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The Voice of the Awakened Negro

THE Negro World



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HON. MARCUS GARVEY WAS SENT TO PRISON BY AN APPEAL TO PASSION AND PREJUDICE

The following excerpt from the brief prepared by counsel for the Hon. Marcus Garvey, in the prosecution of his appeal in the famous case of the United States vs. Marcus Garvey is presented to the membership of the Universal Negro Improvement Association and to readers of the Negro World the world over for their careful study:

"It is impossible for anyone to assert that the verdict of the jury can be supported by logic. How is it possible to explain the action of the jury, when it acquitted all the defendants of the charge of conspiracy, and acquitted Garvey of all the substantive counts, except on the single charge contained in the Dancy count? This finding was a vagary. It was clearly based upon an ignorance of the facts shown by the record. It necessarily implies that the jury either misunderstood the charge of the Court or paid not the least attention to it. It necessarily implies that the jury was engaged in administering a lawless justice, uncontrolled by the facts in the record, or the law as charged by the Court.

Influenced by Passion or Prejudice

"In a civil case, where the result reached by the jury demonstrates that it indulged in speculation, or in an apparent effort to compromise, the Courts hasten to correct the injustice. It is recognized that the jury has not performed its duty. It is presumed that the jury has been influenced by passion or prejudice, or has yielded to mere conjecture.

Intimate Personal Interest

"This case called for the finest discrimination on the part of the jury, and the most scrupulous consideration of the facts. It required the jury to be constantly awake to the danger that it might be influenced by considerations outside of the record. It was a matter in which every jurymen had an intimate personal interest. While it is important that the government should protect a class from the alleged schemes of their accepted leader, it is even more

Counsel in Celebrated Case Characterize Jury's Verdict as a Vagary

Emphasize That All Co-Defendants Were Acquitted of the Charge of Conspiracy

Marcus Garvey Acquitted of All Substantive Counts Except Notorious Dancy Count

Testimony Submitted Was Calculated to Make Potent Appeal to Passions and Prejudices of Jury

important that the people whose just aspirations Mr. Garvey represents should be left with the feeling that their leader has received a fair trial. It was peculiarly a case where the rights of the defendant should have received the utmost protection.

Dealing with a General Situation

"In the claim that the jury was actuated not alone by prejudice, but by passion, we do not mean to imply that it was actuated by a purpose to commit an injustice against the individual Garvey. But we do mean to assert that the testimony was such as was calculated to make a most potent appeal to the feelings, the passions and the prejudices of the jury, and to put them in the position, not of administering justice in the case of an individual, but of dealing with a general situation, represented to them as one fraught with great danger and many evils. It is as if Gandhi were to be tried by a jury of Englishmen for his leadership of the people of India. It is as if De Valera were to be tried by a jury of Ulsterites for his leadership of the Irish people. It is as if a Zionist were to be tried by a jury of Moslems for his plans and activities in the establishment of a home-
stead for the Jews in Palestine. It may be that the system of laws prevailing in the jurisdiction

where such a case might be tried would permit only such a trial. But it does undoubtedly present a situation where the courts must be most careful to scrutinize the result so as to determine whether the jury was guided by law, or was carrying out what it conceived to be a social or political remedy, determined by its own selfish interests.

Not Dollars and Cents

"In all of these movements money is necessary. In all these movements great promises are held forth. No one who does not put himself in the place of the stricken and afflicted people to whom the appeal is made can understand or sympathize with the enthusiasm of the leader, and the trust and confidence of the masses. To treat such a situation as this indictment does, as a matter of dollars and cents and monetary fraud, and to judge it as one would judge a criminal transaction, or a speculative mining enterprise, is to warp the facts and to commit a travesty upon the truth. No movement for the redemption of a people has succeeded in making money. The American Revolution was conducted at a financial loss. During the years that the Revolution was fought, and before the Constitution was adopted and the finances of the country placed upon a stable basis, any jury would have been justified in convicting the abettors of the Revolution and the fathers of the country for a money fraud, when they induced peoples to invest in the loans upon the promise of repayment. It will not do to say that these matters were disposed of by the verdict of the jury. For that verdict is so inconsistent with the acquittal of all the defendants on all the other charges that it cannot be defended as a verdict in accord with the facts and the law. The only explanation that can be made is that the jury proposed somehow to see that Garvey was stopped. The jury did not believe in Garvey and his movement."

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