evidence against him consisted solely of identification by the victims, which rested on no better foundation in this case than in many others. Yet the identification would doubtless have sufficed to convict. Probably the voluntary plea of guilty, however it may be explained, would, under the California statute, bar Willis' claim for compensation. Governor Young in his pardon expresses the belief that both young men are capable of rehabilitation.

BIBLIOGRAPHY

1. Pardon of James S. Willis, signed by Gov. C. C. Young on August 18, 1927, 10 p., No. 589, Office of Secretary of State of California, Sacramento, Calif.

Luigi Zambino

NEW JERSEY FEDERAL

COUNTERFEIT money is a great problem for the secret-service agents of the United States Treasury Department. When one visits the offices of this service, let us say in New York City, the piles of paper and metal money on tables carry one back to the stories of the medieval countinghouses—until it is observed that each piece of money has a criminal history attached to it. The agents who operate for the Federal Government from this office are alert to pick up bits of information which lead to persons who are manufacturing counterfeit money or knowingly passing it.

In the latter part of December, 1905, one Frank Manfra was caught in the net of the Secret Service in New York City. On him, at the time of his arrest, were found fifteen counterfeit United States five-dollar silver certificates. Manfra, caught with the evidence, confessed to the authorities. In his confession he implicated Luigi Zambino, whom, he said, he had met in Paterson, New Jersey, in November, 1905. Manfra said that Zambino proposed that they go into the business of "passing money." He said that they did so,
spending the counterfeit money quite freely in various saloons in Paterson and Hackensack.

Luigi Zambino, an Italian mill hand, lived in Lawrence, Massachusetts, where he worked in the Pemberton Mills. He was the principal support for his parents, both over seventy-five years old, a wife, and nine children, whose ages ranged from five to twenty. On Manfra's statement, Luigi was taken into custody and transferred to Trenton, New Jersey, where his difficulties increased.

On December 8, 1905, some counterfeit five-dollar silver certificates had been given to Charles L. Wyatt, a wholesale whiskey dealer in Hackensack, New Jersey. Wyatt reported to the authorities that at about six o'clock in the evening, two men entered his store to purchase whiskey. One, whom he identified as Manfra, purchased a quart of whiskey and paid for it with the counterfeit money. Wyatt identified Zambino as Manfra's companion.

Zambino said that he was absolutely innocent of any charge of counterfeiting and that, though he had once known Manfra, he had not been in New Jersey at the time when Wyatt claimed he had visited his shop. With Wyatt's identification and Manfra's implicating confession against him, however, Zambino had very little chance. United States Attorney John B. Vreeland presented the matter to the Federal Grand Jury, at the June Term, 1906, and Zambino was indicted for counterfeiting and uttering United States five-dollar certificates, and in particular, with intent to defraud Charles L. Wyatt. He was brought to trial before Judge Joseph Cross, in the United States District Court for New Jersey, on July 11, 1906. He was defended by Mr. Martin Wecksler.

At the time of Zambino's trial, Frank Manfra had already been convicted and was serving his sentence in the Kings County Penitentiary, New York. He was brought to Trenton for the trial and there testified on behalf of the prosecution against Zambino. Wyatt on the stand positively identified Manfra and Zambino. On the question of Zambino's criminal intent, the prosecutors produced as witnesses Edward F. Quigley of Lawrence, Massachusetts, and Ed-
win F. Hatch of Lowell, Massachusetts, both of whom tes-
tified that the defendant had passed similar counterfeit
money on them on August 12, 1905. It appeared that Hatch
had picked Zambino’s picture from photographs of a group
of suspects before seeing him to make the personal identifica-
tion.

Zambino’s defense was an alibi, and he eagerly took the
stand in his own defense. He said that he had been working
regularly in the Pemberton Mills, and that he was at his
job on December 8, 1905. He denied that he had ever made
any propositions to Manfra to start passing bad money,
and he denied being with Manfra in Hackensack and Pater-
son as charged. To support the prisoner’s alibi that he was
at home or at work in Massachusetts throughout the whole
day in question, the defense called the prisoner’s daughter,
Rosina Zambino, a nephew, Domenico Cardegna, and
Michael Basco. The testimony showed that the prisoner had
no criminal record, but in rebuttal the prosecution was able
to pick some minor errors in the defendant’s statements. The
case went to the jury the same day, and it returned a verdict
of guilty. Although Zambino maintained his innocence, no
appeal was taken, and on July 16, 1906, Judge Cross sen-
tenced him to six years at hard labor in the New Jersey
State Prison, and to pay a fine of $500. In the fall of that
same year, Zambino was transferred to the Federal Peniten-
tiary at Atlanta, Georgia—still protesting his innocence.

The plight of the family of this prisoner came to the atten-
tion of J. C. Sanborn, an attorney of Lawrence, Massachu-
setts, and he carefully investigated the facts of the case.
Much to his surprise he learned that the records of the Pem-
berton Mills showed conclusively that Zambino had worked
the whole week from December 4 to December 9, 1905, and
from 6:30 in the morning to 5:00 in the afternoon of each
day. William McConville, Zambino’s overseer in the dye de-
partment, said that he remembered well that Zambino had
been at work then, as did Emma L. Gleason, the timekeeper.
These two persons had been requested by the defense to ap-
pear at the trial, Miss Gleason being sent $15 for her expenses and subpoenaed; but neither one took the trouble to go to Trenton for the trial. Attorney Sanborn, armed with documentary evidence covering these facts, prepared an application for Zambino’s pardon, on the ground of his innocence. This was signed by many of the outstanding citizens of Lawrence, who gave Zambino an excellent character for being an honest, hard-working man. At the time of his arrest he had been living in Lawrence over eleven years. It was explained that the Zambino family were poverty-stricken and they could not afford to pay the expenses of an attorney to visit Trenton to check over the trial evidence—and possibly to find Manfra’s copartner in the affair; it developed that Manfra had a brother who looked a great deal like Zambino, and that Manfra was probably seeking to protect this brother. While Zambino was in Atlanta, Manfra’s term expired and he was freed. He was soon rearrested, however, and convicted of uttering exactly the same kind of counterfeit silver certificates which he had formerly said he had received from Zambino. In view of the circumstances, the Attorney-General assigned a special agent to investigate the whole case in Lawrence, in Hackensack, and in Trenton. The contents of this agent’s report will probably never be known, as it is kept strictly confidential in the pardon records of the Department of Justice, but apparently the agent learned that all of Attorney Sanborn’s statements were true, that the identifications of Zambino by Wyatt, Quigley, and Hatch were erroneous, and that Manfra’s testimony was entirely unreliable; for, upon the recommendation of Attorney-General Wickerman, President Taft granted Zambino a full and unconditional pardon on November 24, 1909, after he had served over three years and four months of his sentence. Zambino then returned to his destitute family in Lawrence.

This case of mistaken identity and perjury is unusual in the fact that a guilty offender, Manfra, chose to name as his accomplice a man whom he knew and who resembled a brother whom he was trying to shield. The resemblance was
apparently sufficient to induce three victims of the fraud to identify Zambino as Manfra's accomplice, and, as Manfra claimed, the instigator of the counterfeiting scheme. Zambino's poverty and the failure of his witnesses to appear proved insuperable handicaps, for he was unable to undertake the investigations which could have established his innocence. Good fortune, induced by the poverty of Zambino's family, later brought into the case Mr. Sanborn, who unraveled the mystery and convinced the investigators of the Department of Justice that a mistake had been made. A closer analysis of the facts by a public defender might have established the truth of the alibi at the trial. But to accomplish that, money was necessary and Zambino had none. Where the innocence is conclusively established, as in this case, it would seem proper for the Department of Justice, if only by way of vindication for the unhappy victim of judicial error, to disclose the full facts rather than to keep them confidential.

BIBLIOGRAPHY

1. United States v. Luigi Zambino, Case No. 1, June Term, 1906, United States District Court, New Jersey, Trenton, N.J.