

# LIED AGAINST FRANK, A NEWSBOY SWEARS

**G. W. Epps, Jr., Accuses Atlanta  
Detective of Coaxing Him Into  
False Testimony at Trial.**

**SAYS BRIBE WAS PROMISED**

**Lad, in Affidavit, Retracts Story  
of Mary Phagan's Alleged Re-  
marks About Frank.**

*Special to The New York Times.*

ATLANTA, Ga., March 4.—The case of Leo M. Frank, convicted of the murder of Mary Phagan, developed another sensation to-day when attorneys for Frank gave an affidavit signed by George W. Epps, Jr., a 15-year-old newsboy, in which he repudiated parts of his testimony at the Phagan inquest and at the murder trial. Epps in his affidavit admits he gave false testimony, and charges that he did so because he was persuaded by Detective John Black and encouraged by Solicitor Dorsey.

A second development was an interview given out by Frank, in which he assailed the city detectives for having "framed up" testimony to reflect on his character. He took as the text of his remarks the affidavit made by Mrs. Nina Formby in New York, a copy of which he received in the mail this morning.

Solicitor Dorsey to-day filed a habeas corpus petition directing that Frank be brought into court for resentencing. Judge Hill signed this paper, but kept secret the time set for the resentencing.

Epps in his affidavit charges that Detective John Black told him to swear that on April 26, the day that Mary Phagan was murdered, that he (Epps) sat beside the girl on a street car and had ridden into the city with her; that he had boarded the car at 11:50 o'clock and had left it with Mary Phagan at Marietta and Forsyth Streets at 12:05 or 12:07; that Mary Phagan had told him she was afraid of Frank because he was accustomed to wink at her and to act in an otherwise suspicious manner toward her.

All of these statements Epps now repudiates. He says he did ride into the city with Mary Phagan, but that he sat three seats-behind her on the street car, and that the only words he spoke to her were in greeting when they left the car at Marietta and Forsyth Streets.

## **Boy Tells of Bribe.**

Epps asserts that he told Detective Black the facts, but that the detective insisted upon his testifying falsely, and promised to give him money to leave town after the trial. He says that before the trial he was taken to the office of Solicitor Dorsey, and that he was there questioned by the solicitor and the detective, and that in replying to a question from the solicitor he sought to make it plain that he did not ride in the same seat with Mary Phagan, but that the solicitor told him that his testimony before the Coroner's inquest was all right, and that he simply wished to refresh his memory.

The boy said that after his interview with the solicitor Detective Black followed him into the street and impressed upon him the necessity of sticking to his story about the time he got on and off the street car.

"He told me," said Epps in his affidavit, "that he wished my testimony to support Jim Conley's evidence."

Young Epps is now confined in the State Reformatory at Milledgeville. His affidavit repudiating his testimony and charging Detective Black with having put words into his mouth was sworn to before J. Cleveland Cooper, clerk of the Baldwin County Superior Court, at Milledgeville.

The affidavit comprises a statement of about 3,500 words. In the course of it the boy said:

"I now state that at both the coroner's inquest and the trial of Leo M. Frank I swore falsely. I now state that I was persuaded to give the false testimony in both of the before-mentioned hearings by Detective John Black. I am glad of the chance to tell the truth and relieve my mind and conscience and clear myself of the perjured testimony given at both hearings. I have prayed to God for forgiveness and I now want to explain all the circumstances and influences that made me swear falsely at both of those hearings. I will say that the only statement in my testimony that is of truth is that I knew Mary Phagan, and that I rode on the street with her on April 26, which was the last time I ever saw Mary Phagan alive.

"Black wanted me to say that I sat in the seat with Mary on the car, but I told him that this was not true, that I sat three seats behind her. But Black said: 'That would be all right; you do as I tell you.'

## **Coached in Perjury.**

"He then questioned me again about coming downtown on the car with Mary and told me that I got on the car at 10 minutes to 12 o'clock, and that I sat on the seat with Mary and that we got off the car about 5 minutes to 7 minutes after 12 at Marietta and Forsyth Streets. I again told Black that that was not true and that I did not want to lie about it. He told me that it was all right. 'You go ahead and tell it just like I tell you.' I told him that I didn't know anything about what time we got off the car and Black says: 'Oh, you were raised in the country; you can tell the time by the sun, and it was about 5 or 7 minutes after 12.' And he said it just like that. I told him that that was not true, but he made me agree to say it as he told me. And I said, 'all right, if you say I got to say it that way, all right, but it is not true.' Then he said: 'And you do as I tell you and I will give you some money when this trial is over and you can leave town if you want to.' I told him that I hated to leave town and leave my mother, and he said, 'that is all right. I will fix it with your mother.' I told Black 'all right, if you say so, I suppose I can do it.'

"After I got home I realized that I had sworn to lies under the direction of Detective Black and I felt mighty bad about it, and when I was getting ready to go to bed I cried, and I said my prayers and I asked God to forgive me."

## **Brought in Frank's Name.**

"He then told me that I must say that I talked to Mary on the car coming downtown, and told me to say I deviled Mary about her sweetheart, and told her she must have a sweetheart at the pencil factory, and that I should say that Mary said, 'She didn't have any sweetheart, but Mr. Frank down there acted suspicious toward her, that he came out ahead of her at nights when she would leave the factory and would look at her and wink at her.' And I should say that Mary said she was 'afraid of Frank,' and that she asked me to come to the factory every night to meet her because she was afraid of Frank.

"He then urged me to go ahead and tell the story just like he told me and I said all right, if you say I got to do it, I suppose I can do it.

"After I got home I realized that I had sworn to lies under the direction of Detective Black and I felt mighty bad about it, and when I was getting ready to go to bed I cried, and I said my prayers and I asked God to forgive me."

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me for the crime I committed that day, and my mother saw me crying and I said my prayers longer than I usually do.

## Whipped for Lying.

"Both my father and mother talked to me about the evidence as published in the newspapers that I had given. They said they knew I did not know anything about the case and that the evidence published in the newspapers as given by me was false. My father was very mad and he tied my legs and whipped me for lying.

"I went to Solicitor Dorsey's office the next day as instructed by Black. I arrived there at 10:30 o'clock. Black opened the door from Dorsey's office and said, 'Hello George, come in.' There was no one in the room but Solicitor Dorsey, Detective Black and myself. Mr. Dorsey said to me, 'George, we have got you down here to refresh your mind on the testimony that you have given at the Coroner's inquest.'

"He then questioned me about the time I had gotten on the car April 26, and I then told him that Detective Black had directed me to say that I got on the car at 10 minutes to 12. Then he asked me what conversation Mary Phagan and I had on the car, and I told him that I was tired of talking about the case; that I had told all that at the Coroner's inquest. Mr. Dorsey, while he was talking to me at this time, had a kind of book before him and there was typewriting on the pages of it, and he looked at this book all the time he was questioning me, and when I had told him that it was just like I had said at the Coroner's inquest, he said, 'That is all right, you just stick to that.'

## To Support Conley's Story.

"After this conversation in Mr. Dorsey's office with him and Detective Black, Detective Black followed me out in the hall and told me he wanted me to be sure about the time and not forget when I got off the car with Mary on April 26. 'And you stick to it as about 7 minutes after 12,' and said that the reason he wanted me to remember this and stick to this was that it supported Jim Conley's story as to time, and he wanted my time to be the same as the time Conley had said it was and to agree with it. I promised Black that I would do as he told me to.

"When I went on the stand at the trial I was only allowed to tell about riding on the car with Mary, about the time I got on the car, as instructed by Black, and the time I got off the car. On the day following I was recalled by the defense and was re-examined by Rosser, but was asked practically the same questions that I was the day before and gave practically the same answers.

"The above statement I give as correctly as I can recall in detail, and do so in the hope of making myself clearly understood, and to explain 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 the sworn statement will be delivered to Mr. Rosser, who was the attorney for Mr. Frank, as it is every word true."

## Solicitor Makes a Denial.

Solicitor General Dorsey, when informed of George Epp's affidavit characterized the statements as absolutely untrue, so far as they related to him. Mr. Dorsey said he did send for Epps and that he went over the testimony the boy had given at the Coroner's inquest just as he had with the other witnesses.

"It was necessary for me to inform

myself just what evidence these witnesses had in their possession," said the Solicitor. "Epps rattled through his testimony just as he did at the inquest and not one time did he intimate that any portion of it was not true. This is the first time I have heard that he said any portion of his testimony was false. Further than this I do not care to comment upon the matter."

"The story by George Epps in his affidavit denying his original testimony is on the face of it a pack of lies," said Chief of Detectives Langford. "Why, Jim Conley had not even been arrested when Epps gave his original statement, and yet Epps says in his affidavit that 'Detective Black told me he wished my testimony to support Jim Conley's evidence.'"

## CONFIDENT TRUTH WILL OUT.

### An Interview with Frank in Prison and a Description of His Life There.

The Atlanta Georgian of Thursday last printed an interesting interview with Leo M. Frank in which Frank earnestly yet cheerfully discussed his case in the fullest detail, and challenged the fairness of the prosecution in conducting it. Frank, the Georgian's reporter says, spoke without rancor or malice, yet made it clear that he is absolutely confident that in the end his innocence will be established.

"I want to say just one word for myself," the reporter quotes him as saying in conclusion, "and I want to say it with all modesty.

"I have played the man in this case from start to finish. I have met every issue. I have faced my prosecutors at every turn—and they were many and devious. Gentlemen, I have acted the man. I have played fair, with all the cards on the table. I shall play the game out to the end—and I shall expect the reward of a man, of an innocent man, when the last trick is played."

The Georgian's reporter tells how Frank passes his time while waiting in the Fulton County Jail for a resentence or for the news that his lawyers have succeeded in obtaining a new trial for him. The cell in which he is confined is of steel, and about six feet wide by eight feet long. Between the barred front of the cell and the steel cell-house wall runs a corridor three feet wide. At one end is a heavy steel door leading to the balcony.

"I haven't been outside that door since I was convicted," said Frank, "yet I have gained fifteen pounds, and I feel fine. I sleep ten hours every night, and what exercise I get I take by using Indian clubs and walking up and down in this little place. I sleep like a top, and the only reason I don't sleep longer than I do is that I do not permit myself to do so.

"Although I am in solitary confinement, I find plenty to do to pass the time away. A few of my personal friends call to see me, and my attorneys come to consult with me once in a while. I read a good deal of light fiction, and all the Atlanta and practically all the Southern papers.

"I keep a card index filing system of every line that is printed about myself or the Phagan case, and I find this an interesting occupation."

Frank, the reporter writes, has at his tongue's end the salient points of all the matter that has been printed about him, and he frequently interlarded his conversation with quotations from editorials, feature stories, and reviews of his case that had been printed. When his memory failed as to the exact wording of a sentence, he turned to his file and read the quotation.

His cell is comfortably lighted. His bed is a low, narrow cot, covered by a worn, home-made quilt, and in the cell are also a table and two chairs. He wears a neat, dark business suit, black patent leather shoes, and a dark four-in-hand tie. He wears gold-rimmed glasses. His actions seem those of a man in perfect health. His voice is even, clear and pleasant and decisive. His gaze is always directed steadily at the person conversing with him, and he uses many gestures. He smokes cigars much of the time, and frequently

gesticulates with the one he is smoking at the time. In the course of his interview, Frank asked for the name of every person present, and the name of the paper he represented. These Frank jotted down, saying that he kept a complete record of all visits. "It is my business to know details," he explained.