

Bail for Herndon Is Refused by Atlanta Judge Who Tried Him

Evidence Against Negro Youth Who Fought for Jobless "Warranted Death," Says Judge

ATLANTA, Ga., June 16.—Judge Lee B. Wyatt in Fulton County Court refused to set bail for Angelo Herndon, young Negro member of the unemployed, and reserved decision on the International Labor Defense demand for a new trial for him, in a hearing Saturday. Wyatt is the judge before whom the original trial was held.

Judge Wyatt refused the bail on the ground that the evidence against Herndon, who is under sentence of from 15 to 25 years on the chain gang on a charge of "inciting to insurrection," "warranted death."

Herndon was arrested because he

organized Negro and white workers together in a demonstration which forced county authorities to concede relief, and the evidence against him was that he was in possession of working class literature.

Overstated Illegal

In a three-hour argument before Judge Wyatt, Saturday, John H. Oser and Benjamin J. Harb, Jr., U. S. attorneys, showed that Herndon was illegally convicted by a Fulton county jury illegally selected "from whites only," that this hearing of Herndon from the jury was "a constitutional guarantee was systematic in Georgia.