

# WOMAN ADMITS SHE LIED ABOUT FRANK

Mrs. Nina Formby, Now in New  
York, Tells of False Affidavit  
in Atlanta Murder Case.

ACCUSES TWO DETECTIVES

Meantime Georgia Supreme Court  
Denies a Rehearing, but Other  
Appeals Are Pending.

Repentant over having made a false affidavit, which, she said, she believed was largely responsible for the conviction of Leo M. Frank, who was sentenced to death for the murder of the little factory girl, Mary Phagan, in Atlanta, Ga., Mrs. Nina Formby of Atlanta last night called up THE TIMES and asked that she be permitted to make a public denial of the statements she made against Frank in her affidavit. To a reporter for THE TIMES Mrs. Formby repeated again and again that she had made the affidavit against Frank only after she had been unduly influenced to do so by the Atlanta detectives.

This new revelation regarding the methods alleged to have been adopted in building up the case against Frank came only a few hours after the Supreme Court of Georgia had denied a motion by Frank's attorneys for a rehearing of the recent unsuccessful appeal for a new trial for him.

Undiscouraged by this reverse, Frank's attorneys are about to bring before Judge Hill of the Criminal Division of the Superior Court of Georgia an extraordinary motion for a new trial, based on the statement of the State Chemist, Dr. Harris, that in his opinion the hair found on the lathe in the machine room of Frank's pencil factory was not Mary Phagan's, and upon the admission of Albert McKnight that he perjured himself in his testimony against Frank.

Last night's equally startling assertion by Nina Formby will probably figure in this new move to obtain a new trial for the pencil factory Superintendent.

The detectives, Mrs. Formby said, had plied her with whisky until she was on the verge of delirium tremens. Mrs. Formby said she was then taken to the office of the Chief of Detectives of Atlanta, where she was forced to admit in the presence of witnesses that she had made incriminating statements reflecting on the character of Leo M. Frank.

Mrs. Formby explained to the reporter that she owned a rooming house in Atlanta some seventeen years ago. Later she said she found it more desirable to try to earn a livelihood by respectable occupation. She opened a boarding house for men, but the police of Atlanta were suspicious of her and they "hounded" her so openly that she was forced to move from place to place. The last time she was forced to abandon a boarding house she leased a four-room apartment at 400 Piedmont Avenue. The apartment house in which she lived was in a locality through which Leo M. Frank passed frequently on his way to work, or on his way to visit friends. Mrs. Formby said she knew Frank by sight, because a girl acquaintance once had pointed out the young Superintendent as her "boss."

## Visited by Detectives.

"I remember quite well the day that Mary Phagan was murdered," said Mrs. Formby. "It was on April 25, and I remember it because it was my birthday. I remember also quite well the day that Mr. Frank was arrested, and I remember, too, that it was only about a week afterward that Detectives Norris and Cheuning called me up over the telephone and asked me if I had any 'booze.' I told them I didn't have any, and they said they would bring some around to my house. They came around in the evening, and they brought the booze. We drank booze and played cards in the dining room. They mentioned the arrest of Mr. Frank, only incidentally. They told me that some woman had called them up that day over the telephone and suggested to them that I might be able to tell them something about Mr. Frank. I don't know who their informant was and they wouldn't tell me.

"Any way, Detectives Norris and Cheuning, after having broached the subject, asked me what I knew about Mr. Frank, and I said, 'Don't know anything.'

"The two detectives didn't insist that I did know, and I realize now that they wanted to do a little rehearsing before they led me to making any false confessions.

"For three weeks Norris and Cheuning came to my apartment. They were there every night, and they always brought booze. We played cards as usual in the dining room, and something was said each time about the Frank case. I remember now that when they went away each time we had drunk up all the whisky.

"With each visit of the detectives the gossip about the Frank case absorbed more of their attention. They asked my opinion about it, and at first I always said that I thought that Mr. Frank was innocent. I told them I thought so because, you take a little man, weighing only 123 pounds, and he couldn't well do a job like that. The little girl was terribly cut up and bruised, and naturally I expressed my belief to the detectives that some negro killed her.

"I can't say how many days they came to my apartment and talked about the Frank case before they asked me if Mr. Frank wasn't a degenerate. Of course I said I didn't know. But on that time I was under the influence of liquor. When Morris and Cheuning kept asking me if I didn't know that Mr. Frank was a degenerate I finally lost the power to discriminate about what I was saying.

## Coaxed Into False Statement.

"They asked me the same question so many times that at last I gave them the answer they wanted me to give them. I said:

"'Yes, he is.' It was right there that I made a fatal mistake. If I had not made that statement they would not have continued to pump me. Encouraged by this admission, Norris and Cheuning made all kinds of impossible statements incriminating Frank, and asked me if they were not true. Not knowing what I said, I always said yes.

"I recall particularly this: They asked me if Frank didn't call me up over the telephone on the day of the murder, and I told him that it was true that if the telephone bell had rung once that day it had rung twenty-five times.

"The detectives became insistent and asked me if I didn't remember that it was Mr. Frank calling, and I said yes. Then they asked me if he wanted a room for himself and another person. I said yes, and right here I want to state that I was particular, even though under the influence of liquor, to say 'that party,' without mentioning Mr. Frank's name.

"After that they suggested that Mr. Frank was possessed of a mania, and

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I wouldn't trust them again. I'd like to go back and personally do all I could to save Mr. Frank, but I haven't the money."

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asked me if I knew anything about that side of his character. To those questions I also replied in the affirmative.

## On the Verge of Collapse.

"Finally, when the two detectives left me, I was in a state of collapse. All that night and all the next day I had a nurse to look after me. On the following day, or the third day, I was hardly out of bed, when I received orders to go down to the office of Chief Langford in charge of the detectives. In the presence of other detectives Norris and Cheuning read many of the statements I had made to them the last night they were at my apartment.

"Even then my brain was so steeped in whisky that I didn't realize the import of all I might have said to them, so when they asked me if I had actually made those statements against Mr. Frank I realized that I had actually done so, and admitted it. I signed an affidavit containing the charges, and it is a fact that I didn't know what it all meant until some one told me what I had signed my name to.

"Even with my affidavit, the chief of the detectives wasn't satisfied with the evidence against Frank. Consequently he suggested that I visit the cell of the prisoner in company with the Chief's secretary. I consented to do so, and I was instructed by the Chief to mention to Mr. Frank that he had called up my apartment on the day of the murder and asked for a room.

"We went to his cell in the jail. The secretary of the Chief stayed behind me in hearing distance, and I approached the door of the cell. I spoke to Mr. Frank, and said, 'Why, howdy, Mr. Frank.' I was so confused and felt so strange that I forgot to say as I had been instructed, 'I'm surprised to see you here so soon after you called me up.' The reason I couldn't say that was because I knew it wasn't true. Mr. Frank looked at me in a puzzled way, and said: 'Why, I don't know this woman.' I'm sure he didn't. I was so ashamed that I just walked away.

"As time wore on I realized the awful position I was in. So I decided to leave town and went to Chattanooga, Tenn. All the while I read the Atlanta papers and kept in touch with what was going on at home. I was almost terrified by the trouble that my affidavit seemed to have created. But when the excitement had died away, I decided to go back to Atlanta and get my furniture out of storage.

"I went back to Atlanta in September, 1913. I was there only a day or so before I heard it whispered that I would be forced to swear in court that I had made that affidavit. Some of the detectives tried to induce me to open a rooming house. I knew they only wanted me to place myself again under their protection. Then they would have a lever with which to keep my mouth shut in the event of an investigation of the conduct of the police in the Frank case.

"I decided to go to Frank's attorney, Mr. Rosser, and make a clean breast of the whole affair, when I chanced to read in one of the Atlanta papers an attack Mr. Rosser had made on my affidavit and my reputation. My good intent was abandoned when this attack was made on me.

"Whatever else I may have done, I had always tried to be truthful. I signed that affidavit under extraordinary influences when I was not wholly responsible for what I said.

"I realize that I have done a great injustice to Frank. In justice to him and in justice to myself I now want to deny what I said against him in that affidavit.

"I don't intend to let the police of Atlanta know where they can find me.