

# 20 YEARS on the Chain Gang ?

By  
ELIZABETH  
LAWSON



PRICE 1c

HERNDON MUST GO FREE!

*"Such men as Angelo Herndon have been the soldiers of all great battles for liberation. Angelo Herndon is a courageous soldier of the great army fighting for the liberation of the working class and of the oppressed Negroes. We can save this courageous man from unspeakable torture, if every one does his duty."*

**EARL BROWDER.**

*Gift  
Teachers College  
8.26.36*

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## **I. "A Negro Has No Rights. . . ."**

**O**N May 20, 1935, the Supreme Court of the United States pronounced a verdict that will go down in history as the Dred Scott decision of the twentieth century. The state of Georgia, proclaiming that the demand of the hungry for bread is insurrection, that the mingling of white and Negro toilers is a crime punishable by death, decreed that Angelo Herndon, Negro youth and leader of starving workers, must be shackled for twenty years to the Georgia chain-gang. And now the highest court, subservient to the power of the Southern ruling class, has refused to intervene in the cruel judgment of the courts of Georgia.

Seventy-eight years ago, the Supreme Court sent Dred Scott back to the bonds of slavery. It upheld the Fugitive Slave Law, ruling that even on free soil, the slave's chains were not loosened. It pronounced the doctrine that "a Negro has no rights that a white man is bound to respect." The slave-owners on their plantations breathed more easily, hearing that decision.

Just so, today, the Southern landlords, the Southern slave-drivers in mine and mill, the Klansmen, the lynchers, feel themselves more secure in their power, because of the verdict of the Supreme Court in the case of Angelo Herndon.

In appealing the case of Herndon, the International Labor Defense raised grave and momentous questions. The legality of the statute under which Herndon was convicted—a statute based on a law of pre-Civil War days designed to crush the revolts of slaves against their masters; the right of the hungry to demand bread; the right of Negro and white to mingle freely together; the basic constitutional rights of the people to speak, to assemble, to petition for redress of grievances—all these were involved in Herndon's appeal.

And the highest court in the land clutched at the straw of a false technicality, and refused to pass judgment on these issues.

Three of the nine justices, dissenting, wrote of the prevailing opinion of the court that it pronounces "a novel doctrine." Thus even the highest jurists admit that the Supreme Court has set a new precedent, in order that it might uphold the lynchers and slave-drivers of the state of Georgia.

But even today, in the face of this decision, the working class does not surrender Angelo Herndon to the chain-gang. Under the leadership of the I.L.D., the fight for his freedom goes forward with a new grimness, a greater determination.

## II. Chain-Gang

Not a sentence of years, but death, faces Herndon on the chain-gang. Because of his color and because of the charge against him, his life would not be worth the life of a rabbit before the huntsman's gun. John L. Spivak, whose exposure of the Georgia chain-gangs rocked the country, has described the fate that awaits Herndon:

"If Angelo Herndon goes to the chain-gang, he will live in a cage like a wild animal, a cage crawling with vermin; he will be worked on the Georgia roads from sunrise to sunset. He faces an iron collar around his neck and chains around his feet. He will be left hanging in stocks from wrists and ankles, until he becomes unconscious.

"And should he escape death by torture—and I found no record of any prisoner who lived out ten years on the Georgia chain-gang—he may be shot—'trying to escape.'"

## III. The Education of a Worker

Angelo Herndon is the descendant of Virginia slaves. His great-grandmother, daring to resist the advances of a slave-owner's son, was tied to the floor with ropes and whipped till the lash drew blood.

Half a century later, a child was born to the granddaughter of those slaves, in a miner's cabin in the jim-crow section of Wyoming, Ohio. Paul and Hattie Herndon marked the event in the great family Bible: "Eugene Angelo Braxton Herndon, born May 6, 1913."

At the age of 13 years, Herndon went down into the mines. Stretched flat on his belly in the low coal, he began the hard education of a worker and a future leader of workers. Thin pay-envelopes scrawled with notations of innumerable "deductions"; the dirt and poverty of a company town; and, above all, the degradation of an elaborate jim-crow system—these conditions bore and

nourished a social bitterness that was one day to find its outlet in flaming words and heroic deeds.

## IV. The Working Class Gains a Fighter

In a locked room in a worker's home in Birmingham, behind drawn shades, a small, rickety mimeograph machine ground out leaflets. "Workers of Birmingham, White and Negro: Would you rather fight—or starve? Come to a mass meeting at three o'clock. Unemployed Council."

One of these leaflets fell into the hands of Angelo Herndon, who at once sought out the advertised meeting. That day began the swift process that was to make of a raw, questioning, instinctively militant youth a firm, consistent, clear-headed fighter.

The next two years were crowded with the experiences and the struggles that tested his courage in a thousand fires. Underground work in Birmingham, dodging detectives and stool-pigeons. Work in the Black Belt, where, through the aid of a white share-cropper, he escaped a lynch-gang by minutes.

And then, one morning, Herndon saw for the first time the name of "Scottsboro." With sure instinct this youth, bred in the same poverty as Haywood Patterson and all the Scottsboro boys, recognized the case for what it could become—a battering ram against jim-crowism and oppression.

## V. Terror and Jail

Herndon went to Atlanta, Georgia, in 1932, with his eyes open, knowing that he would find terror and, possibly, jail. Two years earlier, six white and Negro organizers of the workers had been indicted for "inciting to insurrection." The state demanded that they be sent to the electric chair. Their crime was distributing a leaflet which showed a Negro and a white boy clasping hands.

Among the workers of Atlanta, Herndon agitated and organized. White workers as well as Negroes learned to accept him as their leader.

In the middle of June, 1932, the state closed down all relief stations. At the call of the Unemployment Council, which Herndon headed, one thousand workers, 600 of them white, gathered

before the Fulton County Courthouse. The next day the commission voted \$6,000 relief to the jobless.

The employers struck back. On the night of July 11, Herndon, entering the Post Office, felt himself seized from behind and turned to see a police officer. That night he entered the gray walls of Fulton Tower Prison, where he was to spend 26 months—an eternity.

The law on which Herndon was indicted is in direct line of descent from the slave laws of the earliest colonial days, with only enough revision of word and phrase to make it applicable to the slaves of the present day, the white and black slaves of capitalism. In 1861, the Georgia legislature placed on its books the following statute:

"If any person be in any manner instrumental in bringing, introducing or circulating within the state any printed or written paper for the purpose of exciting insurrection or resistance on the part of slaves, Negroes or free persons of color, he shall be guilty of high misdemeanor, which is punishable by death."

## VI. Herndon the Accuser

On January 16, 1933, began the now historic trial of Herndon in the Fulton County Court. Black and white workers crowded the courtroom. Two courageous young Negro attorneys, Ben J. Davis, Jr., and John Geer, of the staff of the International Labor Defense, fought for Herndon's life and freedom. They raised, for the first time in a Georgia court, the question of the exclusion of Negroes from juries. They demanded that the insulting terms "nigger" and "darky" be dropped in the court.

The state based its case chiefly on literature found in Herndon's possession at the time of his arrest—the "Daily Worker," the "Liberator," the pamphlet "The Communist Position on the Negro Question."

Did Herndon really believe, the prosecution demanded, that the employers and the government should pay unemployment insurance to jobless workers? That Negroes should have complete equality with whites? Did Herndon believe in the demand for self-determination of the Black Belt—that the Negro people should



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## INTENTIONAL SECOND EXPOSURE

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rule over the Black Belt territory, throwing out the white landlords and government officials?

Patiently and courageously Herndon explained his views. Over the heads of the judge, the prosecutor, the lily-white jury, he and his attorneys talked to the white and Negro workers in the court, and, beyond them, to the unseen jury of the working class the world over. The court hung on Herndon's words. So manifest was the sympathy of the crowd that the judge several times warned against demonstrations.

John Hudson, Assistant State Solicitor of Georgia, called upon the jury: "Stamp this damnable thing out now with a conviction that will automatically carry with it a penalty of electrocution." And the hand-picked jury responded: "We, the jury, find the defendant guilty as charged, but recommend that mercy be shown and fix his sentence at from 18 to 20 years."

And now Angelo Herndon arose in court and said:

"You may do what you will with Angelo Herndon. You may indict him. You may put him in jail. But there will come thousands of Angelo Herndons. You may succeed in killing one, two, even a score of working-class organizers. But you cannot kill the working class."

## VII. The Challenge

By the conviction of Angelo Herndon, the state of Georgia proclaimed that membership in a militant working class organization, possession of the literature of the class struggle, is a crime that may be punished by death. It was the most outspoken declaration of fascism yet made in America. The working class took up the challenge.

People in all walks of life were organized by the I.L.D. in Herndon's defense. A hundred and fifty thousand postcards demanding his release poured in on President Roosevelt and the Supreme Court of Georgia. Resolutions were passed by trade unions, lodges, churches and sent to the authorities. Petitions piled up in the executive offices in Washington. One miner collected 497 signatures in the coal camps of West Virginia.

The demand for Herndon's freedom sounded in Union Square in New York, and the shouts of the workers in Union Square re-echoed from the throats of workers massed in Paris and Berlin.

## VIII. Torture

When Herndon was first arrested and thrown into Fulton Tower Prison, the police said: "Let's take this bastard upstairs and give him the works." They took him to a tiny, dark room. There was a coffin, and skulls were strewn around it. In the center was a chair made of steel—an imitation of the electric chair.

This was only a foretaste of the days to come. Of those 26 long months in the death cell, Herndon himself has written:

"I was starved. I was ill. I was denied the sight of friends, denied the literature of the class struggle. I was tortured by the jailers, who taunted me and threatened me, and searched feverishly for a thousand and one ways to make the days of a jailed man a living hell."

On the fourth day after Herndon's arrest, his cell-mate died, and for 24 hours Herndon lived with a corpse.

Herndon's letters to the I.L.D. at this time tell a story of shameless torture:

"They threatened to put double shackles on all of us and to beat up one of the boys, and they told him: 'Nigger, if you ever talk to a white man like that again, I'll go home and get my Winchester and blow your god-damn brains out!'"

## IX. Ku Klux Klan

The State Supreme Court handed down its decision: "The conviction of Angelo Herndon is upheld." In this decision the court specifically sustained the practice of systematic exclusion of Negroes from the Georgia juries, the use of the words "nigger" and "darky," and the principle that the demand for bread is the act of a criminal.

In the hope of crippling the defense movement for Herndon, the Atlanta officials and their aides opened a campaign of intensified terror. Scores of workers' homes were raided. Steps were taken to outlaw every working-class organization. John Hudson in person led a raid on the office of the International Labor Defense.

The Klan burned a fiery cross before the home of a white worker active in the struggle for Herndon. Seven white men accosted Ben Davis, Jr., one of Herndon's attorneys, in an office building, and threatened to lynch him.

## X. A Race Against Time

August 4 was set as the day on which Angelo Herndon was to leave Fulton Tower for the chain-gang. His appeal was yet to be heard in the United States Supreme Court. The Georgia authorities had repeatedly refused to set bail for Herndon. But with pressure and protest redoubled, bail was set—at \$15,000 in cash. The officials thought to make sport of the I.L.D.

The story of how \$15,000 in cash was raised by the I.L.D. to release Herndon on bail is a drama of heroism and self-sacrifice on the part of the working class. The appeal for Herndon's bond was printed in the newspapers of the working class, and in many Negro papers; it was translated into a dozen languages. And the workers, in the fifth year of the most devastating economic crisis yet witnessed, responded magnificently.

A girl worker wrote from Allentown, Pa.: "I am 19 years old. Have been out of work six months. This \$10 is my first pay. May it help free Angelo Herndon." . . . "This \$1 looks too trivial to send," wrote a worker in West Grove, Pa. "But may it be multiplied a thousand-fold by some miracle." From a small town in Kentucky: "Dear Sirs: This \$2 is donated by the Missionary Baptist Society. We are sending this small token with our prayers and best wishes. May the Lord replenish it."

In Fulton Tower, Herndon waited. He had packed his bag and was ready to go. The jailers sneered. "Bail set ain't bail raised," they said. But Herndon answered: "The working class will raise it. I'll be going any day now."

A worker from the South sent \$2 with this message: "For the resurrection of Angelo Herndon." . . . A Socialist worker in New Jersey wrote: "Thank you for giving me the opportunity to assist in the Herndon fund. I am not a Communist like Herndon, but a Socialist. I shall strive for a united front on these cases."

In 23 short days, the bail fund was subscribed and oversubscribed—a total of \$18,723.85. Almost 800 separate loans came from organizations and individuals in 23 states. The moment the bail totalled \$15,000, Joseph Brodsky, chief counsel of the International Labor Defense, left for Atlanta by airplane. On the morning of August 4, he appeared at the bars of Herndon's cell. "We're going, Angelo," he said.

The working class had won a race against time.

## XI. Homecoming

From Washington to New York, Herndon's path was the path of a conqueror. Two hundred persons greeted him at Baltimore; 500 at Philadelphia; 200 more came to the station in Trenton, and at Newark 300 people filled the small platform. At all stops workers surged forward to shake his hand.

For one hour on the day of Herndon's arrival in New York, Pennsylvania Station belonged to the workers. A small delegation waited on the platform. Ten thousand packed the main hall upstairs.

As the train—the "I.L.D. Special"—pulled to a stop, anxious faces gathered on the platform peered through the windows. A cheer went up. Someone had spotted Herndon. As if thrown back by a range of mountains, an echoing cheer rocked the station, as the crowd upstairs realized that Angelo Herndon had come home.

As he stepped out of the day coach which he had ridden, photographers' flashlights exploded; shouts poured from thousands of throats. A worker pressed forward to place a bouquet of fiery red roses in Herndon's hands. In another minute, Robert Minor, veteran leader of the working class, had lifted Herndon to his shoulders and was carrying him upstairs. Songs, cheers, slogans reverberated across the wide expanse of Pennsylvania Station. Faces looked up at him—faces Negro and white, happy, smiling, triumphant. A band played. Banners waved. A boy blew a bugle.

And now the workers turned down Broadway. Ignoring traffic lights, stopping for nothing, they swung down the streets in a triumphal procession.

At Union Square, Robert Minor mounted the platform. "Ten years ago," he said, "there was no Angelo Herndon. There was no black leader of white workers. Today we have hundreds. They spell the unity of black and white workers throughout America."

## XII. Herndon Fights for Scottsboro

There were a few days' rest for Herndon, at a farmhouse with friends. And then he threw himself once more into the fight for the Scottsboro boys. Under the auspices of the I.L.D., he toured

33 cities from coast to coast. With him were Mrs. Ida Norris, mother of Clarence, one of the nine framed to die, and Richard B. Moore, field organizer of the defense organization. In California, he visited Tom Mooney in San Quentin Penitentiary. Wherever he went, workers, black and white, cheered him, pressed his hand. Before an audience in New York, Herndon said:

"They say Angelo Herndon shall go to the sure death of the chain-gang. They say the Scottsboro boys shall die. Their brother fascists say that Ernst Thaelmann, courageous leader of the German workers, shall die. But we, the workers, reply——"

Before he could finish the sentence, thousands of voices shouted in unison:

"THEY SHALL NOT DIE!"

### *XIII. The Fight Goes On*

The United States Supreme Court has not said the last word in the Herndon case. Herndon belongs to the toilers of America, and they will not let him go to the chain-gang.

The International Labor Defense has begun anew a mass campaign for the freedom of Angelo Herndon.

Its attorneys have been instructed to take immediate steps to file a petition for a re-hearing with the United States Supreme Court, which will bring the case before it once more.

The justices who have refused to consider the case must be made to hear it. They will not do so willingly.

The United States Supreme Court, by its decision in the case of Angelo Herndon, has attacked the right to organize, to struggle for bread. It has attacked the right of the Negro people to full economic, political and social equality.

If victory is to be achieved, the Supreme Court must now be pressed and harassed unceasingly by the protests of millions. In our own hands—in the hands of the working class, in the hands of the Negro people, in the hands of all lovers of right and justice—lies the issue of Herndon's freedom. Today we recall the cry of Herndon, deathly sick in the Atlanta prison, to the workers outside: "My only hope is in your strength." We recall the words of Bartolomeo Vanzetti in the death-house in Boston: "A million men—give us a million men!"

The victories we have already achieved in the fight for Her-

don, when we wrenched him for a time at least from the lynchers, are the token of our strength. Now there must be a new flood of demands upon the Supreme Court in Washington. Organize! Send protests! Shout into the ears of the Supreme Court justices: "*Angelo Herndon must go free!*"

The coming weeks are crucial in the life of the working class, in the life of the Negro people. These days, when the fate of Angelo Herndon hangs in the balance, will be remembered as a turning-point in the struggle for freedom. At such a time as this, let no one stand aside. For what we do or leave undone today, our children's children will hold us to account.

By the might of a million toilers, organized and led by the International Labor Defense, Angelo Herndon can yet be restored to the ranks of the working class.

## ACT NOW!

Send a resolution like this to the United States Supreme Court, Washington, D. C., from yourself, from your trade union, unemployed organization, church, or whatever organization you belong to:

*WHEREAS, Angelo Herndon has been sentenced to serve from 18 to 20 years on the infamous Georgia chain-gang, under an ancient slave law, for the sole reason that he organized white and Negro workers together to struggle for unemployment relief; and*

*WHEREAS, this is not only a barbarous sentence equivalent to a medieval sentence of death by torture, but one which threatens every basic right of the toilers of Georgia and the United States, especially their right to organize into trade unions and other organizations to struggle for their economic and political demands; and*

*WHEREAS, the United States Supreme Court, basing itself on a technicality so uncertain that three of its members could not bring themselves to concur, has ruled that it will not even consider the question of whether Herndon was illegally sentenced and whether the law under which he was sentenced is unconstitutional; and*

*WHEREAS, a petition for a re-hearing of the case is being entered in the United States Supreme Court by the attorneys of the International Labor Defense,*

*Therefore, I (we) demand that the United States Supreme Court grant this re-hearing, and set Angelo Herndon unconditionally free.*

Name .....

City .....

## FELLOW WORKERS:

This pamphlet is only one of the many ways in which the INTERNATIONAL LABOR DEFENSE is trying to organize the workers against oppression and persecution. There is only one guarantee that the INTERNATIONAL LABOR DEFENSE will be in a position to carry out its working class task of organizing the defense of the workers and the support of the Political Prisoners and their families, and that is only if we will have a mass INTERNATIONAL LABOR DEFENSE of hundreds of thousands of workers and their friends, and supported by still larger numbers of workers.

THEREFORE if you want to help guarantee that the INTERNATIONAL LABOR DEFENSE will be able to defend all class war prisoners, and support the Political Prisoners and their families:

**JOIN THE INTERNATIONAL LABOR DEFENSE!**

**SUPPORT THE INTERNATIONAL LABOR DEFENSE!**

Tear this stub off and fill out the other side of it and bring or send it to the nearest branch of the INTERNATIONAL LABOR DEFENSE.

**Tear This Off and Keep at All Times**

## If Arrested—Remember These Points:

1. Give no information to officers. Only a name.
2. Plead NOT GUILTY and demand a jury trial.
3. Demand that the INTERNATIONAL LABOR DEFENSE defend you.
4. Insist that you be let out on your own recognizance; if they refuse this, demand that bail be set low.
5. Demand a copy of the complaint.
6. Do not sign anything.

Carry on your working class fight in the jail and in court.

Read "What To Do When Under Arrest" which can be bought for 1c. It gives more information what to do when under arrest.

Hold classes in your I.L.D. branch, organization, in small study groups of workers, on workers' defense.

I, the undersigned, would like to become a member of the  
INTERNATIONAL LABOR DEFENSE.

Name ..... Date.....

Address ..... City.....

Age..... Where do you work? .....

Union, political or fraternal affiliation .....

Unemployed initiation: 5c plus 2c for the book.

Employed initiation 25c plus 2c for the book.

Employed dues: 20c per month; unemployed 2c per month.  
If you do not want to become a member of the International Labor  
Defense but wish to support it, write S on this and check the follow-  
ing ways in which you are willing to support the I.L.D.

Monthly pledge to Political Prisoners Relief .....

Will buy the *Labor Defender* if it is delivered to me .....

Will donate to the various campaigns of the I.L.D. ....

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