

**Sacco and Vanzetti:
The Legal and Historical Setting**

**By
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Introduction

Within days of the execution of Bartolomeo Vanzetti and Nicola Sacco, the Pulitzer Prize winning novelist Upton Sinclair arrived in Boston. His intention was to chronicle, in depth and with all his literary skill, the story of Sacco and Vanzetti. Within less than a year, in 1928, he published *Boston*, a two volume, 800 page novel.

In it Sinclair carefully introduced the reader to the deeply held values and the writings, in Italian and English, of Bartolomeo Vanzetti. Toward the story's end, Sinclair reiterated Vanzetti's widely reported statement made in the Charlestown State Prison to the reporter, Philip Strong, shortly before the execution. Sinclair then made this judgment:

History records that those who heard the Gettysburg address of Abraham Lincoln were ill pleased by it. [B]ut the future seldom chooses words which are flowery; it chooses those which have been wrung from the human heart in moments of great suffering and which convey a gleam of spiritual illumination.

Pass on, Bartolomeo Vanzetti, your work is done! ... Fear not the executioner, not yet the raging slanderer - they are powerless to harm you[.] You have spoken the noblest words heard in America in two generations since Abraham Lincoln died.

Also in 1928, the *Letters of Sacco and Vanzetti*, written in English, were published by Viking Press. Among those letters was Nicola Sacco's last letter to his young son, Dante. Here is part of what he wrote:

[M]y dear boy, after your mother had talked to me so much and I had dreamed of you day and night, how joyful it was to see you at last... I saw that you will remain the same affectionate boy, faithful to your mother who loves you so muchI knew that and what here I am going to tell you will touch your sensibilities, but don't cry Dante,

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because many tears have been wasted, as your mother's have been wasted for seven years, and never did any good.

So, Son, instead of crying, be strong, so as to be able to comfort your mother, and when you want to distract your mother from the discouraging soulness, I will tell you what I used to do. To take wild flowers here and there, resting under the shade of trees, between the harmony of the vivid stream and the gentle tranquility of the mothernature, and I am sure that she will enjoy this very much, as you surely would be happy for it.

I open my comments with Sinclair's judgment and Sacco's words to his young son, because it is where I began my own thinking about the trial and the six years of appeals that followed. I will describe those momentarily.

But the first questions are these:

Who were these two Italians, Vanzetti, 39 when he was executed, Sacco only 36, who touched people's hearts and souls and evoked such passion and anger and despair? What was it, in them, about them, that moved men and women to take sides, to write and speak against the power and abuse of government and in whose defense thousands of Italian-American immigrants gave precious dollars and time, and were subjected daily to government surveillance?

I.

The Two Men

Vanzetti. Bartolomeo Vanzetti arrived through Ellis Island in June 1908. He was 19. He was born in the picturesque town of Villafalletto, in northern Italy. He was the oldest of four children and especially close to his sister Luigia. His father owned a modest but successful farm.

Vanzetti, although wanting to study law, was sent to the urban centers of Turin and Cuneo to learn a trade. He read intensely and learned, first hand, the dismal conditions of labor. His early readings included Dante's *Divine Comedy* and, later, Renan's *Life of Jesus*. He returned to Villafalletto with a slowly forming philosophy. As Vanzetti described it: "The principles of humanism and equality of rights began to make a breach in my heart."

He also returned ill with pleurisy. Once he recovered, his mother took ill with cancer. He cared for her daily. Her death was a powerful loss. She was 45 years old. Over his father's objections, Vanzetti came to America.

Vanzetti settled finally in North Plymouth, Massachusetts. He took a room with the Brini family on Suosso's Lane, a largely Italian and Portuguese working-class neighborhood. He became a mentor to their son Beltrando, who learned the violin with Vanzetti's encouragement. Vanzetti also continued to read vociferously, including socialist and anarchist literature.

For a few years, he worked in the massive Plymouth Cordage Company, then the largest maker of rope for industrial and military purposes in the world. In 1916, following a strike led by Italian and Portuguese women that involved the deployment of armed police and state militia, Vanzetti – who actively supported the strikers – was not rehired. The strike added definition to his reputation and to his view of the world.

He began to sell fish in the North Plymouth community. It was during this time that he befriended Aldino Felicani, an Italian born journalist who also edited a newspaper in Boston's North End. Felicani was an avowed anarchist and libertarian. It was a friendship that would later have special consequences for both men.

Among those who knew Vanzetti, he was considered a gentle and studious man. "He talked like a poet," one neighbor said later. "He was born to be a poet." Beltrando Brini, in an interview in 1993, said of Vanzetti: "He believed in the perfectibility of human nature, something that does not exist. That was his blind spot."

Vanzetti had never been arrested, accused of a crime or been the named object of a government investigation.

Sacco. In April 1908 – two months before Vanzetti – Sacco, 17 years old, arrived in Boston Harbor. He was born in Torremaggiore; a small town in the south. Nicola was not his original name. He was baptized Ferdinando. He was the third son in a family of seventeen children. In his youth he loved the outdoors, working hard in his father's vineyards and farm.

The Sacco's were a respected family active in local public affairs. Tempered by the socialist views of his older brother and the lure of America's freedom, Sacco chose to leave home.

He settled in Milford, Massachusetts, west of Boston. He began working at the Milford Shoe Company. In a short time he became a highly skilled, coveted and well-liked employee. He was described as a "good looking young man; vital, yet self-effacing, modest in both manner and speech. He didn't drink. You never heard any vulgarity from him."

Sacco's wages were higher than most. He regularly sent money to his parents in Italy. Years later, at his trial for murder, the owner of the shoe factory he worked in testified on his behalf, praising his diligence and his commitment to family.

Ferdinando's oldest brother, Nicola, married, and, still in Italy, died suddenly. Ferdinando adopted his name.

In 1911, at a community dance to raise money for a paralyzed neighbor, Sacco met Rosa Zambelli. Love was immediate. "Rosina, as she was called," was considered a "young woman of character, intelligence and good looks. Small and slender, she had dark brown eyes, a fair complexion and 'fine copper-colored hair', with a small, round face."

Nicola was 21 and Rosina 17 when they married. On May 10, 1913, they had their first child, a son. They named him Dante. All three are an integral part of the story.

Sacco was strongly affected by the suffering among working people he saw in America. He had a complete belief in the evil of large corporate institutions. To raise money for social causes, Sacco and his wife, Rosina, performed in dramatic societies. They organized plays – with original scripts and scenery – that told stories about struggle and injustice.

Sacco also raised money for the strike at Lawrence in 1912, where two Italian-American anarchists – Arturo Giovanitti and Joseph Ettore – were arrested, tried and acquitted. They were represented by Frank Moore, a labor lawyer from California. Moore would later represent Sacco and Vanzetti.

In 1916, Sacco, never considered an orator or leader, was arrested for refusing to leave a public meeting called to support the strike of miners in the Mesabi Range in Minnesota. The court dismissed the charge. Consequently, he, like Vanzetti, had no record.

Sacco and Vanzetti met in 1917. Sacco opposed America's entry into the war. He did not want to be drafted. Many of those who shared his view were jailed or deported. With his wife's blessing and after making financial arrangements for his family, he joined 60 others in a flight to Mexico. It was May 1917. Vanzetti did the same.

In preparatory meetings held in Boston, the two men met for the first time, and became friends. They remained in Mexico until August 1917 – less than 3 months – before returning home.

Neither was drafted. As it turned out, Sacco was not eligible and, in all likelihood, neither was Vanzetti. Their decision to go to Mexico, however, was a fateful one, with harmful effects during their trial.

Vanzetti returned to North Plymouth. Sacco returned to his job, now with the 3K Shoe Factory in Stoughton. To earn extra money, he also acted as a night watchman. He purchased a gun.

On March 23, 1920, Sacco learned his mother had died. His family wanted him to return to Italy. He took the day off from work on April 15, 1920 to travel to the Italian Consulate in Boston to get a visa for Rosina, Dante and himself. It was a fateful day.

II.

The Arrest of Sacco and Vanzetti

A few weeks earlier, Andrea Salsedo, a popular editor of an Italian anarchist paper, was arrested in New York by Justice Department agents. He was held incommunicado for almost six weeks; without access to family; subject to constant questioning and documented physical abuse.

On May 3, 1920, Salsedo was found dead on the pavement of the Justice Department Office on Park Row in New York. The effect within the Italian community was immediate. With the threat of renewed raids by Attorney General A. Mitchell Palmer,

already condemned by one federal judge as the terroristic methods of a mob, and Salsedo's death, fear of more arrests and deportations increased.

Sacco and Vanzetti agreed to help their friends hide literature. In order to do that, they needed a car. Neither knew how to drive. They turned to Mike Boda, who Sacco had met through a friend. Boda's car was then being repaired in West Bridgewater.

On the evening of May 5, 1920 – two days after Salsedo's death – Sacco and Vanzetti took a street car to West Bridgewater. Unbeknownst to both men, Boda was under surveillance by the local police for his political activities.

Unable to get the car, the men left. Sacco and Vanzetti boarded a street car and headed home. When the car reached Brockton, it was stopped and boarded by two policemen. Sacco and Vanzetti were arrested and placed in the Brockton jail. They were searched. Both were carrying hand guns, Sacco a Colt automatic pistol .32 caliber and Vanzetti a .38 Harrington and Richardson revolver.

Both were questioned by the police chief about their political beliefs, their ethnicity and their friends. They were asked to name names. Both denied having anarchist beliefs and both professed ignorance of knowing various individuals. Both feared, as stated later, they would be victims of political repression and anti-immigrant fervor. No questions were asked about any criminal activity or events. The details of this initial encounter later reverberated to the detriment of both men during the trial.

On the following day, District Attorney Frederick Katzmann questioned them. Like the Police Chief, he asked nothing which related to any crime. He focused, instead, on the political beliefs of both men. At this time, Vanzetti was 32 years old, Sacco was 29.

Eye witnesses to a murder and robbery in South Braintree were brought to look at both men. Some could make no identification; some picked Sacco as one of the bandits who drove the get-a-way car. Originally, no one claimed to have observed Vanzetti at the scene.

Within a few days, however, both men were accused of the crime.

On April 15, 1920 – the day Sacco had gone to the Italian Consulate – five men robbed the Slater and Morill Shoe Company in South Braintree in broad daylight, on a work day. They escaped in a large touring car. During the robbery two men were killed, Frederick Parmenter, Slater and Morill's paymaster and Allesandro Berardelli, the guard. Berardelli was shot four times. \$15,776.51 was stolen. Two days later (April 17, 1920), an earlier stolen Buick was found abandoned. Fingerprints were taken. The press and police believed the Buick was connected to the South Braintree crime.

The arrests, including photographs of both men, were published immediately in newspapers throughout the region. Both were assumed to be the South Braintree bandits.

On May 6, 1920 – one day after the arrest – Aldino Felicani, Vanzetti's friend, formed the Sacco and Vanzetti Defense Committee. He believed immediately it was a political arrest. He would remain the Committee's Treasurer for the next seven years.

Within a short period of time, the Committee had two other members: Gardner Jackson, a newspaper reporter from Colorado, young and liberal; and Elizabeth Glendower Evans, a Boston Brahmin, a strong supporter of labor and women's rights, and a close friend of Louis Brandeis, then on the Supreme Court of the United States. This also was the beginning of Brandeis' involvement in the controversy.

These three people believed unreservedly in these two men. Their individual and collective actions, and the sustained, persistent success of their efforts is a remarkable story. Within a month, two publications began, *Agitazione*, written in Italian, and the *Bulletin*, written in English. Some of America's most renown writers, including John Dos Passos and Edna St. Vincent Millay, contributed articles.

Although five men actually committed the South Braintree crime, no one else was ever charged. The stolen money was never recovered or in any manner connected to Sacco and Vanzetti.

It also was not until September 11, 1920, four months after the arrest, that Sacco and Vanzetti were indicted by a Grand Jury. The testimony which allegedly supported those indictments was known only to the prosecutor. The Grand Jury transcript was "lost" until 1977. I will return, later, to what it said.

III.

The Trial: Dedham

The Setting. The trial began on May 21, 1921 in the Dedham County Courthouse. The men were housed in the county jail, about a two block walk. Each day they were manacled to officers, marched back and forth by 28 policemen, fully armed with pistols and shotguns, who remained in the courtroom. Everyone who entered was frisked. Sacco and Vanzetti were engaged during the entire trial.

The jury entered an armed camp every day.

Rosina Sacco, having given birth to a second child, a daughter Ines, attended the trial daily, accompanied at times by Dante. They stayed in the family home of Justice Brandeis, then living in Washington. D.C. The Greater Boston Federation of Churches sent a representative to assess the trial's fairness.

The Lawyers. Fred Moore was Sacco's counsel and the lead counsel. Jeremiah and Thomas McAnarney, well-known practitioners in Norfolk County, appeared for Vanzetti. District Attorney Katzmann and his Assistant, Harold Williams, represented the Commonwealth.

Trial Judge. The trial judge was Webster Thayer. He was 63. Two months before he had criticized a jury when it acquitted a political radical, charged for expressing his views publicly. Thayer's anger was reported widely. It was shared by the State's prosecutor, District Attorney Katzmann.

Thayer's prejudice displayed during, outside of, and after the Sacco-Vanzetti trial was among the most critical elements in the defense's later appeals.

Translator. There was an official court translator. He was caught repeatedly translating testimony by Italian-Americans incorrectly, in a manner harmful to the defense. During the trial the translator became a father. He named his son after Judge Thayer. The prosecutor, Frederick Katzmann, was the godfather.

The Trial. I am going to summarize the major aspects of the trial and the legal issues. It is not an easy task. There are six volumes of transcripts and appellate papers exceeding six thousand pages. Various aspects of the official record or other evidence harmful to the prosecution were not made available or even located until years after the execution. This is one of the reasons for the continued controversy. For example, both the Grand Jury transcript and Assistant District Attorney William's Trial and Appellate Notebooks were not found until 1977.

Highlights of the Trial

July Selection. 500 men were called during the jury selection process. Only 7 were selected. Frustrated, Thayer directed the sheriff to select men at will. That evening dozens of men known personally to the sheriff were pulled from bed, some from a Masonic meeting. This was the jury pool. Strong but futile objection was made to this process.

The Political/Legal Strategy. Moore believed these men were being tried because of their political views and ethnicity, in an atmosphere of extreme prejudice. The challenge was to stay on the merits; to defend directly against the charge. Sacco and Vanzetti would be witnesses.

Two matters were exploited fully by the prosecution and Judge Thayer in his comments on and off the bench. Sacco and Vanzetti had sought to avoid the draft and were severe critics of capitalism. They also were critical of the growing Fascism in their native country, embraced warmly by American capitalists.

In his testimony Sacco made a reference to his feelings about America, whereupon the prosecution opened, strongly, a severe attack on his political beliefs and his effort to avoid the draft. The jury foreman – about whom more will be said later – daily saluted the courtroom flag. Judge Thayer reminded the jury almost daily of the heroic veterans of Massachusetts, including in his jury instructions.

The Alibis. Sacco had gone to the Italian Consulate in Boston to apply for a passport and to visit friends. The Italian Consular and various Italian-Americans, testifying largely in Italian, supported Sacco's alibi.

Vanzetti said he was in North Plymouth the entire day. Numerous witnesses testified that they purchased fish from him, another verified that he had watched a boat being painted, and a traveling salesman confirmed he had sold cloth to Vanzetti that day. Almost all of these witnesses testified in Italian.

The "eyewitnesses" to the crime now each identified Sacco and Vanzetti. One, Pelzer, testified Sacco was one of the shooters of Berardelli. All had given inconsistent testimony, under oath, when interviewed by Moore prior to the trial or at the jail or during the preliminary hearing. Pelzer, "had told both sides before trial that he could not identify" the shooter.

"Consciousness of Guilt." The Supreme Judicial Court of Massachusetts had recognized that a party's mere conduct could demonstrate their "consciousness of guilt" for the crime they were accused of. Sacco and Vanzetti had both lied about their political beliefs and who they knew when first arrested. Although unrelated to the crime, the prosecution relied heavily on these lies during its cross-examination and in its argument to the jury.

Physical Evidence. There were two of consequence:

(i) A cap, with a hole in the lining, was allegedly "discovered" at the crime scene immediately after the crime occurred. The prosecution claimed the cap was Sacco's. Sacco denied it. It would not fit during the trial. The prosecution claimed the hole in the lining came from the wooden peg Sacco hung his hat on at work. Thayer, in his charge to the jury and in later opinions, stated the cap was Sacco's. Six years after the trial, it was admitted by Braintree's Police Chief, under oath, that the cap was not found until the day *after* the crime was committed; was carried around in a policeman's car for 10 days; and that the lining was torn deliberately by the Police Chief while looking for a label.

(ii) There were four bullets found in Beradelli and, allegedly, four shells found near his body. The prosecution contended only one of the four bullets -- the so-called fatal bullet that killed Berardelli -- and one of the shells allegedly came from the gun found in Sacco's possession. The other three bullets and shells were from a different make and model.

The most compelling testimony was from Proctor, the State's ballistics expert. Following tests he undertook, he testified the fatal bullet was "consistent with being fired from Sacco's gun." This was interpreted, especially in subsequent statements by Thayer (and in his charge to the jury) as showing the bullet was, in fact, from Sacco's gun.

As you will see, in time, this became virtually the only evidence that connected either man to the crime scene.

Suppressed Evidence. Pinkerton Detective Reports prepared for the Slater and Morrill Shoe Company, which concluded the crime was undertaken by an experienced, organized gang, were known only to the District Attorney. Fingerprint evidence from the car was never introduced by the District Attorney. Eyewitnesses who believed neither man

was one of the bandits, also were known only to the District Attorney. Today, all of this would have to be made available to the defense.

In this same context, the "chain of evidence" was problematic: the hat, the car, Sacco's gun and the fatal bullet were not protected from the outset. The car, for example, was used daily by the police to run errands. While in the Court's possession, the barrel to Sacco's gun was discovered to have been exchanged with a different one; and continuous custody of the four Beradelli bullets, once removed from his body, was not accounted for at the trial.

The secret Grand Jury transcript found in 1977 contained medical testimony that the four bullets found in Beradelli's body were all identical and were all from the same gun and that only three shells were found at the crime scene, not four. None of the bullets or shells were identified at the Grand Jury hearing as being from Sacco's gun. This testimony was known only to the District Attorney.

It is unclear whether these men should have even been indicted at all.

DOJ Role. United States Department of Justice agents infiltrated the Defense Committee. One raised and stole funds. They also supported an aborted effort to place a boarder in Rosina Sacco's home and did place an agent next to Sacco in prison. He found nothing.

The Verdict. On July 14, 1921 – 7 weeks after the trial began – the jury retired shortly after noon. It reached its verdict of guilty at approximately 7:30 p.m.

IV.

The Motions for a New Trial: Dedham

Through the course of the next six years, nine motions for a new trial and three appeals to the Supreme Judicial Court of Massachusetts were taken. Four requests to Stay the Execution and a Petition for Habeas Corpus were made to United States Supreme Court Justices. A Petition for Certiorari also was filed with the United States Supreme Court. A request for clemency to Massachusetts Governor Fuller and a request for a Stay of Execution to President Coolidge also were made.

Fred Moore departed. He was fired by Sacco. William Thompson became lead defense counsel. He was a highly distinguished member of the Massachusetts Bar. Thompson was angered by the prejudice he witnessed in Thayer's conduct. He retained Herbert Ehrmann, a friend of the Brandeis family, and Arthur Hill, another prominent member of the Bar. They were later joined by Michael Angelo Musmanno, a young Italian-American lawyer from Pittsburgh dispatched by the Sons of Italy. Professor Felix Frankfurter of Harvard also later participated in the defense.

Motions for A New Trial To Judge Thayer. This first motion was based on an analysis of the trial itself; the recanting of testimony by the prosecution's witnesses, including Pelzer who had testified about Sacco having fired once at Berardelli, and

Thayer's prejudicial statements to others about his disdain for both men. All were supported by affidavits.

The Ripley Motions. William Daly, a good friend of Walter Ripley, the jury foreman, related under oath that Ripley had said to him before the trial "Damn them, they ought to hang them anyway," and that Ripley hated Italians and addressed them as "Dagoes" during the trial.

The Proctor Motion. Proctor, the prosecutor's ballistics expert, also stated in an affidavit that he had meant by the words "consistent with" only that the bullet had been fired from some Colt pistol, not Sacco's specifically. He had told that to Katzmann. Manipulating Proctor's testimony was not denied by Katzman in a subsequent affidavit.

It was at this juncture that William Thompson argued, without evidence, that the bullet alleged to have come from the Sacco gun was substituted by the prosecution after the Grand Jury testimony but before the trial began. There now is every reason to believe he was right.

All motions were denied by Judge Thayer in October 1924. He emphasized that "these verdicts did not rest, in my judgment, upon the testimony of the eyewitnesses." He made no reference to Daly's comments about Ripley's prejudice toward Italians; or gave any weight to Proctor's affidavit concerning his misleading testimony about the "fatal bullet." Thayer reiterated that "the bullet that killed Berardelli was fired through the Sacco gun" and that "consciousness of guilt" was the singularly most important basis for the verdict.

V.

The Appeals: Dedham

Maderios Admits Responsibility for Crime. In November 1925, Celestino Maderios, a young Portuguese immigrant serving in the Dedham jail with Sacco, admitted the crime. Maderios refused to name the other four, except generally as a gang from Providence. The District Attorney declined to undertake any further investigation. "We believe we have found the truth," he said.

Following an investigation by the defense, the Morelli gang of Providence was identified as the likely criminals. Joe Morrelli looked strikingly similar to Sacco. His gang had once been indicted for robbing merchandise from the Slater and Morill Shoe Company. In May 1926, Thompson filed a motion for a new trial with Thayer, with an affidavit from Maderios.

DOJ Agent Affidavits. Accompanying the Maderios Motion were affidavits from two former Justice Department agents, both of whom stated that: "it is and always has been the opinion of such Boston agents of the Department of Justice as had any knowledge on the subject, that [Sacco and Vanzetti] had nothing whatever to do with the South Braintree murders"

The Affiants' truthfulness were not denied by Katzmann. Thompson also had requested Attorney General Sargent for the Justice Department files on Sacco and Vanzetti. He was refused.

Motion Denied. Judge Thayer denigrated the credibility of Maderios and the loyalty of the two former federal agents. He denied the Maderios motion in October 1926.

Appeals. Appeals of a very limited nature were available to the Supreme Judicial Court of Massachusetts. The trial judge had virtually unfettered discretion on all rulings concerning evidence, witnesses, jury instructions and the treatment of counsel.

The Supreme Judicial Court of Massachusetts affirmed all of Thayer's decisions in October 1926 and April 1927 . It concluded Judge Thayer had not abused his discretion in denying the motions or conducting the trial.

While the appeal was pending, Felix Frankfurter wrote a strong, thorough article in the *Atlantic* magazine. He was angered that Katzmann and Proctor had deliberately mislead the jury. He severely chastised Judge Thayer's legal and ethical conduct. The article generated enormous controversy but had no effect on the court.

The Death Sentence. The death sentence was imposed by Judge Thayer on April 9th. The statements of both men, especially Vanzetti's, are eloquent testimony to their knowledge of English learned while in prison and their keen understanding of what had occurred. It also was a moment of powerful emotion and great pain.

VII.

The Governor, and the Appeals

On May 3rd a Petition for Clemency to Governor Alvin Fuller was submitted by Vanzetti. Sacco refused to sign. Within a short period of time Fuller received over 500,000 signatures requesting clemency. A million more arrived from Europe and South America. The Greater Boston Federation of Churches delivered a blistering analysis of the prejudicial conduct of Thayer and Katzmann during the trial. The Sons of Italy also stated to Fuller: "If these two Italians are placed upon the electric chair, a pall of gloom will settle over all Italians in this country. All the millions of law-abiding sons of Italy, from New York to California ... will wonder if, after all, they are not outcasts in a land discovered by their own countryman."

Advisory Committee. On June 1st, Fuller established a three person Advisory Committee chaired by Harvard President A. Lawrence Lowell. Hearings were held privately. The Lowell Committee Report was transmitted to Fuller on July 27th.

Fuller then met with Sacco and Vanzetti individually. On August 3rd, Fuller denied clemency in a brief public statement. The Lowell Report was made public. It concluded both men were guilty.

In Uruguay, Paraguay and Argentina labor unions undertook general strikes. Newspapers in London and Paris deplored the decision and the Lowell Report. In Morocco, Panama and Geneva massive demonstrations took place and violence, both attempted and accomplished, was reported from Sydney, Montevideo, Bucharest, Stockholm, Berlin, Prague, Amsterdam, Athens and Copenhagen. Demonstrations also were held in Casablanca and Marseille. The Uruguayan Chamber of Deputies formally asked President Coolidge to intervene. Aurora D'Angelo, an 18 year old school girl, led a massive demonstration in Chicago. She was arrested. She then did it again.

A Petition For Writ of Habeas Corpus, and, a few days later, a Petition For Stay of Execution were filed with Justice Oliver Wendell Holmes at his summer home in Massachusetts. Both were denied. To Holmes, who was formerly a number of the Supreme Judicial Court of Massachusetts, it was a "states rights" issue. "I cannot think that prejudice on the part of the presiding judge however strong," he said, would allow him to "interfere ... with the proceedings of the state court."

It was a rule of law that did not impede Holmes in other settings.

Justice Brandeis. A Stay of Execution also was filed on August 21st with Justice Louis Brandeis. He recused himself because his wife and daughter had supported Sacco and Vanzetti; and Mrs. Sacco had stayed in their Dedham home. Unknown at that time, Brandeis also had been secretly supporting Felix Frankfurter's effort on behalf of both men.

Holmes and Brandeis were both criticized publicly for their decisions.

President Coolidge. President Coolidge was in South Dakota for the "ground breaking" ceremonies of the Mount Rushmore facade. Coolidge was requested to stay the execution. He denied it.

The execution occurred on the early morning of August 23rd.

VIII.

Wake and Funeral

More than 100,000 mourners passed through the funeral home. It took four hours to reach the coffins.

The Funeral. Two hearses carrying Sacco and Vanzetti went side by side, with another carrying Rosina Sacco and Vanzetti's sister, Luigia, who had come from Italy. They were followed by two hundred thousand people. Most were Italian-Americans. On three separate occasions, the police sought to disrupt the mourners. When, finally the procession entered Jamaica Plains, the police attacked, "causing bloodshed and making arrests."

The Cemetery. The two men were cremated in the Forest Hills Cemetery. A portion of Vanzetti's remains were returned to Villafalletto with his sister, Luigia; another portion

was given to Ms. Brini and, through Aldino Felicani, is now in the Boston Public Library. Sacco's remains were given to Rosina and a portion was interned in his birthplace, Torremaggiore.