

Georgia's Vicious Insurrection Law Comes Down From Cruel Slave Statutes of Civil War Days

Eighteen Besides Angelo Herndon Under Indictment

By BEN DAVIS, Jr.

THE "insurrection" law under which Angelo Herndon was sentenced to serve 18 to 20 years on the chain-gang, is in direct line of descent from the cruel slave laws of the earliest colonial days. It is for the repeal of this law, as well as for the freedom of Herndon, that a campaign is being waged to gather two million signatures to a petition to the governor of Georgia.

A law aimed at slave insurrections—which was itself the final form of a whole series of barbarous laws—was passed in 1861. The present insurrection law was passed in 1866. Between these two dates there was fought out one of the most important wars in all history, a war at whose root lay the issue of slavery or freedom for the Negro people. Before the war the Negroes were chattel slaves; after the war they were, for the most part, peons on the land or wage-slaves in the cities. Their conditions approximated far more closely than before the conditions of the vast majority of white people, and the black and white slaves of the new order—dominant capitalism—was far greater than before.

New Law for New Slavery

Between the law of 1861 and the law of 1866, there are small, though significant, differences. Compare

the wording of the two: the word "slave" has been changed to the word "person"; the word "master" to the word "state."

LAW OF 1861

"Insurrection shall consist in any combined resistance to the lawful authority of the master or the state, with intent to the permanent denial thereof, when the same is manifested or intended to be manifested by acts of violence.

"Any attempt, by threats, persuasion or otherwise, to induce slaves to join in an insurrection in existence or contemplated, shall constitute an attempt to incite insurrection.

"The offense, when committed by a slave or person of color, shall be punished, on conviction, with death."

LAW OF 1866

"Insurrection shall consist in any combined resistance to the lawful authority of the state, with intent to the denial thereof, when the same is manifested or intended to be manifested by acts of violence.

"Any attempt, by persuasion or otherwise, to induce others to join in any combined resistance to the lawful authority of the state, shall constitute an attempt to incite insurrection.

"Any person convicted of the offense of insurrection, or an attempt to incite insurrection, shall be punished with death, or, if the jury recommend to mercy, confinement in the penitentiary for not less than five nor more than twenty years."

All the predecessors of the law of 1861 were aimed at activities designed to crush rebellion among slaves. There were many brave and brilliantly-organized slave uprisings, and the fear of such uprisings was well-founded. Even in New York, in 1708 and 1712, statutes were passed to prevent and punish slave conspiracies and insurrections. Fear of insurrection led in 1712 and 1741 to wholesale execution of Negroes, and of their white abettors



ANGELO HERNDON

and involved the most cruel punishments.

Mass Executions

Justices of the Peace could impose death as a penalty for insurrection, after summary trials, without a jury. Whipping was provided as the penalty for unlawful assembly of Negroes. Summary trial and death was provided for insurrection. In 1741, one hundred and twenty-five Negroes and two whites were executed in New York for slave uprisings.

During the eighteenth century,

in Georgia itself, various acts of the colonial legislature prescribed flogging as punishment for unlawful assembly of slaves, and death without benefit of clergy for aiding runaway slaves and for the second offense of striking a white man.

In 1804, the progenitor of the present "insurrection" law was passed in Georgia. This law read:

"Be it enacted by the State of Georgia that if any person shall raise or attempt to raise any insurrection of slaves, every person so offending shall on conviction thereof suffer death without benefit of clergy.

"And if any person shall hold any discourse or conversation with any slave or shall make any speech tending to excite such slave to sedition, or write or print any such speech, every person so offending shall be banished this state forever, or, returning, shall suffer death without benefit of clergy."

This law of 1804 was several times revised, and finally culminated in the law of 1861 cited above.

Thus we can trace, from earliest colonial times to the present, the law of Georgia governing the relations between slave and master, between wage-slave and the state that is the official representative of the capitalist class.

18 Others Under Indictment

It is not only Angelo Herndon who is the victim of the present Georgia "insurrection" law. Eighteen other persons are under indictment in Georgia under this law. Six workers—who have become known as

Repeal Sought Through 2,000,000 Signature Petition Campaign

the "Atlanta Six"—were arrested and indicted in 1930, for distributing a leaflet which showed a Negro and a white boy clasping hands. They are two white women, Mary Dalton and Ann Buriak; two white men, Tom Powers and Joe Carr; and two Negro men, Herbert Newton and Henry Story. In 1934, two white girl mill workers, Annie Mae Leathers and Leah Young, were arrested on the picket line during a strike in Atlanta. Later in the same year, in Atlanta, ten workers, white and Negro, were arrested in a series of raids on private homes. They were indicted under the "insurrection" law, their only "crime" being that they were members of the International Workers Order, a working class fraternal insurance organization.

To win the freedom of Herndon, and to wipe this barbarous "insurrection" law off the statute books, a number of influential national organizations, upon the initiative of the International Labor Defense, are undertaking a campaign to gather two million signatures to Governor Eugene Talmadge of Georgia. These petitions may be obtained from Room 610, 80 East 11th Street, New York City.

Help to swell the total! This fight is a fight against one of the most reactionary and dangerous laws ever passed in the United States.