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# De JONGE VICTORY

before the  
**SUPREME COURT**

• • •

**ANGELO  
HERNDON**

• • •

**LAWRENCE  
SIMPSON**  
reports

• • •

by

**LUDWIG  
RENN**

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# I WANT TO LIVE

A chapter from the book that everybody has been waiting for—the life-story of a young hero who has won the admiration and support of millions. The book will appear on March 1, but the **LABOR DEFENDER** brings its readers this advance installment. It deals with the first 26 months he spent in Fulton Tower prison—in the death house—among men and boys awaiting execution. The three boys mentioned in this chapter were 15, 16 and 17 years old.

By **ANGELO HERNDON**

Ever since that day the three boys and I became fast friends. All the food and money we received from the outside, we shared equally. I felt truly like their elder brother and I have never loved anybody more than I did them. I was also fortunate in that my sentiments for them were reciprocated fully. Now as I look back on those harrowing days I feel consoled somewhat that my brief association with them had proved some benefit to them in their last hours. Sympathy and love is all that the unfortunate who share a common sorrow can give each other. I have tasted unhappiness and misfortune as probably few men of my acquaintance have, but I have been happier than the most happy and fortunate of them because I have learned the simple wisdom of distracting my own unhappiness by the effort of dispelling the unhappiness of my fellow beings. . . .

There was nothing that the boys loved more than to sing their beautiful Negro spirituals. They harmonized very effectively. Their singing was the greatest pleasure that I derived from prison. It made me think of my childhood, when the world for all its tragedy still seemed garbed in wonder and beauty for me. They had fresh sweet voices and when they sang the prison bars disappeared, the laundry motor over head was silenced, the walls of the prison melted away in a sea of beauty. As long as I live there will ring in my ears the melancholy wail of their voices blending in the tear laden strains of the spiritual, "When I'm in trouble. . . ."

When the boys sang, all sounds of quarreling and dissension ceased among the prisoners in the entire jail. They became grave and thoughtful. They listened raptly. The music drew them away from the sordidness of their lives and even if only for a moment, through the miraculous intervention of music and sincere words, beauty, in ways unbeknown to them, entered their spirits.

The prisoners showed their gratitude and appreciation in many touching ways. They showered the boys with cigarettes, letters of encouragement and even money. There was something incongruous and fabulous in hearing such ethereal singing in a vile place like the prison. This strangeness was strikingly emphasized to us by the clang and bang of chains and steel doors as an accompaniment to their singing.

Those who have never been entombed in prison can never know the uplifting comfort that lies in a mere trifle like a song. . . .

It was an early Tuesday morning that the jailers came to take the boys to their death. All night long the four of us kept vigil in separate cells. Conversation was hardly pos-

sible under these circumstances. Hardly a word passed between us. The condemned boys seemed to have receded from each other's consciousness. Each one now lived in a world apart, agonizing silently like Jesus in the garden of Gethsemane the night of the betrayal. They wept silently, revealing their anguish occasionally by an involuntary moan. The little preacher seemed to be most affected. He prayed all night in an undertone uttering his words with a passionate intensity as if trying to stave off the terrible end that awaited him by constructing walls of prayer about him. Most of the night I stood at the bars of my cage straining my eyes to see my friends and to give them proof that I was with them. The executioners were insistent. They could not wait. The chief jailer ordered the boys to get ready. Mutely, with dragging feet the boys took their Bibles, prayer and song books and put them away in a little Boston bag belonging to Richard Morris. Tears were streaming from their eyes. And in their broken state they seemed to have achieved a deep goodness and a beauty.

I felt the need of saying something, of com-

## *An Appreciation*

By **CHESTER A. ARTHUR, Jr.**

As I understand it, this country was founded by rebels who wished to do away with oldworld concepts of caste. Banished was the French concept of "The Three Estates," the English concept of "The Aristocracy, Those in Trade, and Labour," as three quite distinct classes functioning on different planes. The one great flaw in our Constitution, as adopted just a hundred and fifty years ago, was the recognition of Negro slavery in the Southern States, belying the concept that "all men are created equal." This flaw was supposedly rectified by a war which staggered the foreign observers and which they acknowledged to be, up to that time, the most stupendous was in history.

More men were lost in the battle of Shiloh than in any battle in previous time. The same is true of Gettysburg. Then came Lincoln's Gettysburg address, which every American schoolboy has to learn by heart. What hypocrites we are here in America to hold Lincoln and his ideals in such veneration when we allow to continue in our land such conditions as I have seen in Georgia, in every state of the Deep South—even, I will have to admit,

forting, of lending them the necessary bit of pathetic strength with which to enter the great shadow. But I was tongue-tied, paralyzed in every limb, trembling violently and feeling as if my knees were about to cave in.

When they got ready they fell in line, one behind the other. First came Mose. He seemed the bravest of the three. He smiled weakly, but it was a twisted smile, almost ghastly, for he was yellow as with jaundice. After him came Richard Morris. He looked like a child that had been beaten by his mother because of some naughty prank he had been playing. He sniffled and as he had no handkerchief he looked very woebegone, trying ineffectually to wipe his nose with his bare hand. Last came Richard Simms. He was weeping and appeared more terrified and unhappy than his companions. He looked about him like a frightened bird, frantically searching with his eyes for some invisible deliverer to come to his aid.

I would have come to his aid, if I could. But I too was only a bird in the self same cage. I too stood in need of rescue. Only there was no one to rescue them or me. I seized hold of the bars and dug my hands into them until the palms became bruised. I gave vent to all the despair I was capable of myself. In another moment the boys would be passing my way and I must not be found wanting by them.

When Mose came alongside my cell, he stopped and said:

"Good-bye, Angelo, I wish you all the luck in the world. There doesn't seem to be any for us."

Then came Richard Morris. He extended a trembling hand to me, which I grasped hard. With eyes swimming with tears, he said to me in a broken voice:

"Good-bye, Angelo, you have been a good friend to me—you believed in my innocence and God will reward you for it. We surely  
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in many sections of the Industrial North. Have the men who died in our two great Revolutions died in vain? And will there have to be a third in order that the Declaration of Independence and Bill of Rights, Lincoln's Gettysburg Address and his Second Inaugural, be made statements of fact rather than statements of mere theory?

I hope not. I hope that the Supreme Court, warned by the temper of the people in the last election, will not repeat the revolution-making Dred Scott Decision. If the Georgia law under which Angelo Herndon is indicted is declared constitutional, it will be tantamount to declaring slavery constitutional. For this reason:

Slavery is a fact, not a theory. Most of the Negroes in the South were given their freedom on paper, not in fact. They were given no economic start toward real freedom. If the great plantations had been divided up among the population as were the great estates of the nobles in the French Revolution, the Negroes would have been given at least a chance to hold their own in competition (the Capital-  
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# I Meet The Gallup Police

By LORNA LINDSLEY

In October 1935 I went to Aztec, New Mexico as an interested and sympathetic spectator at the trial of the Gallup workers, a group of men tried for the anonymous murder of a sheriff killed in a "riot." Aztec is a rural community dominated by Mormon farmers. No labor troubles had ever raised their heads there. There was almost no Spanish American or Mexican blood in the town. Of the twelve jurors only one spoke Spanish.

Naturally in such a small community every stranger was noticed and there were few there. The liberal press had taken up the case of the Gallup workers, but the curious or interested audience come from outside for the trial could be counted on the fingers of two hands. I had previously contributed a modest sum to the Defense Committee, and the sympathy and friendship I tried to extend to the miners' wives in Aztec was all that implicated me in the case.

Six weeks later I drove into Gallup for the first time in my life at five in the evening, already cold and dark. With me was my daughter. We stopped for a glass of beer and to enquire of the barman whether there was a tourist camp in the lonely Navajo Reservation that lay ahead of us or whether we had best stay in Gallup. As I finished my beer I saw the Chief of Police of Gallup who had been a witness for the prosecution in Aztec enter the bar and look at me. By the time my daughter and I had returned to our car which was parked in a side street he was there to meet us, complete with his dumb face and his authority and with two armed policemen behind him. He asked me what I was doing there, I replied that I was driving to California. He said, "Be on your way, we don't want any Reds or Communists here in this town!" I expostulated that I was only a Democrat not a Communist, but he did not believe me. I admit that my instinct when I encounter a policeman is to be as polite as possible and leave him as soon as I can. But I was angry

and therefore stopped to reason with him. Telling him that I could account for myself in every way. He became increasingly angry and rough in his attitude, a rather joking attitude on my part only made it worse, his two officers with hands on their guns pushed forward and the three of them crowded us into our car. My daughter and I drove around the block until we lost sight of them and then



## Singing As They Fight

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And from his mouth's disdain  
He spits superbly  
Strikes straight in the eyes of  
The vile chief of that firing squad.  
Thus he faces death  
Who has a character tempered with steel!  
Oh, you voice that sings the legend  
Which is now heard of the boy Granero,  
Hasten and narrate the very end,  
The marvelous occurrence  
Happening on a night  
Filled with frightening memories.  
Resounded the voice of infamy:  
"Fire!" it commanded, and nine guns,  
Cursed guns fired  
The vile lead that kills,  
And nine bullets searched  
For the tender flesh of a bosom  
Palpitating with love  
For the people's liberty.  
A body struck the stones.  
A deep silence fell,  
Broken only by the steps  
Of the sinister men departing.  
Alone remains the earth,  
Alone, no! she and her dead!  
Oh, you, Jose, listening to me,  
Stretched out, abandoned and gory!  
Who are you who thus hear not  
The thousands of hoarse throats  
Calling you from their hearts,  
Along the rivers, the valleys and hills?  
Who are you that you don't rise  
Amidst the clamor imperious  
Of thousands of hearts,  
Beating, beating as one?  
It was about daybreak  
And glowing dawn shone on his body,  
His body that with day  
Rose up from that soil,  
And bleeding terribly, standing up,  
Put the right foot forward,  
Ascended the mountain  
Like a sun coming into birth,  
Leaving behind its blood

stopped to debate what we should do and whether two women could be hustled out of a town like that for no reason at all, or what they could do against us if we stayed. The Gallup case was a very sore one, the town of Gallup was jumpy, its attitude bullying. There were still three of the accused men in prison in Santa Fé condemned to what amounted to life imprisonment whose case had not yet been appealed. I dreaded to contribute to any aggravation of the feeling against them, fearing that if the event was taken up by the press I would be set down as a thrill-seeking easterner, which would in no way forward their cause, so we drove out of town towards the Reservation. I hated to do it and wrote at once a full report of the incident to the Gallup Defense Committee in New York, telling them that I held myself in readiness to go back to Gallup, to stay there and to challenge my expulsion. The Committee did not ask me to do it. I have always regretted that they did not.

New York, December, 1936.

NOTE: Mrs. Lindsley is the daughter of the distinguished authority on constitutional law, Frederick Jessup Stimson of Boston, once our ambassador to the Argentine.

As its light in a golden furrow.  
Jose did not die. Look at him!  
Come to life, resurrected!  
For he did not die, just as  
The people can never die.  
Guns and bullets may pretend  
To bore holes through its heart.  
Bombs and cannons may try  
Its body to destroy.  
But the people lives and conquers,  
This fearless Spanish people,  
Which in a dawn of blood  
Is like a sun coming into birth.

VINCENTE ALEIXANDRE

## I WANT TO LIVE

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will meet in Paradise some day, for you too are innocent."

Wrenching his hand out of mine, he shuffled off weeping.

Richard Simms came last. He held the little bag with holy books.

"Please give these books to our parents," he begged me in a moaning voice. "We will have no more use for them. We three want you to remember us, Angelo. Please take my gold Elgin watch. Richard Morris wishes you to have his hair brush, and Mose White wants you to wear his belt. You have been the only person good to us in a long, long time, and I hope you will never forget us."

Impatiently the guard pushed the boys forward, saying:

"We are late, hurry."



# "TO EACH AND ALL--"

Whether you contributed one dime or one hundred dollars for labor's neediest cases—this page is addressed to you.

By ROSE BARON



Rose Baron, Secretary, Prisoners Relief Fund

Right on the heels of a nation-wide flu epidemic, sleet and storm and the worst floods in history threaten all of us who cannot run away to Bermuda and Florida and bathe in the sunshine on beautiful beaches.

The ravages of cold and disease are a special threat to those who do not live in warm steam heated homes, whose shoes are not leak proof, whose diet is not full enough or balanced enough to build up resistance and strength. And in that category, first and foremost, we must list labor's neediest cases—the wives and children of labor's prisoners.

Thanks to the warm hearted response of unknown friends in 34 states, we were able to make their Christmas a happy one. The total sum collected to date throughout the country on the 1936 Christmas (winter relief) Drive for Labor's Prisoners and their families was \$8,243.81.

"May God bless all the I.L.D. workers and give them more power in the New Year than they have had in the past years. Thanks and love from my heart to you all for the money and the fine clothes you sent us all this winter," writes Mrs. Viola Cobb, now the head of a family of eight children and its sole supporter since her husband Ned Cobb, sharecropper, was sent to jail for 15 years in 1932.

"You sure sent a Christmas gift to us all, for it really made us a happy one," writes Mrs. Lulu Bock, whose husband, Charles Bock, miner, is serving a 99 year sentence in West Virginia. "The children never dreamed that Santa could be so good to them, I sure do thank you for what you have done for me in my trying days. It is wonderful to know that you have such good friends."

"I hope all the other widows and wives of prisoners and all the children had as jolly a time for Christmas through your goodness as we had. I want to give you each and all my grateful thanks," from Mrs. Solidad Esquibel, whose husband, a Gallup miner, was murdered in cold blood in April 1935.

Every one of the 1,180 men and women who sent us direct contributions for our Christmas fund should feel that the letters quoted above were written directly to them. Their contributions ranged from 10c to \$100 and totalled \$2,224.55.

Every member of the 52 trade unions and other groups and organizations which sent in joint donations totalling \$1,390.04 can accept the thanks expressed in these letters as thanks to him or her for their solidarity.

The ILD state organizations through their various activities in connection with the drive,

—affairs, parties, sale of coupons, tagdays, concerts, etc. raised \$4,829.22 of the total sum.

So much for the Christmas part of the Christmas winter relief drive. We were able to make the holiday season a happy one for many women and children. But we were able to do more. We were able to raise their monthly allowance by 20% and this increased relief check will go to them all year round. We were able to raise the monthly relief check to the men behind the bars by 50%. Yet even these substantial increases cannot possibly satisfy us. They are still not adequate enough to provide the measure of comfort and security we all would want labor's neediest cases to have. They are still not adequate enough to thoroughly protect them from the ravages of hunger and cold.

Our winter drive terminated February 1, 1936. We extended it for one month to enable all those who still had collection materials outstanding, to wind up their affairs, and to give those who had not yet contributed adequate time to do their share. At this writing we know that the total will be raised considerably by the last day of the drive.

That is encouraging and it's always better to step forward to new activities with a feeling of success. Side by side with our campaign for America's labor prisoners and their families we conducted a drive for international relief—first and foremost of course, for medical aid to the defenders of democracy in Spain. In their behalf we raised in cash \$5,816.98 and sent across the seas medical supplies and instruments worth \$15,000. Our next step is to send them an ambulance. We also sent a gift of \$100 to the political prisoners in Cuba, \$50 to Brazil and like sums to Germany and Finland.

Despite our best wishes and all our efforts we did not reach the \$20,000 quota we had set ourselves. That means that we will have to redouble our energies during the year to

raise the number and the total income of our regular monthly pledges for prisoners relief. For those pledges are the real backbone of our relief fund. They assure the smooth running of our relief machinery all year round. And we are sure, that armed with the knowledge of the happiness their single contributions brought to so many men, women and children, all our friends and supporters will want to make a regular monthly institution of their solidarity and support and will start in February with a regular monthly contribution for labor's neediest cases.

## An Appreciation

(Continued from Page 6)

ist System being still the economic concept of the land) with their white fellow-citizens. It was easy for the Southern planters, and later for the Southern industrialists, to get their Negro labor so in debt that servant become "bonded" to master—another form of slavery.

On my trip thru the South last summer I saw the conditions under which not only the tenant farmers and sharecroppers, but also the workers in the steel mills of Birmingham, were living. What struck me most, as I have said before in these pages, was the patent fact that white workers were living in the same squalor, the same hopelessness, as their black co-workers. Having had my first glimpse of the labor movement in Ireland, I could only compare it to the way the British owned press kept Protestant and Catholic workers asunder by stressing religious differences and never referring to common economic ills. I was heartened to see that where the militant labor movement (arising spontaneously in all parts of the country) had gained a foothold in the Deep South, workers were actually beginning to forget the differences of their color, and had joined forces to attack the common enemy, the ruling class.

Angelo Herndon stands as a living symbol of that solidarity on the workers front which must be built up in order that the words of our Founding Fathers, the words of Lincoln, the words of our present President, may be the expression of more than an impossible dream. Words are all right. But Angelo Herndon is a fine man, of flesh and blood, and gaiety and sincerity and passion. Let us see what they do about Angelo Herndon—and then we shall see whether all the fine words about freedom and equality and justice and the pursuit of human happiness mean anything at all.