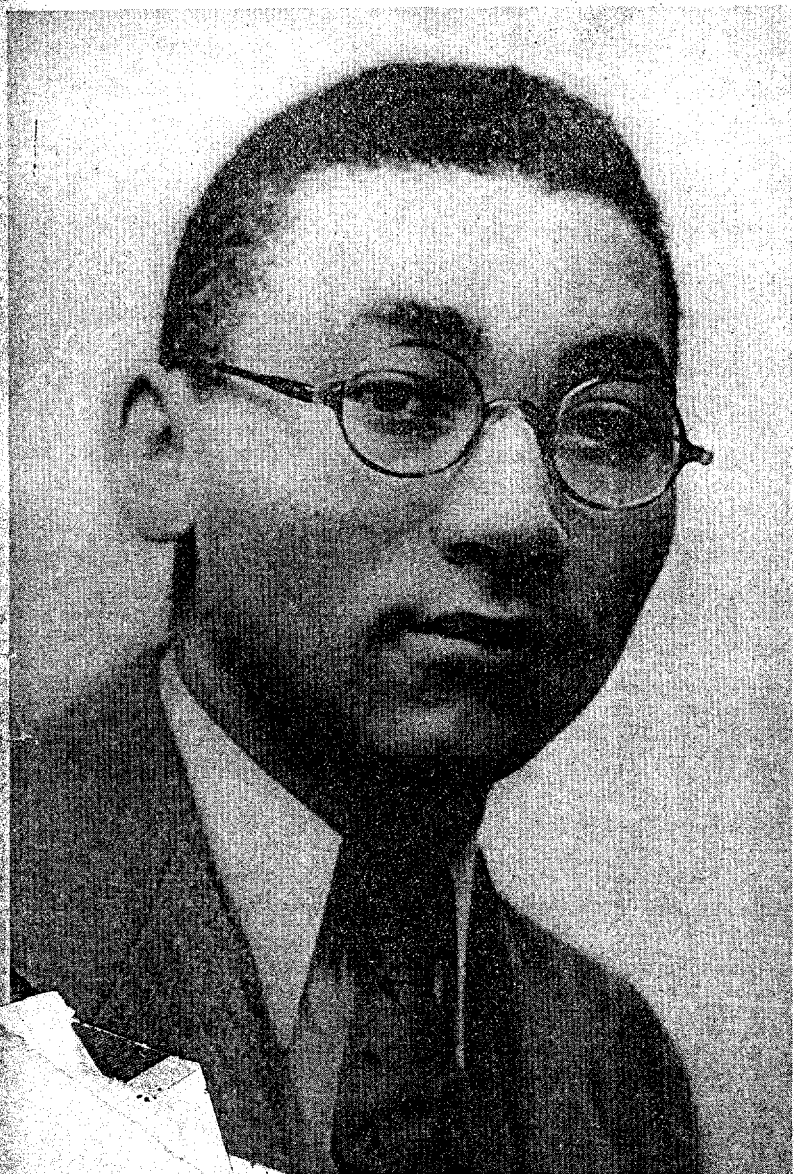


**"You Cannot Kill the Working Class"** by Angelo Herndon



5c

Pub. Com.  
P105437

Published jointly by the  
**INTERNATIONAL LABOR DEFENSE**  
Room 430, 80 East 11th Street, N. Y. C.  
and the  
**LEAGUE OF STRUGGLE FOR NEGRO RIGHTS**  
2162—7th Avenue, N. Y. C.

Also just published by the I. L. D.  
**Mr. President, Free the Scottsboro Boys!**  
and  
**The Sonnenburg Torture Camp**  
by an Escaped Prisoner

and disease for the splendid young fighter if the state of Georgia has its way.

But the state of Georgia can be stopped from adding Herndon to its long list of dead chain-gang prisoners. The inspiring mass response of workers all over the country to the call of the International Labor Defense for \$15,000 bail set for Herndon by Georgia, took him out of the Fulton Tower hell, and mass pressure can force his freedom.

When you read this pamphlet you will feel as I do—hardly daring to think what it will mean to permit Angelo Herndon to be sent to a Georgia chain-gang. The International Labor Defense is determined to save him from the chain-gang, and can save him if you will give your support.

The International Labor Defense is appealing the Herndon case to the U. S. Supreme Court this fall. This court must be made to feel the power of mass pressure. It must be made to feel that millions of American workers, Negro and white, are watching it, are demanding that it give Angelo Herndon his freedom. Join in this campaign. Send YOUR protest at once to the U. S. Supreme Court at Washington, D. C. Join in the fight to win complete freedom for Angelo Herndon, heroic young leader of the American working class.

## **I Am Born Into A Miner's Family**

I was born there on May 6, 1913. My name was put down in the big family Bible as Eugene Angelo Braxton Herndon.

They say that once a miner, always a miner. I don't know if that's so, but I do know that my father never followed any other trade. His sons never doubted that they would go down into the mines as soon as they got old enough. The wail of the mine whistle morning and night, and the sight of my father coming home with his lunch-pail, grimy from the day's coating of coal-dust, seemed a natural and eternal part of our lives.

Almost every working-class family, especially in those days, nursed the idea that one of its members, anyway, would get out of the factory and wear clean clothes all the time and sit at a desk. My family was no exception. They hoped that I would be the one to leave the working-class. They were ready to make almost any sacrifices to send me through high-school and college. They were sure that if a fellow worked hard and had intelligence and grit, he wouldn't have to be a worker all his life.

I haven't seen my mother or most of my family for a long time—but I wonder what they think of that idea now!

My father died of miner's pneumonia when I was very small, and left my mother with a big family to care for. Besides myself, there were six other boys and two girls. We all did what we could. Mother went out to do housework for rich white folks. An older brother got a job in the steel mills. I did odd jobs, working in stores, running errands, for \$2 and \$3 a week. They still had the idea they could scrimp and save and send me through college. But when I was 13, we saw it wouldn't work.

## **I Go To Work**

So one fine morning in 1926, my brother Leo and I started off for Lexington, Ky. It was just across the border, and it had mines, and we were miner's kids.

A few miles outside of Lexington, we were taken on at a

clackers, which could be used only in the company store. Their prices were very high. I remember paying 30 cents a pound for pork-chops in the company store and then noticing that the butcher in town was selling them for 20 cents. The company store prices were just robbery without a pistol.

The safety conditions in the mine were rotten. The escape-ways were far from where we worked, and there was never enough timbering to keep the rocks from falling. There were some bad accidents while I was there. I took all the skin off my right hand pushing a car up into the facing. The cars didn't have enough grease and there were no cross-ties just behind me to brace my feet against. That was a bit of the company's economy. The car slipped, the track turned over, and the next thing I knew I had lost all the skin and a lot of the flesh off my right hand. The scars are there to this day.

This DeBardleben mine in Lexington was where the Jim-Crow system first hit me. The Negroes and whites very seldom came in contact with each other. Of course there were separate company patches for living quarters. But even in the mine the Negroes and the whites worked in different places. The Negroes worked on the North side of the mine and the whites on the South.

The Negroes never got a look-in on most of the better-paying jobs. They couldn't be section foremen, or electricians, or surveyors, or head bank boss, or checkweighman, or steel sharpeners, or engineers. They could only load the coal, run the motors, be mule-boys, pick the coal, muck the rock. In other words, they were only allowed to do the muscle work.

Besides that, the Negro miners got the worst places to work. We worked in the low coal, only 3 or 4 feet high. We had to wear knee pads, and work stretched flat on our bellies most of the time.

## **A Slashing Pay - Cut**

One day the company put up a notice that due to large overhead expenses, they would have to cut our pay from 42 to 31 cents a ton. We were sore as hell. But there wasn't any union in the mine, and practically none of us had had any

spring and read that the workers of the Tennessee Coal and Iron Company had come out on strike, I knew that a new day had come in the South. The T.C.I. just about owns Alabama. It owns steel mills and coal-mines and a railroad and all sorts of subsidiary plants. It owns company patches and houses. It certainly owns most of the Alabama officials. It dictates the political life of the state. It has made Jim-Crowism a fine art. It has stool-pigeons in every corner. The T.C.I. is like some great, greedy brute that holds a whip over the whole state. Its shadow is everywhere—on factories, schools, judges' benches, even the pulpits of churches.

The Tennessee Coal and Iron Company has always been in the forefront of the fight against unions, in the South. They had—and still have—a company-union scheme, which they make a great deal out of, but which doesn't fool any of the workers. I noticed that whatever checkweighman the company put up, would always be elected.

I started surface work at the Docena mine, helping to build transformation lines, cutting the right of way for wires. I was supposed to get \$2.78 a day, but there were lots of deductions.

## **The Power of Organization**

It was while I was on this job that I first got a hint of an idea that workers could get things by organizing and sticking together.

It happened this way: one of my buddies on the job was killed by a trolley wire. The shielding on that wire had been down two weeks, and the foreman had seen it down, but hadn't bothered with it. All of us surface men quit work for the day, when we saw our buddy lying burnt and still, tangled up in that wire.

The next week we were called before the superintendent to explain the accident. Of course we were expected to white-wash the foreman and the company, so they wouldn't have to pay any insurance to the dead man's family. Something got into me, and I spoke up and said that the foreman and the whole company was to blame. The men backed me up. One of the foremen nudged me and told me to hush. He said:

news. It was over this grapevine that we first heard that there were "reds" in town.

The foremen—when they talked about it—and the newspapers, and the big-shot Negroes in Birmingham, said that the "reds" were foreigners, and Yankees, and believed in killing people, and would get us in a lot of trouble. But out of all the talk I got a few ideas clear about the Reds. They believed in organizing and sticking together. They believed that we didn't have to have bosses on our backs. They believed that Negroes ought to have equal rights with whites. It all sounded O.K. to me. But I didn't meet any of the Reds for a long time.

## **I Find the Working-Class Movement**

One day in June, 1930, walking home from work, I came across some handbills put out by the Unemployment Council in Birmingham. They said: "Would you rather fight—or starve?" They called on the workers to come to a mass meeting at 3 o'clock.

Somehow I never thought of missing that meeting. I said to myself over and over: "It's war! It's war! And I might as well get into it right now!" I got to the meeting while a white fellow was speaking. I didn't get everything he said, but this much hit me and stuck with me: that the workers could only get things by fighting for them, and that the Negro and white workers had to stick together to get results. The speaker described the conditions of the Negroes in Birmingham, and I kept saying to myself: "That's it." Then a Negro spoke from the same platform, and somehow I knew that this was what I'd been looking for all my life.

At the end of the meeting I went up and gave my name. From that day to this, every minute of my life has been tied up with the workers' movement.

I joined the Unemployment Council, and some weeks later the Communist Party. I read all the literature of the movement that I could get my hands on, and began to see my way more clearly.

I had some mighty funny ideas at first, but I guess that was only natural. For instance, I thought that we ought to start

and hundreds were drifting into the city in the hope of getting work.

Then Oscar Adams spoke up. He was the editor of the **Birmingham Reporter**, a Negro paper. What he said opened my eyes—but not in the way he expected. He said we shouldn't be misled by the leaders of the Unemployment Council, that we should go politely to the white bosses and officials and ask them for what they wanted, and do as they said.

Adams said: "We Negroes don't want social equality." I was furious. I said inside of myself: "Oscar Adams, we Negroes want social and every other kind of equality. There's no reason on God's green earth why we should be satisfied with anything less."

## **Traitors in the Ranks**

That was the end of any ideas I had that the big-shots among the recognised Negro leaders would fight for us, or really put up any struggle for equal rights. I knew that Oscar Adams and the people like him were among our worst enemies, especially dangerous because they work from inside our ranks and a lot of us get the idea that they are with us and of us.

I look back over what I've written about those days since I picked up the leaflet of the Unemployment Council, and wonder if I've really said what I mean. I don't know if I can get across to you the feeling that came over me whenever I went to a meeting of the Council, or of the Communist Party, and heard their speakers and read their leaflets. All my life I'd been sweated and stepped on and Jim-Crowed. I lay on my belly in the mines for a few dollars a week, and saw my pay stolen and slashed, and my buddies killed. I lived in the worst section of town, and rode behind the "Colored" signs on street-cars, as though there was something disgusting about me. I heard myself called "nigger" and "darky," and I had to say "Yes, sir" to every white man, whether he had my respect or not.

I had always detested it, but I had never known that anything could be done about it. And here, all of a sudden, I had found organizations in which Negroes and whites sat together,



the fewest possible words, we would pass out pamphlets and leaflets, and the meeting would break up before the cops could get on the scene.

The bosses got scared, and the Ku Klux Klan got busy. The Klan would parade up and down the streets, especially in the Negro neighborhoods, in full regalia, warning the Negroes to keep away from the Communists. They passed out leaflets saying: "Communism Must Be Wiped Out. Alabama Is a Good Place for Good Negroes, but a Bad Place for Negroes Who Want Social Equality."

In June, 1930, I was elected a delegate to the National Unemployment Convention in Chicago. Up to this point I had been staying with relatives in Birmingham. They were under the influence of the Negro misleaders and preachers, and they told me that if I went to the convention I need never come to their house again. The very morning I was to leave, I found a leaflet on my doorstep, put there by the Ku Klux Klan.

I went to Chicago, riding the rods to get there.

## **A World Movement**

In Chicago, I got my first broad view of the revolutionary workers' movement. I met workers from almost every state in the union, and I heard about the work of the same kind of organizations in other countries, and it first dawned on me how strong and powerful the working-class was. There wasn't only me and a few others in Birmingham. There were hundreds, thousands, millions of us!

My family had told me not to come back. What did I care? My real family was the organization. I'd found that I had brothers and sisters in every corner of the world, I knew that we were all fighting for one thing and that they'd stick by me. I never lost that feeling, in all the hard days to come, in Fulton Tower Prison with the threat of the electric chair and the chain-gang looming over me.

I went back to Birmingham and put every ounce of my strength into the work of organization. I built groups among the miners. I read and I studied. I worked in the Young Communist League under the direction of Harry Simms, the young

## Scottsboro

It was while I was in New Orleans for a few weeks as representative of the Trade Union Unity League, that I first saw the name Scottsboro. I want to go into that a bit, because the Scottsboro case marked a new stage in the life of the Negro people—and the white workers too—in the United States.

One morning I picked up a capitalist paper and saw that "nine black brutes had raped two little white girls." That was the way the paper put it. There was a dock strike on at the time in New Orleans, and the bosses would have been glad to see this issue, the Scottsboro case, used as a method of whipping up hatred of white and Negro longshoremen against each other.

I knew the South well enough to know at once that here was a vicious frame-up. I got to work right away organizing committees among the workers of New Orleans. We visited clubs, unions, churches to get support for the Scottsboro boys.

On May 31, 1931, I went as a delegate to the first All-Southern Scottsboro Conference, held in Chattanooga.

The hall where the conference was to be held was surrounded by gunmen and police, but we went through with the meeting just the same. The bosses and dicks were boiling mad because we had white and Negro meeting together—and saying plainly that the whole Scottsboro case was a rotten frame-up. I spoke at that conference.

While I was in Chattanooga that trip, I went to a meeting in a Negro church addressed by William Pickens, field secretary of the National Association for the Advancement of Colored People. Pickens made an attack on the International Labor Defense. He said we shouldn't get the governor and the courts mad. We should try to be polite to them. He said: "You people don't know how to fight. Give your money to me and to lawyers and we'll take care of this." Then he attacked the mothers of the Scottsboro boys as being a lot of ignorant fools.

Well, I was so mad I hardly knew what I was doing. I spoke up and said that the Scottsboro boys would never get out of prison until all the workers got together and brought terrific pressure on the lynchers. I said: "We've been polite to the lynchers entirely too long. As long as we O. K. what they

watching the miners. I was arrested several times during this period, and quizzed and bullied.

During one of these arrests the police demanded that I tell them where the white organizers lived. They said: "Where's that guy Tom? We'd like to lay our hands on the son-of-a-bitch."

I said: "I haven't seen Tom for days."

All of a sudden one of the policemen struck me across the mouth. "Mr. Tom to you, you bastard!" he roared.

## **The Willie Peterson Frame-Up**

But it was during the Willie Peterson frame-up that I first got a real taste of police brutality.

There was frame-up in the air for weeks before the Peterson case started. The miners were organizing against wage-cuts; the white and Negro workers were beginning to get together and demand relief and jobs and the human rights that had been taken from them. If the bosses could engineer a frame-up against some Negro, a lot of white workers would begin to think about that instead of about bread and jobs. If they could be made to think of the Negroes they worked with as rapists and murderers, they wouldn't be so anxious to organize with them in unions and Unemployment Councils. Also, such frame-ups are always the excuse for terrorizing the Negroes.

On August 3, in Birmingham, two white girls were killed. More than 70 Negroes were lynched in the fury that was whipped up around this case! One of the papers said that the man who shot these girls was a Negro, and that he had made a "Communist speech" to them before the murder.

A dragnet was thrown out, and I was one of the first to be caught.

I was lying in bed when a large white man came to our window and put a gun in my face. At the same moment there was a crash, and some other men broke in the door. My roommate and I were forced out of bed and handcuffed. We didn't know what it was all about.

I was locked up. About an hour later, police came to my cell and dragged me down the stairs and into a car. I was carried

In the spring of 1930, six organizers of the workers—two white women, two white men and two Negro men—were arrested and indicted for “inciting to insurrection.” The state was demanding that they be sent to the electric chair.

## **Splitting the Workers**

The Black Shirts—a fascist organization—held parades quite often, demanding that all jobs be taken away from Negroes and given to whites. They said that all the Negroes should go back to Africa. I smiled the first time I heard this— it amused me to see how exactly the program of Marcus Garvey fitted in with the program of the Klan.

Of course the demand of the Black Shirts to give all the jobs to the whites was an attempt to split the white workers from the Negroes and put an end to joint struggles for relief. As organizer for the Unemployment Council, I had to fight mighty hard against this poison.

From the cradle onward, the Southern white boy and girl are told that they are better than Negroes. Their birth certificates are tagged “white”; they sit in white schools, play in white parks and live on white streets. They pray in white churches, and when they die they are buried in white cemeteries. Everywhere before them are signs: “For White.” “For Colored.” They are taught that Negroes are thieves, and murderers, and rapists.

I remember especially one white worker, a carpenter, who was one of the first people I talked to in Atlanta. He was very friendly to me. He came to me one day and said that he agreed with the program, but something was holding him back from joining the Unemployment Council.

“What’s that, Jim?” I asked. Really, though, I didn’t have to ask. I knew the South, and I could guess.

“Well, I just don’t figure that white folks and Negroes should mix together,” he said. “It won’t never do to organize them in one body.”

I said: “Look here, Jim. You know that the carpenters and all the other workers get a darn sight less pay for the same

"Don't you think that'll bring results, Jim?" I asked him. "Don't you see how foolish it is to go into the fight with half an army when we could have a whole one? Don't you think that an empty belly is a pretty punk exchange for the honor of being called a 'superior' race? And can't you realize that as long as one foot is chained to the ground the other can't travel very far?"

### **What Happened to Jim**

Jim didn't say anything more that day. I guess he went home and thought it over. He came back about a week later and invited me to his house. It was the first time he'd ever had a Negro in the house as a friend and equal. When I got there I found two other Negro workers that Jim had brought into the Unemployment Council.

About a month later Jim beat up a rent collector who was boarding up the house of an evicted Negro worker. Then he went to work and organized a committee of whites and Negroes to see the mayor about the case. "Today it's the black worker across town; tomorrow it'll be me," Jim told the mayor.

There are a lot of Jims today, all over the South.

We organized a number of block committees of the Unemployment Councils, and got rent and relief for a large number of families. We agitated endlessly for unemployment insurance.

In the middle of June, 1932, the state closed down all the relief stations. A drive was organized to send all the jobless to the farms.

We gave out leaflets calling for a mass demonstration at the courthouse to demand that the relief be continued. About 1000 workers came, 600 of them white. We told the commissioners we didn't intend to starve. We reminded them that \$800,000 had been collected in the Community Chest drive. The commissioners said there wasn't a cent to be had.

But the very next day the commission voted \$6,000 for relief to the jobless!

On the night of July 11, I went to the Post Office to get my mail. I felt myself grabbed from behind and turned to see a police officer.

## The Unseen Jury

I told them I believed all of that—and more.

The courtroom was packed to suffocation. The I.L.D. attorneys, Benjamin J. Davis, Jr., and John H. Geer, two young Negroes—and I myself—fought every step of the way. We were not really talking to that judge, nor to those prosecutors, whose questions we were answering. Over their heads we talked to the white and Negro workers who sat on the benches, watching, listening, learning. And beyond them we talked to the thousands and millions of workers all over the world to whom this case was a challenge.

We demanded that Negroes be placed on jury rolls. We demanded that the insulting terms, “nigger” and “darky,” be dropped in that court. We asserted the right of the workers to organize, to strike, to make their demands, to nominate candidates of their choice. We asserted the right of the Negro people to have complete equality in every field.

The state held that my membership in the Communist Party, my possession of Communist literature, was enough to send me to the electric chair. They said to the jury: “Stamp this damnable thing out now with a conviction that will automatically carry with it a penalty of electrocution.”

And the hand-picked lily-white jury responded:

“We, the jury, find the defendant guilty as charged, but recommend that mercy be shown and fix his sentence at from 18 to 20 years.”

I had organized starving workers to demand bread, and I was sentenced to live out my years on the chain-gag for it. But I knew that the movement itself would not stop. I spoke to the court and said:

“They can hold this Angelo Herndon and hundreds of others, but it will never stop these demonstrations on the part of Negro and white workers who demand a decent place to live in and proper food for their kids to eat.”

I said: “You may do what you will with Angelo Herndon. You may indict him. You may put him in jail. But there will come thousands of Angelo Herndons. If you really want to do anything about the case, you must go out and indict the social

fight went on ceaselessly, was carried across the world, piled up new mountains of strength.

In Germany, Hitler took over power, poured a sea of blood over the country, and yet could not drown the organizations, the fighting spirit of the working-class. The Chinese Soviets tore a fifth of China from the grip of the foreign and the native exploiters.

In the Soviet Union, the workers, all power in their hands, built vast new dams and power-stations, laid new railways, fired new blast furnaces, planted great farms and built, stone upon stone, the structure of a new society of peace and plenty.

The war danger flared and died down and flared again—the workers watching constantly to stamp out the spark.

### **"The Workers Will Set Me Free"**

I wanted to be out in the struggle, taking my part in it, doing my share. But not for one minute did I doubt that the workers would make me free. Even the news that the Georgia Supreme Court had denied me a new trial did not dishearten me. From the letters I received, I knew that the workers everywhere were fighting for me. I wrote letters—never knowing if they would leave the jail or not—and I read what papers and books I had, and I waited.

The day I heard that the International Labor Defense had had bail set for me, I packed up my belongings and got ready to go. The jailers laughed at me. "Bail set ain't bail raised," they said. But I knew I'd go. And I went.

One morning Joe Brodsky, the lawyer who'd also fought for the Scottsboro boys, came to my cell and said: "We're going, Angelo."

The working-class had determined on my release, and I was free. They had raised, penny by penny, the enormous sum of \$15,000 to get a class brother out of jail.

I took the train for the North. All along the way I was greeted by my comrades. In Washington, in Baltimore, in Philadelphia and Newark, workers stood on the platform to watch the train come by, and they cheered me, and I cheered their spirit and their determination. I stepped out of the train

Rights. To fight effectively for Herndon means to join, support, be active in these organizations.

The International Labor Defense is the fighting defense organization of the working class and the poor farmers. It fights for the freedom of prisoners of the class war and prisoners of the national oppression of the Negro people. It is the shield of the working-class in its struggle for the rights of free speech, assemblage, organization, press.

The League of Struggle for Negro Rights is an organization built on the program of uncompromising struggle for the complete economic, political and social equality of the Negro people, and the right of self-determination for the Black Belt. The L.S.N.R. is at present engaged in a campaign for a federal Bill for Negro Rights and the Suppression of Lynching. This Bill provides the penalty of death for lynchers, and makes every act of discrimination against a Negro an offense punishable by law. Around this bill the L.S.N.R. is organizing tremendous struggles.

The International Labor Defense and the League of Struggle for Negro Rights ask all workers, regardless of political affiliation, regardless of religious belief, regardless even of disagreements with parts of their program, to join in the struggle to set free Angelo Herndon and the Scottsboro boys.

The Georgia Supreme Court has denied Herndon a new trial. The Alabama Supreme Court has denied a new trial to Clarence Norris and Haywood Patterson, two of the Scottsboro boys. These cases will now be appealed to the U. S. Supreme Court.

Will Herndon remain out of jail, giving his young enthusiasm to the fight? Or will this winter find him once more in the clutches of the lynchers, the steel of the chain-gang about his legs, bending his back under the threats of a prison overseer on a Georgia road? Will the winter find the Scottsboro boys burned to a crisp in the electric chair?

The answer must be a wave of protests that will hammer against the walls of Fulton Tower, that will shake Kilby Prison, that will rock the Supreme Court of the United States and force the justices to release to us these 10 victims of oppression.

So far the working-class has not failed Angelo Herndon and the Scottsboro boys. It cannot fail them now.



READ THE

## **LABOR DEFENDER**

Official Monthly Organ of the  
**INTERNATIONAL LABOR DEFENSE**

Pictures from the firing line of the defense front.  
News of the struggles in defense of the workers'  
rights from coast to coast.

Articles on working class defense, self-defense,  
mass defense, from all over the world.

**10 CENTS A COPY**

**SUBSCRIBE TODAY!** Rates: \$1.00 a year, 50c for  
6 months. Special offer to I.L.D. members—50c for  
one year.

80 East 11th Street, Room 430, N. Y. C.

**Fight the Scottsboro-Herndon Frame-up**

Read

## **NEGRO LIBERATOR**

Official Organ of the

**League of Struggle for Negro Rights**

Subscription:—\$1 a year—75c 6 mos.—40c 3 mos.

Bundle Orders:

\$1.50 for 100 copies—2c each for less than 100

Issued weekly at 2162—7th Ave., N. Y. C.