Massachusetts the Murderer

Massachusetts has taken two lives with a vindictiveness and brutality unsurpassed in our history. It has blotted out the fishmonger and the cobbler whose names are now known around the world, men who in the minds of multitudes will take for the moment their places with the Carpenter. In the face of a world-wide protest of never-equalled dimensions, in the face of appeals from lawyers and judges of the highest standing, and from the heads of foreign governments—with complete contempt for the earnest pleas of the entire European press and some of the leading American daily newspapers that the guilt of the two men was not established beyond doubt—Governor Fuller and his council have sent Sacco and Vanzetti to their deaths. Henceforth the world over, when men wish to describe what is worst in any judicial system, they will declare that it is akin to Massachusetts justice; they will speak for years to come with horror of a State in which two men could be executed after seven years of monstrous torture, in the face of world-wide appeals for mercy; when the bar itself was divided as to the righteousness of the procedure; when the evidence was reviewed by only one judge and he was condemned for grave impropriety of conduct in connection with the case. Massachusetts, said Daniel Webster, "there she is." There she is today, a target for the opprobrium of mankind. Her constituted authorities have used their constitutional powers as cold-bloodedly as ever a Roman centurion had his legal way.

We cannot deny that Governor Fuller and his advisers believe that they have done their simple duty, that they were thoroughly convinced of the guilt of these two men, that they were consciously and conscientiously virtuous in repelling foreign criticism and foreign pleas. They believe that no one else has so mastered the case; that no one else has seen so many persons connected with the crime, and no one else has heard as much testimony. They feel that the delays of years were of the prisoners' own choosing, and not the fault of the judicial system—as if anyone could be blamed for taking advantage of any loophole to escape from a single prejudiced judge! They are sure that they have possession of important facts never brought out in court; that the bulk of Massachusetts opinion is on their side and that the foreign excitement was due to the Defense Committee and its propaganda. They could not, they said, yield to threats; they could not yield to the demands of foreign ignorance deliberately misinformed. Least of all could they yield in the face of the bombing of a juror's house. It was their duty to see the law through; their duty to uphold law and order; theirs to take the pound of flesh. They did so, clothed in the righteousness of men in whose minds no single doubt as to the correctness of their procedure, or the wisdom of their decision, could come to rest.

They did so and they outraged the opinion of the foreign world, voiced thus by Ramsay MacDonald, the former Prime Minister, in England: "This whole affair is too terrible; I hope the reputation of the United States will be saved the horror of this execution." They did so, and they struck at the reputation of the whole nation. They did so and everywhere strengthened the hands of violence and of all those persons who believe that the world can be reformed only by bombs and bloodshed. Everywhere they have made peaceful men and women despair that progress may be achieved without force. They have enforced law and order and created disorder. They have upheld the majesty of the law only to bring it into contempt. They have destroyed the deterrent power of the death penalty in this case, if it ever had any. And to them this has seemed good Americanism and good statesmanship! They must have heard, as have we, of the profound concern in the Departments at Washington as to the effect of this happening upon our foreign relations; they must have heard that there they think our international relations will be clouded for twenty years by the shadow of this tragic event. At this Governor Fuller has shrugged his shoulders; the men were guilty in his eyes; the delay was no fault of his and the sentence must be carried out immediately. After seven years he was not willing to wait even a couple of months longer in the hope that those doubts, raised and re-raised by such powerful journals as the New York Times and World and the Springfield Republican, might be resolved. He could not wait a minute, although every hour that passed after the publication of the Lowell committee's findings and his own, only increased the feeling of doubt as to the correctness of those decisions. Individuals and newspapers that said at first: "Well, we must accept the Lowell report and the Governor's findings," swung around the more they studied these documents and demanded further study and further explanation. With every hour the contradictions of the two viewpoints became more plain and the disagreement as to facts. But the Governor could see no occasion for mercy—rather every reason for getting the case out of the way and ending the public excitement and confusion. So, as we said last week, he has made it necessary to guard the American flag wherever it flies over an American public building outside of the confines of the United States.

That is perhaps the greatest tragedy of all, that the men responsible have taken this course believing in their righteousness, their justice, yet utterly unable to see that the case of the accused had long since transcended the individuals concerned and become part of the lives and causes of great classes of our citizens. They, too, require forgiveness. "They know not what they do." They have had their eyes upon the Mosaic Law. No doubt Governor Fuller could not see a single just reason why he should commute or abate the sentence. "The Governor means well," wrote to The Nation last week one of the noblest persons connected with the cause of these men, who has sacrificed health and means to save the good name of the State of Massachusetts. "The trouble is," the writer added, "he cannot see." There lies the crux of the whole matter. He could not see that there are times when mercy is greater than law and ethics and justice. He could not feel the horror of this execution. He could not see that a wise statesman does not use to the fullest extent the power that is his when by staying the hand of the state he can soothe the great masses of the public with an opportunity further to unwind the tangled skeins of evidence, so differently interpreted by those who have come into the case. He could not see that commutation would make possible the doing of complete justice should later facts demand. So Massachusetts has legally murdered the fishmonger and the cobbler, vindictively and
brutally, for all the righteousness of its Governor who cannot see.

How gross, how degrading it all is! In the year 1927 of our Christian faith a great State electrocutes two men and thinks that thereby it increases its might, its majesty, and its righteousness. It uses violence to avenge the violence with which they charged them. It convicts them of murder and then commits murder. It mumbles: “Thou shalt not kill,” and then, being merely an aggregation of the individuals of whom it demands the sacredness of human life, itself flouts the very sacredness for which it pretends to stand. Thereby the Alvan T. Fullers believe that they suppress or control crime, or at least increase the safety of human life. In all the history of jurisprudence there is no record where murder has been ended by murder, however legalized, or public respect for authority increased by the State’s use of its force. “It has been shown,” declared as far back as 1841 a committee of the Assembly of the State of New York, “that it is a total fallacy to regard the fear of death as constituting any very powerful or effectual restraint upon the indulgence of the motives which impel men to great crimes; that it is seen to be entirely ineffectual in influencing men’s conduct.” For any one who is today deterred from future crimes by the scene in Charlestown jail, there are hundreds of thousands of hearts wrenched into bitterness and rage by this brutality of a State and by the ineradicable belief that the grossest injustice has been done. Can they ever regard the State as highly again? Can they ever believe again that it stands for justice and fair play to all men?

It avails not to say that errors occur in the administration of justice in every land. This case has gone home to people because they are tortured with doubts about the justice of the sentence of two humble men with whom they have had no personal contact whatever, whose political views they in no wise share; because the human heart is not yet so corroded that it can read of the extinction of these two men without a shock to the very roots of its belief in justice and humanity. Perhaps it was precisely for the purpose of creating this sense of moral outrage in multitudes that Alvan T. Fuller occupies the Governorship of Massachusetts. Perhaps fate intended that to millions should be brought home the utter folly of capital punishment, if only because of the terrible finality of it in a case in which new evidence has repeatedly appeared during these seven long years. Tomorrow the other three men charged with the killing who were never traced or identified may turn up; the stolen money not one cent of which was ever connected with Sacco and Vanzetti, may be discovered, and with it the solution of the crime. What then? Where then would be the Thayers and the Fullers? Convicted murderers in their turn. Who knows? It was only the other day a young girl in Kentucky cleared up her own “murder” for which Cole Dabney was then completing the seventh month of life imprisonment. That is but one case of many. The point we make is that Governor Fuller has failed utterly to satisfy editors, lawyers, doctors, college presidents and professors, judges, and men of high standing everywhere, that the case was clear, the guilt beyond dispute. When a State takes the irrevocable step under conditions like these it is idle to talk of a deterrent. It is the State that has harmed itself, that has dealt a blow to law and order. It has roused a dreadful doubt which will never be dissipated, unless by the discovery of new evidence on one side or the other, during the lifetime of multitudes now living. Rightly or wrongly, the case of Sacco and Vanzetti goes down to history with the witch hunting in Salem and, in modern times, with the execution of the anarchists in Chicago in 1886.

As for Sacco and Vanzetti, for whom life’s fitful fever has now run its course, why grieve for them? Their long agony is over and they were philosophers and students of history enough to know that their sacrifice was worth more to the rationalizing of human life than would have been their release and their return to comparative obscurity. John Brown wrote just before his execution that he was “worth infinitely more to hang than for any other purpose.” He spoke more truly than a Tory Southern colonel who, standing at the foot of the scaffold, looked at Brown’s dangling body and said: “So perish all such enemies of Virginia! All such enemies of the Union! All such foes of the human race!”—two years later he was doing his best to destroy the Union. The very act which blots out the lives of Sacco and Vanzetti insures their eternity in any social history of the United States. The mere threat of their deaths produced an amazing international solidarity. When before have multitudes awaited with grief and rage in the Argentine, Japan, Yugoslavia, Italy, all over the world, news of the execution of two American “highwaymen”? When before did the second largest political party in Great Britain officially throw itself into the breach in an endeavor to save the lives of two “criminals”?

Whatever else may be said of Sacco and Vanzetti there can be no doubt that the souls of these two men grew and broadened and gained in knowledge and strength while they were behind the bars. When men face death many things are made clear to them; many scales drop from their eyes. We defy anyone to read Vanzetti’s address to the court or Sacco’s farewell to his son, and say that these were written by bloodstained hands. Alvan T. Fuller to save his life could pen no words like these. But assuming they were guilty then here in all truth is complete proof of the possibility of the uplifting and redemption of the vilest wrongdoers. Vanzetti’s extraordinary utterances have led many besides Heywood Broun to characterize him as one of the great men of the day. In the circle of those close to Governor Fuller we have heard words of profound admiration for Sacco, for his courage, and his consistency, and the wish that he could be known better and his mind enjoyed. And these men the world is asked to believe were cowardly assassins and robbers, these men who led blameless lives until they are said to have appeared with three confederates—never traced—in a Buick car—never traced—to steal $16,000—never traced—in what police officials declared to be the manner of professional criminals.

No, they may swallow this who will. To it we cannot bring our minds or our consciences. But innocent or guilty these men made their mark. Their bearing in the face of death, their shining courage, their resignation, the range of their spirits—these are deathless things, and somehow or other the memory of them goes on in the hearts of men. No one can say what it all means or foretell where this case will end. But this is clear: This legal murder in Boston will profoundly and adversely affect the international relations of the United States, and its moral standing throughout the world for at least a decade to come. Massachusetts has triumphantly killed an Italian fishmonger and an Italian cobbler, but she has blackened the name of the United States across all the seas.