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Angelo Herndon

Paul and Harriet Herndon lived in Birmingham for a number of years then came North and settled in Wyoming, Ohio a little steel and mining town, outside of Cincinnati.

On May 6, 1913 their son Eugene Angelo Braxton was born. Just another addition to a miner's family that was already very large. But what an addition, was soon to be found out. His father went the way of most people who work in mines under bad working conditions; he died of Miner's Pneumonia. At the time of his death the family was composed of seven boys and two girls.

Ways and means for the filling of empty stomachs and the shoeing of shoeless feet were the next steps to be considered. Angelo did his bit by obtaining odd jobs which netted him from two to three dollars a week. Under the terrible economic strain that existed only a sparse education could be obtained. Angelo gave all credit for that that he did receive to the Communist Party.

He and his brother Leo went to Lexington Kentucky in quest of employment. They obtained work in 1926 in the DeBardleben Coal Corporation. Although he was at the tender age of thirteen, he was given the mansized job of helping to load coal. Never a strong lad at best it was easily seen just what this type of employment could do to an undernourished body.

At the DeBardleben Mines he worked under the contracting system. That is, one worker contracts to get a certain amount of work done, and a number of workers are put under him. The contractor's pay depends upon how much the men under him load. Angelo and his partner received thirty-five dollars per estimate. An estimate is a two week period. They worked from ten to eleven hours a day, and walked from three to four miles of mine surface, because there was no mantrip. Of course there was no pay for the necessary exercise. Ten to fifteen dollars were deducted every es-

time for bath, school, doctor, hospital, insurance and supplies. He lived in the company town and traded in the company store. It is needless to say that all things connected with the company were higher priced than that of independent firms. Even in the mines, Negro and white workers were separated; the Negroes rarely got a look-in on most of the better jobs.

A drastic cut in pay and rotten working conditions caused Angelo and Leo to go to Birmingham where there were more mines. After a long period of unemployment he succeeded in obtaining work to put up the Goodyear Rubber Company Plant in Gadsen, Alabama. The promised pay was three dollars a day, the actual pay was one dollar and seventy-five cents. At the end of the week there was no pay coming. The company maintained that the workers had eaten up all their pay in transportation, flops and food.

Angelo and Leo hitched back to Birmingham and obtained work at the Docena Mines of the Tennessee Coal, Iron and Railroad Company. The magnificent pay was two dollars and seventy-eight cents a day with deductions.

The killing of a worker by an electric trolley wire brought home the idea to Herndon, that workers who stood together could get good results. At the usual hearing after 'accidental' deaths, Angelo spoke up and placed the blame where it was supposed to be. Other Negro workers spoke up, the foreman was dismissed and the family of the deceased received remuneration that was most certainly due them.

June 1930 he came across handbills that had been put out by the Unemployment Council in Birmingham. They called on the workers to come to a mass meeting. He joined the Council and some weeks later the Communist Party. In this same year he was elected a delegate to the National Unemployment Convention to be held in Chicago. "Relatives under the influence of Negro misleaders told him if he went to the convention, never come back to their home". On the morning of his departure for Chicago Angelo found leaflets distributed by the Klu Klux Klan on his doorsteps.

Be that as it may the leaflets did not keep Herndon from organizing the Anti-lynching Conference in Chattanooga, this conference selected delegates to the

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first convention of the league of struggle for Negro rights, held in St. Louis. Their slogan was "Death Penalty to Lynchers". May 1931 Angelo was delegated to go to the All Southern Scottsboro Conference, held in Chattanooga.

Herndon was organizer in the National Miners' Union. He was the first to do such work in Jefferson County. The salary was practically nothing, but families of the workers interested in progress gave him aid. Such activity could not go on in the South very long without the usual Southern method of co-operation. The hospitality of the South was very soon manifested, and Angelo was thrown in jail. He languished under conditions that did not include mint juleps and fried chicken with beaten biscuits, but damp cells, beans, corn bread and sorghum, with fat back occasionally doing the meat honors. Beatings were given by rubber hose which left no mark, but resulted in great soreness and swelling. When the prosecuting attorney presented the case the court room was filled. Everyone came to look at that freak monster, a Negro red. Herndon was fined five hundred dollars, and Judge McDermott was sorry that Alabama had no Insurrection Laws that would break Herndon's damn neck. Rosenthal, Herndon's attorney appealed and the Circuit Court threw out the case.

Peace and contentment to enable Herndon to continue on with his work was not to be his. July 11, 1932 Assistant Solicitor John Hudson of Georgia charged Angelo with "Inciting to Insurrection". Because Georgia had such a law. A statute that was gray with age, whose whiskers reached back to 1866 the year it was passed, walked with a cane from the year it had been amended, 1867. Antiquated or not it was to be dusted off and brought forth to place this 'nigger' and all other 'niggers' in their proper place among the southern gentry.

Trial was set for January 16, 1933. He was defended by the International Labor Defense lawyers Benjamin Davis Jr. and John H. Geer. (Both Negroes) The State maintained the the membership of Angelo Herndon in the Communist Party alone was enough to send him to the electric chair. The lily-white jury recommended that mercy.

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Be shown so, for mercy's sake, Herndon was sentenced to from eighteen to twenty years on the chain gang. No Negroes were on the jury because in the mind of Jury Commissioner Oscar Palmour, "there isn't a single one in my opinion, that comes up to the requirements, except those professional men excused by law".

He was taken to the Fulton Tower Prison, where he was rarely permitted a visitor and little or no reading matter. Of course all this did not help one afflicted with Tuberculosis, and Herndon's lot was plaguing by a white disease and white southern hospitality.

May 24, 1934 the Georgia State Supreme Court handed down a decision upholding the conviction. The State did issue a stay of sentence pending an appeal. The highest bail ever to be set in those parts was asked, fifteen thousand dollars. The keepers taunted him with, "bail set ain't bail got". A lynching bee was planned if Herndon succeeded in leaving the jail. Theodore Dreiser the novelist on hearing of these things to be, telegraphed Governor Talmadge from New York. The novelist demanded that the governor furnish adequate police protection for Angelo Herndon.

In order to achieve greater co-ordination and effectiveness The Joint Committee to Aid the Herndon Defense was organized September 1935. ~~On May 20, 1935 the Georgia State Supreme Court upheld the law and the conviction was taken to the United States Supreme Court~~

The workers did not fail Herndon, and penny by penny the large bail was raised Herndon was removed at long last from the prison. Herndon entrained for New York and thousands awaited his arrival in the Pennsylvania Station. He was accorded the welcome reserved for heroes. Six thousand people were on hand. Angelo was raised to the shoulders of those in front, and taken to the bosom of all those who knew the true situation.

August 1934 Angelo made his first public appearance since his arrival in New York. More than four thousand persons gathered at the Rockland Palace 155th street and Eighth Avenue to hear what he had to say. In the midst of a speech by Israel Amter national secretary of the Unemployed Council, Herndon was brought into the hall on the shoulders of James Ford and R.O. Browder. The audience as if it had been electrified

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by the appearance of some divine being, rose to its feet and began cheering wildly. As Herndon was placed on the platform the orchestra struck up the first bars of the Internationale. At the close of the meeting three hundred and one dollars had been collected to carry on the activities. The largest single contributor was the American Medical Association of the American League Against War and Facism.

On October 14, 1935 the United States Supreme Court refused to reconsider the action taken by the Georgia Supreme Court and did not dismiss the Angelo Herndon appeal. The grounds used for dismissal by the Supreme Court were "lack of jurisdiction". Another appeal was placed into motion and the National Association for the Advancement of Colored People acting as amicus curiae joined the International Labor Defense in argument for the motion.

On April 26, 1937 the United States Supreme Court freed Herndon by a five to four vote. Herndon's release would appear to invalidate the insurrection statute passed in Georgia and amended in 1867 to permit the death sentence. February 26, 1938 Angelo Herndon improved in health and carrying on his work married Joyce M. Chellis, a stenographer and native of Gadsden Alabama. She is the daughter of Mr. and Mrs. Robert Chellis. Herndon wrote Let Me Live published by the Random House in New York in 1937. You Cannot Kill the Working Class, and other pamphlets.

Bibliography:

New York Amsterdam News Jan. 25, 1933, Aug. 18, 1934, Oct. 19, 1935
March 13, 1937, February 26, 1938,
New York World Telegram March 8, 1937,
New York Times May 2, 1937
Journal and Guide August 18, 1934.

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Crisis January 1937
Henry Lee Moon

Herndon carries on the literary tradition of the narrative of Frederick Douglass, William Wells Brown and other fugitive slaves who risked their all for freedom. The very anti-insurrection law under which he was convicted was aimed against contemporaries of Douglass and Wells in the immediate post war days. In a new age the technique of oppression has somewhat changed, but its method is no less vicious. And living in a new age Herndon's outlook is broader than his predecessors, his objectives of more universal social value, and his opportunities more extensive. His struggle however, for a society free of exploitation and color discrimination can be no less relentless-----and perhaps, in the end, no less bloody----than the fight for the abolition of slavery.

Crisis Editorial July 1935
Angelo Herndon

The Crisis has not been able to inspect the record of the trial in the lower court of Angelo Herndon, who was convicted in Georgia under an old law against insurrection and sentenced to twenty years on the chain gang. We are not able to say whether or not the constitutional questions were raised properly by the lawyers acting for him. But we like every other person familiar with the case, know that Herndon was convicted because he was black and dared to speak out against exploitation and starvation and the particular Georgia segment of the system that exploits and starves. He believes in the uniting of white and black underprivileged groups to win the freedom that the oppressors have denied them by playing one against the other. For this "crime" Herndon was sentenced to a living death.

Upon a technicality the United States Supreme Court refused to grant him a new trial, claiming his lawyers had not raised a federal question properly in the records. A strong dissenting opinion by ~~the~~ Justice Stone, Brandeis and Cardozo maintains the opposite view. It is hoped that the petition for a rehearing will be

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Abstracts from newspapers concerning the Angelo Herndon Case.

Amsterdam News Jan 25, 1933 s.c.out

There will be histories thirty years from now which will extol as a martyr to the cause of Communism Angelo Herndon, 19 of Cincinnati, who was convicted here Wednesday of inciting to insurrection and sentenced to from eighteen to twenty years on the chain gang in the State penitentiary.

Under the law, which is one of those vicious statutes passed during the Reconstruction period following the Civil War to legalize oppression of the liberated slaves, the punishment of Herndon might have been death, but the jury recommended mercy and Judge Lee B. Wyatt, who pronounced the sentence, stated that it was....."

Amsterdam News August 18, 1934 4c.c.
Theodore Poston

He was tired, very tired, and very sick. His sagging muscles, pallid face, drooping shoulders and nervous fingers proclaimed it. And as the train pulled out of Manhattan Transfer for Pennsylvania Station, 6000 persons waited impatiently to hail him. "It was hell, it was torture, oh they tried to be clever about it. They accused me of trying to escape. They searched my cell for steele baws. They found some little bits of rusty steele which had been there for years, and used this for an excuse to move me to a damp cell where water dripped from the ceiling. I pointed to the water and told them that I was sick. (He is Tubercular) They said we dont give a damn if you drown and left me there. "

When Angelo Herndon made his first public appearance since his arrival here August 7, 1934 at Rockland Palace, 155 Street and Eighth Avenue on Wednesday evening more than 4000 people were there to greet him. At the close of the meeting \$301 had been contributed to carry on the fight.

Herndon was brought into the hall on the shoulders of James Ford and R.O. Browder. The audience, as if it had been electrified by the sudden appearance of some divine being, rose to its feet and began cheering wildly. As Herndon was placed on the platform.....

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Crisis editorial July 1935

granted. Herndon is one of a long list of victims of the hysteria of reaction and repression which is sweeping the country. He is being chained in hell because he dared to raise his voice in protest. All persons who believe in protest or who are identified with groups which will perish unless the right of protest is preserved should rally to aid Herndon in any way possible.

Crisis January 1936

Angelo Herndon convicted under a fantastic Georgia Insurrection Law passed in 1866, is once more a free man. Sentenced to serve eighteen to twenty years on a chain gang, Herndon appealed to the United States Supreme Court which turned its back upon him last spring. He was granted a rehearing, but was turned down last fall. He returned to Georgia prepared to serve his term, but Circuit Judge Hugh M. Dorsey granted the petition of his lawyers for a writ of habeas corpus freeing Herndon. Judge Dorsey declared the 1866 law unconstitutional, Herndon is free on \$8000 bail, but the state of Georgia has appealed from the Dorsey ruling and young Herndon's fight is not over, although victory appears near.

N.Y. World Telegram March 8, 1937
Harry Hansen

It is well that Americans who still have hope for the system under which they live should understand this. Leaders who succeed are made of the stuff of Herndon.

N.Y. Times May 2, 1937
Edwin Camp

So vague and indeterminate are the boundaries thus set to the freedom of speech and assembly that the law necessarily violates the guarantee of liberty embodied in the fourteenth amendment.

Amsterdam News Oct 1934

After reading you ~~Cannot Kill~~ the Working Class by Angelo Herndon, I can truthfully say that I know of no document which I can recommend more heartily to the Negro masses.

Journal and Guide Aug. 18, 1934 Herndon high hero of Communist Martyrdom, treads conqueror's path.

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Amsterdam News March 13, 1937

G. James Fleming

Review of Let Me Live by Angelo Herndon

It is not only his story: It is also the story of America---America of poor parents and starving children. America of coal mines, and broken miners, and heartless slave drivers. America of jim-crow cars.