

Shall Massachusetts Commit Judicial Murder?

By ELIZABETH GLENDOWER EVANS

THE Supreme Court of Massachusetts for the second time has spoken. It has said once more that Judge Webster Thayer was legally correct in his rulings in the Sacco-Vanzetti case, and that the Supreme Court is unable to consider independently the evidence which he has passed on. Even Madeiros' confession to having taken part in the South Braintree crime and that neither Sacco nor Vanzetti participated therein,—even the evidence of former associates that Madeiros' participation in the crime was well known by his companions and that he had often declared that sooner than let men wrongly accused go to the chair, he himself would make confession,—even this evidence is not to be submitted to a jury. Judge Thayer is the only tribunal which has had a look in at this and at a whole mass of evidence discovered since the original trial, held in June and July of 1921. "It is not imperative," said the opinion, "that a new trial be granted, even though the evidence is newly discovered, and, if presented to a jury, would justify a different verdict."

Sacco and Vanzetti, thus adjudged guilty of two murders committed more than seven years ago, were sentenced on April 9th to death in the electric chair upon some day during the week beginning July 10, 1927. Each of the men spoke in court before receiving sentence,—spoke in simple, burning words, declaring their innocence of the crime of which they stood accused. Sacco's remarks were brief and were much hampered by being forced to be spoken in a foreign language. His closing words were: "I forgot one thing which my comrade remember me. As I said before, Judge Thayer know all my life, and he knew that I am never been guilty, never—not yesterday nor today nor forever."

Vanzetti spoke for forty-two minutes. His closing words were: "Well, I have already say that I am not guilty of these two crimes, that I never commit a crime in my life,—I have never steal and I have never kill and I have never spilt blood, and I have fought against the crime, and I have fought and I have sacrificed myself even to eliminate the crimes that the law and the church legitimate and sanctify.

"This is what I say: I would not wish to a dog or to a snake, to the most low and unfortunate creature of the earth—I would not wish to any of them what I have had to suffer for things I am not guilty of. But my conviction is that I have suffered for things that I am guilty of. I am suffering because I am a radical, and indeed I am a radical. I have suffered because I am an Italian, and indeed I am an Italian; I have suffered more for my family and for my beloved than for myself; but I am so convinced to be right that if you could execute me two times, and if I could be reborn two other times, I would live again to do again what I have done already."

On the day on which Vanzetti learned that the Supreme Court had denied him a new trial, he wrote to a friend:

"Your good letter has reached me just now. Yes, as far as our lives and freedom are concerned, all has been vain. I am now confined in a cell of Cherry Hill wing, antichamber of the death house, waiting for my doom. * * * As



Wilbur has publicly said few months ago, "The sooner Sacco and Vanzetti be brought to the ultimate justice (????) the sooner the agitation will stop." And I have no illusions. "But yours and our comrades and friends' solidarity and generosity has written a wonderful paragraph in history. It helped us and it will save other—it will never have been done in vain. Be patient and of brave heart, and have all my good wishes and affection."

On April 10, Wm. Ernest Hocking, Professor of Philosophy in Harvard College, gave a striking address from the platform of the Community Church, Symphony Hall, explaining why the opinion of the Supreme Court could not allay doubts as to the merits of the case. He himself, he stated, remained persuaded that Sacco and Vanzetti were as innocent of the crime for which they had been sentenced to death, as he himself was. "We have the incredible, the essentially disgraceful situation that men may be sent to their death in Massachusetts because the courts refuse to hear relevant evidence. The excluded evidence in this case is such, I verily believe, as would convince four men out of five, if they could hear it with unbiased minds, that Sacco and Vanzetti had nothing to do with the Braintree murder.

"It is an appalling thing to see a great

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State, in the full exercise of its faculties, steer deliberately toward an act of profound and irrevocable injustice . . . If the courts fail in this will to justice, the conscience of men must make itself heard . . . The real enemies of the state are those who defend the indefensible, who refuse to acknowledge the error obvious to all thoughtful men, and who reject that primary concern for justice without which no law is worthy of respect and no state worthy of obedience."

In view of the belief of multitudes of persons that the sentence cries out against the evidence on which it should rest, petitions are in circulation praying the Governor to appoint a commission empowered to examine all the facts in the case and to make a report to the public. Similarly letters and telegrams are being sent to the Governor from the world over, both from individuals and from bodies, urging that suitable measures be taken to save the State of Massachusetts from closing its eyes in the act of committing a judicial murder. There are some signs that the Governor will consider these pleas.

Be it remembered that July 10, 1927, is the date set for the execution.

President Coolidge and the Philippines

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tend to divert the attention of the people toward the pursuit of more political power rather than to the consideration of the essential steps necessary for the maintenance of a stable, prosperous, well-governed community."

After citing the wonderful condition of peace, prosperity and self-government already attained under our tutelage, the President tells the Philippine people:

"In frankness and with the utmost friendliness, I must state my sincere conviction that the people of the Philippine Islands have not as yet attained the capability of full self-government."

Such arguments as these, King George might have used to persuade the American colonists that independence would be their ruin!

Three years ago in a letter addressed to the Speaker of the House of Representatives of the Philippine Legislature, President Coolidge said what he repeats in his message vetoing the plebiscite:

"The Government of the United States would not feel that it had performed its full duty to the Filipino people or discharged all its obligations to civilization if it should yield at this time to their aspiration for national independence."

The United States Congress in the preamble of the Jones Law, enacted in 1916, stated that

"It is, as it has always been, the purpose of the people of the United States to withdraw their sovereignty over the Philippine Islands and to recognize their independence as soon as a stable government can be established, therein."

Such was the simple standard established by the Congress of the United States for granting independence to the Filipinos.

In 1919, Governor-General Harrison, in a formal report, testified "the Filipinos, having been given