

Nine Old Men Thumbing Law Books Sit in Judgment on Herndon Case

Whitney Seymour Gives Splendid Argument for Reversal

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WITH all the mummery and pomp dear to the hearts of high-school dramatic societies and middle-class lady tourists from Iowa, exactly as the hands of the ornamental clock reached 2:30, the nine old men who are the Supreme Court of the United States filed into their courtroom on Friday afternoon, April 12.

The deep silence in the small courtroom is broken only by the swish of their black robes and they stand before their very large and comfortable black leather thrones until Chief Justice Hughes gives the signal to be seated.

On the long desk before them—one long desk for all nine—are piles of legal documents, briefs and many volumes of law books. Almost immediately after he is seated, Hughes announces: "Angelo Herndon versus the State of Georgia." and Whitney North Seymour, retained by the International Labor Defense, rises to begin the oral argument in the appeal for Angelo Herndon's life.

Angelo Herndon himself is seated in the middle of the front row reserved for spectators. No one but attorneys admitted to the bar of the highest court in the land are permitted beyond the sacred confines of the brass rail that hems off the two rows reserved for the "public."

We had a little difficulty about getting him into the courtroom. Outside the portals is a uniformed policeman who bars the way. "Line forms to the right for getting into the Supreme Court," he murmurs politely. When asked whether or not anyone could get in without standing on line, he referred me to the marshal's office. The marshal is a pompous individual with a stiff wing collar and a starched shirt.

"Isn't He Colored?"

I told him: "Mr. Angelo Herndon whose case is coming up this afternoon is outside and cannot get into the courtroom because of the long line ahead of him."

"Angelo Herndon? Isn't he colored?"

"Yes," I answered as defiantly as politeness would permit.

"But he's in jail," says the marshal.

"I beg your pardon, he is right outside your door. He has been out of jail, on bail, since last August."

At this point he wrote out a little slip, handed it to another funkier



ANGELO HERNDON

and we were ushered into the hushed courtroom.

Whitney North Seymour presented a splendid argument. It lasted for exactly an hour and was packed with telling and convincing reasons for reversing the reactionary decision of the Georgia courts. He was interrupted several times by the various "their Honors." They were following with the greatest interest, turning the pages of the various documents he referred to.

Reactionaries and "Liberals"

The cleavage between the out-and-out reactionaries and the so-called liberals on the bench is sharp and clear. However, none of the reactionaries' baiting confused Seymour and he presented his lucid and impressive case.

Mr. Crow of Georgia lost no time in showing his true colors in spite of his references to Seymour as his "brother." He very soon began to shout in the traditional Southern lynch-court style of oratory. He waved his documents and rolled out certain words—"Revolutionary—ad-vocacy." He had a little difficulty with some of them, particularly with the "Third Internationale" that sits in Moscow, Russia, and the "working class struggle" against the Boo-shwahzee.

Here was the assistant solicitor-general of Georgia, bravely defending those whose interests he serves. Here he was before the Supreme Court, staunchly defending the position of the white landowners of the South on "this self-determination for the Black Belt." After the first slip in which he fumed about how the Communists wanted to "seize the land and give it to the niggers," he very carefully said,

Solicitor General of Georgia Lashes Out at Daily Worker

"Nigras." But he fought hard to make his point, even though the judges kept interrupting and asking him just what this young man did to prove the charges of inciting to insurrection for which he was sentenced.

Attacks Daily Worker

He was particularly insistent on repeating the fact that Communist literature found in Herndon's possession, carried such slogans as: "Smash the National Guard and the C. M. T. C." Justice Butler, after the third time Crow referred to it, asked, "What is the C. M. T. C.?"

At one point he waved the protocol of the Daily Worker, shouting: "35,000 copies of this thing are circulated throughout our country and on every one of them it calls for self-determination of the Black Belt."

With the able assistance of the reactionaries, Van Devanter, Sutherland and McReynolds, he emphasized the most salient parts of his argument, especially one technicality about one of the legal steps in taking the appeal from the trial court.

Nine Old Men Listen

Nine old men listened carefully to both sides. Nine old men thumbed many volumes of laws and opinions during two and a half hours last Friday afternoon, while Angelo Herndon sat and watched them in the courtroom and millions throughout the world await their decision.

Those who have participated in the nation-wide campaign to free Angelo Herndon on bail, have given their verdict: "ANGELO HERNDON MUST GO FREE!" But these nine old men must be made to hear that verdict sharply and distinctly. It must pour in on their secluded chambers from every corner of the land. Four years of battle in the Scottsboro case, forced them to a decision which is one of the greatest victories in the whole battle for Negro rights. Millions of voices broke through the august silence of the United States Supreme Court. It can be done again. It must be done again. Angelo Herndon must be freed.

The International Labor Defense is intensifying the Scottsboro-Herndon campaign to fight these cases to a victorious conclusion. Twenty thousand dollars must be raised within the next month to continue this vital work. The I. L. D. calls on all its friends and supporters to help achieve our goal—complete freedom for the Scottsboro boys and Angelo Herndon.