

HERNDON FREED

Answer the Fascist War Mongers; All out Dec. 14!

New York anti-Fascists are called upon to demonstrate before Madison Square Garden Saturday, Dec. 14 at 7 P.M. against the openly proclaimed threat of Mussolini's American agents to arouse sympathy for his highway-robbery in Ethiopia and to terrorize all Italo-American and American opponents of the Italian Fascist murder regime.

This demonstration is being organized by the Italian-American Committee Against War and Fascism, a united front body. The Workers Party is participating in the demonstration and all its members are requested to be there.

Following are excerpts from the leaflet issued by the committee which gives more detailed information.

"The Italian Fascists are going to meet in Madison Square Garden this Saturday night, Dec. 14 for the purpose of glorifying Mussolini's aggression of Ethiopia and to raise funds to enable the Black Shirt hordes to deprive the peaceful Ethiopians of their independence.

"High American officials, such as Supreme Court Justices Salvatore Cotillo, Ferdinand Pecora, General Sessions Justice John Freschi and others, are to be found among those who will "Hell" tyrant Mussolini in Madison Square Garden.

"This Fascist rally was decided upon at a dinner in the Ricciardi Italian Restaurant, on the evening of Friday, Nov. 15, 1935.

"Supreme Court Justices Salvatore Cotillo and Ferdinand Pecora participated.

"The purpose of the Madison Square Garden rally, as the Fascist daily "Il Progresso ItaloAmericano"

informed us in its issue of Nov. 17 is as follows:

"To once more demonstrate that the hearts of the Italo-Americans beat with the heart of the far away Motherland and that each and every national who resides in this Motherland of adoption is ready to give all within his power to help Italy fight the brutal International Coalition led by England with the utmost resistance and give a chance to the Italian soldiers who are now in Africa to write another epic page of glory in the history of civilization."

"The Fascist sheet further stated:

"When the Grand Officer of the Crown of Italy, Mr. Pope, began speaking to explain the purpose of this gathering, the throng which packed the Hall of Ricciardi's Restaurant, which was decorated with flags of the two Nations, the colors which are in the heart of every Italo-American, an impetuous and lasting applause broke out. This stirring applause manifested the spontaneous promise of those present to enthusiastically contribute to the success of the Madison Square Rally, which also must be a warning to those who want to deny Italy her holy and sacred right to live. It must also serve to show that the five million Italian Americans who live in the United States are ready to sacrifice themselves on the altar of their great Motherland and will respond as the Consul General has said with a tooth for a tooth and an eye for an eye."

Everybody out-

Give the Fascist vermin the answer they deserve.

Mass Pressure Forces Release of Class War Prisoner

Confronted by a tidal wave of mass protest which has been mounting ever since the formation of the Joint Committee to Aid the Herndon Defense ended Angelo Herndon's isolation from the broad labor and radical movements, the State of Georgia has executed its first retreat since the struggle began three years ago.

Judge Hugh M. Dorsey of Atlanta has declared unconstitutional the 1866 "slave insurrection" law, under which Herndon was sentenced to an 18-20 year term on the chain gang. Herndon is now in New York, under \$8,000 bail.

The state of Georgia has until Dec. 27 to appeal from Dorsey to the state Supreme Court. If it does not appeal, or if it loses its appeal, the law will be a dead letter, Herndon will be unconditionally free, and indictments now standing against 18 other workers will be null and void.

If the state does appeal, and if the Georgia Supreme Court declares the law to be constitutional, the defense will take the issue back to the U. S. Supreme Court, which twice before refused on technical grounds to hear an appeal. Unquestionably, the defense would be much stronger in legal ammunition this time. It will also be stronger in its mass backing, if every effort is made to build a militant movement not only to save Angelo Herndon, but also to establish the principles and rights involved in his fate.

Judge Dorsey's decision was by no means a concession of any rights or principles. He was forced to release Herndon because, in the face of growing mass pressure, neither the Talmadge faction nor the Roosevelt faction of Georgia politicians wants to go before the workers of the country to justify Herndon's conviction. At the same time, the Judge's decision, declaring the 1866 law to be "vague" in phraseology, suggests to the legislature how it can adopt a law under which any opponents of the existing Bourbon capitalist regime of Georgia could legally be sent to the chain gang.

Dorsey for Rigid Gag-Law

In so doing, Dorsey is satisfying the demands of the Georgia ruling class. These were expressed at the recent hearing in Atlanta by County Solicitor Lecraw. He affirmed the need of silencing all radicals by court action now, in order to prevent the growth of militancy to a point where the capitalist forces would have to fight labor outside the courts.

Lecraw's argument was opposed by W. A. Sutherland, Atlanta attorney, who argued that the best way to preserve the existing economic order and the existing "good" relations between whites and negroes in Georgia is to allow a little freedom of speech. By suggesting a new water-tight gag law to the legislature Judge Dorsey shows that he did not take seriously the opportunist "argument" of Sutherland.

What he did was to accept the scholarly, technical, legal contentions put forward by the New York state attorney, Whitney North Seymour, at the same hearing. The total political situation, measured in terms of the Talmadge-Roosevelt squabble for the title of "friend of the people," and in terms of the pressure organized by the Joint Committee, dictated to Dorsey the decision that Seymour was "correct" and Lecraw was "wrong" on technical points.

Pressure is not yet great enough, however, to "convince" him that there should be free speech in Georgia. He wants an iron-clad law to prevent it.

Herndon's return to New York was signalized by an ovation at the Pennsylvania Railroad Station. The Joint Committee, of which the Non Partisan Labor Defense is an active constituent, is planning a mass meeting on the case. Among the other defense bodies in the Joint Committee are the I. L. D., which controls the defense policy, as well as the L. I. D. and the GDC.

Even if this struggle must go through more courts, victory can still be won by the presentation of able legal arguments and above all by a campaign of pressure based upon a broad appeal to militant principles.

Yipsels Unite With Spartacus at Toledo Meet

By ART PREIS

TOLEDO, Ohio—The youth section of the local Stalinists succeeded in capturing themselves and several Y. W. C. A. secretaries at the Toledo Youth Congress held at the Central Labor Union Hall, Saturday afternoon, November 30. Going one better on the Elders of the Church (Stalinist), who held the fort at the recent American League Against War and Fascism conference, the fledglings succeeded in preventing entirely any discussion on the war and sanctions question, which had been introduced into the conference by a joint resolution against support of imperialist governments and their sanctions submitted by the Young Peoples Socialist League and Spartacus Youth League.

Highly advertised and ballyhooed, the conference began on the evening of November 29, with a meeting at the Civic Auditorium featuring a symposium of representatives of the Republican, Democratic, Socialist and Communist Parties on "What Our Party Offers American Youth." For over three hours, the 300 of the faithful who lost themselves in the echoing vastness of the huge auditorium were drenched by the greatest outpouring of reactionary balderdash ever spewed over a helpless audience,—saved only by the forthright utterances of Ben Fisher, national secretary of the Yipsels, who openly denounced the chauvinist policies of the Stalinists and attacked the support of sanctions and one's own imperialist government in a war crisis.

The Minimum Is Zero.

William Weinstone, who represented the Stalinists in the Symposium, completely skirted the entire war question, ducked the direct challenge of Fisher on the C. P. position on sanctions, and confined the greater portion of his remarks to sugary sentimental plea for organic unity between the Socialists and Stalinists. Waldo McNutt, Chairman of the American Youth Congress, one of the two main speakers on the program, distinguished himself in his remarks by declaring the purpose of the Congress to be "the uniting of the youth on a minimum program on which everyone could agree." Everyone agreed on the minimum

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US Agent Can't Find One Scab Truck in Mpls

On Wednesday, it suddenly became known that several Strutwear stock holders on Nov. 7 had incorporated the "Peacock Knitting Co." in St. Joseph, Mo. It developed that the Peacock Company had a chattel mortgage on some Strutwear merchandise and machinery, and that a writ of replevin had been issued to recover some \$5,000 worth of these goods. U. S. Marshall John J. Farrell takes the dirty job of getting the goods through the picket lines, threatening pickets with "a long stay at Leavenworth."

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At a meeting attended by the executive boards of Local 574, the Central Labor Union and the striking hosiery workers, AND Meyer Lewis, it became known that Meyer Lewis didn't have one single thing to suggest to stop the federal government's attempt to hurt the strike. Lewis left, after being told, "Well, you're no damned good around here." The three bodies then issued a statement to the press, pledging support to the strike and attacking this latest strikebreaking move.

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Local 574 halted the first attempts to move Strutwear goods by threatening strikes at any transfer firm that dares to offer help to the federal government. Several transfer firms who had originally come forward, backed down immediately. Skellett tried to bluff, and a strike now has him tied up. The strikers are asking a new seniority list, that two finks be fired, and that they get full pay for the time they are out on strike.

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After failing to be able to hire any trucks in Minneapolis, St. Paul, Hopkins, St. Cloud, etc., the Strutwear officials and their government marshall finally got trucks from Winona, Minn., who did the moving Friday and Saturday, after being stoned repeatedly. Scores of windows in the Strutwear plant were broken by pickets. One picket, Alfred Russell, was arrested Friday and is being held incommunicado. He was taking pictures of the police and the plant.

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The Central Labor Union pledged to call a city-wide mass meeting in support of the Strutwear strike.