

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, ss

SUPERIOR COURT  
CRIMINAL SESSION

COMMONWEALTH OF MASSACHUSETTS

vs

5545-5546

NICOLA SACCO and BARTOLOMEO VANZETTI:

AFFIDAVIT OF FRED H. MOORE

Fred H. Moore being first duly sworn on oath says that he has read the statement of Lola R. Andrews filed in answer to the defendants' fourth supplementary motion for a new trial.

That that certain affidavit signed by the said Andrews and constituting the basis of the defendants' fourth supplementary motion for a new trial, was dictated by the affiant in the presence of the said Andrews and the entire contents of said affidavit were formulated by the affiant from the direct statements made to the affiant by the said Andrews. That after it had been transcribed it was read in its entirety to the said Andrews by the affiant.

That at the conclusion of the reading of the completed affidavit, the question of securing an officer authorized to administer oaths had to be determined. The hour was late and the affiant knew of no notary publics or justices of the peace living in the vicinity of the affiant's home #5 Rollins Place, Boston. That the affiant sent some one from his home to the nearest Boston Police Station which happened to be Police Station No. and there made inquiry for some person authorized to administer oaths.

That shortly thereafter the person sent by the affiant to make such inquiry returned and brought with them Benjamin F. Powell, Justice of the Peace.

That thereafter the said Benjamin F. Powell again read

the affidavit hereinbefore referred to to said Andrews, and thereafter administered the oath to the said Andrews and she did then and there sign same. That this was on the 9th day of September 1922.

That two days thereafter, to wit, on September 11th, 1922 the affiant together with Robert Reid and Fred G. Biedenkapp, somewhere about the hour of 9:30 or 10 A.M., went to the home of said Andrews at Quincy, Massachusetts and at that time presented the said Andrews that second affidavit ~~xxxx~~ signed by the said Andrews and now on file herein.

At that time and place the said Robert Reid read the said affidavit to the said Andrews in its entirety, including the statement of said Andrews as given on the 14th day of January 1921 and which is attached to the said affidavit of Lola R. Andrews.

That the reading of said affidavit to the said Andrews prior to the signature of same by the said Andrews was in the presence of the said Biedenkapp, a gentleman occupying the room adjoining that occupied at the time by the said Andrews, to wit a person who was introduced to the affiant by the said Andrews as Mr. Cummings, but whose first name is to the affiant unknown. That the entire conversation with the said Andrews on the morning of September 11th, 1922 at the home of the said Andrews, was in the presence of the said Cummings. That the said Cummings appeared to be a friend of the said Andrews. That the said affidavit was signed after reading <sup>to</sup> by the said Andrews in the presence of the said Cummings, and the oath was administered by the said Reid to the said Andrews likewise in the presence of the said Cummings.

That without attempting to give the exact hour when the said Andrews together with her son and said Biedenkapp and one John Van Vaerenewyck came to the home of the affiant on September 9th, the affiant's best impression and opinion is that the hour was about 10:30 P.M. and that the conversation with the said Andrews and the preparation of the five page affidavit of the said Andrews continued and occupied the time up to about 1:30 A.M. of September 9th, 1922. That there was then some delay in securing ~~in~~ a justice of the peace

to administer the oath and that the said Powell, Justice of the Peace, did not come to the home of the affiant until about 2 A.M.

That after the signing of the said affidavit, the wife of the affiant did serve tea to the said Andrews and to others who were in the home of the affiant at the time.

That that part of said affidavit appearing upon page 11 wherein it is implied that some paper had already been prepared before the said Andrews came to the home of the affiant, is false and untrue. That the only affidavit at any time prepared in connection with this matter was dictated by the affiant after the said Andrews came to the home of the affiant and was dictated in the presence and with the advice, consent, knowledge of the said Andrews.

That that part of said statement of said Andrews appearing on page 12 wherein it is implied or stated that papers were being carried in and out of the room is false and untrue, except that after the said affidavit had been dictated in its entirety as same was being transcribed, the affiant might have and probably did from time to time leave the room where the said Andrews and her son were and go to the room occupied by the stenographer and take the completed pages as they were transcribed and bring them into the room where the said Andrews and her son were.

That the statement on page 13 that "I told them that if I put my name to the paper that they had already drawn up for me", and specifically that particular part "that they had already drawn up for me", is false and untrue. There was no statement drawn up for the said Andrews other than the one that she subsequently signed and that affidavit was dictated entirely in her presence.

That it is true that the affiant together with his wife and the said son of the said Andrews and the said Van Vaerenewyck drove the said Andrews by automobile to her home at Quincy. That upon arrival at Quincy, the said Andrews stated that she wanted her son and the said Van Vaerenewyck to go with her up to her room and explain to the said Cummings hereinbefore referred to

where she had been that night and why she had been out so late and his wife waited in the automobile and what she had done. That the affiant/~~walked~~ for the said Van Vaerenewyck and the said son of the said Andrews while they went upstairs with the said Andrews to comply with her wish.

That that part of the statement of said Andrews appearing on page 16 wherein she states that Robert Reid represented himself to her on September 11th, 1922 as a lawyer is false and untrue.

That that part of page 17 of said statement wherein the said Andrews attempts to state the subject matter of conversation with her on September 11th and particularly that part beginning with the words "you have nothing to be afraid of" and ending with the words "it will save you a lot of disagreeable" and again beginning with the words "Mr. Moore and Mr. Reid" and continuing to the bottom of page 17 and continuing over to the words "that you have been forced to tell" on page 18 are false and untrue. That in truth and in fact there was little or no conversation with the said Andrews on the morning of September 11th and such conversation as was had dealt exclusively with matters and things directly pertinent to the statement of the said Andrews attached to the affidavit that she signed on that day.

Fred H. Moore

Subscribed and sworn to before me this 23<sup>rd</sup> day of October

1923.

Thomas F. McAnaney  
Justice of the Peace

Nos. 5545 & 5546

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Commonwealth

vs.

Nicola Sacco.

Bartolomeo Vanzetti

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Affidavit of  
Fred. H. Moore.

in support of  
4th Supplementary (Andrews)  
Motion for New Trial.

Filed in Court Oct. 23, 1923  
att: R. B. Worthington Clerk