

SUMMARY FOR ANGELO HERNDON, DEFENDANT,
 before FULTON COUNTY PETIT JURY
 by Ben Davis, Jr., Chief Defense Trial Attorney

GENTLEMEN OF THE JURY: Don't try to organize for better conditions, and—especially you who are unemployed—don't try to fight for bread for yourselves and starving families; for if you do, Mr. Hudson will try to send you to the electric chair!

According to Mr. Hudson, it is a crime to ask for bread. It is a crime for poor Negro and white workers to exercise their constitutional rights to lawfully assemble and petition the government against their grievances. And, gentlemen of the jury, Herndon, a heroic young Negro boy must be sent to the electric chair because he organized black and white together—because Mr. Hudson must have his pound of flesh from the workers and the Negro people.

Mr. Hudson—I should say, Reverend Hudson—parades before you as a man of pure and holy principles. But let us examine his activities. On Sundays, Reverend Hudson preaches in a Methodist pulpit about a fair and just “God” who punishes injustice and iniquity with hell and damnation. But on Mondays, Tuesdays, Wednesdays—in short, on every other day of the week—he is busy sending innocent Negroes and poor whites to the infernal Georgia chain gang and the electric chair. Such a man cannot be rightfully called a “fair and impartial” prosecutor.

And how Mr. Hudson has tried to deceive you! He read amidst snorts and holy shrieks, from numerous pamphlets found in Herndon's possession, distorting their meaning, twisting their context to make it appear to you as if Communism is the doctrine of hatred between Negro and white workers.

In the first place, Reverend Hudson doesn't know any more about Communism than a pig knows about a full-dress suit. In the next place, he brazenly and dishonestly omitted all those passages which told of the lynchings of countless innocent

Negro workers—all those passages which told of the ruthless manner in which you, many of whom are white workers, are played against the Negro workers. Gentlemen of the Jury, the history of the South should be written in the blood of thousands of Negro lynch victims and in the sweat and suffering of the exploited poor whites.

Angelo Herndon is charged with attempting to incite insurrection. According to Reverend Hudson, it's insurrection to fight for bread—and when you fight, the Reverend Mr. Hudson, lord and master of the Methodist pulpit, wants to send you to the electric chair.

Gentlemen of the Jury, it is not Herndon who is the insurrectionist. It is the lynch mobs, the Ku Kluxers who are allowed to roam the land of this state burning innocent black people at the stake in defiance of every law of justice, humanity and right. If Reverend Hudson wants to send the insurrectionists to the electric chair, let him send the Ku Klux Klan to the electric chair; let him search out these terrorist bands who defy the laws of this state and of mankind right under his nose.

Gentlemen of the Jury, this is not a case of prosecution; it is one of persecution. Which one of you can say that he also will not be sitting in the scornful seat, listening at the righteous bellowing of Reverend Hudson, merely because you demanded food for your loved ones? Which one of you does not wish to clasp the hand of a young Negro boy who in the midst of every obstacle, every discrimination, dares to fight for the principles upon which this country was founded?

The Reverend Hudson says Herndon is stirring up racial hatred by advocating the doctrines of workers organizations. But I ask since when did it become racial strife for Negro and white workers to organize together for the betterment of their conditions? Is it not because young Herndon sat before you today and told you in the words of a man and not those of a cringing coward that he would never give up his principle of fighting for the workers and Negroes, that he sits framed before you today?

Gentlemen, this very case is a blot upon American civilization which boasts of liberty, democracy, freedom of speech and press.

And it is in the name of this very liberty and democracy that the Reverend Hudson is asking you to send this Negro youth to a horrible and unjustifiable death—merely because he fought for the rights of the poor and needy without regard to their race or color.

Gentlemen of the Jury, just as starvation, want and suffering knows no color or race line, neither does injustice and exploitation. What happens to Herndon today as you ponder his fate in the jury room is going to determine what is going to happen to you when the sharp pains of hunger tug at the helpless emaciated forms of your loved ones tomorrow.

By every principle of justice and fair play Herndon must be acquitted.

It is difficult to dignify the testimony of the state's witnesses with the name of evidence. Every one of the witnesses called by the Reverend Hudson is on the payroll of the state, men who dare not testify against their higher-up officials—detectives, jailers, assistant solicitor generals. Herndon is charged with attempting to incite insurrection, but the evidence shows that Herndon organized a demonstration of Negro and white unemployed for adequate relief. The rest of the testimony appears to have been fabricated in the "pure and spotless" mind of the Reverend Hudson.

The issue is simply this: Consider in your minds when you retire to that jury room whether you want to see a man burn in the electric chair because he had the courage to fight for the Negroes and whites who are hungry and without bread or jobs. Consider in your minds whether you want to see a Negro boy executed in the electric chair at a trial where Negro citizens have been denied their constitutional rights to sit on juries, a right which is guaranteed to every defendant and citizen by the Constitution of the United States, the document upon which this country was founded.

Gentlemen of the Jury, you have but one course before you, if you would uphold your oath, to bring back a verdict in accordance with the facts and consonant with justice—and that is a verdict of acquittal. Any other verdict will be a mockery of justice; any other verdict will be catering to the basest passion of race prejudice which the Reverend Hudson has sought to conjure up in you all; any other verdict will be

making a scrap of paper out of the Bill of Rights, the Constitution of the United States and the State of Georgia, out of the democratic rights which are the property of every citizen whether his skin is black or white.