

Long Fight Still Ahead to Win Full Freedom for Herndon

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The freeing of Angelo Herndon is a magnificent victory for the united front. It is an indication of the possibilities that lie before the people of the United States in their fight against increased reaction and terror.

Herndon's return to New York does not mean that he is free. In a sense, we can say that the fight has just begun, that we have prepared the way for that tremendous united front battle which will return Angelo Herndon unconditionally to the ranks of the working class. The protest movement can free him definitely from the threat of death on the chain-gang, smash the slave insurrection law under which he was convicted, and with it the indictments against eighteen other people charged under it in Georgia.

This is the task that lies before us, and it is indeed a great one.

Legal Fight Not Over

What has been the effect of the decision of Judge Hugh M. Dorsey of Fulton County Superior Court? First of all it has freed Herndon on bail. Second, it has made it possible to appeal his case to the United States Supreme Court, once again. The decision forces the courts to consider the constitutional points so brilliantly raised by Whitney North Seymour, retained in the case by the International Labor Defense. Our experiences with the Supreme Court, which has twice refused to free Herndon already, show us what a fight is on our hands.

That the State of Georgia will appeal Judge Dorsey's decision to the Supreme Court of that state seems unquestioned. This is the same court which, in the Carr case, declared the Georgia slave insurrection law, under which Herndon was convicted, constitutional. Georgia's solicitors will now go before this court, asking that it maintain this position. Herndon's attorneys will demand that this court reverse itself to uphold Judge Dorsey's decision. From the legal point of view, the Herndon defense has a much more difficult job than the state prosecution.

The Crawford Case

Many questions have been asked, many persons have expressed the opinion that the court is unlikely to want to reverse Judge Dorsey. Both politically and from a legal point of view, such a position is without foundation.

There are very few precedents to go by, in the legal phase of this question. It is a very rare thing for a county judge to declare a law unconstitutional. It is more rare for him to be sustained by higher courts, seats of greater reaction and jealous of their position besides.

One outstanding example of such a situation comes immediately to mind—the case of George Crawford. A Boston federal judge granted a writ of habeas corpus to George Crawford, a Negro, upholding his contention that he need not surrender himself for trial in Virginia because the Jim-crow Virginia jury system was unconstitutional, and no constitutional trial could be given him in those courts. The state appealed. The Circuit Court of Appeals overruled the lower court, voided the writ. Crawford was extradited, tried by a lily-white jury, and is now serving a life-sentence on a murder charge in Virginia.

Biggest Fight Ahead

We must realistically face the situation that the biggest fight to free Herndon is just beginning.

At the same time, we must realize that the foundations have been laid for increasing manifold the united fight for Angelo Herndon. Masses have been activated in this case which have never been involved in a defense issue before. Literally

Thousands are asking—"has final freedom been won for Angelo Herndon?" The legal battle in this history-making fight for this Negro son of the working class is not over. Whereas in the past a tremendous united movement has been created, still broader numbers of people must be rallied to win the final victory in this case—unconditional freedom.

Thousands of people were directly involved in the drive to raise the \$15,000 cash bail for Herndon last year. Thousands more were brought into the fight as the case was appealed to the United States Supreme Court. Tens of thousands flocked to meetings in every part of the country to hear Herndon speak, to express their solidarity with this fighter for the rights of the toilers, their indignation against the monstrous 20-year chain-gang sentence imposed upon him.

Unity Work Just Begun

Then, as the fight progressed, after the refusal of the Supreme Court to review the case, tens of thousands were brought into activity to collect the more than a million signatures demanding that Governor Eugene Talmadge of Georgia free Herndon. Organizations, trade-unions, moved in this case in bodies. The Socialist Party took part officially in the campaign. Negro organizations, trade-unions, churches, endorsed it and set to work. Congressmen, mayors of large cities, state representatives were moved to expressions of indignation against the chain-gang sentence. The American Federation of Labor, at its recent convention, passed a resolution denouncing the insurrection law. The Joint Committee to Aid the Herndon Defense, a united front body composed of six national organizations was formed, to extend the work initiated by the International Labor Defense. It performed tremendous tasks in mobilizing support for the defense.

The united front of Herndon defense has just won its first major victory.

But how was this united front of defense accomplished? It did not just happen. The sentiment in favor of action to free Herndon existed. It was present in every part of the country. It existed in every strata of the population. But scattered and haphazard, it could not be effective. It was necessary to organize it. It took hard work, correct and careful work, to crystallize it.

The work of the districts and branches of the International Labor Defense must be recognized as a decisive factor in this task as it has been accomplished so far, as it will be enlarged in the future.

Here we must refer not only to their work in the Herndon defense, which has been very great, but to their work in the Scottsboro case, in other national, and scores of local cases, in which the links were forged with hundreds of local organizations, the basis laid for the united action which has gained this victory in the Herndon case. The especially fine work done in Harlem in this connection is outstanding in the history of the Herndon defense.

I have already indicated how the united front of mass defense was built up in the Herndon case. Our task now is to continue to build. We have now the possibilities for building much faster, and much bigger, than ever before. Building of the I.L.D. itself as the moving force, is an essential part of this work.

It must be done. The courts will continue, as they have in the past, to seek ways to get out of favorable during on the Herndon case. Action that will free Herndon unconditionally can only be forced through a greater building of organized mass

protest, expressed in the further collection of signatures, from new people who can now be reached, through a greater organized protest to Governor Talmadge of Georgia.

Broader Fight Needed

The Herndon victory is one that gives energy, enthusiasm, courage, in the whole struggle against terror and reaction. That which seemed to many to be impossible has been accomplished. He has again been saved from the chain-gang, again freed on bail, even though this freedom is only temporary.

The great lesson we have to learn from this victory is the power of united action, the absolutely essential necessity of organizing the united front of defense.

The inspiration of this victory must be used to extend the united defense movement. The motives behind the persecution of Herndon are the same as those behind the most recent Tampa, Fla., kidnapping and murder, essentially the same as the motives behind the Scottsboro, Gallup, Sacramento frame-ups. The same forces of reaction are keeping Tom Mooney and Warren K. Billings in jail.

If it was possible to win this victory in the Herndon case, why is it not possible to build a united movement of defense and relief for political prisoners that will set Herndon unconditionally free, that will bring other victories in these and the many other labor defense cases? This terror can and must be broken. It is possible. This is our task now.

STAGE AND

"Victoria Regina" to Open at the Broadhurst Theatre

On December 26 Helen Hayes will appear in Gilbert Miller's production of "Victoria Regina," by Laurence Housman, at the Broadhurst Theatre. The settings for the play have been designed by Rex Whistler, and the supporting cast includes Lewis Casson, George Zucco, E. Bellenden-Clarke and James Woodburn.

The Women's Committee of the Socialist Party has bought out the entire house for tomorrow evening's performance of "Let Freedom Ring," now at the Civic Repertory Theatre. Other groups that will see the play during the week include the Union Settlement Peace Committee, several branches of the American League Against War and Fascism, and the Stadium Branch of the International Labor Defense.

Myron McCormick has joined the cast of "Hell Freezes Over" . . . Van Heflin, Frank Wilcox and Jane Evans will be in "Drought" . . . There will be no Monday night performance of "Blind Alley" next week; instead the show is scheduled for an extra matinee the following Thursday.

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