

Hello, and welcome to the Death Penalty Information Center's podcasts examining the status of the death penalty in each of the states. In this podcast, we will briefly discuss the history of the death penalty in Massachusetts and some of the circumstances that led to its abolition.

Massachusetts carried out its first recorded execution in 1630. In the 17th century, capital punishment was occasionally imposed because of the religious affiliations of the executed. Not only were people killed for practicing the Quaker religion, but dozens of people were also executed for allegedly practicing witchcraft. The most famous of these episodes occurred in 1692, when 19 people were hung as a result of the Salem Witch Trials.

From 1788, when Massachusetts became a state, until 1951, any first degree murder conviction required the death penalty. However, the number of crimes for which capital punishment could be imposed gradually declined. Numerous committees were formed to evaluate the death penalty, and several politicians opposed the punishment, including Governor Marcus Morton, who in 1843 recommended that capital punishment be abolished. Mandatory capital punishment for first-degree murder remained in place until 1951, when it became a discretionary penalty the jury could decide on.

The most famous death penalty case in Massachusetts history occurred in 1920, when Ferdinando Nicola Sacco and Bartolomeo Vanzetti, two Italian immigrants were charged with the murder of two men. Despite evidence of their innocence, including witnesses who gave both men alibis, they were convicted of first-degree murder. Supporters believed they had been convicted because of their anarchist beliefs. In 1925, Celestino Madeiros confessed to committing the murders. In 1927, lawyers for

Sacco and Vanzetti presented an appeal to the Supreme Judicial Court, but it was denied. In rejecting the appeal, the court said, "It is not imperative 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 were executed on August 23, 1927. The following day, protesters demonstrated around the world. Fifty years later, Governor Michael Dukakis declared August 23, 1977, Nicola Sacco and Bartolomeo Vanzetti Memorial Day.

The last of the 345 executions in Massachusetts occurred in 1947. From 1947 until 1972, courts continued to sentence people to death, but Massachusetts governors commuted these sentences to life in prison. The Supreme Court's decision in *Furman v. Georgia* in 1972 terminated Massachusetts' death penalty, but the state legislature set to work rewriting its capital punishment laws. Legislators struggled to create a law that the Supreme Judicial Court would find constitutional. In response to legislation being repeatedly overruled by the court, lawmakers proposed a public referendum to amend the state constitution to specify that no part of that document could be construed to ban capital punishment. The referendum was approved in 1982, and a revised statute was passed. In *Commonwealth v. Colon-Cruz* (1984), this law was ruled unconstitutional on the grounds that it could not be applied fairly, since only defendants who went to trial were eligible for the death penalty. Those who pled guilty were exempted. This pressured defendants to plea bargain. As the court wrote: "the inevitable consequence is that defendants are discouraged for asserting their right not to plead guilty and their right to demand a trial by jury."

In the late 1990s, efforts to reestablish capital punishment were nearly successful. The House and Senate approved different versions of death penalty legislation in 1997, but Representative John Slattery refused to accept the compromise bill, leaving the vote at an 80-to-80 tie. A 1999 House bill was defeated 83 to 73. The margin of defeat on death penalty legislation has increased since then, despite the efforts of Governor Mitt Romney, who introduced a reinstatement bill in 2005.

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