

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

FORMERLY IN THE SUPERIOR COURT

Nos. 5545 and 5546

Criminal Session

COMMONWEALTH OF MASSACHUSETTS

vs.

NICOLA SACCO and BARTOLMEO VANZETTI  
~~Now before the GOVERNOR and COUNCIL.~~

AFFIDAVIT OF ELIZABETH R. BERNKOPF

My name is Elizabeth R. Bernkopf; I am married and live at my home in Boston, Massachusetts.

In 1923 and the early part of 1924 I was a reporter for the International News Service and in this connection I covered the hearings on the motions for a new trial in the cases of Commonwealth vs. Sacco and Vanzetti, which as I recall lasted for several weeks, and also some of the hearings relating to Sacco's sanity.

In going to Dedham to report these hearings I invariably took the train in the morning with other reporters at the Back Bay Station. The other reporters were men and all of them would go into the smoking car. Judge Webster Thayer, who presided at these hearings, would take the same train as the reporters from the Back Bay Station and generally asked if he might sit with me which he frequently did. After this happened a few times Judge Thayer would often join me in the station before the train arrived, conduct me to a vacant seat and we would ride together between the Back Bay Station and Dedham. Once, on his own initiative, he presented me with an autographed picture of himself.

Judge Thayer talked a great deal about the Sacco-Vanzetti cases. Judge Thayer's conversation about the Sacco-Vanzetti cases was wholly voluntary on his part as I was careful to say nothing by way of question or comment to evoke such a discussion. I could not, however, decline to listen without being grossly discourteous.

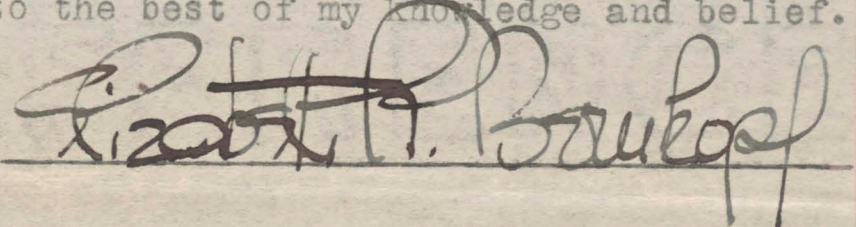
I can not now recall the exact language or the particulars mentioned



by Judge Thayer in his discussion of the Sacco-Vanzetti cases. The substance of his talk was, however, generally the same, namely: that he could not be intimidated by anybody or anything; that the defense would find that they could not hoodwink him; that nobody could "put anything over on him"; that he represented the integrity of the Courts of Massachusetts and would see to it that that integrity was maintained; that he distrusted and had no sympathy for the kind of people who were supporting the defense financially and otherwise; that he disliked and was suspicious of Attorney Moore whom he generally referred to as "that long-haired anarchist".

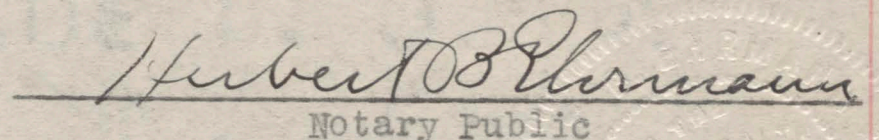
Attorney Moore was frequently the subject of his discussions and he presented his views in language to the effect that he regarded Moore and himself as antagonists in these cases. Judge Thayer invariably stated in substance that if Moore thought that he could outwit the Courts of Massachusetts he was going to see to it that Moore would be disillusioned and that perhaps Moore could successfully play that game in California but that he would find that in Massachusetts it was an entirely different matter. He (Judge Thayer) did not propose to allow the Massachusetts Courts to be imposed upon by Moore, no tricks would deceive him and no threats would intimidate him. The only viewpoint which he ever expressed on the motions pending before him was that he was the guardian of the integrity of the Administration of Justice in Massachusetts and that he would protect this integrity if any assaults were made upon it by Moore "that long-haired anarchist from California". He also stated that if "they (meaning the defendants and their attorneys) appealed from his decisions to the Supreme Judicial Court they would see how far they would get."

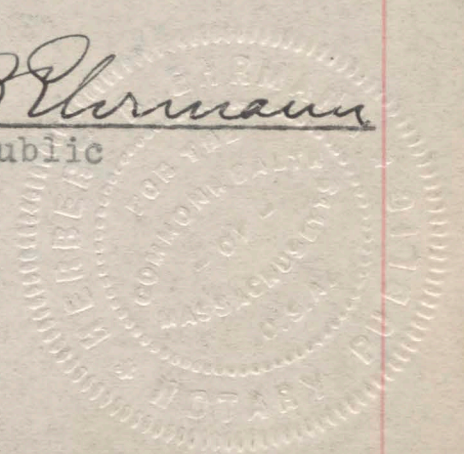
The above statements are true to the best of my knowledge and belief.



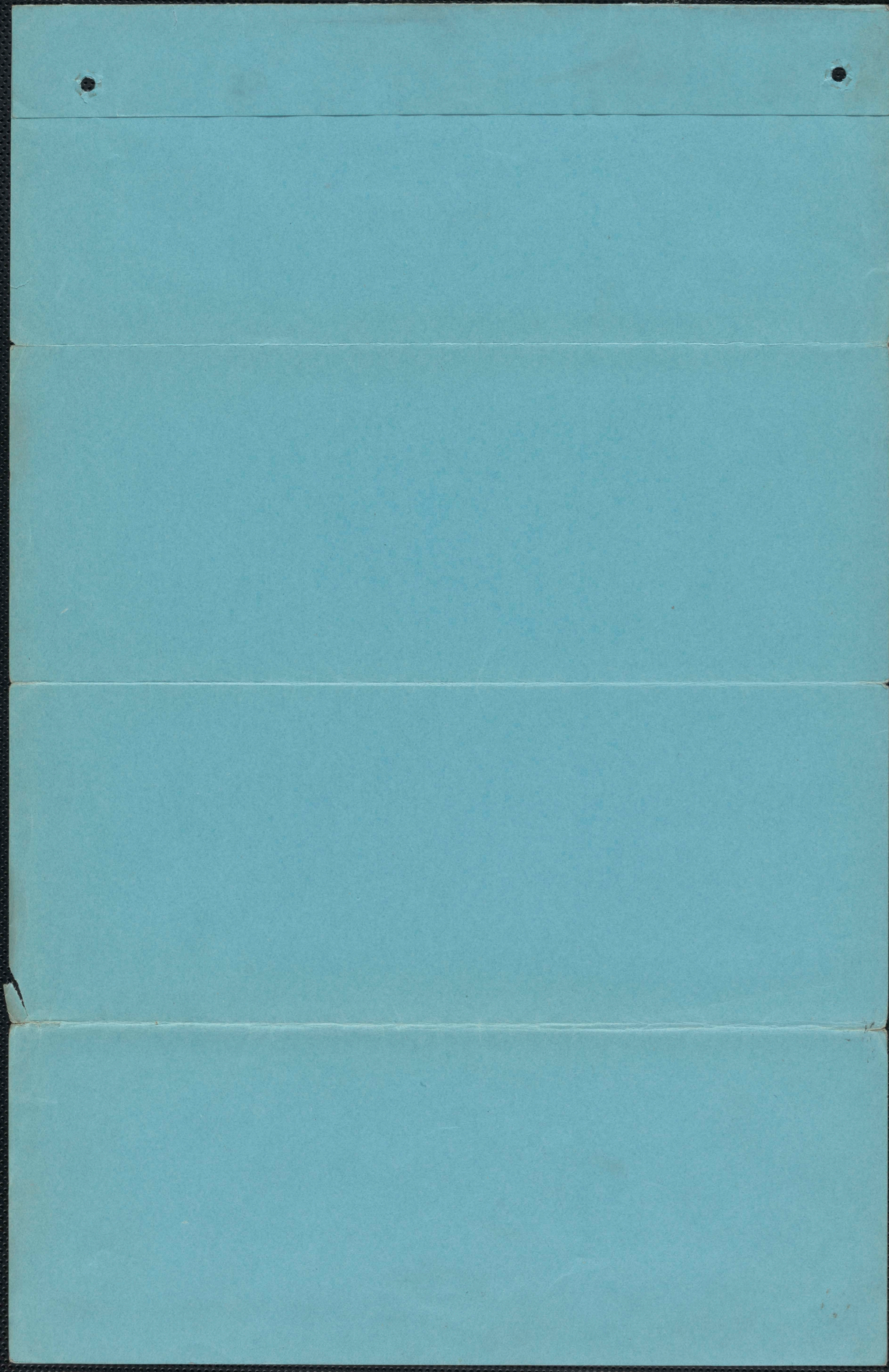
Commonwealth of Massachusetts)  
County of Suffolk ) ss.

Subscribed and sworn to, before me, this 26<sup>th</sup> day of March, 1927.

  
Notary Public









292

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~~Now Before the Governor~~  
~~and Council.~~  
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AFFIDAVIT OF ELIZABETH R. BERNKOPF

RECEIVED & FILED

AUG 6 1927

OFFICE OF CLERK OF COURTS  
NORFOLK COUNTY

From the office of  
Goulston & Storrs,  
80 Federal Street,  
Boston, Mass.