



Sacco and Vanzetti: Were Two Innocent Men Executed?

In 1921, two Italian immigrants were tried and convicted of robbery and murder. Six years later, they were executed. The case of Sacco and Vanzetti drew international attention and is still debated today.

On April 15, 1920, two employees of a shoe factory were shot and killed in South Braintree, Massachusetts. Three weeks later, two poor Italian immigrants were arrested and charged with robbery and murder. One, Bartolomeo Vanzetti, worked part-time doing construction and the rest of the time peddling eels and clams. The other, Nicola Sacco, worked full-time as a shoe edger. He lived in Milford, Massachusetts, with his wife and son. Sacco and Vanzetti were tried and found guilty in July 1921. During the six years before they were executed, their names became known throughout the world. Protests were held in London, Paris, Milan, Berlin, and parts of South America and Asia. Millions of people felt passionately that Sacco and Vanzetti were innocent, and millions more believed that they had not received a fair trial. Today, 80 years later, historians and commentators continue to debate the Sacco and Vanzetti case.

A Time of Panic and Prejudice

World War I created tremendous political turmoil. Many leftist groups in Europe and in America opposed the war. They saw it as an imperialist struggle for power and profit, fought at the expense of the working class. But after America entered the war in April 1917, opposition to the war was not tolerated. President Woodrow Wilson made this clear in his Flag Day address on June 14, 1917: “Woe to the man or group of men that seeks to



Bartolomeo Vanzetti (with the moustache) and Nicola Sacco were convicted of robbing a shoe factory’s payroll money and killing the two employees carrying the money. Their case garnered international attention in the 1920s. (Wikimedia Commons)

stand in our way in this day of high resolution.” The next day, the president signed the Espionage Act, which set a

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Rights Reconsidered

Throughout history, individual rights have been considered and reconsidered. This edition of *Bill of Rights in Action* looks at three such cases. The first article examines the historic case of Sacco and Vanzetti, two immigrants tried, convicted, and executed for robbery and murder. The second article looks at Edmund Burke, who disdained the “rights of man,” but championed the “rights of Englishmen.” The last article explores the case of *Mendez v. Westminster*, an important forerunner to *Brown v. Board of Education*.

U.S. History: Sacco and Vanzetti

World History: Edmund Burke

Government: *Mendez v. Westminster*

Special-guest writer Lucy Eisenberg, Esq., contributed the article on Sacco and Vanzetti. The other articles were written by our longtime contributor Carlton Martz.

fine of \$10,000 and a prison term of up to 20 years for anyone who aided the enemy or encouraged disloyalty in the armed forces. A year later, Congress passed the Sedition Act. It imposed the same penalties on anyone who uttered, printed, wrote, or published “disloyal, profane, scurrilous or abusive language” against the government or the Constitution.

Most Americans supported the war. Private groups, such as the American Protective League, were formed to promote patriotism and seek out radicals who held anti-war beliefs. Their prime targets were members of the socialist and communist parties, members of the International Workers of the World (IWW), and anarchists. As the federal authorities began enforcing the Espionage and Sedition Acts, hundreds of anti-war and radical immigrants were arrested simply for criticizing the government and its war policies.

Immigrants from southern and eastern Europe, including Italian immigrants, were considered to be a suspect group. Italian immigrants had flooded into the country beginning in 1880. Between 1900 and 1920, 3 million Italians migrated to the United States. Most were unskilled and semi-skilled laborers, and some joined groups devoted to social revolution and overthrowing the capitalist system.

Events after the war caused the Red Scare, a period of panic over the threat of communists and anarchists. The country saw a huge wave of strikes. Four million workers went on strike in 1919, the year after the war ended. A communist revolution had occurred in Russia in 1917, and many Americans feared that a similar revolution would take place in the United States. Anarchist groups in the United States that had strongly opposed the war began a series of terrorist acts after the war. In April 1919, mail bombs were sent to prominent politicians and to wealthy and powerful businessmen. Among the targets were Attorney General A. Mitchell Palmer, J.P. Morgan, and John D. Rockefeller. None of the intended recipients was injured, but the mail bombings aroused a surge of anger and hatred against communists, radicals, and foreigners. The fear intensified in June when bombs exploded in seven cities. Delivered by hand to the doors of the intended victims, these bombs were much more powerful than the package bombs. Again, none of the intended victims was injured, but several bystanders were killed. Copies of a leaflet were found at every site, printed on pink paper and signed “The Anarchist Fighters.” The bombings were clearly the work of an organized conspiracy.

The evidence pointed to a group of anarchists headed by Luigi Galleani, an Italian immigrant. He advocated the violent overthrow of the capitalist system. Before immigrating to the United States, Galleani’s anarchist activities had gotten him in trouble with the law in several European countries. In the United States, he started publishing a small newspaper for anarchists called *Conaca Souversiva* (Subversive Chronicle). The newspaper often carried an advertisement for one of his publications that it said it was essential reading. Its deliberately misleading title was *Health Is You!* The manual explained how to make bombs.

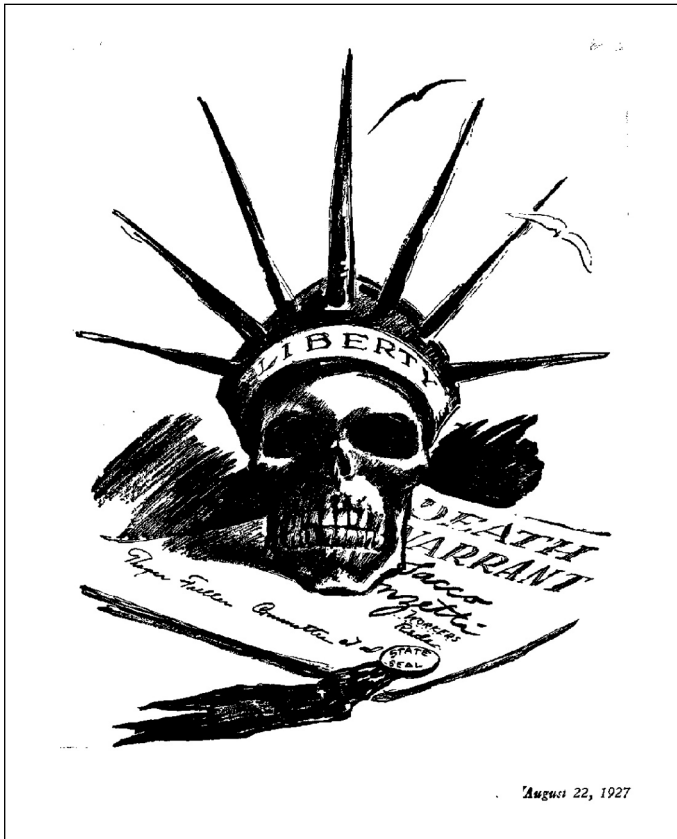
In 1918, the government had begun an investigation to identify Galleanists and other radicals suspected of terrorism. Arrest warrants were issued for about 100 Galleanists in the Boston area alone. The next year, Galleani was arrested and deported to Italy. The Bureau of Immigration and the Department of Justice then planned a huge series of arrests of anarchists and radicals. The so-called “Palmer Raids,” named after the attorney general, took place in January 1920. About 10,000 people were arrested nationwide, suspected of anti-American beliefs. Many were arrested without warrants and marched to jails in chains. Thousands were scheduled for deportation without trial.

The press helped fuel the Red Scare. A newspaper in Quincy, Massachusetts, wrote in April 1919: “Organized efforts are being started to fight the Bolshevik poison. It is none too soon.” In Braintree, Massachusetts, in May 1919, an editorial in the local paper asked: “Since when has America countenanced an invasion—an incursion of foreigners hostile to Americans and American ideals.” It was a time of tremendous hostility to foreigners, and especially to those identified as anarchists and supporters of Galleani.

Sacco and Vanzetti, Anarchists

Sacco and Vanzetti were members of this feared and despised anarchist group. They had both come to the United States from Italy in 1908 and settled in Massachusetts. Both subscribed to Galleani’s radical newspaper. Both were followers of Galleani and passionately believed in the principles of the anarchist movement. In Sacco’s words, anarchism meant “no government, no police, no judges, no bosses, no authority . . . the people own everything—work in cooperation—distribute by needs—equality, justice, comradeship . . .”

As anarchists, Sacco and Vanzetti had opposed the war. They had gone to Mexico in 1917 to avoid registering



This cartoon from the Communist Party newspaper *The Daily Worker* appeared the day before Sacco and Vanzetti's execution. (Teaching Politics)

for the draft. When they came back to Massachusetts, they were caught up in the Red Scare. Many of their friends and fellow anarchists had already been arrested and were being deported. When federal investigators found a list of subscribers to Galleani's newspaper, Sacco and Vanzetti came to their attention.

The Crime and Arrest

On the afternoon of April 15, 1920, in the town of South Braintree, Massachusetts, Frederick Parmenter and Alessandro Berardelli were carrying two metal boxes filled with almost \$16,000 in payroll money. The money was for the employees of the Slater and Morrill shoe factory. On the way to the factory, they were shot by two men, who took the money, jumped into a getaway car (a Buick, driven by two other men), and rode away.

Three weeks later, an arrest was made. A local sheriff, Michael Stewart, had been tracking anarchists in the area. He was investigating two men, Boda and Coacci, who he thought were involved in the South Braintree robbery. Stewart found that Boda had taken his car to a mechanic. He told the mechanic to call him when anyone came for the car. When Boda and three Galleanist

friends, including Sacco and Vanzetti, went to pick up the car, the mechanic called the police. The mechanic tried to stall the men, but they all left without the car. Sacco and Vanzetti walked to a nearby trolley stop to return home. The police arrested Sacco and Vanzetti on a trolley car. When they were caught, both were carrying guns. Questioned the next day by the police and the local district attorney, they answered dishonestly. The prosecutor later charged that their lies constituted "consciousness of guilt" in the robbery and murder in South Braintree.

The South Braintree Trial—May 21 to July 14

The trial began in May 1921 and lasted nearly seven weeks. Fifty-nine witnesses testified for the prosecution, and 99 testified for the defendants. As in all criminal cases, the prosecution had the burden of proving guilt beyond a reasonable doubt.

The issue was simple: Were Sacco and Vanzetti the men who had robbed and killed Parmenter and Berardelli or weren't they? But a mass of conflicting evidence was presented.

The prosecution put on the stand 45 eyewitnesses to the crime. Their versions of the events were inconsistent, even contradictory. Five identified Sacco, but not conclusively. One witness named Louis Pelser provided the license plate number of the car and gave a detailed description of Sacco, but two of his co-workers testified that Pelser had crouched under a bench when the shooting started and had not seen anything. Another witness, Mary Splaine, also gave a detailed description of a man in the getaway car, including the length of his hair line and the size of his hand. Her description matched Sacco, but the man she saw was 60 to 80 feet away in a moving car and was in her line of sight for less than 3 seconds. Only one witness said he had seen Vanzetti at the crime scene during the robbery. He told the prosecutors that Vanzetti had been driving the getaway car.

The defense offered numerous witnesses to establish alibis. Vanzetti claimed to have been in Plymouth, Massachusetts, peddling fish on the afternoon of the murders. A man corroborated this by testifying that he had bought fish from Vanzetti. A fisherman and a boat builder also remembered having spoken with him in Plymouth. Sacco claimed that he had gone to Boston on the day of the murder to get a passport. The clerk at the Italian Consulate testified that Sacco had come to his desk that day. Three other witnesses testified to having had lunch with Sacco in Boston on the same day.

The main physical evidence connecting Sacco and Vanzetti to the crime was the guns in their possession when they were arrested. The prosecutors claimed that Vanzetti's gun belonged to one of the victims and that Vanzetti had stolen it from him. The prosecutors also offered a ballistics test showing that one of the bullets found in Berardelli's body was fired from Sacco's gun.

Other evidence linked them to the anarchist movement. Testimony showed that both Sacco and Vanzetti supported the anarchist movement and had gone to Mexico to avoid the draft. The district attorney asked Sacco many questions about his decision to go to Mexico and stated that this decision proved that he did not "love America." Nor did it help their case that the defendants explained that on the night they were arrested, they had gone with Boda to get a car to pick up and hide the kind of anarchist publications that were causing people to be arrested.

On July 14, 1921, the case went to the jury. It returned with a guilty verdict after a few hours of deliberation.

Post-Trial Motions and Execution

Sacco and Vanzetti were held in prison for six years while their attorneys filed motions seeking a new trial. Some of the motions involved witnesses who had recanted their testimony. Another involved a challenge to the ballistics test. One challenged the judge's improper behavior including his appeals to patriotism and his contempt for the defendants and their lawyers. (Early in the trial, the judge, Webster Thayer, had remarked to a group of friends: "Did you see what I did to those anarchistic [expletive deleted] the other day?") Under Massachusetts law, all post-trial motions had to be decided by the same judge who had presided at the trial. Judge Thayer denied the defendants' first six motions, which were filed in 1921–1923. Appeals courts upheld his decisions.

Two years later, an unexpected event occurred. Another inmate in the prison where Sacco was held wrote a note confessing his involvement in the South Braintree crime. The note, signed by Celestino Madeiros, read: "I hear by [sic] confess to being in the shoe company crime of South Braintree on April 15, 1920 and that Sacco and Vanzetti was not there." If what Madeiros said was true, Sacco and Vanzetti were not guilty. But his description of the crime contradicted well-established facts, and the police did not investigate the confession.

An attorney representing the defendants, named Herbert Ehrmann, started an investigation on his own.

Using information supplied by Madeiros, he tracked down a group of professional thieves—the Morelli gang—operating out of Providence, Rhode Island. Ehrmann discovered that the Morelli gang had already been charged with stealing shoes from Slater and Morrill, the same factory in South Braintree where the payroll robbery and murder had occurred. The police in New Bedford, where the gang also operated, had originally suspected the Morelli gang of committing the South Braintree crime, but dropped their investigation after Sacco and Vanzetti were arrested.

Ehrmann became convinced that the Morelli gang had committed the crime, but he was never able to get Morelli—who was in prison on another charge—to confess to anything. When Ehrmann filed a motion for a new trial based on the Morelli gang information, Judge Thayer denied it because he found Madeiros' confession untrustworthy. On April 9, 1927, Judge Thayer sentenced Sacco and Vanzetti to death.

The announcement of the death sentence triggered worldwide protests. The extent of the protests prompted the governor to get involved and to take the unusual step of appointing an independent commission to review the case. A. Lawrence Lowell, the president of Harvard College, headed the commission. The Lowell commission took 10 days to investigate the case and issued a report on July 21, 1927. It concluded that Sacco was guilty and that Vanzetti was "on the whole" guilty. One month later, on August 23, 1927, Sacco and Vanzetti walked into the death chamber a few minutes after midnight and sat in the electric chair. By 12:30 a.m. they were dead.

Innocent or Guilty?

Many, many books have been written about the Sacco and Vanzetti trial. One written in 1927 by a law professor named Felix Frankfurter (later a Supreme Court justice) examined the case, found little evidence to support the verdict, and argued that the prosecutor and judge had played to the prejudices of the jury. Others have presented evidence that the Morelli gang, and not Sacco and Vanzetti, were guilty of the crime. Other authors have written books to confirm that Sacco and Vanzetti were guilty.

The ballistic evidence has been re-examined. Police files made public in 1977 showed that the gun in Vanzetti's possession could not have been taken from the victim because it was a different caliber and had a different serial number. A ballistic test in 1961 matched the bullet found in Berardelli's body to

Sacco's gun. Critics claim that the bullet was planted by the police because it did not match the other bullets found in the body.

Testimony has been questioned. The one eyewitness who identified Vanzetti said he was the driver. Yet Vanzetti had no driver's license and had never learned to drive. One of Sacco's alibi witnesses much later confessed that he had lied because an anarchist group had asked him to do so.

The debate over the case continues. Most agree that it will never be known with certainty whether the two men were innocent or guilty.

For Writing and Discussion

1. The prosecution stated that the defendants' behavior following their arrest showed a "consciousness of guilt." What other explanation might there be for their behavior?
2. What physical evidence did the prosecution present? What was the eyewitness testimony? What was the relevance of the testimony about their being anarchists? Which of this evidence do you find most compelling? Explain.
3. Why do you think the jury did not give greater weight to the defendants' alibi witnesses?
4. Do you think Sacco was guilty beyond a reasonable doubt? Vanzetti? Explain.
5. Do you think they received a fair trial? Explain. If not, what, if anything, might have been done to ensure a fairer trial?

For Further Reading

Russell, Francis. *Tragedy in Dedham: The Story of the Sacco and Vanzetti Case*. New York: McGraw-Hill, 1971.

Topp, Michael. *Sacco and Vanzetti Case: A Brief History With Documents*. New York: Palgrave MacMillan, 2005.

The Proclamation

Fifty years after they were executed, the governor of Massachusetts proclaimed August 23, 1977, to be Nicola Sacco and Bartolomeo Vanzetti Memorial Day. The proclamation stated that the atmosphere of their trial "was permeated by prejudice against foreigners and hostility toward unorthodox political views." It expressed doubt that the officials who conducted the case had been fair and impartial. Accordingly, the governor proclaimed, "that any stigma and disgrace should be forever removed from the names of Nicola Sacco and Bartolomeo Vanzetti." He urged the people of Massachusetts to prevent the forces of "intolerance, fear and hatred" from ever again undermining the fairness of the legal system.

The governor's proclamation reignited the controversy over the case. Many objected to the proclamation, protesting that Sacco and Vanzetti had been found guilty and were, in fact, guilty. The mayor of New York cancelled plans to issue a similar proclamation.

Write an editorial expressing an opinion on whether the governor's proclamation was appropriate. It should be at least one page and use evidence from the article to support your opinion.

Standards Addressed

Sacco and Vanzetti

National High School U.S. History Standard 22: Understands how the United States changed between the post-World War I years and the eve of the Great Depression. (1) Understands the major social issues of 1920s America (e.g., . . . the Sacco and Vanzetti trial).

California History-Social Science Content Standard 11.5: Students analyze the major political, social, economic, technological, and cultural developments of the 1920s. (2) Analyze the international and domestic events, interests, and philosophies that prompted attacks on civil liberties . . . and the responses of organizations such as the American Civil Liberties Union . . . to those attacks.

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About Constitutional Rights Foundation

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