

of any kind for our benefit?

THE WITNESS: In regards to the Trenton printing or the graphic arts, the training, itself, of the inmate, it has great possibilities. And the silk screen. The cost involved I don't think is very, very high, because when they leave the institution, they can go into something and I am sure, and I have talked to some of the industrial printers where they would like to have trained men, basically on silk screen, that they can move up the organization.

But if they don't have basically an understanding of silk screening, poster printing and so on, they can't spend the time training an individual coming into their industry; so it has an advantage, but, as I mentioned before on the inquiry, the two, printing and silk screen, are self-sustaining. I don't get the money back into these groups for equipment and this is what I would like to see.

Thank you.

MR. MC KAY: Thank you very much for the statement and for your helpful cooperation.

THE WITNESS: Thank you.

JUDGE WILLIS: Thank you, Mr. Ternullo.

(Witness excused.)

1 MR. LIMAN: Edward Young. 601

2 Mr. Young, would you rise for the oath.

3 MR. YOUNG: Yes.

4 E D W A R D Y O U N G, called as a witness,
5 being first duly sworn by Mr. McKay, testified
6 as follows:

7 EXAMINATION BY MR. LIMAN:

8 Q Mr. Young, how long have you been an inmate
9 at Attica?

10 A Since November 7, 1960.

11 Q How old are you?

12 A Fifty years old.

13 Q Where are you from?

14 A Jamestown, New York.

15 Q Would you tell us what kind of neighborhood
16 you grew up in in Jamestown.

17 A The neighborhood I grew up in is what we call
18 a democratic neighborhood. The side of town I live,
19 there is only three black families on that side of
20 town.

21 My father's family was a Baptist minister,
22 then a Methodist minister and another family who is
23 a man who worked in the shop.

24 And the street I lived, where my sister
25 lives now with eight children, there is only one

1 family now. Eight children.

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2 Never been a lock on the door. Never was a
3 lock on the door when I was born. I was born in the
4 front room and I have never seen any discrimination,
5 overt discrimination, any outright discrimination in
6 my life in Jamestown. My personal contact.

7 Q That was the type of neighborhood you grew
8 up in?

9 A Yes.

10 Q And you joined the armed services?

11 A I went to Ft. Niagara December 3, 1942 and
12 I was discharged from Glover General Hospital March
13 1, 1946.

14 Q And during World War II you saw service in
15 the South Pacific?

16 A Europe and the South Pacific.

17 Q As a result of that service, do you now
18 receive a disability pension from the government?

19 A Yes, sir.

20 Q And you were honorably discharged?

21 A Definitely.

22 Q You were brought back on a hospital ship?

23 A I was brought back on a hospital ship. I
24 came back to Letterman General Hospital. Then Ft.
25 Devins and that's where I was discharged.

1 Q You entered a plea of guilty to
2 manslaughter--

3 A No, sir. Second degree murder.

4 Q Second degree murder arising out of a family
5 situation?

6 A Yes. I hit my father-in-law in the head with
7 a rifle and he subsequently died in four days. He was
8 70 years old and I was charged with that for first
9 degree murder.

10 Q And that was after you had some drinks, as
11 well?

12 A I was disturbed. It was a family thing.

13 Q For that you received what kind of sentence?

14 A Well, I pleaded guilty with the stipulation
15 that I would not receive a life sentence for second
16 degree murder. I received 30 to 60 for second degree
17 murder.

18 I came to Attica November 7, 1960, the same
19 day that the former President Kennedy and Nixon ran
20 for President. I was admitted to Attica with that
21 sentence.

22 Q Will you tell us what you discovered from
23 some of the inmate lawyers at Attica.

24 A After I had gotten into the population, the
25 guys asked me what kind of sentence I had. I said I

1 am doing 30 to 60 for second degree murder. 604

2 I had several men call me a liar.

3 At this time I didn't know nothing about
4 Criminal Court procedure or anything else. A friend
5 of mine who later became a good friend of mine brought
6 me the procedure and showed me the punishment for the
7 crime of murder in second degree shall be not less
8 than 20 years with a maximum of natural life.

9 In March of 1961 New York State sent me
10 back to Chattaqua County with an illegal sentence.
11 My lawyers objected because this was an agreement
12 with the judge and the District Attorney that I
13 would not get any life sentence.

14 I stayed in Chattaqua County four days. The
15 judge did say, offered my attorney, he says, have you
16 any pleas, any motions to make at this time. My
17 lawyer objected. He said we do not have any motions
18 because this is a promise of the court.

19 The District Attorney set aside my plea
20 and I was sentenced to 30 to live.

21 Now, when I went back to court--I started
22 in the law books. I found out that 1040 of the Criminal
23 Code of Procedure was passed in 1905. I also found
24 out it was amended, three words were added in 1972.

25 The punishment in 1905, the punishment for

2 should be 20 years to natural life. Three words
3 were added in '27: "Not less than."

4 I subsequently found out that through
5 Federal Rule 11 says, any judge who accepts a plea
6 must know what the defendant is pleading to.

7 I since found out that Elkins versus Gillikan,
8 that any judge who accepts a plea and cannot keep
9 that promise for whatever reason, he himself must
10 reinstate the plea of not guilty.

11 I don't know nothing about the law at the
12 time I was sentenced. I have fought this thing for
13 exactly 11 years. I went to the Appellate Division
14 in March of 1961, and the Appellate Division ruled
15 that I had an illegal sentence and they would not
16 rule on my right to withdraw my plea.

17 I went to the Court of Appeals and they
18 affirmed the lower court's decision.

19 I went to Judge Henderson in Buffalo, the
20 federal judge says I have a legal sentence until I
21 make a motion--until I make a motion to withdraw my
22 plea.

23 We went from there to Foley Square, the
24 Second Circuit and they wouldn't rule on it.

25 My lawyer, this is the same lawyer I had, he

1 brought me back and put in a coram nobis 606

2 to Judge Henderson. The judge ruled I had a legal
3 sentence until I made a motion to withdraw my plea.

4 I subsequently then put in a coram nobis
5 to withdraw my plea from the original court. I
6 went back to the original court. I stayed four days
7 and the decision was reserved and the judge in the
8 original court said that coram nobis was not the
9 procedure.

10 So I went back to the lawyer. I said I
11 can't do it by myself. He said okay. He went back
12 to the Appellate Division, my original lawyer, and the
13 Appellate Division says that I should have made a
14 motion when I went back to court in 1961 to withdraw
15 my plea.

16 I went to the judge of the Court of Appeals
17 and Judge Fuld says the only reason I want to with-
18 draw my plea is possibly some of my witnesses are
19 dead. This is a matter of record.

20 I went back, my lawyer went back to Judge
21 Henderson and he told me that, you should have made
22 a motion to withdraw your plea in 1961.

23 Every law on the books says the judge him-
24 self has to reinstate my plea. I have worked eight
25 months--no, I went to Foley Square after Henderson,

1 in Foley Square. I worked eight months my- 607

2 self after this to try to getting in position. At
3 the time I had worked, I had a stack of papers, the
4 riot came off and I lost everything I had and I haven't
5 did anything else.

6 Q Mr. Young, your present sentence--

7 A Thirty to life.

8 Q (continuing) --is 30 to life?

9 A Yes, sir.

10 Q And if you had been involved in this incident
11 after the new law was passed, your maximum sentence
12 would have been what for this offense?

13 A Well, under the new law--under the new law
14 there is no murder one or murder two. It's a class A
15 felony. The new law says 15 to life.

16 Q So you would have been eligible--

17 A Two years ago.

18 Q Eligible for parole two years ago?

19 A Yes, sir.

20 Q What you have expressed just a few moments
21 ago in telling us about your case history is a frustra-
22 tion that you have felt with the courts for the last
23 number of years--

24 A I actually never got to the point of saying
25 frustration. I was disappointed, yes. But there are

1 so many things involved where--as I can
2 be thankful. In the first place, I have been under
3 the best medical attention for the last 11 years.
4 March of '61 I was sent to Roswell.

5 Previous to that I was in Vets Hospital in
6 Buffalo and I was diagnosed as chronic laryngitis.

7 When I was sent out of Roswell before I
8 went back to court, the first time I went to Roswell
9 they found something in my throat. I have been a
10 patient of Roswell for the last 11 years. I went to
11 Roswell last week.

12 Q Mr. Young--

13 A So mentally, I am saying the frustration
14 isn't as bad because I know if I hadn't been sent to
15 prison, I might have been dead.

16 Q I went to ask you about how you have been
17 able to react to prison life differently from others
18 but I will come to that.

19 Let me just bring out a few other back-
20 ground facts about you, Mr. Young.

21 You mentioned that you received a pension.

22 A Yes, sir.

23 Q You also have two daughters in college?

24 A Yes.

25 Q In New York State?

1 A Yes.

2 Q And you told us that you grew up in a
3 neighborhood in which you went to school primarily
4 with white people.

5 A All white.

6 Q Your present job at Attica is what?

7 A Powerhouse clerk.

8 Q Is that considered a good job?

9 A One of the best jobs in the institution.

10 Q In fact, most people don't know that they
11 have permitted an inmate to work in the powerhouse
12 since the uprising.

13 A Technically, I'm on the coal gang, but I
14 work.

15 Q But you are so trusted at Attica that you
16 have been allowed to work in the powerhouse?

17 A True.

18 Q And you have over these years gained the
19 respect of many, many correction officers?

20 A Yes, that's true.

21 Q And you also have the respect of many of
22 your fellow inmates?

23 A Almost all of them.

24 Q In fact, you were elected to the Inmate
25 Grievance Council?

1 A Liaison Committee, yes, sir. 610

2 Q So you are in a position to tell us some-
3 thing about how it really is today and how it has
4 been in the past and I would like to really call
5 upon you to give us your observations.

6 First, Mr. Young, over the 12 years you
7 have been in Attica, you have had only one keeplock;
8 is that right?

9 I am just basing this on the record.

10 A I had one keeplock what they considered as
11 serious. I had a fight. It wasn't nothing to it.
12 That was the only actual--

13 Q But over 12 years you have had only one keep-
14 lock and there have been other inmates who have come
15 in and in the course of a month have many, many more?

16 A There is a lot of reasons behind why.

17 Q That's what I would like to get at.

18 A I came into Attica and I was in reception
19 for six weeks. In December 1960 I was put in the
20 metal shop on the punch press. I was very fortunate.
21 I went to work for a man who formerly worked in
22 Jamestown. He was a civilian.

23 I want to tell you something about Attica
24 in 1960. I have never seen so much discrimination in
25 one place in my life. There was one black clerk in

1 the institution. There was one black man 611

2 who had a good job. He was the head electrician.

3 I was in Mississippi in the Army, in
4 Alabama in the Army and I was all over.

5 I was born and raised in New York State.
6 The transition from where I come from, the background
7 from the day of my arrest in Jamestown by the city
8 police, until today, I haven't been sworn by an
9 officer, the county sheriff's department, I haven't
10 had a hand laid on me. I haven't even been insulted
11 by anybody.

12 But why? First of all, as I say, I was
13 making six cents a day on the punch press. After
14 four months I got to be making 24 cents a day.

15 Now, 24 cents a day is top except for the
16 lead man. The man--there are two men on the punch
17 press. The oldest man there gets 29 cents. I worked
18 in the metal shop for seven years. I was one of the--
19 after I worked on that punch press two years, the
20 fellow I worked with went home and I began making
21 29 cents.

22 Twenty-nine cents a day and do you know,
23 they take half of that, at the time. I had never in
24 seven years been able to spend more than three dollars
25 and a half a month that I earned from my working every

1 day.

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2 Now, I spent \$40 a month because I got a
3 pension so my outlook is different from a guy--a 30-
4 year old man who goes to the commissary and he earned
5 \$3.89. You don't even know what I am talking about.

6 A man has to have coffee, sugar, tooth
7 paste. And this is an adult. And nobody cares. He
8 walks up there and he has a list in his hand. He
9 gets to the commissary. Maybe they are out of peaches
10 or maybe they are out of sardines. So he has to make
11 that whole list over again, trying to squeeze pennies.

12 Can you imagine how degrading that is? You
13 don't know. It's just like you and me talking about
14 being blind. We don't even know what it's all about.
15 We can imagine what it's like to be blind, but do we
16 know?

17 This man worked all week long. He run a
18 punch press or worked on the spot weld or on the
19 shaper, all month long and he made \$3.05 or something.
20 And he goes to the commissary. Maybe he can get a
21 jar of coffee. "I better not, I will get a smaller
22 jar of coffee so I can get some sugar."

23 "Maybe I can get two packs of cigarettes
24 and a can of Buger."

25 He gets up there and maybe they are out of

1 Bugler. He has to go over there and make 613
2 that list. I seen guys take up that list and tear
3 it up and throw it on the floor.

4 Me, I could go to the commissary and spend
5 \$40, some months. The rule books say I can spend \$40
6 a month in the commissary. I get the Time Magazine.
7 I get the Life Magazine, I get Look, I get Sports
8 Illustrated, I get the Jet, Ebony, I get the Jamestown
9 Journal. I also used to get the Inquirer.

10 My Jamestown paper costs me approximately
11 \$24 a year. New York State says I can spend \$40 a
12 month. Every time I spend for a magazine or news-
13 paper, they take it out of my \$40. There is no such
14 thing in the rule book.

15 I have seen men who--I got more money than
16 that. The commissary man says, "No, you haven't." He
17 don't know. He gets it from down front.

18 Why would Attica, the only place in New York
19 State, take out \$24 for my Jamestown paper and allow
20 me to spend about \$16? I want to tell you a particular
21 case of a friend of mine.

22 This happened four years ago. He got a
23 hundred for Christmas. He had never made--in the whole
24 time he had been at Attica, he worked right in the
25 metal shop with me. Like I say, he never had more than

1 three dollars and a half a month to spend. 614

2 He got a hundred for Christmas, and he asked
3 me, the first thing he did, he showed me the hundred
4 from his sister in Alabama.

5 He said, "I'm going to get me some underwear
6 and shoes." He said, "Let me see your magazine."

7 When you send to companies like I do, they
8 send you their catalogue. I showed him how to make out
9 the slip. I think it came to \$36. He sent the money
10 order.

11 Me and him work together, we go to the
12 commissary together. When this man got to the commis-
13 sary, he had a list made out for \$20. He had been
14 there in Attica before I did. He had never spent
15 over \$3.30 the whole time he was there so he was
16 going to buy cigarettes this time, no Bugler.

17 When he got to the window the man told him
18 he got \$3 and some cents. He said, "Why, I just got
19 a money order."

20 "I know," he said. "I don't know," which
21 he didn't know. He was good enough to call out front
22 to see why he didn't have month on the books. They
23 told him, "You just sent out a money order for \$36
24 down to Aldens, you can only spend \$3."

25 Why doesn't it tell the man in the book he

1 can't spend that money in the commissary?

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2 Q Mr. Young, you have seen over these years
3 frustration after frustration of the type you have
4 described.

5 How do inmates--

6 A This makes a bad inmate. This man never had
7 a keeplock until that point.

8 Q How does an inmate take out these frustra-
9 tions?

10 A This guy closed his door, the first thing he
11 did. He went to see the man down front and he was
12 mad. The man down front says, "I don't care what
13 this book says. We run Attica."

14 That's exactly verbatim.

15 Three weeks later the guy was in a fight. He
16 had never been in a fight in eight years. And no
17 trouble. He never had a keeplock. The frustration.
18 I mean, the dehumanation. That's what it is.

19 Q You talked about how you had never seen a
20 place with as much segregation as Attica, when you
21 first came in.

22 There were black and white sport teams when
23 you came to Attica?

24 A Right.

25 Q There were black and white barber--

1 A Everything. Everything. 616

2 Q Ice?

3 A We had ice--the 4th of July, they bring out
4 ice. You have your own--it's like a picnic, open
5 house. And they bring ice and dump it on the stairs.
6 Black ice. They call it black ice.

7 The black guys get their ice. They call
8 "White ice," and the white fellows get their ice. I
9 never heard nothing like that in my life.

10 You go to the barber shop, black haircuts,
11 white haircuts.

12 I made the first black clerk in the metal
13 shop in the history of Attica. The same man that put
14 me on the machine made me a clerk in 1963. I went in
15 the office. In 1963 I became the first black water
16 boy in Attica.

17 You know what a water boy is? You have three
18 companies with open galleries. You get locked in at
19 night at 4:45 and one man is let out to pass water down
20 the galleries. There hadn't been a black man that
21 could hold that job in Attica.

22 There wasn't a black man that worked on the
23 line serving food when I went to Attica. This is New
24 York State. I have been here all my life.

25 Q How is Attica different in that respect today--

1 We have three or four officers in 618

2 Attica shouldn't belong around any black man nowhere
3 because these are racists and that is a small minority.
4 I mean, these men come in to work in the morning and
5 they are going to find what they can do to irritate an
6 inmate. They do it deliberately with malice afore-
7 thought but that's in a very small minority.

8 I know, because I know--well, I am not deal-
9 ing in personalities as a whole, no. I won't lie, as
10 a whole, no.

11 The average--I mean, I never had an officer
12 holler at me.

13 Q Now, in looking over your disciplinary
14 record, Mr. Young, I was struck by the fact that
15 almost out of the blue on March 23, 1971, you were
16 written up and received a reprimand for disobeying an
17 order while marching.

18 Tell me why a man like you would have
19 gotten written up for that.

20 A That was all a mistake. On my part and
21 the officer's, too.

22 I eat every day with the guys I work with.
23 Some of these--and I eat on a line where I am the
24 only black man that eats on that side of the line.

25 On this side--they don't separate us. That's