

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss.

FORMERLY IN THE SUPERIOR COURT

Nos. 5545 and 5546

Criminal Session

COMMONWEALTH OF MASSACHUSETTS

v.

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

AFFIDAVIT OF FRANK P. SIBLEY

My name is Frank P. Sibley and I reside in Boston, Massachusetts. I am, and for many years have been, a reporter for the Boston Globe, one of the daily newspapers published in Boston. In 1921 I was assigned to cover the trial of the cases of Commonwealth vs. Sacco and Vanzetti. I was in attendance at Dedham every day during the trial of these cases and reported the proceedings for the daily paper which I represented.

The reporters who attended the trial, including myself, usually had lunch during the noon recess at the Dedham Inn and Judge Webster Thayer who presided at the trial generally had lunch at the same place. Sometimes Judge Thayer would invite one of the reporters to have lunch with him and if the invitation was accepted, the occasion was marked, as I know of my own knowledge and upon information and belief, by comment on the part of Judge Thayer about the trial and its progress. It also often happened that Judge Thayer would walk with one or more of the reporters from the Dedham Inn to the Court House, and to my own knowledge and upon information and belief, would comment on the case during such walks. The reporters did not seek these interviews and in fact sought to avoid them. Another subject frequently discussed by Judge Thayer on these occasions was his conduct of former trials and compliments which he had received. I can not now recall all of the statements made by Judge Thayer to me concerning this case, but shortly after the trial I embodied some of these remarks in a letter to J. Weston Allen, the Attorney-General, to which I received no reply. I have not kept a copy of this letter.

During the early stages of the trial when the talesmen were being ex-

amined and during one of the walks from the Dedham Inn to the Court House, Judge Thayer proceeded to discuss Attorney Moore, one of the lawyers representing the defendant, Sacco. This subject seemed to excite him considerably and among other remarks, he exclaimed, "I'll show them that no long-haired anarchist from California can run this court!" During the progress of the trial he frequently referred to the counsel for the defense as "those damn fools". On several occasions he said, "Just wait until you hear my charge."

On one occasion Judge Thayer approached the table at which the reporters were having lunch and made the following statement: "I think I am entitled to have a statement printed in the Boston papers that this trial is being conducted in a fair and impartial manner". This declaration caused considerable embarrassment to myself and to the other reporters. No one answered Judge Thayer. He then turned to me with the remark, "Sibley, you're the oldest, what do you think?" I responded, "Your honor, I have never seen anything like it." Judge Thayer then walked away from the table.

On another occasion, a conference between the Judge and attorneys was about to begin at the Bench and I started to leave the Court Room passing rather close to the Bench as I did so. A stenographer was just at that time moving around with his book and pencil to take notes at the Bench and Judge Thayer turned sharply to the stenographer and said in a low voice, "You get the hell out of here."

During the cross-examination of Sacco, Judge Thayer to an objection by Mr. McAnarney said, "Are you going to claim that your client, in collecting this literature, was acting in the interest of the United States?" This statement coming from the Bench seemed so remarkable in view of Sacco's testimony that I used it in my next morning's story of the day's trial. During the next morning recess, I received word that Judge Thayer desired to see me in Chambers and I went in to his room. He opened by referring to the statement attributed to him in my story in regard to Sacco's gathering literature for the benefit of the United States. He stated that he had made no such remark and said that he had verified this by sending for a transcript of what he had said. He then produced a typewritten sheet which he said was a transcript of his remarks. The question which I had printed in my story did not appear on the typewritten

sheet. I then told him that my hearing might have played me false and was about to ask Judge Thayer if he desired a retraction when the bailiff entered, announced the arrival of the Jury and Judge Thayer departed. On consulting the actual record of the case I found that Judge Thayer had asked this question not once but many times in the presence of the Jury.

The above statements are true to my personal knowledge except such as are based upon information and belief and those I believe to be true.

Frank P. Sibley

COMMONWEALTH OF MASSACHUSETTS

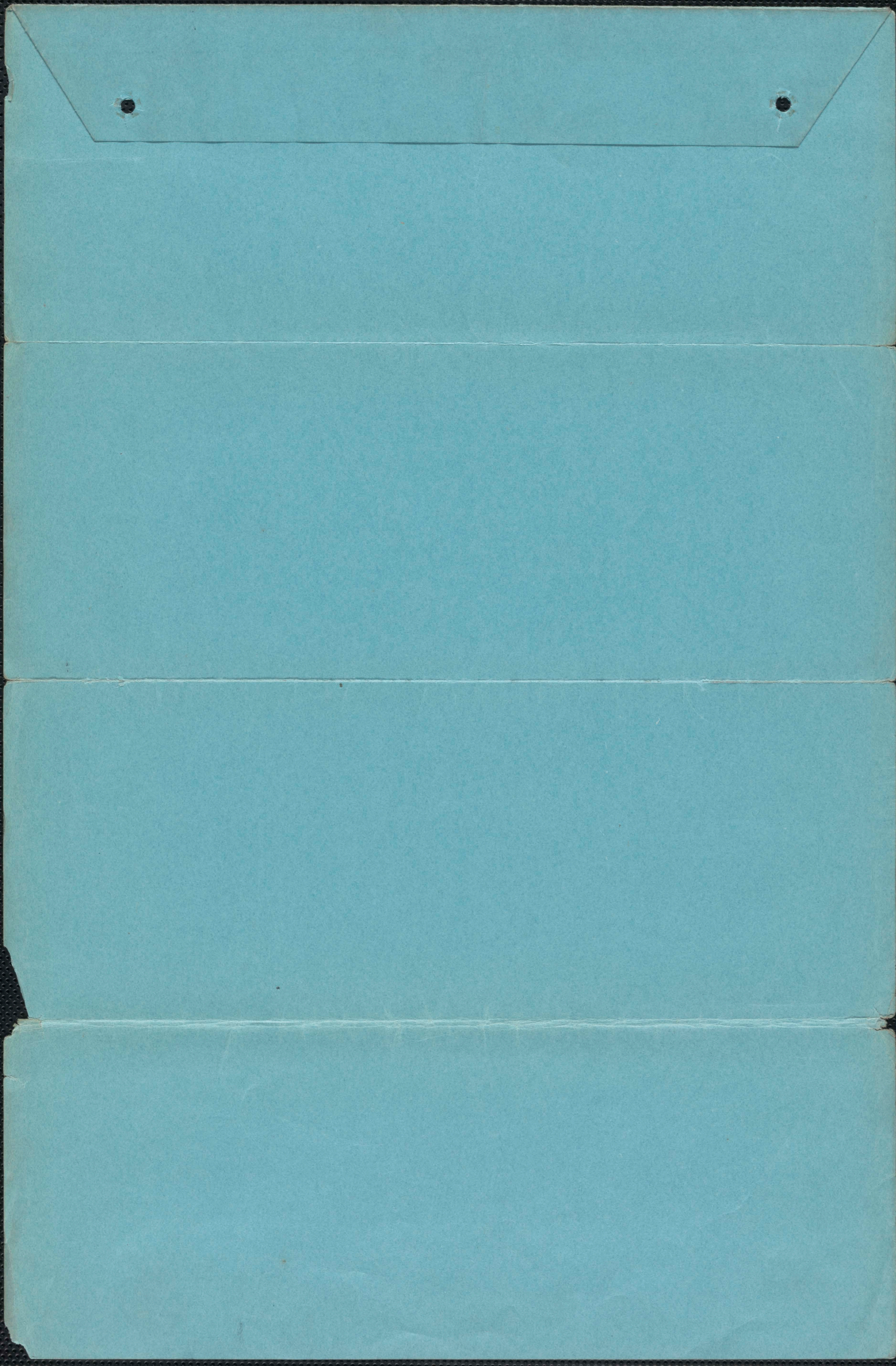
Suffolk, ss.

Boston, ^{April 5} ~~November~~ 1928.

Then personally appeared the above named Frank P. Sibley and made oath that the foregoing statement subscribed by him is true, except such statements as are expressed to be made upon information and belief, which statements he believes to be true.

Herbert B. Blumman
Notary Public

Before me,



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AUG 6 1927

OFFICE OF CLERK OF COURTS
NORFOLK COUNTY

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

July 10 - 1927