

# Millions of Americans Have Spoken: They Demand Angelo Herndon Freed

Today the United States Supreme Court will hear arguments on the case of Angelo Herndon, young Negro Communist who is appealing an 18 to 20 year chain gang sentence. The following article by Anna Damon, acting national secretary of the International Labor Defense, reviews the DeJong and the Herndon cases.

By Anna Damon

The capitalist press of the country had hardly anything to say in 1934, when Dirk De Jonge was convicted of criminal syndicalism in Oregon, and sentenced to seven years in the penitentiary. Least of all did the reactionary press of Portland, Oregon, engaged in a campaign of red-baiting and trade-union smashing, register the slightest protest. Only when the issue was made nation-wide by the victory of the International Labor Defense before the Supreme Court, did the press of the nation feel the pulse of public opinion which tireless work by progressive organizations and individuals has organized against the criminal syndicalism laws.

After the Supreme Court verdict early in January, 1937, the reactionary Portland Oregonian said, "Hardly has there been a more glaring incursion against the constitutional right of free assembly and free speech than in this case. . . . Now there is renewed proposal at Salem for repeal of the criminal syndicalism law. That law is a measure of harsh intolerance. . . . The legislature will do well to repeal it."

The United States News, a weekly edited at Washington by David Lawrence, who can scarcely even be called "liberal," made a survey of nationwide editorial comment on "that Oregon decision." "The view of 64 per cent of the commenting newspapers is that the court action contributes much to American freedom," was the finding of the United States News. Thirty-six per cent merely commented that a definite limitation has been put to repressive legislation. This paper commented further: "It is pointed out by one group (of newspapers) that the ruling should have a wide application in states which have sought to outlaw radical parties."

When Vito Marcantonio was in Congress he once remarked that "The International Labor Defense is one of the most truly patriotic organizations in the United States." In the sense that the I.L.D., fighting on behalf of political and labor prisoners advances the whole cause of progress, prevents the advance of reaction, fighting on the side of the finest American traditions and for their maintenance, this is certainly correct. The De Jonge case is an example.

The I.L.D. victory in the De Jonge case freed two long-term political prisoners and unleashed a really



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great movement for repeal of the criminal syndicalism laws and other repressive legislation; its results are immediately apparent in such a place as Jersey City, N. J. The recent decision of Chancellor Fielder in the suit of the Communist Party against the police there, to restrain the officials from interfering with meetings of the party, derives to a great extent from the De Jonge decision. The labor movement of New Jersey recognizes this decision as the opening wedge of a fight for free speech and right of labor organization, whose aim is to reduce the runaway open-shop paradise status of Mayor Frank Hague's bailiwick to dust.

Now from the point of view of the fight against repressive laws, the decision of the United States Supreme Court in the De Jonge case was extremely narrow. The state of Oregon had gone so far in this prosecution and this verdict, seeking to lay the basis for "such sweeping repression, that even the reactionary bloc of the Supreme Court was jittery that this was going too far too fast. In view of this the broad repercussions of the victory are even more startling indication of the importance of uncompromising fight on the basic issues of American freedom.

The United States Supreme Court was extremely careful, it leaned over backward, to make sure that it did not attack the criminal syndicalism law itself, nor any of its interference with civil rights, in its decision.

It used thousands of words to describe what the decision did not do for civil rights, and a few hundred to give it the appearance of liberalism. The basic issues of the fight against the criminal syndicalism law and its brother laws of reaction, such as the Georgia Insurrection Law, are untouched by the decision. The Supreme Court practically told the states that these laws are O.K., so long as they are not too hastily extended in their application at the present time. The Court told California and Georgia that it was not attacking their criminal syndicalism and insurrec-

tion laws; it told Oregon it was not deciding against the text of its law. It told the world that it was not admitting the legality of the Communist Party or any other labor group. It said these questions were not before it.

Before the same Supreme Court, the International Labor Defense will present argument in another case, containing the broadest implications of civil rights that have been presented to that court in at least ten years—the case of Angelo Herndon, under sentence of 18 to 20 years on the Georgia chain-gang. Let us just list some of the issues involved in this appeal for the freedom of a young Negro organizer of the unemployed who has risen as a leader of black and white to membership in the Central Committee of the Communist Party:

There is the whole issue of freedom of labor to organize in the South, attacked in this case under a statute originally passed before the Civil War as an instrument for suppression of slave uprisings:

The issue of the right of Negro and white to organize together;

The issues of the right of the Negro people to life, liberty and the pursuit of happiness;

The right of freedom of speech and thought;

The right of freedom of assembly;

The right to progressive independent political action and the legal existence of working class political parties;

The right to maintenance in the South of the best traditions of Americanism.

Literally millions of people in the United States have voted on these issues in the Herndon case through resolutions in their trade unions and organizations demanding his freedom and repeal of the slave-insurrection law under which he was convicted; more than a million and a half have personally signed petitions with this demand.

They have given their mandate to the Supreme Court, which has now twice refused to pass upon the case. They demand a clear-cut decision.

There is no question of the legal matters involved. Under the United States Constitution as it stands today the conviction of Herndon, the law under which he was convicted, are illegal. The issue that is before the court is a political one. The previous avoidance of this issue by the majority of the court in its decision disclaiming jurisdiction in the case, in May, 1936, was a political dodge. The sharp dissent of Justices Brandeis, Stone and Cardozo made that very clear. "The defendant has a right to an answer," the minority opinion held, adding that the technicality on which the majority based its refusal to act was "indeed strange doctrine."

The people of the United States want no more "strange doctrine" from the Supreme Court. They want the freedom of Angelo Herndon, and the death of the slave-insurrection law.