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WEDNESDAY, MAY 22, 1935

Herndon Must Be Saved!

BY ITS decision in the Herndon case, the United States Supreme Court stands self-exposed as the champion of lynching, the chain-gang, and the whole drive against the Negro people, which is nowhere marked with more ferocity than in the South.

The ruling of the majority of the court was so crude in its clutching at the broken straw of an uncertain technicality, that the so-called "liberals" on its bench—Cardozo, Stone and Brandeis—were forced to cover up with a dissenting opinion which tears away the whole veil of "impartiality" from the court.

"It is a novel doctrine that a defendant . . . must place a statement on the record that if some other court at some other time shall read the statute differently, there will be a denial of liberties which at the moment are unchallenged and intact," the minority opinion says. In other words the Supreme Court set itself a new precedent in order to uphold the slave-holders of Georgia.

We have no illusions as to this "liberality" whose sole purpose is to cover up in part the realities of barbarous reaction in the court's decision. The dissenting opinion rather points this reality more sharply.

Only the greatest wave of mass protest will force a re-hearing, will force the United States Supreme Court to grant Herndon's freedom.

Let the Supreme Court know, in no uncertain terms, that the people of the United States demand an end to the fascist terror which they protect and endorse by their decision in the Herndon case—that they will not let Angelo Herndon be sent to the chain-gang!

For the legal steps, for the development of the mass campaign, in the Herndon and Scottsboro cases, thousands of dollars will be needed. Send contributions for this defense fund to the International Labor Defense, Room 610, 80 East 11th Street, New York City.