Lesson 6—Law and Society

The Sacco and Vanzetti Case

Objectives

- To examine one of the most controversial court cases of the 1920s, the conviction of Nicola Sacco and Bartolomeo Vanzetti of murder in Dedham, Massachusetts
- To understand the level of prejudice prevalent in the 1920s

The years immediately following World War I were ones of turmoil and unrest in America. The communist revolution in Russia, which resulted in the overthrow and execution of the czar and the growth of anarchist movements across the world, produced a climate of distrust and uncertainty. Immigrants had been entering the United States in large numbers beginning in the early 1880s. Most of these immigrants were from eastern and southern Europe. Unlike earlier immigrants, these new arrivals were not quickly assimilated. They spoke different languages, practiced different religions, and often replicated in the large cities of the eastern seaboard the ghettolike conditions they were forced to endure in Europe. Oppressive regimes in such countries as Russia, Austria-Hungary, and Italy had resulted in the formation of secret societies like "the Black Hand." Many of these groups were socialist and/or anarchistic and aimed at the overthrow of governments. When they immigrated to the United States, many of these socialists and anarchists brought their ideas and beliefs with them and found themselves lumped together with communists under the generic umbrella "Reds." A. Mitchell Palmer, attorney general of the United States, a politically ambitious man, used an American fear of foreigners and the threat of communism to initiate a campaign of imprisonment and deportation for "suspected Reds."

On April 15, 1920, Frederick A. Parmenter, paymaster of the Slater and Morill Company, shoe manufacturers, and his guard Alexander Berardelli were robbed of $16,000 and murdered in South Braintree, Massachusetts. Shortly after the murders, Nicola Sacco and Bartolomeo Vanzetti, avowed anarchists, were arrested and indicted by a grand jury. Witnesses looking through the factory windows at the time the crime was committed identified Sacco and Vanzetti as the killers. Twenty other witnesses placed Vanzetti at his fish stall selling eels at the time of the murder. The Italian consul in Boston swore that Sacco was in his presence at the time the murders were committed. The police who arrested the two men swore that Sacco and Vanzetti had demonstrated guilt by drawing guns as the officers approached. This was taken to be evidence of guilt. The task of providing a fair trial for the Italian-born revolutionaries fell to Judge Webster Thayer. Thayer made no allowances for the poor English of the defendants and allowed the prosecutor to introduce continually the fact that Sacco and Vanzetti were revolutionaries and anarchists. The available evidence was weak and circumstantial. The stolen money was never traced to either Sacco or Vanzetti. Neither had a criminal record, and both were employed. Pacifists, as well as radicals, Sacco and Vanzetti were convicted by a jury, which Judge Thayer asked to do its duty "like the boys in France."

Between 1921 and 1927 numerous motions for new trials were turned down by Judge Thayer, and radicals threw bombs at American embassies around the world. Prominent figures such as noted author Anatole France, reformer Jane Addams of Hull House, the great physicist Albert Einstein, and legal scholar Felix Frankfurter (later of the United States Supreme Court) pleaded for a new trial. In 1927, the Massachusetts Supreme Court flatly rejected the appeal for a new trial on the grounds that no "failure of justice" had occurred, and Sacco and Vanzetti were sentenced to die in the electric chair. The governor of Massachusetts, Alvin Fuller, received hundreds of letters requesting and demanding a new trial. Members of the British Parliament telegraphed the governor to demand a new trial. Thousands gathered across the country, and in Europe and South America, to protest the decision to execute the two men.
In June 1927, Fuller bowed to increasing pressure and appointed an investigative committee. A stay of execution was granted and the public outcry increased. By August, the outlook remained bleak for Sacco and Vanzetti. The committee failed to recommend a new trial, citing the "brutality" of the crime. The decision inaugurated another wave of bombings in New York, Philadelphia, and Baltimore. The homes of the committee members, Fuller, and Judge Thayer were guarded around the clock. Their mail was filled with letters and telegrams threatening their safety and lives. Known anarchists and radicals were placed under surveillance, and any public meeting that supported Sacco and Vanzetti was quickly squelched. By the end of August, Sacco and Vanzetti had run out of options. The United States Supreme Court had refused to intervene, stating that they had no jurisdiction in the case. On August 23, 1927, Sacco and Vanzetti were executed at Charlestown Prison for a crime many believed they had not committed.
Vanzetti Condemns Judge Thayer

Bartolomeo Vanzetti spoke these words to Judge Thayer in 1927, when Thayer sentenced him to be executed. Read the following speeches, and be prepared to discuss them.

You see, it is seven years that we are in jail. What we have suffered during these seven years no human tongue can say; and yet you see me before you, not trembling, you see me looking you in your eyes straight, not blushing, nor changing color, not ashamed or in fear.

Eugene Debs says that not even a dog—something like that—not even a dog that kill the chickens would have been found guilty by American jury with the evidence that the Commonwealth have produced against us. I say that not even a leprous dog would have his appeal refused two times by the Supreme Court of Massachusetts—not even a leprous dog.

We have proved that there could not have been another judge on the face of the earth more prejudiced and more cruel than you have been against us. We have proven that. Still they refuse the new trial. We know, and you know in your heart, that you have been against us from the very beginning, before you see us. Before you see us you already know that we were radicals, that we were underdogs, that we were the enemy of the institution that you can believe in good faith in their goodness—I don't want to condemn that—and that it was easy on the time of the first trial to get a verdict of guiltiness.

We know that you have spoke yourself and have spoke your hostility against us, and your despilement against us with friends of yours on the trial, at the University Club of Boston, on the Golf Club of Worcester, Massachusetts. I am sure that if the people who know all what you say against us would have the civil courage to take the stand, maybe your Honor—I am sorry to say this because you are an old man, and I have an old father—but maybe you would be beside us in good justice at this time.

This is what I say: I would not wish to a dog or to a snake, to the most low and misfortunate creature of the earth—I would not wish to any of them what I have had to suffer for things that I am not guilty of. But my conviction is that I have suffered for things that I am guilty of. I am suffering because I am a radical and indeed I am a radical; I have suffered because I was an Italian, and indeed I am Italian. I have suffered more for my family and for my beloved than for myself; but I am so convinced to be right that if you could execute me two times, and if I could be reborn two other times, I would live again to do what I have done already.

Nicola Sacco answered with the following when asked why the sentence of death should not be passed upon him.

"... I am not an orator. It is not very familiar with me, the English language... I never know never heard, even read in history anything so cruel as this court... My comrade, the kind man, the kind man to all the children, you sentence him two times... and you know he is innocent... I forgot one thing which my comrade remember me. As I said before, Judge Thayer know all my life, and he know that I am never guilty, never—not yesterday nor today not forever."

1The Sacco and Vanzetti Case; Transcript of the Record of the Trial... and Subsequent Proceedings, 1920-27 (5 vols.) (New York, 1928-1929), 4898-4899, 4904.
Walter Lippmann Pleads for Sacco and Vanzetti

Walter Lippmann wrote feature articles and editorials for *The New York World*, a militant newspaper of the 1920s. He wrote an editorial that appeared on August 19, 1927, shortly before Sacco's and Vanzetti's scheduled executions. In this editorial, Lippmann demanded a stay of execution for the two convicted radicals. Read the following editorial, and answer the questions. Be prepared for class discussion.

We recognize perfectly well that no government can with self-respect yield to the clamor of ignorance and sentimentality and partisanship. We realize perfectly well how much more difficult it is for the Governor to commute these sentences in the face of organized threats and of sporadic outrages. It will take greatness of mind and heart for the Governor and his Council to choose the wiser course. . . .

If Governor Fuller commutes these sentences, the Communists and Anarchists will shout that they coerced him. They will make the most of it for a day, a week, a month. The extremists on the other side will call him a weakling, and sneer. They will make the most of it for a day, a week, a month. But in the meantime moderate and disinterested opinion, which is never very talkative, will mobilize behind him and will recognize that he did a wise and brave thing. . . .

Therefore we plead with the Governor to see this matter in the light, not of to-day and tomorrow, but of years to come. We plead with him to stay the execution because it will defeat the only purpose for which the death penalty can be exacted. We plead with him to remember that, however certain he may be in his own mind that the two men are guilty, no such certainty exists in the minds of his fellow citizens. . . .

The Sacco-Vanzetti case is clouded and obscure. It is full of doubt. The fairness of the trial raises doubts. The evidence raises doubts. The inadequate review of the evidence raises doubt. The Governor's inquiry has not appeased these doubts. Everywhere there is doubt so deep, so pervasive, so unsettling, that it cannot be denied and it cannot be ignored. No man, we submit, should be put to death where so much doubt exists.

The real solution of this case would be a new trial before a new judge under new conditions. Fervently we hope that the Supreme Judicial Court of Massachusetts will decide that under the law such a new trial can be held. But if it does not, then to the Governor, to his Council, and to the friends of justice in Massachusetts we make this plea:

*Stay the execution. Wait. The honor of an American Commonwealth is in your hands. Listen, and do not put an irrevocable end upon a case that is so full of doubt. It is human to err, and it is possible in the sight of God that the whole truth is not yet known.*

---


1. How does Lippmann say that radicals and extremists will react to a commutation of Sacco and Vanzetti's sentences?

2. Who does Lippmann say would support the governor's decision to commute the sentences?

3. Why does Lippmann say the governor should commute the sentences?

4. What does Lippmann say would be a real solution to the controversy?
Petition to the Governor of Massachusetts

In August 1927, the lawyers for Nicola Sacco and Bartolomeo Vanzetti placed petitions before the Governor of Massachusetts requesting a new trial. Read the following petition, and answer the questions at the end.

"... To the governor in council of the commonwealth of Massachusetts:

"Respectfully represent Nicola Sacco and Bartolomeo Vanzetti that they have filed a motion for a new trial in the superior court at the county of Norfolk, and have also filed a petition for habeas corpus in the superior court in the county of Suffolk, and that it is their intention to cause the said motion and the said petition to be heard as soon as they can obtain hearing upon the same, and in the event of their failing to obtain relief thereby in the courts of the commonwealth, to prosecute their case before the United States courts with all possible diligence, and that it will be impossible with the exercise of utmost diligence to obtain a hearing and a decision of the said case before the time set for their execution, namely, Wednesday, Aug.10.

"Wherefore, they respectfully pray a stay of execution may be ordered for a reasonable time in order to enable them to prosecute the legal proceedings described above...."

... The habeas corpus petition brought by Garfield Jackson of the Sacco-Vanzetti defense committee sets forth that the two men are being restrained in the state prison in Charlestown "in violation of the constitution of the state of Massachusetts and constitution of the United States...." By reason of the fact that your petitioners have not yet received a trial by judges 'as free, impartial and independent as the lot of humanity will admit' nor had the proceedings whereby your petitioners have been condemned constituted such a judicial determination of their guilt as to be a true process of law. Inasmuch as it is shown by certain affidavits which they filed, together with a motion for a new trial....

"That it now appears from the affidavits filed herewith and to be filed that the Hon. Webster Thayer, who presided over their trial and passed on numerous matters and motions since the said trial was so prejudiced against the defendants and their council from the time of the beginning of their said trial to and including Oct. 2, 1926, when the said Thayer made his last ruling adverse to the defendants that the defendants have never had a judicial consideration by the said Thayer, during the trial or after, of questions involving their life and liberty, and have never had such a trial as that to which they are entitled under the constitutions of the commonwealth of Massachusetts and of the United States...."

"That on July 18, 1927, new evidence was discovered to the effect that Exhibit 29, a cap alleged to have been found in South Braintree shortly after the murders for which these defendants have been convicted and alleged to have been a cap of the defendant Sacco, the color of said cap and certain tears and holes in its lining being relied upon as proof of such allegation, the Hon. Thayer citing the tears and holes of said lining in his decision of Oct. 22, 1926, as 'some of the most important evidence' warranting a verdict of guilty, was in fact delivered to Jeremiah F. Gallivan, chief of police of South Braintree, two days after the murders, by one Fraher who stated to Gallivan that the cap had been found the night before its delivery to Gallivan, and that upon receiving said cap said Gallivan himself made the tears and holes in the lining in an effort to find some identification mark, the lining being intact at the time of delivery of the cap to Gallivan. This is evidenced by the affidavit of Herbert B. Erhmann filed in support of this motion."

---

3The Cleveland Plain Dealer, 7 August 1927.
1. Why did the petition ask for a stay of execution?

2. What were the grounds for the habeas corpus motion?

3. On what grounds did the counsel file a motion for a new trial?

4. What new evidence was presented in the petition?

5. Do you think Sacco and Vanzetti should have been granted a new trial? Why or why not?

6. Would the same decision be made today regarding their motion? Why or why not?