13 of the last two, each was hit with three double-  
14 0 pellets out of the shotgun shell?

15 MR. SACKETT: Actually, the last  
16 three hostages that I have described, died from  
17 three pellets distributed about the body.

18 MR. LIMAN: I have been really asking  
19 questions about double-0, but according to the  
20 list I am keeping, there were at least six per-  
21 sons, inmates and hostages, who died in the yard  
22 as a result of the .270 fire.

23 MR. SACKETT: That's correct.

24 Now, to give you some gross statistics  
25 of persons receiving gunshot wounds in the inmate

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1 category. There were 29 inmates killed 1848  
2 from gunshot wounds and 85 were wounded.

3 Of the hostages, ten were killed from  
4 gunshot fire and three were wounded from gunshot  
5 fire.

6 There was one State Policeman who was  
7 wounded by gunshot fire.

8 Now, there were also injuries sustained  
9 by persons on September 13 that were other than  
10 gunshot wound.

11 MR. LIMAN: Before you get to that, am  
12 I correct that there were 115 inmates who were  
13 either killed or wounded by gun fire on September  
14 13, which means approximately ten percent of the --  
15 a little less than ten percent of the inmates in  
16 the yard, and that were 13 hostages who were  
17 killed or wounded by gun fire on September 13,  
18 which would amount to approximately 34 percent of  
19 all of the hostages?

20 MR. SACKETT: That's right. There  
21 was a grand total of 128 persons receiving gun-  
22 shot wounds on September 13, which is -- if you  
23 include hostages and inmates in a total figure  
24 in the yard or on the catwalks, it is about one  
25 out of every eleven persons that were in the D-yard

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or catwalk area.

1  
2 MR. LIMAN: I want to say something  
3 about what we base the wounded figure on. We  
4 base it in part on reported wounds, in part on  
5 wounds that were reported to us, and we could  
6 verify by looking at it in person. There were,  
7 in some cases I believe, wounds which were not  
8 reported either to us or to the doctors, because  
9 of the fear which one witness testified to, that  
10 if you identified yourself as having a wound, it  
11 might be said that you were near the hostage  
12 circle.

13 At least, that was the state of mind of  
14 many inmates, and so if an inmate was simply  
15 grazed, there was a possibility of his not report-  
16 ing that wound and not being picked up. But we  
17 are satisfied, both from the medical reports and  
18 from our investigation, that the figures which  
19 Mr. Sackett read which mean a total of 128, were  
20 either wounded or killed from gun fire on Septem-  
21 ber 13, included hostages and inmates --

22 MR. SACKETT: And a State trooper.

23 MR. LIMAN: And one State trooper, is  
24 an accurate figure.

25 MR. CARTER: The figure that Mr.

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1 Sackett had of 29 inmates killed and 85 1850  
2 wounded comes to 114 and you gave a figure of 115.

3 MR. LIMAN: The discrepancy was that  
4 we, in making my notes, I simply deducted from  
5 the total the number of hostages, and I omitted  
6 Lieutenant Christian and so it really was 117 --  
7 I mean 114 inmates, one State trooper, and the  
8 rest were hostages.

9 MR. SACKETT: Correct.

10 Now, one of the difficulties also of  
11 determining the kind of projectile that inflicted  
12 the wound -- and I am talking now only about the  
13 inmates, -- was that when they went to the hospi-  
14 tal on many occasions, the projectiles were re-  
15 moved and given out to either correctional ser-  
16 vice personnel or inmate nurses as souvenirs, so  
17 that the projectiles were never recovered, and  
18 no ballistics was ever able to be made with res-  
19 pect to the -- to a lot of the injured inmates.

20 MR. LIMAN: Before you get to the  
21 total number of shots fired, I want to read the  
22 other statistics on neck lacerations also, so you  
23 tell me when you are ready and we can go into  
24 that.

25 MR. SACKETT: You can proceed on that,

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1  
2 MR. LIMAN: Mr. Sackett mentioned  
3 that there were other injuries inflicted on Sep-  
4 tember 13, and we are going to, tomorrow, in some  
5 detail, describe injuries that were inflicted to  
6 inmates in the aftermath of the police action  
7 on September 13. We also are going to be des-  
8 cribing other injuries, but in the light of the  
9 fact that we had one hostage testify yesterday  
10 with respect to this neck laceration, we think it  
11 pertinent to report that five hostages received  
12 throat lacerations inflicted by inmates on Septem-  
13 ber 13.

14 Out of this total of five, two died of  
15 gunshot wounds inflicted in the assault on Septem-  
16 ber 13th. One of these had -- one of the deceased  
17 had a shallow incise wound, the second had a  
18 wound on the back of his neck -- I'm talking about  
19 lacerations, not gunshot wounds.

20 The second had a laceration on the back  
21 of his neck two and a half inches long and a half  
22 inch deep. These wounds were not fatal and, as  
23 I said before, these two hostages died -- they  
24 died on the catwalk of gunshot wounds inflicted  
25 upon them.

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1  
2 hostages who had neck lacerations, I have the  
3 following to report:

4           Mr. Kozlowski, who testified yesterday,  
5 about his neck wound, had a slash that required  
6 thirty stitches to close and had it been a little  
7 deeper could have been fatal and, of course, it  
8 wasn't a fatal wound.

9           Another hostage had two slashes on the  
10 side of his throat which required fifty-two stitches  
11 to close and a third had a -- I said this was a  
12 neck wound, but I don't believe I am correct.  
13 A third had a stab wound on his side which was  
14 inflicted moments before the gas drop, but his  
15 attacker was subdued by other inmates who were  
16 providing protection in the hostages' circle,  
17 and that wound was inflicted, as I said before,  
18 before the gas drop and his attacker was chased  
19 away by the inmates.

20           There was finally -- in addition to  
21 the five I have mentioned, there was a hostage  
22 who had a cut in his back, not his neck, and that  
23 was the total of what we have been able to  
24 determine of inmate-inflicted knife wounds or  
25 wounds with sharp instruments on hostages on the

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1  
2 MR. SACKETT: Now, there have been --  
3 the deaths of three inmates on September 13 --  
4 three of the inmates were the subject of particu-  
5 lar controversy in the days following September  
6 13, in that there had been reports that these  
7 three inmates, by the names of Elliott Barkley,  
8 known better as L.D. Barkley, and Thomas Hicks,  
9 or Tommy Hicks, and Samuel Melville had been  
10 seen alive by inmates in A or C-yards.

11 In the case of Tommy Hicks and L.D.  
12 Barkley, there were some reports that came out  
13 that he had been seen alive in A-yard following --  
14 immediately following the State Police assault,  
15 when they were assembling the inmates into A-yard  
16 and Sam Melville reportedly was seen alive in  
17 C-yard following -- immediately following the  
18 State Police assault with the speculation that  
19 they had died, post -- in the post assault phase  
20 of the assault, which would indicate that it was  
21 not proper action taken by whoever, you know,  
22 might have shot them.

23 However, during the course of intensive  
24 extensive investigation into these and, of course,  
25 other inmates we have spoken to -- we have spoken

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1 to numerous inmates with respect to the 1854  
2 case of L.D. Barkley and one of the -- I think  
3 what sparked off the controversy surrounding L.D.  
4 Barkley's death was the statement by Assemblyman  
5 Eve that he had seen L.D. Barkley alive in A-yard.  
6 He reported that he saw an inmate who he believed  
7 to be L.D. on -- he saw his back, that his back  
8 was turned to him and he thought that was L.D.,  
9 and he reported that and we -- during the course  
10 of our interviews with inmates, some of whom were  
11 very closely friends of L.D.'s from Rochester and  
12 others who even grew up with L.D. in Rochester,  
13 have told us that of those that actually saw him  
14 get shot, have told us that he was in D-yard and  
15 was shot in the initial barrage while running in  
16 this location.

17 I have indicated this red thumbtack  
18 here as being the approximate location from all  
19 reports that we have had of L.D. Barkley. He  
20 was running and then he was hit and then he fell,  
21 and that's where he was shot.

22 As to Tommy Hicks --

23 MR. LIMAN: Wait a minute. His wound  
24 was a mortal wound and we are satisfied, as a  
25 result of that, both as a result of our patholo-

---

1                   gist's examination of the records and                   1855  
2                   as a result of the interviews with inmates which  
3                   Mr. Sackett has described -- we are satisfied  
4                   that the person whose back Assemblyman Eve saw  
5                   could not have been L.D. Barkley, and we have men-  
6                   tioned that when Assemblyman Eve testified.

7                   MR. SACKETT:       Right. And the projec-  
8                   tile was a .270 rifle bullet.

9                   With respect to Tommy Hicks. Again,  
10                  inmates that knew Tommy Hicks, that were friends,  
11                  that lived in the same block and others who were  
12                  acquaintances or had seen him during the four  
13                  days, report to us that, again, he was in the  
14                  area of D-yard at approximately this location that  
15                  I indicated here, when he was shot, and he re-  
16                  ceived five pellets from a double-0 shell.

17                 MR. LIMAN:       And the nature of the  
18                  wounds, including wounds that caused a hemorrhage  
19                  of the heart and lungs, was such that he could  
20                  not have been seen walking in A-yard?

21                 MR. SACKETT:     That's right.

22                 Now, with respect to Samuel Melville.  
23                  We have interviewed, although in this occasion the  
24                  witnesses are not exactly friends of Sam Melville,  
25                  we did interview and it was reported to us by

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1 witnesses, inmate witnesses, that L.D. -- 1856  
2 that, rather, Samuel Melville was not in C-yard,  
3 as was -- had been reported, but he was in D-yard  
4 in this location here when he was shot, and the  
5 projectile being a rifled slug from a shotgun,  
6 and again, the nature of the wound that he re-  
7 ceived was such that it would have been impossible  
8 for him to have survived.

9 He died almost immediately, and he could  
10 not have been other than in D-yard at this loca-  
11 tion here by Times Square.

12 MR. LIMAN: We will be showing a  
13 rifled slug and, as Mr. Sackett said, it would  
14 have been impossible for him to have moved with  
15 the wound that was inflicted on him in that loca-  
16 tion.

17 We have also seen photographic evidence  
18 of where he died, and we are satisfied that these  
19 rumors which circulated in the days after the  
20 police action that Melville was alive and was shot  
21 afterward in C-yard, or A-yard, are unfounded;  
22 that he died in D-yard at the location that Mr.  
23 Sackett has pointed to.

24 MR. SACKETT: I would like to give  
25 special thanks to a volunteer student that has

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1 helped us in gathering and pulling 1857

2 together the facts on the wounded, Mr. John  
3 Bayers (phonetic). That's my presentation.

4 MR. LIMAN: We are now going to  
5 turn to a description of the type of ammunition  
6 that was used and something about the characteris-  
7 tics of the rifles.

8 David Harrison, who is a permanent  
9 member of our staff, who was a student at the  
10 Albany School for Criminal Justice, which is a  
11 part of the State University at Albany, will make  
12 this presentation.

13 David left school to continue his work  
14 with the Commission. He started on a part-time  
15 basis and was recruited for us by Commissicner  
16 Wilbanks, and Mr. Harrison has seen combat in  
17 Viet-Nam and worked with a ballistics expert whom  
18 we engaged and is particularly well qualified to  
19 talk about the subject he is going to be descri-  
20 bing, weapons and ammunition.

21 MR. HARRISON: Thank you, Mr. Liman.

22 I would like to start this with a few  
23 words on the chemical agent, riot control agent,  
24 that was used to initiate this assault. There  
25 has been a great deal of talk about the pepper gas

---

1  
2           There are two very common chemical  
3 riot control agents in use now. One of them is  
4 called CN and it can be dispensed either in a  
5 solution or as an aerosol.

6           CN has a pleasant, sweet odor and it  
7 is immediately effective, affecting the upper  
8 respiratory passages and the eyes. It causes  
9 intense flow of tears and it is especially irri-  
10 tating to the skin.

11           Some individuals experience nausea fol-  
12 lowing exposure. High concentrations of CN can  
13 also cause blisters much as those caused by sun-  
14 burn, and CN is also hydrolyzed. In other words,  
15 when it is used in conjunction with water, a  
16 chemical reaction occurs giving off as one of the  
17 by-products, hydrogen chloride, which in water is  
18 hydrochloric acid.

19           I think you have heard testimony al-  
20 ready from one of the hostages that following his  
21 being subjected to gas by the inmates, his skin  
22 peeled and blistered for the days that he was in  
23 the yard. That is because the correctional de-  
24 partment, the Department of Correction in New  
25 York still uses CN, at least at Attica.

---

7

1  
2 CN anymore and, in fact, the State's militia  
3 explicitly prohibits the use of CN, except for  
4 stricly controlled training exercises, and then  
5 only when CS is not available.

6 CS is the other common riot control  
7 agent and it also is immediately effective, even  
8 in very low concentrations. It also is highly  
9 irritating to the skin and the eyes, but it is  
10 not toxic. The immediate physiological effects  
11 of exposure to CS include an extreme burning of  
12 the eyes, accompanied by a copious flow of tears,  
13 coughing, difficulty in breathing, chest tight-  
14 ness, involuntary closing of the eyes and a  
15 runny nose and a stinging sensation of the skin.  
16 Also, heavy concentration can cause nausea in  
17 some persons.

18 CS gives off a peculiarly pepper-like  
19 odor and is therefore often referred to as pepper  
20 gas.

21 So, the pepper gas spoken of is in fact  
22 a very common chemical agent.

23 Now, I would like to turn to a brief  
24 description of the variety and numbers of the  
25 weapons that were introduced into Attica on Septem-

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1  
2 In addition to the individual side  
3 arm that every member of the State Police car-  
4 ries with him, the New York State Police deployed  
5 to Attica thirty high-powered rifles, a Win-  
6 chester model .70, .270 caliber, mounted with a  
7 scope, and two three two riot guns, and the  
8 State Police model gun is a model .37, Ithaca  
9 model .37, twelve-gauge shotgun with a twenty  
10 inch barrel, and a full choke.

11 Now, in addition to the State Police's  
12 weapons present, there were also weapons from the  
13 arsenals of the Attica prison itself, and weapons  
14 brought from Auburn by correction officers who  
15 came from Auburn. These weapons included twenty-  
16 two high-powered Winchester rifles of .351 cali-  
17 ber; at least a dozen .32 caliber pistols, and  
18 two weapons that are capable of automatic fire.  
19 One is the Colt model AR-15, which is the commer-  
20 cial version of the military M-16, and the Thompson  
21 submachine gun. We know that at least two of  
22 the Thompsons were fired in the assault.

23 In addition to these weapons, there  
24 were also members of the State Park Police pre-  
25 sent, as well as members from eleven sheriff's

---

1 departments. The weapons introduced 1861  
2 by these men counted to at least fifty additional  
3 .30 caliber pistols, eight .45 caliber pistols  
4 and fourteen additional .12-gauge shotguns.

5 Now, I have mentioned so far 400 fire-  
6 arms that were introduced by the peace officers  
7 of the State, and in addition to these weapons,  
8 many of the men brought their personal weapons  
9 into the prison and the personal weapons, privately  
10 owned weapons that were brought into the prison  
11 included two .16 gauge shotguns, three .12-  
12 gauge shotguns, two .357 caliber pistols, three  
13 .22 caliber pistols, one .45 caliber pistol, one  
14 .9 millimeter pistol, three .22 caliber rifles,  
15 one .22/.250 caliber rifle, one .222 caliber  
16 rifle, one .2506 caliber rifle, another privately  
17 owned .270 rifle, at least three .30/30 rifles,  
18 one .44 caliber magnum rifle and this list also  
19 includes one 1934 model Russian made military  
20 weapon, a 7.62 millimeter.

21 Now, this list of private weapons, as  
22 I say, is only a partial list. Each one of these  
23 weapons we have identified by serial number and  
24 can locate. We cannot so locate at least one addi-  
25 tional small caliber pistol that we have been told

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1 in private interview was fired during 1862

2 the assault at moving inmates 200 yards away.

3 In addition, we have information that  
4 there were rounds fired from a .3006 caliber rifle,  
5 but we have not identified or located that rifle.

6 The primary weapons used in the assault  
7 however -- excuse me -- were a Winchester model  
8 70 .270 caliber rifle, a bolt-action rifle mounted  
9 with a Weaver 4 X scope, and when you hear of  
10 the sniper details, this is the weapon that had  
11 been talked about.

12 MR. LIMAN: When you talk about the  
13 .270 details, that's what we are talking about  
14 being used?

15 MR. HARRISON: This weapon is made  
16 in several models by Winchester. This is the one  
17 that the New York State Police uses.

18 Ballistically and technically it is  
19 highly suitable for a sniper rifle. It is charac-  
20 terized by a high velocity, between 21 and 31  
21 hundred feet per second, depending upon the ammu-  
22 nition used and it is a relatively flat trajec-  
23 tory weapon, bolt operated, magazine fed, light  
24 weight; a highly effective, highly suitable  
25 rifle.

---

1  
2 chester Western Division of the Olin Corporation,  
3 also manufacture the ammunition for this weapon.

4 MR. LIMAN: Before you get to that,  
5 when you say it is bolt operated, in order to  
6 fire, what must you do for each round?

7 Show us.

8 MR. LIDDLE: Well, you would throw  
9 the bolt forward. You load the round in the  
10 weapon.

11 MR. LIMAN: How many can you load  
12 at once?

13 MR. LIDDLE: Five in the magazine  
14 and one in the chamber, which would be six.

15 The bolt would be forward, which would  
16 be arming the weapon, so to speak, one round in  
17 the chamber.

18 To fire the weapon, it would be brought  
19 up, sighted through, squeeze off a round. In  
20 that manner.

21 MR. LIMAN: Would that be approxi-  
22 mately the speed at which a qualified .270 man  
23 can fire, Mr. Liddle?

24 Were you qualified as a .270 man?

25 MR. LIDDLE: Yes, I was. Depending

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1 on what you would be shooting at, stationary 1864  
2 or moving targets, or whether you were resting  
3 or firing off hand, but that's the speed I would  
4 probably fire the weapon from if I were hunting.

5 MR. LIMAN: What was the position at  
6 which people were shooting, were they kneeling?

7 MR. LIDDLE: Yes, they were kneel-  
8 ing down over a parapet.

9 MR. LIMAN: Were they using gasmasks?

10 MR. LIDDLE: One roof-top team used  
11 a gas mask and one did not.

12 MR. LIMAN: Which one did use gas-  
13 masks?

14 MR. LIDDLE: The A-block group.

15 MR. LIMAN: So, they would have  
16 been looking through the scope and through a  
17 gas mask?

18 MR. LIDDLE: Yes.

19 MR. HARRISON: The Winchester Divi-  
20 sion cites the maximum effective range of this  
21 weapon as 1,000 meters, and it defines that ef-  
22 fective range as a distance at which a man should  
23 be expected to hit a target five inches in dia-  
24 meter.

25 According to the representatives of the

---

1 manufacturing company, the effective 1865  
2 range is limited to 1,000 yards, because at  
3 distances greater than that it is not realistic  
4 to expect a man to see a target five inches in  
5 diameter.

6 So, the limitation on the effective  
7 range is a human limitation and not the weapon's,  
8 according to the manufacturer.

9 Now, as I say, ballistically and tech-  
10 nically the rifle is highly suitable for the pur-  
11 pose it was made. It was manufactured primarily  
12 as a big-game rifle.

13 This is the commercially made ammuni-  
14 tion. This is what the bullet looks like. These --  
15 I don't know how well they show up -- are the ac-  
16 tual projectiles that come from the weapon.

17 MR. LIMAN: Would you take your time  
18 and point them out?

19 MR. HARRISON: This is a 130 grain  
20 expanding bullet, partially jacketed bullet. You  
21 can see -- it doesn't show up too well on the  
22 screen. The tip of the bullet is a different color  
23 than the remainder of the projectile and that is  
24 the lead bore of the bullet protruding from the  
25 jacket. The other bullet which shows a white tip --

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1 MR. LIMAN: Keep your pencil 1866

2 there, because the cameras are on it.

3 MR. HARRISON: Which shows a white  
4 tip, is called a silver tip bullet. That is the  
5 lead nose which protrudes from the jacket encased  
6 in a thin silver layer, which gives a greater  
7 rigidity to the nose of the bullet and increases  
8 its penetrating capability.

9 Now, I have here a 1972 catalog put out  
10 by the Winchester Western Sporting Arms and Ammu-  
11 nition Company, and I shall read a reference to  
12 the silver tipped bullet.

13 "Whether you are on the trail of bear,  
14 moose or African game, silver tip and power point  
15 won't let you down. These advanced scientific  
16 loads deliver the necessary accuracy and energy,  
17 plus full expansion and minimal lead loss. For  
18 many years, our silver tip and power point bul-  
19 lets have been putting a stop to unwanted hit  
20 and run problems. For big, tough-skinned game,  
21 pick silver tip. Its special alloy jacket prevents  
22 premature expansion while the bullet penetrates  
23 through thick hide and tissue, then deep in vital  
24 areas, silver tip mushrooms perfectly and releases  
25 tremendous energy that stops them cold."

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1  
2 on that first picture over there, we have repro-  
3 duced, again, a picture by the manufacturers  
4 which shows the progression of the expansion of  
5 this bullet, of this type of bullet.

6 MR. LIMAN: I think that it may be  
7 easier for the Commission if, because of his  
8 trying to photograph back and forth, to look at  
9 the monitors on the side or really to move off to  
10 the side.

11 MR. HARRISON: As you can see, the  
12 projectile, as it leaves the weapon upon impact,  
13 begins to and it is designed to expand inside the  
14 body of the game animal, the target animal.

15 MR. LIMAN: Neither of these bullets  
16 are full jacketed?

17 MR. HARRISON: That is correct. The  
18 full jacketed bullet is a term commonly given to  
19 a military-type ammunition in which the lead tip  
20 of the projectile does not protrude through the  
21 jacket.

22 In other words, the jacket completely  
23 encases the nose of the bullet to prevent this  
24 type of expansion.

25 Pursuant to the Geneva Convention's and

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1           respective of the sentiments expressed           1868  
2           therein, to prevent insofar as is possible in  
3           war useless human suffering, the United States  
4           Military personnel are prohibited from the use  
5           of this kind of ammunition in this kind of com-  
6           bat.

7                   MR. LIMAN:       When you say this kind of  
8           ammunition, so our record is clear, because we  
9           also have a stenographic record, you are also talk-  
10          ing about the .270 bullets that have been descri-  
11          bed, the silver tipped and the other one are  
12          prohibited by the U.S. Army?

13                   MR. HARRISON:       That is correct. The  
14          expansion bullet is not used by our military ser-  
15          vicemen.

16                   Now, one other point worth mentioning  
17          regarding this rifle is this scope.

18                   A Weaver 4-power scope, manufactured by  
19          the W.R. Weaver Company, El Paso, Texas. It is  
20          a very popular sporting and hunting scope and is  
21          much used and much appreciated by sportsmen and  
22          by hunters throughout the country.

23                   I also have here a publication from the  
24          W.R. Weaver Company of El Paso, Texas, and the  
25          thing is entitled "No one else can sight in a

---

1  
2 This is published by the manufacturers  
3 of the scope and it concerns the proper method  
4 and the importance of a proper method of sighting  
5 in a telescopic rifle.

6 MR. LIMAN: Mr. Harrison, before you  
7 continue, a question from the Press which is  
8 covering this has come to me, and the question was--  
9 I think it ought to be posed -- are the so-called  
10 dum-dum bullets?

11 MR. HARRISON: The dum-dum bullet, or  
12 the so-called dum-dum bullet, is the name given  
13 to bullets which are designed to expand dramati-  
14 cally or, in fact, almost explode upon impact.  
15 A good many of the small caliber high velocity  
16 weapons are designed -- these are commonly called  
17 varmint weapons, rifles used to shoot prairie  
18 gods and ground hogs, that type of thing. This  
19 is not designed or manufactured to explode on  
20 impact. It is, however, designed to expand tre-  
21 mendously, as the picture indicated. It is  
22 designed too much room, to increase in its size,  
23 to deform itself as it penetrates, and in that  
24 respect it is what is often meant when the term  
25 dum-dum bullet is used. It is designed for maxi-

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2                   tion inside the target.

3                   MR. LIMAN:       And if you used a full  
4                   jacketed bullet, the effect of that is to keep  
5                   expansion from taking place; am I correct?

6                   MR. HARRISON:    That is correct.

7                   MR. LIMAN:       Are full jacketed bul-  
8                   lets made for the .270?

9                   MR. HARRISON:    Not that I know of.  
10                  They would have to be capped separately. They  
11                  are not manufactured. The reason for that is  
12                  most States prohibit by statute the use of mili-  
13                  tary or full jacketed bullets for hunting. Game  
14                  animals are supposed to die or not be able to get  
15                  away and full jacketed bullets increase the possi-  
16                  bility of simply a wounding shot, and they are not  
17                  use for hunting, and conversely the expanding  
18                  bullets are prohibited for the military, but are  
19                  required for hunting purposes.

20                  Now, as I was saying about the scope,  
21                  this is a very popular scope and the manufacturer  
22                  has produced an article emphasizing the impor-  
23                  tance and the proper method for sighting in a  
24                  rifle. It recommends a procedure called bore  
25                  sighting, which I will demonstrate here.

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action rifle, is quite simply. You remove the bolt entirely, sight through the scope, fix the cross-hairs on the target and then sight through the barrel of the weapon itself, and if it is bore sighted, the same point of the target that is in view through the scope will be in view through the barrel. That is a recommended procedure at short range of twenty-five to one hundred yards.

It is for the purpose of ensuring that the first few shots fired will indeed strike the target.

This article emphasizes, among other things, two points. One is that no man can really adequately sight in a rifle for another man, and the second point is that no rifle can really be considered zeroed in until it has been fired.

There is just no way to tell where a bullet is going to impact until you send one down range and see where it hits, and we know from our investigation that the method used to zero in these rifles at Attica was bore sighting. Now, there were no rounds expended to test the validity of the sight adjustment, and in fact one of the sniper details -- one man bore sighted all of

---

1 the weapons for all of the men in the 1872  
2 detail, so none of the men who bore sighted them  
3 were any of the men who actually used them.

4 Now, the other weapon that was used --  
5 and the principal weapon actually of the assault  
6 in terms of number of men armed with it and  
7 probably in rounds expended, was the shotgun.

8 This is the New York State Police riot  
9 control gun. It is an Ithaca model 37 pump ac-  
10 tion 12-gauge shotgun with a twenty inch bore  
11 and a full choke.

12 Now, we have had a series of test  
13 evaluations made on this rifle with --

14 MR. LIMAN: Before you get to that,  
15 I would like Mr. Liddle to demonstrate, as he  
16 did with the .270, what a person has to do in  
17 order to fire this. How many rounds can you  
18 load in this?

19 MR. HARRISON: Five rounds.

20 MR. LIMAN: Five rounds.

21 MR. LIDDLE: The five rounds are  
22 loaded in a magazine like so, and to get -- to  
23 get a round into the chamber you can rack it one  
24 rime. That will put a round into the chamber  
25 and then, of course, you can slide another one in

---

1 here, and that will be six, and the 1873  
2 weapon can be fired -- is fired by the State  
3 Police in two positions, either from the shoulder  
4 in this manner -- every one of those being a  
5 shot, or it can be fired from the hip, in this  
6 manner, every one representing a shot.

7 And, of course, after the fifth shot  
8 it would have to be reloaded.

9 MR. HARRISON: Now, there were two  
10 types of ammunition, two basic types of ammuni-  
11 tion used by the State forces in retaking Attica.

12 One was the rifled slug, which is a  
13 one-ounce lead cap with small riflings in it to  
14 give it greater stability and flight. There were  
15 two types of this rifle slug used.

16 Now, as part of our test, when we had  
17 the weapons tested by the H.P. White Laboratory,  
18 a research and development ballistics laboratory  
19 in Belle Air, Maryland, we had a test made for  
20 the penetrating power of a rifled slug.

21 This small projectile edges the muzzle  
22 of a shotgun slightly at a speed of 1400 feet  
23 per second.

24 MR. LIMAN: That is the actual pro-  
25 jectile that is ejected and which will hit the

---

1 object; is that correct?

1874

2 MR. HARRISON: That is correct.

3 MR. LIMAN: Can you hold it up so it  
4 can be seen?

5 I can see why it is called a slug.

6 I think they are giving you signals as  
7 to what will get it on the camera.

8 MR. HARRISON: We had one of these  
9 slugs --

10 MR. LIMAN: Can you point to it now,  
11 because now it is in view.

12 MR. HARRISON: All right.

13 We had one of these slugs fired into a  
14 gelatin compound, which is designed by a formula  
15 constructed by the Edgewood Arsenal as the closest  
16 thing that we can use to simulate flesh. And  
17 that slug was fired into a gelatin compound at a  
18 distance of thirty yards, and it penetrated into  
19 the gelatin, one of them about ten inches, and the  
20 other slightly less and this, after penetrating  
21 through the gelatin, which is 80 percent water  
22 and 20 percent gelatin, is the projectile that  
23 was retrieved.

24 MR. LIMAN: Point to the one -- it  
25 is obvious, but again, the T.V. --

---

1 MR. HARRISON: It is about 1875

2 half the size of the projectile -- of the size  
3 of the projectile that existed in the weapon.

4 Now, the rifled slug is also a sporting  
5 ammunition, and the State Police used the rifled  
6 slug manufactured by both the Winchester Western  
7 Division of the Olin Corporation and by Remington  
8 Arms. This is the slug fired from the Remington --  
9 the Remington fired into the gelatin and as you  
10 can see, there is no appreciable difference in  
11 the ultimate configuration.

12 Now, I have here some material published  
13 and distributed by the Remington Arms Corporation  
14 regarding their shotgun ammunition, namely their  
15 rifled slug. They suggest a size double-0 buck-  
16 shot and the rifled slug for deer, black bear and  
17 wolf. For deer and black bear, the rifled slugs  
18 are best and the double-0 buckshot is their most  
19 popular size for hunters, who prefer buckshot.

20 Now, the rifled slug has seen use before  
21 in law enforcement work, and in fact law enforce-  
22 ment agencies are getting increased attention  
23 now from firearms manufacturers because of the  
24 constantly developing field. It is quite a fluid  
25 thing and weapon and ammunition models change al-

1 most yearly. This is a law enforcement 1876  
2 bulletin produced by the Remington Arms Corpora-  
3 tion and it says, "There is also a 12-gauge  
4 rifled slug which is loaded with a single one-  
5 ounce slug instead of pellets. It is used in  
6 anti-vehicle duty or whenever tremendous shock-  
7 ing power is required, such as reducing a cement  
8 block wall to rubble."

9 That is the description of the capability  
10 and suggested use of the rifled slug by the  
11 manufacturer, and we know that it was used --

12 MR. LIMAN: Mr. Rothschild said  
13 that that was for 12-gauge and you are talking  
14 about 20 gauge.

15 MR. HARRISON: I'm sorry. If I said  
16 twenty gauge, I shouldn't have.

17 MR. ROTHSCHILD: You did.

18 Just to be clear, so I am clear, the  
19 weapon lying across the table in front of you is  
20 a twenty gauge or a twelve gauge shotgun?

21 MR. HARRISON: I am sorry. This is  
22 a twelve gauge shotgun; if I said twenty, I was  
23 mistaken. Excuse me.

24 Now, we also had some tests conducted  
25 with the other basic type of 12 gauge shotgun

---

1 ammunition that was used in the assault, 1877

2 and that is a double-0 buckshot.

3 We tested it for --

4 MR. LIMAN: Could you remove the  
5 others from the table for a moment so that we can  
6 focus on double-0?

7  
8 (Continued on page 1878.)  
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1  
2 tested the weapon both for the pattern spread and  
3 for penetrating power. This is a dissembled one  
4 model of the double-0 shot and this particular  
5 round has 12 pellets. Some have 9 and some have  
6 12 and these are the shot sizes.

7           Again, as I believe has been pointed  
8 out in earlier testimony, the size of one of these  
9 shots is about the same as that of a .32 caliber  
10 round going down range with the major difference  
11 that there are either 9 or 12 of these released  
12 from a single shot.

13           Now, I will go through some actual tar-  
14 gets here very shortly, but this is the basic  
15 pattern spread of the weapon and again I am about  
16 to forget another picture that I have got winded  
17 up over here. I have a picture over here--if  
18 they can show the second picture--okay.

19           The picture on the screen now shows--  
20 now, that particular picture shows the tracks  
21 made by these--the two rifled slugs and they  
22 went through the gelatin. They passed through  
23 the gelatin from left to right on the screen and  
24 as you can see left a quite visible track behind  
25 them.

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1  
2 to the other picture, those are pictures of the  
3 entrance wounds of the rifled slug as they entered  
4 the gelatin. It leaves a big gaping hole and a  
5 sizeable permanent cavity which is much smaller  
6 than the actual temporary casualty created as  
7 the round passes through.

8 Okay. Thank you.

9 Now, we took a total of four weapons  
10 and several hundred rounds of ammunition to the  
11 laboratory for testing. These figures represent  
12 averages. At a distance of 10 yards, the average  
13 spread for a round of double-0 buckshot is about  
14 6 inches; at a distance of 20 yards the pattern  
15 spreads to about 12 inches; and a distance of  
16 30 yards pattern has opened to a 20 inch diameter.

17 We continued to fire at 40 yards and we  
18 found that the average spread of the pattern was  
19 28 inches. Now, that figure is somewhat mislead-  
20 ing because at the distance of 40 yards we began  
21 to regularly find that not all the pellets showed  
22 up on our 48 inch screen, but of the ones that  
23 showed up on the screen they covered a spread of  
24 28 inches.

25 At 50 yards the spread had increased to

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1 34 inches and this little dia-

1880

2 gram is to indicate the pattern spread. This is  
3 not drawn to scale but at a distance of 10 yards  
4 the pattern is relatively small, at 20 yards about  
5 twice as big and it increases progressively.

6 I will run through this rather hurriedly  
7 just to give you an indication.

8 This is a distance of 10 yards, of the  
9 shot pellets the group is very tight. This is  
10 an oddity that happened more than once and that's  
11 why I show it.

12 At 10 yards from a 9 pellet round only  
13 8 hits were found on the target. There are many  
14 possible explanations, the most likely of which  
15 according to our ballistics expert, is that the  
16 missing pellets simply came off out of the bar-  
17 rel and in some way attached to or caught up in  
18 the wadding itself, which is this little card-  
19 board filler and just went off at a ridiculous  
20 angle.

21 MR. LIMAN: Would it have lethal force?

22 MR. HARRISON: It would have lethal  
23 force, but it would be a totally uncontrollable  
24 direction.

25 MR. LIMAN: This apparently was close

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1 enough so that the wadding itself

1881

2 hit the target?

3 MR. HARRISON: That's correct. At the  
4 distance of 10 yards some of the wadding itself  
5 remained in the shot column.

6 MR. LIMAN: This oddity, which you say,  
7 was one which was reconstituted even at that distance  
8 only 8 of the 9 hit and the 9th would have had  
9 lethal force in a stray direction?

10 MR. HARRISON: That is correct. Wherever  
11 it was it would have had lethal force.

12 At 10 yards firing at this circle the  
13 group is very small and they are all on the tar-  
14 get. This silhouette, by the way, is a reproduc-  
15 tion of a standard NRA pistol range target designed  
16 to simulate the human silhouette.

17 At a distance of 20 yards, with this  
18 particular shot, all 9 pellets still remain on  
19 the target but as you can see the pattern is in-  
20 creasing.

21 MR. LIMAN: Mr. Harrison, the target is  
22 actually the center line of the body; is that cor-  
23 rect?

24 MR. HARRISON: That is correct. The tar-  
25 get is the silhouette itself and this is the aiming

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1  
2 Now, it is also worth pointing out at  
3 this point that these targets and these tests  
4 represent a test of the weapon and the ammunition  
5 and not in any sense a test of the shooter. All  
6 of the shots were conducted from a sand bag bench  
7 rest position to reduce the human error as much  
8 as possible. This is simply a test of the capa-  
9 bility of the weapon and it is not necessarily in  
10 any way consistent with the weapon fired.

11 At 20 yards, again all 9 hit. The pat-  
12 tern is about the same size.

13 I show two of these just to indicate that  
14 they are quite consistent.

15 At a distance of 30 yards we begin to  
16 see pellets missing the target.

17 With this round, again, out of 9 pellets  
18 shot at a distance of 30 yards, 7 of the pellets  
19 hit the target, but two missed.

20 MR. LIMAN: To put this in the context  
21 of the area in which activity was concentrated,  
22 D yard, as well as the other yards, are 100 yards  
23 by 100 yards and the hostage circle it has been  
24 pointed out was essentially in the middle of the  
25 yard, maybe a little further from the center away

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1 from the catwalks.

1883

2 MR. HARRISON: So, to just extend slightly  
3 what you are saying, the hostages were actually  
4 farther than 30 yards from the catwalk.

5 Again, at 30 yards we see 6 hits on the  
6 target and 3 misses.

7 At a distance of 30 yards these pellets  
8 were travelling at about slightly in excess of  
9 200 feet per second and are still very lethal  
10 projectiles.

11 At a distance of 40 yards we see the pat-  
12 tern even larger. From all the shots fired, sever-  
13 al hundred, the average spread was about 28 inches  
14 and insofar as it could be measured on this 4 foot  
15 paper.

16 In this particular instance one pellet  
17 hit the target, 8 of the pellets missed the target,  
18 but did show up on the screen.

19 MR. LIMAN: If this is done under labora-  
20 tory conditions and the gun actually pointing at  
21 that center line and with that kind of perfect  
22 aim, you still only get one of the shots on the  
23 target and the other 8 are going to be not in that  
24 body?

25 MR. HARRISON: That is correct. Not in

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1 that body.

1884

2 At 40 yards again, this time just to  
3 show that the patterns are not in any way one  
4 shot does not tell you what the next shot is  
5 going to look like. This is a reverse extreme.  
6 In this particular instance, at a distance of  
7 40 yards, 7 of the 9 pellets struck the target  
8 and there were 2 which missed the target and,  
9 again, this indicates at a distance of 40 yards  
10 a shot under laboratory conditions at the full  
11 broadside silhouette of a human and it cannot be  
12 thought to simulate or resemble the conditions  
13 under which the weapons were fired on September  
14 13th.

15 Now, at 50 yards this was the quite  
16 common occurrence. There was one hit from this  
17 shot, 8 of the pellets missed the target--missed  
18 the silhouette entirely and of those 8, 2 of them  
19 completely missed the 4 foot screen.

20 Now, at a distance of 50 yards one of  
21 the pellets did hit the target, the other two  
22 were completely off. They would not hit anything  
23 even within the 4 feet.

24 Now, again--again at 50 yards, of this  
25 particular shot, 6 of the pellets hit the target

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1 and 3 of the pellets missed the

1885

2 target, but did appear on the screen.

3 Now, we also fired groups of rifled slugs  
4 at a distance of 50 yards. Again firing from a  
5 sandbag bench rest position, and as you can see,  
6 this is the Remington rifled slug and it holds a  
7 group of about 8 inches across and you will also  
8 notice that it holds a group consistently between  
9 3 and 10 inches above the point of aim.

10 MR. LIMAN: I want to be perfectly  
11 clear on this. These each represent separate  
12 shots. We are now talking about a rifle slug as  
13 opposed to pellets and so that what this is show-  
14 ing is that firing--how many shots are there?

15 MR. HARRISON: 10 rounds.

16 MR. LIMAN: 10 rounds. Firing 10 sepa-  
17 rate rounds under these conditions where the gun  
18 is stationary and the target is stationary you  
19 will have 10 separate spots that the rifle slug  
20 has penetrated.

21 MR. HARRISON: That is correct. And the  
22 spread is about 8-1/2 inches across. In other  
23 words, any one of these shots can be as likely  
24 to be as far as or up to 8-1/2 inches from where  
25 the last one impacted.

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as a result of imperfections in the ammunition  
itself?

MR. HARRISON: Not as the result of im-  
perfections in the ammunition. Ballistics is a  
very complicated business and there are literally  
dozens of possibilities. It could result from  
imperfections in the weapon. It could result  
from atmospheric conditions, which shouldn't  
change that much from shot to shot, but--this is  
the Winchester rifled slug fired at a distance of  
50 yards and as you can see this particular slug  
does not hold quite as close a group as does the  
other one.

The extreme spread on this is slightly  
in excess of 10 inches and again the weapon at  
50 yards shoots consistently high.

MR. LIMAN: That's it.

MR. HARRISON: That's all.

MR. LIMAN: We will now have a presenta-  
tion by Mr. Liddle, I believe--wait, we have some--

MR. CARTER: Not questions, a change of  
tape.

MR. LIMAN: We have Mr. Liddle back now  
to make a presentation of our analysis of the shots

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1 that were actually fired during  
2 the police action on September 13th.

3 MR. LIDDLE: I believe we ought to make  
4 it perfectly clear at this time that the initial  
5 assault plans called for state police participa-  
6 tion only and you will see now at this time that  
7 there were other departments that did actually  
8 fire weapons within the facility at the time of  
9 the retaking of the prison.

10 Our statistics are based upon official  
11 records and I wish to state at this time that  
12 this--these number of shots and this summary that  
13 I am going to give is a minimum number of shots.  
14 These are shots that were admitted to have been  
15 fired by the state police officers and other offi-  
16 cers within the facility. And I do want to say  
17 at this time we have reports, unconfirmed, that  
18 there were other shots fired, but up to this  
19 time we have not been able to confirm that this  
20 is so.

21 So, these are the minimum shots, a mini-  
22 mum number of shots that we have determined that  
23 were definitely fired.

24 Initially you will see that there are  
25 three departments that fired rounds within the

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1 facility: the state police,  
2 the correctional officers and the Genessee County  
3 park police. The state police fired--the total  
4 number of rounds fired was 450. The state police  
5 fired 364 rounds, admittedly, the correction offi-  
6 cers within the facility fired 74 rounds and the  
7 Genessee County park police admittedly fired 12  
8 rounds at the time of the retaking of the prison.

9 The state police breakdown is in three  
10 categories. Of the 364 rounds total--that is  
11 broken down into shotgun rounds, .270 caliber  
12 high powered rifle rounds and the .38 and .357  
13 caliber, which are the hand guns.

14 Of the 261 rounds of shotgun fire, we  
15 have been able to determine that approximately 31  
16 of these rounds were rifled slugs. So, the re-  
17 maining number would be the either 12 component  
18 buckshot rounds or the 9 component buckshot rounds.

19 So, theoretically, take the 261, sub-  
20 tract 30 and you come--31, and you come up with  
21 239 and multiply it be 9 or 12 and you have got  
22 the number of pieces of lead flying around within  
23 that compound.

24 The .270 caliber rifle rounds were 68  
25 and these were fired from three locations, either

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1  
2 cell blocks--the C and A cell blocks or the third  
3 floor tier of C cell block and the .35 caliber--  
4 the .35/.38 caliber rounds were fired from various  
5 other areas within the prison itself. I'm going  
6 to break down later the areas that these particular  
7 rounds were fired into and this will be a total of  
8 all of the three departments.

9           The correctional officers and the Genes-  
10 see County park police were lumped together. They  
11 admittedly fired 6 rounds of shotgun ammunition.  
12 The only thing that I can say at this time is that  
13 they were equipped with both double-0 buckshot and  
14 slug. They admittedly fired 14 rounds of automatic  
15 weapons fire. These were the Thompson submachine  
16 guns that were posted by the Correction Department  
17 itself. Other issue and personal rifles and hand  
18 guns totaled 66 and these are the various hand  
19 guns and rifles personally owned that Mr. Harri-  
20 son described previously to this.

21           We have determined that--as I said be-  
22 fore, correctional officers and park police did  
23 participate in this firing. We know that they  
24 fired into various areas and they fired from  
25 various areas. The state police fired 89 rounds

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on the catwalks--I would like

to put this chart up here again so we will all know what areas we are talking about.

The 89 rounds that the state police fired would be onto these four catwalks. They fired 62 rounds into the Times Square area. We determined the Times Square area, determined it to be this small area in the center. 87 rounds were fired into D yard. This is the compound where the hostages and major portion of the inmates were. Four rounds were fired into A yard, which is on the right side, 116 rounds were fired into the interior of the tunnels. In other words, under the catwalks down the confines of the tunnels themselves, which terminate in Times Square.

The other 6 rounds were fired either from the towers around the perimeter of the catwalk or from various other areas within the cell block itself.

Correctional officers admitted to firing 40 rounds onto the various 4 catwalks, 5 rounds in the Times Square area, 9 rounds into D yard, 18 rounds into A yard and 2 other rounds into areas not in the confines of the walls themselves.

1  
2 to reiterate at this time that we have determined  
3 and it will show up in other testimony, but we  
4 have determined that correctional officers mainly  
5 fired from the rooftop of A block. They were  
6 admitted to the rooftop of A block as a part of  
7 the .270 sniper team that was up on the roof it-  
8 self. The majority of the remainder of these  
9 shots were fired from the third floor of A block.  
10 We have determined that a majority of the cor-  
11 rection officers were on the third floor of A  
12 block itself.

13 The Genessee County park police were  
14 faced, we have determined, in the tiers of C block.  
15 A little breakdown on the numbers of correctional  
16 officers before we go any further.

17 We have determined a minimum of 17 cor-  
18 rectional officers fired these 74 rounds. We also  
19 determined that a minimum of 3 Genessee County  
20 park police fired these 11 rounds. The Genessee  
21 County park police--I can break this down precisely  
22 for you because only 3 of them fired--had one  
23 shotgun and two high powered .30/.30 caliber  
24 carbines, high powered ibg game rifles with scopes.

25 Now, they were placed in the third floor

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of C block. They fired 11

1892

rounds to the catwalks and one round into Times Square.

MR. LIMAN: On the bottom we have an inaccuracy because where it says there is a total of 11 it should be 12.

MR. LIDDLE: It should be 12.

You see that the National Guard fired no rounds to our knowledge; the Sheriff's Departments fired no rounds that we can substantiate at this time.

I would like to break down the number of rounds fired by the state police by the different assault or teams that retook the prison.

On A roof, which was the sniper team up here on A roof, and this is going to a percentage, every 1/3, with the exception of the lieutenant. So, of those equipped with .270 rifles, which also included correctional officers, a hundred percent of these people fired. The assault group that came out on the top of A tunnel turned right and went down to D cell block. 34% of these members discharged their weapons.

The group--of the group that went in

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man fired his weapon, which is a percentage of 4%.

C block roof, the .270 team, 6 men, all of the discharged their weapons.

The third floor of C block, there were 17 rounds fired from here.

All of the men in that particular area fired their weapons. The group that went out on C--the top of C block, C tunnel, turned left.

34% again, which is the same figure as those that went out on A block, 34% of these men fired their weapons.

Down C tunnel, and here there is a definite figure here that should come out that you should be aware of, down C tunnel 84% of the men that went down the tunnel fired their weapons as opposed to one man who fired his weapon down this tunnel.

The rescue group that came down the top of the tunnel and down the ladders into the yard, 44% of the men that were with that group fired their weapons and we have determined that there were 30 shots, approximately 30 rounds fired from the rescue group itself within the yard itself.

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would be the perimeter tower on the outside near the block, near the school or the auditorium area. One man fired from A tower. That's about the breakdown.

I know statistics get boring and sometimes they have no meaning, so we kept that relatively simple and that's a breakdown of the shots fired and that's all I have for this particular part.

MR. LIMAN: We should say that at least two of the shots fired by personnel other than state police caused lethal injury and I would like to, at this time, acknowledge the assistance of our expert pathologist, Dr. Alan Moritz (phonetic), whose reports were summarized in the presentation that was made earlier as to the cause of death of various hostages and inmates.

I would also like to--

A VOICE: Mr. Liman, Mr. McKay, my name is Louis Canamack (phonetic). I was released from Attica February 2. I have also been informed that BCI--through my attorney that I am the talk of some criminal action as a result of the rebellion at Attica. That's not the busi-

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hand is I would like to talk to the Commission about the transfer of those inmates to other institutions.

MR. McKAY: We don't have an opportunity to discuss that at this time. We have responded to the statement that was made on behalf of these inmates. That is a matter between the state and those inmates and we have neither power nor authority nor opportunity to intervene in that.

A VOICE: You have--

MR. McKAY: As our statement indicated, we will investigate that as well as all other events that bear on the work of the Commission, but it is not anything which we can comment on today and it should not be allowed to interrupt these hearings.

A VOICE: Due to the fact that you were appointed by Rockefeller to make recommendations--

MR. McKAY: I'm sorry, this is not an appropriate forum. I would like to discuss it with you at the lunch recess.

MR. LIMAN: I would like to conclude

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1 with our final report of our

1896

2 pathologist.

3 A VOICE: I will give a statement to  
4 the press.

5 MR. LIMAN: I would like to conclude  
6 with the death of Officer Quinn and in the case  
7 of Officer Quinn, for reasons that the Commission  
8 has stated before, it, the Commission, has chosen  
9 not to go into the circumstances of his death  
10 other than to deal with the rumors which were  
11 prevalent at the time and which we previously  
12 required discussion and at this time our path-  
13 ologist has reported to us that Officer Quinn  
14 died of extensive injuries to his head and brain  
15 resulting from blows sustained on September 13.  
16 He was not, as was rumored at the time, thrown  
17 from his window, nor did he die of a heart at-  
18 tack as was rumored by other rumors that were  
19 circulating during that period.

20 MR. MCKAY: Mr. Liman, didn't say in-  
21 juries sustained on September 13?

22 MR. LIMAN: I meant--not September 13,  
23 September 9.

24 MR. MCKAY: Thank you.

25 MR. LIMAN: September 9. Thank you.

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1  
2 to ask some questions.

3 MR. MCKAY: Mr. Liman, I think there  
4 are questions from members of the Commission.

5 MR. LIMAN: The staff, at the moment,  
6 is assembling to--

7 MR. MCKAY: Mr. Harrison is here.

8 MR. LIMAN: Mr. Harrison, why don't you  
9 come forward and in the next presentation we are  
10 going to displace the Commission because we are  
11 going to have explanations read from the depo-  
12 sitions of various members of the state police  
13 as to why they fired and the only place that we  
14 can assemble all of these depositions is at the  
15 Commission table.

16 MR. MCKAY: And you will tell us where  
17 we should go, I assume?

18 MR. Any questions?

19 MR. CARTER: Yes. I don't understand  
20 --these pellets that missed targets that you  
21 demonstrated before, is that an indication that  
22 they didn't hit the body of the particular per-  
23 son at which you were aiming, that if one of the  
24 pellets went astray they would likely wound or  
25 kill somebody in the vicinity; is that correct?

---

1  
2 that's correct if it hits somebody in the vicinity  
3 and in a yard 100 by 100 populated by over 1,200  
4 people, that also is very, very likely, but you  
5 right, those shots were fired in laboratory con-  
6 ditions at the full broadside silhouette of a  
7 human size figure and even under those conditions  
8 at distances of 30 yards the pellets began to  
9 miss that target and that means that they would  
10 be going beyond the target and striking whatever  
11 was in their path.

12 MR. CARTER: The second question I  
13 wanted to find out is I should have asked you to  
14 look at those bullets. When you had the bullets  
15 then you had the pellets, the small ones, what  
16 was the difference between them?

17 MR. HARRISON: All right. In fact--  
18 let me--

19 MR. LIMAN: Mr. Harrison, bring with  
20 you the full cartridge of the shotgun ammunition  
21 so that you can show how the double-0 pellets  
22 are loaded in the cartridge which when it is  
23 ejected the pellets come out.

24 He will be bringing it over here be-  
25 cause he doesn't have a live mike over there.

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1  
2 right. The major difference is in terms of wound-  
3 ing, wounding power capability. I should say  
4 first that the field of wound ballistics is rela-  
5 tively new and equally relatively devoid of broadly  
6 accepted criteria. Although in actual size, in  
7 diameter, this projectile is smaller than one of  
8 the pellets, the capability for producing injuries  
9 is tremendous. The actual damage done by one of  
10 these things is--

11 MR. LIMAN: When you say one of these  
12 things, point out what you are talking about.

13 MR. HARRISON: Excuse me. Although  
14 this is actually smaller in diameter than the  
15 pellet, the injury produced by this projectile  
16 is tremendously greater than that produced by  
17 the lead ball.

18 MR. LIMAN: The first you are talking  
19 about is what?

20 MR. HARRISON: A .270 caliber bullet.

21 MR. LIMAN: That's what will strike the  
22 object?

23 MR. HARRISON: That's correct. There  
24 are two reasons for this. One, this bullet is  
25 designed to deform, to expand and it itself will

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1 destroy and rupture more tis-

1000

2 sue than this lead pellet, which is not signifi-  
3 cantly deformed with impact on flesh. Of course,  
4 with impact with bone it would be, but the pri-  
5 mary difference in the wound capability is the  
6 relative energy, this plain old simple kinetic  
7 energy of these two pellets. The destruction  
8 is quite simply a function of kinetic energy  
9 imparted to the tissue by the projectile.

10 This thing is traveling at 3,000 feet per second;  
11 this one at only slightly over 1,000 feet per  
12 second. This projectile will produce a tremen-  
13 dous temporary cavity as it passes through the  
14 body and this one will not. It will produce a  
15 slightly larger cavity, but with no--where the  
16 injury producing nature as that produced by a  
17 high velocity bullet. I don't know whether that  
18 really answers your question or not, Mr. Carter,  
19 but wound ballistics is--

20 MR. CARTER: I should know more about  
21 weapons than I do. I was a little confused by  
22 which was which.

23 MR. MCKAY: Mr. Rothschild has a ques-  
24 tion.

25 MR. ROTHSCHILD: It may have come out

---

1           yesterday when I had to be  
2           absent part of it, but on the Andy Liddle report  
3           as to the shots fired, am I correct that the state  
4           police issued X number of shots fired and they re-  
5           ceived X number back, so there is a positive fact?

6                   MR. LIMAN: No. As I mentioned yester-  
7           day there was no procedure for accounting for  
8           ammunition. No record was kept for the ammuni-  
9           tion that was issued by the state police and con-  
10          versely no record was kept of the ammunition which  
11          was returned, nor was a record kept of the persons  
12          to whom rifles were issued or shotguns were issued,  
13          so that there is no way of determining objectively  
14          how many rounds were expended by the state police.  
15          The only way we could make the determination with  
16          respect to the correction officers, state police  
17          and other personnel whom we interviewed was by  
18          their own admissions as to how many shots they  
19          expended and, therefore, as Mr. Liddle explained,  
20          we regard the figure that we have presented as  
21          being the minimum figure. I would note, as I  
22          noted yesterday, that in contrast, the National  
23          Guard regulations require that there be an ac-  
24          counting of ammunition; that the National Guard,  
25          which did not expend any rounds of ammunition

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1 here did issue an receive back  
2 ammunition and accounted for all rounds, but as  
3 Major Monahan explained yesterday, the conditions  
4 at Attica were so chaotic, to use a word, to  
5 paraphrase, that no such procedures could be  
6 attempted or enforced at Attica. He said he  
7 didn't even, as I recall, know whether there were  
8 records kept or not.

9 MR. MCKAY: Mr. Henix.

10 MR. HENIX: What I want is a clarifica-  
11 tion. I am not quite sure of the distances, you  
12 know, like we were talking about firing concen-  
13 trated on D yard and when we add up the number of  
14 people killed in that--the distance--how wide is  
15 one yard wall to wall? We have four yards there.

16 MR. LIMAN: Well, it is 100 yards by  
17 100 yards, so that--you know, where do you want  
18 to measure from?

19 MR. HENIX: I'm thinking from A block,  
20 from the top of A block, concentrated fire into  
21 D yard--

22 MR. LIMAN: It would cross 100 yards  
23 to go from A yard and it would then travel what-  
24 ever distance it went into D yard. Each yard is  
25 100 by 100.

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1  
2 --you said we had the high powered rifles up  
3 there, but there were also other shots being dis-  
4 charged from, say, the inside of the building of--

5 MR. LIMAN: We are going to be reading a  
6 deposition which we took of a member of the state  
7 police yesterday afternoon when Mr. Henix was  
8 present in which he describes some of them. We  
9 are also going to be reading some other material.  
10 The reason that we have not brought this officer  
11 of the state police here to testify is that he  
12 is a member of the detective force of the state  
13 police and for reasons essentially of cover,  
14 the Commission thought it was appropriate to  
15 respect the confidentiality and to take his tes-  
16 timony under oath and to have that testimony read  
17 here today so that we will have a description from  
18 his mouth as well as some other material as to  
19 what weapons were being fired out of that window.

20 MR. HENIX: Okay.

21 Well, the second part of my question is  
22 that if a man fired from any one of those areas,  
23 the top of C block or cell block A or inside of  
24 those windows into D yard with buckshot or a  
25 pellet, it would be in fact impossible to hit

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

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

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

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

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

13 MR. LIMAN: 9.

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

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

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

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

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