

# Herndon Decision Challenges Labor's Right to Organize

By ANNA DAMON

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The decision of the Georgia State Supreme Court in the Herndon case, lawyers tell me, is one of the most extraordinary in the history of American jurisprudence. In the space of two and a quarter double-spaced legal pages it managed to run around two complete circles.

First, the decision says that it is a crime to possess Communist literature in Georgia. (The Herndon defense claimed that to say this is a crime is a violation of constitutional rights and guarantees of free speech and assembly.) Then the decision goes on to say that because this is a crime, it is a crime. The argument goes that the constitution does not provide guarantees of free speech and assembly "in the perpetration of a crime." The decision continues then with the argument that therefore it is a crime. In other words, it is a crime, therefore it is a crime, and consequently it is a crime and therefore Angelo Herndon should serve a death sentence on the Georgia chain-gang.

A more extraordinary perversion of legal argument would be hard to discover.

## Voice of Reaction

In this decision, the Georgia court throws aside all pretensions. It makes its own rules and bases itself on them to declare all free speech and all freedom of assembly null and void in Georgia. The process is the familiar crude ranting of Hearst. It is the voice of the fascist reaction blaring through the trumpets of the court-crier. It is a slap in the face for

labor, and a challenge to labor throughout the country.

In the Fifty-fifth Convention of the American Federation of Labor the menace of the slave insurrection law under which Angelo Herndon was convicted was recognized by the adoption of a recommendation of the resolutions committee that the A. F. of L. co-operate with the Georgia Federation of Labor to wipe out the law.

Now, the International Labor Defense is taking this law to the United States Supreme Court, in the Herndon case, with a demand that this court declare it unconstitutional, null and void.

## Best Legal Talent

The best attorneys available, North and South, have been retained by the I. L. D. for the legal end of this appeal. Whitney North Seymour, the brilliant attorney who has been in charge of the appeal moves in the Herndon case previously, will take the case now before the United States Supreme Court.

The present stage of the Herndon case has additional new factors involved. On the same day that the Georgia court handed down its decision, a judge in Atlanta found thirteen persons guilty of "disorderly conduct," and imposed heavy fines on each one, because they had gathered together Negro and white in one house. A more clear violation of the constitutional guarantees of free speech and assembly could not be devised. This case is also on appeal, and the Negro na-

ple of the United States, and all labor, will watch the progress of this appeal as a key question in the struggle of the Negro people for freedom, of white labor for the right to organize together with the Negroes in the common struggle. Reports of a drive to organize Southern labor by certain unions in basic industry are current. The share-croppers of Alabama and Arkansas, the coal miners of Birmingham, are already leading the way in the fight for unionization of white and Negro. The Herndon case and the case of the Atlanta thirteen are vital to these campaigns.

## Joint Committee

Last year the Joint Committee to Aid the Herndon Defense, a united front group joining together six defense organizations on a national scale, was formed to raise the mass campaign on this issue to a high level of struggle. The organizations comprising this committee are the General Defense Committee (I. W. W.), the League for Industrial Democracy, the International Labor Defense, the League of Struggle for Negro Rights, the National Committee for the Defense of Political Prisoners and the Non-Partisan Labor Defense.

Under the leadership of this committee, the campaign for Herndon's freedom, and for the repeal of the anti-labor Georgia slave insurrection law, was brought to literally millions of people. Scores of national organizations, many of them embracing hundreds of thousands of people in their membership, and in-

cluding scores of trade unions, were mobilized. Among other achievements, more than a million and a quarter signatures making these demands of Governor Talmadge of Georgia, were secured.

The committee has now a bigger task than ever before. The Herndon case is going before the United States Supreme Court, which in the past few months has set itself a record of reaction in anti-labor decisions, with a clear-cut issue of the right of labor and progressive forces to exist and to organize in the South. The forces of reaction North and South are lined up in a united front, which they have never hesitated to back up with police, militia and private armies, with bullets, rape and faggot, and the power of the courts, on this question.

## A United Front

The committee has now the task of involving not only those millions who have already gone on record in the Herndon cases, but new millions who have never been reached before, to meet the united front of reaction with a united front of the people of the United States, for Herndon's freedom and for the right of labor to organize. The stay of execution of the sentence in the Herndon case, pending appeal to the United States Supreme Court, which has been secured by the International Labor Defense, gives the committee the opportunity to launch this campaign in a big way.

Already plans are under way, by

the Joint Committee for this campaign, on a national scale.

To support the work of the Committee to Aid the Herndon Defense which is being conducted by the I. L. D. is a task that faces every class-conscious worker, every trade unionist, every progressive and liberal-minded individual in the United States.

## Signature Drive

Joint Committees on a local scale, involving in action all who have in any way in the past aided or endorsed the Herndon campaign, together with hundreds of other trade unions, organizations of the Negro people, and every other group that contains progressive-minded people, should be formed, to co-operate with the committee which is operating on a national scale, and whose address is 112 East 19th Street, New York City.

The drive for signatures to the Herndon petitions, for which thousands of forms are already distributed throughout the country, should be revived in every city and every community.

Funds will be required for this drive, and for the appeal which is being taken by the International Labor Defense, for the preparation and printing of the legal papers. For this purpose, funds should be sent to the International Labor Defense, Room 610, 80 East 14th Street.

The fight for Herndon's freedom is the fight for the right of labor to organize and for the freedom of the Negro people—a united front struggle against fascist reaction.