

Herndon Free After Nearly 5 Years

Broad United Front Movement Forged to Free Him

By Sasha Small

Only a few months short of five years after his arrest in the post office of Atlanta, Georgia, Angelo Herndon was finally freed by a five to four decision of the United States Supreme Court. Five years of intense struggle carried into every corner of the land by the International Labor Defense, developed into the broadest united front of defense ever forged in the United States, five years of persistent activity crowned with one of the greatest victories won for the labor movement.

In June, 1932, the plight of the unemployed—black and white—in Georgia was desperate. The relief authorities declared that the public fund had been drained, that the Community Chest was empty. Angelo Herndon did not take them at their word. He organized a huge demonstration—one of the greatest ever seen in that city—in which the hungry men and women, Negro and white, carrying their starving children in their arms, marched on the relief headquarters demanding bread.

HELD INCOMMUNICADO

The demonstration was as successful as it was peaceful. On the very next day \$6,000 for relief was found and "voted" to feed the hungry.

But on July 11, when Herndon went to the post office to call for his mail, he was seized by detectives, taken to jail where he was held incommunicado for eleven days, and after he had managed to send a letter to the International Labor Defense reporting his arrest, he was charged under a worn-out slave insurrection law dating back to 1861 with "inciting to insurrection."

At his trial before the Gulton County Superior Court on Jan. 16, 1933, where an all-white jury sat in judgment, Angelo Herndon showed the world the stuff of which he was made. Assistant Solicitor General the Reverend John Hudson had just concluded his lynch cry for death in the electric chair. All the bitterness and prejudice against the Negro people had been paraded in its starkest ugliness before the jury. Herndon rose to speak in behalf of himself and his people. His words have truly rung around the globe: "You can do what you will with Angelo Herndon . . . there will come thousands of Herndons to take his place. But you cannot kill the working class."

The jury recommended mercy—not the death penalty but 18- to 20 years on the Georgia chain-gang. Angelo Herndon was 19 years old when the sentence was handed down.

26 MONTHS IN DUNGEONS

For twenty-six months following



Tom Mooney (left), famous working class prisoner, is shown greeting Angelo Herndon during the young Negro's tour of the country last December. They are shown in Mooney's cell in San Quentin.

what the Georgia authorities hoped would be his doom, he was kept in the dungeons of Fulton Tower Prison. He was locked in the death row with condemned men—forced to watch his friends walk out to their deaths.

But Angelo Herndon had stated his faith in the working class. During these months appeals were taken by the International Labor Defense which has been in sole charge of his defense from the start. Ben Davis, Jr., and John Geer, young Negro attorneys who had defended him in Georgia's lynch court, left no stone unturned.

The Georgia State Supreme Court upheld the verdict in July, 1934. They set August 4, 23 days later as the date when he must leave Fulton Tower for the chain-gang. Yes, the set bail—\$15,000 cash—the highest figure those benighted gentlemen could think of at the moment.

But once more, Georgia had failed to reckon with the might of the American working class. In twenty-three short days the International Labor Defense campaigned for the raising of that bail.

On August 3, the day before the deadline set, \$18,723.85 in cash had come pouring in from every corner of the land. Liberty bonds, checks for \$500 and hundreds upon hundreds of small sums, from relief workers, from unemployed, from farmers, pay checks, coins—by messenger, by check, coins—by messenger, by telegraph, wrapped in newspaper.

On August 4, Angelo Herndon left

Fulton Tower a free man for a time—awaiting the decision of the United States Supreme Court to which the International Labor Defense had appealed his case.

A TRIUMPHAL MARCH

His journey northward was a triumphal march. At every station along the route, thousands stood waiting to greet the young hero, to see him with their own eyes. In New York City, Pennsylvania station was taken over by the Negro and white people of the city. For hours before the train was due they stood patiently waiting and when he arrived, they drove traffic from the streets and marched behind the car in which he rode—cheering, singing, laughing—Angelo Herndon was free.

In the meantime, brilliant constitutional authorities worked on the appeal—Whitney North Seymour, Carol King, Professors Walter Gilborn and Herbert Wechsler.

On April 12, 1935, the nine old men listened for the first time to a denunciation of the slave law, its application and a cry for blood from the representative of the state of Georgia who warned them that Herndon was trying to set up a "Black Soviet republic in the south."

On May 20, they handed down their decision 6 to 3 against Herndon. A technically came to their aid in sending a young hero of the Negro people to his death on the chain-gang.

At this point the campaign de-

Intense Struggle Was Led by I.L.D. in All Parts of U.S.

veloped to major proportions. The International Labor Defense sponsored a petition campaign for 2,000,000 signatures which was soon endorsed by more than 10 national organizations including the Communist and Socialist Parties, church groups, the American Civil Liberties Union, youth organizations, etc.

SECOND APPLICATION

An exact replica of a Georgia chain-gang cage was toured from coast to coast collecting signatures and support. Mayors signed, congressmen, leading citizens from every walk of life and hundreds of thousands of workers and farmers.

A second attempt was made before the Supreme Court in the fall of 1935, application was filed for a re-hearing by the I.L.D. attorneys. Prominent churchmen of every denomination, the National Association for the Advancement of Colored People filed a brief amicus curiae (friends of the court). But the nine old men were adamant. On October 28, 1935 Angelo Herndon surrendered himself to the Georgia authorities in the office of Georgia attorney William Sutherland, attorney and was taken to Fulton Tower prison for the second time. Here he stayed until the hearing of a writ of habeas corpus before Judge Hugh Dorsey on November 12. Judge Dorsey took until December 7 to hand down his decision. The law he said was unconstitutional and he ordered Herndon freed on \$3,000 bail pending appeal by the state of Georgia.

And Georgia appealed. First to its own Supreme Court which of course reversed Dorsey's decision. And then the International Labor Defense appealed for the third time to the Supreme Court of the United States.

NOW HE IS FREE

The hearing took place on February 8, 1937, only a few days after President Roosevelt shook the country with his proposal to reform and enlarge a court that had usurped the powers never granted it under the constitution.

What did Herndon do during the months of freedom? He toured the country, spoke to millions, wrote a magnificent book about his life and work, won the support of every friend of liberty and justice in the battle for the defense of the rights of the Negro people and labor as a whole.

Now he is free—really free—to take his place in the leading ranks of the revolutionary movement of America. Free to use all his talents in the cause for which he was ready to give his life. His life lies before him, may it be as long and happy as it will be fruitful.