

15 Justice Denied: The Trial of Sacco and Vanzetti

JAMES WEST DAVIDSON AND MARK HAMILTON LYTLE

In the following selection, historians James West Davidson and Mark Hamilton Lytle examine the conflicting currents of the 1920s that produced "two nations" in this country. One "nation" consisted mainly of native-born white American Protestants. The other "nation" comprised the immigrants, most of them Jews and Catholics, who flooded into the country from Italy, Russia, and the rest of eastern Europe. Focusing on the nation of immigrants, the authors examine the notorious case of Nicola Sacco and Bartolomeo Vanzetti, "two Italian immigrants living on the fringe of American society." In 1921, a Massachusetts court convicted Sacco and Vanzetti of killing a paymaster and his guard and sentenced them to be executed. The jury had taken only five hours to find the two immigrants guilty. The trial provoked bitter national and international controversy. This was hardly the first execution in an American society that had long used the death penalty. So, the authors ask, "Why all the fuss?"

The answer, they believe, lies in the conflict between America's "two nations," which the trial of Sacco and Vanzetti symbolized. The "nation" of native-born white Anglo-Saxon Protestants was worried about the dark forces in the twenties that threatened their beloved country. Among these was a sexual revolution against the old Victorian moral code. This "revolution in manners and morals," as Frederick Lewis Allen described it, derived in part from the new consumer age, which afforded middle and upper-class Americans unbelievable luxuries and the time to indulge in them. One of those indulgences was Henry Ford's motor car, the topic of the previous selection, which proved to be

more than an inexpensive means of transportation. When parked, the automobile allowed dating couples unprecedented privacy in sexual matters. As a result, new words like "petting" and "necking" entered the vocabulary. One disapproving journal called the automobile nothing more "than a house of prostitution on wheels." The twenties also witnessed the appearance of the legendary "flapper": an uninhibited young woman who wore her hair bobbed, dabbled rouge on her cheeks, wore shorter skirts, smoked in public, danced the Charleston, and dedicated herself generally to having fun and doing as she pleased. For a large percentage of native-born white Protestants, particularly those in the countryside, the youth-oriented sexual revolution posed a grave threat to traditional American values. So, too, did the teaching of Charles Darwin's theory of evolution in the nation's schools. Who was to blame for the dangerous moral threats to the traditional "American way of life"?

For many native-born Americans, the Catholic and Jewish immigrants from southern and eastern Europe were to blame. A new wave of anti-Semitic and anti-Catholic prejudice swept the land. Such prejudice prompted the federal government to set discriminatory immigration quotas. Worse still was the emergence of a new, more vicious, and more widespread Ku Klux Klan, which hated immigrants, Jews, and Catholics as well as African Americans.

For Attorney General A. Mitchell Palmer and millions of other native-born Protestant Americans, the increasing number of immigrants from eastern Europe posed a dangerous threat to the old values. Palmer declared that "out of the sly and crafty eyes of many of them, leap cupidity, cruelty, insanity, and crime; from their lopsided faces, sloping brows, and misshapen features may be recognized the unmistakable criminal types." In a flagrant violation of civil liberties, Palmer deported as many of these undesirables as he could. Few people protested. Indeed, as the authors point out, native-born Americans across the land were "alarmed that immigration threatened their cherished institutions."

It was their alarm, the authors believe, that brought about the trial and execution of Sacco and Vanzetti. As you read their sad and disquieting story, bear in mind that the courtroom has often served as a battleground between people with contrasting values. Do the have-nots of society still face discrimination under the American system of justice? Do people of Middle Eastern extraction in our day face some of the same prejudices that plagued Italian and eastern European immigrants in the 1920s? Do the ghosts of Sacco and Vanzetti still haunt us?

GLOSSARY

ANARCHISTS Seeking to create a society where individuals voluntarily cooperate with each other, anarchists are against any form of imposed authority by the state. In the 1920s, class tensions and an opposition to capitalism produced a group of radicals who sought to overthrow the American government through a violent social upheaval. Many Americans believed that anarchists had infiltrated the labor movement and were among the wave of new immigrants who, following the Great War, came to American shores from southern and eastern Europe.

BOLSHEVIKS In November, 1917, this group of Communist revolutionaries, led by V. I. Lenin, seized control of Russia. The new Bolshevik government made peace with

Germany and trumpeted an anticapitalist ideology that frightened many Americans.

COLLECTIVE BARGAINING A process that permits negotiations between labor unions and employers on issues such as wages, hours, benefits, and working conditions. In 1935, the Wagner Act created a National Labor Relations Board that gave unions the support of the federal government in negotiating collective bargaining agreements.

DOS PASSOS, JOHN In *Three Soldiers* (1921), novelist Dos Passos reflected the disillusionment of American writers that followed the Great War. Dos Passos was distressed by the executions of Sacco and Vanzetti. The fate of those immigrants symbolized, in Dos Passos's words, the presence

of the “two nations”—immigrants and native citizens—in the post-war United States. The “two nations” had dramatically different values.

FRANKFURTER, FELIX A Harvard Law School professor, Frankfurter served as an advisor to Presidents Woodrow Wilson and Franklin Roosevelt. In 1939, FDR appointed Frankfurter to the Supreme Court, where he served until 1962.

HAYMARKET SQUARE RIOT On May 4, 1886, about three thousand workers gathered in Haymarket Square in downtown Chicago. They were protesting the death of two colleagues shot by policemen as they dispersed a group of strikers. Someone tossed a bomb that killed seven policemen. In the minds of many Americans, the ensuing riot linked the labor movement with radicalism and violence.

HOOVER, J. EDGAR During the “Red Scare” that followed the Great War, Hoover was an assistant to attorney general A. Mitchell Palmer. Hoover later earned a reputation as an outspoken anti-Communist. In 1924, he became the director of the Bureau of Investigations (renamed the Federal Bureau of Investigations in 1935). Hoover remained that agency’s imperious director until his death in 1972.

IMMIGRATION ACTS OF 1921 AND 1924 A reaction to the immigrants who came to America following the Great War, these acts established a quota system. The quotas discriminated against Jews and Catholics in southern and eastern Europe who sought sanctuary in the United States. The 1924 legislation was blatantly racist against such immigrants and against migrants from Asia as well. By contrast, the acts set liberal quotas for immigrants from western Europe.

KATZMANN, FREDERICK The Massachusetts district attorney who prosecuted Sacco and Vanzetti, Katzmann based his case, not on solid legal evidence, but on character assassination and ethnic prejudice.

KU KLUX KLAN On Thanksgiving night in 1915, on Stone Mountain in Georgia, the twentieth-century Klan was born. Unlike the violent night riders of the post-Civil War years,

the modern Klan had support outside the South, in urban as well as rural communities. Even more vicious than its nineteenth-century predecessor, the new Ku Klux Klan hated immigrants, Jews, and Catholics, as well as African Americans.

MOORE, FRED A Californian with an unorthodox style of life and radical sympathies, Moore served as the defense counsel for Sacco and Vanzetti until 1924. His casual dress and long hair alienated the judge and jury.

NATIVISM A “defensive nationalism,” nativism was rooted in the Protestant Anglo-Saxon value system that defined American culture for most of the nineteenth century. “Native-born” Americans believed that the religion, language, and perceived radicalism of the immigrants from southern and eastern Europe represented a threat to the established values of the native-born.

PALMER, A. MITCHELL A Quaker and a progressive reformer, Palmer served as Woodrow Wilson’s attorney general from 1919–1921. Following the Great War, Palmer launched a massive roundup of those immigrants he believed were foreign-born radicals. The government deported thousands of innocent people without hearings or trials. This was an unprecedented violation of civil liberties.

SINCLAIR, UPTON A muckraking author and socialist, Sinclair wrote *The Jungle* (1906) that exposed the Chicago meat packing industry’s unsanitary practices and its harsh treatment of immigrant workers. He would later denounce the executions of Sacco and Vanzetti. In 1934, Sinclair ran for governor of California.

THAYER, WEBSTER The judge during the trial of Sacco and Vanzetti, Thayer later denied eight appeals of the convicted immigrants. On April 9, 1927, Thayer sentenced them to die. Thayer reflected the ethnic biases of his day and seemed predisposed to find the two defendants guilty. On August 22, 1927, Sacco and Vanzetti died in the electric chair.

In the years after World War I, crime statistics curved sharply upward. Armed robberies rose at an alarming rate, and anyone handling large sums of money had reason to exercise caution. On most paydays Frederick Parmenter, paymaster for the Slater and Morrill Shoe Company of South Braintree, Massachusetts, would have used a truck to deliver his money boxes to the lower factory building. Only a few months earlier, in December 1919, a brazen gang of bandits had attempted a daylight payroll heist in nearby Bridgewater. The bandits had fled empty-handed, and no one was hurt in the gunfight. Still, area businesses were uneasy. On the morning of April 15, 1920, however, the robbery attempt must have been far from Parmenter's mind. It was a mild spring day, and he set out on foot for the lower factory building with his assistant, Alessandro Berardelli, walking ahead.

Halfway to their destination, a man approached Berardelli from the side of the road, spoke to him briefly, and then suddenly shot him dead. As Parmenter turned to flee, the bandits fired again, mortally wounding him. A blue Buick pulled from its parking place. The two assailants and their lookout jumped into the car and fled toward Bridgewater. To discourage pursuers, the bandits threw tacks onto the streets. Two miles from Braintree they abandoned the Buick and escaped in another car.

Bridgewater Police Chief Michael Stewart thought he recognized a pattern in the Braintree crime. The same foreigners who bungled the December heist, he guessed, had probably pulled off the Braintree job. Stewart's investigation put him on the trail of Mike Boda, an Italian anarchist. Unable to locate Boda, Stewart kept watch on a car Boda had left at Simon Johnson's garage for repairs. Whoever came to get the car would, according to Stewart's theory, become a prime suspect in both crimes.

His expectations were soon rewarded. On May 5, 1920, Boda and three other Italians called for the car. Mrs. Johnson immediately slipped next door to alert the police, but the four men did not wait for her return. Boda and one friend, Riccardo Orciani, left on a motorcycle while their companions walked to a nearby streetcar stop. Apparently nervous, they moved on to another stop a half mile away. There they boarded the trolley for Brockton. As the trolley car moved down Main Street, Police Officer Michael Connolly climbed on. Having spotted the two foreigners, he arrested them. When they asked why, he replied curtly, "suspicious characters."

Thus began the epic story of Nicola Sacco and Bartolomeo Vanzetti, two obscure Italian aliens who became the focal point of one of the most controversial episodes in American history. Within little more than a year after their arrest a jury deliberated for just five hours before convicting both men of robbery and murder. Such a quick decision came as a surprise, particularly in a trial that had lasted seven weeks, heard more than 160 witnesses, and gained national attention.

Nor did the controversy end with the jury's decision. Six years of appeals turned a small-town incident of robbery and murder into a major international uproar. The Italian government indicated that it was following the case with interest. Thousands of liberals, criminal lawyers, legal scholars, civil libertarians, radicals, labor leaders, prominent socialites, and spokespersons for immigrant groups rallied to Sacco and Vanzetti's cause. Arrayed against them was an equally imposing collection of the nation's legal, social, academic, and political elite.

The case climaxed on April 9, 1927. Having denied some eight appeals, trial judge Webster Thayer sentenced Sacco and Vanzetti to die in the electric chair. His action triggered months of protests and political activities. Around Charleston Prison (where the two men were held) and the State House in Boston, Sacco and Vanzetti's supporters marched, collected petitions, and walked picket lines. Occasionally violence erupted between protesters and authorities, as mounted police attacked crowds in Boston and clubbed them off the streets in New York. On August 22, the morning

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Nicola Sacco and Bartolomeo Vanzetti were two obscure Italian immigrants who were accused of committing murder during a payroll robbery. Immigration laws were controversial and their prosecution

was tinged with ethnic prejudice. During a police line-up, Sacco and Vanzetti were forced to pose as bandits, alone in the middle of a room. (© Bettmann/CORBIS)

before Sacco and Vanzetti were scheduled to die, Charleston Prison appeared like an embattled fortress. Ropes circled the prison grounds to keep protesters at bay as eight hundred armed guards walked the walls. In New York's Union Square, 15,000 people gathered to stand in silent vigil. Similar crowds congregated in major European cities. All awaited the news of the fate of "a good shoemaker and a poor fish peddler."

The historian confronting that extraordinary event faces some perplexing questions. How did a case of robbery and murder become an international cause

célèbre? How was it that two Italian immigrants living on the fringe of American society had become the focus of a debate that brought the nation's cherished legal institutions under attack? Or as one eminent law professor rhetorically posed the question:

Why all this fuss over a couple of "wops," who after years in this country had not even made application to become citizens; who had not learned to use our language even modestly well; who did not believe in our form of government; . . . who were confessed slackers and claimed to be

pacifists but went armed with deadly weapons for the professed purpose of defending their individual personal property in violation of all the principles they preached?

THE QUESTION OF LEGAL EVIDENCE

Lawyers reviewing events might answer those questions by arguing that the Sacco and Vanzetti case raised serious doubts about the tradition of Anglo-Saxon justice so venerated in the United States. More specifically, many legal scholars then and since have asserted that the trial and appeals process failed to meet minimum standards of fairness, particularly for a criminal case in which the defendants' lives hung in the balance.

In the first flush of Sacco and Vanzetti's arrest, prosecutors seemed to have good reason to label the two men "suspicious characters." Both Sacco and Vanzetti were carrying loaded revolvers. Not only that, Sacco had twenty-three extra cartridges in his pockets, while Vanzetti carried several shotgun shells. When questioned, both men lied about their activities. They claimed not to know Mike Boda or to have been at the garage to pick up Boda's car. But suspicious behavior was one matter; proof that Sacco and Vanzetti had committed the Braintree murders was another. As the police and prosecutors went about making their case, they followed distinctly irregular procedures.

To be sure, in 1920 the police were allowed to conduct an investigation with far greater latitude than the law permits today. The Supreme Court decisions in *Miranda* (1966) and *Escobedo* (1964) established that criminal suspects have the right to remain silent, to be informed of their rights, and to stand in an impartial lineup for identification. None of those guarantees existed in 1920. Even so, District Attorney Frederick Katzmann and Chief Stewart showed unusual zeal in constructing a case against Sacco and Vanzetti. At no time during the first two days of

questioning did they tell either suspect why they had been arrested. Chief Stewart repeatedly asked them not about the robbery, but about their political beliefs and associates. The district attorney did obliquely inquire about their activities on April 15, though he never mentioned the Braintree crimes. Furthermore, when the police asked witnesses to identify the suspects, they did not use a lineup. Instead, they forced Sacco and Vanzetti to stand alone in the middle of a room posing as bandits.

As the investigation continued, the case came close to collapsing for lack of evidence. Of the five suspected gang members, all but Vanzetti could prove they had not been in Bridgewater during the December holdup attempt. Despite an intensive search of the suspects' belongings, including a trunk sent to Italy, Katzmann was never able to trace the money, even among radical political groups with whom the suspects were associated. Fingerprint experts found no matches between prints lifted from the abandoned Buick and those taken from the suspects.

Faced with those gaps in the evidence, Katzmann still decided, first, to prosecute Vanzetti for the December Bridgewater holdup and, second, to charge both Sacco and Vanzetti with the Braintree murders in April. Arguing the Bridgewater case in June 1920 before Judge Webster Thayer, Katzmann presented a weak case against Vanzetti on the charge of assault with intent to rob. Still, he did manage to make the jury aware of Vanzetti's anarchist views and persuade them to convict. Judge Thayer then meted out an unusually severe sentence (twelve to fifteen years) to a defendant with no criminal record for a crime in which no one was hurt and nothing was stolen.

That conviction allowed Katzmann to proceed with the second trial, to be held in the suburban town of Dedham. Since this trial would be a special session of the superior court, a judge had to be appointed to hear the case. Judge Thayer asked his old college friend, Chief Justice John Aiken, for the assignment, even though he had presided over Vanzetti's earlier trial and could scarcely consider himself impartial. Thus the second trial opened with a judge who already believed unequivocally in the defendants' guilt.

At Dedham, District Attorney Katzmann built his case around three major categories of evidence: (1) eyewitness identification of Sacco and Vanzetti at the scene, (2) expert ballistics testimony establishing Sacco's gun as the weapon that fired the fatal shot at Berardelli and Vanzetti's gun as one taken from Berardelli during the robbery, (3) the defendants' evasive behavior both before and after arrest as evidence of what is legally termed "consciousness of guilt."

The prosecution, however, had a difficult time making its case. Of the "eyewitnesses" claiming to place Sacco and Vanzetti at the scene, one, Mary Splaine, claimed to have observed the shooting from a window in the Slater and Morrill factory for no longer than three seconds at a distance of about 60 feet. In that time she watched an unknown man in a car traveling about 18 miles an hour. Immediately after the crime Splaine had difficulty describing any of the bandits, but one year later she picked out Sacco, vividly recalling such details as his "good-sized" left hand. She refused to recant her testimony even after the defense demonstrated that Sacco had relatively small hands.

Louis Pelzer testified for the prosecution that upon hearing shots, he had observed the crime from a window for at least a minute. He pointed to Sacco as the "dead image" of the man who shot Berardelli. Two defense witnesses, however, controverted Pelzer's story. Upon hearing the shots, they recalled, the intrepid Pelzer had immediately hidden under his workbench—hardly a vantage point from which to make a clear identification.

Lola Andrews, a third witness, claimed that on the morning of the crime she had stopped near the factory to ask directions from a dark-haired man working under a car. She later identified Sacco as that man. But a companion, Julia Campbell, denied that Andrews had ever spoken to the man under the car. Instead, Campbell testified, Andrews had approached a pale, sickly young man who was standing nearby. Other witnesses had recalled the same pale person. A second friend swore that he had heard Andrews say after she returned from police headquarters that "the government took me down and wanted me to recognize

those men and I don't know a thing about them." Nor did Andrews's reputation as a streetwalker enhance her credibility. Yet in his summation, prosecutor Katzmann told the jury that in eleven years as district attorney he had not "ever before . . . laid eye or given ear to so convincing a witness as Lola Andrews."

Against Katzmann's dubious cast, the defense produced seventeen witnesses who provided the defendants with alibis for the day or who had seen the crime, but not Sacco or Vanzetti. One, an official of the Italian Consulate in Boston, confirmed Sacco's claim that he had been in Boston on April 15 acquiring a passport. The official remembered Sacco because he had tried to use a picture over 10 inches square for his passport photo. "Since such a large photograph had never been presented before," the official recalled, "I took it in and showed it to the Secretary of the Consulate. We laughed and talked over the incident. I remember observing the date . . . on a large pad calendar." Others said they had met Sacco at a luncheon banquet that day. Witnesses for Vanzetti claimed to have bought fish from him. Katzmann could only try to persuade the jury that the witnesses had little reason to connect such a mundane event with a specific date.

In the face of contradictory eyewitness testimony, the ballistics evidence might have decided the case. To prove murder, Katzmann wished to show that the fatal shot striking Berardelli had come from Sacco's gun. Ballistics specialists can often identify the gun that fired a bullet by characteristic marks, as distinct as fingerprints, that the barrel and hammer make on the projectile and casing. Two experts, Captains William Proctor and Charles Van Amburgh, connected the fatal bullet to a Colt pistol similar to and possibly the same as Sacco's. But neither of Katzmann's witnesses made a definitive link. "It is consistent with being fired by that pistol," Proctor replied to Katzmann. Van Amburgh also indicated some ambiguity: "I am inclined to believe that it was fired . . . from this pistol."

For unknown reasons defense attorneys never pursued the equivocation of those testimonies. Instead, they called their own ballistics specialists who

stated with absolute certainty that the fatal bullet could not have come from Sacco's gun. In addition, they controverted the prosecutor's claim that Vanzetti had taken Berardelli's gun during the holdup. Shortly before his murder, Berardelli had left his pistol at a repair shop to have the hammer fixed. Shop records, though imprecise, indicated that the gun was .32 caliber, not a .38 such as Vanzetti was carrying. The records also supported Mrs. Berardelli's sworn testimony that her husband had never reclaimed his pistol. The defense then argued that the hammer on Vanzetti's gun had never been repaired.

Since the defense had weakened the ballistics evidence, Katzmman based his case primarily on "consciousness of guilt." To convict on those grounds, he had to convince the jury that Sacco and Vanzetti had behaved like men guilty of the crime, both before and after arrest. Here, Katzmman made his case with telling effect. Why had the defendants been carrying guns when they were arrested? They had gone hunting that morning, they claimed. But if that were the case, why were they still carrying hunting weapons and extra ammunition at night, when they set out to pick up Mike Boda's car? They were in such a hurry, Sacco and Vanzetti replied, that they forgot to leave their revolvers at home. But Katzmman continued his onslaught. Why did the two men lie at first about knowing Mike Boda or having visited the garage? Surely this evasion indicated a clear consciousness of guilt.

To explain such evasive behavior, defense lawyers were forced to introduce the inflammatory issue of Sacco and Vanzetti's political beliefs. For indeed, both men proudly proclaimed themselves to be anarchists, rejecting the authority of any government. Capitalism, they believed, was little more than an organized system of banditry under which the rich and powerful extorted the poor. Sacco and Vanzetti had both been active in the strikes and labor unrest of the era. As a result, they had been alarmed by the government crackdown on radicals that began in 1919. When Officer Connolly arrested them, the two men assumed that they, too, had been snared in the government's dragnet. They acted evasively, defense lawyers

argued, not because they were criminals but because radicals were being persecuted and deported. Once arrested, Sacco and Vanzetti's fears were only confirmed by the police's constant questions about their political beliefs.

Similar worries accounted for their peculiar actions at Johnson's garage, the defense argued. Shortly before his arrest, Vanzetti had conferred with the Italian Defense Committee of New York, then inquiring into the fate of a fellow anarchist, Andrea Salsedo. The committee knew only that Salsedo was being held by Justice Department agents; members warned Vanzetti that he and his friends might be in danger of being jailed or deported. Only a week later, newspapers across the nation reported that Salsedo had fallen to his death from a twelfth-floor window. The police insisted the case had been a suicide, but many anarchists thought Salsedo had been pushed. Before he died, had he provided the government with the names of other anarchists? If so, Vanzetti and Sacco were at risk. Anyone found with anarchist literature could be arrested and deported. It was for that reason, Sacco and Vanzetti told the court, that they had gone to retrieve Mike Boda's car: they needed it to carry away the radical pamphlets stored in their homes—something they hardly wished to admit to police questioning them about radical activities.

The revelations of the defendants' radical politics could hardly have raised the jury's opinion of the two men. And their explanations did not stop Katzmman from focusing on consciousness of guilt in his final summation. Nor did Judge Thayer take into account their explanations in his charge to jury. In theory, a judge's charge guides the jury as it interprets conflicting evidence: in separating the relevant from the irrelevant and in establishing the grounds for an objective verdict. But Thayer made his sympathies all too clear. In discussing the ballistics testimony, he wrongly assumed that Katzmman's expert witnesses had unequivocally identified Sacco's gun as having fired the fatal shot. And he spent no time weighing the defense's argument that prosecution eyewitnesses had been unreliable. Only when he discussed consciousness of guilt did the judge become expansive

and specific. He lingered over the evidence offered by the police and the garage owner while ignoring Sacco and Vanzetti's explanations.

Lawyers and legal historians have raised other telling criticisms—excesses in the trial procedures, prejudice on the part of both judge and prosecutor, bungling by the defense lawyer. Inevitably, these criticisms have influenced the way historians have approached the controversy. Most of them have centered on the issue of *proof* of guilt. Contrary to popular opinion, the courts do not determine whether a person is guilty or innocent of a crime. They decide merely whether the prosecutor has assembled sufficient evidence to establish guilt. The judge may even suspect a defendant is guilty, but if the evidence does not meet minimum standards of legal proof, the court must set the accused free. As one court concluded, "the commonwealth demands no victims . . . and it is as much the duty of the district attorney to see that no innocent man suffers, as it is to see that no guilty man escapes."

Thus lawyers tend to focus on narrow, yet admittedly important, questions. They are all the more crucial when human lives are at stake, as was the case with Sacco and Vanzetti. Believing that the legal system maintains vital safeguards of individual rights, lawyers in general seek to ensure that proper legal procedures have been followed, that evidence is submitted according to established rules, and, in accordance with those procedures, that guilt has been adequately determined. A lawyer answering the question, "Why all the fuss over the Sacco and Vanzetti case?" would most likely reply, "Because the trial, by failing to prove guilt beyond reasonable doubt, perpetrated a serious miscarriage of justice."

BEYOND GUILT OR INNOCENCE

. . . [H]istory affords far more latitude in weighing and collecting evidence than does the legal system. The law attempts to limit the flow of evidence in a trial to what can reasonably be construed as fact. A

judge will generally exclude hearsay testimony, speculation about states of mind or motives, conjecture, and vague questions leading witnesses to conclusions. But those same elements are sources of information upon which historians can and do draw in their research. Historians can afford to speculate more freely, because their conclusions will not send innocent people to jail or let the guilty go free. In one instance, for example, appeals judges refused to act on defense claims that Judge Thayer had allowed his prejudices against Sacco and Vanzetti to influence his conduct of the trial. They ruled that remarks made outside the courtroom, no matter how inappropriate, had no bearing on what occurred inside. By contrast, the historian can accept the fact of Judge Thayer's prejudice regardless of where he revealed it.

Given their broader canons of evidence, historians might be tempted to go the lawyers one step further by establishing whether Sacco and Vanzetti actually did commit the robbery and murders at Braintree. To succeed in such an investigation would at least lay the controversy to its final rest. Yet that approach does not take us beyond the lawyers' questions. We are still dealing with only two men—Sacco and Vanzetti—and one central question—guilty or innocent?

We must remember, however, that when historians confront such either-or questions, their overriding obligation is to construct an interpretation that gives full play to *all* aspects of the subject being investigated, not just the question of guilt or innocence. They must look beyond Sacco and Vanzetti to the actions of the people and society around them. What political currents led the prosecutor to bring those two men to trial? How much were Judge Thayer, District Attorney Katzmann, and the men in the jury box representative of Massachusetts or of American society in general? Of just what crime did the jury actually convict the defendants? In answering those questions, historians must lift their drama out of the Dedham courtroom and into a larger theater of action. In short, we cannot answer our original question, "Why all the fuss?" merely by proving the defendants guilty or innocent. Historians want to know why this case provoked such sharp controversy for so many years.

Any historian who studies the climate of opinion in the early 1920s cannot help suspecting that those who persecuted Sacco and Vanzetti were far more concerned with who the defendants were and what they believed than with what they might have done. Throughout the nation's history, Americans have periodically expressed hostility toward immigrants and foreign political ideas that were perceived as a threat to the "American way of life." Nativism, as such defensive nationalism has been called, has been a problem at least since the first waves of Irish immigrants came ashore in the first half of the nineteenth century. Until then, the United States had been a society dominated by white Protestants with a common English heritage. The influx of the Catholic Irish and then political refugees from the 1848 German revolution diversified the nation's population. Native-born Americans became alarmed that immigration threatened their cherished institutions. Successive waves of newcomers from Asia, the Mediterranean, and eastern Europe deepened their fears.

In analyzing nativist ideology, historian John Higham has identified three major attitudes: anti-Catholicism, antiradicalism, and Anglo-Saxon nationalism. Anti-Catholicism reflected northern European Protestants' distrust of the Catholic Church, a rejection of its hierarchical and undemocratic structure, and a fear of the pope as a religious despot. Nativists often viewed Catholic immigrants as papal agents sent to bring the United States under the tyranny of Rome. Antiradicalism stemmed in part from an increasing rejection of America's own revolutionary tradition and in part from the American tendency to associate violence and criminal subversion with Europe's radical political creeds such as Marxism, socialism, and anarchism. Anglo-Saxon nationalism was a more amorphous blend of notions about the racial superiority of the northern European people and pride in the Anglo-Saxon heritage of legal, political, and economic institutions, one of the most cherished being the Anglo-Saxon belief in the rule of law.

The tides of nativism tend to rise and fall with the fortunes of the nation. During periods of prosperity,

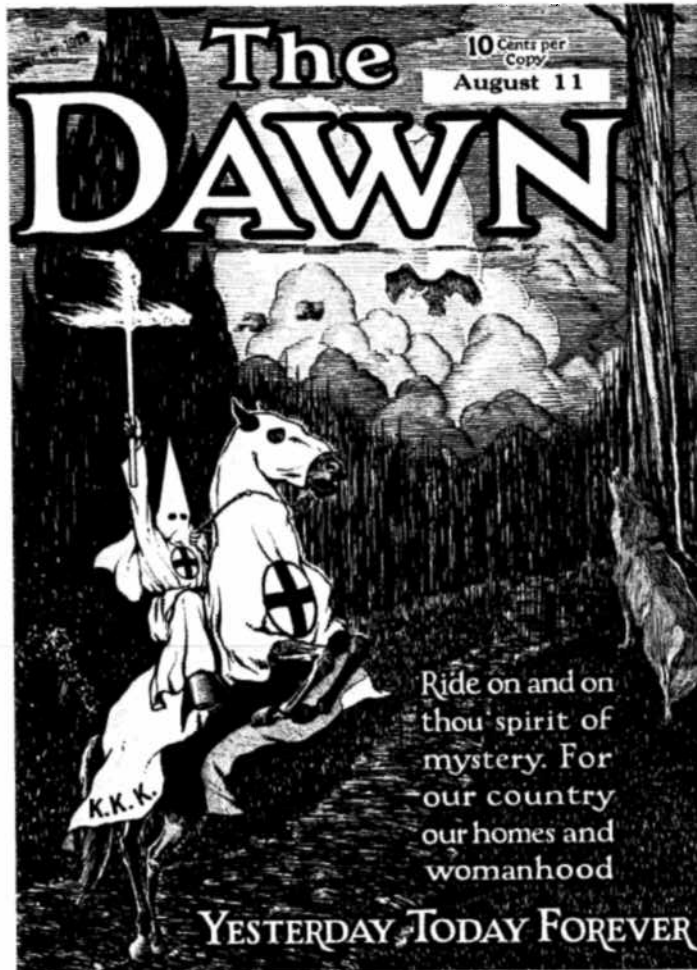
Americans often welcome immigrants as a vital source of new labor. In the 1860s, for example, many Californians cheered the arrival of the strange Chinese coolies, without whom the transcontinental railroad could not have been so quickly completed. In the 1870s, as the nation struggled through a severe industrial depression, nativism became a virulent social disease. The same Californians who once welcomed the Chinese now organized vigilante groups to harass them and clamored for laws to restrict the number of Asian immigrants.

The period following World War I, which Higham labeled the "Tribal Twenties," marked the high tide of nativism. No group more fully embodied the nativist impulse than the reborn Ku Klux Klan. By 1924 it claimed large chapters not only in its traditional southern strongholds but also in major cities, in Oregon and in the states of the upper Midwest—Indiana, Ohio, and Illinois in particular. The Klan's constitution unabashedly advertised the organization's commitment to all three nativist traditions:

to unite white, male persons, native born gentile citizens of the United States of America, who owe no allegiance of any nature to any foreign government, nation, institution, sect, ruler, person or people; whose morals are good, whose reputations and vocations are exemplary . . . ; to shield the sanctity of white womanhood; to maintain forever white supremacy.

Loyalty to the church, the pope, a motherland, Old World culture, or any other tie outside the United States eliminated almost all immigrants from possible Klan membership.

Several factors accounted for the resurgence of nativism. World War I had temporarily interrupted the flow of immigrants who, since the 1880s, had increasingly included a preponderance of Catholics and Jews from countries with strong radical traditions. In 1914 alone, more than 138,000 of a total of 1.2 million immigrants to the United States were Jews. During the war, the number fell to just 3,672 newcomers in 1918 (out of a total of 110,000), but then rose to 119,000 (out of 805,000) in 1921, the



If Sacco and Vanzetti represented one of the "two nations" of the 1920s, the Ku Klux Klan was the symbol of the other. The new KKK expanded its list of enemies to include blacks, Jews, and Catholics. Its prejudices reached into urban areas of the East and

Midwest, where immigrants and African Americans competed for jobs and housing with native-born white Anglo-Saxon Protestants. (The New York Public Library, Astor, Lenox and Tilden Foundations)

last year of unrestricted immigration. A similar pattern occurred among Italians. In the entire decade of the 1870s fewer than 50,000 Italians came to the United States. In the first fifteen years of the twentieth century almost 3 million made the crossing. That torrent, which slowed to a trickle during the war years, swelled again with the return of peace. The approximately 221,000 Italians who immigrated in 1921 made up, with the Jews, more than 42 percent of the total immigrants. More than ever, nativists protested

that these undesirable foreigners threatened to destroy cherished institutions, weaken the genetic pool, or in other ways undermine the American way of life.

The rocky transition to a peacetime economy only aggravated resentment toward immigrants. Returning veterans expected jobs from a grateful nation; instead, they found crowds of unemployed workers around factory gates. The army had discharged millions of soldiers almost overnight. The government dismissed hundreds of thousands of temporary wartime

employees and canceled millions of dollars' worth of contracts with private businesses. As the economy plunged downward, native-born Americans once again looked on new immigrants as a threat to their livelihoods. Organized labor joined other traditional nativist groups in demanding new restriction laws.

Union leaders called for relief on another front. During the war they had cooperated with the government to control inflation by minimizing wage increases. At the same time, high wartime employment had attracted millions of new recruits to the union movement. The government had orchestrated labor-management harmony to ensure uninterrupted production schedules. Once the war ended, labor set out to consolidate its gains. Union leaders asked for higher wages, improved working conditions, and the recognition of collective bargaining.

Most business leaders were in no mood to compromise. They resented the assistance the government had given organized labor during the war. Now, they not only rejected even the mildest union demands but also sought to cripple the labor movement. Conservatives launched a national campaign to brand all organized labor as Bolsheviks, Reds, and anarchists. They called strikes "crimes against society," "conspiracies against the government," and "plots to establish communism." As the market for manufactures declined, employers had little reason to avoid a showdown. Strikes saved them the problem of laying off unneeded workers.

In 1919 American industry lost more labor hours to strikes than ever before in history. March brought 175 significant strikes, followed by 248 in April, 388 in May, 303 in June, 360 in July, and 373 in August. By September, strikes in the coal and steel industries alone had idled more than 700,000 workers and led to repeated violence. The average strike lasted thirty-four days, while some exceeded four months. Even employers who made minor concessions on wages or hours refused to yield on the question of collective bargaining.

Radicals played a minor role in the postwar labor unrest. Most union leaders were as archly conservative as the employers they confronted. Still, the constant

barrage of anti-Red propaganda turned public opinion against the unions. And American radicals fed that hostility by adopting highly visible tactics. The success of a small band of Bolsheviks in capturing Russia's tottering government in October 1917 had rekindled waning hopes and at the same time startled most Americans. Two years later, the Bolsheviks boldly organized the Third Communist International to carry the revolution to other countries. Communist-led worker uprisings in Hungary and Germany increased conservative anxiety that a similar revolutionary fever might infect American workers, especially after a Comintern official bragged that the money spent in Germany "was as nothing compared to the funds transmitted to New York for the purpose of spreading Bolshevism in the United States."

Only a few shocks were needed to inflame the fears of Americans caught in the midst of economic distress, labor unrest, and renewed immigration from southern and eastern Europe. Those shocks were provided by a series of anarchist bombings inspired by Luigi Galleani, an Italian immigrant who had settled in New England. Although authorities at the time did not know it, members of Galleani's circle were the source of a series of thirty parcels mailed in April 1919 to eminent officials, including Attorney General A. Mitchell Palmer, Supreme Court Justice Oliver Wendell Holmes, members of Congress, mayors, as well as the industrial magnates John D. Rockefeller and J. P. Morgan. Only one of the deadly packages detonated (blowing off the hands of the unsuspecting servant who opened it), but in June a series of even more lethal explosions rocked seven cities. The most spectacular explosion demolished the entire front wall of Attorney General Palmer's home. The device exploded prematurely, blowing to bits the man who was crouching by the front steps.

The American public had already learned to associate such deeds with anarchists: the Haymarket Square explosion of 1886 as well as the assassination of President William McKinley in 1901 by radical Leon Czolgosz. ("The anarchist is the enemy of humanity, the enemy of all mankind," proclaimed McKinley's successor, Teddy Roosevelt.) Following the bombings

of 1919 Attorney General Palmer reacted swiftly, launching a roundup of as many radicals as he could find, branding each "a potential murderer or a potential thief." That the majority were only philosophical anarchists who had never undertaken any violent acts toward the government did not deter Palmer. That the majority were foreign-born served only to raise his patriotic bile: "Out of the sly and crafty eyes of many of them leap cupidity, cruelty, insanity, and crime; from their lopsided faces, sloping brows, and misshapen features may be recognized the unmistakable criminal types."

For more than a year, Palmer and his young, Red-hunting assistant J. Edgar Hoover organized government raids on homes, offices, union halls, and alien organizations. Seldom did the raiders pay even passing attention to civil liberties or constitutional prohibitions against illegal search and seizure. One particularly spectacular outing netted more than 4,000 alleged subversives in some thirty-three cities. Most of those arrested, though innocent of any crime, were detained illegally by state authorities either for trial or Labor Department deportation hearings. Police jammed suspects in cramped rooms with inadequate food and sanitation. They refused to honor the suspects' rights to post bail or obtain a writ of habeas corpus.

The public quickly wearied of Palmer and the exaggerated stories of grand revolutionary conspiracies. Not one incident had produced any evidence of a serious plot. Palmer predicted that on May 1, 1920, radicals would launch a massive attempt to overthrow the government. Alerted by the Justice Department, local police and militia girded for the assault. But May Day passed without incident. The heightened surveillance did, however, have profound consequences for Nicola Sacco and Bartolomeo Vanzetti. Both men were on a list of suspects the Justice Department had sent to District Attorney Katzmann and Chief Stewart. Just four days after the May Day scare, Officer Connolly arrested the two aliens.

Sacco and Vanzetti fit the stereotypes that nativists held of foreigners. Sacco arrived in the United States in 1908 at the age of seventeen. Like so many other Italians, he had fled the oppressive poverty of his

hometown with no intention of making a permanent home in America. Most of the young men planned to stay only until they had saved enough money to return home and improve their family fortunes. Although born into a modestly well-to-do family, Sacco was no stranger to hard labor. Shortly after his arrival he found steady work in the shoe factories around Milford, Massachusetts.

Sacco's resourcefulness and industry marked him as the kind of foreign worker whose competition American labor feared. Although he lacked formal schooling, Sacco understood that skilled labor commanded steadier work and higher wages, so he paid \$50 out of his earnings to learn the specialized trade of edge trimming. His wages soon reached as high as \$80 per week. By 1917 he had a wife and child, his own home, and \$1,500 in savings. His employer at the "3 K" shoe factory described him as an excellent worker and recalled that Sacco often found time, despite his long workdays, to put in a few hours each morning and evening in his vegetable garden.

Vanzetti conformed more to the nativist stereotype of shiftless foreigners who drifted from one job to the next. Born in 1888 in the northern Italian village of Villafalletto, he had come to America in 1908 where, like many other immigrants, he found a limited range of jobs open to him. He took a job as a dishwasher in hot, stinking kitchens. "We worked twelve hours one day and fourteen the next, with five hours off every other Sunday," he recalled. "Damp food hardly fit for a dog and five or six dollars a week was the pay." Fearing an attack of consumption, Vanzetti migrated to the countryside in search of open-air work. "I worked on farms, cut trees, made bricks, dug ditches, and quarried rocks. I worked in a fruit, candy and ice cream store and for a telephone company," he wrote his sister in Italy. By 1914 he had wandered to Plymouth, where he took a job in a cordage factory.

If that sketch captured the essence of Sacco and Vanzetti's lives, they would most likely never have come to the attention of Justice Department agents. But because they were aliens and anarchists, they embodied the kind of foreign menace American nativists



A. Mitchell Palmer was Woodrow Wilson's Attorney General. He suspected that many of the new immigrants were importing radical ideas that threatened American democracy, and he deported

as many of them as he could. Authorities even denied numerous immigrants the right to a hearing. This was a deliberate violation of their civil liberties. (© CORBIS)

most feared. Although not a student of politics like Vanzetti, Sacco was a rebel. He identified closely with the workers' struggle for better wages and the right to organize. In 1912 he and Vanzetti had independently participated in a violent textile strike at Lawrence, Massachusetts. Three years later plant owners around Plymouth had blacklisted Vanzetti for his role in a local strike. Sacco had walked off his job to express sympathy for the cordage workers. Soon after a local labor leader organized a sympathy strike to support workers in Minnesota, authorities arrested Sacco and convicted him of disturbing the

peace. All this time, he and his wife regularly joined street-theater productions performed to raise money for labor and radical groups.

American entry into World War I created a crisis for both men. Their anarchist beliefs led them to oppose any war that did not work to overthrow capitalism. Sacco even refused the patriotic pressures to buy war bonds. He quit his job rather than compromise his principles. Both began to dread the law requiring them to register (though in fact as aliens they were ineligible for military service). They decided to join a group of pacifists who in May 1917 fled to

Mexico, where the two first became personal friends. The hard life and absence from his family finally drove Sacco to return home under an alias, though he did resume his name and former job after the war. Vanzetti returned to Plymouth and soon outfitted himself as a fish peddler.

So in the eyes of many Americans, Sacco and Vanzetti were guilty in at least one important sense. As self-proclaimed enemies of the capitalist system, they had opposed "the American way of life" that nativists cherished. Their suspicious behavior, which Katzmann successfully portrayed as consciousness of guilt, was all too real, for they knew that their radical beliefs might subject them to arrest and deportation, the fate hundreds of other friends and political associates had already faced.

Certainly, the trial record shows that nativism influenced the way judge and jury viewed the defendants. Almost all the eyewitnesses who identified Sacco and Vanzetti were native-born Americans. That they saw a resemblance between the Italian suspects and the foreign-looking criminals proved only, as Harvard law professor Felix Frankfurter remarked, that there was much truth in the popular racist song "All Coons Look Alike to Me." On the other hand, almost all the witnesses substantiating the defendants' alibis were Italians who answered through an interpreter. The jury, also all native-born Americans, would likely accept Katzmann's imputation that foreigners stuck together to protect each other from the authorities.

The choice of Fred Moore as chief defense counsel guaranteed that radicalism would become a central issue in the trial. . . . He spent the bulk of defense funds to orchestrate a propaganda campaign dramatizing the plight of his clients and the persecution of radicals. He gave far less attention to planning defense strategy, left largely in the hands of two local cocounselors, Thomas and Jeremiah McAnarney.

Yet in the courtroom Moore insisted on playing the major role. The McAnarneys soon despaired of making a favorable impression on the jury. An outsider from California, Moore wore his hair long and sometimes shocked the court by parading around in his shirtsleeves and socks. Rumors abounded about

his unorthodox sex life. And at critical moments he sometimes disappeared for several days. Judge Thayer once became so outraged at Moore that he told a friend, "I'll show them that no long-haired anarchist from California can run this court." Not until 1924 did Moore finally withdraw in favor of William Thompson, a respected Massachusetts criminal lawyer.

Nativism, particularly antiradicalism, obviously prejudiced Judge Thayer and District Attorney Katzmann. We have already seen how Thayer used his charge to the jury to underscore Katzmann's construction of the evidence in the trial. Outside the courtroom, Thayer consistently violated the canons of judicial discretion by discussing his views of the case. George Crocker, who sometimes lunched with Thayer, testified that on many occasions the judge "conveyed to me by his words and manner that he was bound to convict these men because they were 'reds.'" Veteran court reporter Frank Silbey had been forced to stop lunching at the Dedham Inn to avoid Thayer and his indiscreet remarks. Silbey later recalled, "In my thirty-five years I never saw anything like it. . . . His whole attitude seemed to be that the jurors were there to convict these men."

From the moment the trial opened, Thayer and Katzmann missed few opportunities to strike a patriotic pose or to remind the jury that both defendants were draft dodgers. Thayer told the prospective jurors at the outset, "I call upon you to render this service . . . with the same patriotism as was exhibited by our soldier boys across the sea." Katzmann opened his cross-examination of Vanzetti with a cutting statement dressed up as a question: "So you left Plymouth, Mr. Vanzetti, in May 1917 to dodge the draft did you?" Since Vanzetti was charged with murder, not draft evasion, the question served to arouse the jury's patriotic indignation.

Katzmann struck hardest in his questioning of Sacco, whose poor command of English often left him confused or under a misapprehension. Judge Thayer never intervened to restrain the overzealous prosecutor, even when it became clear that Sacco could neither follow a question nor express his thoughts clearly. Playing again upon the residual patriotic war fervor,

Katzmann hammered away at the defendant's evident disloyalty:

KATZMANN: And in order to show your love for this United States of America when she was about to call upon you to become a soldier you ran away to Mexico. Did you run away to Mexico to avoid being a soldier for the country that you loved?

SACCO: Yes.

KATZMANN: And would it be your idea of showing love for your wife that when she needed you, you ran away from her?

SACCO: I did not run away from her.

When the defense objected, Thayer ruled that this line of questioning would help establish Sacco's character. But instead of showing Sacco's philosophical opposition to war, Katzmann made the defendant appear, as one critic expressed it, "an ingrate and a slacker" who invited the jury's contempt. With such skillful cross-examination Katzmann twisted Sacco's professed love of "a free country" into a preference for high wages, pleasant work, and good food.

The prosecutor summed up his strategy in his final appeal to the jury: "Men of Norfolk do your duty. Do it like men. Stand together you men of Norfolk." There was the case in a nutshell—native American solidarity against alien people and their values. Whether he had proved Sacco and Vanzetti guilty of murder mattered little, for he had revealed their disloyalty. In case the point was lost, Judge Thayer reiterated it in his charge:

Although you knew such service would be arduous, painful, and tiresome, yet you, like the true soldier, responded to the call in the spirit of supreme American loyalty. There is no better word in the English language than "loyalty."

And just who were those "men of Norfolk" to whom the judge and prosecutor appealed? Could they put aside inflammatory rhetoric and render a just verdict? Not a single foreign name, much less an Italian one, appeared on the juror's list. Because Fred Moore had rejected any "capitalists" during jury selection, a

few prospective jurors whom the McAnarneys knew to be fair-minded were kept off the jury. Those jurors selected were drawn from the tradespeople and other respectable Protestants of the town. None would share the defendants' antipathy to capitalism; few would have had any compassion for the plight of Italian immigrants or union members. Even worse, the jury foreman, Harry Ripley, was a former police chief who outdid himself in persuading his fellow jurors to convict. He violated basic rules of evidence in a capital case by bringing into the jury room cartridges similar to those placed in evidence. A short time before, he had told his friend William Daly that he would be on the jury in "the case of the two 'ginneys' charged with murder at South Braintree." When Daly suggested that they might be innocent, Ripley replied, "Damn them, they ought to hang anyway."

By using the concept of nativism to gain a broader perspective, the historian has come to understand the answer to a question lawyers need not even ask: what factors accounted for the conviction of Sacco and Vanzetti where legitimate evidence was so clearly lacking? Nativism explains many prejudices exhibited in the trial record. It also explains why those attitudes were so widespread in 1920–1921. We must accept the truth of law professor Edmund M. Morgan's assertion that it was "almost impossible to secure a verdict which runs counter to the settled convictions of the community." Sacco and Vanzetti symbolized for a majority of Americans and the "men of Norfolk" alien forces that threatened their way of life.

Yet, having answered one important question, the historian still faces another. Granted that a jury convicted two alien radicals of robbery and murder in 1921, but "why all the fuss," as we asked earlier, in the years that followed? After all, Sacco and Vanzetti were not sentenced until 1927, long after the virulent nativist mood had passed. Corruption and scandal had by then killed the Klan. Prohibition had closed that infernal den of immigrant iniquity, the saloon. The Immigration Acts of 1921 and 1924 had severely curbed the flow of newcomers from Italy and eastern Europe. The damage from unsuccessful

strikes, management opposition, and government hostility had sent organized labor into a decline from which it would not recover until the New Deal years. The historian must still explain how a local case extended its impact beyond Norfolk County to the nation and even the international community.

No single answer, even one so broad as nativism, can account for the notoriety. Certainly, from the beginning the case had sent ripples across the nation. Socially prominent individuals, intellectuals, the American Federation of Labor, immigrant groups, and radicals had all contributed to the defense fund for the Dedham trial. Those people represented a small minority without great political influence. But by tracing out the appeals process, the historian discovers a series of events that enlarged the significance of the case, heightened the public's awareness of the crucial issues involved, and raised the stakes many groups risked on the judicial outcome.

A NATION STIRRED

In the American legal system, the right of appeal is designed to protect defendants against any miscarriage of justice rising out of the original trial. But in 1920 the appeals process in Massachusetts contained a provision that ultimately proved fatal to Sacco and Vanzetti. Any motion for a retrial based on new evidence had to be granted by the original trial judge. On each of eight motions made by the defense, including substantial evidence of prejudice on the part of the judge, the person who heard that appeal was none other than Webster Thayer! . . .

A mounting body of evidence seemed to indicate that the two men were innocent. Yet, as the courts remained deaf to the defense appeals, more and more reasonable people came to suspect that, indeed, powerful men and institutions were conspiring to destroy two people perceived as a threat to the social order. Thayer's sentence of death by electrocution seemed but a final thread in a web of legal intrigue to commit an injustice.

Sacco and Vanzetti played an important part in winning broad popular support for their cause. Steadfastly, in the face of repeated disappointments, they maintained their innocence. Sacco, the more simple and direct of the two, suffered deeply as a result of separation from his family. During the first trying years, he went on a hunger strike and suffered a nervous breakdown. From that point on, he stoically awaited the end, more preoccupied with saving his wife further anguish than with saving himself. To assist the defense effort, however, he had begun in 1923 to study English, though with little success. A letter written to his teacher in 1926 conveys his energetic, simple idealism. Sacco had wanted to explain to his teacher why he had been unable to master the language:

No, it isn't, because I have try with all my passion for the success of this beautiful language, not only for the sake of my family and the promise I have made to you—but for my own individual satisfaction, to know and to be able to read and write correct English. But woe is me! It wasn't so; no, because the sadness of these close and cold walls, the idea to be away from my dear family, for all the beauty and joy of liberty—had more than once exhaust my passion.

Vanzetti's articulate, often eloquent speeches and letters won him the respect of fellow prisoners, defenders, and literary figures drawn to the case, including Upton Sinclair, whose reformist instincts had not deserted him since writing *The Jungle* twenty years earlier. (Vanzetti was "one of the wisest and kindest persons I ever knew," Sinclair wrote, "and I thought him as incapable of murder as I was.") . . .

By the time all appeals were exhausted, the Sacco and Vanzetti case had brought to public attention not only issues of guilt and innocence, but more fundamental tensions in American society. On one side were arrayed immigrants, workers, and the poor for whom Sacco and Vanzetti stood as powerful symbols. On the other stood Thayer, the "men of Norfolk," the Protestant establishment, and those who believed that America should tolerate only certain peoples and ideas.

On the night of August 22, 1927, John Dos Passos, a young writer, stood with the crowd outside Charleston Prison waiting for news of Sacco and Vanzetti's fate. Shortly after midnight word came—the “good shoemaker and poor fish peddler” were dead. Grief and anger raked the crowd. Some wept, others cried out in the name of justice, and many tore their clothes in anguish. The scene outside the prison was repeated in New York and other cities around the world. Years later, Dos Passos expressed the outrage he felt against those who had persecuted Sacco and Vanzetti:

they have clubbed us off the streets they are stronger
they are rich they hire and fire the politicians the news-
papereditors the old judges the small men with reputa-
tions the collegepresidents the ward heelers (listen
collegepresidents judges America will not forget her be-
trayers). . . .

all right you have won you will kill the brave men
our friends tonight

there is nothing left to do we are beaten. . . .

America our nation has been beaten by strangers
who have turned our language inside out who have
taken the clean words our Fathers spoke and made
them slimy and foul. . . .

they have built the electricchair and hired the execu-
tioner to throw the switch

all right we are two nations

Two nations—that was the reason for “all the fuss.”

Will the real truth of the case ever be known? Perhaps not—at least not “beyond a reasonable doubt,” to borrow the language of the courts. Yet historians have unearthed enough additional information to provide, if not the certainties of fact, at least a few ironies of probability. After Sacco and Vanzetti's execution, Upton Sinclair began to collect material for a novel about the case. As a socialist who had staunchly defended the two men during their years in prison, he was able to interview scores of friends and associates. While Sinclair remained convinced that Sacco and Vanzetti were innocent of the Bridge-water and Braintree robberies, he became less sure

whether the two men were merely philosophical anarchists. Both had “believed in and taught violence,” he discovered. “I became convinced from many different sources that Vanzetti was not the pacifist he was reported to be under the necessity of defense propa- ganda. He was, like many fanatics, a dual personality, and when he was roused by the social conflict he was a very dangerous man.”

Historian Paul Avrich, investigating the anarchist community of which the two men were a part, noted that Vanzetti was indeed a close friend of Luigi Galleani, the firebrand whose associates had launched the letter bombs of 1919 and dynamited Attorney General Palmer's home. “We mean to speak for [the proletariat through] the voice of dynamite, through the mouth of guns,” announced the anarchist leaflet found nearby. Carlo Valdinoci, the man who was blown up carrying out his mission, had been a good friend of both Sacco and Vanzetti. Indeed, after Valdinoci's death, his sister Assunta moved in with Sacco and his family. Then, too, rumors within the anarchist community suggested that Vanzetti himself had assembled the bomb that demolished a judge's home in Boston the night Valdinoci had done his work in Washington.

“But my conviction is that I have suffered for things I am guilty of,” Vanzetti told Thayer at the end. Perhaps there was pride as well as indignation in this response. What, in the end, was the guilt of which Sacco and Vanzetti were so conscious during the trial? Was it merely the knowledge that their radical pamphlets, if found, would get them deported? But both men had been preparing to flee the country anyway, before being arrested. (Recall Sacco's outsized passport photo.) Could their evasive behavior have resulted from the fact that they had more to conceal at home than a few pamphlets?

Upton Sinclair came to believe so. After the execution, Fred Moore confided to him that Sacco and Vanzetti had admitted “they were hiding dynamite on the night of their arrest, and that that was the real reason why they told lies and stuck to them.” If true, Sacco and Vanzetti, like Valdinoci, had been willing to commit acts of anarchism that, by the laws of

American society, would have been punishable by death. Sacco made clear his own distinction between being tried for his beliefs and being arrested for mere bank robbery. "If I was arrested because of the Idea I am glad to suffer. If I must I will die for it. But they have arrested me for a gunman job."

Is the final irony that Sacco and Vanzetti were willing to die—perhaps even to kill others—for their Idea? Just as the "men of Norfolk" and the officials of Massachusetts were willing to execute Sacco and Vanzetti on behalf of *their* idea of what America should be? ("Damn them, they ought to hang anyway," remarked juror Ripley.) The historian must suspect that on that August night in 1927, citizens were not merely fighting over a matter of guilt or innocence, but (as Dos Passos put it) over the meaning of those "clean words our Fathers spoke." Sacco and Vanzetti had forced the nation to ask who in their own times best embodied the principles of freedom and equality inherited from 1776. Perhaps neither historians nor lawyers can resolve that question to the satisfaction of a divided nation.

QUESTIONS TO CONSIDER

- 1 Describe the crimes allegedly committed by Sacco and Vanzetti. When you consider the amount of evidence and the number of witnesses in their seven-week trial, explain why the jury came back with a guilty verdict in only five hours. Why did this trial of two lowly Italian immigrants generate such bitter controversy?
- 2 Why did the police label Sacco and Vanzetti as "suspicious characters"? Describe the unconventional investigation that attempted to link them to the Braintree murders. Given the lack of hard evidence (fingerprints, confiscated money), explain how the district attorney conducted his prosecution. Why would such a case have no credibility in the twenty-first-century American judicial system?
- 3 Why do the authors conclude "that those who prosecuted Sacco and Vanzetti were far more concerned with who the defendants were and what they believed than with what they might have done"? Define "nativism" and how it affected attitudes toward immigrants who came to America immediately after the Great War.
- 4 Who was A. Mitchell Palmer, and how did his actions reflect the ethnic prejudices of his day? How did Palmer violate the civil liberties of the people he suspected of radicalism? Following the Great War, what problems did the labor movement face? In what ways did labor unrest create an atmosphere in America that tolerated most of Palmer's excesses?
- 5 What factors transformed the trial of Sacco and Vanzetti into a national and international controversy? Explain why novelist John Dos Passos contended that the America of the 1920s consisted of "two nations."
- 6 What do the authors of this selection mean when they repeatedly contrast the rules of evidence that guide historians with the rules of evidence followed by judges and juries? How do these rules differ? How can historians explain why there was such acrimonious controversy over the trial of Sacco and Vanzetti?