

APPENDIX TWO

STATE OF GEORGIA, COUNTY OF FULTON.

IN THE SUPERIOR COURT OF SAID COUNTY.

THE GRAND JURORS selected, chosen and sworn for the
County of Fulton, to-wit:

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|--------------------------|----------------------|
| 1. Fred McSwain, Foreman | |
| 2. Frank C. Owens | 12. R. S. Paden |
| 3. Homer C. Hall | 13. J. E. Bennett |
| 4. P. A. Clark | 14. C. L. Corlee |
| 5. O. D. Witherspoon | 15. R. S. Rust, Jr. |
| 6. J. C. Slade, Jr. | 16. J. W. Wray |
| 7. F. R. Coleman | 17. C. H. Turnipseed |
| 8. M. T. McCullough | 18. H. M. Peack |
| 9. J. E. Varela | 19. A. Levy |
| 10. L. J. Smith | 20. A. J. Collier |
| 11. L. F. Green | 21. C. B. Anderson |

in the name and behalf of the citizens of Georgia, charge and
accuse

ANGELO HERNDON

with the offence of:—

ATTEMPTING TO INCITE INSURRECTION

for that said accused, in the County of Fulton and State of Georgia, on the 16th of July, 1932, with force and arms did make an attempt to incite insurrection and did make an attempt to induce others to join in combined resistance to the lawful authority of the State of Georgia, with intent to the denial of the lawful authority of the State of Georgia and with intent to defeat and overthrow the lawful authority of the State of Georgia by open force and by violent means and by unlawful acts, said attempt to incite insurrection intended to be manifested by accused by unlawful acts and intended by accused to be accomplished by acts of violence, said attempt to incite insurrection being made by accused in the following manner to wit:

(1) Accused did call and did attend public assemblies and mass meetings in the homes of various persons whose names and addresses are to the Grand Jurors unknown and did make speeches to various persons to the Grand Jurors unknown, the purpose of said meetings and the purpose of said speeches being to organize, to establish and to set up a group and combination of persons white and colored, under the name and style of the Communist Party of America for the purpose of uniting, combining and conspiring to incite riots, to embarrass and impede the orderly processes of the courts and for the purpose of offering and making combined opposition and resistance to the lawful authority of the State of Georgia and for the purpose of overthrowing and defeating by force and violence the lawfully constituted authority of the State of Georgia, all of which said meetings were held in various places and on various occasions which are to the Grand Jurors unknown.

(2) Accused did by speech and persuasion, solicit and did attempt to persuade and solicit persons whose names are to the Grand Jurors unknown to combine with, to join and to confederate with and to become members of the Communist Party and the Young Communist League and to become members, agents and parties to and of the Communist Party of America, to the intent and purpose of creating, offering, establishing and waging war against the lawfully constituted authority of the State of Georgia for the purpose of overthrowing the lawfully constituted authority of the State of Georgia by acts of violence and by revolution and establishing in the place of said lawfully constituted authority of the State of Georgia a new government known as United Soviets Soviet Russia, sometimes called and known as the "Dictatorship of the Propertyless People."

(3) Accused did introduce and did circulate and did cause to be introduced and circulated and did aid and assist in introducing and circulating certain booklets, papers and other writings with the intent and purpose of inciting insurrections, riot, conspiracy, uprisings against the constituted authority of the State and for the purpose of establishing combined resistance to and against the lawful authority of the State of Georgia, the names and contents of said books, papers and writings in

part are as follows hereinafter, their full contents being of such a nature as that they cannot be copied in full in this indictment:

Book A. "*The Life and Struggles of Negro Toilers*" by Geo. Padmore. Pg. 46. Therefore unlike their black brother in Africa, the Negroes in the new world have had centuries of contact with the white capitalist civilization. But like the Negroes in Africa they are subjected to the same barbarous methods of imperialist plunder and exploitation. . . . In no other so-called civilized country in the world are human beings treated as badly as these 15 million Negroes. They live under a perpetual regime of white terror, which expresses itself in lynchings, peonage, racial segregation and other pronounced forms of white chauvinism. . . . They are absolutely at the mercy of every fiendish mob incited by the white landlords and capitalists. Bands of business and professional men make periodical raids upon the black countryside, where they lynch Negroes, burn homes and destroy the crops and other property belonging to the blacks. In most cases of lynching the Negroes are burned to death after their bodies have been soaked in gasoline, while others are hanged from trees. On these occasions the entire white community turned out to witness the bloody spectacles, which were made "Roman Holidays."

And many other passages of similar import as on page 48 of said book, White people are accused of burning the homes, destroying crops, killing live stock, poisoning drinking water wells, murdering and lynching unarmed men, women and children.

Book B. "*Party Organizer*"—Special Plenum Issue—Vol May-June 1332 No. 5 and 6. Issued by Central Committee Communist Party USA. Same being a book of instructions to the organizers of Communist Party and containing the details of methods of approaching factories, cotton mills, industrial plants and shops and containing instructions, doctrines, and teachings as to the methods of preparing and organizing strikes in the various shops, industrial plants, cotton mills and other places where people work, containing information as to methods of training and developing and organizing workers

and leaders in the Communist Party and in building up and bringing on strikes, riots, and revolutions.

Book C. "*Communism and Christianity*" by Wm. Montgomery Brown, "Banish the Gods from the Skies and Capitalists from the Earth and make the World safe for Industrial Communism," in part as follows: Page 6. As the machinery of capitalist government, including the armed forces of the nations, conserves the monopoly by the capitalist class of the wealth taken from the workers, the working class must organize consciously and politically for acquiring the powers of government, national and local, in order that this machinery, including these forces, may be converted from an instrument of oppression into the agent of emancipation and the overthrow of privilege, aristocratic and plutocratic."

On pages 98 and 99 of said book: "The trouble with every reformatory socialism of modern times is, that it undertakes the impossibility of changing the fruit of the capitalistic state into that of the communistic one, without changing the political organization; but to do that is as impossible as to gather grapes from thorns or figs from thistles. Hence an uprooting and replanting are necessary (a revolution not a reformation) which will give the world a new tree of state.

Capitalism no longer grows the fruits (foods, clothes and houses) which are necessary to the sustenance of all the world. Hence it must be dug up by the roots in order that a tree which is so organized that it will bear these necessities for the whole world may be planted in its place.

Certain newspapers called *The Daily Worker* and *The Southern Worker* being the official organ of the Communist Party and containing various articles, criticising the courts of the United States and various states and designed and intended to scatter and carry and implant in the minds of the people and citizens of Georgia hatred and contempt against all constituted authority of the state with intent to the overthrow, denial and defeat of the lawfully constituted authorities of the State.

And all of the acts of the accused being done by accused with intent to formulate and to establish and to set on foot and to make effective combined resistance by force and violence to the lawful authority of the State of Georgia and to

cause, produce and bring to pass the defeat, denial and overthrow by acts of violence, by unlawful means and by revolution, the lawfully constituted authority of the State of Georgia as above set forth and all of the acts of the accused were and are *contrary* to the laws of said State, the good order, peace and dignity thereof.

JOHN A. BOYKIN,

Solicitor General, Special Presentment Prosecutor.

AR—JAIL

SPCL.