

When the Downtrodden Ask Justice

Sacco and Vanzetti Case in Massachusetts, Now Famous in Criminal Annals, Has Been Going On for Six Years

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(Contributing Editor)



WHAT is happening in the case of Sacco and Vanzetti? has been a frequent inquiry from friends and acquaintances during the past three years. As the readers of "La Follette's" may have heard more or less of the tragic story, some of them may desire likewise to be brought up to date. To them be it told (starting in with a reminder) that on April 15th, 1920, a paymaster and his guard were murdered at South Braintree, Mass., as an incident of the capture of a \$15,000 payroll. The deed was done on the street in the light of open day and in the presence of numerous onlookers. By the merest inadvertence, within less than three weeks, Sacco and Vanzetti, non-English speaking Italians, were picked up in the neighborhood by the police. They were armed; they were struck with terror; and they lied at almost every point on which they were questioned. They were "identified," with more or less certainty, by some few of the many persons who had witnessed the crime. The year following they were tried and adjudged guilty.

The trial was reported on the front pages of the Boston papers, and the courtroom was crowded with English speaking persons as well as Italians. Of these, some whose opinions should count thought that the verdict ran counter to the evidence. They pointed to the anti-alien hysteria which was near its height at the time of the arrest and which had by no means abated a year later. They pointed to the stolen pay-roll of which no least trace was found, though it figured large in the opening statement of the prosecution. They pointed out the very natural cause of the terror under which the accused were laboring, and the perfectly plausible story they told, checked up with witnesses at every point, etc., etc.

Admits Framed Testimony

THE verdict was followed by a series of motions for a new trial, the first one being based upon the claim that the verdict was not justified by the evidence. This motion was heard shortly after the trial closed, and was promptly denied. Five other motions, based for the most part upon newly discovered evidence, were argued intermittently during the three years following. The Hon. Webster Thayer, who had presided at the trial, presided likewise at the hearings on all these motions.

The five later motions were presented in the form of affidavits, and were attended by the scantiest possible publicity. Nevertheless, there were highly dramatic occurrences connected with some of them. For instance: One of them contained what would be popularly called a confession by an important witness for the prosecution, one Captain Charles H. Proctor of the State Police, who admitted that he had purposely "framed" his testimony relative to the "mortal bullet" which it was claimed had been fired from Sacco's gun. Captain Proctor had discussed the matter repeatedly, so he stated, with the prosecuting attorneys, and they had finally agreed upon a form of question to be asked him which would enable him to help out the prosecution without committing a downright perjury. Both the district attorney and his assistant made an indignant general denial, but each of them failed to meet Captain Proctor's point; in fact their statements really confirmed his.

Another motion presented elaborate photographs, taken under a powerful microscope, which were claimed among other things to show a number of radical discrepancies between Sacco's pistol and the similar pistol through which the "mortal bullet" must have been fired. In especial, one of these microphotographs showed a scratch on the bullet which proved, so it is claimed, that the bullet could not possibly have passed through Sacco's gun.

Change Pistol Barrel

"WHY argue questions which are susceptible of first-hand demonstration?" asked the council for the defense, in effect. "Call out Captain Proctor and put him on

the stand, and force him to tell Your Honor what he told me personally and swore to in an affidavit." And as for the scratch on the bullet—"let us put it to a test. Let us fire other bullets—50 bullets or 100. We will all go out on the lot and pick up the bullets as fast as they are fired, and present them to the court as exhibits. Then we can see if a single bullet bears a scratch identical with the mortal bullet. Why waste time in talk about matters that can be put to the proof? We shall not rest until Your Honor allows this gun to be fired."

But Captain Proctor was not put upon the stand, nor was Sacco's pistol ever fired. Instead, some time later, it came out that the barrel of Sacco's pistol had in some mysterious way been replaced by another barrel—just how has never been satisfactorily explained. In the year 1924, some months after the hearings closed, Judge Thayer published a review of all the five pending motions, and dismissed himself, if the expression may be allowed, from the case.

To one of the lawyers who had been in the case through the trial and through all the hearings, the outcome was expected—by whatever means reached. "No evidence on earth will force that judge to grant a new trial," so 'twas said. But others, less experienced in the ways of the law—or less experienced in the mysteries of the human mind—were left in a complete amazement. The reading of the judge's opinion, with its ingenious explanations, selections, and evasions, capped the climax. In very truth, the deeds of reality outdo the creations of fiction!

Appeal to High Court

THE disposition of these motions cleared the way for the appeal to the Supreme Court of Massachusetts, which is expected to hear the case this autumn. The defense is now in the hands of William G. Thompson, a lawyer of

commanding standing at the bar—the same who argued the motions on the "mortal bullet." He was brought into the case at strong sacrifice to himself by his sense that the issues involved far transcended the fortunes of the accused. The appeal on its face deals with points of law; but some of these, Mr. Thompson explains, open the door, although in a limited and restricted way, to a consideration by the appellate court of the evidence in the case. Will the door be sufficiently opened to subject the evidence—the overwhelming evidence—on the bullet and the ensuing matter of the disputed pistol-barrel, to review? And if not, if only legal points are to be considered, who of the laity can doubt that the lower court will be upheld? Supreme Court judges, after all, are only human beings; there is such a thing as pride of profession; and were all that transpired at the hearings to be revealed to the full light of day, a blow would be dealt to the processes of justice which no court could contemplate with equanimity.

Over Five Years Ago

MEANWHILE, let it not be forgotten that it was upon the fifth day of May in the year 1920 that these two men stumbled into the clutches of the law. It was the year of anti-alien hysteria; victims were needed to offset a stolen pay-roll and an atrocious double murder; two non-English speaking Italians were produced—and the rest it seems was done.

For now going on six years Sacco and Vanzetti have languished in prison—suspended between life and death—each day to them a week, each month a year. Is it surprising that they, and their comrades likewise, think with scorn of this "land of the free?" Is it surprising that the case has taken on an international, nay, universal aspect? It is no longer regarded as the Commonwealth of Massachusetts against Sacco and Vanzetti—rather it is the case of the downtrodden of the whole earth against the enthroned power of the modern state.

Platform of Robert M. La Follette, Jr.

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ers. This would benefit 100,000 present federal tax payers in Wisconsin alone and correspondingly reduce the expense of administering the law.

The remaining special war taxes, rightly called "nuisance taxes," should be repealed; thus ending an unfair burden on legitimate business and the consuming public. Super taxes should be lowered by whatever amount remains after these reductions outlined above have been made.

Great fortunes were largely founded on or increased by profiteering during the war. It is only just that the government should equitably tax the great estates belonging to the two per cent of the American people who own sixty-five per cent of the nation's wealth in order to pay off the public debt and relieve the great mass of the people from excessive tax burdens.

In general, I am opposed to the Mellon plan of taxation, or any other plan which proposes to relieve the rich and shift the burden of taxation on the poor.

Trade Commission

THE Federal Trade Commission has stood as a bulwark against the assault of big business interests upon legitimate competitors and the public. Under administration by recent appointees it has abandoned its position of high service to the people. I favor a thorough investigation of the present activities of the Federal Trade Commission, and strengthening of the law which created it so it shall serve legitimate business and the consumers, and not foster monopolies.

I favor constitutional amendments for direct nomination and election by the people of President and Vice President, and for changing the meeting time of Congress to prevent defeated

Senators and Representatives from continuing to influence legislation for months after they have been repudiated at the polls.

Foreign Affairs

CONGRESS has a constitutional right to an authoritative voice in foreign affairs. I favor its exercising that right to: (1) promote friendly relations with all countries, especially Mexico and the Central and South American Republics. (2) promote firm treaty agreements with all nations to outlaw war, abolish conscription and provide for referendum on questions of peace and war. (3) to defeat all forms of imperialism. I am opposed to the use of the armed forces of the United States to aid in the exploitation of weaker nations as has too often happened in our relations with Haiti, San Domingo, Nicaragua and elsewhere.

I am opposed to the entry of the United States into the proposed World Court because it is a back door entrance to the League of Nations which the people have twice refused to join. Under existing international conditions, the World Court must serve the forces of imperialism which dominate the League of Nations. Sooner or later all members of the World Court will be committed by its decisions to enforce the impossible and unjust provisions of the Versailles Treaty.

The great honor and privilege of completing my father's unexpired term entail tremendous obligations which I would undertake with a deep sense of responsibility and a determination to maintain the principles to which he dedicated his life. From those to whom this is a challenge I ask no other interpretation. Upon the principles which were his guide to public service I take my stand. I shall not compromise and I will not surrender.