

The undersigned have inquired into the matter of the recent imprisonment and indictment of Angelo Herndon, charging him with "inciting to insurrection", and have examined a copy of the said indictment.

We find that the first two counts of the indictment contain no specific allegations whatsoever.

We find that the only specific facts alleged in the said indictment are his possession and circulation of pamphlets or other printed expressions, chiefly of protest against real or supposed persecutions of negroes, and communistic literature, all of which are legally published, circulated through the mail, and sold in all parts of the United States.

In view of the above, we believe that the imprisonment and indictment in question are a clear example of the abuse of official power, that they are entirely unwarranted, and that they manifest an unconstitutional and dangerous attitude on the part of those taking part in the prosecution, to wit, the solicitor general's office of the Atlanta Judicial Circuit and the grand jurors of Fulton County.

We believe, specifically, that the imprisonment and indictment are a direct violation of the constitutional rights of the individual, in that (1) he is being deprived of his liberty without due process of law,\* and (2) his constitutionally inviolable right to freedom of speech and opinion# is being plainly denied.

We believe that the preservation of such constitutional rights is vital to the welfare of society as a whole, irrespective of the validity or invalidity of the opinions expressed or held by the particular individual.

We therefore heartily protest against the proceeding in question.

This protest is not an endorsement of communism, yet we believe everybody should be protected in his constitutional rights of free speech and free assemblage.

\* Ga. Constitution, Par.3

# Ga. Constitution, Par.15