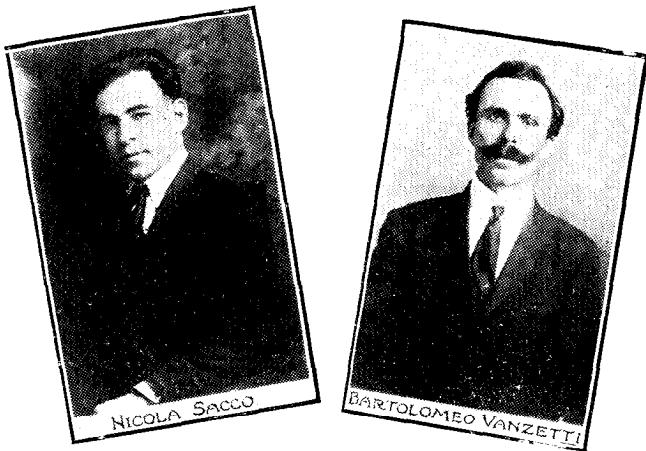


The Story of the  
**Sacco-Vanzetti Case**



Including an  
**Analysis of the Trial**

*Price Ten Cents.*

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All orders for copies of this pamphlet should be sent, with remittance to cover, to the Sacco-Vanzetti Defense Committee, Box 37, Hanover Street Station, Boston, Mass. Price per single copy 10 cents; for 100 copies, \$8.50; for 500 copies, \$40.00; for 1,000 copies, \$75.00.

## **WHAT ARE YOU DOING TO HELP?**

A motion for a new trial is now pending. If granted, it will involve the big expenditures incidental to a trial in which almost 200 witnesses testify. In any event the case must be carried to the higher courts. Also the facts of the case must be brought to the American people.

The whole machinery of the state and the public funds are at the disposal of those who seek desperately to send Sacco and Vanzetti to the electric chair. The defense must depend on the generosity of lovers of justice and class-conscious toilers. Will you help? Send a donation to

**THE SACCO-VANZETTI DEFENSE COMMITTEE**

**Box 37, Hanover Street Station, Boston, Mass.**



Progress Printing Company, 49 Dudley Street, Roxbury, Mass.

# *The Story of the Case of Sacco and Vanzetti*

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**D**EATH in the electric chair and the stigma of murderers! Such is the fate prepared for Nicola Sacco and Bartolomeo Vanzetti. Such is the climax of humble lives humbly lived in unceasing devotion to labor's ideals. The stage is all set for the tragic finale. The altar fires burn with a crackle, the victims are picked, the black-robed oracles of justice have given the word. Soon it may be over.

Luckily the audience is large. If, as is widely charged, the Commonwealth of Massachusetts is committing murder in killing these immigrant workers, at least the deed will not be consummated in a corner. The light of public interest plays full upon the stage. Thousands of eyes are riveted upon the scene, in horror and indignation. From all parts of the theatre voices cry, "They must not die! They must not die!" The cry comes from the black pits of the mining regions, from mills and factories all over the country, from pulpits, from broad-minded writers. It comes from all parts of the world. Across the seas the cry reaches from the birthplaces of Sacco and Vanzetti, where crowds clamor for a square deal for their countrymen.

The story in its briefest form is this: Sacco and Vanzetti were arrested on May 5, 1920, when the anti-red drive was in full swing. They thought they were being held as "suspicious reds," but learned that a more serious charge awaited them —the murder of Frederick Parmenter and Alexander Berardelli, payroll guards for the Slater and Morrill shoe factory, who were killed and robbed by bandits on April 15, 1920. Against Vanzetti an additional charge was

placed—an attempted payroll robbery at Bridgewater on December 24, 1919. On this charge he was tried and found guilty in a trial which many observers have called "farcical." The story is to be found in the pamphlet "Are They Doomed?" by Arthur Shields.\* On May 31, 1921, the two men were tried on the murder charge in Dedham, Mass. with Judge Webster Thayer presiding. More than 160 witnesses testified, of whom 105 were for the defense, and on July 14 a verdict of guilty of murder in the first degree was returned against both defendants.

A detailed analysis of the murder trial appears in the present pamphlet. But as the case can only be viewed rightly against the background of immigrant life and industrial struggle which gave rise to it, we preface the analysis of the evidence with an account of the men's lives. Their social views are unpalatable to many, to some they seem gravely reprehensible. So that we may treat the situation without makeshift and subterfuge, we will assume that the reader

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\*Will be sent upon request to the Sacco-Vanzetti Defense Committee, Box 37, Hanover St. Station, Boston, Mass. Price, 10 cents.

is sufficiently enlightened not to punish men with death for their beliefs. The question is this: Did Sacco and Vanzetti commit the crime of which they are accused?

### Case Stirs Whole World

Not since the verdict was brought in against Tom Mooney and Warren K. Billings in California has so much interest been evoked by a criminal case. In publications of the first rank nationally the conviction of the two men has been mentioned in comparison with the Haymarket hangings in Chicago, the Dreyfus affair, the Mooney case. In at least one respect all of these are alike: that by their compelling drama they became bigger, more significant than the men whose lives were involved. They became the crucial tests of certain institutions, the touchstones of our civilization.

Few have been more surprised by the interest which the case has roused than the small group of loyal friends and compatriots who rallied to the support of Sacco and Vanzetti when they were first arrested. In the early weeks the defense was weak and struggling. Then Vanzetti was brought to trial on the Bridgewater charge, convicted and sentenced to fifteen years of imprisonment on evidence so flimsy and in defiance of alibi so powerful that the Italians in America took it as a racial challenge, regardless of class interests. The voluminous testimony of Italians had been brushed aside by a narrow-minded jury as "unreliable". . . these "wops stick together," don't you know, neighbor?

Almost overnight the Sacco-Vanzetti case became the symbol of the foreign workers' problems and misunderstandings. They saw in the

arrested men aliens who like themselves had come to a new country to sell their labor—but not their rights as human beings. They saw them singled out, one of them convicted with hardly the pretext of a case against him, the whole machinery of the State concentrated in an effort to snuff out their lives.

When an indictment for murder was made against both men, the real agitation got under way. American labor, including the English-speaking portion of it, learned the story and pledged its support. From a local issue it became national, from an Italian case it became the most protested American labor case. Literally hundreds of unions proffered their financial and moral support.\*

\*In May, 1921, a typical month, the following were among the labor unions which contributed to the defense: Amalgamated Clothing Workers of America, locals 139, 208, Phila. Joint Board; Amalgamated Textile Workers of America, local Burrrillville; Boilermakers Union, lodge 104; Bricklayers Union, local 41; Brotherhood of Painters, locals 233, 275, 623, 702; Butchers Union, local 174; Cigarmakers Union, local 97; Cloak and Skirt Makers Union; Electrotypers Union, local 13; Fur Workers Union, local 5, Joint Board; International Association of Machinists, lodge 68, 409; International Brotherhood of Electrical Workers, local 247; Journeymen Bakers and Confectionery Workers, local 164; Journeymen Barbers, local 375; Journeymen Tailors of America, locals 5, 12, 13, 25, 40, 45, 48, 50, 64, 85, 99, 127, 155, 323; Kern County Labor Council; Miners' Fraternal Society; Molders Union, locals 71, 131, 215, 248, 279, 316, 397; Operative Plasterers and Cement Finishers, locals 2, 34, 243, 314, 642; Shoe Workers Protective Association; United Brotherhood of Carpenters and Joiners, local 1774; United Mine Workers of America, locals 8, 144, 705, 895, 1484, 1659, 1709, 2471, 2742, 2819, 3376, 4172, 4472, 4650; United Shoe Workers of America, locals 5, 31, 133.



**SACCO AND VANZETTI EN ROUTE FROM JAIL TO COURT:** Manacled, heavily guarded, and walking in the middle of the street. Sacco is seen wearing a derby hat while Vanzetti wears a cap.

The impetus of the agitation grew every day.

Then came the trial, from May 31 to July 14, 1921. The whole country watched the proceedings. While it lasted the trial superseded every other interest in New England. It held the front page in all the Boston papers for seven weeks, and the reports by and large were accurate. The Federated Press, a co-operating organization of 120 labor newspapers, had a correspondent present, and through other channels also the labor press was kept fully informed. The Associated Press had a representative in the court-room throughout the trial.

Already the verdict in the first Vanzetti case and the attitude of the

prosecution had given rise to fears that the defendants would not receive a fair trial, and various liberal and religious bodies had representatives present to watch the proceedings. Among them were the Federated Churches of Greater Boston, which delegated Mrs. Lois B. Rantoul and W. B. Smith to attend the trial; the League for Democratic Control, represented by Elizabeth Glendower Evans; and the New England Civil Liberties Committee, represented by Anna N. Davis and Cerise Carman Jack.

The Italian Consul, Marquis A. Ferrante, and the Vice-Consul attended many sessions of the trial, by direction, it was understood, of the Italian government.

The public consequently had some basis for a judgment on the testimony. Those who retained their faith in the processes of justice, looked confidently for an acquittal. Even police officers laid bets on an acquittal. The jury was out five hours, "deliberated" over the facts brought out in 3900 pages of testimony, and returned with a verdict of guilty—guilty of murder in the first degree, a crime which carries the penalty of death.

Then the agitation became international. Those who, like the representatives of religious and liberal bodies, were stunned by the verdict, openly denounced it as a terrible miscarriage of justice. Several of the newspapermen who covered the trial openly expressed their astonishment; not for long: they have been mysteriously silent since the first flush of their resentment was suppressed from above . . .

In all the great organs of enlightened opinion—the Nation, the New Republic, the Survey, the World Tomorrow, Unity\*—accounts of the trial appeared, ending invariably with an appeal for the correction of a gross error. The labor press was vigorous in its protests. Labor organizations

in New England and out of it demanded a new trial, a fair trial. The United Mine Workers of America, the Ohio State Federation of Labor, and other bodies in convention voiced that demand officially.

### Protests Spread Across Seas

Detailed accounts of the court proceedings reached Italy and immediately that country flared up in anger. Crowds stormed the American Embassy in Rome, calling for justice. The call was taken up spontaneously in Paris, Brussels, Madrid, in the other Americas, in some instances serving as a cover for deplorable incidents.

Today no one in the civilized world who is at all conversant with the labor struggle and liberal thought is ignorant of the Sacco-Vanzetti case. The State of Massachusetts must bear in mind that it is watched closely, as the authorities of France were watched in the days of Dreyfus, as the Governor of California was watched when the day of Mooney's execution approached. The death of innocent men at its hands will be held against it forever, just as the heroism of its "embattled farmers" in '76 will be held forever in its honor.

## WHO ARE NICOLA SACCO AND BARTOLOMEO VANZETTI?

A conspiracy of circumstances has made the names of two humble workingmen a war cry for thousands of their fellow-toilers all over the world. Sacco: a shoe worker, and Vanzetti: an unskilled laborer and fish-vender, are today names surcharged with

meaning for the masses of the world. They have become a symbol of all the forward-striving portion of the working class, and there is surely something inspiring about the fact that ordinary toilers, rather than leaders of fame, should have been accepted by the international proletariat as representatives of the new spirit, as exemplifying the new martyrdom.

Aside from the local notoriety of any man active in labor work among

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\**New Republic*, August 10, 1921; *Nation*, Sept. 28, 1921; *Survey*, August 16, 1921; *World Tomorrow*, August, 1921; *LaFollette's*, August, 1921; *Unity*, September 15, 1921; *Survey*, November 12, 1921.

his countrymen, the two men were unknown, especially to Americans. The authorities, of course, knew them, because both had been foremost in the defense of comrades ruthlessly, oftentimes illegally, jailed and exiled during and immediately after the war. In various strikes in New England, where Italians form the basic labor element, they were active as pickets and speakers.

Although not on the payroll of any union, Sacco and Vanzetti were among the leaders in personal sacrifice and devotion. Sacco was especially prominent in the Hopedale foundry walk out and strike, while Vanzetti was among the inspiring leaders of the Plymouth cordage strike. The money-powers of the section have good cause to hate the men.

#### Defendants Do Not Fit Crime

Arthur Warner, associate editor of the Nation, investigated the Sacco-Vanzetti case. In his article (issue of Sept. 28, 1921) he asks the significant question about the two men: "How do they fit the crime at South Braintree?" Then he proceeds to answer it, thus:

"The murder was an unusually bold and cold-blooded one—a kind attempted only by the desperado type, by the professional criminal. Sacco came to America at the age of 17 and shortly after became a shoe cutter, eventually one of the fastest in New England. From 1910 to 1917 he worked steadily for the Milford Shoe Company. Then he went to Mexico to avoid the draft, but returned after four months homesick for his wife and two children, one of whom bears the name of Dante. Sacco took up his trade in Stoughton, and was working there at the time of his arrest. His employer gave him a good character and he was known as a steady, quiet, peaceable man, devoted to his family and his garden. He had \$1,500 in a savings bank with which he was

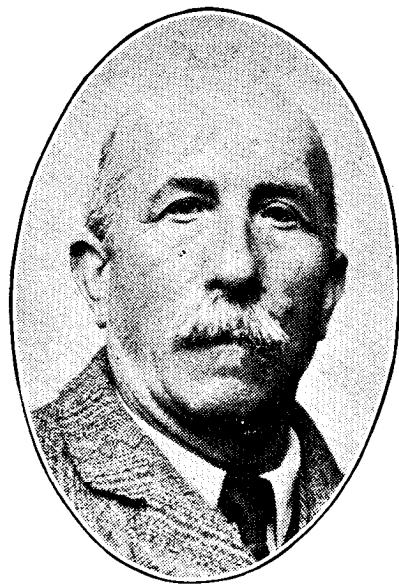
planning to take his family to Italy. This kind of man, the steady worker, the home builder, the patient saver, the father who names his son Dante, does not turn bandit overnight.

"Vanzetti is a different type from Sacco. Equally an idealist, equally a lover of his fellowmen, he is more a dreamer and a poet, more also a thinker and a reader. Had it not been for lack of early opportunity to acquire certain fundamentals, he would undoubtedly have made of himself a scholar. As it is, he has become a contributor to Italian publications and a speaker at Italian meetings. When arrested he had just written an announcement of his intention to speak at a meeting to be held a few days later, and had given the draft to Sacco to have printed. The announcement was found in one of Sacco's pockets by the police."

To set down, and to comprehend, the bare facts of these men's lives is easy. They are compounded of the usual struggles and disappointments of the young immigrant arriving on our shores, an alien, without trade, or tongue, or money. But to penetrate into the spirit of their lives one must feel with the immigrant. That is why the Italians, the Jews and other foreigners in America were so quick to respond to the call for aid.

#### Tragic Status of Alien Immigrant

In the picturesque Italian town of Torremaggiore where Sacco was born and lived until he was 17 the Saccos are among the most respected families, deep-rooted in that soil, property owners, public office holders. In Villa Falletto, where Vanzetti was born, the Vanzettis are an established family, owners of the town caffè (always an important center of Italian town life), community leaders. But just as soon as they arrived in America, they were swallowed up and blotted out in the contemptuous term "foreigner."



PARENTS OF BARTOLOMEO VANZETTI

So far as America was concerned, they lost their individuality. A set of characteristics supposed to fit every alien was foisted upon them by the native population. As Italians they fell heir to all the misunderstandings and libels of their race. It is only by dint of a terrific struggle against inhuman odds that a few strain out of this heap into which all newcomers are thrown promiscuously. In this lies the tragedy of the millions of strangers in our midst. Almost purposely the Americans make the wall of misunderstanding higher and ever higher, by senseless persecutions and brutal exploitation.

Let those who talk so fervently about "Americanization" remember that a demonstration of how American institutions function such as was given in the Sacco-Vanzetti trial (as told below) with hundreds of thousands of foreigners looking on, will hardly sprout respect for those insti-

tutions. The two foreigners were on trial for their lives in Dedham, and the judicial system was on trial for its reputation among the alien elements. Sacco and Vanzetti were found "guilty." How about the judicial system?

#### Sacco Has Fine Reputation

Sacco abandoned his boyhood home in high hopes. He has always been a hard worker, and he landed ready, ambitious, expectant. For about two years he could get no anchorage here, and wandered from one form of unskilled labor to another. Eventually he learned a trade and won pre-eminence in it as a skillful, fast worker. He met his life partner, now the mother of his two children and among the foremost in his defense. Except for the war period, when because of his opposition to what he considered a capitalist war, he avoided military service, he was always at work. His reputation as an expert shoe cutter

assured him a job despite his known social beliefs. His reputation as a model family head is to be met with throughout the Italian colony of Massachusetts.

His employer, George Kelley of the Three K Shoe Company, testified to Sacco's skill and reliability. What is more eloquent of the trust put in his honesty than the fact that Mr. Kelley made him night watchman for a long period? With the keys of the factory in his possession, he could have removed \$20,000 worth of leather, if he were the type the State would have us believe he is. His daily life was a full, rather happy one. A son was born to him, whom he named Dante because of his own admiration for the great poet. Early in the morning there would be the garden to attend to, then a day in the factory, after which he went back to his little family. Sometimes there were lectures and strike meetings to attend. Sometimes there were benefit picnics or amateur theatricals for some philanthropic or radical cause to be arranged.

In every sense a social-spirited worker, he was busy, respected and contented. Then the sad news of his mother's death reached him and he decided to comfort his father's lonesome old age. With the money he had saved during ten years of employment he would take his wife and child to Torremaggiore. On April 15, 1920, he went to the Consulate in Boston to get his passport. Three weeks later he was arrested on a street car. A second child was born to him soon after he was jailed.

#### Vanzetti Worker and Dreamer

Vanzetti's story is more sombre, more lonesome. Essentially a dreamer, he did not so readily adjust himself to the harsh realities of a poor immigrant's life. His first jobs were

in restaurants, as a dish-washer and later as a pastry cook. He arrived in 1908, a hard year, in which the suffering of the workers was extreme. His exacting labor was heaven compared to the hell of the unemployment which fell to his share. There were nights when he slept in doorways, with newspapers to shield him against the cold, days without a morsel of food. This was New York.

Then he went to New England, where he invested several years of his life at the brick furnaces and in the stone pits. After another sojourn in New York he returned and worked in Plymouth in the cordage mills. Black-listed after the strike, and broken in health, he took to selling fish in the Italian quarter. Whether in the stone pit, in the factory, or wheeling the pathetic fish cart, he never ceased in his efforts to educate his fellow workers, always writing, speaking, preaching the new world. On May 5, together with Sacco, he was arrested.

This is the barest physical outline. To clothe it with the flesh of reality, it is necessary to know the men, to know how despite all the stress of making a living they studied and read and tried to bring a little light into dark minds. In writing a few autobiographical notes for his comrades while in prison, Sacco ends with these words:

"And I shall die content to add my obscure name to the glorious list of martyred believers in social rejuvenation and in human redemption."

#### "I Sit Alone in the Darkness"

Can such a man, so fervently conscious of his social obligations and responsive to the woes of man, be guilty of the hideous anti-social crime in South Braintree? And Vanzetti, the gentle, scholarly Vanzetti, accused of such a thing! His "Story of a

Proletarian Life," written in prison and run in many labor papers, breathes the spirit of love and hope.

Only those to whom any doubt of the existing order is a cardinal sin more reprehensible than murder itself, can believe such men guilty. and only twelve prejudiced men to whom the term "radical" is synonymous with "criminal" could have returned a verdict so flagrantly in contradiction to the evidence.

## THE POWERS BEHIND THE PROSECUTION

Not since the famous murder trial of Ettor, Giovannitti and Caruso, growing out of the Lawrence strike in 1912, has the State of Massachusetts exerted itself so hard to obtain a conviction of accused men as it has in the case of Sacco and Vanzetti. Although the state has exclusive jurisdiction in the matter, there are indications amounting to proof that the Department of Justice is vitally interested in the case.

### Salsedo Plunges to Death

To understand why the federal authorities are so closely identified with a state prosecution, we must evoke once more the sordid memory of Attorney General Palmer's reign. Terror was his chief weapon and he used it unsparingly. The foreigners were his special quarry.\* Illegal arrests, searchings, deportations became a commonplace of his office routine. The Italian radicals, like the others, suffered severely at his hands. No alien seemed safe from arrest without warrant and protracted imprison-

But our appeal to the workers of the world is not on the grounds of the men's clean record before their arrest, their strong faith in humankind, or their devotion to the down-trodden. We submit the evidence as it went into the record. Their innocence, we believe, is written there so large that none but the blind can fail to see it. The best piece of "propaganda" literature in the case is the trial record.

ment without a hearing.

One morning the complacency of the country received a serious jolt. An atrocity of the first order, responsibility for which rests and will rest forever upon the Department of Justice, shocked America into a measure of interest in the doings of Palmer and his agents. On May 3, 1920, an Italian printer, Andrea Salsedo, was found crushed to death under the fourteenth-story window of the Department's offices in New York. Salsedo, together with Roberto Elia, had been illegally confined in the office for two months. Both of them had been brutally beaten and tortured.

Was Salsedo pushed out of the window, or did he seek escape from the unbearable third degree in death? The question was asked by thousands, including individuals and publications without the "red" taint. The limit of inquisitorial methods had been reached. Only one man could have shed some light on the crime, namely Elia, but he was promptly shipped off to Italy by the government, with a promptness that is tantamount to a confession of guilt. But not before he had claimed in a deposition made to Walter Nelles, New York lawyer, that both he and Salsedo had been tortured in an effort to extract "confessions."

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\*See "Illegal Practices of the U. S. Department of Justice," signed by twelve lawyers, including Roscoe Pound, Dean of Harvard Law School, and issued by the National Popular Government Association, Munsey Building, Washington, D. C.

Sacco and Vanzetti were among the leaders of the movement to effect the release of the two men imprisoned in the Department's private offices. Vanzetti had gone to New York to engage competent counsel for them. With Sacco he had arranged a meeting of protest in Brockton for May 9. The meeting never came off. One day after they learned about the tragic death of Salsedo, Sacco and Vanzetti were arrested. Would murderers thus put themselves in the limelight, in the neighborhood of the crime, perpetrated in the presence of scores of witnesses? Especially when such meetings were sure to be under police supervision. And no one doubted at the time that they were taken in as "suspicious reds." Was the plan to charge them with murder hatched during the two days following their arrest? Certainly the line of interrogation immediately after the arrest related exclusively to their beliefs and activities as radicals.

Friends of Sacco were certain that the federal agents had caused the arrest. They openly charged that the freedom of these two men made them a source of constant annoyance to those responsible for the Salsedo-Elia brutality. Indirectly the Department of Justice sought to deny its complicity in the prosecution. However, in an excess of zeal, it made several bad "slips" that showed its hand.

#### **Stool-Pigeon Exposes Hand**

A stool-pigeon placed next to Sacco's cell turned out to be almost certainly an operative of the Department of Justice. He overreached himself and was exposed. All the man's traces led straight to the Department's office. Sacco's attorney said so in unqualified terms in a letter to William J. West, assistant division superintendent for the Department at



**ANDREA SALSEDО**

Boston, under date of January 13, 1921. Neither Mr. West nor any of his aides answered, nor in any other way denied that the "stool" was his representative. The concluding paragraph of the letter is significant:

"There is one other question. Does the placing of Dominick Carbonari in the Dedham County Jail to act as a stool pigeon on Sacco indicate a specific interest by the Department of Justice in the outcome of the Sacco-Vanzetti case or did you simply perform what you considered an act of courtesy in lending one of your operatives to Mr. Frederick G. Katzmann? We would request a specific answer to this question."

More recently the Department made another indicative blunder. Persons denominated as its "investigators" and "probers" issued a fantastic, deliberately vicious story which sought by childish innuendo to connect Sacco and Vanzetti with the

Wall Street disaster of last year. The attack on the men awaiting death was too obviously intended to frighten the timid among those who, despite their dislike for the men's ideas, had rallied to their defense.

#### Press Attacks Convicted Men

The blow was indirect. By an extravagant lie the defense group working for the vindication of the two men was accused of having "come out of hiding" and of participating in every atrocity of the last generation. On the basis of this non-existent connection bad pictures of the condemned men were printed in the New York Daily News (August 25, 1921) under the screaming caption "Wall Street Bomb Outrage Work of Boston Anarchists." In the article there was not a single fact to justify the headline.

A more malicious news story probably does not exist in all the history of American journalism.

Why, if the Department of Justice is not anxious to have the men killed by judicial process whether guilty or not, did it inspire such an unwarranted attack upon them at a time when their lives are in the balance and no extraneous considerations should be injected into the case? Why did it permit to go unanswered the statement credited to its representative that "letters were sent to each contributor asking him to become a regular member of the society," (referring to a mythical anarchist society) when there are ten thousand contributors who could give him the lie?

The co-operation not only of the federal authorities, but of every big and little officer in the state seems to have been tendered to the prosecution in its desperate effort to electrocute these two radicals despite the evidence. Efforts to bring the facts to the people of Massachusetts and

to raise money for the further legal fight were interfered with by the authorities on several occasions.

#### Truthful Witnesses Lose Jobs

If any conclusive proof were needed to show where the industrial interests stand on the Sacco-Vanzetti issue, the Slater and Morrill Shoe Company of South Braintree has given it. From the analysis of the testimony it will appear that several witnesses on both sides were employees of this firm, the shooting having taken place in front of its plant. At least three witnesses whose testimony was favorable to the defense are said to have been "fired" soon after the trial.

No reason for the action was given, but it is an open secret among the workers in the factory that their testimony is responsible for their having been discharged. One of them, Lewis L. Wade, a clean-cut American workingman, had been a trusted employee of the plant for seventeen years. He was a prosecution witness who on the stand suffered a twinge of conscience and did not say what was expected of him. It is interesting to note that John E. Ganley, one of the jurors has since the trial been put on the payroll of the same firm.

Grim, determined, are the enemies of labor and of liberal thought. They want the blood of Sacco and Vanzetti and to get it will stop short of nothing. Agent provocateurs will sow violence so that the innocent friends of the two men may reap the blame. The press will indulge in all sorts of deadly accusations, knowing that there can be no redress, that the presumption is always against the radical. The work of the defense will be hampered.

But it is not a one-sided battle by any means. The workers of America who are aware of the facts are behind the defense.

# *An Analysis of the Trial.*

**N**ICOLA SACCO and Bartolemeo Vanzetti, Italian labor organizers, have been found guilty of committing a \$15,776 payroll robbery and murdering Frederick Parmenter, paymaster, and Alexander Berardelli, payroll guard, at South Braintree, Mass., on April 15, 1920. Parmenter and Berardelli were employes of the Slater and Morrill Shoe Company.

Both defendants were tried before Superior Judge Webster Thayer at Dedham in June and July, 1921, the trial extending seven weeks, and were convicted of first degree murder by a jury which the defense attorneys contend was irregularly and illegally selected. The verdict carries a penalty of death in the electric chair.

The crime was committed at 3:05 p. m. on Pearl street, in front of the four-story Rice and Hutchins shoe factory. This building was filled with workers. Four rows of windows looked out upon the scene of the shooting. While the glass in them was opaque, as soon as the shots were heard, many windows were thrown open.

Many other workers looked upon the crime-scene from the windows of the Slater and Morrill shoe factory, a short distance west of the Rice and Hutchins plant. And directly opposite Rice and Hutchins' was an excavation where numerous laborers were at work.

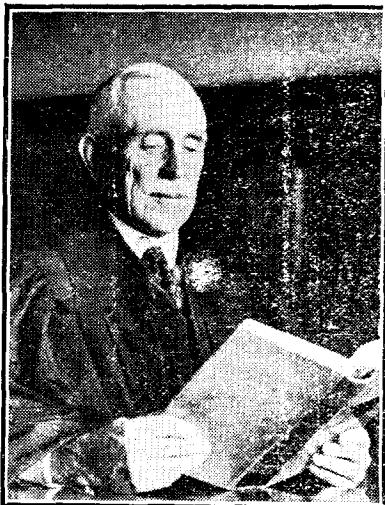
## Pedestrians See Escape

Just before the shooting a train had come in from Brockton, letting passengers at the nearby railroad station. And numerous persons were on the street as the bandits fled, their number swelled quickly by the sound of the shots and the wave of excitement that travels like the wind through a small town in such a circumstance. Westward on Pearl street the bandit-automobile sped, crossing the New Haven tracks and increasing speed as it proceeded,

and continuing through the main streets of the town.

This was but one of a series of payroll robberies in Eastern Massachusetts, in which the perpetrators had invariably escaped. These bandits, too, got away. The authorities were on the defensive; public indignation was high. Search for the bandits was participated in by the state police and local police, with the active co-operation of the Department of Justice and various agencies employed by the allied manufacturing and banking interests. These included the Pinkerton Detective Agency, acting in behalf of the Travelers' Insurance Company, which insured the Slater and Morrill payroll. Investigation by these forces continued from April 15, 1920 to May 31, 1921, when Sacco and Vanzetti were brought to trial.

Of the scores who saw the crime and escape, and with so many powerful agencies co-operating in the search, how many witnesses were brought against Sacco and Vanzetti? A trifling number, as will appear in this analysis; while a very much larger number who viewed the crime, are positive that neither Sacco nor Vanzetti were the bandits.



JUDGE WEBSTER THAYER

Several important witnesses for the prosecution were seriously discredited, while various responsible persons who saw the events connected with the crime and who declared that the arrested men were not the bandits, were pushed aside by the state after it interviewed them.

#### Plan of Analysis

Here follows a careful analysis of the actual testimony given against and for Sacco and Vanzetti. This analysis is the result of a searching study of the 3,900 pages of official transcript. Every statement set down here, unless otherwise specified, is borne out by the court record.

The mass of evidence which went toward the setting of the crime but which had no bearing on the guilt or innocence of the accused is eliminated, while evidence introduced piece-meal and in haphazard order is assembled and arranged under appropriate heads.

The testimony relating only to Vanzetti is presented first because it is the shorter and thus more easily

disentangled from the mass of detail under which its inadequacy was hidden. Such an arrangement throws into bold relief the injustice of the court's refusal to separate the trials of the two men. A request for the separation was entered by the defense at the opening and again at the close of the trial. "Where is there anything prejudicial to Vanzetti," asked the judge, "if proper instructions are given to the jury?" But juries, despite formal instructions to count this fact against Defendant No. 1 and that fact against Defendant No. 2, inevitably tend to count all facts against both when they are tried together. The human mind is not a mechanical instrument which functions according to judicial instructions.

Then the case against Sacco is treated in full, and finally the evidence applicable to both men is analyzed.

#### Diagrams Make Story Clear

Reference to the map of towns included in this pamphlet and the diagram of the crime-scene will simplify for the reader the understanding of all the circumstances. The name of Slater and Morrill is associated in the narrative with two buildings—the four-story factory at Pearl street and Colbert avenue, at the west end of the diagram; and the Hampton House, east of the New Haven railroad tracks.

The Hampton House was formerly a hotel, and now houses the offices of Slater and Morrill on its second floor, while the third floor is a workshop for a part of that company's manufacturing force. From the second floor Miss Splaine and Miss Devlin, prosecution witnesses, had their brief glimpse of the escaping bandit-car; from the third floor it was seen by Carrigan, Ferguson and Pierce.

## TESTIMONY RELATING ONLY TO VANZETTI

In weighing the testimony against Vanzetti, it should be borne in mind that the prosecution admitted it had no evidence that Vanzetti took any part in the shooting. He was never given a preliminary examination on the South Braintree crime and did not know on what ground he would be linked with that crime until he heard it at the trial.

The prosecution sought to connect him with the murder by producing one witness—solitary, uncorroborated and conceded by the prosecution to be “mistaken” in one part of his observations—who claimed fourteen months after the event, to “identify” Vanzetti as among the bandits; two detached witnesses who claimed to have seen him on the morning of the crime in or near Braintree; one other who claims to have seen him in the bandit-car some miles distant after the crime; one witness who claimed to have seen him in a trolley car in another town on the evening before or following the crime, and by an attempt to show that a revolver found in Vanzetti’s possession belonged to Berardelli, one of the men murdered, but this fizzled completely.\*

The defense countered by introducing impeaching evidence of all the so-called “identifications” and by bringing strong alibi witnesses.

### A Solitary “Identification”

Of the scores of witnesses for both sides who described some portion of the murder scene, 35 claimed to have gotten a sufficiently good view to describe the face of one or more of the bandits. The only one of these who identified Vanzetti was MICHAEL LEVANGIE, gate tender for the N.

Y., N. H. & H. railroad at South Braintree. This man was at his shanty on the west side of the tracks when the shooting occurred. He had lowered the gates for an oncoming train; then he saw an automobile coming from the east.

In that car sitting beside the driver, Levangie said, a man waved a revolver at him, motioning him to raise the gates, and the car sped across. The man with the pistol snapped the trigger at the gateman as the automobile passed. Levangie declared the driver was dark complexioned, with black hair, heavy brown moustache, cheek-bones sticking out, slouch hat, army coat. He identified the driver as Vanzetti.

The District Attorney in his closing argument admitted that Vanzetti could not have been at the wheel, as the testimony was overwhelming that the driver was a light, consumptive looking man. The defense brought four witnesses who absolutely impeached Levangie’s assertions in toto:

HENRY McCARTHY, fireman on the New Haven, talked with Levangie a few minutes after the shooting. Levangie told him he didn’t get a look at the bandits, and was so scared he ran for cover. McCarthy volunteered to testify for the defense after reading Levangie’s assertions in the newspapers.

EDWARD CARTER, shoe-worker for Slater and Morrill, testified that Levangie told him at 4:15 P. M. that day that the driver was light-complexioned.

ALEXANDER VICTORSON, a freight clerk at South Braintree, heard Levangie say immediately after the shooting, “it would be hard to identify those men.”

\*See page 18.

JOHN L. SULLIVAN, gate tender who takes shifts with Levangie, was told by Levangie about two weeks before the trial that he had been interviewed by J. J. McAnarney, counsel for the defense, and that he had told him he was unable to identify anyone. Under cross-examination, Levangie first acknowledged that he remembered this interview. Later he declared, "I don't remember anything about it," and denied having ever told anyone that he was unable to identify the bandits. Asked if had ever described the driver as a "light-complexioned, Swedish or Norwegian type of person," he answered, "No, sir."

Levangie was a loose-jointed fellow, with a shifty eye and a look of cunning in his face. He appeared wholly unabashed at the contradictions brought out during his cross-examination. Rather he had the manner of regarding the whole proceedings as a joke. It would be difficult to imagine a witness less entitled to carry weight. Yet his "identification" was the sole evidence of Vanzetti's presence at the murder scene.

The other identification witnesses of Vanzetti referred to times and places other than those of the crime. They were Faulkner, Dolbeare, Reed, and by a stretch of liberality also Cole.

#### Faulkner's Strange Story

JOHN W. FAULKNER averred that he left Cohasset on the 9:23 a. m. train on April 15. At three stations he was asked by a man across the aisle if this was East Braintree. The inquirer said that a man behind him wanted to know. Faulkner identified Vanzetti as the man in back. This man alighted at East Braintree.

The improbability that any man on

his way to commit murder should attract attention to himself and to the point at which he was to meet his companions in crime, is heightened if applied to Vanzetti who is a man of superior intelligence and who had made frequent journeys on that railroad line.

The morning after the murder, when the news of the crime was published, it occurred to Faulkner that perhaps the Italian on the train might be mixed up with the affair. Then came the arrest and the publication of Sacco's and Vanzetti's pictures. But Faulkner, with the episode fresh in his mind, did nothing. Two months later he was taken to make an identification. At Dedham he testified positively, "He is the man," indicating Vanzetti in the cage opposite to him.

At one point defense counsel McAnarney suddenly requested a certain man in the audience to step forward, a dark man with a big moustache like Vanzetti's, and Faulkner was asked:

"Isn't this the man you saw on the train?"

"I don't know. He might be."

But the dark man bore little resemblance to Vanzetti, except for the big moustache. His name, Joseph Scavitto.

In contradiction of Faulkner's claim, the defense put on the stand the conductor of the train, who certified that no ticket had been collected from Plymouth to East Braintree or to Braintree on that day, and that no cash fare had been paid; and it put on the stand the ticket agents of Plymouth, of Seaside, first station out of Plymouth, and Kingston, the second station out of Plymouth, all of whom testified that no ticket had been sold to either of the above points.

While the jury was being drawn, HARRY DOLBEARE, piano tuner from South Braintree, was excused from service after a whispered conversation with the judge. Summoned later as a prosecution witness, he testified that he asked to be excused because he recognized Vanzetti in court as a man he saw in South Braintree on April 15, fourteen months before he testified.

**"A Tough-Looking Bunch"**

Dolbeare asserted that on that uneventful morning he saw an automobile moving along the street with five men in it, and he noticed particularly the middle man of the three in the rear seat. This man was leaning forward talking with somebody in the front. Dolbeare got only a profile view of him against the background of the black curtain.

"What was it about them that attracted your attention?" asked Attorney McAnarney.

"The appearance of the whole five attracted me. They were strangers to me, and appeared to be foreigners."

"What else?"

"Well, that carload was a tough-looking bunch."

Dolbeare agreed that he had seen many cars containing three, five or seven foreigners coming from the Fore River shipyards.

"Give me some description of the men on the front seat," said McAnarney.

"I wouldn't like to be on record, for my impression isn't firm enough. The men on the front seat impressed me hardly any."

He thought they wore old clothes, but he didn't know whether they wore overalls and jumpers, nor whether they were clean or grimy.

"Give me some description of the other men on the back seat," demanded McAnarney.



**JOSEPH SCAVITTO**

After "identifying" Vanzetti as a man he saw on a train on April 15, John W. Faulkner, confronted with this man admitted Seavitto might be the one he saw.

But Dolbeare couldn't give a single detail except that they were a "tough-looking bunch." All the excitement attendant upon the murders in Braintree that day didn't impel him to inform the authorities that he had seen a tough-looking bunch in an automobile, nor did he go to Brockton police station with the big delegation which went from Braintree after Sacco and Vanzetti were arrested. Even the photographs of Vanzetti published broadcast then did not move him to any action.

**Looks for an Italian**

At 4:15 P. M. on the crime-date, AUSTIN T. REED, gate-tender at the Matfield Crossing, some miles distant from South Braintree put the gates down for a passing train and

brought a big touring car to a stand. "A dark complexioned man" with "kind of hollow cheeks, high cheek bones—stubbled moustache" wearing a slouch hat, called out in "clear and unmistakable" English, "What in hell are you holding us up for?"

Three weeks later, when Sacco and Vanzetti had been arrested and many persons were being taken to the Brockton jail to look them over, Reed went to Brockton, "looked for an Italian," as he testified under cross examination, an Italian with a moustache, and Vanzetti filled the bill. He recognized not only the appearance, but the voice, which speaking in the jail in a conversational tone and in Italian, recalled to the witness "that same gruff voice" in which the Italian had hollered at him from the automobile. This witness was certain of his "identification," although Vanzetti's moustache is the opposite of "stubbled" and his accent is noticeably foreign.

It is to be noted that Reed placed the moustached man with whom he "identified" Vanzetti, on the front seat beside the driver, the location in which almost every other witness had placed the bandit with whom it was sought to identify Sacco.

One other witness, AUSTIN C. COLE, conductor on the trolley car into Brockton on which Sacco and Vanzetti were arrested on the evening of May 5th following the crime, testified that these same men had ridden on his car at the same hour on either April 14th or 15th. If this testimony is accepted as to the 14th, it discredits Faulkner's testimony as to the passenger on the train from Cohasset the following morning. And if it is accepted as to the 15th, then it claims that two red-handed murderers, one of whom had been in the lime-light

before scores of spectators, left their high power automobile to board a trolley several hours later in a town not far from the scene of their crime.

#### Mistaken Identity

Under cross examination Cole admitted that when the two men boarded the car in April he thought at first the larger man was "Tony the Portuguese," whom he had known in Campello for a dozen years.

Defense Counsel McAnarney showed Cole a profile photograph of a man with a large dark moustache.

Q. Do you recognize that picture?

A. It looks like Vanzetti. (Cole, of course was sitting where he could see Vanzetti plainly as he answered.)

Q. That is a picture of Vanzetti?

A. That is what I would call it.

Q. And not a picture of your friend Tony? A. No.

At this juncture a man was brought into the courtroom.

Q. Do you know this man? A. I have met him, yes.

Q. Who is he? A. Tony.

McAnarney showed the picture to Cole again.

Q. Is that a picture of Vanzetti?

A. It looks like it.

But actually it was a photograph of another Italian, wholly unlike Vanzetti except that he has a big moustache.

The foregoing is the whole case against Vanzetti in the way of identification.

#### The Berardelli Revolver

It was the theory of the government that the Harrison & Richardson revolver which Vanzetti carried when arrested had been taken from Berardelli's dead body by the bandit who shot him. No one had seen this done. Prosecutor Katzmann based the theory on evidence that Berardelli was known to have carried a revolver

(whether of similar make is unknown), which had been seen in Berardelli's possession and handled by a prosecution witness, JAMES F. BOSTOCK, the Saturday previous to the shooting, and that no weapon was found on Berardelli after his death.

#### Berardelli Had Gun Repaired

Three weeks before the murders, however, Berardelli took his revolver to the Iver Johnson Company in Boston for repairs, according to testimony given by his widow, MRS. SARAH BERARDELLI. She accompanied him on the trip. The gun had a broken spring.

Berardelli had obtained the revolver originally from his superior, Parmenter, and he gave the repair check to Parmenter so that the latter could take the gun out after it was repaired, the widow stated. "I don't know whether the revolver ever came back....Mr. Parmenter let him have another revolver, with a black handle like the first."

Mrs. Berardelli did not identify the Vanzetti revolver as her husband's.

LINCOLN WADSWORTH, in charge of gun repairing at the Iver Johnson Company, testified that the company's records show that Berardelli brought in a 38-calibre Harrington and Richardson revolver for repairs on March 20. But GEO. FITZMEYER, gunsmith for that firm, testified that a revolver on Repair Job No. 94765 was a 32-calibre gun. The company's records, according to the testimony of JAMES H. JONES, manager of the firearms department, do not show whether the revolver repaired on Job No. 94765 was ever delivered.

When Fitzmeyer was testifying, he was asked to examine the Vanzetti pistol, and he declared that a new hammer had recently been put into

that gun. But he found no indications that any new spring had lately been put into it.

Of important, almost conclusive, bearing upon the state theory is the testimony of Mrs. ALDEAH FLORENCE, the friend with whom Mrs. Berardelli made her home after her husband's death. She testified that the day following the funeral, the widow had lamented, "Oh, dear, if he had taken my advice and taken the revolver out of the shop, maybe he wouldn't be in the same condition he is today." The government might have called Mrs. Berardelli to the witness stand to contradict this evidence had it believed it to be untrue, but did not do so. If Mrs. Florence's testimony stands, and the government did not challenge it, then the rest of the voluminous testimony relative to the pistol is irrelevant.

Vanzetti's gun was traced from owner to owner until no doubt remained as to its identity.

#### Under Shadow of Former Injustice

If the evidence produced in court against Vanzetti was slight, there was nevertheless a fact, never referred to, but in everybody's mind, which cannot fail to have been counted as evidence. Upon his arrest he had been at first charged, not with complicity in the South Braintree crime, but as principal in an attempted holdup at Bridgewater which had occurred the 24th of the previous December, for which crime he had been tried, found guilty, and sentenced to 15 years in State Prison. Reference to this fact was rigorously excluded from the trial at Dedham—so rigorously that the testimony of two police officers of Plymouth who took the stand prepared to testify to the excellent character which Vanzetti had borne previous to his arrest, was likewise excluded.

Under the forms of legal procedure, there was no chance to put in the plea that the earlier trial for the Bridgewater crime was believed by those who had studied the transcript of evidence to have been an almost grotesque travesty of justice. Potentially the Bridgewater crime stalked behind and overshadowed all the evidence introduced against Vanzetti at Dedham.

The failure on the part of Judge Webster Thayer to separate the two trials made it inevitable that this shadow (and no amount of instructions could remove it) also covered Sacco. Judge Thayer had presided at the first trial also.

#### The Alibi Offered by Vanzetti

BARTOLOMEO VANZETTI declared on the witness stand that he was in Plymouth all day on April 15. Plymouth is 35 miles from South Braintree. He gave names of persons to whom he sold fish; told of buying a piece of suiting from Joseph Rosen, a woolen peddler; and of talking with Melvin Corl, a fisherman, while Corl was painting a boat by the sea.

Vanzetti's alibi was supported by eleven undiscredited witnesses.

MRS. ALPHONSINE BRINI testified that Vanzetti brought fish to her home in Cherry Court, Plymouth, about 10 a.m. on April 15. He came back about noon with Rosen, and asked her to examine and pass upon the quality of cloth he had bought for a suit. Mrs. Brini fixed the date by the fact that she had been home a week from the hospital, and that her husband telephoned that day to Dr. Shurtleff for a nurse.

MISS LEEFEVRE BRINI, 15, stated that Vanzetti delivered fish at the Brini home about 10 o'clock on April 15. She had remained home from work that day to care for her mother, who was ill.

MISS GERTRUDE MATHEWS, nurse in medical department of Plymouth Cordage Company, recalled telephone conversation with Dr. Shurtleff regarding the matter of attending Mrs. Brini. Was at Brini home to attend her from April 15 to April 20, inclusive. MRS. ELLA URQUHART, another nurse at the cordage plant, recalled the same message from Dr. Shurtleff.

#### Peddler is Strong Witness

JOSEPH ROSEN, woolen peddler, testified that he met Vanzetti in Suosso's Lane, Plymouth, shortly before noon on April 15. Vanzetti was pushing his fish-cart. They were acquainted. Rosen had sold him cloth before. Sold him a piece of suiting now with a hole in it, "at a bargain"; went with Vanzetti to Brini home to show goods to Mrs. Brini.

Several other persons in Plymouth bought cloth from him that day, Rosen averred. Rosen was actually one of the strongest witnesses in Vanzetti's defense. The prosecution never attempted to disprove his story of his presence in Plymouth on the crime-date. If that story had not been true, it would have been easy for the commonwealth to have discredited Rosen by producing the various persons to whom he said he made sales. One of these was the wife of the police chief of Plymouth.

But the prosecution did not produce any of these persons as witnesses, and Rosen's story stands unshaken in every detail.

That evening Rosen went by train to Whitman, a small town near Brockton. There he read in the Brockton papers about the payroll murders at South Braintree, and he heard many people there talking about the crime. He stayed that night at a small hotel in

Whitman. Next day he returned to Boston. Three weeks later he read of the arrest of Sacco and Vanzetti. Remembering Vanzetti well, he fixed the date by his memory that when he had reached Whitman, all the town was talking about the South Braintree murders.

He also fixed that date as April 15 with reference to a receipt for taxes, paid by his wife on that date, and about which he had spoken to her before leaving home. The receipt was produced in court.

MISS LILLIAN SCHULER, waitress in hotel at Whitman, testified that she rented a room to a man on the night of April 15. Register simply shows that a man occupied the room, and gives no name.

MELVIN CORL, Plymouth fisherman, testified that he was painting a boat on the afternoon of April 15. Vanzetti came down to the shore and talked with him for an hour. Corl fixed the date by reference to his wife's birthday which fell on April 17th, on which date he launched the boat and made a trip to Duxbury to tow a boat back, for which he received \$5.00.

ANGELO GIADOBONE of Plymouth bought fish of Vanzetti on April 15. Remembered date with relation to April 19, when he was operated on for appendicitis. Giadabone said he still owed Vanzetti for the fish. ANTONIO CARBONE of Plymouth attested that he sold fish to Vanzetti on April 15.

## TESTIMONY RELATING ONLY TO SACCO

The government sought to establish Sacco as the dark man "needing a shave" who leaned against the fence below Rice & Hutchins, shot Berardelli, jumped into the automobile and leaning out shot right and left as the car fled through the town. Towards that end, it brought into court four alleged eye-witnesses of the crime and escape who "identified" Sacco. These four were Miss Splaine, Miss Devlin, Pelser and Goodridge. Two others called for the same purpose, Wade and DeBerardinis, disappointed the prosecution by their failure to identify.

first from an east window; then switched to a window facing south. As she stepped to the south window, a man leaned out from behind the front seat.

"He was slightly taller than I," she testified; "weighed about 140 to 145 pounds, had dark hair, dark eyebrows, thin cheeks, and clean-shaven face of a peculiar greenish-white. His forehead was high. His hair was brushed back, and it was, I should think, between two and two and a half inches long. His shoulders were straight out, square. He wore no hat.... His face was clear-cut, clean-cut. He wore a gray shirt. He was a muscular, active looking man, and had a strong left hand, a powerful hand."

She said he was leaning half out of the car, just behind the front seat, and that his left hand was on the back of that seat, presumably at arm's length from his face.

"He was in my view from the middle of the distance between the railroad tracks and the cobbler shop, a

MARY EVA SPLAINE, bookkeeper for Slater and Morrill, gave a remarkably complete description of one of the bandits in the fleeing car, considering that she was in a second-story window a minimum distance of 80 feet from the car, and saw the bandit only in the brief time required for an automobile to travel 35 feet at 18 miles an hour—which is one and one-fifth seconds. She saw the car

distance probably 60 to 70 feet, and half that distance would be 30 to 35 feet. My view was cut off by the cobbler shop."

#### "Forgets" Earlier Doubts

Miss Splaine declared positively that Sacco was the bandit who leaned from the car. Defense Counsel Fred H. Moore confronted her with the record of the preliminary hearing in the Sacco case, which shows that at that time, a year before the trial and a few weeks after the crime and after she had looked Sacco over to her complete satisfaction on three different days, she admitted under oath that she "could not swear positively that Sacco was the bandit."

"That is not true," she now asserted. "I never said it."

But next day she came into court and announced that she wished to change her testimony, and admitted she had said at the preliminary hearing that she could not swear positively Sacco was the bandit. (Page 416, official transcript.) She added that her present certainty of Sacco's be-

ing the bandit came from "reflection." The transcript of the preliminary testimony (Page 56) showed that she had said in police court: "I do not think my opportunity afforded me the right to say he is the man."

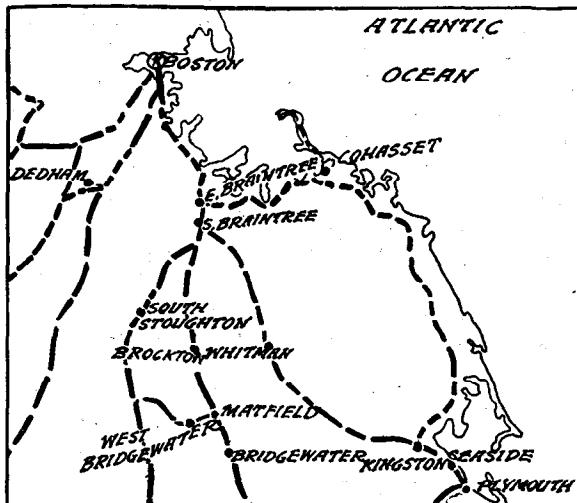
In the preliminary hearing she remembered a revolver in the right hand. At the trial she recalled nothing about the right hand or this revolver.

Finally she admitted that when she visited state police headquarters in Boston shortly after the crime, she was shown a rogues' gallery photograph of a certain man. Of him she said: "He bears a striking resemblance to the bandit."

Later she learned that this man was in Sing Sing prison on April 15.

#### Miss Devlin Also Reverses

FRANCES J. DEVLIN, also a bookkeeper for Slater and Morrill, gave testimony similar to that of Miss Splaine. She saw the escaping car from the same observation point, a window in the second story of the



PLACES IMPORTANT IN THE CASE  
OF SACCO AND VANZETTI

Hampton House, at least 80 feet from the car. She said she saw a man in the right rear seat of the automobile lean out and fire at the crowd.

This bandit, she said, was fairly thick-set, dark, pale, rather good looking, with clear features. His hair grew away from his temples, and was blown back. She "positively identified" Sacco as the bandit.

Under cross examination Miss Devlin admitted she had testified in the preliminary hearing that the bandit was tall and well-built, while Sacco is only 5 feet 6 inches tall. She admitted she said then: "I don't say positively he is the man."

The Quincy police court record shows she said at the preliminary hearing that she got a better view of the chauffeur's face than of the other bandit's. This was manifestly impossible as the car was covered and had a left-hand drive. But at the trial she declared that she never said that; and now said that she did not see the chauffeur's face.

She admitted that Sacco was made to assume postures like that of the bandit for her in Brockton police station.

Answering questions by Prosecutor Harold Williams, Miss Devlin explained she had testified in the lower court that she couldn't say positively that Sacco was the bandit "because of the immensity of the crime. I felt sure in my own mind, but I hated to say so, out and out."

In spite of the seemingly impossible detail of the descriptions of these two young women, considering their position and the extreme brevity of the period of observation, in spite of the manner in which doubt at the preliminary hearings changed into certainty in the final trial, they were the strongest witnesses against Sacco.

The third of these witnesses, LOUIS PELSER, went to pieces on the stand. He was a shoe-cutter in the Rice and Hutchins factory, working on the first floor above the raised basement. Pelser asserted that through the crack of an opened window he saw a man sinking on the pavement, that he opened a window, and that he stood up amid flying bullets and did two things — he wrote down the number of the approaching bandit-automobile and he made a mental note of one bandit who was shooting at the fallen Berardelli. This witness declared that he noticed even the pin in the bandit's collar.

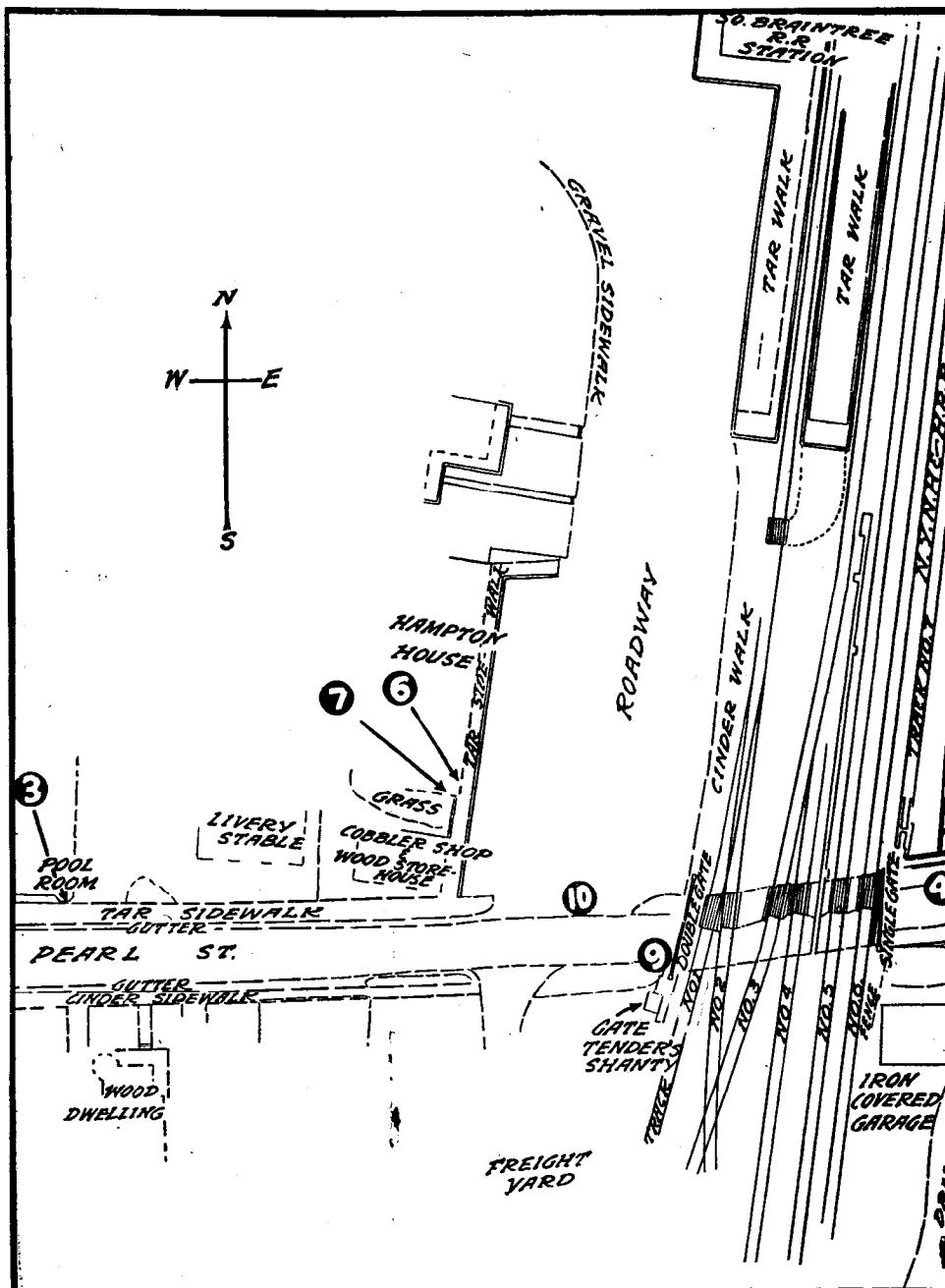
"I wouldn't say it was him," Pelser said, "but Sacco is a dead image of him."

#### Pelser Tangled in Many Lies

Then Pelser proceeded to tangle himself up in lie after lie. He admitted he had lied to Robert Reid, defense investigator, "to avoid being a witness," and that he had told Reid he didn't see anything because he got scared and ducked under a bench. Next he denied ever discussing the case with any one previous to Reid's interview with him, but later admitted he had talked with a state detective previous to that time.

Cross examination revealed that Pelser had been out of work for some time after the tragedy, and had been re-employed by Rice and Hutchins two months before the trial. Subsequently he told his foreman he had testimony to give. On the morning of the day Pelser appeared in court, he talked with Prosecutor Williams, was shown Sacco's picture and was taken to identify him. Fourteen months had elapsed between the crime-date and the day on which Pelser purported to identify Sacco on the witness-stand at Dedham.

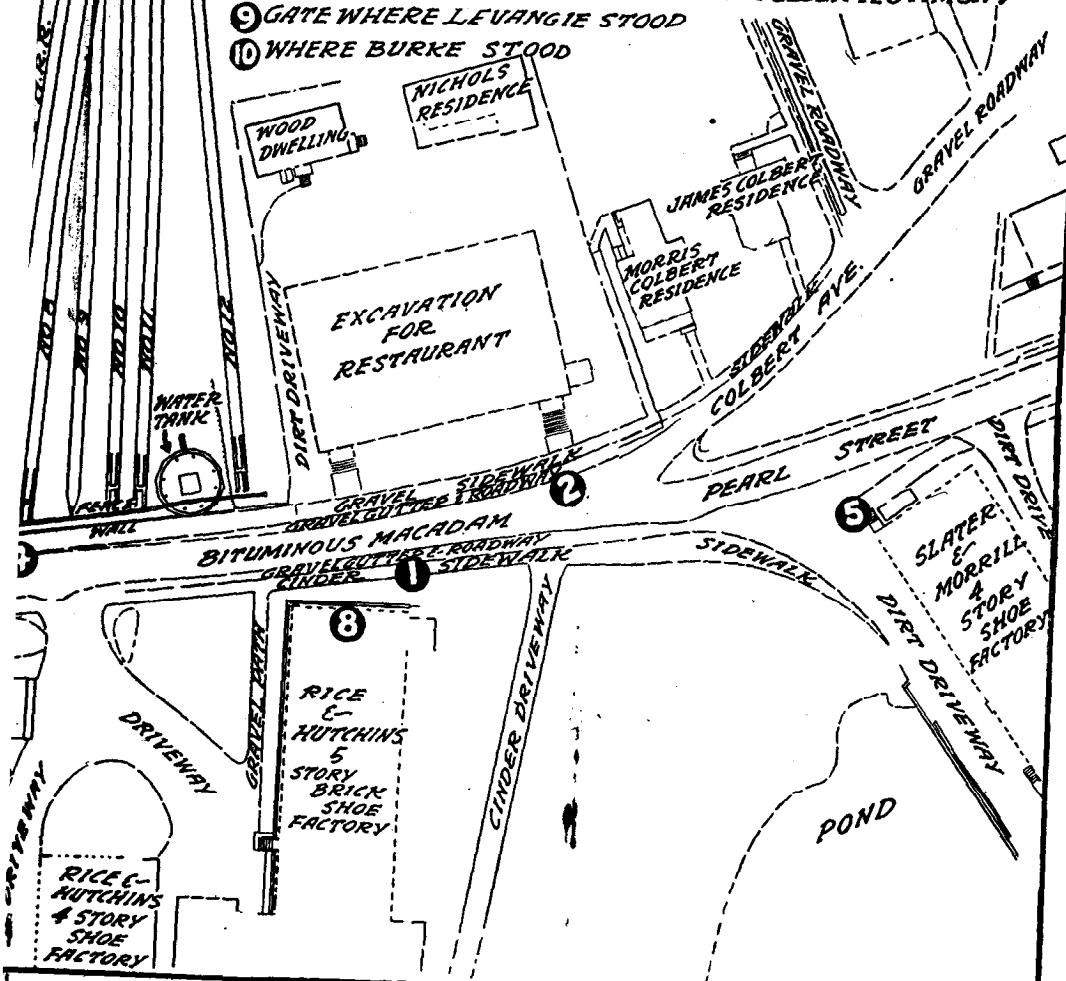
# DIAGRAM OF T



This drawing shows the principal physical details connected with the west ward along Pearl St.

# THE CRIME SCENE

- ① WHERE SHOOTING BEGAN
- ② WHERE PARMENTER FELL
- ③ POOLROOM WHERE GOODRIDGE STOOD
- ④ WHERE BOSTOCK STOOD
- ⑤ WHERE WADE STOOD
- ⑥ WINDOW FROM WHICH MISTES SPLAINE & DEVLIN FIRST LOOKED
- ⑦ WINDOW FROM WHICH THEY TOOK SECOND OBSERVATION
- ⑧ SECOND FLOOR WINDOW CONCERNED IN PELSER TESTIMONY
- ⑨ GATE WHERE LEVANGIE STOOD
- ⑩ WHERE BURKE STOOD



ayroll murders on April 15, 1920. After the shooting the robbers sped  
street and escaped over the country roads.

Pelser was noticeably embarrassed on the stand, mopping his forehead continually, shifting his weight from foot to foot, and unable to understand the simplest questions. Further his testimony was contradicted by three fellow-workers:

WILLIAM BRENNER declared it was he and not Pelser whose station was near the partly open window, and that it was McCollum who opened the window fully. He said that McCollum shouted: "They are shooting; duck!" and that they all dropped down behind the bench. When the shots sounded farther away, they got up again, looked out, somebody got the automobile number and wrote it on the work-bench. By that time the car was near the railroad tracks.

PETER McCOLLUM declared that it was he and not Pelser who threw open the window and shut it again instantly, then dropped down behind the work-bench with his fellows. He was the only one who looked out of the open window during the shooting, he swore. Opaque glass was in all the windows in the work room.

DOMINIC CONSTANTINO confirmed Brenner's and McCullum's testimony. He saw Pelser get under the bench along with the rest. He heard him say afterward that he didn't see anyone. He volunteered as a witness after reading Pelser's testimony in the *Globe*.

#### Pool-Room Star Discredited

The last of the crime-scene witnesses against Sacco, CARLOS E. GOODRIDGE, is a phonograph salesman. He testified that he was in a poolroom on Pearl street a few doors west of the Hampton House. He heard shots, stepped out, saw a bandit-automobile coming; when it was 20 or 25 feet away a man pointed a gun at him; he went back into the poolroom. Man with gun was dark,

smooth-shaven, bareheaded, pointed face, dark suit. Goodridge identified Sacco as that man.

Four witnesses including the proprietor of the poolroom gave the lie to this witness:

PETER MAGAZU, the poolroom proprietor, declared that when Goodridge came back into the poolroom he said the bandit he saw was light-haired; and he had said: "This job wasn't pulled by any foreign people."

HARRY ARRIGONI, barber, related that Goodridge said a week after the shooting that he couldn't identify any of the bandits. NICOLA DAMATO, another barber, said Goodridge told him on April 15 he was in the poolroom when the bandit-car passed and did not see anybody in the automobile.

ANDREW MANGANIO, music store owner and former employer of Goodridge, testified that he had urged him to go to see if he could identify the suspects in jail, and that Goodridge told him it was useless; he couldn't identify the bandits. Manganio declared that Goodridge's reputation for truth and veracity was bad.

With the jury absent, the defense endeavored to introduce testimony to show that when Goodridge first identified Sacco in September, 1920. (when Vanzetti was in this same courtroom in Dedham for a hearing), Goodridge was in court to answer a charge of absconding with funds belonging to his employer. Judge Thayer barred that evidence on the ground that no final judgment was entered in the Goodridge case. Goodridge simply pleaded guilty to the theft, and the case was "filed."

#### Another Man Resembled Bandit

LEWIS L. WADE was a disappointment to the prosecution, as he

was one of those upon whose testimony the indictment of Sacco was based. He was an employee of Slater and Morrill, and was in the street when the crime occurred, saw Berardelli shot from a distance of 72 paces. Just then a car came up; the man at the wheel was pale, 30 to 35 years old, looked sick. The assailant threw a cash box into the car and jumped in.

This man was described by Wade as short, bareheaded, 26 or 27, weighed about 140, hair blown back, needed shave, hair cut with "feather edge" in back. Wore gray shirt.

"Have you seen the man who shot Berardelli since?" asked Prosecutor Williams.

"I thought I saw him in Brockton police station," Wade answered. "I thought then it was Sacco."

But Wade declared now that he wasn't sure. He had felt "a little mite of doubt" when he had testified in the preliminary hearing at Quincy. "I might be mistaken," he had then testified. His doubt deepened about four weeks before he took the witness stand. "I was in a barber shop, and a man came in. His face looked familiar. The more I looked at that man and the more I thought about him the more I thought he resembled the man who killed Berardelli."\*

\*As Wade left the witness stand a member of the police force, he asserts, called him a "piker" and another muttered "We are not through with you yet." A few weeks later he was dismissed from his position: the superintendent intimating that he was acting under pressure. Wade had been in the employ of Slater & Morrill's for 17 years and was drawing a salary of \$52 a week. The statements relative to the muttered remarks of the police officers and the loss of his position and terms of his employment were not submitted to cross-examination.

Another heavy setback awaited the prosecution in the testimony of LOUIS DE BERADINIS, cobbler, who it was claimed had "identified" at Brockton. His shop is on Pearl street with the Hampton building behind, a grass plot being between. He heard shots, ran out of shop, saw bandit-car coming across tracks, man jumping in. Man leaned out of the car with gun in hand, came opposite, pointed gun at him, pulled trigger; no explosion.

#### **"Bandit Was Light; Sacco Is Dark"**

"That bandit was pale, had a long face, awful white," said De Berardinis, "and he had light hair. A thin fellow, light weight. Not like Sacco. The one I saw was light. Sacco is dark."

This is the complete identification case against Sacco so far as the murder scene is concerned. As has been shown, Pelser is discredited by his self-contradictions on the stand, and both his testimony and Goodridge's is refuted by several undiscredited witnesses. The two bookkeepers were at a disadvantage in their location for purposes of identification, and they were positive fourteen months after the crime, whereas only a few weeks after it, they had expressed some uncertainty.

In addition to the above six, the government put five witnesses on the stand who got a sufficiently good view of bandit with whom it was sought to identify Sacco to describe their appearance; namely, Carrigan, Bostock, McGlone, Langlois, and Behrsin. None of them was able to make an identification. It is of prime importance that their locations were such as to make their testimony applicable to the same bandit whom the four "positive" witnesses identify as Sacco.

**MARK E. CARRIGAN**, shoe-worker employed by Slater and Morrill on the third floor of the Hampton House related that he saw Parmenter and Berardelli proceeding from the offices to the main factory with the payroll money, and that he presently heard shooting and saw the bandit-automobile coming east on Pearl street past the Hampton House. He saw a dark Italian looking man in the car with a revolver.

#### Carrigan Contradicts Women

But he could not identify either defendant as being in that car. Carrigan's testimony has a large bearing upon the credibility of Miss Splaine and Miss Devlin, who from a window one floor below where Carrigan was, claimed to identify Sacco as a man who was leaning out of the escaping automobile. Eight feet below Carrigan, the two women were no more than a foot closer to the bandits than he.

**JAMES F. BOSTOCK**, machine installer of Brockton, had been doing work for Slater and Morrill. Shortly before the shooting, he came out of the Slater factory and walked east on Pearl street. He passed two men, who were leaning against a fence arguing. It is not disputed that one of these was the man who shot Berardelli.

Immediately afterward he met Parmenter and Berardelli coming down the road with the payroll boxes. Bostock was a close friend of Parmenter. They exchanged words in a momentary meeting. Just after Bostock had left the paymaster, he heard shots, turned, and saw Parmenter and Berardelli fall. The men he had seen at the fence were shooting. They grabbed the money-boxes and jumped into an oncoming automobile.

Bostock ran around the corner of a high board fence along the New Ha-

ven tracks. The bandit-car passed so close, he said, that he could have touched it with his hand.

He said he could not identify either of the defendants as the highwaymen.

#### McGlone Had Close View

**JAMES E. McGLONE**, teamster, helped lower Parmenter to the ground after the fatal shot. McGlone had been working in the excavation. When the shooting started he ran forward, and saw the bandits at close range. The commonwealth didn't ask him if he could identify. Defendants' counsel had not interviewed him. They asked him in court if he could identify the defendants, and he said he could not.

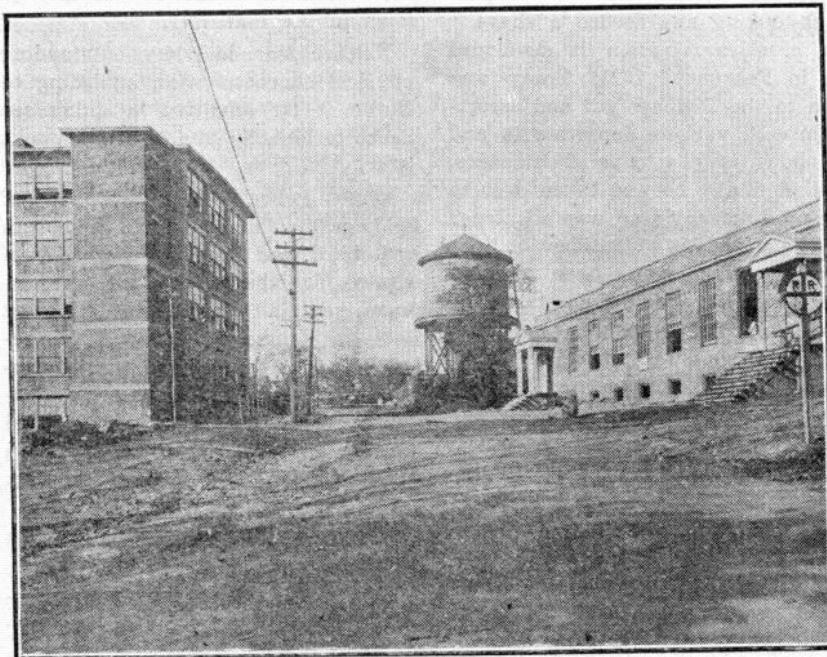
**EDGAR C. LANGLOIS**, foreman of Rice and Hutchins, was on the second floor (from the street level) of that factory, facing on the crime-scene. He could make no identification. The only description he could give was that the highwaymen he saw were "stout, thick-chested — that is, full-chested," a description which fits neither Sacco nor Vanzetti.

Langlois' testimony is highly significant because he was in a central window immediately above the window from which another prosecution witness, Pelser, claimed he observed Sacco. This witness occupies a responsible position in Rice and Hutchins.

#### Slater's Chauffeur Ten Feet Away

**HANS BEHRSIN**, chauffeur for Mr. Slater of the robbed shoe company, testified for the prosecution. He was sitting in a stationary sedan on the right-hand side of Pearl street, a little beyond the pool-room shown in the two-page diagram.

Five men were in the automobile, Behrsin said. They passed him within ten feet. One man was leaning out. The car was going 16 to 18 miles an hour. He could not identify either defendant as being one of the band-



#### SCENE OF THE SOUTH BRAINTREE MURDERS

The shooting began in front of the Rice and Hutchins shoe factory at the left. Paymaster Frederick Parmenter stumbled across the street and fell close to the point where the steps appear at the extreme right of the picture. At that time the restaurant building at the right had not been built; an excavation for that building was in the process of being dug, and numerous men were working with pick and shovel there.

its. A few moments earlier he had noticed the two bandits just before they opened fire, and he described them as light-complexioned.

#### The Morning of the Murder

The government contends further that the bandits had lingered about South Braintree during the morning. Precisely as against Vanzetti, three witnesses uncorroborated—unless impeachment be an inverted kind of corroboration—were brought forward in support of the contention that Sacco had been seen in the town that morning.

WILLIAM S. TRACY, elderly real estate dealer, testified that about 11:45 he saw two men leaning against

the window of a drugstore building he owned. They were "clean-shaven, smooth-faced, respectably dressed." He entered the drugstore, came out, and drove away in his automobile. Returning a few minutes later, he found the men still there, talking. Again he went away and again he came back, and they still were propped against the window.

Tracy identified Sacco as one of these men: "I would not be positive," he said, "but to the best of my recollection he is the same man."

#### Contradicts Other State Witnesses

His statement that the two men were "respectably dressed" contrasts with that of various prosecution wit-

nesses who swore the bandits were rough-looking and needed a shave.

In cross-examination it developed that in February, 1921, Tracy was taken to the Dedham jail and escorted through various departments and was shown large groups of prisoners, and that finally he was taken over to "the pit," where Sacco was all alone; then he made his "identification."

Tracy's testimony is open to wide question. He stands out in stark isolation from the scores or even hundreds of persons who must have stood upon or passed that corner in that noon-hour, for it is the principal intersection of South Braintree, where innumerable people wait daily for electric cars.

Consider, too, that this corner is only a few hundred feet from the scene of the crime, that Sacco had worked at Rice and Hutchins'; and was known presumably by sight to various workers in South Braintree. The defense argues that it is unreasonable to suppose that Sacco, had he been intending to commit robbery and wanton murder in that town within three hours would have lingered on that corner.

#### How Many Men Were Smoking?

WILLIAM J. HERON, railroad police officer, testified that he saw two men in the New Haven station at South Braintree on April 15. One was 5 feet 6, the other 5 feet 11. He identified Sacco as the smaller man. He noticed the two men he said, "because they acted nervous and.... they were smoking cigarettes, one of them." (Page 884, official transcript.)

Q—Which one was smoking? A—The tallest one.

Q—Did you pay much attention to the men when you first came in? A—Not much, only I saw them smoking.

Heron, too, said that the man he saw wore a hat and was respectably

dressed, which conflicts with descriptions of the murderer.

Neither man had any outstanding physical characteristics, according to Heron. He admitted he didn't see Sacco to identify him until six weeks later.

After Police Chief Stewart of Bridgewater and State Policeman Brouillard had lined up Heron as a witness for the prosecution, the defense sent an investigator, Robert Reid, to interrogate Heron. He refused to give the defense any information. When asked in cross-examination why he refused to talk to Reid he gave a curious answer for a man who had been a police officer six years.

"Because I didn't want to be brought into it."

This man's testimony was attacked by the defense from the same angle that Tracy's story was attacked. Defense counsel asked: Is it reasonable to suppose that Sacco, if intending to rob and kill three hours later in that town where he had worked, would have lingered in places where many persons would have opportunity to observe him?

#### Mrs. Andrews' Strange Story

MRS. LOLA ANDREWS, a lady of miscellaneous avocations, attested that on the morning of the crime-date she and Mrs. Julia Campbell went from Quincy to South Braintree to seek work in the shoe factories. They arrived between 11:00 and 11:30. Mrs. Andrews said that she saw an automobile in front of the Slater and Morrill plant, and a man working around the hood.

When they came out of the Slater factory, this man was under the car fixing something. She called him from beneath the car, she asserted, and asked him how to get into the

Rice and Hutchins' factory. She identified this man as Sacco.

But at that moment, according to her own statements, another man was standing near that automobile — a light-complexioned emaciated Swedish-looking man. Mrs. Andrews' testimony does not explain why she addressed her inquiry to the man under the automobile instead of asking the man standing near.

While Mrs. Andrews was being cross-examined by Defense Attorney Moore, and when he was showing her some photographs, she fainted, and was carried out. Prosecutor Katzmann left the room, returned, scanned the faces of the audience, then conferred in whispers with the court. Judge Thayer ordered the courtroom doors closed, and various spectators were searched.

When the witness took the stand again, she asserted that she fainted because she saw a man in court whom she thought was the person who assaulted her in February, 1920, in a toilet in the Quincy lodging house where she has rooms.

#### Impeached by Five

Her testimony was impeached by five defense witnesses. The most important of these was MRS. JULIA CAMPBELL, who accompanied Mrs. Andrews to South Braintree that day, and gave testimony directly opposite.

An elderly but active woman, Mrs. Campbell had come from Maine to testify for the defense after a state detective had told her she needn't go to Massachusetts to testify; that she didn't know anything of importance; and that it would cost too much to have her make the trip.

She submitted to an eyesight test in court at the hands of District Attorn-

ey Katzmann, and proved that she was able to distinguish objects and colors at long distance; one instance was her specifying the color of a hat picked at random among the audience. And she had been working in the shoe factories as a stitcher, at a task which requires unerring vision.

"Neither of us spoke to the man under the automobile," declared Mrs. Campbell. "Mrs. Andrews did not speak to either man. It was I who addressed the inquiry about how to get into the Rice and Hutchins' factory. But I spoke to the man standing in the rear of the car, not to the man underneath."

#### Digging Into Her Past Life

Why did Mrs. Andrews faint in court? HARRY KURLANSKY, a Quincy tailor, testified that she told him she fainted because the defense was digging into her past history, and that she was afraid the lawyers would "bring out the trouble she had with Mr. Landers." Landers was a naval officer, Kurlansky said.

She told him also, Kurlansky stated, that she couldn't identify the men at Braintree. The police wanted her to identify some one in Dedham jail as one of the men she saw in Braintree, but she couldn't because she didn't get a good look at the faces of those men. Kurlansky volunteered to testify for the defense after reading in newspapers of the "identification" she swore to in court.

POLICEMAN GEORGE FAY of Quincy testified that he interviewed Mrs. Andrews in February, 1920, in connection with the alleged assault upon her. Did she suppose that attack had anything to do with the South Braintree affair? She answered that she could not identify the men she saw in Braintree as she didn't get a good

look at them. ALFRED LABREQUE, Quincy reporter and secretary of the Chamber of Commerce there, said she told him the same thing. MISS LENA ALLEN, rooming house proprietor, testified that Mrs. Andrews' reputation for truth and veracity was bad, and that she would never want her in her house again.

At the end of the trial the Government put MRS. MARY GAINES upon the stand to support the testimony of Mrs. Andrews and to contradict that of Mrs. Campbell. Mrs. Gaines declared that a few weeks after the crime she had heard Mrs. Andrews say in Mrs. Campbell's presence that she had spoken to the man under the automobile, and that Mrs. Campbell did not contradict her.

#### **Bandit Cap Is Not Sacco's**

FRED LORING, shoe-worker for Slater and Morrill, stated that he found a dark brown cap near Berardelli's body; it was offered as an exhibit by the commonwealth. When tried on by Sacco on the witness stand, this cap was manifestly and comically too small; whereas a cap of his own, tried on immediately afterward fitted with nicety.

The "bandit cap" was fur-lined and had ear-laps. Sacco never owned a cap of this character. George Kelley, superintendent of the Three K Factory where Sacco worked, said the cap he had seen daily behind Sacco's bench, as he remembered, was a pepper-and-salt cloth, which he believed was different from the one produced by the commonwealth. A cap like the one described by Kelley was found in the house at the time of Sacco's arrest.

#### **Experts Disagree on Fatal Bullet**

Of the four bullets found in Berardelli's dead body, three were admittedly from a Savage pistol.

The other one, however, was from some other kind of revolver, the make of which is in dispute. It is the prosecution's contention that the leaden pellet designated as Bullet No. 3 which inflicted the fatal wound upon Berardelli, was from a Colt automatic found on Sacco when he was arrested three weeks after the murders. The bullet was a Winchester of an obsolete make.

The testimony upon this point by experts put upon the stand by both the government and the defense was voluminous and highly technical. The disagreement was sharp.

CAPTAIN CHARLES VAN AMBURGH, of the Remington Arms Works, testified for the prosecution: "I believe the bullet which killed Berardelli was fired from a Colt automatic pistol....I am inclined to believe it was fired from this Colt automatic." He based this belief, he said, on a mark he found on the bullet, visible only under a microscope, and on similar marks noted on three bullets which he had fired from the revolver. These bullets were all Winchesters of a modern make. On three Peters bullets fired at the same time no such marks were visible. The Peters bullet, he said, are a trifle smaller than Winchesters, and therefore under less pressure. Under cross-examination, Van Amburgh acknowledged that pitting such as was present in the Sacco pistol was generally caused by rust or fouling and that to the best of his judgment, in the pistol before them, it was so caused.

#### **Proctor Learns About Guns**

The other government expert was CAPTAIN WILLIAM H. PROCTOR, head of the state police.

He insisted that Bullet No. 3 was fired from the Sacco revolver. "That

bullet was fired from a 32 Colt automatic," Proctor asserted. "It has a left twist and a .060 of an inch groove. No other revolver except the Colt has a left twist."

"Don't you know," asked Defense Counsel McAnarney, "that at least two other kinds of revolvers make a left twist marking?"

"No, I don't," replied Proctor.

"Do you know that the Spear and the Sauer guns both make a left twist marking?"

Proctor didn't know. He had never seen either kind of gun, never heard of them before. Both are German makes, it appears, and occasionally one of them bobs up in a pawnshop.

Although this witness had said he had been a gun expert in a hundred cases, he was unable to take a Colt automatic revolver apart in court. Proctor struggled with it vainly until his face grew crimson, dropped it on the floor in his awkwardness, and then the court suggested that some one else try. Another expert took the weapon apart in a moment.

"And what is the part of the gun through which the firing pin protrudes?" asked Attorney McAnarney.

"I do not know as I can tell you all the scientific parts of the gun," answered Proctor.

Proctor said he received the Colt pistol and some 32-calibre cartridges from another officer at Brockton police station.

Q. Will you look at this envelope of cartridges and see if you can identify them?

A. That is the same envelope, and it looks like the same amount of cartridges. I can tell by counting them.

Neither revolver nor the bullets were ever impounded before the trial. They were in the hands of police officers, and most of the time in Captain Proctor's possession. Prosec-

cutor Katzmann refused to permit the defense to examine any of the exhibits until they were produced in court.

#### Gun Testimony for Defense

To meet the testimony of Proctor and Van Amburgh, the defense put on two gun experts of long standing — JAMES E. BURNS, noted rifleman, champion pistol shot, and head of a department of the United States Cartridge Company; and JAMES H. FITZGERALD, superintendent of the testing department of the Colt Automatic Pistol Company. Burns declared that Bullet No. 3 might have been fired from either a Colt or a Bayard revolver. The latter is a Belgian gun; many have been brought here since the war. Burns declared positively that the bullet did not come from Sacco's revolver. He fired 8 bullets through it, and all came through clean and without any markings.

Fitzgerald testified that Bullet No. 3 did not come from the Sacco gun; that there was no condition existent in that gun to cause the peculiar marking on the bullet.

Expert Burns fired U. S. bullets, for the reason that, as stated above, the "fatal" bullet was of an obsolete make, and he had found it impossible to secure an exact duplicate in spite of having made great efforts to do so. He considered that the U. S. bullets which he used corresponded more nearly with the "fatal" bullet than did the newer make of Winchester used by Captain Van Amburgh.

To the minds of many who followed this gun testimony, the claim of the government that a certain bullet had been fired from a certain gun seemed farcical. The question was so involved, the chances of error so great, the opinion of experts so conflicting, that it would seem as if a lay jury could hardly have made a final judgment on the matter.. But

that it carried weight with some members of the jury is indicated by the fact that the microscope was called for while the verdict was under consideration.

#### Sacco As a Worker

From 1910 to 1917 he worked in the Milford Shoe Factory. The foreman during four years of this time, JOHN J. MILLICK, a responsible looking person of the English operative type, testified of Sacco, "a steady workman, never lost a day." Asked as to his reputation as a peaceful and law-abiding citizen, he answered "good."

MICHAEL F. KELLEY, the senior partner in the Three K Factory at Stoughton where Sacco was employed the 18 months previous to his arrest, and his son GEORGE KELLEY, superintendent and part owner, bore testimony as to Sacco's character similar to that of Mr. Millick.

#### Where Was Sacco on Crime-Date?

Both of the Kelleys gave testimony which dove-tailed in with that of others in establishing Sacco's alibi. Late in March, Sacco had told both Michael and George Kelley that he had received letters from Italy announcing his mother's death, and that he must go home as soon as possible to see his father. With George Kelley he had arranged to break in another man to do his work and that he should be free to start for Italy as soon as his place was satisfactorily filled.

On Monday or Tuesday of the week of April 15th, Sacco told George Kelley he would like a day off that week, to make a trip to Boston and get the passport. On Wednesday, April 14th, Sacco told him that he was well ahead of his work and would go to Boston the following day. He was absent the following day, Thursday, April 15th (the fate-

ful day of the South Braintree murder), in Boston; so Sacco claimed and so George Kelley believed. The day following that, April 16th, Sacco was at work at the usual hour. This day, the 15th of April, was the only day of absence which George Kelley recalled. And he believed he would have remembered had Sacco been absent on any other day as his was "a one-man job," and if "he was out, the work was blocked."

It was not controverted that Sacco had been to Boston about his passport at approximately the date he claimed. Whether he had really gone to Boston on April 15th as he claimed, or to South Braintree to commit murder as the Government claimed, was the issue, and the main issue of the trial. Ten witnesses supported the alibi. The truthfulness of their testimony was not impeached, although efforts were made to impeach the reliability of their memory. However, it appears that they certainly saw Sacco in various parts of Boston some day that week. And since Thursday was the only day Sacco was not at work, there is only one logical conclusion.

Mrs. Sacco, when upon the witness stand, unwittingly to herself buttressed her husband's alibi claim. She fixed the date he had gone for the passport by the visit she received from a friend who had come with his wife from Milford the day her husband was absent, and who had stayed to dinner. The friend she said was Enrico Iacovelli whom her husband had sent for to see Mr. Kelley and arrange to be broken into Sacco's work.

HENRY IACOVELLI, the shoe-worker who took Sacco's place in the Kelley factory, testified that he received a letter from Michael Kelley offering him Sacco's job as an edge-trimmer, a highly important function



NICOLA SACCO, HIS WIFE AND THEIR SON DANTE

This photograph, taken shortly before Sacco's arrest, is the one which was rejected at the Italian consulate as being too large for passport purposes. It bears the signature of Giuseppe Adrower, clerk, who saw it on the crime-date.

in the factory mechanism. He replied that he could go and talk with Kelley on April 15; went to see him that day; called at the Sacco home to see Sacco; Mrs. Sacco informed him that her husband was in Boston arranging for passports.

The original correspondence exchanged between Kelley and Iacovelli was introduced as evidence by the defense.

#### **Others Support Sacco's Alibi**

SACCO declared under oath that he took the 8:56 o'clock train from South Stoughton to Boston on April 15, to arrange for passports to Italy. South Stoughton is 19 miles from Boston.

In Boston, Sacco said, he had lunch with friends at Boni's restaurant in North Square, then went to the Italian consulate to see about the passports. A photograph of his wife, son Dante and self which he brought was too large for consular purposes; there was considerable conversation about that; he was instructed to furnish a smaller picture.

On the streets he met and talked with certain persons. Going again to North Square, he spent some time in Giordano's coffee-house; then went to East Boston, where he paid a bill for groceries, and finally returned to Stoughton on a train about 4:20 p. m.

This alibi was supported by nine witnesses.

PROF. FELICE GUADAGNI, journalist and lecturer, testified that he had lunch at Boni's on April 15 with Sacco and Albert Bosco, editor of *La Notizia*. While they ate, John D. Williams, an advertising agent, entered and joined them. Sacco told them about his intention to visit the consulate. They discussed the banquet given that day by Italians to Mr. Williams of the Boston Transcript who had been decorated by the King of Italy for the stand his paper had

taken in the war—a memorable occasion among Boston Italians.

Later that afternoon Guadagni met Sacco again in Giordano's coffee-house. And after the arrest of the defendants, Guadagni said he visited the consulate and talked with Giuseppe Adrower, clerk there, establishing the fact that Sacco had applied for a passport on April 15 and had been sent away because the photograph he brought was too large.

PROF. ANTONIO DENTAMARO, Manager of the Foreign Department of the Haymarket National Bank in Boston, testified in court that he met Sacco in Giordano's coffee-house on April 15, between 2 and 3 p. m. Remembered date because he went to the Coffee House directly from the banquet to Mr. Williams, which he had attended.

ALBERT BOSCO, editor of *La Notizia*, conservative Italian daily newspaper in Boston, testified likewise as to the presence of Sacco and the others in Boni's on that day.

He especially remembered meeting Sacco because he had been sent a Sacco because he had sent a message by him to Leone Mucci, a member of the Chamber of Deputies in Italy.

They had talked about Sacco's prospective return to Italy. Sacco had said he had come to Boston to get his passport.

CARLOS AFFE, East Boston grocer, testified that between 3 and 4 o'clock on April 15 he was paid by Sacco for an order of groceries purchased at an earlier date. He exhibited a note-book record of the transaction.

#### **Consul's Aide Testifies in Rome**

GIUSEPPE ADROWER, clerk in the Italian consulate at Boston for 6 years, and now in Italy, testified in a deposition sworn to before the American consul general at Rome. He

identified the photograph of Sacco, Mrs. Sacco and their son as a picture Sacco brought to the consulate on April 15. He corroborated Sacco's statements regarding his difficulties over passports.

Adrower remembered telling Sacco that the picture was too large, and that he laughed with others in the consulate over the big photograph, and his eye happened to catch the date on the calendar while so doing. Sacco left the consulate a few minutes before the office was closed for the day; it is regularly open from 10 to 3. Very few persons were there that afternoon....Adrower went to Italy May 20, 1920, for his health, but Guadagni testified that he talked with Adrower about Sacco and the photograph shortly after Sacco's arrest.

One alibi witness who was brought forward late in the trial and by the merest chance offered what would seem to be incontrovertible evidence. It appeared that Sacco one day had noticed a face in the audience at the

court-room which arrested his attention. He called for Mr. McAnarney and asked him to find out if that man was on the train coming from Boston to Stoughton in the evening of April 15, 1920. Mr. McAnarney called the man into the lobby and inquired. "I don't know," answered the stranger, "but will see if I can find out."

It developed that he was a contractor who kept his own time in his business books, by the hour; and from his books, put in evidence and from a check dated April 15th, and used to buy supplies in Boston upon the date in question as well as by the bills for these supplies, he was able to locate himself on that very train. He did not know Sacco and had no recollection of having ever seen him until he dropped in as a spectator at the trial. His name is JAMES M. HAYES; his residence and place of business, Stoughton, Mass.

The District Attorney, attempting to demolish Sacco's alibi in his closing argument, was silent as to the evidence offered by Hayes.

## TESTIMONY RELATING TO BOTH—AND TO NEITHER

The discussion of the testimony against Vanzetti and against Sacco must be supplemented with a number of other considerations. In the first place, there were 22 persons on the stand for the defense on the issue of identifications, who had at least as good an opportunity to see the crime and the criminals as the several state witnesses, and who said positively that these were not the bandits.

In the second place, 13 witnesses put on the stand by the prosecution for the purpose of establishing some facts of the crime, of whom several were excellently placed to make iden-

tifications, and certainly seemed anxious to apprehend the guilty persons, could not identify either of the defendants.

Thirdly, the government sought to bolster its testimony by evolving a far-fetched and intangible theory of "consciousness of guilt" at the time of arrest, which in turn brought into the limelight the circumstances of the arrest and the defendants' unpopular social views. There are also a number of other points which consumed much time, clouded the issues, and really had no bearing upon the case.

Testimony contradicting that of Mary Eva Splaine and Frances Devlin was given by FRANK BURKE, lecturer, who observed the bandits escape from a much better vantage point than either woman. He was on Pearl street near the New Haven tracks and in the immediate path of the escaping car.

**"Neither of the Defendants"**

He stood within ten feet of the automobile. He saw two men in it, both dark. The bandit leaning out of the rear seat pointed an automatic pistol at him and pulled the trigger, but there was no explosion. Burke got a full view of the man who the prosecution claimed was Sacco. He described him as very full-faced—flat, and a broad, heavy jaw; needed a shave badly, "dark complexioned, looked rather a desperate type of man."

But Burke declared that neither bandit was Sacco or Vanzetti. He had an unobstructed view of the car as it fled, while the view of Miss Splaine and Miss Devlin was cut off by the cobbler shop. From a distance of ten feet instead of 80 as in the case of Misses. Splane and Devlin he described the man on the right side front seat who the government claims was Sacco.

WINFRED PIERCE and LAURENCE FERGUSON, shoe-workers on third floor of Hampton House, saw bandit-car escape from a window directly above where Miss Splaine and Miss Devlin observed the car. Pierce saw one bandit shoot at his friend, Carl Knipps. Both described the bandit leaning out of the car and shooting, but declared neither Sacco nor Vanzetti was that man.

BARBARA LISCOMB, a woman of about thirty, of good personality, employed as a healer, on the third floor of the Rice and Hutchins fac-

room in which Pelser worked. She had heard shots, ran to the window; saw two men lying on the ground; a dark man with a pistol in hand standing over Berardelli. He wheeled around and pointed the pistol at her. She fainted, but in the instant of observation, she declared the image of the bandit was firmly implanted in her mind. "I shall remember that face all my life. That man was neither of the defendants. Of that I am positive."

This is the man with whom it was sought to identify Sacco.

MRS. JENNIE NOVELLI, trained nurse, saw a big touring car drive slowly up the street shortly before the murder occurred and took particular notice of the chauffeur and the man beside him, whom she thought at first she recognized. Asked if either of these men were Sacco or Vanzetti she answered, "No, they were not."

**State Ignores Eye-Witness**

ALBERT FRANTELLO, worker in Slater and Morrill plant. Passed from one factory building to another at 2:55 p.m. Saw two men leaning on fence in front of Rice and Hutchins factory. Was close enough to touch them. Frantello, who is American of Italian descent, is certain Sacco and Vanzetti are not those two men. Was interviewed by state police officers, and was not summoned by prosecution.

One of the men whom Frantello described was the bandit with whom it was sought to identify Sacco.

DANIEL J. O'NEIL, 19 years old, a business school graduate, got off the train from Boston and was sitting in a taxi-cab with a Mr. Gilman when he heard the shooting. He got a distinct impression of at least one of the bandits at a distance of

155 to 170 feet from the automobile. He said positively that neither of the defendants was the man he saw.

#### Laborers Testify for Defense

Five among 22 defense witnesses were laborers shoveling in an excavation across the street from the shooting. They were foreigners who had to speak through interpreters. In cross-examination it was sought to show that they had been too scared or too far from the scene of action to see anything. Their testimony was not broken down, but presumably was accorded little weight. One of them, a Spaniard by the name of PEDRO ISCORLA, was 40 or 50 feet from crime-action; had gone to get a drink of water. Says man who shot policeman (that is Berardelli) was high and thin, slim. Light complexion, 5 feet 8 or 9. Man who shot paymaster was a little shorter and dark.

EMILIO FALCONE, was a hundred feet from crime-action. Saw man who did shooting; he was light, tall. Not Sacco nor Vanzetti. HENRY CERRO, granite-cutter from Vermont, also worked in excavation. Saw shooting 90 feet away. Carpenter was shot by a light-haired man, he declared.

Five other witnesses were working on the railroad some distance from the crossing and claimed to have run up toward the gate house in time to see the bandit-car across the track. ANGELO RICCI, section gang foreman was put later on by the government to show that they had not left the place where they were at work. Under cross examination he had exclaimed, "What the hell, I did the best I could; when you've got 24 men you can't put a string on them. I told them to stop and if they sneaked around the piles of dirt I couldn't help it." One of these labor-

ers, JOSEPH CELLUCCI, wearing the uniform of a sailor from the training station at Newport News, declared he stood within 10 or 12 feet of the car, and that one of the bandits fired a shot at him which left him deaf for 3 days. He described that man and another sitting beside the driver; both about 20 years old. Neither one was Sacco nor Vanzetti, he declared.

Another of them, NICOLA GATTI, is especially important because he had been a neighbor of Sacco in Milford eight years back. Had he seen him in the bandit car he could not have failed to remember. Said he got a good view of the two men in front (with one of them it was sought to identify Sacco) and one behind. Asked if either of the defendants were any of these men, he answered, "No."

#### Thirteen Who Could Not Identify

Thirteen prosecution witnesses testified to facts pertinent to the exact moment of the murders, or in connection with the escape — but did not identify. Of these, several could not have been expected to make identification, but others had an excellent view. Five of these have already been discussed under Sacco's case because they were in a position to see the bandit whom the government sought to identify with Sacco.\* The others are Shelley Neal, Mrs. Annie Nichols, Harris A. Colbert, Daniel Buckley, Mrs. Alta Baker, F. C. Clark, John P. Lloyd, and Julia Kelliher.

Neal was an important government witness because he attempted to identify the bandit-car with an automobile stationed against the entrance of the express office, in the morning when the money arrived. He claims to have seen neither Sacco or Vanzetti.

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\*See page 27.



**THE FOUR PROSECUTORS:** District Attorney Frederick G. Katzmann is second in line from the left, his assistant, Harold D. Williams, is first; and his other assistants, William F. Kane, George E. Adams are third and fourth.

A summary of the identification testimony for the government and for the defense is now in place. Of 35 witnesses called, 7 were unable to make any identifications; 22 were certain that neither Sacco nor Vanzetti were the men they had seen; 4 identified Sacco—two of them making serious changes from former testimony, and the other two thoroughly discredited; only one, the man whom the prosecution itself was obliged to "interpret," identified Vanzetti.

#### "Consciousness of Guilt"

The prosecution contended that the defendants, by their actions, attitude and utterances on the night of May 5, when they were arrested, displayed consciousness of guilt of the South Braintree murders.

Officer MICHAEL CONNOLLY who arrested Sacco and Vanzetti in a trolley car going into Brockton, asserts that as he approached them Vanzetti put his hand in his hip pocket and that thereupon he, Con-

nolly, said: "You keep your hands in your lap or you will be sorry." Connolly further testified that he took a revolver from Vanzetti and kept him covered with it until he delivered him to officer Connolly making the arrest was officer Vaughn. Vaughn said he took the revolver from Vanzetti's right hip pocket (Transcript, p. 1280). Connolly said it was in left (Transcript p. 1284). Vaughn refused to corroborate the story of Vanzetti reaching the gun.

In the automobile which carried the arrested men to police station, Connolly testified that Sacco twice reached his hand to put under his overcoat, and that he told him to keep his hands outside his clothes and on his lap. That some conversation about keeping hands where they belong may have taken place is confirmed by Officer MERLE A. SPEAR, driving the automobile, who testified to hearing Sacco say, "You needn't be afraid of me." The government drew from this testimony a deduction of "con-

sciousness of guilt." What, they ask, could have prompted men to resist arrest, unless there was a murder on their conscience?

That the defendants did not tell the truth about their movements and on other matters on the night of their arrest is not disputed. The State interprets this as an indication of "consciousness of guilt" of the South Braintree murders, whereas Sacco and Vanzetti themselves insist that they did not speak freely to the police because they were in the midst of a perfectly lawful, but highly imprudent work of propoganda, and they were unwilling to involve themselves or their comrades with the police.

#### How Radicalism Got Into the Trial

The arrest of Sacco and Vanzetti was due to an accident. A man named Mike Boda owned a small Overland car which he had left for repair in a garage at West Bridgewater, near the house where until recently he had boarded. And upon the slender clue that Boda was alleged to have been seen once some weeks earlier driving a larger car than his own small affair, and which suggested the seven-passenger Buick believed to have been used in the South Braintree murder, the police had arranged with Simon Johnson, manager of the garage, to notify them whenever Boda should call for his car.

On the evening of May 5th Boda called, and in his company were three Italians, identified later as Sacco, Vanzetti and Ricardo Orciani, the latter riding a motorcycle with a side-car. While Boda was waiting for Mr. Johnson and talking with him, Mrs. Johnson went to a neighbor's house to telephone the police; and on her way back she took note of the three

men lingering in the road, who, she thought, behaved suspiciously.

Boda was advised by Mr. Johnson that he had better not take his car, which lacked 1920 number plates. So he said he would call or send for it later, and he rode off in the side car of the motorcycle, while Sacco and Vanzetti took a trolley car to Brockton, and ran into the trap set upon so slender a clue for Boda if the state's story is true.

At the police station Sacco and Vanzetti gave an evasive explanation of their presence in Brockton; they denied having been at the Johnson house; they denied knowing Boda. But Mrs. Johnson, who came over from West Bridgewater the next day, recognized them.

This forced upon the defense a full statement upon matters which the District Attorney and the Judge had agreed beforehand should be kept out of the trial. It had to be explained for what purpose Boda's automobile was wanted, and why Sacco and Vanzetti, when arrested, had tried to conceal that purpose, — they had to explain this or in effect plead guilty. Thus it was that radicalism became the crux of the trial.

#### Why They Wanted An Automobile

Disconnectedly, and blocked at each significant point by legal rulings, Sacco and Vanzetti, under questions from their counsel, succeeded in explaining why they wanted Boda's automobile. On Sunday, April 18, they had attended a meeting of the Italian Naturalization Club in East Boston "to help the political prisoners, but especially Salsedo and Elia."

"Who was Salsedo?"

District Attorney: "I object."

At a second meeting on Sunday,

April 26th, it was decided to send Vanzetti to New York.

Q. "What did you go to New York for?"

D. A. "How is that competent?"

Court: "How is that involved in this matter at all?"

That Vanzetti did go to New York he was allowed to state, and that he conferred there with the Italian Defense Committee, whose Secretary, Luigi Quintiliano, conferred with Walter Nelles, later the counsel for Salsedo's widow. What this lawyer advised was reported back to the little group the following Sunday, May 2. It was to gather and hide all radical books and literature, as further "Red raids" might be expected.

"We speak about the means," Sacco testified, "how to do....The best way to take by automobile, could run more fast, could get more fast, could hide more fast....We had been talking about somebody who had an automobile.... Well, Orciani says he knows Boda, he has an automobile. I will ask him if he wants to come. I think he won't refuse to do such work, because he is a Socialist himself. He is an active Socialist."

So Orciani agreed to see Boda, and to report to Sacco. And as a result, on the following Wednesday, May 5th, Sacco and Vanzetti met Orciani and Boda in West Bridgewater, outside the Johnson home, and later were arrested.

The events thus outlined were checked up at every point by witnesses whose testimony was not challenged, including Walter Nelles, Luigi Quintiliano and Frank Lopez.

#### At the Police Station

At the police station in Brockton Sacco and Vanzetti claim they were threatened and terrorized. This the police officers denied. But it was not denied that they were questioned

about their opinions, "Are you a Socialist? Are you an Anarchist?" etc., and that the crime of which they were under suspicion was not told them.

"Never thought anything else than radical," said Sacco, "because I was not registered and I was working for the movement for the working class, the laboring class." And Vanzetti explained, "I did not answer the full truth because I was scared to give the names and addresses of my friends....as at that time they went through the house of many men who were active in the radical movement and the labor movement, to go there and to take letters, and take books and take newspapers and put them in jail and deport many."

"I asked them many times," said Vanzetti, "why we were arrested, and they said, 'Oh, you know, you know'."

Asked to account for their whereabouts on April 15th, the day of the murder, Sacco said he thought he was working, but he wasn't sure. He had been out one whole day, he remembered, to see about his passport, but he did not remember the day.

And Vanzetti, when questioned on the same matter, answered: "I never knew in that time on the 15th and on the 24th it was the day of the South Braintree assault....I did intend to tell you the truth, but I never can dream that you will say that on the 15th and the 24th I went to steal and to kill a man."

Had Sacco and Vanzetti committed murder on April 15th, would they have been unprepared with a story to account for themselves on that day? No one denied that Sacco had been in Boston some time toward the middle of April about his passport. Had he a guilty conscience, would he not have had the day of the week and the date of the month on the tip of

his tongue, and witnesses on the string, instead of leaving it to friends to discover them tardily?

Having spent the evening in the company of other radicals, planning how to hide literature from the government, Salsedo's fate in mind, is it strange that Sacco and Vanzetti were evasive in their answers in police court? Yet that evasiveness, in conjunction with the testimony of Officer Connolly constitutes the basis and the whole basis for the "consciousness of guilt" theory. To combat it the truth of the men's activities and opinions as radicals and labor organizers had to be shown to the jury — facts that were already known from the newspapers anyhow, but nevertheless riveting whatever prejudice already existed.

#### Had Evaded the Draft

Vanzetti was on the witness stand for a day and a half, and Sacco for two and a half days. Each of them was submitted to a grilling cross-examination.

It developed from their own testimony in the course of the trial that both defendants had evaded the draft by going to Mexico just before the conscription law became effective, and after returning to this country four months later they moved from place to place to avoid registration. They asserted in strong terms that they would likewise have refused to fight for any other country, because they were opposed to all capitalistic wars.

#### Defendants Were Armed

Special emphasis was laid by the prosecution upon the fact that both defendants carried guns on the night of arrest. Unquestionably this played a large part in the conviction. Sacco's revolver was of .32 calibre, fully loaded, and he carried 22 extra cartridges. The revolver was in a

holster, which hung down inside his trousers, in the same manner in which he had carried the gun for months as a night watchman.

Vanzetti bore a 38-calibre Harrington and Richardson revolver, loaded, but without extra cartridges. Four shotgun shells were among his possessions. He had no gun to fire such shells, but had been given them to sell to a man he knew who was a hunter.

It is a notorious fact that many persons, especially among the foreign elements, have guns in their possession. A census on the matter in New England would doubtless reveal a larger proportion of revolver-owners than most people suspect. On the witness stand Vanzetti claimed that he had bought the gun the previous February from an Italian. "I got the revolver because it was a very bad time and I like to have a revolver in self defense....When I went to Boston for fish I can carry \$80, \$100, \$120—I mean it was many crimes, many holdups, many robberies."

The revolver, he said, was loaded when he bought it and he had never fired it off; and there was this to confirm his claim—that he had no additional cartridges on his person or in his house.

Sacco said he had bought his revolver from an Italian several years back, and that he was apt to carry it when he came from Boston late at night carrying groceries. He had carried it by direction of his employer, when acting as night watchman at the Three K Factory. He said that on the night of his arrest he carried it, along with 22 cartridges in his pocket, because, as he and his wife were packing up to start for Italy, he had intended to fire the cartridges in the woods. Then Boda and Orciani ar-

rived, the trip to get the automobile was planned and in his excitement he forgot about the pistol and the cartridges in his pocket. The fact that the number of cartridges in his pocket was so far beyond any conceivable uses and that not a one was left behind in his house, was some confirmation of his story.

#### The Missing Pay Roll

The murderers of Parmenter and Berardelli were incidental to the capture of a \$15,776 payroll. In stating its case, the government indicated that it would show how this loot had been disposed of. But this it did not do. No claim was put forward that either Sacco or Vanzetti or anyone connected with them had given any signs of having an unusual supply of money.

On the contrary, the unchallenged story of the need for Boda's automobile, a pathetic little machine which was unable to run on its own power from West Bridgewater to Dedham where it was put on exhibition, comported ill with habits of men with \$15,000 loot in their pockets. Why should bandits who had made a big haul be riding about in trolley cars in the neighborhood of the crime, whether the errand on which they were bent was the collection of radical literature or some unexplained object?

#### The Mysterious Bullet-hole

A Buick car, which was never actually connected with the crime, and by no stretch of the imagination with the defendants, was nevertheless shown to the jury over the protests of the defense. Day after day that car stood outside the court house. In the state's outline of the case against the defendants the car played a big role, but in the evidence it appeared to be a detached and sus-

picious item which did not link up with Sacco or Vanzetti. When talk about it and the sight of it had done sufficient havoc against the men, it was ruled out—that is, it was not admitted as an exhibit.

But the developments in connection with this car give some index to the weakness and dubiousness of the whole series of allegations, and for that reason we enter into some detail.

It is of prime importance to note that the Buick was not in the same condition when seen by the jury as when found abandoned in a woods near West Bridgewater April 17, 1920. When the jury inspected it there was a "bullet-hole" in the right rear door which wasn't there when the car was found by CHARLES L. FULLER and MAX WIND of Brockton, nor when it was examined at length 45 minutes later by POLICE MARSHAL RYAN and POLICEMAN WILLIAM S. HILL. All these four were prosecution witnesses.

"I first saw the bullet-hole the next morning at the Brockton Police station," Hill testified; "they had found it the night before."

Prosecutor Harold Williams was guilty of a serious mistake concerning the Buick car in his opening address, a statement calculated to have large weight with the jury. He said:

"Two men riding horses found in the woods a 1920 seven-passenger Buick with a bullet-hole in the right-hand side in back; shot from the inside to the outside."

Williams had a year in which to prepare his case, and should have known that Fuller, Wind, Ryan and Hill would testify otherwise.

### The Public Meeting

In Sacco's pocket, on his arrest, was the draft of what he called a "manifest," worded in quite splendid diction, which Vanzetti had written while they were awaiting a trolley car for West Bridgewater, announcing a meeting in Brockton which he was to address. Sacco was to have 500 of the fliers printed, and Boda's automobile, had they obtained it, would have been used that night to pass the word along. Clark Hall, within a stone's throw of the Brockton Police Station, had been hired for the following Sunday, May 9. The subject of the meeting was to denounce the outrages done upon Sal-sedo and Elia, and to collect money for the defense of political prisoners. Sacco admitted that they knew it was risky business, for such a meeting was sure to attract attention of the police,—but they "took a chance."

Can it be conceived, however, that such a chance would be taken by men who had been in the limelight less

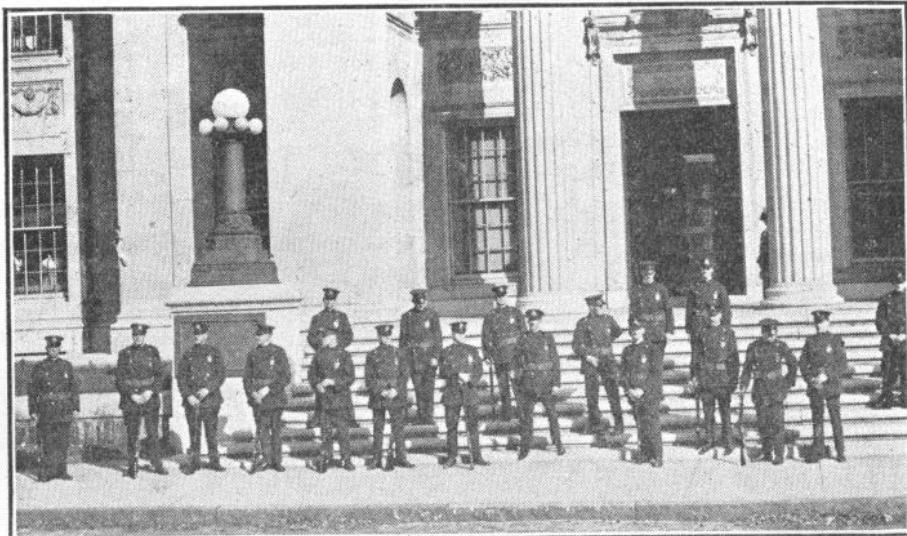
than three weeks before in connection with atrocious murders in a nearby town? Would not a public platform and five hundred fliers strewn abroad announcing Vanzetti as the speaker, be the one thing in the world which, if conscious of murder, it would be certain he would not do?

Apart from all other evidence, this public meeting and the five hundred fliers, would seem to demonstrate the innocence of Sacco and Vanzetti of the crime of which they were accused.

In confirmation of the statements of Sacco and Vanzetti relative to this meeting and the draft of the flier which Sacco carried, MICHAEL COLONBO testified that he and ROCCO D'ALESSANDRO conferred regarding the hiring of a hall, and PARDO MONTAGANO stated that he engaged Clark Hall in Brockton for that meeting.

### "What Was Never Told"

The contempt, as if it were a mere absurdity, with which the radical literature story was put aside, in spite



THE ATMOSPHERE AT THE DEDHAM COURT HOUSE

of the fact that it was buttressed by unimpeached witnesses, was possible because under legal rulings, the facts were so meagerly stated as to be obscure and unimpressive.

The fragmentary sentences, injected by the accused in the course of their long interrogation and ordered stricken out by the Judge, gave no indication of the terrors which aliens were under in the early months of 1920—how they were rounded up in raids, jailed without warrant, held incommunicado, examined without the aid of counsel, threatened, beaten, tortured.

#### Trial Atmosphere Is Prejudicial

Throughout the trial the defendants were surrounded by an atmosphere of prejudice and antipathy. Though presumed by law to be innocent until proven guilty, they were tried in a steel cage, which is an integral part of the equipment of a Massachusetts court of justice, and they were treated in every respect as desperate characters. Precautions were taken against imaginary dangers: heavy guards, searchings of spectators, strong escort for the defendants as they were led in the middle of the street to and from the courthouse. The jury could not escape these suggestions. There were newspaper stories, too, alleging that threatening letters had been received by prospective jurors and by various court officials. None of these stories were ever backed up by any facts, the press failing to publish the names of any recipients of such letters; but unquestionably these reports, wherever they originated, conveyed to the jurors who finally served, the idea that Sacco and Vanzetti and their friends were dangerous persons.

Stories of threatening letters were revived in the autumn when the case came once more into court on a mo-

tion for a new trial. They persisted despite the repeated denials on the part of Governor Channing Cox, Judge Webster Thayer, and other supposed recipients of such threats.

#### Jurors Taken from Masonic Lodge

Five hundred talesmen were examined and only seven among them were found willing to send men to the electric chair on circumstantial evidence. The false stories spread through the county about the two men had imbued the population with a spirit of fear and hysteria. Those who went into the box had the "courage to convict." Judge Thayer ordered the sheriff to bring in 175 more men, "from among the bystanders and the county at large." The sheriff and his deputies did not follow the law, the defense contends; in one instance the deputies picked nine talesmen from a Masonic meeting. This may have been a mere accident but it is unfortunate that the District Attorney is an active member of the Masons and that one of the deceased, Parmenter, was also a Mason.

No opportunity was accorded the defense to learn the antecedents of the final five jurors; and the court refused to interrogate any of the 175 as to their attitude toward organized labor. This will be one of the strong points in a pending appeal.

#### The Court's Charge to the Jury

Friends of the defendants who watched the proceedings declare that throughout the trial Judge Webster Thayer displayed an attitude of mind seriously prejudicial to the interests of the defendants. Inasmuch as this pamphlet is designed to present facts that are already matters of public record, it is hardly proper now to go into the details of how this attitude expressed itself. But it is anticipated

that this phase will be revealed in its full significance in later developments.

Various disinterested persons who have examined the stenographic report of the Sacco-Vanzetti trial indicate that the record of Judge Thayer's utterances shows repeated instances of poor judgment, to say the least. During the impaneling of the jury, he enjoined upon those who were called for jury service to respond to the obligation before them as did the soldiers who were summoned to fight in the great war, and to exercise the same courage as did the soldiers upon the battlefields of France.

In the beginning of his instructions to the jury, Judge Thayer said: "Although you knew that service would be arduous, painful and tiresome, you like the true soldier responded to that call in the spirit of supreme American loyalty. There is no better word in the English language than loyalty. For he who is loyal to God, to country, to his state and to his fellow-men represents the highest and noblest type of true American citizenship than which there is no grander in the entire world."

#### "Grandest Government in the World"

Again Judge Thayer said to the jurors: "And may God forbid that the pure waters of such a government, the grandest and noblest in the civilized world, should ever be polluted by streams made foul by the arbitrary rule of men. For according to the highest and best judgment of men from the day that little band of pilgrims landed at Plymouth Rock until this very hour human life, liberty and property could only be made safe and secure by strict and faithful obedience to the laws of the land."

The defendants and their friends feel that these repeated encomiums of

"country, loyalty, State, American citizenship," the "grandest" government, while within the forms of the law were not within the spirit of justice to Sacco and Vanzetti. Such repetition of necessity brought into sharp relief the political creeds of the defendants and thus riveted the prejudice already existing against them.

His Honor said at one point, "The law grants to every person the same rights and privileges and imposes upon each corresponding duties, obligations and responsibilities, for whoever is willing to accept the blessings of government should be willing to serve with fidelity that same government." Thus he drove home to the jury again that Sacco and Vanzetti were "slackers" who had avoided the responsibility of military service.

#### Played Up To Prosecution Argument

The defendants admittedly had made false statements at the time of their arrest.

The prosecution interpreted this as indicative of consciousness of guilt in the Braintree murder. The defense asserted it was due to fear of the police, owing to the anti-red outrages of those days. Nowhere did Judge Thayer tell the jurors that where a circumstance of this nature is involved and same is subject to two interpretations, both equally reasonable, they were bound to accept the interpretation pointing to innocence. By failing to point out the severity of treatment accorded to Reds the court tacitly played up to the prosecution's argument that Sacco and Vanzetti as Reds were exposed to only slight penalties. The discussion of this issue, while preserving the forms of impartiality, was felt by many to be tantamount to a charge to convict.

