

REFUSE BAIL FOR ANGELO HERNDON

Young Negro Faces Long Chain Gang Term

ATLANTA, Ga., Feb. 5. — Angelo Herndon, Negro organizer of the unemployed, was refused freedom on bail yesterday by Judge D. Thomas, sitting in the Fulton County Superior Court.

The court's refusal of bail sends Herndon, sentenced to 18 to 20 years on Georgia's chain gangs for organizing white and Negro workers in struggle against starvation, back to the death cell in Fulton Towers, where he has been held since his conviction, under a slave code on the charge of "inciting to insurrection."

In arguing for Herndon's release on bail, Attorney Geer pointed out the trial before Judge Lee Wyatt was filled with errors and that conviction rested purely on his possession of Communist literature which is accepted for mailing by the U. S. Post Office, and is on file in many public libraries. He pointed out that the International Labor Defense already had filed notice of appeal against the sentence, and demanded that bail of \$1,000 be accepted for his release.

Judge Thomas refused to fix any bail, and threatened Herndon with a death sentence if the brutal chain gang sentence is appealed, declaring that as an appeal might "result in the defendant's being given a capital sentence," no bail would be set. That this action was agreed on in advance between the court and the prosecution is seen in the failure of the court to even ask the attorneys for the State to present legalistic arguments against the demands of the defense for Herndon's release on bail.

The defense of Herndon is enlisting a constantly increasing number of local organizations and individuals, both Negro and white. Attorney A. W. Morrison, brilliant young southern lawyer, has volunteered his services to the defense and is now associated with Geer and Davis, Negro lawyers whose work in the trial established the basis for an appeal, and exposed the barring of Negroes from jury service during the past 30 years and the character of the trial as an attack on the Negro masses and the Communist Party, which is leading the struggles of white and Negro toilers.