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# Daily Worker

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# COURT FREES ANGELLO HERNDON

## Second 5-Year Plan in USSR Finished Early

Completed Nine Months Ahead of Schedule—Heavy Industry in Soviet Union Now Ranks Second in World Behind U.S.A.

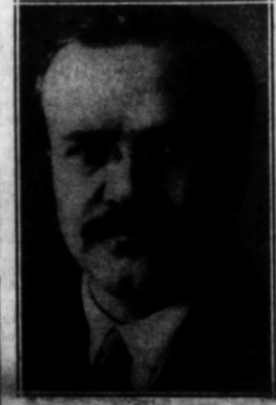
MOSCOW, April 26.—Monday, April 19, 1937, will go down in the history of the Soviet Union as a banner day of victory for socialism.

On that day the Second Five-Year Plan for building up the national economy of the U.S.S.R. was completed nine months ahead of schedule.

Today, 20 years after the great proletarian revolution which laid the basis for the present victories, a huge heavy industry has been built in the U.S.S.R., making the Soviet Union the second most powerful industrial nation in the world, only behind the United States.

Production of more and better products for the use of the individual consumer has also mounted greatly under the Second Five-Year Plan. The total production for 1937, the last year of the Second Five-Year Plan for Soviet industry, amounted to 86,400,000,000 rubles (\$11,280,000,000).

An important indication that the former weak points of Soviet economy are being overcome is shown in the fact that the scheduled figure for railway shipments during 1937 under the Second Five-Year Plan was overfulfilled 7 per cent on January 1, 1937, that is, more than one year ahead of time.



V. M. MOLOTOV  
Chairman of People's Commissars of the U.S.S.R.

## Rhode Island Federation Urges Unity

State A. F. of L. Appeals for Aid to Spanish Democracy

(Special to the Daily Worker)  
PROVIDENCE, R. I., April 26.—The annual convention of the Rhode Island Branch of the American Federation of Labor put through a series of sweeping progressive resolutions over the weekend and called for unity within the ranks of labor.

The assembled delegates urged the "healing of the breach" brought about by the A. F. of L. Executive Council suspending the CIO unions.

A highlight of the convention occurred when the state federation called upon low-level unions to contribute funds for the heroic Spanish workers battling fascism.

## House Censured By Dickstein for Rejecting Probe

WASHINGTON, April 26 (UP).—Chairman Samuel Dickstein, D. N. Y., of the Immigration Committee, today censured House action, three weeks ago in rejecting his resolution to investigate un-American activities and propaganda.

In Connecticut, there are 50,000 fascists with a \$2,000,000 fund working to foment trouble in this country," he said.

## NAZIS SCOUT FOR FRANCO

Loyalist Boat Captain Reveals Nazi Signals in Naval Battle

VALENCIA, April 26.—Nazi warfare against the Spanish Government was barred again today in another incident further proving that the international "neutrality patrol" is a pro-fascist blockade.

In announcing that the government fleet had routed fascist warships in a major naval battle in the Mediterranean, the Navy Ministry reported that the German cruiser Leipzig—part of the bogus "neutrality control"—acted as a fascist scout before and during the battle.

The report of Commander Miguel Buiza of the government fleet said that the Leipzig steamed close to the scene and signaled the movements of government ships to the fascists.

## SENT SIGNALS

"The commander of the Sanchez Barcaltel," the report said, "was able to observe during the battle that the Leipzig communicated with the enemy by means of a searchlight."

"When the fleet went out from Cartagena in pursuit of the enemy, the Leipzig's radio constantly communicated in code with some nearby ship, which suggests that the Leipzig was informing the enemy of movements of our ship."

When the fleet left Cartagena last Friday night, it had to get out of the way of the Leipzig, which

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## RAIL STRIKE DELAYED TWO DAYS BY UNION

Pres. Roosevelt Appoints Mediation Board of Three

Another two-day postponement of a strike of 25,000 railroad employees was announced yesterday by the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.

Meanwhile, at Washington, President Roosevelt invoked his powers under the Railway Labor Act, and set up a board of three to consider ways and means of averting the railroad "walkout."

The union, however, at once informed the board, whose names were not announced by Roosevelt, that they would refuse arbitration, and demanded instead that the president intervene directly into the situation.

The Railway Labor Act became a federal law in 1926, terming threatened strikes on railroads as national "emergencies," and giving the government power to hold off strikes during federal arbitration.

The brotherhood, which has been negotiating for a long period with eight big railroads, demanding approximately 20 cents an hour wage increase. The brotherhood is also demanding jurisdictional rights over workers on railway piers, which is being contested by Joseph P. Ryan, president of the International Longshoremen's Union.

Under the provisions of the Railway Labor Act, the railroad workers are "prevented" from striking for 60 days from the time that arbitration begins.

## Cops Evict Sit-Downers In Detroit

Parke, Davis Strikers Severely Beaten in Attack

(Daily Worker Michigan Bureau)  
DETROIT, Mich., April 26.—Hundreds of police today evicted sit-down strikers in the huge Parke-Davis and Co., chemical and drug plant.

Eighteen strikers were arrested and turned over to Federal agents who are holding them on investigation of "charges" that they might have tampered with narcotics stored in the plant. Federal authorities also indicated that warrants might be sought in Federal courts on charges of "obstructing justice" because strikers in the narcotics department resisted eviction by turning a hose on cops.

Seven workers arrested when they ejected a watchman from the plant and took over the main gates were released later.

Parke-Davis workers are organized in the United Auto Workers Union and are being assisted by Local 246 of the Chemical Union affiliated to the C. I. O.

## FIRM REFUSES PARLEY

The plant employing 2,100 workers and the largest of its kind in the world, was completely shut down. Evicted sit-downers spent the rest of the day preparing for a mass picket line in response to the company's announcement that it would reopen Tuesday.

The strike followed the company's persistent refusal to negotiate with the union. The most active members have been laid off or fired in the past three weeks.

## FLOOD AGAIN ENDANGERS 4-STATE AREA

Many Are Homeless as Rain Swells Rivers—Crest at Noon

(By United Press)  
PITTSBURGH, April 26.—Rain-swollen rivers raced tonight toward record April flood stages in many parts of Western Pennsylvania, Maryland, West Virginia and Eastern Ohio.

Thirty-six hours of monotonous rainfall, bringing three inches of precipitation, brought flood threats to the Allegheny, Monongahela and Ohio Rivers in Western Pennsylvania, Eastern Ohio and West Virginia.

With a drizzling rain continuing here tonight, the three rivers pushed toward an expected crest of 36 feet by tomorrow noon, 11 feet above flood level. At 8 p.m., the stage at the point, where the Allegheny and Monongahela meet to form the Ohio, was 21.4, and rising at the rate of 1/2 of a foot an hour.

Residents of flood-famous Johnstown, Pa., watched a new flood of the Stoney Creek and Conemaugh River creep to the doors of their homes, then slowly start to recede. Unless a drizzling rain turns into a downpour, the rivers there are expected to continue receding from the crest of 17.5 feet reached late this morning. Under orders of Mayor Daniel J. Shields, residents in Johnstown's low-lying districts evacuated their homes.

## DRIVEN FROM HOMES

Hundreds were driven from their homes by flood waters in Maryland. Cumberland was the worst hit. Gov. Harry W. Nice ordered out a company of the National Guard there for patrol duty. Flood waters of the Potomac River and Wills Creek forced suspension of business and railroad service in Cumberland.

Warned of a crest of from 46 to 48 feet by Wednesday morning, residents of Wheeling prepared for a flood invasion of the Ohio River similar to the deluge of January. Rising eight-tenths of a foot an hour, the Ohio reached 36 feet at 4 p.m., ten feet under flood stage.

Four deaths were caused indirectly by the floods. Three railroad section gang workers were struck and killed by a train near McKeesport, Pa., as they were preparing to clear away an earth slide caused by the incessant rains on the Baltimore & Ohio tracks. At Johnstown, Mrs. Missouri Hurley died of a heart attack when a neighbor told her "there is another flood."

## L. I. PRESS STRIKERS WIN

Striking Long Island Daily Press editorial workers won a smashing victory yesterday when the management signed a contract with the Newspaper Guild of Greater New York, ending the three-weeks-old walk-out.

The agreement, reached at a two-and-a-half-hour conference in Mayor LaGuardia's office, included all the points granted last week by the arbitration board of three Jamaica clergymen.

One point, giving the Press management the right to fire workers in case of economy, on the basis of seniority rights, was included on the insistence of the publisher.

The agreement was negotiated by strike chairman John Ryan, local chairman Clayton Knowles, Carl Randau, president of the New York Guild, Milton Kaufman, executive secretary of the Guild and publisher William F. Hoffmann and owner S. I. Newhouse. Mayor LaGuardia acted as mediator.

## WIN PREFERENTIAL SHOP

The contract calls for the Guild preferential shop, the reinstatement of all 53 strikers and also the part time workers who did not send in copy during the strike, the discharge of all strikebreakers, the five-day, 40-hour week which will become effective within six months and equal time off for all overtime.

## NATIONWIDE FIVE-YEAR FIGHT BRINGS VICTORY IN 5 TO 4 COURT RULING

Negro Congress Leader Says Mass Campaign Won the Victory

WASHINGTON, D. C., April 26.—Unconcealed joy that the shadow of the chain-gang had been lifted from Angelo Herndon, then, a warning that the slim majority of one was only another reason for pushing the President's Court Reform plan.

This, in general, was the reaction today of liberals on Capitol Hill and of leaders of progressive organizations like the National Negro Congress and the Workers Alliance, upon hearing of the Court's decision in the Herndon case.

Rep. Byron Scott, Democrat of California, and sponsor of a resolution to investigate police brutality against Negroes here in the District of Columbia, declared that the decision was "good news for all the liberals and progressives who got together to win Herndon's freedom."

He added, however, that the 5-4 vote "was too uncomfortable a margin on which to hang any hopes that the Court as now constituted will guard civil liberties."

## STRESS COURT REFORM

Other comments were: Rep. John M. Coffee, Commonwealth Federation Democrat of Washington—"Wonderful news—but anyone can see that the decision was won by the campaign for Herndon's freedom and the drive behind the President's Court plan. It looks as if the fate of civil rights, along with everything else, is now wrapped up in the mental make-up of Justice Roberts. Let's follow up the victory in the Herndon case with a victory for the President's Court Reform plan."

Rep. Herman P. Koppelman, Democrat of Connecticut, sponsor of an Equal Rights bill for the District of Columbia and staunch supporter of the President's Court Reform bill—"The decision pleases me. It gives hope to those of us who are working for full equality for all citizens of the United States."

John P. Davis, National Secretary

## The Masses Freed Him, Says Stachel

Road Clearer for Party, Unions in South, Says Hathaway

"Herndon's release," said Jack Stachel, "is due to the great mass movements that have risen in this country since his arrest in 1932."

"The Supreme Court saw that the masses were sweeping forward," he pointed out. "Reactionaries are being defeated at the polls. Governor Talmadge, who kept Herndon in prison, was swept out of office last fall. The CIO is bringing hundreds of thousands of workers into the trade unions."

"The great progressive current has had a great effect on A.F. of L. workers, as was witnessed by the role of A.F. of L. members of the Georgia legislature in defeating a red-baiting law recently."

"The Communist Party's growing strength is closely related to this broad movement."

## ROAD-CLEARER FOR PARTY, HATHAWAY DECLARES

Clarence Hathaway, editor of the Daily Worker, said that the Herndon decision was a historic victory for popular rights.

"Again," he said, "the Supreme Court has yielded to mass pressure. The road is clearer now to organize the Communist Party and the trade unions in the South."

## HARLEM SECTION HAILS VICTORY

Hailing Herndon's victory, the Harlem section of the Communist Party declared last night: "A victory has been won, mass pressure forced the Supreme Court to free Herndon. Let there be two more victories—the Anti-Lynching bill passage and the freedom of the Scottsboro boys."

## 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 judicial Court.

A UNITED FRONT  
The Supreme Court after two years of dillying 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 1864 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 Amendments.

## Herndon Tells Press How It Can Happen

By Art Shields

Angelo Herndon radiated joy as he entered Communist Party headquarters at 35 E. 12th St. after his great victory yesterday afternoon.

The United States Supreme Court, by a 5 to 4 vote, had scrapped the Georgia Insurrection law at the demand of the masses and ruled that Herndon was freed from the modern slave catchers.

"It's a victory for the entire working class, especially in the South," he told reporters, who congratulated him on escaping the shackles and whips of the chain gang, to which Georgia courts had ordered him sent for an 18 to 20 year term.

A reporter asked him whether he thought President Roosevelt's plan to reform the United States Supreme Court was still necessary.

"Yes, more than ever," replied the young Negro Communist. "The bare 5 to 4 majority in my case shows that clearly. The President's plan is a progressive move, which should receive the widest support."

It was hard to get Herndon to talk about himself. This young member of the Central Committee of the Communist Party at the age of 23—he's the youngest person there—wanted to talk more about the effect of the victory on the

## L.L.D. Wins 5-Year Fight for Life of Negro Leader

By Alan Max

(Daily Worker Washington Bureau)  
WASHINGTON, D. C., April 26.—The battle to save the life of Angelo Herndon, national chairman of the Young Communist League, ended in victory today when the Supreme Court, in another hair-breadth 5-4 decision, set aside the conviction that had doomed the young Negro to 18-20 years on a Georgia chain-gang.

Previously the Court had refused even to consider Herndon's case. Today, the Court declared that the Georgia "slave insurrection" law under which Herndon had been convicted for organizing unemployed Negroes and whites in Atlanta, was unconstitutional.

The majority of five, however, did not find that insurrection laws, as such, are unconstitutional. It merely denounced this particular one as being too vague and indefinite in determining just what constitutes "insurrection."

5-Year Fight  
The five-year fight conducted by the International Labor Defense, with the support of the Communist Party, and other groups all over the country, including the American Federation of Labor and the Georgia Federation of Labor, ended today in a historic victory.

Justice Roberts, who broke the tie on the Wagner Labor Act decisions, again cast the deciding ballot.

As a result of the decision, the Superior Court of Fulton County, Georgia, will direct Sheriff J. I. Lowry to release Herndon. Since Herndon is already out on \$18,000 cash bond, this means that the bond will be released and the case closed.

While gingerly skirting most of the issues involved in the Herndon case, the majority attempted to hold up the Court as the guardian of civil rights.

Minority Hits Reform  
The reactionary minority on the other hand, in an opinion by Justice Van Devanter, gave a veiled warning to the Southern ruling class that it had better secure the defeat of the President's Court plan, unless it wished to see "white supremacy" threatened in the South.

Roberts, in the majority decision, narrowed the issue down to the question of whether membership in the Communist Party and the soliciting of other members constituted "insurrection." He found that it did not.

Since under the Georgia statute, however, a jury had found Party membership to be insurrectionary, Roberts declared that the law, "as construed and applied, amounts merely to a dragnet

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# Nation - Wide 5-Year Fight Brings Victory

## Negro Congress Leader Says Mass Campaign Won the Victory

(Continued from Page 1)

of the National Negro Congress—  
"Angelo Herndon himself has given  
an example of courage to the Negro  
people that will inspire them  
for years to come. The ultimate  
victory in his case confirms the  
wisdom of having conducted a mass  
campaigning for Herndon's freedom.  
The closeness of the decision,  
I am sure, will show many  
Negroes who might not yet be convinced,  
of the need for the President's  
plan to reform the Court."

David Lasser, national president  
of the Workers Alliance of America,  
of which Herndon is a vice-president—  
"The Alliance is extremely  
glad to have Angelo Herndon freed.  
We consider it a tremendous victory  
for the campaign generated  
during the past several years behind  
Herndon. His freedom will  
permit him to continue his fine  
work on behalf of the working class.  
The decision, however, shows that  
Herndon's life was in the hands of  
Justice Roberts. The Alliance is  
more firmly convinced than ever of  
the wisdom of supporting the President's  
Court Reform plan."

Rep. Henry G. Telgan, Farmer-Labor  
of Minnesota—"A victory for  
the Negro people and for every  
group that lent its strength in  
behalf of Herndon's freedom, but if  
we are to let down in the drive for  
the President's Court Reform bill,  
we might not see such a favorable  
decision repeated in the future."

Telegrams of congratulations to  
Herndon, among the hundreds  
received from labor, civic and religious  
leaders yesterday, came from  
Walter White, national secretary  
of the National Association for the  
Advancement of Colored People,  
and Charles Houston, chief counsel  
of the National Association.

White's message said:

"All the N.A.A.C.P. joins me in  
congratulations to you upon the  
Supreme Court decision."

Houston's wire, which was signed  
by Leon A. Ransom and Edward  
P. Lovett, associate counsel on the

legal staff of the National Association,  
stated:

"Our heartfelt congratulations  
on great victory for civil liberty  
and vindication of personal courage."

# HERNDON FREED BY 5-4 RULING OF HIGH COURT

(Continued from Page 1)

which may enmesh any one  
who agitates for a change of  
government if a jury can be  
persuaded that he ought to  
have foreseen that his words  
would have some effect in  
the future conduct of  
others."

The minority, which, but for the  
grace of Roberts, would have been  
the majority, declared that the  
statute was definite enough, it let  
be known that Herndon's real  
"crime" was daring to organize  
Negroes to better their miserable  
existence in the South.

"It should not be overlooked that  
Herndon was a Negro member and  
organizer of the Communist Party,"  
Justice Van Devanter declared,  
"and was engaged actively in  
inducing others, chiefly Southern  
Negroes, to become members of the  
Party and participate in effecting  
its purpose and program."

Van Devanter went on to point  
out that the literature placed in  
Herndon's hands by the Party "was  
particularly adapted to appeal to  
Negroes in that section, for it  
pictured their condition as an  
unhappy one resulting from asserted  
wrongs on the part of white  
landlords and employers and sought  
by alluring statements of resulting  
advantages, to induce them to join  
in an effort to carry into effect  
the measures which the literature  
proposed."

The crowning touch in Van  
Devanter's explanation as to just  
why death on the chain-gang was  
all that Herndon deserved, was that  
"in this instance the literature  
is largely directed to a people whose  
past and present circumstances  
would lead them to give unusual  
credence to its inflaming and  
inciting features."