

The Herndon Victory

This 5-4 Decision Must Spur Us On to Further Efforts to Curb Judicial Tyranny and for Civil Rights AN EDITORIAL

The Georgia chain gangs have one victim less today. Angelo Herndon, young, heroic Negro Communist, seized in a demonstration of unemployed Negro and white workers down in Atlanta and sentenced to 18 years on the terrible chain gangs, was freed by a 5-4 decision of the U. S. Supreme Court.

Twice in the past two years, this black-robed body of judicial cobweb-spinners spurned Herndon's appeal for freedom on "technical grounds."

Today, the august body of Judges whose word is supposed to have the sacred aura of infallibility, has had to change its mind.

The same power which gave Herndon the courage to brave the Georgia lynchers unafraid—the power of the people—is responsible for the change of heart high up in the pillared Court.

A UNITED FIGHT

The Supreme Court after two years of dallying with Herndon's fate no longer dared to play with the enormous resentment of the American people against its judicial usurpations.

In its attempt to preserve its usurped powers, the Court is bowing to the will of the people, hoping in this way to outlive the popular storm.

Angelo Herndon, symbol of the courage of an oppressed people, owes his freedom to his own indomitable courage and to the support which American labor, Socialists, Communists, trade unions, and others unstintingly gave him. He owes it to the support which his own people gave him. He owes it to the International Labor Defense and the Communist Party, leaders in his fight.

It is a mockery for the clever reactionary forces to use this decision, wrung from a reluctant court as a victory for mass pressure, in order to create the impression that the Court now is "liberal" and needs no further change.

The exact contrary is true! The Herndon victory must be a spur to a further united drive of all progressive America to curb, and then end, the rule of the judicial tyrants who play with the fate of the nation in 5 to 4 decisions.

A RECORD OF BETRAYAL

Just picture the situation! The law under which Herndon was doomed to a living grave was passed in 1804 by the slave-owning masters. This slave law was wiped out by the American people in four years of bloody war. It was wiped out by an aroused people, carrying guns in their hands and shedding their blood, settling once and for all the slave question and the rights of the Negro people.

But the slave-owners resurrected the law in modified form in 1866, and in the years that followed, the treacherous years of Reconstruction, the Supreme Court repudiated the bloody sacrifices of the Civil War and sold the Negro people down the river to their old masters.

The Supreme Court, since 1866, has written for itself a record of betrayal in the enforcement of the 13th, 14th and 15th Amend-



ANGELO HERNDON

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(Continued from Page 1)

slaves, written into the Constitution to safeguard their new-won freedom. From the day of the Dred Scott decision of 1857, perpetuating slavery, down to the present day, the Supreme Court has been a bulwark of Negro oppression, refusing to do ONE SINGLE THING to enforce Negro rights.

By yesterday's decision, the Supreme Court, by the ridiculous margin of one vote, finally has caught up with the historic verdicts passed in the blood of the Civil War! Can American democracy grow and expand in the face of such a blatant usurpation of power?

TOWARD NEW VICTORIES

The Herndon decision is a victory wrong from a retreating enemy. The enemy, however, must be driven even farther back. The Court reform of Roosevelt must be won.

The American people, Negro and white, have shown their power. In rejoicing over our victory and the victory of the brave Negro comrades, Herndon, we are doing with the inspiration to march valiantly forward to greater triumphs against judicial oligarchy and tyrannical oppression.

The Negro people today are strong with the inspiration of the victory of their young hero, the Communist Herndon, a worthy member of their race. The American people rejoice with them.

The reactionaries have had two breaches, the Wagner decision and the Herndon decision. They must be finally routed.

Without losing sight of our main objective, the passage of the Roosevelt Court reform, the people press forward to new victories for democracy!