

A Few Comments on the Passing of Justice Butler

By Angela Herndon

The news of Supreme Court Justice Butler's death, carried in yesterday's papers, was indeed a surprise to me. Two years ago when I took a train from New York for Washington where the case of *Angela Herndon vs. the State of Georgia*, was scheduled to be argued before the august body of the Supreme Court, I was particularly struck by the behavior of Mr. Butler, Mr. Van Devanter and Mr. McReynolds. He was really a peculiar kind of a man.

As I recall, the state of Georgia was demanding that I be sent to a death of 99 years on the state wage for organizing unemployed Negroes and whites in a fight for relief.

Of course, I could understand why Mr. Butler and his other reactionary partners showed not the slightest interest in whether unemployed people should have the right to eat or not. But what I could not un-

derstand was the way the three Justices acted.

Mr. Butler was sitting at the extreme left end of the robed gentleman who faced a packed court room, with a rare sort of dignity and pompousness.

As Whitney North Brownlee, my defense attorney, sat out to prove to the court that I had been unjustly framed, and should therefore be given my freedom, Mr. Butler poured at him with an angry

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looking sneer on his face. I wondered then if he was silently cursing Mr. Seymour through his teeth for having dared to come before that judicious body pleading for the life of a Negro.

HIS HONOR WAS BORED

Anyway, whatever he was saying inside of himself, he made no attempt to conceal his obvious prejudice in the matter. It appeared that he had already made up his mind, for in a very short while he leaned his head over against the wall, and apparently went to sleep. As the proceedings grew boring, he would occasionally engage in conversation with his other colleagues. It seemed that they were telling jokes that shook them all with laughter. A newspaperman could not figure out what was the matter with them—they had seldom been seen acting in such a manner.

A few months later when the court handed down its decision, the attitude of Mr. Butler, McReynolds and Van Devanter at the hearing, was confirmed by the minority opinion concurred in by the above named as well as Mr. Sutherland.

Said the minority opinion: "It plainly appears that the offense defined in the statute, and of which Herndon was convicted, was not that of advocating a change in the government by lawful means, such as an orderly exertion of the elective franchise or of the power to amend the state constitution, but was that of attempting to induce and incite others to join in combined forcible resistance to the law-

ful authority of the State."

Justice Butler was an able lawyer. He knew how to emasculate the Constitution without anybody realizing it. For 35 years he fought with might and main to protect the interests of Big Business. This was before his appointment to the Supreme Court. As a corporation lawyer himself, he knew all of the legal tricks, and it must be said that he had not done a bad job of it.

Some of his clients like the New York Central Railway Co., the Canadian Northern, St. Paul Gas and Light Co., the Chicago, St. Paul, Minneapolis and Omaha Railway Co., and countless number of others, must feel deeply grieved over his unfortunate death.

It must also be said that Mr. Butler was a valiant fighter, who twisted the Constitution in so many ways to protect the rights of Big Business. This he did up to the very time of his death.

His death is indeed untimely.

Perhaps I feel somewhat like the Negro slave woman of 1837, who in commenting on the death of her cruel slave master who was unsparing with the lash on her naked flesh, said:

"I ought to be sorry, though I don't know why."



Plee