

AFFIDAVIT OF ERASTUS C. WHITNEY.

I, ERASTUS C. WHITNEY, of Worcester, Massachusetts, being duly sworn, on oath depose and say: That I testified as a witness for the government in the cases of Commonwealth of Massachusetts vs. Nicola Sacco and Bartolomeo Vanzetti at the trial of said cases at Dedham, Massachusetts, in June, 1921; that all of my testimony at said trial was true; that the name under which I testified, and under which I had been living since the early part of 1914 was Carlos E. Goodridge; that this was the name by which I was known to my friends and associates since that same year, 1914, although it was not my legal name, which was, and, so far as any order of the Court is concerned, is Erastus Corning Whitney; that so far as I know, no one representing the government in the above cases, nor my wife nor associates knew that I had any other name than that of Carlos E. Goodridge; that I was never approached by any one in connection with my testimony given at said trial, or in connection with any phase or phases of said cases until July of 1922 when I saw Fred H. Moore, who acted as attorney for Sacco and Vanzetti at said trial; that I was then living at Vassalboro, Maine, and was engaged in the occupation of farming; that said Moore, who had examined me for the defence at said trial, came to Vassalboro on the evening of Thursday, July 13, 1922; that I was at that particular time calling with my wife at some friends house; that I was called outside and found Mr. Moore with an automobile in which were two other persons; one I afterwards learned was Mrs. Edith W. Lee, and the other was a lady whom I believe to be Mrs. Lee's sister; that when I came out to the machine Mr. Moore was standing behind it. He asked me to step into the machine, which was a closed car, as he had some things he wanted to

show me. I then got into the automobile and sat down on the seat beside of him. He took a picture out of his brief case and asked me if I recognized it. I said that I did not recognize it. He then brought two more pictures out and he asked me if I recognized them and I told him that I did. Then he showed me an affidavit of one Minnie Z. Wheaton and asked me if I knew the party and recognized the writing, and I said that I did. Then he took the same picture again, which was a group picture, and pointed out a man in the picture and asked me if I recognized the man, and I said I did; that that was my picture. Then he showed me other affidavits which I did not read and asked me if I knew the parties whose signatures were attached, and I said that I did. Then he asked me if my name was not Erastus Corning Whitney, and I said that it was, and he asked me if I was not under indictment in New York State for grand larceny. I told him that I wasn't positive of it but I understood that such was the case. Then he showed me some signatures on other affidavits and some pictures which he had there and asked me if I could identify them, and I said I could. I did not, however, read the affidavits. Then he brought out some personal letters of my own and asked me if I could identify the signatures on them, and I said that I could. Then he showed me a signature signed by me under my former name of Whitney and he showed me an insurance policy which he had in his possession and asked me to identify the signature on that. I identified all the signatures. Then I said "Well, the game is up, and I suppose I will have to go back to New York."

He then said to me, "Do you think that a man should be convicted of murder upon your testimony?" Then I turned and recognized him as Mr. Moore. I had not known with whom I was talking up to that time. Then I said to him, "Haven't I met you before, isn't your name Moore?" He said it was. Then I asked him what his game

was. Then he told me that he was working for the interests of Sacco, a man that was innocent of the crime, with a wife and two children, and asked me if I was indicted by the Grand Jury at Dedham the year before. I told him I was. He asked me the name of the party on whose complaint I had been indicted and asked me what disposition of the case was made in the Court. I told him restitution was made of the amount claimed to have been lost, and I was placed on parole; that the money involved was actually paid back after I had been placed on parole.

Mr. Moore then asked me if I had been visited by any attendants of the District Attorney's office prior to my going on the witness stand. I told him I had been by Mr. Brouillard and another gentleman but that I did not remember his name at that time; Mr. Moore suggested the name of Stewart and I told him I thought that was the one. He asked me about what time they came to see me, and I told him as near as I remembered I thought it was in October or November, 1920; that Mr. Stewart came again and saw me some time in January, 1921. He asked me what Mr. Stewart wanted at that time when he came back the second time, and I told him he wanted me to go to Dedham to see if I could identify Sacco; that I told Mr. Stewart there would be nothing gained by my going to Dedham as I was positive of the identification. Then Mr. Moore said "In fact you didn't know anything about this case, did you, at all?", and I said "Yes, I did", and he said "Did you at any time communicate with the District Attorney's office" and I told him no. He then asked me how the District Attorney's office knew anything about me. I told him that I didn't know; that Mr. Brouillard came to my house and that was the first time that I knew that the District Attorney knew I knew anything about the case. I told him that I tried to avoid the case as I did not want to get mixed up in it, and he said,

"I would like to know what induced you to go on the stand when you were so reticent about the case in the first place." I told him there had been no inducements held out to me whatever.

Then the lady in the rear seat, Mrs. Lee's sister, said "Mr. Moore, I have run out of paper." Then I turned around and saw that notes were being taken of what I talked with Mr. Moore. That was the first I knew he had a stenographer with him at that time. He then introduced me to the ladies. He said "This is Mrs. Lee, Deputy Marshal from Augusta, and Mrs. Lee's sister," and gave the name, but I do not remember it.

At that time he asked me if I had the letter which Mr. Stewart wrote to me and I told him that I had at the house and he asked me if there was any objection to his seeing it. I told him there was not. He said "Then we will turn around and go back to the house", and I stopped and got my wife and we drove back in the automobile to my home. When we got up to the corner by the church a man ran out of the church yard and jumped on the running board of the car and rode up to the house with us.

After we got up to the house I went in and I found this letter and I showed it to Mr. Moore. Then he asked me a few more questions and I refused to answer any more questions at that time. Then he said to me, "You know that you are wanted in New York State under an indictment?" I said "Yes, sir." He turned to Mrs. Lee and said "I think it is your duty to take him back to Augusta and notify the New York authorities." She said "Are you sure that he is wanted on this indictment?" Moore said "Yes, I had a talk with the District Attorney and also with the sheriff of Livingston County and they want him."

He then asked me some questions in regard to my marriage and then he said to me, "Did you at any time prior to your going on the stand and testifying tell anybody that you were positive this man was Sacco?" I said "Yes, I did." He said "Who was the party?" I

said I had talked it over with my wife the very day it happened and she had advised me to keep my mouth shut. He said "Are you perfectly willing to stay here to the car and allow me to go into the house and talk with your wife alone?" I said I was. He went in and after he had been in there possibly twenty minutes I went to the door because I heard my wife crying. When I opened the door he came out to the car. He said to me "As far as this New York matter is concerned it is immaterial to me; all I am looking out for is the interests of my client. Now what I would like to have you do is to tell me what influence was brought to bear on you by the District Attorney's office to testify at this trial." I told him there had been no inducements held out to me whatever. Then he said "Who was your lawyer in your case in Court?" I told him John Mackay of Quincy. He asked me if the case went to a trial. I told him it did not. He said how was it fixed? "Why," I said, "I went down prepared for a trial and Mr. Mackay advised me to plead guilty and make restitution for the price of the machine alleged to have been stolen; that he thought that was the cheapest and best way out of it, and I followed the advice of my attorney." Mr. Moore asked me if I had at that time had any conference with the District Attorney or his assistants. I told him I had never seen Mr. Katzmann, the District Attorney, to know him until the morning I saw him in the court room at the trial when I went on the stand as a witness, and that personally I did not know any of the assistant District Attorneys. He asked me who prosecuted my case? I told him Mr. Mackay told me it would be Mr. Adams. Mr. Moore said "Didn't you see Mr. Adams at the Court room that morning?" I said possibly I might have seen him but I did not know the man.

Mr. Moore then said "I think, Mrs. Lee, that it is your duty to take this man to Augusta." I asked for the privilege of changing my clothes, which was granted me. While I was changing my clothes Mr. Moore had some talk with my wife, and when I got back into the

car my wife called to me "When will you be back?" and Mr. Moore said to her, "He will be back in an hour or two as I want to take an affidavit from him in Augusta."

We started for Augusta and this same man who had jumped on the running board was one of the party at that time. I do not know his name, but he was some investigator of Mr. Moore's. Mr. Moore talked with me all the way going to Augusta. Just before we got into Augusta he said, "Whitney, what I would like to know is what inducement was held out to you to testify at this trial, you did not testify at this trial willingly unless you benefitted by it some way or another; that is what I want to know and if you will tell me you will save yourself the trouble of going back to New York." He said "I do not care about the New York affair, all I care about is my client." I told Mr. Moore that he had shown his hand and I would play mine and I would go back to New York State and start over new.

I was taken to the County Jail at Augusta and the man in charge refused to take me in charge because there was no warrant for my arrest. Then we went to the police headquarters and Mr. Moore said to the officer in charge, whose name I believe was Corbett, I was a fugitive from justice from New York State, and Mr. Corbett asked him if he had a warrant for my arrest. Mr. Moore said he hadn't. Mr. Corbett then said "How do you come to be interested in this case?" Mr. Moore said "I am a lawyer representing Sacco and this man was popped on us at the trial and he wasn't a witness at the indictment so I had no chance to look him up until after the trial, and in tracing his history I find he is wanted in New York State under an indictment for grand larceny." Corbett said "I do not think I have a right to hold this man if you haven't a warrant, but Mrs. Lee could call up the Judge and have him come down and she can swear out a warrant as a fugitive from justice and I can hold him." They called up the Judge on the 'phone and he wouldn't come

down that night,--it was about 1:30 a.m.--but told him how he could hold me until morning until he got to court. I was locked up for the night. The next morning Moore came to me. He brought me in a box of cigarettes and some cigars. I asked him if he had heard from New York and he said that Mrs. Lee had telegraphed to New York and she would probably have a reply before noon.

At 9 o'clock a. m. Mrs. Lee and Mr. Moore came. I was taken before Judge Cony and he held me until they could hear from New York. The Judge said to Mr. Moore, "Why are you so interested in this case?" Mr. Moore told him that I was an eleventh hour witness and he had to look me up after the case had been tried; that he had spent three months' time and a large sum of money tracing me from my boyhood days; that I was wanted by the New York authorities under an indictment and showed Judge Cony a copy of the indictment.

Judge Cony asked Mrs. Lee if she had heard from New York in reply to her telegram and she said she had not, and he told her he would give her twenty-four hours to hear from New York or he would release me. Mr. Moore then said he had talked with parties in New York and they were anxious to prosecute the case and he knew they would send for me. Judge Cony asked him if he wanted to see me any more. He said "I will be back later as I want this fellow to come clean and he is holding back things that he ought to tell me." Mr. Moore then left and I was returned to my cell.

That night Judge Cony came to me and I asked him if he had heard from New York yet. He said that Mr. Moore had telephoned to his man in New York that they had me locked up for the Livingston authorities and he expected a reply at any time. I asked Judge Cony why he did not telegraph and not leave it all up to Moore, that Moore was trying to put me in wrong. Judge Cony asked me when this crime was committed and I told him in 1911. He said

"They will never bother you on it, and unless I hear from them tonight I will let you go in the morning, and I do not intend to have this office used by any lawyer to build up any cases for the State of Massachusetts or any other state, and the best thing you can do is not to see Mr. Moore again."

Mr. Moore came to my cell that same evening after Judge Cony left and said he wanted to talk about the case. I said I had nothing more to say. He then left and I haven't seen him since.

I have never said to any one that I dislike or have any antipathy or hostility towards Italians. I never told my former wife, Mrs. Rackliffe that, and in fact there is no basis for such a statement by anybody as some of my best friends in former and recent years have been of Italian nationality.

There is nothing which I stated at Dedham which, so far as I remember, I wish to revise or change except the statement in reference to my name. I testified that my name was Goodridge without any intention of committing perjury, but because that had been the name under which I had gone for six or seven years.

Erastus C. Whitney

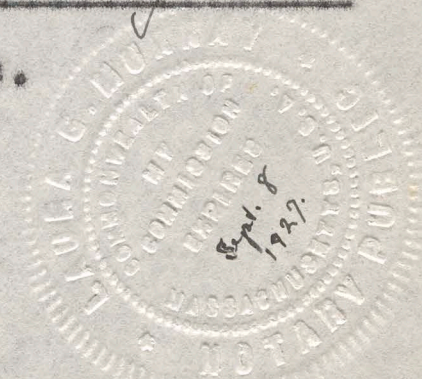
COMMONWEALTH OF MASSACHUSETTS.

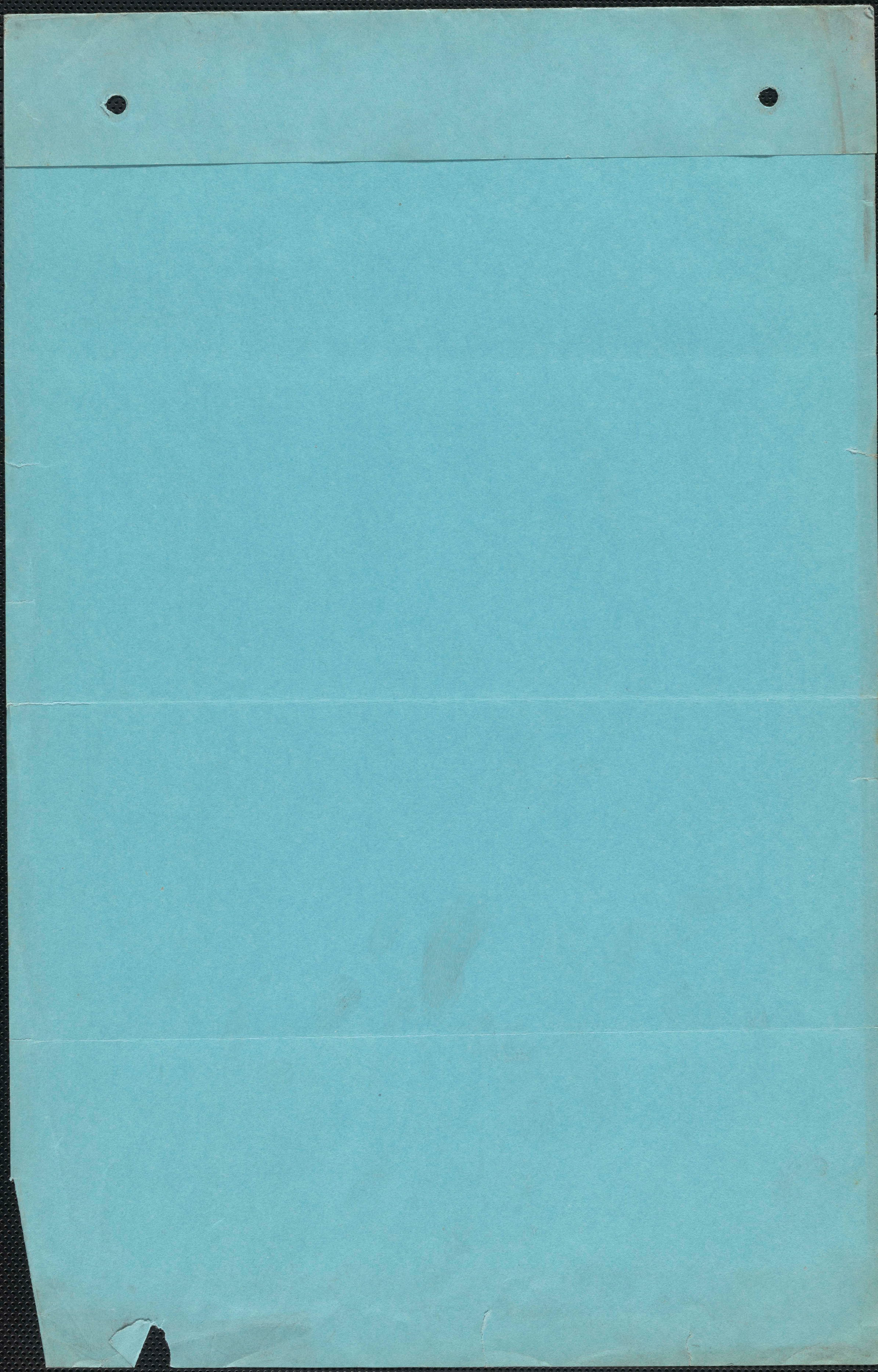
Suffolk, SS., January 20, 1923.

Then personally appeared the above named Erastus C. Whitney and made oath that the above statement by him subscribed is true to the best of his knowledge and belief, before me,

Lana G. Murray

Notary Public.





Nº 5546,

Commonwealth

vs.

Sacco et al

Affidavit of

Erastus C. Whitney.