

STAY IS WON IN SENTENCE ON HERNDON

Young Negro to Appeal Recent Decision of Supreme Court

A stay of execution of the sentence against Angelo Herndon, young Negro Communist sentenced to 18 to 20 years on the Georgia chain-gang under an insurrection law of 1866, until the United States Supreme Court passes on the application for a re-hearing of his appeal there, has been granted by U. S. Supreme Court Justice Owen J. Roberts.

The stay was granted on application of Mr. Whitney North Seymour, retained by the International Labor Defense to conduct the appeals in the Herndon case. Mr. Seymour on Tuesday filed application for a re-hearing of the appeal by the United States Supreme Court. The court on May 20 had refused to consider the merits of the case, on jurisdictional grounds, by a six to three decision, Justices Benjamin N. Cardozo, Louis Brandeis and Harlan Stone dissenting.

Convicted in 1933

Herndon was convicted in 1933, following his arrest a year before in Atlanta, Ga., for organizing a demonstration in which both white and Negro took part, to demand relief for the unemployed of the city. The demonstration was successful in forcing the county authorities to appropriate \$6,000 for relief purposes. He was charged with "inciting to insurrection" on the basis of his possession of literature advocating social, economic, and political equality for Negroes.

The present stay is effective until ten days after disposition by the court of the application for a re-hearing. The court re-convenes October 1.

Simultaneously with the an-

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Sentence Stayed In Herndon Case

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nouncement of the stay granted to Herndon, the International Labor Defense announced the immediate launching of a nationwide campaign for two million signatures to a petition, addressed to Governor Eugene Talmadge of Georgia, demanding the repeal of the slave-law under which Herndon was convicted, and under which eighteen other persons, Negro and white, are under indictment awaiting trial. The law provides the death penalty for "inciting to insurrection," which under the interpretation of the State Supreme Court in the Herndon case, means organizing white and black workers together in any form of organization, and can even be applied to any trade union.

The State of Georgia has refused to permit the filing of a brief in the Herndon case by the National Association for Advancement of Colored People as an amicus curiae (friend of the court) in connection with the petition for re-hearing, it was revealed today.

Similarly, the Georgia attorney-general's office refused, in connection with the hearing, to stipulate as to the contents of a brief filed by Benjamin J. Davis, Jr., for the defense, in the course of the case's progress to the United States Supreme Court. Both actions are considered by attorneys to be very unusual, and to indicate a greater degree of animosity, descending to petty levels of refusal of common courtesy, by the State, than is shown in any criminal trial.

Herndon To Speak at N.A.A.C.P. Convention

Arrangements have been made with the N.A.A.C.P. for Herndon to speak at the 26th annual convention of the organization, to be held in St. Louis, Mo., June 25-30, it was announced. He will speak on June 26, at a session to be held in the Pine Street Y. M. C. A. building.

Funds to carry on this campaign, and especially for the development of the signature campaign for repeal of the slave-law under which Herndon was indicted, are urgently needed, the I. L. D. announced. They should be sent to the I. L. D., Room 610, 80 East Eleventh Street, New York City.