

# GEO. EPPS BRANDS AS A FALSEHOOD STORY OF HIS SON IN AFFIDAVIT

Father of the Boy Who Charges John Black With Framing Affidavit Says His Story Is Absurd; That His Son Told Him Before He Knew of Such a Person as Black.

## JOHN BLACK IS SORE; TALKS OF FIGHTING

Statements of Luther Z. Rosser, Quoted in the New York Times, Are Not Warranted by the Facts, Think Members of the Georgia Chamber of Commerce, and Denial Is Wired to the New York Paper.

Bravely his own son's story as a fabrication of the whole cloth, George W. Epps, father of George Epps, the ex-newsboy witness in the Frank trial, who has repudiated his testimony in a sensational affidavit, early last night telephoned The Constitution office and asked to be allowed to make a statement.

The father is night superintendent of the Candler Annex building. He was visited in that building by a reporter, to whom he declared that his son's affidavit, which was published Wednesday, was almost totally a lie, and bore an atmosphere of suspicion which he would investigate at once.

"Why, that boy told me the story he told on the stand at least two days before he ever saw Detective Black. I was the first one to whom he mentioned the fact that he had ridden to the city with Mary Phagan. Before he told anyone else, he gave me the entire story which he related on the witness stand.

### Says Affidavit Is Lie.

"That shows that the affidavit is a lie on the face of it. It was either the Sunday or Monday after the murder that the boy came to me and told of having ridden on the trolley car with the Phagan girl. I pressed him closely for details, and he gave them to me explicitly. His mother also questioned him. It was no revelation to us, for he and Mary Phagan had always been intimate chums.

"I told him at the time that if he knew that much about Mary Phagan on the day she was killed, he might have to testify some time or other. He didn't seem to want to. Later on, he began telling his story in the neighborhood. Someone got hold of it. I think it was Mary Phagan's step-father, Mr. Coleman. One way or the other, George was carried to see the detectives working on the case.

"Then he was subpoenaed to the coroner's inquest. I impressed on him the necessity of telling the truth. I told him not to say a word that wasn't true. I don't believe he did. I think everything he told was positively true. Anyway, his testimony, as I read it in the papers, was precisely the same story he told my wife and me.

"The very fact that he accuses Detective Black of 'framing up' his story shows that the affidavit is false. The affidavit says the first I knew of my son's testimony was after the inquest, which is absolutely untrue. Black couldn't have 'fixed' the story, as George told it to me long before he ever knew such a man as Black was in existence.

### Hasn't Whipped Him.

"Then the affidavit says that when George returned home that night after the inquest he was whipped for having gone on the stand. I don't think I have whipped him in years. And another thing: The affidavit says he said his prayers that night and asked forgiveness for false swearing.

"Penitent! Penitent nothing! He

hasn't anything to be penitent over, unless it's this affidavit. He doesn't even know what the word penitent means.

#### Said She Was Afraid.

Furthermore, George had told his wife and me numerous times frequently that Mary Phagan was scared of someone down at the pencil factory. We got this out of him when he told us that Mary insisted in paying his car fare whenever they rode into the city on the trolley car. He said that she wanted him to sit on the seat beside her to keep her from having to sit beside some man.

"Then after the murder, when George told us about having ridden into town with Mary Phagan, he told us what she had said about Mr. Frank making the alleged advances to her. George and Mary had been friends for considerable time. They were almost next-door neighbors, living less than a block apart. I used to see them often as I went home from work in the morning and our cars passed at the English avenue switch."

Mr. Epps told the reporter that he would start an investigation at once into his son's repudiation. He even declared he would go to Milledgeville and interview the boy, who is now serving a sentence in the reformatory. He was highly indignant over the affidavit.

"The whole business looks suspi-

cloud," he said. "Whenever I get to see the youngster I'll get the truth out of him and learn why he came to swear such a tale."

"I will whip any man who accuses me of turning a single crooked trick. I am not a crook. I never was a crook. I never will be. But I am a fighter. And I fight fairly and in the open."

"I was fair and impartial in my entire connection with the Frank case. I defy anybody to say I wasn't. If these accusations continue they'll reach a fighting point, and there'll be a fight. And some eyes will be blackened. They won't be mine, either."

Such was the vehement manner in which Detective John Black, Chief Lanford's star man, answered the affidavit published yesterday in which the witness, George Epps, accused the detective of having caused him to swear falsely in the Frank trial.

Epps swore in the affidavit that his testimony had been "framed up" and "doctored" by Black, and that Black had assured the boy of protection in event his perjury ever became known. He also accuses the detective of framing the sensational story Epps told on the stand of Mary Phagan's last words to him on the trolley car trip, when she told him of alleged advances by the man convicted of her murder.

#### Calls It Bunk.

"This Epps affidavit is nothing but undiluted bunk," Black told a Constitution reporter yesterday. "It is like a lot of others I have read recently. I don't see how they got the boy to make it. I'm sure he wasn't frightened into it. He isn't the kind to be frightened. It looks strange—mighty strange."

"Epps made his first statement to me voluntarily. It is a lie that I went to hunt him. He was brought to police headquarters by J. W. Coleman, step-father of Mary Phagan. Chief Lanford, as I was working on the case, detailed me to examine the boy. I did. Epps went through his statement without a word of instructions from me. There were several present at the time."

"When he had finished I told him he would have to appear before the coroner's inquest. He readily agreed. That was the last I saw of him until the inquest. He came to police headquarters—where the inquest was being held—and we had another talk. A number of men were present at this time. Nobody coaxed or coached him."

"The statement he made at the coroner's inquest and on the stand at the trial was exactly what he told me in his original statement. I did not insert a single word, gave no instructions—had him do nothing other than go through his story just as he knew it and originally presented it to the detectives."

#### Says They Are Dirty Lies.

"These accusations must stop. They don't worry me, for I consider their source. Nobody believes them. Nobody believes the accusers. I'm not alarmed one bit, but I'm not going to stand for a continuation of these dirty lies. Nobody would stand for them."

"I probably did as much—if not more—work on the Phagan murder than any detective at police headquarters. I worked on it for months, and had a hand in most of its most important developments. But there isn't a man on earth, or anywhere else, who can truthfully say I turned a finger to crookedness."

"I defy any man to accuse me of it. I did my duty, and I'm continuing to do it. One phase of my duty, I consider, is to whip the man who charges me with crookedness—and I'll do it. The very first man who does it is going to get whipped. And I mean what I say."

#### Lanford Resents It.

Detective Chief Newport Lanford also declared that the Epps affidavit was a lie. He said that Conley had not even been arrested when Epps made his original statement on the stand at the coroner's inquest. Epps says in his affidavit that Black had asked him to swear a falsehood to support Jim Conley.

The Epps affidavit occupies numerous pages of closely typewritten copy. It was made in Baldwin county, where the ex-newsboy witness is serving a sentence in the reformatory, having been sent there some time after the Frank trial.

He testified that he rode into the city with Mary Phagan on the English avenue trolley car when she made her fatal trip on the morning of the tragedy. He stated that the girl had told him of advances made by Leo Frank at the pencil factory. In his new affidavit he swears that the story of the advances was concocted by Black and put into his mouth.

Epps now declares that the headquarters detective assured him he would be given money with which to leave Atlanta after the trial. He says that repentance and desire to atone for his "wrong" impelled him to make this latest affidavit.

#### Says He Gave Money.

Epps is in the neighborhood of 15 or 16 years old. He once was a newsboy. A neighbor to the murdered girl, he was often seen in her company. He is said to have told numerous contradicting stories previous to the trial. His father is night watchman at the Candler Annex building, on North Pryor street.

The boy swears that Black gave him money after conjuring up the alleged fiction. He also says that the first his parents knew of his testimony at the inquest was when they read it in the newspapers. When he returned home that night, he swears, he was given a whipping by his father. He prayed for forgiveness, he says, his prayers that night having been longer than usual.

Epps likewise accuses Solicitor Hugh Dorsey of having encouraged his allegedly "faked" testimony, and of having aided Detective Black. In concluding the document, he swears:

"I do this in the hope of making myself clearly understood and in explaining how I was persuaded by Detective Black and encouraged by Solicitor Dorsey to swear falsely. I have been sorry for this false swearing ever since the trial of Mr. Frank, and I say again I am glad of the chance to explain it and relieve my mind of the falsehoods I have told in this case. I am willing and hope that this sworn statement will be delivered to Mr. Rosser, who was the attorney for Mr. Frank, as it is every word true."

The affidavit closes with the oath and signature of the boy. It was sworn before J. C. Cooper, clerk of superior court, Baldwin county.

#### Negro Incriminating Story.

A new development Wednesday which created widespread interest arose in LaGrange, Ga., where Gus Reed, a bailiff, and E. B. Edmondson, a constable, have discovered a negro, Ed Ross, who declares Jim Conley came to his boarding house on the afternoon of the Phagan murder.

The negro is declared to have stated that Conley, whom he well knew, came to the Ross house, washed his hands, and asserted that he had been in some kind of trouble down at the pencil factory. It is reported that the negro has made an affidavit of this alleged occurrence, and that the document is now in possession of Frank's defense.

Ross' story has been known ever

since Christmas, it was stated over long-distance telephoen to The Constitution. At that time he was arrested in LaGrange by Constable Edmondson, and, while in a conversation in the prison, told of Conley's alleged conduct. The negro is now in LaGrange, it was stated.

Reed and Edmondson say they are coming to Atlanta either today or tomorrow, and, while here, will likely confer with counsel for the defense. It is understood that they will not bring the negro. They have already been in touch with Frank's lawyers.

#### Burns Returns to City.

Detective William J. Burns returned to Atlanta again yesterday, holding a conference with C. E. Sears, superintendent of the Atlanta Burns agency, and with Milton Klein and Dr. B. Wildauer, the famous detective's employers.

He arrived from New Orleans and Jackson, Miss., which cites he visited recently. Within only a short time after his arrival in the city, however, he departed again, this time for New York. He will return soon, however, and, according to a statement made Wednesday, will spend most of his time in Atlanta.

"I am on the Frank case to the finish," he said. It is an interesting case, and a mysterious one. My investigation shall be impartial and without regard to whom it may hurt or help."

It was also stated that upon his return, Burns will bring a number of his most expert investigators. The date of his return, though, is indefinite.

#### Object to Interview.

Members of the Georgia Chamber of Commerce have taken exception to an interview of Luther Z. Rosser which appeared in The New York Times in which Mr. Rosser is quoted as saying there was prejudice against the Jews in Atlanta.

The following telegram was sent to The Times:

"We understand interviews given your paper March 4 by Attorney Luther Z. Rosser, of Atlanta, chief counsel for Leo M. Frank, stated, 'You see, the Jewish population of Atlanta is not large.' Frank came to Atlanta a stranger and engaged in a new enterprise. He knew few people who were not of his own religion, being closely occupied with his business, and this fact rather counted against him at the time. There was the prejudice to be found in the south of the employee class against the employer and some local prejudice against a stranger."

"Without expressing any opinion on the merits of the Frank case, this organization can only account for Attorney Rosser's misstatements concerning (1) the alleged anti-Jewish feeling in Georgia, and (2) that there is any prejudice to be found in this state of the employee class against the employer, and (3) that there is any local prejudice against a stranger—on account of his zeal for his client."

"Atlanta's Jewish population has gained over 100 per cent during past ten years and they number among our most respected and best citizens."

"Atlanta and the whole state of Georgia not only have no prejudice against a stranger, but we cordially invite manufacturers and investors, farmers and the better class of immigrants to make their homes and engage in business among us. The statement of Attorney Rosser concerning 'some local prejudice against a stranger' is doubly absurd when it is known that the heads of our public service corporation, many of the banks and largest business houses and manufacturing concerns came to Atlanta from New England, the north and the middle west."

"In the name of fairness to Atlanta and the entire state of Georgia, this state-wide organization requests your publication of this telegram in your issue of Thursday morning."

GEORGIA CHAMBER OF COM-

MERCE.

"CHARLES D. M'KINNEY,

Acting Secretary-Manager."