

STATE AND FEDERAL INFO

Massachusetts



History of the Death Penalty

Massachusetts was one of the first states to carry out the death penalty in colonial times but has since changed its approach. In early times, hanging was the primary method of execution. Some defendants in the 1600's were executed for religious affiliations. **Mary Dyer** was just one of the people executed for affiliating with the Quaker religion and there were dozens of individuals, both male and female, executed for witchcraft. In 1900, Massachusetts installed an electric chair to be used in death penalty cases. Electrocution was the most common form of execution in the Commonwealth until capital punishment was abolished in 1984. After the death penalty was ruled unconstitutional in the state, governors, including Mitt Romney, have tried to reinstate the death penalty. Attempts thus far have been unsuccessful.

Famous Cases

John Billington, a colonist who arrived on the Mayflower, was the first person executed in Massachusetts, in 1630. He was hung for killing John Newcomen.

On April 15, 1920, two men, Frederick Parmenter and Alessandro Berardelli, were robbed and murdered in Braintree, Massachusetts. The two men charged with the murder, **Ferdinando Nicola Sacco** and **Bartolomeo Vanzetti**, were Italian immigrants and followers of Luigi Galleani, an Italian anarchist. Before Sacco and Vanzetti were tried for the murders, Vanzetti was tried and convicted of a separate robbery, despite the testimony of 16 witnesses who provided an alibi for him. Heavy security was put in place for the murder trial, due to fears that other anarchists might try to bomb the courthouse. The prosecution presented evidence that one of the four bullets retrieved from Berardelli's body matched a gun owned by Sacco, though witnesses testified that they saw one man shoot Berardelli four times, suggesting that all four bullets should have come from the same gun. Defense witnesses testified that they were having lunch with Sacco at the time of the robbery and murder, and others said that Vanzetti had been selling fish at that time. When Sacco and Vanzetti were convicted of first-degree murder, a capital crime, demonstrations were held in cities throughout Italy and Latin America. Supporters believed that the men had been convicted because of their anarchist beliefs.

In 1925, Celestino Madeiros, an ex-convict awaiting trial for a different murder, confessed to committing the Braintree murders. Lawyers for Sacco and Vanzetti presented an appeal to Massachusetts' highest court, the Supreme Judicial Court, but it was denied. In denying 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." In 1927, after the appeal had been denied, Judge Webster Thayer sentenced the two men to death. The governor denied clemency after a commission he had formed declared that the trial had been fair. Madeiros (who had been convicted of a separate murder), Sacco, and Vanzetti were all executed on August 23, 1927. The following day, protesters demonstrated around the world. Over 10,000 people in Boston viewed Sacco and Vanzetti in open caskets over two days. Fifty years later, then-Governor Michael Dukakis declared August 23, 1977 Nicola Sacco and Bartolomeo Vanzetti Memorial Day.

The last executions to take place in Massachusetts were **Phillip Bellino** and **Edward Gertson** on May 9, 1947 for the murder of Robert William. Both defendants were electrocuted at Charlestown State Prison. Their executions inspired a commission to evaluate the death penalty in Massachusetts to determine the effectiveness.

Milestones in Abolition/Reinstatement

After *Furman v. Georgia*, voters in the Commonwealth passed an amendment that allowed the death penalty in 1982. Under this new amendment, the state could not "be construed as prohibiting the imposition of the punishment of death". Later that same year, the legislature passed a bill reinstating the death penalty for first-degree murder.

In *Commonwealth v. Colon-Cruz* (1984), the Massachusetts law that enabled capital punishment was ruled unconstitutional on the grounds that it was not applied fairly, since only defendants who went to trial were eligible; this excluded defendants who plead guilty.

Other Interesting Facts

Until 1951, any first degree murder conviction required the death penalty. This changed to provide jury discretion on most murder cases. However, the death penalty was still mandated in murders involving rape or attempted rape.

In total, there have been 345 executions in Massachusetts, including 26 for witchcraft. Nineteen of those executed for witchcraft were hanged in Salem in 1692 as a result of the infamous Salem Witch Trials.



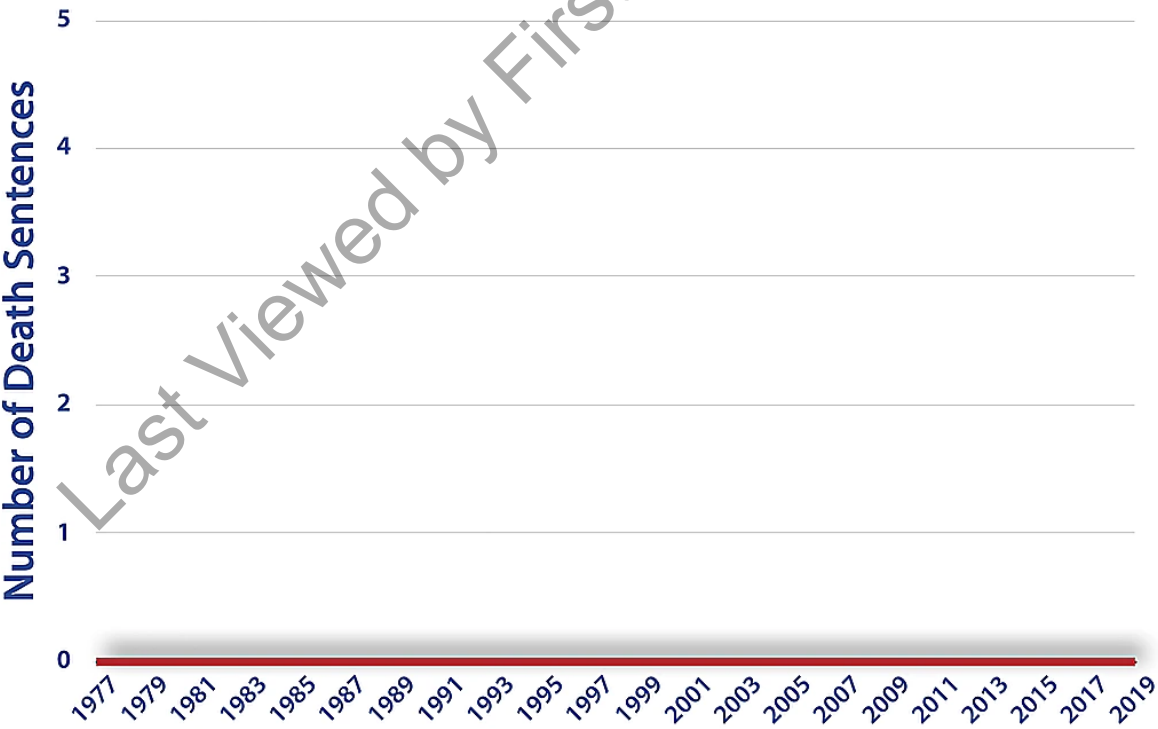


Sunset on Cape Cod Bay. Photo by PapaDunes via flickr.

Resources

- [Department of Corrections](#)
- [Massachusetts Citizens Against the Death Penalty](#)
- [Death Penalty in Massachusetts](#)
- [Prosecutors](#)
- [Public defender's office](#)
- [Victims' services](#)

Massachusetts Death Sentences, 1977 - 2019



RACE

Aug 03, 2020

Capital Case Roundup — Death Penalty Court Decisions the Week of July 27, 2020

NEWS (7/31/20) — Boston, MA: The U.S. Court of Appeals for the First Circuit has overturned the death sentence imposed on Boston marathon bomber Dzhokhar Tsarnaev

FEDERAL DEATH PENALTY

May 13, 2015

EDITORIALS: USA Today Urges Life Without Parole for Dzhokhar Tsarnaev

On May 12, the editorial board of USA Today affirmed its opposition to the death penalty in an editorial urging that Dzhokhar Tsarnaev be sentenced to life without parole, rather than the death penalty, for his role in the Boston marathon...



VICTIMS' FAMILIES

Apr 15, 2015

VICTIMS' FAMILIES PERSPECTIVES: Families of Massachusetts Murder Victims Speak Out on Penalty for Tsarnaev

UPDATE: "Family members of two Massachusetts murder victims, including the police officer who was killed by the Tsarnaevs, have spoken out concerning their views on the sentence they believe should be imposed on Dzhokhar Tsarnaev ...



FEDERAL DEATH PENALTY

Jan 23, 2015

The Difficulties in Selecting Impartial Jury for Boston Bombing Trial

According to a recent article in the New Yorker, it has been difficult selecting a jury for the trial of Dzhokhar Tsarnaev...

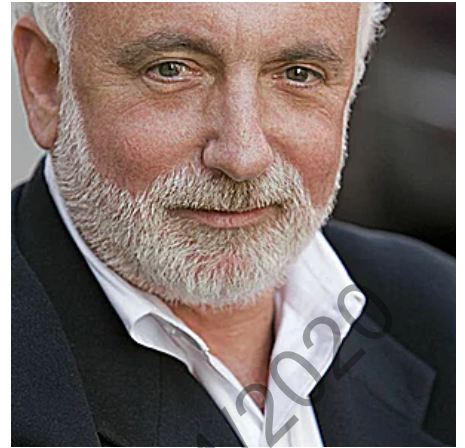


JUVENILES

Jan 13, 2015

Neuroscience Research Indicates Susceptibility to Influence in Younger Defendants

A growing body of research into adolescent brain development indicates that the brains of even those over the age of 18 continue to physically change in ways related to culpability for criminal offenses. The Supreme Court referred to such scientif...



NEW VOICES

Dec 11, 2014

Legal Experts Urge Plea Deal in Boston Bombing Case

In an op-ed for the Boston Globe, three legal experts, including retired federal judge and Harvard Law School professor Nancy Gertner (pictured), wrote about the benefits of allowing accused Boston Marathon bomber Dzhokhar Tsarnaev to plea...



VICTIMS' FAMILIES

Dec 02, 2014

VICTIMS: Boston Bombing Trial Could Cause More Trauma

In an op-ed in the Boston Herald, Michael Avery, professor emeritus at Suffolk University Law School, whose sister and niece were murdered 30 years ago, suggested that a plea bargain might be a better outcome for all conc...



ARBITRARINESS

Nov 13, 2014

NEW VOICES: Federal Judge Underscores the "Heavy Price" of the Death Penalty

In a recent interview, Judge Michael A.onsor, who presided over the first federal death penalty trial in Massachusetts in over 50 years.



first federal death penalty trial in Massachusetts in over 30 years, warned that the death penalty comes with a “heavy price” — the risk of exe...



NEW VOICES

Feb 06, 2014

NEW VOICES: All Democratic Candidates for Massachusetts Governor Oppose Death Penalty for Tsarnaev

In a debate held by the Boston Globe, all five Democratic candidates for governor of Massachusetts said they oppose the death penalty for accused Boston Marathon bomber



FEDERAL DEATH PENALTY

Jan 31, 2014

Resources on the Federal Death Penalty and Boston Marathon Case

On January 30 U.S. Attorney General Eric Holder announced the government would seek the death penalty in the federal prosecution of accused Boston Marathon bomber Dzhokhar Tsarnaev. DPIC has a number of resources about the



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ADDITIONAL INFORMATION

Death Penalty: **No**

Number of Executions Since 1976: **0**

Number of Executions Before 1976 (may include federal and military executions): **345**

Current Death Row Population: **0**

Women on Death Row: **0**

Number of Innocent People Freed From Death Row: **3**

Number of Clemencies Granted: **0**

Date of Reinstatement (following Furman v. Georgia): **November 2, 1982**

Date of Abolition: **October 18, 1984**

Location of Death Row/Executions: **N/A**

Capital: **Boston**

Region: **Northeast**

Population: **6,547,629**

Murder Rate (per 100,000 population): **2.5**

Is Life Without Parole an Option: **Yes**

Method of Execution: **N/A**

Clemency Process: **N/A**

Governor: **Charlie Baker**

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