

Shall Angelo Herndon Go to His Death on the Georgia Chain Gang?

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The United States Supreme Court in its ruling of May 20 on the case of Angelo Herndon condemned him to a sure death on the murderous Georgia chain-gang.

These nine men, justices in the highest court of the United States, are entrusted by the people of the United States with the final word in putting all wrongs against constitutional guarantees right. They hold court in a three million dollar building which bears the inscription "Equal Justice Under Law."

They are "the protectors of the Constitution" and are supposed to straighten out matters when States deviate from the United States Constitution.

An Unconstitutional Law

There exists a law in the State of Georgia which is unconstitutional. It was written in 1866, right after the Civil War, as a measure of repression against the solidarity of the black slaves who had just been freed and the poor white workers.

Angelo Herndon was sentenced to 18 to 20 years on the Georgia chain-gang under this "insurrection" law. It was the first time it had ever been used except as a threat.

Expert constitutional lawyers placed before the highest court facts and arguments proving beyond the shadow of a doubt that this antiquated law was unconstitutional and that Herndon's whole trial had been contrary to the constitution. They asked the court to reverse the sentence. The court listened.

State Calls for Lynching

The State of Georgia came through its representatives and called in court for the lynching of

Herndon, in the same words that are used to whip blood-thirsty frenzy in a lynch mob. They presented also their denial of the arguments of the defense attorneys of the International Labor Defense. The court listened.

Five weeks passed and the court decided. Its decision was that it would not be embarrassed by making a decision in any way connected with the arguments which had been put before it. It would not affront Governor Eugene Talmadge of Georgia by telling him his law was unconstitutional. It decided not to review the case.

Reaction Encouraged

Every reactionary person and organization in the United States has taken encouragement from the infamous decision of the United States Supreme Court in the case of Angelo Herndon. The capitalists and landlords and the government officials who represent them, have correctly interpreted this decision as a new weapon in their hands, to be used in a sweeping attack against labor's elementary constitutional rights to organize, to speak, to assemble, and to petition for redress of grievances.

Not only in the South, but throughout the country, the decision against Herndon forms the basis for a new attack on the organizations of the workers.

New Prosecutions Rushed

Within 24 hours after the decision was handed down, Assistant-Solicitor The Reverend John Hudson of Georgia, made a public statement that he will now push the following cases: the case of the "Atlanta Six"—two white men, two Negro men, and two white women, indicted in Georgia in 1930 for distribution of a leaflet showing a Ne-

gro and a white boy clasp hands; the Cases of Annie Mae Leathers and Leah Young, two white mill workers arrested during the textile strike of 1934; the cases of ten members of the International Workers Order, a fraternal insurance organization, who were arrested in 1934 in a series of raids on workers' homes in Atlanta. All of these 18 people are held under the "insurrection law"—the same one under which Herndon was tried and sentenced.

Anger Aroused

Among the workers, and among the friends of labor, the decision against Herndon has aroused a burning anger. Mass meetings have already protested the verdict; telegrams are beginning to pour in upon the Supreme Court. Even the less reactionary among the Southern newspapers cannot bring themselves to approve this verdict of feudal torture on the chain-gang for the "crime" of organizing to ask bread and shelter. The "Birmingham Post" says editorially:

"It is a tragedy not only for Herndon, but for the nation, that the constitutional foundation of justice and civil liberty appears less important than questionable technicalities to the high court a majority."

The Lynch Law

The law under which Herndon was convicted was based on an old law of pre-Civil War days, designed to crush slave-uprisings. This law, passed in 1861, said:

"If any person be in any manner instrumental in bringing, introducing or circulating within the State any printed or written paper for the purpose of exciting insurrection or resistance on the part of slaves, Negroes or free persons of color, he shall be guilty of high

misdeemeanor, which is punishable by death."

New "Insurrection" Law

To meet the new conditions of post-Civil War days, the Georgia legislature passed a new "insurrection" law. This law is on the statute books today, and it is on the basis of this statute that Herndon was convicted. The law reads:

"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."

Under this law which may be called the grandfather of all present-day "Criminal Syndicalism," "sedition" and other anti-labor statutes, the workers are denied all freedom to organize and to act in their own interests.

Wave of Terrorism

The conviction of Herndon is part of the tidal wave of terror and repression now sweeping the South. Within the past few weeks, dozens of raids have been carried out on workers' homes in Birmingham. Robert Wood, organizer of the International Labor Defense in Alabama, was taken for a ride and brutally beaten. Blaine Owen and R. Johnson, two white workers, were arrested in a meeting in the Black Belt, under the leadership of the Share Croppers Union, where croppers and farm laborers were planning the coming strike of cotton choppers. Owen and Johnson were released by the sheriff into

the arms of a waiting landlord gang, who whipped them unmercifully and dumped them in the woods. Washington and Foster, two Negro workers, were kidnaped from Selma, Washington and brutally beaten. At this writing Foster is still missing.

Burlington "Dynamite" Framesup

The most brutal terror of landlords and sheriffs pervades Eastern Arkansas, where the tollers on the plantations have organized themselves into the Southern Tenant Farmers Union.

In North Carolina, where, during the textile strike, a number of pickets were shot down in cold blood, the textile barons are pressing their shameful Burlington "dynamite" plot. They have sentenced six mill workers to sentences of from two to ten years at hard labor, with the aim of crushing the United Textile Workers Union in the South.

The mill and mine and plantation owners of the South are hell-bent that there shall be no union organization among "their" workers, no organization of the unemployed. They are determined that that great weapon of their power, the division they have maintained between white and Negro tollers, shall not be wrested from them.

Legal Technicality

All the forces of this terror and repression have been given encouragement without measure by the Supreme Court decision on the Herndon case.

On what legal ground has the U. S. Supreme Court refused to intervene in the case of Angelo Herndon? The justices have clung at the straw of a false technicality to evade the momentous questions which the Herndon appeal raised: the question of the right of Negro and white workers to organize, as-

semble, read the literature of the working class. The minority opinion of the Supreme Court calls this decision "a novel doctrine," thus admitting that the court has set a new precedent that it might uphold the Southern lynchers and slave-drivers. The New York Evening Post has correctly called the majority opinion a "mass of shabby technicalities."

What Must Be Done?

But by this mass of shabby technicalities, the Supreme Court has dealt a blow against trade union organization, against all working class organization, in the South. And a blow against labor in the South is a blow against labor everywhere.

What can be done now? The time is short and the odds are very great. Every union, every unemployed group, every group of workers in whatever body it may be organized, must now take up the fight for Angelo Herndon, in very self-defense.

Funds are desperately needed to carry the fight again to the Supreme Court. Rush funds to the International Labor Defense, Room 610, 80 East Eleventh Street, New York City.

Send Protests

Send protests in the form of telegrams and resolutions to the U. S. Supreme Court. Demand that it re-hear the case of Angelo Herndon, and, on the basis of the clear evidence, reverse the sentence against him and set him free. Demand of your Congressman and Senator that they make such demands upon the Supreme Court.

There are only a few days left before the sessions of the Supreme Court for the season are over. Therefore, no delay! At a time like this, every moment is precious.