

# Herndon Tells Press How It Can Happen

By Art Shields

Angelo Herndon radiated joy as he entered Communist Party headquarters at 35 E. 12th St. after his great victory yesterday afternoon.

The United States Supreme Court, by a 5 to 4 vote, had scrapped the Georgia Insurrection law at the demand of the masses and ruled that Herndon was freed from the modern slave relations.

"It's a victory for the entire working class, especially in the South," he told reporters, who congratulated him on escaping the shackles and whips of the chain gang, in which Georgia courts had ordered him sent for an 18 to 20 year term.

A reporter asked him whether he thought President Roosevelt's plan to reform the United States Supreme Court was still necessary.

"Yes, more than ever," replied the young Negro Communist. "The fact 5 to 4 majority in my case shows that clearly. The President's plan is a progressive move, which should receive the widest support."

## TALK OF TORTURE

It was hard to get Herndon to talk about himself. This young member of the Central Committee of the Communist Party at the age of 34—he's the youngest person there—wanted to talk more about the effect of the victory on the

Scottsboro and Mooney cases and the fight to liberate the oppressed sharecroppers of the South.

But reporters pressed hard: "Tell us," they insisted, about your 18 months in Fulton Tower."

And Herndon told about the torture from which he escaped, about the cell in which he was confined, dripping with lime from a foam overhead. But Herndon was too happy yesterday to be tortured. He soon had the newspapermen laughing at the stage comedy tricks the Atlanta detectives used to try to frighten him in 1932.

These stupid detectives thought a Communist was stupid as they were. They took him to a dark room and lashed boxes of sarinona and floustrated a dull with electric light peeping from the eyes.

## PURE 'MERCIFUL'

"They thought that would make me into something I was guilty of

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"insurrection," said the young Communist.

"I told them a bogey man couldn't scare a Communist," he explained.

He smiled at his persecutors again as he told how Rev. Hudson, the prosecutor, a Methodist minister, wept as he prayed on hands and knees to the jury to punish the young Communist, and "satisfy God."

Those leaflets urged white and Negro workers to unite together for unemployed relief.

"Rev. Hudson asked for my death, but the jury was 'merciful,' because I was only 19 years old, and gave me 18 to 20 years," he said.

## WHY IT HAPPENS

A southern born reporter asked why such things happened in the South.

"It is done to keep Negroes in the peon class," answered Herndon. "They are barred from voting and other constitutional rights; they are oppressed in every possible way so that they can be exploited more thoroughly. Racial discrimination is due to the economic situation."

Herndon's joy was contagious as he told of the tremendous mass protest movement that swept the nation in his behalf.

"Not only the working class supported me," he said, "but large elements of the middle classes too, and even government officials. The case was so vicious that it no longer had anything to do with me as an individual."

## BROAD UNITED FRONT

He told how 14 Congressmen, the city council of the city of Cleveland were among the forces seeking his freedom. He emphasized the broad united front defense that the International Labor Defense helped mobilize in his behalf. The Communist and Socialist parties,

hundreds of trade unions, the National Association for the Advancement of Colored People and a host of other organizations joined in.

A. F. of L. and CIO unions helped. When reactionaries tried to pass a second anti-labor bill through the Georgia legislature, "modeled after the syndicalism laws of other states, the six A. F. of L. legislators blocked it.

Asked about his future movements, Herndon said he would be happiest working in the South for the sharecroppers, and he hoped soon to be there.

His eyes lit up as a reporter asked whether this Supreme Court decision was not almost as important to southern workers as the Wagner Act decision.

"Yes, in a way," he replied. "This decision gives southern labor the right to participate more freely in necessary struggles. And it thus ensures more concessions to the workers and sharecroppers from landowners, textile manufacturers, etc."

## EFFECTS OF DECISION

And of special importance to the Communist Party, he said, the Herndon decision has the effect of legalizing the Communist Party.

Even though Ben Davis, Herndon's counsel in the Atlanta trial, proved to the court that the Communist Party was a legal party on the ballot, the local court treated it as an insurrectionary movement.

He cited the dissenting opinion of Justice Willis Van Devanter, who accused him of being both a "Negro" and a "Communist," twin crimes in the eyes of the 78-year-old Old Man.

"These words of Van Devanter," said Herndon, "showed that his opinion was not in accordance with any legal process, but just expressions of the Justice's prejudice, of his contempt for the Negro people."