

Georgia Prosecutor Quotes Hearst in Attack on Herndon

Presses Fight To Send Negro To Chain Gang

Supreme Court Justice Backs State on Jurisdiction

By Louis Colman

COURTROOM, U. S. SUPREME COURT, WASHINGTON, D. C., April 12.—Whether Angelo Herndon, black leader of black and white unemployed, must go to the Georgia chain-gang for fighting for unemployment relief in Atlanta, was argued before the court today in a dramatic hearing.

The right of the Communist Party to exist as a legal party in Georgia was maintained by Seymour, and attacked by the State of Georgia representative.

The arguments for Herndon took place before the court which less than two weeks ago was forced by world-wide mass pressure to reverse the lynch-decision against Heywood Patterson and Clarence Norris, Scottsboro boys.

Court Room Crowded

The Supreme Court filled, rapidly, and by 2:30, when the justices filed into their places again. It was jammed. Part of the crowd which filled the seats, stood around the door and in the corridor outside, were sightseers, but most were sympathizers with the cause of Angelo Herndon. A number of Negroes were among them. As the hearing got under way, the sightseers gradually filtered out, while sympathizers came in, took their places, and stuck to their seats.

Angelo Herndon himself sat in the court, eagerly following the course of the argument of Seymour, who asked the nine Supreme Court justices to reverse the sentence which would doom him to eighteen to twenty years on the Georgia chain-gang.

Whitney North Seymour, former Assistant Solicitor-General of the United States, retained by the International Labor Defense to defend Herndon, argued the appeal. He was supported in the court room by his two associates, Walter Gillhorn and Herbert T. Wechsler, and by Carol Weiss King, also of the I.L.D.

Craw Aided by Justice

Representing the State of Georgia, Walter Lee Craw Assistant Attorney General, sat nervously glancing from one justice to another, as Justice Sutherland and Van Devanter, assisted by Chief Justice Charles Evans Hughes, fired question after question at Seymour, seeking to find holes in his presentation of the argument.

The central point in the brief filed by the State of Georgia in answer to the brief on appeal prepared by the I. L. D. lawyers, is the notorious faked quotation published widely by the Hearst Press, as a quotation from Lenin. The quotation, that "the dictatorship of the proletariat is nothing else than power based only upon force and limited by nothing," was exploited as a complete forgery by the Daily Worker. Upon the basis of this statement, and upon Herndon's proudly admitted membership in the Communist Party, the State of Georgia seeks to justify its murderous sentence against Angelo Herndon.

Argues on Jurisdiction

Seymour, in his argument, covered first the question of jurisdiction of the court. He pointed to the fact that the Georgia Supreme Court in a petition for rehearing of the Herndon Case, ruled that if Herndon might have assumed that at any time in the future, his possession of a few pamphlets and books might have the effect of "inciting an insurrection," he must go on the chain-gang. This unanticipated ruling, he showed, clearly brought the case before the court.

He analyzed the decision of the court to show that both the "insurrection" law and its interpretation made the law so broad that a jury, before it could bring in a verdict, would have to determine what the State might be like at such a time in the future as the slogan of "Self-Determination for the Black Belt," might be carried through; and whether at such a time it would be reasonable to suppose that Herndon's possession of these pamphlets might have been the cause of any insurrection which might result. This decision, he showed, is in direct violation of the 14th Amendment to the Constitution, in that by demanding such speculation from the jury, it robs any defendant of due process of law.

Defend Free Speech

The points in these and other arguments which have been brought before the Supreme Court by the International Labor Defense, are basic in the struggle for the freedom of speech in the United States.

Seymour's argument of jurisdiction just before its close, was sharply attacked by Justice Van Devanter.

Walter Lee Craw, Assistant Attorney General of Georgia, rose to pursue before the highest court the determination of the State to murder Herndon on the chain-gang.

He made the walls of the small semi-circular court room echo with shouted attack upon the defense of free speech made by Seymour.

Lynch Speech

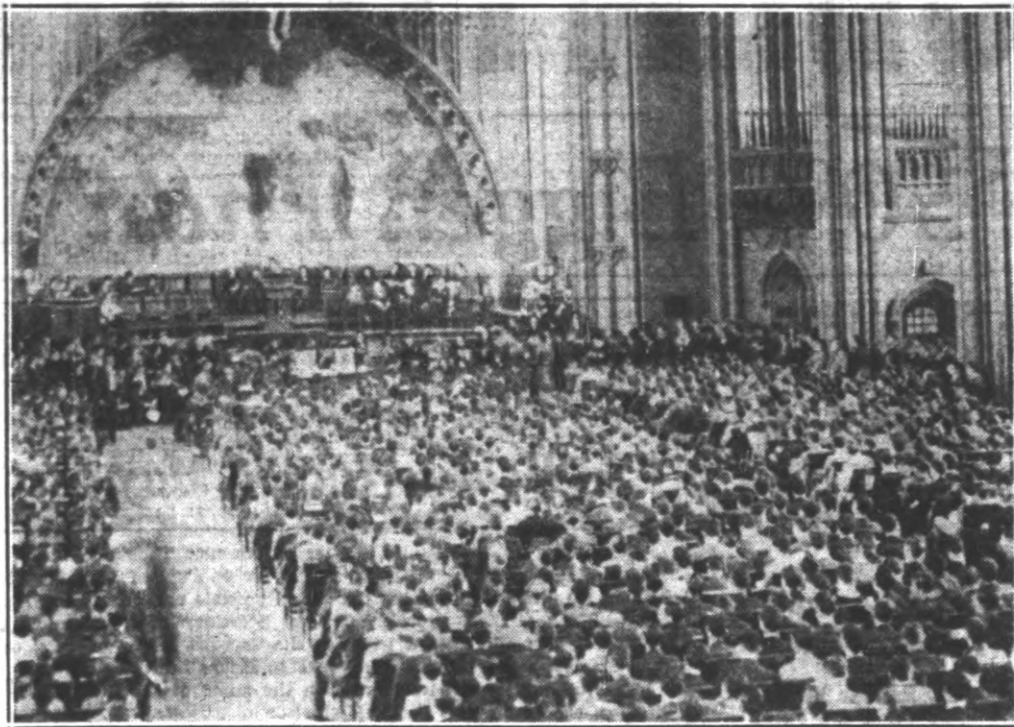
The voice of the lyncher was heard in the court room as he shouted:

"Maybe when they say to seize the land and give it to the Niggers, maybe they don't mean force and violence."

He held up a photostatic copy of the cover of the pamphlet, "The Communist Position on the Negro Question," in horror; a photostatic copy of the Daily Worker with the

Striking Students at Rally

GROUPS OF C. C. N. Y. GATHER IN AUDITORIUM WHEN RAIN PREVENTS PLANNED DEMONSTRATION ON THE CAMPUS



Rubber Workers! Don't Trust Promises of 'Arbitration'!

AN EDITORIAL

(Continued from Page 1)

is no less tough than his class colleagues, the rubber barons. He is no less tough than the strike-breakers organized against the rubber workers.

AT the last moment, as usual, sweet Miss Frances Perkins waddles in, and tries—what? Of course, the old dirty game—to cheat the workers, to dope them, to try to convince the workers to believe the old cheaters again, to try the same tricks they used in San Francisco, that were tried in steel, auto and in hundreds of other strikes.

Do you ladies and gentlemen believe we workers are hopeless fools who will fall again and again for your trickery? Even a mouse doesn't go twice into the same trap. Do you ladies and gentlemen believe we workers do not learn? Well what we do not learn ourselves our women and children who want to live, to eat, to clothe themselves, and want to have the little pleasures in life that a worker can get, teach us. Our wives come back from the stores and tell us that prices have gone up two-fold in the past year or so.

No, there is no other way for the workers, especially for the rubber workers now, than the way of trusting only their own forces.

The rubber workers must strike! Fight in one united front!

Nobody must be allowed to split the ranks. United, decide to strike! United, carry through the

demand for self-determination for the Black Belt listed on the first page, in exasperation.

"Can you confiscate land without force?" he shouted. "Can this be political action—to take the land and turn it over to the Niggers?"

"We thought that was settled by the Civil War, but apparently the Communists don't admit that the question of secession is settled."

Craw was interrupted by Chief Justice Hughes, who asked him to bring out the strongest statements in the record showing advocacy of violence.

Sees Orders from "Rooshia"

"The membership book of the Communist Party," Craw stated, "shows that a member of the Communist Party must abide by the decisions of the Russian branch."

Examination of a Communist Party membership book falls to reveal what particular phrase was used to obtain this distortion.

"The idea of a separate country for the Niggers originated in the Communist International, in Rooshia," he screamed, as though attempting to incite a lynch-mob then and there.

Ranting and raving, Craw shouted that Herndon must remain convicted because he was spreading the Daily Worker, which, he pointed out, carries such slogans as "Against Imperialist war" and "Defense of the Chinese People and the Soviet Union."

Police Attack NBC Strikers

(Continued from Page 1)

Following which a general attack against the pickets was launched. Many were beaten, and three were arrested. One was reported sent to the hospital with a broken leg.

This attack against the strikers followed Mayor LaGuardia's promise that there would be no more attacks against them.

Hear Hathaway

Following the picket demonstration 500 workers, mostly strikers, attended a mass meeting under the auspices of the Downtown Section of the Communist Party, in Irving Plaza, where they heard Clarence Hathaway, editor of the Daily Worker, outline a fighting program for the Nabeo strikers and promised the full support of the Communists. He emphasized that mass picketing, together with support of the entire labor movement for a stronger boycott, is bound to win.

The meeting enthusiastically greeted every expression of solidarity and call for militant action. A collection for the benefit of the strikers netted over \$44.

strike! Every worker, be active in the strike. Organize mass picket lines. There is no other way to fight for and win the modest demands of the rubber workers.

But more must be done. All labor must move in defense of the rubber workers. If one shot is aimed against the workers, if one worker is clubbed, if organizing of strikebreakers is tried by the rubber barons and rubber-stamp authorities, the workers in Akron and everywhere else must show that the workers are not less tough in fighting for their just demands than the bosses in fighting to retain wage slavery.

For the rubber workers are now standing in the forefront of the fight for the right of organization, in the fight against company unions, in the fight for improving the workers' conditions.

A serious comradely word to the leaders of the rubber unions:

In your hands lie great responsibilities. Don't use your power, which the workers have placed with you, to repeat the policies of the top leaders in steel and auto and in other movements.

To the rubber workers we say:

Don't trust promises of "arbitration," to postpone your strike. If you postpone it they will "arbitrate"—they will "arbitrate" against you, as in the Weirton steel case, as in auto, as in steel.

Forward to the struggle! That spirit will finally liberate labor!

Local 3 Votes Unions Pledge General Strike Aid to Strike

(Continued from Page 1)

and to report their findings to the Board of Estimate as soon as possible.

Picket In Rain

In spite of the rain a considerable number of electricians conducted a very effective picket line at the Hall while the Board dealt with the question of the strike. Every picket carried a black umbrella bearing various inscriptions printed in white.

"Our Children Cry for Bread," "Our Politicians grab the cake," "We starve—they prosper," slogans on some of the umbrellas declared. Others said: "It is raining every day for us. We want work." "War Veterans—I fought for my Country—now I fight to live." "P. W. A. was created to place us to work—it is not doing so." One umbrella after another was carried by City Hall, presenting the demands of the electricians for union conditions and the hiring of union men on all P. W. A. jobs.

While the main report at the membership meeting of Local 3 was made by Harry Van Arsdale, Jr., business manager, all motions at the meeting were made from the floor. A motion to spread the strike to all P. W. A. jobs was defeated by assembled electricians as too mild a measure to bring the strike to a successful conclusion.

"We Want Strike"

A chorus of "We want a general strike" met every other motion presented at the meeting. After every other motion was defeated the workers voted unanimously for a general strike of all construction work, leaving the date to the discretion of the officials.

While some of the workers wanted the strike to become effective yesterday the majority thought it more advisable to leave the actual date to the union officials.

Lack of confidence of the workers in further hearings and negotiations was obvious from their reaction to the part of the report dealing with them. Bert Kirkman, president of the union, also addressed the meeting.

While some of the workers wanted the strike to become effective yesterday the majority thought it more advisable to leave the actual date to the union officials.

The meeting clearly indicated the excellent spirit of the men and their determination to fight until the General Railway Signal Company, which hires non-union men at \$15 to \$18 a week, will be forced to place union electricians on the subway job at the union rate of \$11.20 a day.

150,000 Strike In Colleges

(Continued from Page 1)

demonstration of high school youths.

Efforts to barricade doors of almost every high school in New York against attempts of the students to walk out were reported to the strike committee. In most cases the students managed to gather for demonstrations despite the authorities.

Moves on the part of hoodlums and fascist elements to smash the strike met the militant resistance of the anti-war fighters. Stench bombs were thrown at Harvard by a group of fascist students who were seen riding about Cambridge with what appeared to be machine guns in their cars.

Students Go to White House

(Daily Worker Washington Bureau)

WASHINGTON, D. C., April 12.—Negro and white delegates of the six national bodies leading the country-wide student strike against war and fascism took their demands right into the White House today.

Marvin McIntyre, secretary to President Roosevelt, received the students' petition condemning the Hearst press "the record-breaking armament appropriations" and the "insidious attempt to turn the C. C. C. camps into army reserves..." He told the students who spoke for millions of American youths, that he would "read the petition carefully again and pass it along."

Present Petition

Marie Block of the American Youth Congress, Fred Joiner, for the Student League for Industrial Democracy, and Harold Rowland, Negro, for the Inter-Seminary Movement presented the petition to McIntyre.

About 250 students of Howard University, Federal-aided Negro institution, went out. Several hundred students at American University, Wilson Teachers College, and George Washington University struck.

At George Washington University, a jingo counter-demonstration was held.

Text of Petition

Text of the student petition to the president follows:

"Mr. President:

"We speak in the name of the following groups which constitute the National Student Strike: National Council of Methodist Youth; Student League for Industrial Democracy; American Youth Congress; National Student League; American League Against War and Fascism; Youth section; Inter-Seminary movement; Middle Atlantic Division."

"Following its call 150,000 students are demonstrating against war at this moment. The following resolution is being presented:

"On this day, the 18th Anniversary of the United States entrance into the World War, we students, alarmed at the wave of war preparations, take our stand with students all over the nation in determined opposition to war and fascism."

Condemn Armaments

"With the young people of this country still suffering from the effects of the last war, we condemn the record-breaking armament appropriations, the maneuvers to be held by the U. S. fleet in the Pacific, and the insidious attempt to turn the C.C.C. camps into army reserves. As the first step in the fight against militarism we pledge to work unceasingly for the abolition of the R. O. T. C. in all schools."

"We oppose the sedition legislation, loyalty oaths and all other attempts to rob the American people of their civil rights as attempts to drive us into fascist rule, a rule clearly shown to be most aggressive in demand for war. We condemn the activities of the Hearst press as being directed towards this same goal."

"We join with students and workers throughout the world in the fight against imperialism. We greet and support the students who participated in the World Student Congress at Brussels last December and pledge our cooperation with the Committee set up there."

"In the fight against the war being fought in the Gran Chaco we pledge support to the Pan-American Student Congress Against War. As American students we have special esteem for the heroic Cuban students and workers who are fighting bitterly against oppression instituted and continued by American imperialism."

"We feel that the critical situation in the world today, with its special hazards for the youth of this country warrants continued unity against war on the part of students and workers and therefore pledge to continue our co-operative efforts as long as danger exists."

"We give our solemn pledge on this day that we will not support the Government of the United States in any war it may conduct."

A partial tabulation from reports received by the National Student Strike Committee headquarters at 8 W. 40th St. and from the United Press, follows:

University of Michigan, Ann Arbor, Mich.—1,200

Carnegie Tech., Pittsburgh, Pa.—500

Rutgers University, New Brunswick, N. J.—500

University of Illinois, Champaign, Ill.—500

Western Reserve University, Cleveland, Ohio—2,000

Syracuse University, Syracuse, N. Y.—1,000

University of Pennsylvania, Philadelphia, Pa.—3,500

Temple College, Philadelphia, Pa.—2,500

St. Lawrence University, Canton, N. Y.—400

Mercer University, Macon, Ga.—100

Howard University, Wash., D. C.—250

Vassar College, Poughkeepsie, N. Y.—500

Marquette College, Marietta, Ohio—175

George Washington University, Wash., D. C.—500

American University, Wash., D. C.; Wilson University, Wash., D. C., jointly—4,500

Johns Hopkins, Baltimore, Md.—3,000

University of Colorado, Denver, Colo.—600

University of California, Berkeley—2,500

Arizona Teachers College, General Assembly (no figures)

Milwaukee State Teachers and University of Wisconsin Extension Div.—2,500

Baylor University, Indianapolis, Ind.—150

Yale University, New Haven, Conn.—500

Albany Business College, Albany, N. Y.—200

Minnesota University—2,000

Washington University, St. Louis—50

Brown University, Providence, R. I.—1,000

Dartmouth University, Hanover, N. H.—500

Mount Holyoke College (women), South Hadley, Mass.—150

Smith College (women)—600

Amherst College—125

Union College, Schenectady, N. Y.—75

Colgate University, Hamilton, N. Y.—1,000

University of Chicago—2,000

Ohio State University, Columbus—1,200

Vassar College, Poughkeepsie, N. Y.—1,000

Wayne College, Detroit, Mich.—700

Akron College, Akron, Ohio—250

Hunter College, New York—1,000

Pittsburgh University—800

Pennsylvania College for Women—300

Hamline College, St. Paul—500

Nassau Collegiate Center, Hempstead, L. I. (no figures)

University of California, Berkeley—2,500

Arizona Teachers College, General Assembly (no figures)

Milwaukee State Teachers and University of Wisconsin Extension Div.—2,500

Baylor University, Indianapolis, Ind.—150

Yale University, New Haven, Conn.—500

Albany Business College, Albany, N. Y.—200

Minnesota University—2,000

Washington University, St. Louis—50

Brown University, Providence, R. I.—1,000

Dartmouth University, Hanover, N. H.—500

Mount Holyoke College (women), South Hadley, Mass.—150

Smith College (women)—600

Amherst College—125

Union College, Schenectady, N. Y.—75

Colgate University, Hamilton, N. Y.—1,000

University of Chicago—2,000

Ohio State University, Columbus—1,200

Vassar College, Poughkeepsie, N. Y.—1,000

Wayne College, Detroit, Mich.—700

Akron College, Akron, Ohio—250

Hunter College, New York—1,000

Pittsburgh University—800

Pennsylvania College for Women—300

Hamline College, St. Paul—500

Nassau Collegiate Center, Hempstead, L. I. (no figures)

Metropolitan Tabulation

An incomplete tabulation of student participation in the anti-war strike, at official and unofficial indoor and outdoor meetings showed the following:

Columbia, 3,500; C. C. N. Y., main day session, 3,000; C. C. N. Y., 23rd Street Center, 1,200; N. Y. U., Heights, 400; N. Y. U., Washington Square, 1,200; Hunter College, Bronx, 1,000; Hunter College, Sixty-Ninth Street, 1,000; Brooklyn College, 3,000; New York School of Social Work, 700.

A similar tabulation for New York City high schools showed the following:

Townsend Harris Hall, 400; Evan-der Childs, 1,000; Morris, 200; Jefferson, 800; James Monroe, 200; Stuyvesant, 200; Washington Irving, 200. Hundreds of students also took part in demonstrations at Tilden, Textile and New Utrecht High Schools.

(Daily Worker Midwest Bureau)

CHICAGO, Ill., April 12.—Twenty-five hundred students left their class rooms at the University of Chicago, and thousands more marched out of other colleges and high schools in the city. An American Legion counter-meeting in the University Field House was answered by an overflow meeting in Mandel Hall. Hoodlums brought in to disrupt the rally were driven away by the students.

Five hundred who met in the Y. M. C. A. College assembly hall paraded through the Loop to the Hearst building, with banners saying: "Down with Hearst." Police attempted to block the doors as students left classrooms at Crane High School. A parade of 100 to Crane was attacked by police.

Five hundred massed in Lewis Institute assembly hall. Several hundred left class at Tukey High School. An anti-war assembly was held in Kelly High School. Wright Junior College students distributing anti-war strike calls were arrested.

Tom Mooney Writ Is Filed

SAN RAFAEL, Calif., April 12.—A habeas corpus petition for the release of Tom Mooney from San Quentin prison, was filed in Superior Court today.

The petition was a sequel to a United States Supreme Court decision. The court refused to review Mooney's case but suggested he still had recourse in the California State courts.

The petition was filed by George I. Davis, Mooney's San Francisco attorney, after Tom had signed various documents in Warden James B. Holohan's office.

The petition showed perjury by principal State witnesses whose testimony brought about Mooney's conviction, and charges that Charles Fickert, then district Attorney of San Francisco, knew the evidence was faked.

9,400 More Miners Strike

(Continued from Page 1)

cooperating effectively with me in preserving the peace in Luzerne County, will be withdrawn April 17. Should the Attorney General of Pennsylvania make good his threat, it will be incumbent upon me to call upon the Governor of this great commonwealth to declare martial law with soldiers or State militia."

Glen Alden Coal Company attorneys filed briefs with the Supreme Court of Pennsylvania stating their reasons why the mandate of Judge Valentine, ordering the new union to call off the strike should be upheld.

Indicating the line of action that county authorities will take in the next stage of the reign of terror here against the miners, Sheriff Kniffen, speaking here, praised Judge Valentine as a "courageous individual" who "nipped any revolutionary tendencies in the bud." He declared that "Communism is the vulture that has descended upon the community." The attempt of the sheriff to arouse a "red scare" will fail, however, as the miners in this county know that the Communists have done everything humanly possible to assist them in their three-month struggle.

Heavy Tourist Travel Expected in U.S.S.R. During Summer Months

(Daily Worker Ohio Bureau)

MOSCOW, April 12 (By Cable).—A big influx of tourists is expected in the Union of Soviet Socialist Republics this summer. Twenty-four steamers are already reserved which will arrive with tourists to Soviet ports in the Baltic and Black Sea.

Nazis Build Bigger Army

(Continued from Page 1)

shevism. The National Socialists will soon assume power in Austria."

British Aims Revealed

STRESA, Italy, April 12.—A severe crack in the publicly expressed policy of the British cabinet over the Stresa conference now entering its second day has developed in London, large enough to make the real aims of the British delegation here stand out.

While Sir John Simon and Ramsay MacDonald were bringing pressure on the French and Italian delegates not to introduce a resolution before the League of Nations Council, Neville Chamberlain, Chancellor of the Exchequer in London granted an interview to newspapermen which exposes Sir John Simon's hand.

The interview, which acted like a bombshell at Stresa, contained the following three points:

1) Mr. Chamberlain, a member of the British Cabinet, declared that Britain should hold further conferences with Hitler, in order to arrive at an agreement between the two countries, and "investigate" further the Fascist position on re-armament.

2) That Britain should not make any statement that she will not tolerate any aggression on the continent, as Britain will then be committed to some form of action. In reality, this is a recommendation to Hitler to go ahead with aggression against the Soviet Union, indicating to him that the strongest forces in the Cabinet will prevent any action to interfere.

3) Britain will not enter into any pacts in Europe, except possibly an air pact restricted to Western Europe only. This, also is an indication to Hitler that leading members of the British Cabinet are not averse to his aggressive air preparations for East Europe.

Seamen Regain Union Hall

(Continued from Page 1)

after it was exposed as a gag measure. The Democratic Steering Committee therefore met and announced assurance that in no case would they allow a motion to substitute the Workers' bill to be held out of order. However, it was pointed out by supporters of H. R. 2827, that this was still more "trick" strategy. This is the reason: Under the general rules of the House, the motion to substitute cannot be put to a vote placing individuals on record unless a previous vote musters a majority of the membership. A record vote would have been taken if the "rule" provided for the Wagner-Lewis-Doughton bill had specified so.

It is the matter of taking individual responsibility which is all that worries opponents of the Workers' bill. The Administration is attempting to protect them from going on record while still beating the bill. They feel confident they can do this, but they also wish to do it without a record vote.

PHILADELPHIA, Pa.—April 12.—Determined to continue the fight for a closed union in Philadelphia, rank and file members of the International Seamen Union regained possession of their union hall, at 129 South Second Street, while their district officials from New York and their thugs were "resting" at Hotel Walton.

The union hall was forcefully taken away from the members when Oscar Carlson, D. Grange and others of the Atlantic-Gulf district office, accompanied by police, raided the headquarters last Monday.

Twenty seamen were arrested and one was severely kicked and beaten by Carlson when the raid was made. The International Labor Defense obtained the release of the workers who were placed on a peace bond each. The seaman who was beaten by Carlson in the presence of police was taken to jail, charged with inciting to riot.

Following the raid Carlson took the local's charter and expelled many of the members as "reds." Seamen report that Carlson ordered all seamen who joined the I. S. U. but had not yet paid up initiation fees, to leave the hall. Then went ahead to "re-organize" the local.

Rank and file members of the I. S. U. announced that the drive to organize the port will continue despite the gangster tactics of the district officials and all seamen were called to come to the hall on Second street. Initiation fees will be waived for unemployed seamen until they ship out.

Series on Coughlin Resumed on Monday

The next article of A. B. Magill's series on Father Coughlin will appear in Monday's issue of the Daily Worker.

Magill's analysis of Father Coughlin's activities has been published in pamphlet form by the Workers Library Publishers.

Units: Order your bundles of the special May Day issue of the Daily Worker now! Orders, accompanied by payments, must reach the national office by April 24th.

PLANNED SAFETY

THE same meticulous planning that has promoted and governed the extraordinary growth of the Soviet Union; that has made possible the balancing of the nation's budget year after year; that has enabled it to provide economic security for its 170 million people; has been applied to the creation of a strikingly safe medium of investment—

SOVIET UNION 7% GOLD BONDS

These bonds incorporate the principle of "planned safety." A summation of the special safeguards behind these bonds will be sent upon request.

Ask for Circular D-3

SOVIET AMERICAN SECURITIES CORP.

30 Broad St., N.Y. Tel. HANover 2-5330

SEND A TORGSIN ORDER

to your relatives in the Soviet Union. TORGSIN STORES are located in the larger cities of the U. S. S. R. and carry a great variety of quality merchandise.

For Torgsin orders see your local bank or authorized agent. General Representative in U.S.A. at AMTORG, 261 Fifth Ave., N.Y.

EUROPEAN RADIO CO., Inc.

RADIOS — REFRIGERATORS — WASHING MACHINES

ON EASY PAYMENTS

A Small Deposit. Balance in Small Weekly or Monthly Payments

2875 — 56th Street Brooklyn, N.Y. BR 6-9588

Avenue A, corner 10th Street New York City AL 6-9838