

Hathaway Otto Hall

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Atlanta Ga.
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CPUSA 50 E 13 St
New York City

Dear Comrade Browder:

I would like to take up a few questions with you in connection with the Herndon case, on the matter of policy. I am writing a letter to Comrade Hacker on this question also. Comrade Herndon, a member of the section committee and a Negro worker, was arrested last Monday as he was going to the Post Office for mail. He was picked up on the instructions of solicitor Boykin and held on suspicion of inciting to insurrection. Some literature was found in his room which included some election campaign pamphlets, Dailies, and leaflets calling for an unemployed demonstration. He has been held in jail over a week now, and yesterday we had the lawyer Hancock, who has been handling the cases of the Atlanta six, get out a writ of Habeas Corpus. The case came up in the Superior court this morning before Judge Moore, who ordered Herndon to be brought before the grand jury tomorrow afternoon to either be indicted or turned loose, and set the bail at three thousand dollars in case of an indictment. Altho the evidence in the case is nothing as far as the prosecution is concerned we feel sure that he will be indicted on the charge of inciting to insurrection which as you know carries the death penalty in this state.

The prosecution admits that the reason Herndon is being prosecuted is because they believe he was the instigator of the recent unemployed demonstration held at the court house a few weeks ago, and because of which the County Commissioners were forced to vote six thousand dollars for relief for the unemployed. We are using Hancock on this case but we are locating some local lawyers and we think we will draw them in and ease Hancock out as you know he isn't worth a damn. We have prospects of getting a much better white lawyer than Hancock, and two Negro lawyers have already volunteered their services to us free of charge.

Now as to the question of policy upon which we would like your advice. In our opinion, there has been too much stalling around in the case of the Atlanta six, perhaps this was because the defendants are scattered and not so easy to get hold of in case they are called to trial. This same lawyer, Hancock, has obtained demurrers on these cases and there is not litigation on the constitutionality of the charges of insurrection coming up before the high court. These tactics, in my opinion, have handicapped us in making a mass issue of the case locally and rallying the workers to the defense of the Atlanta six because all court sessions dealing with these cases have been held behind closed doors and prevent court house demonstrations. I am against carrying on the Herndon case in the same manner altho Hancock proposes demurrers on the present case in the same manner. I think we should insist on making an issue here and try to arouse public sentiment in Atlanta against the massing program of the bosses and demand the right of free speech and assembly. If we force this issue and demand a quick trial to fight it out we can do this. This will be easy, as Herndon is here and they have already played him up as the leader of the unemployed of this section. We have issued, since Herndon has been in jail over ten thousand leaflets pointing out that the arrest of Herndon is an attack against the unemployed workers and part of the program of the local bosses to force them into slavery on the State Farms. We called upon the workers to demonstrate before the court house when he is brought to trial. We are, thru some connections, getting the Central Trades Council AF of L to send a protest resolution to Solicitor Boykin. Also a group from Morey University (white) are sending a protest resolution. We plan to call a united front conference against terror and the right of free speech and assembly and invite all the Trade Unions, workers organizations, Negro and white, liberal groups, etc., to participate. We will link up the Scottsboro cases, Atlanta six, Herndon case, Mooney and Billings, etc. and call for an open mass protest meeting for August 22. We will carry thru our unemployment fight and connect up our election campaign issues with the demand for the right of all political parties to carry on open campaigns in this state. We will make the right for unemployed workers to organize and fight for relief a big issue and I feel sure that we can get lots of support on this question and finally break thru legally here.

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Nobody here is demoralized on the account of Herndon being in jail, and since his arrest we have organized four new Neighborhood Foster and Ford clubs and the workers want to fight. We have two Party units of thirty two members in all, eleven of them are native whites. One I.L.D. branch with about fifteen members, two unemployed committees with about thirty members and eight FF clubs totaling approximately sixty members. We have drawn Comrade Montgomery, one of the Scottsboro mothers and her sister into the Party. We will telegraph the Daily tomorrow immediately after we hear the results of the grand jury decision. We wish you would write us an immediate answer telling us your opinion on the policy of forcing this case to trial and fighting it out. As for bail, I am sure we will be able to raise it here from a couple of the members of one of our clubs. These are Negro workers and they have some property and support us in this fight. We think we will also use the services of those Negro lawyers who have volunteered their services free. Please let us know by return mail what you think of these proposals.

Comradely yours,

Otto Hall.