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TWO KIDNAPERS WITNESSES AT 'ROCK' SLAYING HEARING

Waley, Mahan, Weyerhaeuser Abductors, in U. S. Court; Alcatraz Beating of Young Charged

By ALVIN D. HYMAN

The Weyerhaeuser kidnapers, Harmon Waley and William Dainard, alias Mahan, headlined a troupe of Alcatraz convicts who paraded through the murder trial of Henri Young yesterday and caused attendants in the court of Federal Judge Michael J. Roche to post the "No Standing Room" sign. While a long queue of disappointed would-be spectators waited hopefully outside

the barred door, the crowded court room listened, wide eyed, to the first sizeable chunks of Alcatraz local color testimony which defense counsel has been able to spread on the record.

KIDNAPER WITNESSES.

Through the kidnaping team and three of their fellow convicts, the jury of six men and six women heard that Henri Young's fatal stabbing of Rufus McCain in the prison tailor shop had been preceded by these events:

Young had been dragged from his cell, beaten by guards, thrown down a flight of steps and jumped on "with both feet" by Associate Warden Edward J. Miller.

McCain had openly threatened to kill Young.

McCain had spread prison gossip concerning an asserted relationship between him and Young.

In every way the star of the day's courtroom performance was Waley, tall and not unhandsome 30 year old convict who is "doing" 45 years. For some reason not discernible to lay observers, he was permitted to testify on matters which other witnesses have touched upon only through the "bootleg" method of answering above objections of Frank Hennessy, United States Attorney.

WALEY TESTIFIES.

Waley made the most of his chance. From the very outset, when he announced he has been in isolation for the last nine months, to the finish, when he sneaked over a response indicating he expected to be punished for his testimony, he was of obvious comfort to defense counsel.

At some length and with considerable enjoyment, he related that he has been confined to the Alcatraz dungeon twice.

Once, he related he "made" the dungeon because he was sick, and applied for medical treatment, and was told he would receive medicine later; he insisted on aspirin at once; he was told he'd get his medicine later. "So," he recounted, grinning in retrospect, **"I told the doctor what to do with his aspirin and was thrown in the dungeon."**

CONVICT WITNESS.

Then his mood changed abruptly. He became grave and obviously bitter as he was asked if he was ever beaten; words rushed out in a torrent over the objection of Hennessy, and everybody heard his answer: **"Yes, I was beaten and taken to the hospital and put in a straight jacket and was half crazy."** The court ordered that answer out.

He was grinning again, however, as Sol A. Abrams of defense counsel inquired if he had ever heard McCain discuss Young. He shot a quick glance at the jury with its six women, and asked in some embarrassment if he should repeat McCain's conversation verbatim. Abrams suggested he be **"as nice as possible—use nice language,"** and with that injunction, Waley went ahead. He said he saw McCain one day shortly after McCain was released from

isolation, and congratulated him, and hoped Young too would soon be out.

McCain called Young a cat...," the witness testified "He said Young had snitched on their escape attempt. He was very angry and said he intended to kill Young just as soon as Young got out of isolation, and he said Young had better not get out of isolation."

With language admittedly supplied by Abrams, Waley also testified that McCain had spread word about the prison concerning alleged depravity involving him and Young.

THREATS DECLARED.

More specific testimony concerning McCain's asserted threats against Young came from George Miller, soft spoken narcotics violator from Dallas, Texas. Miller said he talked to McCain on the day before Young slid a knife into McCain abdomen, and that McCain was talking about the escape which he and Young and Doe Barker and others had tried.

"McCain and I were talking in the yards." the witness drawled, "and McCain had just got a slip telling him he had lost between thirty and thirty- five years of good time credit. He was plenty mad. He said. that if it hadn't been for that yellow punk—, Young, he would have been out of there by that time. He said he had waited for a long time to get Young and he said 'I'll get him now and it won't be long.'"

KNIFE REPORTED.

Dainard, doing sixty years for the Weyerhaeuser kidnaping, also offered testimony concerning McCain's threats against Young. Dainard said that once, when he was on janitor duty, McCain borrowed his dustpan, secretly ripped a strong piece of metal from it, fashioned it into a crude knife and admitted he intended to kill Young with it.

Dainard, pleading any such act with any such weapon would involve him, got the metal back from McCain, he said -- and at the request of defense counsel, informed Warden James A. Johnston where he hid it and where it ought to be now.

BRUTALITY CHARGED.

Sizzling testimony concerning alleged acts of brutality inflicted upon Young came from James Groves, colored, military prisoner serving forty years for attempted rape and attempted murder. Groves, testified, too, that McCain had threatened to kill Young "because he was a rat." And then he related:

"In July, 1939, we was on a hunger strike here. We wanted yard privileges and more smoking. Four men—guards—went into Young's cell and pulled him out. I didn't recognize any of the guards but I recognized Deputy Warden Miller.

"Young was thrown down the steps and landed down at the bottom and the deputy jumped on his face with both feet— that's the reason he hasn't any teeth now.

"At the door of the cell I saw the guards with their saps—their clubs — hitting him— hitting him on all parts of his body."

Attempts to draw similar testimony from Joseph Vigorous, kidnaper from Alabama, were stifled by Government objections.

BEATING DENIED.

Following Groves' testimony, Associate Warden Miller was recalled to the stand and confronted directly with Groves' assertions. He denied them all and insisted he never struck a prisoner, saw a prisoner struck or ordered a prisoner struck.

Earlier in the day, in one of frequent "offer of proof," Abrams had charged directly that Miller was lying in earlier testimony.

“I don’t believe we have obtained the truth from Associate Warden Miller in 2 per cent of our questions,” said Abrams to the court. “I would rather believe any of these convicts than believe Miller.”

Objections of Hennessy to defense tactics strengthened to charges of “prejudicial misconduct” during the day and at one stage caused Judge Roche to observe that counsel had been permitted to argue admissibility of certain evidence, had heard the court’s adverse ruling, had nevertheless insisted on asking questions along the forbidden line, had ignored all portents and was dangerously close to the verge of contempt.