Preparedness Day parade in San Francisco in 1916) they no more committed than did Sacco and Vanzetti commit the payroll robbery. I was present in the State Assembly in Sacramento on January 7, 1939, when the newly elected Gov. Culbert L. Olson presented Mooney with a pardon. In the twenty years he had served in prison, Mooney had become an internationally famous figure; journalists and writers, novelists, poets and playwrights, from all over the world trekked to San Quentin to interview him and were impressed by the man they met. But once released, Mooney's "image" quickly faded; he was not nearly as impressive out of prison as he had been when he was still actually or nominally behind bars. So the Mooney case never became a legend: it lacked, somehow, the deeply moving and impressive qualities of the Sacco and Vanzetti story just as Mooney, for all his courage, lacked some of the fine human qualities they possessed. Innocence itself does not a legend make; other qualities, other values are needed.

On August 23, 1927, I had lunch in Long Beach, Calif., with Upton Sinclair. His book *Oil* had just been published and I was supposed to be interviewing him about it. But we spent the entire afternoon talking about the executions in Boston. I well remember Sinclair's vivid insistence—his total confidence—that the judgment of history would be that Sacco and Vanzetti were innocent. To reverse a miscarriage of justice in which the majority has a deep vested political interest takes time, effort, faith, stamina, courage and strong convictions. Often vindication comes too late to help the victims, but it is never too late to make public acknowledgment, as Governor Dukakis has done, of an act of injustice. It is by these belated—largely symbolic—actions that democratic societies become a little less bigoted, cruel and repressive. □

THE MEN AND THE SYMBOLS

SACCO AND VANZETTI

ERIC FONER

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 was an Italian, and indeed I am an Italian.

—Bartolomeo Vanzetti, 1927

It is fifty years this month since two immigrant Italians, Nicola Sacco and Bartolomeo Vanzetti, died in the electric chair in Massachusetts. Yet "the case that will not die" still arouses emotional controversy and remains a pivotal event in the history of American justice. It will continue to do so, not only because of the character of the two men but because, as Edmund Wilson wrote at the time, the case "revealed the whole anatomy of American life, with all its classes, professions and points of view and all their relations, and it raised almost every fundamental question of our political and social system."

In origin, Sacco and Vanzetti were no different from the millions of other immigrants who entered the United States early in this century. Sacco was born in the village of Torremaggiore in southeastern Italy, one of seventeen children in a relatively prosperous peasant family. Emigrating to this country in 1908 at the age of 17, he learned to edge-trim shoes and worked in a shoe factory in Milford, Mass. The common picture of Sacco as a "good shoemaker," suggesting the familiar Italian-American cobbler, is misleading; he was a skilled factory workman who commanded high wages. By the time of his arrest in 1920 he was married, owned a house and had accumulated $1,500 in savings.

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In contrast to Sacco the settled family man, Vanzetti was an itinerant, unskilled laborer, one of the innumerable "tramps" and migrants of the period who could not or would not adjust to the discipline of the new industrial order. Born in northwestern Italy in 1888, he had spent seven years in school and later took great pride in recalling his excellent record. Arriving in America in 1908, he was first a dishwasher in New York City restaurants, then roamed New England, working variously in a stone quarry, a brick furnace, digging ditches and finally as a fish peddler.

Neither man had come to America as a radical, but both were attracted to anarchism here. Sacco and his wife on occasion performed in street theatre to raise funds for the anarchists, and both men were involved in strikes and war resistance. Sacco collected bread for the Lawrence strikers in 1912 and assisted strikes of Massachusetts foundry and shoe workers; Vanzetti was blacklisted for his part in a strike at a Plymouth cordage factory in 1916.

When the two men met is not known. However, in 1917 Sacco, Vanzetti and other New England anarchists fled to Mexico for a year to avoid the draft and possible deportation for anti-war activities. The more intellectual of the two, Vanzetti during his years in America read books ranging from Dante to Marx, Tolstoy and Kropotkin. Both lived among Italians, neither spoke English well and both planned to return to Italy. It was their arrest that made them fully a part of American life.

I

The crime with which Sacco and Vanzetti were charged and the conduct of their trial have been recounted many times, but it is probably well to summarize them briefly. On April 15, 1920, a shoe com-

Vanzetti

Sacco

Ben Shahn, from *The Nation*, August 23, 1952

pany in South Braintree, Mass. was the scene of a robbery and murder. As a paymaster and guard carried the $16,000 payroll to the factory, two men who had been waiting nearby shot and killed them, and were then picked up by a car carrying three other men. Sacco and Vanzetti were arrested three weeks later while accompanying Mike Boda, an anarchist friend suspected of involvement in the crime, to pick up his car from a repair shop.

At their trial, a major issue was made of the fact that Sacco and Vanzetti were armed at the time of their arrest and lied under initial questioning, denying knowing Boda or being anarchists. This behavior, according to the prosecution, revealed a "consciousness of guilt." Since at the time they had not been told of the charges against them, it seems plausible to assume that the guilt of which they were conscious was radicalism, not robbery. They lied to protect their friends and associates, as well as to avoid possible deportation.

The arrests coincided with the period of the most intense political repression in American history. During World War I the Espionage and Sedition Acts had made illegal virtually any utterance against the war. With the war's end, the foreign-born radical replaced the savage Hun as the symbol of evil for self-appointed defenders of the American way. The postwar Red scare culminated in the notorious Palmer raids of January 1920, when 4,000 radicals were rounded up and several hundred eventually deported.

Sacco and Vanzetti knew, moreover, that the police were less than scrupulous in their treatment of arrested anarchists. Vanzetti had just been to New York, where he had investigated the two-month detention of the Italian anarchist Andrea Salsedo. After Vanzetti's return to Plymouth, two days before his arrest, Salsedo plunged fifteen stories to his death from the offices where he was being questioned by federal agents.

The trial of Sacco and Vanzetti for the South Braintree crime opened on May 31, 1921. The prosecution sought to place the two at the scene through eyewitnesses and a few pieces of physical evidence; the defense produced eyewitnesses who denied that either man had been there, and others to establish alibis.

The evidence against Vanzetti was absurdly thin. Only one man claimed to have seen him at the scene of the crime, and he identified Vanzetti as the driver of the getaway car, contradicting almost all other witnesses, who described the driver as of fair complexion. The prosecution also claimed, with little supporting evidence, that the .38 revolver Vanzetti was carrying at the time of his arrest belonged to the murdered guard. The defense produced thirteen witnesses, all Italian, to testify that Vanzetti had been selling fish on the day of the crime.

Regarding Sacco there was eyewitness testimony that he had and had not been at the scene. Some prosecution witnesses, in violation of standard police procedure,

had viewed Sacco individually instead of in a lineup, whereupon their initial recollection of the murderer's physical appearance improved remarkably. Others claimed, implausibly, that Sacco had spoken to them in clear, unaccented, colloquial English.

The key testimony against Sacco was the assertion that the .32 bullet found in the body of the guard had been fired from the revolver Sacco had on him when arrested. Each side produced ballistics experts to affirm or deny the claim. The prosecution expert, Capt. William Proctor of the State Police, testified that the bullet was "consistent with" having been fired from Sacco's gun. He later admitted that the prosecution had carefully coached him in that exact wording after he had said he could not make a positive identification. He added that he did not believe Sacco's gun had fired the shot. In 1961, two experts commissioned by Francis Russell reaffirmed the theory that Sacco had fired the fatal shot, a conclusion that remains in dispute.

To accept the controversial ballistics evidence, one must not only dismiss Sacco's alibi but also ignore all the gaps in the prosecution's case. Sacco claimed to have gone to Boston that day to obtain a passport for return to Italy. The defense produced witnesses from the Italian Consulate, others who had lunched with him in Boston, and a man who recognized Sacco as having sat across from him on the train. More important, perhaps, is the evidence the prosecution did not present. No attempt was made to determine who had fired five of the six bullets found in the bodies of the dead men, to link the defendants with the stolen money, to establish a motive for the crime, or to present fingerprints as evidence, even though newspaper reports indicated fingerprints had been found on the getaway car.

The entire trial, moreover, was conducted in an atmosphere of intense hostility to the defendants. Seasoned newspaper reporters were shocked by the blatant prejudice shown by Judge Webster Thayer, and by prosecutor Frederick Katzmann's sarcastic, bullying cross-examination of the defendants as to their political beliefs. With Sacco, Katzmann raised such questions as whether he loved America, whether America was a free country, why he had avoided the draft, what he thought of Harvard University, and whether he sent his son to public school (he did). Thayer later remarked to a friend. "Did you see what I did with those anarchistic bastards?"

In such an environment, a conviction was a foregone conclusion. For six years defense lawyers filed successive motions for a new trial, pleading new evidence, recantation of prosecution witnesses, the prejudice of the judge, and a confession implicating the Morelli gang of Providence, R.I. in the robbery. But Judge Thayer rejected all motions and in 1926 the Massachusetts Supreme Court upheld his decision.

Finally, in the spring of 1927, Thayer pronounced a sentence of death. By this time, the case had become an international *cause célèbre*. Governor Fuller appointed a three-member advisory commission to consider the fairness of the verdict. Consisting of Samuel Stratton, president of M.I.T.; Robert Grant, a former judge; and, at the head, Abbott Lawrence Lowell, president of Harvard, the commission was an embodiment of Brahmin respectability. As *The New Republic* observed, "the life of an Italian anarchist was as foreign to them as life on Mars." Lowell's presence recalled the turbulent history of the immigrant factory workers in the cities bearing his familial names. For years he had been an official of the Immigration Restriction League; among his contributions to life at Harvard was the establishment of a segregated residence for black students. The commission's findings affirmed the verdict and sentence, and, despite last-minute appeals to the federal courts, Sacco and Vanzetti were executed. "What more can the immigrants from Italy expect?," remarked Heywood Broun. "It is not every prisoner who has a president of Harvard throw on the switch for him."

II

In her account of the August days preceding the execution, Jeanette Marks observed, "already as individuals Nicola Sacco and Bartolomeo Vanzetti were being lost sight of . . . already they had gone from our midst . . . [they had become] symbolic." The sentimental portrait of a humble shoemaker and fish peddler had, even before their deaths, begun to obscure the living persons. Nowhere is this more apparent than in the way writers on the case have treated the anarchism of Sacco and Vanzetti. Perhaps the problem can be stated as follows: everyone recognizes the importance of politics in the case, but most writers refuse to take the politics of the two men seriously. Herbert Ehrmann, one of the defense lawyers, found their political views "absurd and pathetically impracticable." Francis Russell, who believes Sacco was guilty, considers their beliefs "nobly absurd." Roberta Feuerlicht, the latest student of the case, who is convinced both were innocent, speaks of Vanzetti "prattling about the proletariat" and finds anarchism so senseless that she is "skeptical how deep their beliefs ran." In fact, anarchism was central to the lives of both men.

Today, when anarchists represent a minor fringe in most countries, it is perhaps difficult to recall that before World War I the militant Left in Europe and America tended to be anarchist. Within a span of twenty years anarchists assassinated the monarchs of Italy and Austria-Hungary, the Presidents of France and the United States and the Prime Minister of Spain. In this country, ever since the Haymarket affair of 1886, the image of the bomb-carrying anarchist evoked the kind of fear Bolshevism would inspire in a later decade. "For half a century," as John Dos Passos wrote in 1927, "anarchy has been the bogy of American schoolmasters, policemen, old maids and small-town mayors."

The United States has had two distinct anarchist traditions. Native American anarchism, symbolized by Emerson and Thoreau and deriving from the distrust of government so pervasive in the writings of Paine and Jefferson, was a form of extreme individualism. It was often coupled with pacifism or nonviolence and usually coexisted with a commitment to private property as the bulwark of individual freedom. Immigrant anarchism, associated first with Germans, then Italians, was, in contrast, a

Boardman Robinson, from *The Nation*, September 7, 1927

form of libertarian communism. As Erico Malatesta, the great Italian anarchist, put it, "anarchy without socialism is impossible."

The millennial dream of Italian anarchism was a communal society in which the triad of Old World evils—state, church and private property—had been abolished. More than in any other country, anarchists in Italy exalted the "propaganda of the deed." Terrorism, sabotage and assassination were all considered legitimate ways to stir the masses to revolutionary fervor. "We are revolutionaries," said Malatesta, "because we believe that only the revolution, the violent revolution, can solve the social question."

Although anarchists comprised only a small part of the Italian Left before World War I, through emigration they exerted a powerful influence on the anarchist movement abroad. Among the most important exponents of Italian anarchism in America was Luigi Galleani, the man Vanzetti acknowledged as "our master." A brilliant propagandist and polemicist, Galleani preached a stern brand of anarcho-communism, rejecting any form of political organization and advocating violent revolution and a relentless war against capitalism. In his newspaper, *Cronaca Sovversiva,* Galleani lionized McKinley's assassin Czolgosz as well as Gaetano Bresci, who had returned from Paterson, N.J. to assassinate King Umberto.

During World War I the federal government suppressed Galleani's newspaper when it urged Italians to resist the draft. Galleani himself was deported in May 1919, but not before he had called on his followers for violent revenge. Soon afterward bombs exploded in eight cities, and an Italian was killed trying to place a bomb at Attorney General Palmer's Washington home.

The little-studied Italian anarchist movement forms the backdrop for an understanding of Sacco and Vanzetti, who seem to have been members of one of the loosely organized groups of followers of Galleani that existed in Boston, New York, Paterson and other cities in those years. This does not prove, as Francis Russell claims, that Sacco "felt justified in committing even acts of robbery and murder for his cause." Most anarchists made a clear distinction between ordinary crime and acts of political violence; as Vanzetti later said, most of his political activity consisted of "talking on street corners to scorning men." But the point to remember is that, though Sacco and Vanzetti may never have committed violence, as followers of Galleani they were hardly the innocuous dreamers so often pictured in the literature on the case.

Most of what we know of the beliefs of the two men derives from their famous prison letters. Both were taught to read and write English in prison by wealthy New England women who had interested themselves in the case, and Vanzetti, in particular, became a highly articulate writer in English whose letters still evoke an emotional response. (The same is true of his Italian letters to his family, only portions of which have been translated.)

Sacco emerges from his prison letters as a man of sensitivity, who was distraught over the prolonged separation from his wife and children and the inability to practice his craft. Yet the letters also reveal a social outlook underpinned by an unbending class consciousness and a view of himself and Vanzetti as "the good soldiers of the revolution."

Sacco's reputation for creative thought has suffered by comparison with Vanzetti's. But he was well acquainted with the anarchist press, including Galleani's newspaper, and at the time of his arrest had several dozen books in his home. Although he had received no formal schooling in Italy, he was hardly an illiterate. Nonetheless events, not books, turned him toward anarchy. His experiences in the bitter strikes that wracked the ring of industrial towns around Boston affected his political outlook: in his letters there is little about the evils of government but much on the class struggle and the need for revolution. "I know," he told Judge Thayer, "the sentence will be between two classes, the oppressed and the rich class, and there will always be collision between one and the other."

Even in the personal letters expressing his grief at the separation from his family, Sacco moves instinctively from an individual to a collective point of view. He tells his daughter Ines how he wishes he could "see you running, laughing, crying and singing through the verdant fields," but then adds, "the same I have wished for other poor girls . . . the nightmare of the lower classes saddened very badly your father's soul."

Contemporaries and historians have usually found Vanzetti the more attractive figure. While Sacco has

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been portrayed as dogmatic and proletarian, Vanzetti has been idealized as a philosophical dreamer. Even Elizabeth Gurley Flynn, active in the defense from the beginning, described Vanzetti's social outlook as simply "a belief in human freedom and the dignity of man. . . . He would have been at home with Emerson, Henry D. Thoreau or Walt Whitman." Admirers dubbed Vanzetti a "philosophic anarchist," a phrase which Dos Passos translates as "an anarchist who shaves daily, has good manners and is guaranteed not to act on his beliefs."

"Philosophic anarchist" fails, however, to convey the depth of Vanzetti's anarchist convictions or the vision he shared with Sacco of being men of action within an ongoing radical movement. He had read extraordinarily widely and since 1914 had boarded in the Plymouth home of Vincenzo Brini, a stopping place for such anarchists as Galleani and Carlo Tresca. In prison, Vanzetti spent much of his time writing articles for *L'Asunata dei Reffratari*, a New York anarchist newspaper established by Galleani's followers in 1922. One series was entitled "In Defense of the Revolution," another was a critique of syndicalism, yet another evaluated Soviet society from an anarchist point of view. He also translated anarchist literature into English. In other words, Vanzetti continued to take part in the ongoing debate about revolutionary tactics and politics within the anarchist movement. His political views did not differ significantly from those of other Italian anarchists.

Vanzetti has sometimes been portrayed as an American-style individualist. "The now-obsolete term anarchist-Communist would never have applied to Vanzetti," writes Russell. Joughin and Morgan, authors of one of the most extensive studies of the case *(Legacy of Sacco and Vanzetti)* declare that Vanzetti "rejects collectivism." Vanzetti, in fact, referred to himself precisely as an "anarchist-Communist." "We are Socialists," he wrote of himself and Sacco in 1927. "The difference—the fundamental one—between us and all the other is that they are authoritarian while we are libertarian." Like Sacco, Vanzetti had an acute awareness of class distinctions. He wrote a criticism of the Beards' *Rise of American Civilization* remarkable in prefiguring more recent historical perceptions: "Nothing I found in it . . . of the instinctive and intuitive aspirations of the poor, of the hardly articulated but incommensurable souls of the humbles—except if I believe that they are like the master. . . ."

Vanzetti, then, was more than a simple "humanitarian" and hardly an individualist. It is true, however, that his anarchism did seem to undergo a process of Americanization in prison. Receiving the works of Emerson and Thoreau as gifts from his benefactors, Vanzetti as time went on began to play down the role of violence in anarchism. When in 1927 he petitioned Governor Fuller, affirming his innocence, Vanzetti could refer to Emerson's essays as a fuller exposition of his views.

A follower of Emerson was easier to defend in the Massachusetts of 1927 than a disciple of Galleani. But the partial Americanization of Vanzetti's anarchism was symptomatic of a larger ambivalence that affected his self-perception as the years went by. Sacco always held himself at a certain distance from their wealthy supporters or "philanthropists," as he called them. He told Gardner Jackson, "although knowing that we are one heart, unfortunately, we represent two opposite classes."

Vanzetti, by contrast, thrived on the attentions of the upper-class women who showered him with letters and gifts. One psychologist has suggested that the defense committee women played the role of Vanzetti's "American mothers." His own mother had died when he was 20 and his grief was inordinate. Vanzetti is not known to have shown an interest in women in America. "Oh friend," he wrote in 1923, "the anarchism is as beauty as a woman for me. . . ."

Whatever the dynamics of his relationship to the defense committee women, Vanzetti was dazzled by his prolonged exposure to the upper class. He was even flattered by Mrs. Elizabeth Evans's offer to hire him as a gardener upon his release from prison. More importantly, he imbibed their unflagging belief that justice would eventually prevail. Sacco never shared this optimism and after the sentencing withdrew entirely from the appeals effort. Vanzetti was caught up in the role of philosopher-in-the-rough; Sacco refused to play the part marked out for him. Perhaps he instinctively understood that by transforming them into symbols, the larger audience was losing sight of both their individuality and their convictions.

III

In her new memoir on the case (*The Never-Ending Wrong*, Atlantic/Little, Brown), Katherine Anne Porter recalls the August days in Boston when writers and intellectuals took part in the campaign to save Sacco and Vanzetti from the electric chair. Inadvertently, she gives the impression that intellectuals were the only ones who did so.

There is no question that, by the time of the executions, an impressive array of American writers had lent their services to the defense. Aside from Miss Porter, one thinks of John Dos Passos, H. L. Mencken, Heywood Broun, Edna St. Vincent Millay and Dorothy Parker, as well as others less directly involved, including John Dewey and Jane Addams. Such writers and thinkers discovered in the case a personal and political cause that transcended the alienation of the 1920s, when some writers expatriated themselves to Europe and many others retreated into a domestic exile.

The presence of the intellectuals in Boston helped attract world attention to the final act of the drama and was a significant episode in the history of the intellectual community. In point of fact, however, Mencken and Dos Passos were the only writers of reputation involved in the case before 1927. Dos Passos identified with Sacco and Vanzetti because of his own intellectual affinity for anarchism and because as a Harvard student his name had led to his being treated as "a wop or a guinea or a greaser."

Much of our understanding of the case comes from the writings of intellectuals who, not surprisingly, exaggerated their own importance. Granville Hicks wrote at the time, "the battle was between the intellectuals and everybody else." In terms of publicity, however, the

labor movement carried the burden. Even before the trial, unions in Boston and the surrounding mill towns had protested the arrests, and by 1927 a dozen state labor federations and the AFL national convention had demanded a new trial. Locals of the United Mine Workers and ILGWU were especially active in fund raising and in 1927; here as abroad, the majority of demonstrations were sponsored by labor organizations.

The degree of labor activity was the more remarkable because of the division and retreat of the labor movement in the 1920s. A decade of reaction followed the false dawn of 1919, when Communist revolutions were attempted in Germany and Hungary, general strikes took place in Winnipeg and Belfast, and this country experienced the great steel strike and countless other militant labor disputes. Union membership declined by more than a million in the 1920s. From today's vantage point the decade appears as a watershed in modern American history, a time of declining resistance to the emerging corporate order. New departments of employee psychology sought to mold the working class in the employers' image, while in the press, pulpit and pay packets, in speeches at factory gates by patriots dressed as Uncle Sam, workers were reminded that socialism and trade unions were un-American.

If labor's contribution to the defense has been neglected, the involvement of the Italian-American community and the effect of the execution upon it, have been virtually ignored. From the outset, a tightly knit group of Italian anarchists organized the defense committee, and Italian-Americans provided the money to keep it afloat. Most of the $300,000 that had been raised by the end of 1926 came in small donations from working people, a majority of them Italian, and from such organizations as the Lega Antifascista of Pittsburgh and the Brooklyn Italian-American Democratic Club. The case created a remarkable unity in Italian America; even the pro-Fascist Italian press of New York City supported the two men, much to Vanzetti's discomfiture.

In 1927 Italian labor leaders in New York City sought to organize a nationwide general strike of protest, the respectable Sons of Italy sent a massive petition to Governor Fuller, and 20,000 representatives of labor unions and Italian fraternal organizations marched in Philadelphia on July 4. On the famous days when Katherine Anne Porter was arrested for picketing in Boston (when Miss Porter "did not see anyone identifiably a workingman") the majority of the picketers were foreign-born.

To Dos Passos, Sacco and Vanzetti were "all the immigrants who have built this nation's industries with their sweat and their blood and have gotten for it nothing." To Italian America and, by extension, to the larger immigrant community, they represented all the Italian immigrants victimized by the stereotypes of Italians as knife-wielding criminals who lived by the code of the vendetta. A prominent legal scholar, Dean John Wigmore of Northwestern University Law School, could link the two men with, among other things, "the thugs of India, the Camorra of Naples, the Black Hand of Sicily."

Hovering over the Italian-American community in the 1920s was the cloud of fascism, which had devastating effects on the Italian-American Left. But that community was also under assault from the massive drive to homogenize American culture. The xenophobia of the postwar years was reflected in its most extreme form in the revival of the Ku Klux Klan, but also in the ending of unrestricted immigration. More generally, it could be seen in the involvement of schools, churches, civic organizations and corporations in the Americanization movement. That movement had reached its peak during World War I, when it became the justification for suppressing dissent; but as part of the effort to integrate the immigrant working class into an ordered, homogeneous society it persisted into the 1920s.

To the immigrants, as one Italian-American editor put it, "Americanization is an ugly word." Dos Passos was bitterly, ironically on target when he subtitled his pamphlet on the case "Story of the Americanization of Two Foreignborn Workmen." It was no accident that the Veterans of Foreign Wars chose Americanization Day (April 27, 1927) for a vigorous attack on Sacco and Vanzetti. The two men symbolized the alien threat to provincial, Anglo-Saxon America.

For the Italian-American Left, the execution was one of a series of spiritual blows, beginning with the deportations of 1919-20 and the triumph of Mussolini, from which the movement never really recovered. To the majority of Italian-Americans, it seemed self-evident that the men were persecuted because they were Italian; this was the bond that united Italian immigrants of all political views in their defense. The executions, following a decade of persecution, strengthened the insularity of an already apolitical community, which had brought across the Atlantic an instinctive distrust of law, police and the state.

After all, despite the labor and intellectual allies of the two men, it did seem that the executions reflected the popular will, at least in Massachusetts. "Respectable Boston is possessed with the lust to kill," wrote Mike Gold in his angry piece, "Lynchers in Frockcoats." But if it was a lynching, much of the community was implicated. The defenders of Sacco and Vanzetti were astonished by the vehemence with which the cab drivers, shop clerks and subway guards of Boston—except in the Italian North End—supported the execution of the "damn Reds." How symbolic that James M. Curley, the Irish boss of Boston, denounced Sacco and Vanzetti at the Bunker Hill celebration in 1927. Anglo-Saxon and Irish Boston seemed to have united against the two men, and the isolation of the Italians could not have been more complete.

Miss Porter, in an account which perhaps reflects something of the intellectuals' attitude toward Boston's Italians, recalls a rally in which a "raging crowd" of Italians, "howling like beasts," shouted their "childish phrases." "They'll pay, they'll pay," the crowd cried in Italian. When the bodies lay in state in the North End, one bouquet of flowers bore a ribbon with the motto, "*Aspettando l'ore di vendetta*"—"Awaiting the hour of vengeance." But there was no vengeance, and ten years later, to Italian-Americans like Vito Marcan-

tonio, their death was "still an open wound in the hearts of many of us." The case politicized some Italian-Americans, like the young lawyer Michael Musmanno, but it drove many more back into the privacy of their family and community. Francis Russell, who hounded Sacco's son Dante for some statement of his father's innocence, interpreted Dante's silence as a tacit admission of guilt. But perhaps it reflected not only a desire to avoid publicity but a distrust of all outsiders which the case had accentuated throughout Italian America.

For many intellectuals, the execution was equally traumatic. As Edmund Wilson said, it "made the liberals lose their bearings." Nothing since World War I so shook the liberal faith in the workings of American institutions or the self-sufficiency of the rule of law. The case was a prelude to the leftward turn of many intellectuals in the 1930s. Most notable, perhaps, was Dos Passos, for whom the case provided the conception of America as two nations, the artistic scaffolding of *USA*, his prose-poem of class warfare.

To Italians it was obvious, in the old Mezzogiorno maxim, that "the law works against the people." Sacco always assumed that the legal system would afford a radical no justice, and Vanzetti, despite his optimism, was convinced as an anarchist that "the laws are the codified will of the dominating classes." But the intellectuals and many on the defense committee simply could not believe the executions would take place. This was Massachusetts, after all, not some Southern state where legal and extralegal lynchings were a matter of course. Therefore, "the catastrophe that nobody had really believed would happen," as Malcolm Cowley described the execution, was devastating when it came.

For Felix Frankfurter, who did more than any individual to rally respectable opinion behind the two men, the case was a test of the rule of law itself. What disturbed Frankfurter, then teaching at Harvard Law School, was not so much an erroneous verdict and a prejudiced trial—hardly unusual occurrences—but the approval of the outcome by the legal profession and the courts. The organized bar considered criticism of the case tantamount to treason—a view, Frankfurter insisted, that could only "work a lasting damage to confidence in our whole system of law."

A true conservative, Frankfurter knew the executions would undermine respect for the law. His young associate, Sidney Glueck, put it another way: "Will [the case] even bring about a fundamental change in that sinister, cynical logic of our craft which will persist in the confusion of means and end, in the raising of law above justice?"

Glueck had hit on one of the fundamental issues to arise from the case. In a thoughtful piece in the May issue of *Harper's*, Prof. Sanford Levinson has observed how the notion of "rule of law" is often casually invoked, as if the concept were self-evidently benevolent, and as if it had anything necessarily to do with "justice." Actually the rule of law was upheld in the Sacco-Vanzetti case. The appeals process was pursued from the local level all the way to the Supreme Court, and at each step appellate judges made decisions fully in accord with precedent. The "great dissenter," Supreme Court Justice Oliver Wendell Holmes, not only refused to stay the executions but would not even read the evidence in the case, "except on the limited points that came before me." The rule of law was vindicated but, in the words of the armband worn by the mourners, "justice [was] crucified."

The day of their death, August 23, 1927, would remain a mental benchmark for millions of Americans of that generation, just as the death of Roosevelt and the assassination of Kennedy would be for their children and grandchildren. Some would remember Sacco and Vanzetti for their bearing in the final days, for the dignity and courage they personified. To others, they would simply be two innocent victims, men whose individuality was dwarfed by the larger injustices they came to symbolize. But we should also think of them as rebels, men of action, dreamers of a perfect world where, as Vanzetti wrote, humanity could move beyond "a cursed past in which man was wolf to the man." Sacco and Vanzetti went to their deaths convinced that the outcome would only speed the victory of their cause, "that agony is our triumph." Perhaps the tragedy of their case lies not only in the injustice that was done but in the fact that their execution was one in a long train of events which seems to have driven their utopian vision out of American life. □

'WORKFARE' AND WELFARE

HARVY LIPMAN

Throughout the Presidential campaign and the first six months of his administration, President Carter has emphasized the need to restructure the country's welfare system. In fact, welfare reform may be the most controversial domestic issue he will face in his first term. Gov. Michael Dukakis of Massachusetts has taken much the same position and is stirring up much the same pro and con clamor. Though it is not his main purpose, it could turn out that he will be running a test program for the President.

Carter has already taken some criticism for his May 1st statement that it might take up to three years to develop a full program of welfare reform. Later that month his affirmation of a policy of not increasing federal spending for welfare programs drew strong criticism both from Congress and from within his own Cabinet. More recently (July 28), *The New York Times* reported that, in response to political pressure, particularly from the big

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