

USE FAKE 'ELECTRIC CHAIR' TO THIRD-DEGREE HERNDON

"Attempts to Crush Unity of Negro and White Will Fail," Says Young Negro Organizer, Facing 20 Years on Chain Gang, In Prison Interview

By SENDEE GARLIN.

A FAKE electric chair, resembling in every respect the real one used for execution purposes in the Georgia State Prison, was utilized in the attempt to wrest a "confession" from Angelo Herndon, 19-year-old Negro boy sentenced to serve 18-20 years on the chain gang.

This I learned from Herndon himself when I interviewed him last week in the Fulton Towers Prison in Atlanta, Ga., where he has been confined since last July.

THE THIRD DEGREE

The "electric-chair" was rigged up in a small, darkened room on the third floor of the Atlanta police station, Herndon told me. On the floor old skulls were strewn about—the police were speculating on the mythical "superstitions" of Negroes in order to frighten him.

Working on the favorite police theory that the 19-year-old Negro organizer of the Atlanta Unemployed Council was a "pawn" in the hands of a "master mind," and the cops, convinced that the latter must be a white man, sought to force Herndon to tell just who was "hiring him to do all this."

Herndon's explanation that the Unemployed Council was an organization of Negro and white workers struggling for relief was unsatisfactory to the police. They warned him that "many niggers in this place never get back." Seeing, however, that they could not frighten Herndon even by shoving him onto the third-degree "electric chair," the detectives yanked him back into his cell.

A WORKER SINCE 13

Herndon, who has worked in the coal mines and steel mills since he was 13 years old, was arrested in Atlanta last July after he had taken a leading part in the fight of the local Unemployed Council for relief for Negro and white jobless workers. His father, an Ohio coal miner, died when Herndon was still a child.

The struggle of the Unemployed Council reached a high point when the city government closed down relief stations which previously had been giving a few crumbs to 20,000 unemployed of the city. The unemployed were especially outraged at the action in view of the fact that only a short time previously the Community Chest had collected \$83,999.71, a large portion of the sum being contributed out of workers' pay-tickets.

Herndon was in jail for several months without a charge being lodged against him. State Solicitor John B. B. Smith, who caused Herndon's arrest, finally had him indicted by the grand jury on a charge of "attempting to incite insurrection." He ordered him to trial after defense attorneys had issued out a writ of habeas corpus.

FOLLOWING a dramatic three-day trial which began January 16, Herndon was convicted by an all-white, hand-picked jury and sentenced to 18-20 years on the Georgia chain gang, on an old Civil War slave code enacted in 1861.

That Herndon's crime consisted in organizing the hungry unemployed was admitted openly by the Atlanta press which, in shrieking streamer-headlines announced: **DEATH PENALTY ASKED FOR REID IN ATLANTA SEDITION TRIAL—MAN ACCUSED OF AGITATING JOBLESS.**

A similar admission was made by Assistant Prosecutor Walter Le Craw who, incidentally, is a brother of the president of the Atlanta Chamber of Commerce.

A FIGHTING DEFENSE

Outing out the path followed in the defense fight for Haywood Patterson in Decatur, Ala., the two Negro attorneys for the International Labor Defense—Joseph H. Geer and Benjamin Davis, Jr.—boldly, and for the first time in the South, put forward the demands for Negroes on the jury, bringing to the fore at the same time, the whole question of Negro oppression and the violation of the guaranteed rights of the Negro masses. A direct result of this fight was seen shortly afterward when two Negroes were placed on an Atlanta jury venire, although they were promptly struck off by the prosecution. Facing a hostile judge and an all-white, hand-picked jury Herndon boldly spoke—knowing that his voice would reach thousands of oppressed Negro and white workers. In a 40-minute speech bristling with defiance, he scored the indictment against him and declared:

"You may do what you will to Angelo Herndon. You may indict him. You may put him in jail. But there will come other thousands of Angelo Herndons. If you really want to do something about the case, you must go out and indict the whole social system. But this you will not do, for your role is to defend the system under which the toiling masses are robbed and oppressed."

With the courtroom packed to suffocation with Negro and white workers, Herndon gave a moving description of the pitiful conditions under which the Negro masses live in the South. He called attention to the growing organization of the sharecroppers in Alabama and other sections of the Black Belt and of the growing unity of Negro and white throughout the South, and warned that his imprisonment would fail to halt this rising movement.

He drew a picture of hunger, mis-

ery and desolation on the one hand—and growing struggle on the other. He told of the thousands of unemployed on the streets, of abandoned farms; of toilers on the land unable to scratch a barest living from the soil and of their farms seized by the bankers and landlords; of plantations in Georgia; of the overseers who stand over Negro croppers with guns, driving them to work like convicts—and of the workers on the murderous Georgia chain gang which he himself was facing, unafraid.

"EVIDENCE" against Herndon at the trial consisted of literature seized without a search-warrant on his person and in his room which consisted of copies of the *Daily Worker*, *The Communist Party Organizer*, *Liberator*, organ of the League of Struggle for Negro Rights, and the pamphlet, "The Communist Position on the Negro Question."

When Watson, Atlanta detective specializing in "Red" cases, and other prosecution witnesses at the trial persisted in referring to Herndon and other Negroes as "niggers" and "darkies," the I.L.D. attorneys vigorously protested in open court, forcing the judge to rule against the further use of the obnoxious term. The defense at the same time protested the addressing of Negro witnesses by their first names instead of Mr. and Mrs.

PROSECUTION ADMITS REAL ISSUES

Admitting that the issue on trial was the advocacy of unconditional rights for the oppressed Negro masses and the demand for self-determination where the Negroes constitute the majority of the population, Solicitor John Hudson, the state prosecutor, concluded his summation to the jury with the fervent plea to "stamp this thing out now with a conviction."

HERNDON, a strapping, intelligent appearing young fellow, weighed 165 pounds when he was arrested last July. He weighs much less now, he knows, "because the clothes I still have are much too big for me." He wore light-grey striped trousers and a white shirt open at the throat. His first request was for cigarettes and for the newspapers and magazines I had with me.

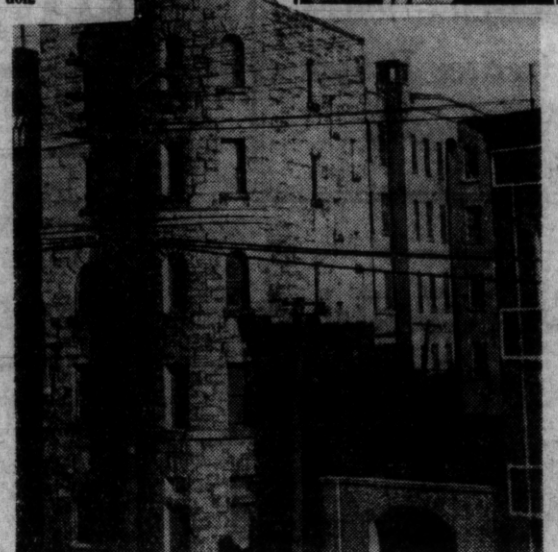
Herndon's cell is in reality a death cell, for with him have been placed four other Negro boys now facing electrocution following a Georgia conviction on a charge that they were implicated in the killing of an Atlanta policeman.

HIS LIFE IN PRISON

The cell occupied by the five prisoners, Herndon told me, is about 12 feet by 8. There are no beds, only iron bunks attached to the sides of the cell, with "mattresses and blankets never washed." A toilet is generously provided by the State of Georgia, but it seldom flushes, and is always in need of repair, Herndon said.

The young Negro is suffering from stomach trouble inevitable from the lack of exercise and a prison diet

Photo Shows
Fulton Towers
Prison in Atlanta,
Ga., where
Angelo Herndon
is confined. It
is one of the
oldest and worst
prisons in the
South. In inset
is Angelo Herndon.



consisting of: BREAKFAST: grist, fat back and "coffee" which you can not drink"; LUNCH: corn meal bread, liver grind "which looks as if it was murdered," crushed up white potatoes with no seasoning. NO SUTTER.

HERNDON, who is awakened with the other prisoners at 7:30, is given no work to do, and unless he has reading matter must spend the day aimlessly in the cell. The lights in his cell are put out at 9 o'clock. During the first months of his confinement he was "mistreated in 101 ways," but recently, because of the mass campaign around Herndon's defense, the authorities are more cautious in their treatment of him.

The only complaint he had was that he was not getting sufficient reading matter. He craves books—basic economic and social studies and good contemporary fiction. Interesting enough today (May 7) is Herndon's twentieth birthday; and the writer suggests that workers everywhere send him telegraphic greetings and books to read. The books in order to be delivered must come directly from a publisher. They should be addressed to Angelo Herndon, Fulton Towers Prison, Atlanta, Georgia.

I saw Herndon only a few days after the death verdict against Haywood Patterson had been rendered, and his eyes gleamed with pleasure as I told of the marvelously confident spirit displayed by the Scottsboro boys when I visited them in their cell on the eighth floor of the Jefferson

County Prison in Birmingham, Ala. The verdict shocked him, he said, but, knowing the character of Southern "justice," it was not entirely unexpected.

"It shows that the Alabama rulers will stop at nothing, especially when it comes to upholding their system of slavery," Herndon asked eagerly about plans for the Scottsboro March to Washington and praised the International Labor Defense.

HERNDON'S first job at the age of 13 was in a coal mine in Lexington, Ky. One year later he was working for the Tennessee Coal and Iron Company, and in 1930 when he first became active as a militant organizer he was an unemployed steel worker in Birmingham.

"How did you first become interested in the movement?" I asked Herndon.

He smiled. "I was hunting jobs around town in front of the employment agencies. Of course, there were no jobs to be had, but I kept on looking. One day I saw some handbills stuck up in front of one of the agencies. It was a call to the unemployed to come to a meeting in the park, and was signed by the Unemployed Council of Birmingham. I thought I'd go over. I got interested in the fight, and only a few months later I was elected a delegate to the National Unemployed Council convention in Chicago. Later I was sent down to Atlanta. The rest I don't have to tell you about."

SICKNESS, STARVATION, ROBBERY BY SOUTH, SON OF ALA. SHARECRO

The following is a literal description of the life of turpentine workers and share-croppers in Southern Alabama as told recently to a *Daily Worker* Correspondent—Editor's Note).

MY father was a share cropper for W. H. Rhine, but the main owners are Everett and Boykin. My father raised a crop on this agreement: They raised the crop on halves; the landlord furnished the supplies, my father and brothers were to do all the work raising the crop. There was a big family of us at the time and at the price he was selling his groceries for, it cost us about \$15 a week at his store—where he charges 3 prices for everything—3 times town prices. Twenty-four pound sorry grade flour he charges \$1.00, you get in town for 45 cents; this salt side meat is 8 or 9 cents in town, he charges 25 or 30 cents a pound for it; this rapids bacon he charges 35 cents where you can buy it for 14 cents in town; this green coffee sells about three lbs for 25 cents, two lbs. from him is 35 cents; this tobacco he sells—in town it is 5 cents a plug and he sells for 35 cents. And clothing: You can give him an order for a pair of shoes or shirt or something and he will get the shoes from Mobile for 75 cents or \$1 and he will charge you \$2.50 or \$3.00 a pair.

"THEIR FEET CRACK OPEN"

The children that's living on that company's land have to go bare footed so long that in cold weather their feet crack open and get big sores on them. The children are eat up with hook worms from the soil from going bare footed. Some of them get sick—they get so weak from worms, they get down sick and lay in bed for months at a time. They can't

hardly get any medicine or doctors. You have to notify health officers and the commission is supposed to be looking out for people in that shape. When women are down with children or they give birth to a child, they have to eat common food—salt meat and beans and corn bread. They have no milk. If you are sick you can't get a doctor unless you have cattle or have something that you can mortgage or give him to stand good for the bill until you can pay it.

TURPENTINE workers are raising cups at 10 cents a hundred in scattered timber and the best that has been known to be made yet by them turpentine men is 35 cents a day. At the end of the week when he goes in to draw his time the man will hand him a dollar or so and say that he will have to make out with that and take the rest out in trade in the store. Unless he trades with him during the summer time, when turpentine work closes down, he won't allow him to trade with him in the winter. If he don't trade the year round he can't get anything.

The women, girls and all haven't changing of clothes and can't get them.

"A LADY WRITES YOU UP"

And the government work supposed to be going on there—this road work. Unless you are in good standing with some of the men or have some pull you can't get a job on the road. There are ten of us in the family and after working in two different counties and work on the road they did give my father four days work at a dollar a day to support ten. When you go to get a job on the road you go to a desk where a lady writes you up and questions you as far back as she can think of. They try to get excuses to

cut you off. And you have to walk any where from eight to ten miles to get to the work.

And the people inside of their houses—the bedding is made out of pine straw, hay and croaker sacks.

My father in raising this crop raised 7½ bales of cotton which they were getting around one hundred and some odd dollars for a bale at that time. He raised and whipped out 800 pounds of crowder peas worth six and eight dollars a bushel at that time in the seed store. He raised 350 bushels of sweet potatoes which they were getting 50 cents a bushel, and about 80 bushels of corn. Corn was selling at that time about 50 cents a bushel. Then cucumbers. He raised about three acres of cucumbers. I don't remember how much he was getting, but about 25 cents a hamper. I think. And he also raised cane enuf to get 190 gallons of cane syrup. He was selling this cane syrup for 90 cents a gallon and then it went to \$1.25.

And this besides two gardens: he raised one for himself and one for the owner. At the end of the year when this crop was finished he went to the man for a settlement. Right at the present time he couldn't give him a settlement because he claimed the bookkeeper wasn't in. When the bookkeeper did come and he caught them together he asked him again for a settlement. So they walked into the office and they figured up, the owner and the bookkeeper, and said my father was \$1,800 in debt—taking his half of the crop and my father's half too.

NOW the wood choppers. These paper mills lets out these contracts to the men and allows them \$1.50 a cord to have this paper wood cut and put on the tracks. They allow