

Letter to the Editor by George Sassower

Sacco-Vanzetti

To the Editor:

Fifty years ago, on May 12, 1926, the Supreme Judicial Court of Massachusetts affirmed the conviction of Nicola Sacco and Bartolemeo Vanzetti.

From the time of their arrest six years earlier to their electrocution fifteen months later — despite substantial evidence of their innocence and universal protests that they were not afforded a fair trial even by the legal standards of that day — "not one person in authority voiced an opinion that the accused were victims of injustice or expressed a doubt about their guilt." (*Ehrmann, The Case That Will Not Die*, p. xi).

Those who held power over the case chose to uphold the conviction as vindicating the methods of the prosecuting attorney and the integrity of the trial judge (*Aymar-Sagarin, Laws and Trials That Created History*, p. 121), whose procedures and bias were attacked not only by the accused and their attorneys, but by legal scholars of the time including Felix Frankfurter in his famous article in the *Atlantic Monthly*.

Of all the great orators and writers who championed their cause, it was Vanzetti himself who became immortalized by his simple, moving pleas. His most eloquent words deserve to be recalled:

"If it had not been for these things, I might have lived out my life talking at street corners to scornful men. I might have died, unmarked, unknown, a failure. Now we are not a failure. This is our career and our triumph. Never in our full life could we hope to do such work for tolerance, for justice, for man's understanding of man as now we do by accident. Our words — our lives — our pains — nothing! The taking of our lives — lives of a good shoemaker and a poor fish-peddler — all! That last moment belongs to us — that agony is our triumph."

The tragedy in present-day terms of this classic failure of justice is that the "majesty of the law" as interpreted by a reviewing court still serves to shroud egregious instances of misconduct by a member of the bench in the performance of judicial duties.

Vanzetti recognized this when, on being sentenced, he said:

"They have given a new trial to Madeiros (who had given confessions exculpating Sacco and Vanzetti for the South Braintree crimes) for the reason that the Judge had either forgot or omitted to tell the jury that they should consider the man innocent until found guilty in the court, or something of that sort. That man confessed (of another killing). The man was tried and has confessed, and the court give him another trial. We have proved that there could not have been another Judge on the face of the earth more prejudiced and more cruel than you have been against us. We have proven that. Still they refuse the new trial." (*Ehrmann*, p. 453).

To the shame of the profession, a niche has not yet been found on which to emblazon Vanzetti's eloquence, nor has the profession found a place for the humbling words of the late, great Judge Learned Hand:

"I beseech ye in the bowels of Christ, think that ye may be mistaken. I should like to have that written over the portals of every church, every school, and every courthouse, and, may I say, of every legislative body in the United States. I should like to have every court begin, 'I beseech ye in the bowels of Christ, think that we may be mistaken'" (*Hand, morals in Public Life*).

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