

The American Mercury – Watson's Magazine

23 articles about Leo Frank

AMERICAN MERCURY ARTICLES:

(WATSON'S MAGAZINE ARTICLES are toward the bottom)

A New Series of PDF Files Posted June 2017

Rendered in electronic text with numbered pages, page size 8.5" x 11"; graphics retained.

1. Leo Frank: The Coroner's Inquest of Mary Phagan's Murder Mystery
2. 100 Years Ago Today: The Trial of Leo Frank Begins
3. Leo Frank Trial Week One
4. Leo Frank Trial Week Two
5. One Hundred Years Ago Leo Frank Mounts the Witness Stand
6. Leo Frank Trial Week Three
7. Leo Frank Trial Week Four
8. Leo Frank Trial Closing Arguments: Luther Rosser, Reuben Arnold and Frank Hooper
9. Closing Arguments of Prosecutor Hugh Dorsey at the Leo Frank Trial
10. One Hundred Reasons Leo Frank is Guilty
11. Anti-Defamation League: One Hundred Years of Jewish Hate, October 1913 – 2013
12. Professor Emeritus of Judaic Studies: Leonard Dinnerstein's Pseudo-history About the Leo Frank Case
13. Review of Tabloid Style Journalist Steve Oney's the Dead Shall Rise: Who Really Solved the Mary Phagan Murder Case?
14. Did Leo Frank Confess to the Murder of Mary Phagan?
15. The Amazing Story of Mrs. Leo Frank
16. The Astounding Alonzo Mann Hoax and ADL-led Posthumous Pardon of Leo Frank
17. New Audio Book: The Murder of Little Mary Phagan by Mary Phagan-Kean (1989), read by Vanessa Neubauer (2015)

WATSON'S MAGAZINE ARTICLES:

U.S. Senator From Georgia, Tom Watson -- Five Part Series on The Leo Frank Case, 1915:

18. A Mercury Exclusive: Introduction to Tom Watson on the Leo Frank Case
19. Tom Watson: The Leo Frank Case, January, 1915
20. Tom Watson: A Full Review of the Leo Frank Case, March, 1915
21. Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank, August, 1915
22. Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert, September, 1915
23. Tom Watson: The Rich Jews Indict a State, October, 1915

Leo Frank: The Coroner's Inquest

held on suspicion of committing the crime. The responsibility for continuing the case then falls to the criminal justice system.



Leo Frank being taken from the Tower to the Coroner's Inquest (from the Atlanta Georgian, Monday, May 5, 1913). He was accompanied by Chief of Detectives Lanford (left) and Police Chief Beavers (cut off on the right in this photograph).

Presided over by the Fulton County Coroner Paul V. Donehoo were a half-petit jury of prominent White men from the community, who opened the Coroner's Inquest on Wednesday morning, April 30, 1913.

The inquest began shortly after nine o'clock after the jury members were sworn. The empaneled tribunal in total consisted of seven men — Coroner Donehoo and the six jurymen: 1. H. Ashford, foreman; 2. Glenn Dewberry; 3. J. Hood; 4. C. Langford; 5. John Miller; 6. C. Sheats; and 7. Judge of the Inquest Jury, The Fulton County Coroner, Paul Donehoo.

Paul Donehoo — who made up for the fact that he was legally blind with his brilliant logical mind and quick insight into human character and motivations —

quickly began to focus on certain contradictions and oddities in the testimony he'd heard.

Never used the bathroom?

- In Donehoo's two examinations of Leo Frank, Frank repeatedly and unequivocally stated under oath that he did not use the second floor bathroom in his factory at all on the day of the murder, even though he spent almost all of that day in his office on the same floor. Frank did not state that he didn't remember — but rather that he did not use that bathroom (the one he customarily would use) on April 26, 1913. It appeared as if he was distancing himself (verbally and mentally) from the bathroom area of the second floor which was located in the metal room. There were no other bathrooms on the second floor of the National Pencil Company, except in the metal room (see Defendant's Exhibit 61).

Leo Frank: The Coroner's Inquest

This was originally thought by many to be a “throw away” detail, but later it became one of the most profound links in the case.

The visit that wasn't — and then was

- A controversial new development occurred during the inquest concerning Leo M. Frank's alibi for the 45 minutes after Mary Phagan visited him in his office at noon. Frank said he never left his office on the day of the murder between noon and 12:45 PM, but there was no way to even remotely corroborate this. But *then* Leo Frank said he had *forgotten* for the entire first week of the murder investigation to bring forward his employee Lemmie A. Quinn, the foreman of the metal room, who then testified at the Coroner's Inquest that he had returned to the factory and seen Frank in his office around 12:20. Quinn also testified that he had not mentioned this before because he had wanted to give Frank a chance to ask his attorneys if such testimony would be “helpful.” (Much later, after Frank's conviction and during the appeals process, Quinn was criminally impeached when it was discovered he was offering bribes to witnesses to change their stories.)



Lemmie Quinn: Does his body language in this photograph have any significance?

STATE'S EXHIBIT 3.

Portion of the affidavit made by Lemmie Quinn for Solicitor
Dorsey as follows:-

"The doors that lead up to the back stairs, after work hours are locked, but this door at the back of my department, the lock had been broken off and we placed a bar across it. The idea of that was to keep employees from the fourth floor going down from that department and ringing out and getting their money before it was ready. Customarily it was closed. That was the purpose. There is no exit from the office floor to the street floor, except the ~~front~~ front, there is a stairway leading from the office floor to the floor above. The back stairway is ordinarily closed with that bar, which makes it impossible for anybody to come from the upstairs down to the office floor. A man on the office floor could lift the bar and walk out, but I should not think that a man could come down to the office floor from above at all....

I went uptown when I left home between 12 and 12:20. I got to the pool room about 12:30..... He(Frank) said he didn't know that he would mention it, but he would mention it to his lawyers and see if they thought it was favorable to mention it. That must have been Wednesday of last week."

Quinn told the Coroner's Inquest jury that he went back to the pencil factory and specifically into Leo M. Frank's office at 12:20 to 12:25 PM for the purpose of talking about a baseball bet with the factory's head clerk, Mr. Herbert George Schiff. But Schiff was not at the factory, and was not even supposed to be at the factory at all that day, because it was a State holiday and everyone was given the day off.

Herbert G. Schiff stated at the later Leo Frank trial that he took pride in the fact that he had never missed a day of work in five years (*Brief of Evidence*, Herbert Schiff, 1913) — except once, unintentionally, during a disastrous flood. Leo Frank, however, gave the false impression that Schiff unexpectedly missed work that day — in order to make Quinn's suddenly-remembered appearance seem less improbable.

Some of the questions to and about Quinn and his visit were quite pointed:

Q. Did you tell any of the officers that you had not been at the factory since Friday?—A [Quinn]. No.

Q. You didn't tell Officer Payne?—A. No.

Q. You didn't tell Detective Starnes?—A. No.

...

Q. Did you talk to Frank about your being in the office on Saturday?—A [Quinn]. I refreshed his memory of my being there.

Q. When?—A. I don't remember the exact date. It was after he had been locked up.

Leo Frank: The Coroner's Inquest

Q. How did you refresh his memory?—A. We were discussing the supposition of the girl having never left the factory. I told him: "Why I was there Saturday after the time you say Mary Phagan was." He said he remembered me being there, but wasn't sure of the time. I told him what time it was and he said he would tell his lawyers. I told him I did not want to be drawn into the case, but if it would help him I would do so.

Q. Were you alone with Frank when you talked of this?—A. Yes.

...

Coroner Donehoo tried to get Quinn to admit that he previously had told officers who interviewed him that he was not at the factory between Friday and the following Sunday.

...

An effort was made without avail to break down the story of Lemmie Quinn that he was at the factory and talked to Frank between 12:10 and 12:20 the Saturday afternoon of the tragedy. Coroner Donehoo tried to get Quinn to admit that he previously had told officers who interviewed him that he was not at the factory between Friday and the following Sunday.

...

Detectives declared that Quinn had told them and other persons that he did not visit the factory at all Saturday and that he was not there from the time he left Friday until the following Monday.

...

A stormy scene is said to have ensued during the interrogation to which he [Quinn] was subjected at headquarters. To a reporter for The Constitution, he last night declared that Scott and Solicitor Dorsey charged him with having accepted a bribe from Frank's counsel for the story he was telling of the visit to the factory.

...

Detective Black contradicted the testimony given at the morning session by Lemmie Quinn by saying that Quinn had told him the Monday after the tragedy that he had not been to the pencil factory the Saturday before.

"Quinn made the statement in my presence two or three times," said the witness. "On one occasion Detectives Starnes and Campbell questioned him in the basement of the pencil factory and he said he had not been there."



Nellie Pettis

Herbert Schiff: In an effort to help Frank, Lemmie Quinn claimed he returned to the factory to talk to Schiff. But why would he do that on a day when Schiff was expected to be absent?

It was, doubtless, obvious to Donehoo and the Coroner's Inquest jury that the testimony of Quinn was meant to shrink the plausible time Leo M. Frank would have to bludgeon, rape, and strangle Mary Phagan by 15 minutes — from, formerly, 12:02 PM to 12:35 PM to, if Quinn was to be believed, 12:02 PM to 12:19 PM. Ultimately, Quinn's testimony as regards his alleged visit had little if any helpful effect for Leo Frank. If anything, it called into question the veracity of Frank and his defenders and ultimately the innocence of Frank himself: Would an innocent man resort to such devices?

Improper behavior toward teenage girl employees

- Also significant in Donehoo's view was Frank's efforts at promiscuous sexual advances toward some of the girls he employed, as evidenced by this reported testimony:

Girls Testify Against Frank.

The most damaging testimony against Frank in regard to his treatment of employees at his factory was saved until the last hours of the hearing. Girls and women were called to the stand to testify that they had been employed at the factory or had had occasion to go there, and that Frank had attempted familiarities with them.

Nellie Pettis, of 9 Oliver Street, declared that Frank had made improper advances on her. She was asked if she ever had been employed at the pencil factory.

"No," she answered.

Q. Do you know Leo Frank?—A. I have seen him once or twice.

Leo Frank: The Coroner's Inquest

Q. When and where did you see him?—A. In his office at the factory whenever I went to draw my sister-in-law's pay.

Q. What did he say to you that might have been improper on any of these visits?—A. He didn't exactly say—he made gestures. I went to get sister's pay about four weeks ago and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless "I saw him first."

Says He Winked at Her.

"I told him I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'"

"I instantly told him I was a nice girl."

Here the witness stopped her statement. Coroner Donehoo asked her sharply:

"Didn't you say anything else?"

"Yes, I did! I told him to go to h—! and walked out of his office."

Thomas Blackstock, who said that he was employed at the factory about a year ago testified as follows:

Tells of Frank's Conduct.

Q. Do you know Leo M. Frank?—A. Yes.

Q. How long have you known him?—A. About six weeks.

Q. Did you ever observe his conduct toward female employees of the pencil factory?—A. Yes. I've often seen him picking on different girls.

Q. Name some.—A. I can't exactly recollect names.

Q. What was the conduct you noticed particularly?

The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls.

Q. See it often?—A. A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building.

Q. Can't you name just one girl?—A. Yes. Magnolia Kennedy.

Leo Frank: The Coroner's Inquest

Q. Did you see him act with undue familiarity toward her?—A. No. I heard talk about it.

Q. Before or after the murder?—A. Afterward.

“Girls Tried to Avoid Him.”

Q. When did you observe this misconduct of which you have told?—A. A year ago.

Q. Did you hear complaints around the plant?—A. No. The girls tried to avoid him.

Mrs. C. D. Donegan said she was connected with the pencil plant for three weeks. Her capacity was that of forelady. She resides at 165 West Fourteenth Street with her husband.

Her testimony follows:

“State your observations of Frank’s conduct toward the girls and women of the plant.”

“I have noticed him smile and wink at the girls in the place. That was two years ago.”

“Did you make a statement to the detectives of undue familiarity you had witnessed?”

“I told them that I had seen Frank flirt with the girls and women—that was all I said.”

Charges Familiarities.

The testimony of Nellie Wood, a young girl of 8 Corput Street, came next.

In brief it was this:

Q. Do you know Leo Frank?—A. I worked for him two days.

Q. Did you observe any misconduct on his part?—A. Well, his actions didn’t suit me. He’d come around and put his hands on me when such conduct was entirely uncalled for.

Q. Is that all he did?—A. No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn’t let him. He got too familiar by getting so close to me. He also put his hands on me.

Q. Where did he put his hands?—A. He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking but I was too wary for such as that.

Quit His Employ.

Q. Did he try further familiarities?—A. Yes.

Leo Frank: The Coroner's Inquest

Q. When did this happen?—A. Two years ago.

Q. What did you tell him when you left his employ?—A. I just quit, telling him that it didn't suit me.

Several employees also testified that they had never seen such advances themselves, and that as far as they knew Frank's conduct toward his teenage workers was "unimpeachable" — but Donehoo and the jurors doubtless took into consideration the likelihood that such behavior would seldom be done openly where all could witness it.

Three different Mary Phagan arrival times — later to become four

- According to Leo Frank:

1. Mary Phagan arrived in his second floor business office at 12:03 PM on April 26, 1913; this information was given to detectives on Sunday, April 27, 1913, in Leo Frank's office.

2. Mary Phagan arrived in his second floor business office at "12:05 PM to 12:10 PM, maybe 12:07 PM" according to Leo Frank in State's Exhibit B, given to the police on Monday, April 28, 1913.

3. Mary Phagan arrived in his second floor business office at 12:10 PM on April 26, 1913; this information was given at the Coroner's Inquest.

At the time of the Coroner's Inquest, Leo Frank had provided three different and separate times for Mary Phagan's arrival in his office. Later, he would shift her arrival time yet again. But the three inconsistent times already given were surely enough to raise Coroner Donehoo's eyebrows.

Scenes and Leading Figures in the Phagan Inquest



Detectives Black of the city (left) and Scott, of the Pinkertons (right); at the center is a scene from the inquest; at bottom is a portrait of night watchman Newt Lee — on whom the pro-Frank forces were trying to throw suspicion in the early days of the case.

FACTORY GIRLS GOING TO INQUEST



Employees of National Pencil company entering police station, where they were, summoned Thursday afternoon as witnesses in the Mary Phagan inquest.

Witnesses arrive for the inquest

The “bloody shirt” hoax

- At the time of the Coroner's Inquest there were only two serious suspects for Mary Phagan's murder: 1) factory superintendent Leo Frank, the last person known to have seen Mary alive; and 2) night watchman Newt Lee, who discovered the body in the

factory's basement. Lee, being black, probably would have been easy to convict in 1913 Atlanta had there been any even marginally credible evidence against him.

Around the same time frame as the inquest, some person or persons unknown went to a great deal of effort to implicate Newt Lee as the murderer. When police searched Lee's home they discovered one of his shirts hidden at the bottom of a barrel. The shirt was heavily stained with blood.

Closer examination revealed, however, that the shirt had not been worn since it was last washed, and furthermore the pattern of the blood stains indicated that it was not being worn when the stains were made.

The curious case of the morphing time slip

- Another and even more transparent effort to implicate Newt Lee was the legerdemain involving Lee's time slip for his watchman's rounds on the evening and night following the murder. Lee's duty was to make his rounds punctually and prove that he had done so by placing his paper slip in the time clock after each round, where it would be marked, or "punched," with the correct time.

When detectives brought Leo Frank back to the factory on the morning after the murder, one of the first things they did was ask him to inspect Newt Lee's time slip for his rounds the previous night. Frank inspected the slip, which was also seen by W.W. "Boots" Rogers, one of the men with the police when they brought Frank back. Both confirmed that all the punches were made at appropriate times and none were missing. Then a serious lapse in police work took place — *Leo Frank was allowed to retain possession of the slip.*

When the slip was later demanded by investigators, Frank produced a slip readily enough. But the slip he gave to the detectives was very different from the one that had been seen that first Sunday morning after Mary Phagan had been killed: Now the time slip was missing punches, enough of them to have given Newt Lee ample time to commit the murder, go home to change his clothes, return to the factory, and notify police of the body.

As the *Atlanta Journal* stated on May 8th, 1913, discussing the testimony of Rogers before the inquest:

Mr. Frank asked repeatedly if the officers were through with him, saying he wanted to go out and get a cup of coffee, but no opportunity to get the coffee arose. After a while, said the witness, after Mr. Frank had been through the building with Chief of Detectives Lanford, Mr. Frank suggested that they change the tape in the time clock. Mr. Frank took a key to the clock, which he wore on a ring at his belt, and opened the clock with it and removed the time slip and laid it down by the clock. He then went back into his office and got a blank slip. He asked one of the officers standing near to hold back a little lever while he inserted this slip. The lever knocked against a little pencil in the clock. Newt

Leo Frank: The Coroner's Inquest

Lee, the negro, was standing near. Mr. Frank turned to the negro and asked, "What is this pencil doing in the hole?" Lee said he had put it there so his number would be sure to register every time he rang. Mr. Frank put the key back at his belt and dated the slip which he had taken from the clock with a pencil which he took from his pocket. The witness thought Mr. Frank wrote the date "April 26, 1913," on it, but he wouldn't be sure about that, he said.

Mr. Frank, after examining the slip, stated that it was punched correctly, said the witness. He also looked at the slip. The first punch started at 6 p. m., and it was punched every half hour, the witness thought, up to 2:30 o'clock. At 2:30 was the last punch. Mr. Frank took the slip into his own office, said the witness, and the witness said he did not know what became of it after that.

The *Atlanta Georgian* reported on May 11th, 1913:

W. W. Rogers, former county policeman, who carried the officers in his automobile to the scene of the murder and later to get Frank, testified that Frank, when he saw the officers, began to ask them if "anything had happened at the factory?" and if the night watchman had "found anything" when nothing had been told him at that time as to the tragedy.

Rogers said he saw Frank remove the time slip from the time clock which Lee had punched. Rogers said that there were no "skips" on it, but that it was punched regularly every half hour from 6:30 in the evening until 2:30 the next morning. It was shortly after 2:30 o'clock that Lee told the officers he had found the body. The time slip which later was turned over to Chief Lanford by Frank had three "skips" in it.

Lee testified that Frank had told him the Sunday the body was found that the clock was punched all right and later contradicted himself by saying there were three "skips" in it, and that it "looked queer."

The implications of such not-so-skillful sleight of hand would not have gone unnoticed by the jurymen, nor by the astute Donehoo.

Conclusion of the Coroners' Inquest

The week-long inquest and the testimony provided there under oath provided ample grounds for a very strong suspicion to be directed upon Leo M. Frank. On Thursday, May 8th, 1913, the Mary Phagan inquest drew to a close.

At 6:30 PM, the jury went into executive session to hear the testimony of Dr. J. W. Hurt, county physician, on what had happened to Mary Phagan shortly before her death and what was the likely cause of her death. The doctor addressed the inquest jury for twenty minutes.

Donehoo convened the jury one last time to hear its findings:

Leo Frank: The Coroner's Inquest

We, the coroner's jury, empaneled and sworn by Paul Donehoo, coroner of Fulton County, to inquire into the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, County Physician, find that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton County grand jury.

(signed)

Homer C. Ashford, Foreman

Dr. J. W. Hurt, County Physician

Coroner Donehoo approved the unanimous finding of the inquest jury.

The Coroner and his six jurymen together voted unanimously 7 to 0, recommending Leo M. Frank (and Newt Lee, who was the subject of the underhanded “bloody shirt” and “missing time slip punches” hoaxes, and who would soon be completely cleared) be bound over for murder and investigated further by the grand jury. (The grand jury of 23 men, which included four Jews, would eventually indict Leo Frank for murder. Jim Conley, the factory sweeper, would eventually be charged also, as an accessory after the fact.)

Police delivered the news to Leo Frank and Newt Lee

Newt Lee slumped his head dejectedly when the bad news was delivered to him.

Deputy Plennie Minor delivered the unanimous verdict of the Coroner's Inquest jury to Leo M. Frank who was being held in the infamous Atlanta Police Tower. Frank was sitting, perusing a local daily newspaper, the *Atlanta Constitution*, at the time. Minor approached Leo M. Frank and told him about the unanimous verdict of the jury, which had ordered that Frank be held for murder and for a more thorough investigation by the grand jury. In contrast to Lee's dejection at the news, Leo Frank insolently replied that it was no more than he had expected — and continued crackling away and folding the big sheets of his newspaper.

In total more than two hundred witnesses, factory workers, and affiliates had been subpoenaed, providing sworn testimony at the inquest.

In Part 2 which follows, we reproduce for the first time in digital form *all* of the contemporary articles on the Coroner's Inquest published in the Atlanta newspapers — first those from the *Atlanta Georgian* in chronological order, then all those from the *Atlanta Constitution* in chronological order, followed, also in chronological order, by those from the *Atlanta Journal*. We again offer our thanks to Miss Lee for her efforts in making these transcriptions, in many cases from yellowed, crumbling, century-old originals. Her work will be appreciated by scholars for centuries to come.

Following the newspaper transcripts are other references for further reading.

SEE ALSO: [Leo Frank Grand Jury Indictment](#) on Saturday, May 24, 1913

* * *

— PART 2: COMPLETE PRESS COVERAGE —

**Full text of articles relating to the Coroner's Inquest in the case of the murder of
Mary Phagan**

10,000 Throng Morgue to See Body of Victim

Atlanta Georgian

Monday, April 28th, 1913

Coroner's Jury inspects remains and scene of tragedy, then waits until Wednesday

Lying on a slab in the chapel of the Bloomfield undertaking establishment, with the white throat bearing the red marks of the rope that strangled her, the body of Mary Phagan was viewed by thousands this morning.

No such gathering of the morbidly curious has ever before been seen in Atlanta. More people were attracted than by any crime in the history of the city. The crowds came in droves, and a steady procession passed before the slab on which lay the little body. Old men and young men, women with babies in their arms and women who tottered with age, little friends of the dead child and little children who had been raised in the arms of their mothers before they could see the white faces of their dead playmate — crowded into the little chapel.

Crowd Before Daybreak

Long before daylight the crowd began to form in front of the undertaking establishment. By 6 o'clock several hundred had come, and were awaiting with tense eagerness for the opening of the doors. Factory girls and laboring men, passing on their way to work, were caught by the lure of the tragedy and crowded into the line. A number of fashionably dressed women alighted from their automobiles, and with veils drawn over their faces pressed against the plate glass windows of the chapel.

By 8 o'clock there were more than 1,000 persons gathered around the morgue. The jam at the doorway was so great that extra policemen were called. When the doors were opened the crowd was permitted to pass in one by one and view the form.

Leo Frank: The Coroner's Inquest

An old man, who had known the Phagan family for years and had rocked the dead child on his knees, was the first to view the remains. For more than three minutes he stood with bared head beside the body.

It is estimated that 10,000 people have viewed the body of the child since it was found in the basement of the building on Forsyth Street. All day yesterday thousands of people crowded into the little chapel, and P.J. Bloomfield declared that no less than 4,000 persons entered his place during the day.

This morning the crowd was even greater, and since 6 o'clock it is estimated that between 6,000 and 7,000 have passed in silent review before the dead child.

Inquest Is Begun

At 10 o'clock, when Coroner Donehoo began the inquest, the chapel was cleared of the spectators and the body of the child removed to a private room. The men impaneled to inquire into the death of the child were:

Homer C. Ashford, foreman; John Miller, J.C. Hood, C.Y. Sheets, Glenn Dewberry and Clarence Langford.

No witnesses were examined this morning by the Coroner's jury. The six men viewed the remains and were shown by physicians the manner in which the child met her death, after which they visited the plant of the National Pencil Company, where the murder occurred. There they made a thorough examination of the basement where the child's body was found, inspected the tip plant on this second floor, where the bloody strands of hair were found, and followed the trail of blood through the building to the scene of the crime.

At noon Coroner Donehoo dismissed the jury until Wednesday morning at 9 o'clock, when the examination of witnesses will take place. The Coroner refused to give out a list of the persons he had summoned before the jury.

Boy Sweetheart Says Girl Was to Meet Him Saturday

Atlanta Georgian

Wednesday, April 30th, 1913

G. W. Epps, Jr., 14 years old, of 248 Fox Street, who lives just around the corner from Mary Phagan, and who was her boy sweetheart, testified before the Coroner's Jury this afternoon that Mary Phagan had asked him to come down by the factory and go home with her a few days ago. She told him, he said, that Mr. Frank had been in the habit of

going down to the front door and waiting there until she came out and looked suspicious at her and winked. He was asked:



Q. When did you see Mary Phagan last?—A. Saturday morning. We came to town on the car together. We got to town at 12 o'clock. When we got off the car she told me that she was going to the pencil factory to get her pay and would meet me at the (Falkin?) Drug Store at Five Points to see the parade at 2 o'clock. I looked for her all around at that time. I could not find her. I stayed there until about 4 o'clock selling papers. She never appeared. There wasn't much of a crowd and I would have seen her if she had come.

Q. Where did you go at 4 o'clock?—A. I went to the ball game.

Q. Where did you go after that?—A. I went home, reaching there at 7 o'clock.

Q. Did you go over to Mary's house?—A. Yes, I went over there immediately.

Mary Phagan

GREAT CROWD AT PHAGAN INQUEST

NEW ARRESTS LIKELY; LEO FRANK STILL HELD; CASE AGAINST NEGRO

Atlanta Georgian

Wednesday, April 30th, 1913

Inquest Into Slaying of Factory Girl Begins, and Flood of New Light Is Expected To Be Thrown on the Tragedy—Lee Maintains His Story.

The Phagan inquest began to-day at police headquarters. It seemed likely when this edition of The Georgian went to press that a flood of light would be thrown on the murder mystery before the day was over.

Notwithstanding what the police said yesterday—that the mystery had been solved—it does not appear at this time as though it had been solved at all. Various statements have been made by the police officials, that so far have not been borne out by actual facts.

Chief of Detectives Lanford seems to think that there is more evidence against the night watchman, Lee, than any other person, although new mystery is added to this phase of the case with the announcement that other arrests would be made to-day.

Frank is still held by the police.

Every effort to break Lee down and make him confess has failed so far.

Handwriting experts declare that Lee is the author of the mysterious letters that were found.

The bloody stained shirt that belonged to Lee is one of the most important pieces of evidence yet discovered. There has been some doubt expressed as to whether this garment really belonged to Lee.

The inquest at 9 o'clock at the police station. The witnesses and jurors were summoned to meet there instead of at Bloomfield's undertaking establishment at the request of Chief of Detectives Lanford.

Many persons, thinking that the original plan would be carried out, congregated in excited and curious groups outside the Bloomfield building. When the news was spread that a change had been made there was a rush for the police station.

Coroner Donehoo had on hand practically every witness who is known to have any knowledge of Mary Phagan, of the persons on whom suspicion has been cast or of the circumstances which might have been connected with her presence in the National Pencil Factory and her foul murder.

L. J. Dewberry, of 302 Cooper Street, came to the inquest with the marks of an exciting experience in a fire early this morning upon him.

Dewberry was at the home of his brother-in-law, F. J. Coll, last night. Early this morning the building took fire and Dewberry escaped by the narrowest of margins.

He was able to save his clothes and watch, but left his wallet in the flames. The remainder of the occupants did not save their clothes.

Excitement was high when the taking of testimony, but there were no signs of disorder nor of a demonstration against any of the prisoners.

Light will be thrown on the reason for the detention of Leo Frank in the police station all of yesterday afternoon and last night with the detectives insisting that he was not under actual arrest.

The detectives have been reluctant to say anything of the results of the severe grillings they have given both Lee and Frank. They will tell of these to-day when the Coroner's jury sits and decides who shall be held for an investigation by the Grand Jury.



Mary Phagan and her mother

The detectives are not satisfied with the centering of the damaging evidence on Lee. They are working this morning on new clews which may connect others with the crime.

It is almost as certain that two of the prisoners who have been held in custody since the round-up of suspects began will be released to-day, as it is that the negro Lee will be held.

The men who are practically assured of their freedom are Arthur Mullinax, former conductor, and J. M. Gantt, employed at the National Pencil Factory until three weeks ago.

The detectives have been able to fix no strong evidence upon them. So weak was the case against them that they were entirely ignored by the detectives yesterday. They were not "sweated." They were not even questioned. They simply were left in their cells to themselves, visitors being denied them for the most part. Late in the afternoon Gantt was delivered over into the charge of the Sheriff.

Practically every witness who has been able to throw any

INQUEST ON TO SOLVE PHAGAN SLAYING CASE

light on Atlanta's gripping crime mystery has been summoned to appear before the jury to-day. A few will be only briefly questioned, but others whose knowledge of some of the phases of the mystery is believed to be important will be subjected to a more searching examination.

Handwriting of Notes is Identified as Newt Lee's

Atlanta Georgian

Wednesday, April 30th, 1913

F. M. Berry, one of the most important witnesses of the afternoon, identified the handwriting on the notes found near Mary Phagan's body as practically the same as that of Newt Lee, who wrote a test note for the detectives.

Mr. Berry said that he had been connected with the Fourth National Bank for 22 years and is at present assistant cashier. During these 22 years he said that he had studied handwriting continually. He was given both notes found by the body of the girl and was asked if they were written by the same person. He said they were.

He then was given another of other notes and asked to pick out the one written by the same person that had written the notes found by the body of the dead girl. He selected two and said that they had been written by the same person that had written those discovered beside the girl. Berry was dismissed and Detective Starnes called.

Detective Starnes picked up the notes that Berry had picked out of the collection and said that they had been written by Lee. He said that he had dictated one and that another detective had dictated the other.

He said that he dictated one of the notes found except the last word "slef," which he was unable to decipher. He showed the note to Lee and asked him to write that last word. Starnes said that he wrote it readily, spelling it again s-l-e-f. Starnes was dismissed and R. P. Barrett was recalled.

Q. Who worked at the plant Saturday afternoon?—A. Two boys worked on the top floor. One of them named Harry was crippled. I don't know what the name of the other one was.

Q. Were you at the factory at all Saturday?—A. No.

Q. Have you ever heard of anyone using the place at night?—A. Yes, sir.

Q. Who used it?—A. Mr. Calloway said that he saw young girls, boys and men go in there at night.

(Coroner Donehoo asked the detectives to get Mr. Calloway. His initials or employment were not mentioned by the witnesses, but some of the persons present thought the witness meant E. F. Holloway, timekeeper in the pencil plant.)

Q. When did Mr. Calloway tell you this?—A. To-day.

Q. Had you heard it before?—A. Yes, sir.

Q. Has the night watchman always been a negro?—No, we used to have a white man.

Q. Did Calloway tell you how these people went in that place?—A. No, sir.

Q. Did he say who let them in?—A. No, sir.

Machinist Tells of Hair Found in Factory Lathe

Atlanta Georgian

Wednesday, April 30th, 1913

R. P. Barrett, 180 Griffin Street, a machinist at the National Pencil Company, was one of the witnesses of the late afternoon.

He was asked:

Q. How long have you worked at the National Pencil Company?—A. Seven weeks the last time. I worked there about two years ago.

Q. Did you know Mary Phagan?—A. Yes.

Q. What did she do?—A. She ran a "tipping" machine.

Leo Frank: The Coroner's Inquest

Q. When did you last see her?—A. A week ago Tuesday.

Q. Did she work last week?—A. No.

Q. You say you worked in the same department with Mary Phagan? Were your machines close together?—A. Yes.

Q. When did you go to work?—A. Monday morning.

Found Spots on Floor.

Q. Did you find anything unusual?—A. When I went in I was told that Mary had been murdered in the plant and I saw spots on the floor that I thought were (?) used by blood. It looked as though someone had tried to sweep them away, and as though whitewash had been poured over them. I called Mr. Quinn, the foreman, and he notified the detectives. The blood spots were chipped up off the floor and taken to the police station.

Q. Did you find anything on any of the machines?—A. Mr. Quinn gave me some work to do and I started to work on one of the hand lathes. I started to lathe and some hair tangled in the machine, got twisted in my fingers. I called Mr. Quinn and all the girls came up and identified the hair as that of Mary Phagan.

Q. Whose hair do you think it was?—A. It looked to me like Mary's.

Q. How long have you known Mary?—A. Six weeks.

Q. Was she quiet?—A. Mary was a very nice, quiet girl, and I never had seen her in any misconduct.

Q. Have you ever seen any men with Mary?—A. No. I have seen Mr. Gantt come through and speak to all the girls, but I never saw him speak to Mary in particular.

Q. How large was the place that seemed marked over with whitewash?—A. It was a spot four or five inches in diameter.

Girls Feared Frank.

Q. Did you see traces of blood around the elevator?—A. No, sir.

Q. How far was it from the elevator?—A. Fully two hundred feet.

Q. Was Mr. Frank familiar with the girl?—A. Not that I know of.

Q. Did you ever see them together?—A. I never have. I have heard the girls singing at their work, and when Mr. Frank would come they would stop. They were afraid of displeasing him.

Q. In what condition was the hair that you found?—A. Tangled and torn.

Q. How many hairs were there altogether?—A. About a dozen.

At this point Mr. Barrett was dismissed, and F. M. Berry, assistant cashier of the Fourth National Bank was called to the stand.

Newt Lee on Stand at Inquest Tells his Side of Phagan Case

Atlanta Georgian

Wednesday, April 30th, 1913

Describes finding of body of slain girl and events at Pencil Factory before and at time of discovery of crime

Newt Lee, watchman at the National Pencil Company's factory, who notified the police of the discovery of Mary Phagan's body, told his complete story on the stand at the coroner's inquest to-day.

Lee was on the stand for more than an hour and was plied with questions intended to throw light on the tragedy. He replied to questions in a straightforward way, and in detail his story is substantially the same as he has made to the reporters ever since his arrest.

His most significant answers concerned his employer, Leo M. Frank, superintendent of the factory. Lee said that when he reported at 4 o'clock for work, Frank told him to go home until 6. He declared that Frank seemed excited, but added that he attributed that excitement to the fact that Frank had just discharged John Gantt, and might have feared trouble. He said he reported back for work at 6 o'clock and that a few hours later Frank called him up by phone from his home to ask him if things were all right. The witness testified that his employer had never done this before.

Chief of Police Beavers said that Leo M. Frank, superintendent of the National Pencil Company, would go on the stand before the coroner's jury probably late this afternoon.

The Chief said he could not force him to testify as he was in the nature of a defendant, but Attorney Rosser said there would be no objection.

E.L. Sentell, on the stand this afternoon, reiterated that he had seen Mary Phagan with Arthur Mullinax at midnight Saturday night. His testimony and that of other witnesses is printed on page 4.

Newt Lee's Testimony as He Gave It at the Inquest

Atlanta Georgian

Wednesday, April 30th, 1913

Newt Lee, the negro night watchman, was questioned as follows:

Q. What is your name? A. Newt Lee.

Q. Where do you live? A. Rear of 40 Henry Street.

Q. What do you do? A. Night watchman at the National Pencil Company.

Q. What kind of work do you do? A. Watch and sweep up the first floor.

Q. What time do you go to work? At what time? A. Six o'clock. If it is not quite 6 o'clock I go around and see if the windows are down. If it is at 6 I punch the clock and then go around.

Q. What else do you do? A. I go around all over the upstairs floors. If I have time I go in the basement, but if not, I go in the basement afterward. It takes me 25 minutes to make my rounds upstairs when I hurry. I punch every half hour.

Frank Sent Him Away.

Q. How many keys have you to the building? A. I had but one key which unlocks the building.

Q. What time did you get to the building Saturday? A. Four o'clock.

Q. Why did you get there at that time? A. Friday was pay day, and Mr. Frank told me to come at 4 o'clock Saturday, as it was Memorial Day. When I came in he sent me away again. When I went in he came out of the outer office, rubbing his hands, and told me he was sorry he had brought me down so early, as I could have been sleeping. He told me to go back out in town and not to get back later than the usual time of 6 o'clock.

Q. What's on the first floor? A. Just boxes; they don't use it.

Doesn't Use Elevator.

Q. Where was the elevator when you went in at 4 o'clock? A. I don't know, cap, because the elevator doors were shut and you can't tell where the elevator is. But the elevator is supposed to stay on the first floor, they told me.

Q. Is there a door in the basement at the elevator? A. Yes. There's one that slides up, too.

Q. Do you ever use the elevator? A. No, sir.

Q. Does the machinery have to be used for the elevator to be running? A. I think so.

Q. When you went upstairs and opened the doors on the stairway you made some noise, didn't you? A. Yes.

Q. Where was Mr. Frank when you went in? Did you hear him come out of his office? A. I just saw him come out. I said, "All right, Mr. Frank," like I always do and he came out of the outer office.

Q. Could anyone be in the office and you not see them? A. Yes, sir.

Heard No One in Office.

Q. Did you hear any one talking in his office? A. No, sir.

Q. Where did you go when he told you that you could go? A. I went right down and out the door. I went up to Alabama Street to Broad, and over to near Decatur Street and Central Avenue and looked at a medicine show a fat man was giving for negroes.

Q. What time did you go back? A. Just a few minutes before 6.

Q. Did you punch at 6 o'clock? A. Just at 6. Mr. Frank came on out and put cards in the clock. He then went back in the office and I went downstairs.

"While I was there Mr. Gantt came from across the street and said he wanted to get a pair of shoes. I told him I couldn't let him in, and he asked if Mr. Frank was there. I told him yes, and that I would go get him.

Frank Looked Frightened.

"At this time Mr. Frank came down and looked a bit frightened. I think he looked that way because Mr. Frank had discharged Mr. Gantt and thought Mr. Gantt might start some trouble.

"Mr. Gantt told him he wanted his shoes and Mr. Frank, after talking a few minutes, told me to go up there with them. I did, and we found the shoes where he had said they were.

Leo Frank: The Coroner's Inquest

He asked me for some paper and twine and wrapped the shoes up. He asked me if he could use the telephone. He called up some lady and said he wouldn't be out until 9 o'clock. He then went downstairs and out of the building. I locked the door behind him and saw him go up the street.

Watched Gantt Go Out.

Q. What did you do then? A. I watched Gantt as he went out and then I punched the clock for 6:30.

Q. Did you see Gantt at 4 o'clock? A. No.

Q. When Mr. Frank came and met Gantt, did you go right upstairs? A. Yes, sir.

Q. Where was Mr. Frank? A. I don't know.

Q. Did you lock the door? A. I unlocked the door and let Gantt out.

Q. Where were you when Mr. Frank came? A. We were all on the outside when Mr. Frank gave Gantt permission and I went in with Mr. Gantt.

Q. Did you go to the toilet and machinery room at 4 o'clock? A. No, sir.

Q. Is there a carpet or a rug on the floor in Mr. Frank's office? A. No, sir.

Frank Was Rubbing His Hands.

Q. When you went upstairs at 4 o'clock and said, "All right, Mr. Frank," and Mr. Frank came out, was he excited? A. Yes, sir; he was rubbing his hands.

Q. Was that unusual? A. Yes, sir.

Q. Have you ever seen him do that before? A. No, sir.

Q. When did Mr. Frank tell you to watch Mr. Gantt? A. When they turned him off.

Q. Did you know why Gantt was discharged? A. No, sir.

Q. How long have you worked in the pencil factory? A. Three pay days.

Q. How often do they pay you? A. Every Saturday.

Q.—Have you told me everything that was said by you and Mr. Frank before he left the factory? A.—Yes, sir; only I offered him some bananas and he wouldn't take them.

Saw Frank Leave Also.

Leo Frank: The Coroner's Inquest

Q.—How long did it take Mr. Gantt to find his shoes? A.—Very little time. He found his shoes and went out of the building after he talked over the telephone.

Q.—Do you know whether Mr. Frank left the building during that time? A.—He went outside. I don't know whether he came back in or not.

Q.—Did you see Mr. Frank walk away? A.—Yes.

Q.—Where did he go? A.—He went up Forsyth Street toward Alabama.

Q.—How long have you worked for Mr. Frank? A.—Just three paydays.

Q.—How long have you known him? A.—Just since I have been there.

Q.—When did you see that all of the windows of the plan were drawn? A.—When I made the rounds just before making my 7 o'clock punch.

Gas Light Changed.

Q. What did you do then? A. I went into the basement a few minutes after 7 o'clock.

Q. What is on the top floor? A. A whole world of machinery.

Q. Where were Gantt's shoes? A. In the shipping department, near the front.

Q. How do you get to the basement? A. Through a scuttle hold.

Q. What part of the basement did you go to? A. To a light near the ladder only a few feet from the ladder.

Q. Did you light the gas in the basement? A. No, sir. It was lighted, but it wasn't like I left it that morning. It was turned down like a lightning bug.

Q. What time Saturday night did you get a telephone call? A. I don't remember the exact time.

Q. Who called? A. Frank.

Q. Was that the only call? A. Yes, sir.

Frank Telephoned Him.

Q. What did you do when the phone rang? A. I took down the receiver and said, 'Hello!' He said, 'Hello,' and said it was Mr. Frank. I said, 'Is this you, Mr. Frank?' Then he said, 'How is everything, Newt?' I told him everything was all right and he hung up.

Leo Frank: The Coroner's Inquest

Q. Had Frank ever called you before over the phone? A. No, sir, he never had.

Q. Did he say where he was? A. No, sir.

Q. Did you punch your clock every half-hour Saturday night? A. Yes, sir; every half-hour from 6 o'clock until I found the body.

Q. What did Mr. Frank say to you Sunday morning? A. He said the clock had been punched all right.

Q. Did he say the clock had been punched regularly? A. Yes, sir.

Q. You say you pushed the clock every half-hour? Did you go to the toilet that night? A. Yes, sir.

Q. Where did you go? A. Upstairs.

Q. When did you go to the toilet again? A. Almost 3 o'clock. I waited because I wanted to go into the basement on my rounds, so I waited and went into the toilet in the basement.

Q. How did you get down into the basement? A. I went down the ladder and went back to the toilet. I set the ladder on the floor against the side of the toilet. I came out of the toilet and stepped up a few feet. I don't know just how far. I looked to see if the back door was all right, and to see if there was any fire in the basement. Then I saw the body.

At this juncture Lee's testimony began to differ materially with that of the officers, who said that the body was lying face downward.

Thought It Was Trick.

Lee continues: "I thought it was something some devilish boys had put there to scare me. I went over and saw it was a body and I got scared. Then I called the police. I tried to get Mr. Frank."

Q. Whom did you call first? A. The police.

Q. What did you say? A. I was scared and I don't know what I said. I tried to tell them that I had found a dead body.

Q. How did you know the number of the police station? A. Mr. Frank gave it to me and told me to call it if anything ever happened around the plant.

Q. How was the girl lying when you found her? A. On her back. (Officers had testified that they found her on her face.)

Leo Frank: The Coroner's Inquest

Q.—How did you happen to see her? A.—I saw her when I walked out to look for a fire.

Didn't See Whole Body.

Q.—Did you walk beyond that partition in the basement? A.—No, sir. I just saw parts of her. I saw her legs.

Q.—Did you put your hands on her? A.—No, sir.

Q.—What kind of an examination of the body did you make? A.—None; I just looked and saw that it was a dead body.

Q.—Was her head toward you? A.—No, sir. I couldn't see her head until I had walked around.

Q.—Did you see any bruises on her? A.—No, sir, I just saw blood and lots of dirt.

Q.—How did you find her? A.—On the flat of her back.

Waited for the Police.

Q. How was the head? A. On one side.

Q. You didn't touch her or make any examination? A. No, sir; I didn't touch her.

Q. After you called the police, did you go down into the basement before they came? A. No, sir.

Q. How did you come to turn her over? A. I didn't turn her over.

Q. How did you know she was dead? A. I knew she was dead because she was there. There ain't no white woman going to be there if she ain't dead. She was all dirt and bloody. I knew she was dead, boss.

Q. Was Mr. Frank at the plant Sunday morning when the police took you back there? A. No, sir.

Didn't Come in at Once.

Q. Did he come after you got there? A. Yes, sir, they sent an automobile for him.

Q. Was he excited when he came in? A. He didn't come in right away.

Q. Who have keys to the plant? A. Me and Mr. Frank and Mr. Darley. I don't know who else.

Leo Frank: The Coroner's Inquest

Q. Did you ever let anyone in after 6 o'clock? A. No, sir.

Q. Did you lock the door at 6 o'clock? A. Yes, sir.

Q. When do the fireman and the elevator man leave? A. I don't know. They're all gone when I get there.

Q. Who stays in the plant from half past 5 to 6 o'clock when you're not there? A. Mr. Frank and the bookkeeper, and sometimes the lady who stays in the office.

No One There After 6 o'Clock.

Q. Was anyone working there after 6 o'clock Saturday night? A. Not that I know of. There were no lights and all the windows were like I left them.

Q. Did you see blood in the machinery room on Saturday night? A. No, sir; I had to go through the room where they say the lady was killed, but I never saw no blood.

Q. Where are the dressing rooms? A. Why, there's dressing rooms all over the building, boss.

Q. Did Mr. Frank say the clock was punched all right? A. Yes, sir; on Sunday morning he said I had never lost a punch.

Q. When did you first tell any one that Frank sent you away from the factory Saturday afternoon? A. I don't know when I told it, boss.

Went to Basement Every Hour.

Q. Did Mr. Frank ever tell you that the clock was not punched regularly last Saturday night? A. Yes, sir; he told me on Monday morning that the clock was not punched right.

Q. How often did you go to the basement Saturday night? A. Every hour, but only a few feet from the ladder.

Q. Could anyone have used the elevator and you not know it? A. No, sir.

Q. How was the body lying when you went back with the officers? A. Like I found it.

Q. On its face or on its back? A. The same way, boss.

Q. When did you turn out the gas? A. I didn't turn it out.

Q. Was it burning when the officers came? A. Yes, sir.

Q. What kind of a lantern did you have? A. Just an ordinary lantern, boss.

Leo Frank: The Coroner's Inquest

Q. Was the lantern dirty? A. Yes, sir.

Knew It Was White Girl.

Q. Could you tell by the light of the lantern whether the woman was white or black? A. Yes, sir; I could tell by the skin and by the hair.

Q. Was the head the only skin of the girl you saw? You didn't see her legs or her body? A. No, sir.

Q. Do you know any of the operatives? A. No, sir; they're always gone when I get there.

Q. What is the back door for—the one in the basement? A. I don't know.

Q. Did you ever see it open? A. Yes, sir; last Friday morning.

Had No Back Door Key.

Q. Did you have a key to the back door? A. No, sir; the fireman had one.

Q. Was the fireman supposed to be there at night? A. No; he leaves when I get there.

Q. What's his name? A. Knox.

Q. Is he a negro? A. Yes.

Lee was excused and J.M. Gantt, who was in the factory Saturday afternoon to get a pair of shoes he had left there, was called to be questioned by Coroner Donehoo and others.

Sergeant Brown Tells His Story of Finding of Body

Atlanta Georgian

Wednesday, April 30th, 1913

Sergeant R. J. Brown, the second witness at the inquest, corroborated Anderson's story of the finding of the body. Brown, who was in charge of the morning watch, was one of the four men who answered the call of the negro night watchman, Newt Lee.

Brown was interrogated as follows:

"How did you get to the factory?"

"Call Officer Anderson answered the phone call, and Anderson, Sergeant Dobbs, myself and a man named Rogers—we call him 'Boots'—went in Mr. Rogers' car to the factory."

"Who met you when you got there?"

"We got to the building and shook the door and a negro came and let us in. We asked where the body was and the negro said: 'Come this way.' We went to an opening in the floor near the elevator and we went down a ladder into the basement. Sergeant Dobbs and I were in front with the negro, striking matches and looking around.

Negro Carried Lantern.

"The negro was with us, carrying a dim lantern. We found the body lying face downward, the arms folded underneath. I looked at the body and said: 'For Heavens' sake; It is only a child.' I turned the body over and it was cold and stiff. I couldn't tell whether it was white or colored. I rubbed the dirt and trash and cinders from her face with a piece of paper, and then I said that she was a white girl and others said she was colored. It was not determined until Call Officer Anderson pulled her stocking down and looked at her leg. Then we saw that she was white."

"Did you see any indications of the body having been dragged?"

"There was an impression on the pathway over which we had come as though something had been dragged along there, but the light was very dim and it was hard to tell."

"Did you find any paper?"

"A couple of notes were picked up. I think one was found by Sergeant Dobbs and one was found by me."

"Was the inside of the girl's mouth clean?"

"It was covered with dirt."

"Was her mouth open?"

"Her mouth was open and the tongue was hanging down toward the chin. The lips and corners of her mouth were covered with dirt."

"Was her face imbedded in the ground?"

"I didn't notice."

"Could the dirt in her mouth have come from lying down?"

"Not all of it."

"Did you see a cord around her?"

"Yes, a cord was around her neck and a piece of her underskirt was tied around her neck."

"Did you go to the back of the building?"

"I did."

"What did you find?"

"I saw that the staple and lock on the back door had been unfastened."

"Was the door open?"

"No; it was unlocked, though, and the staple was pulled."

"Could the staple have been pulled from the outside?"

"No, sir."

"What kind of lantern did the negro have?"

"An ordinary lantern with a dirty globe."

How Negro Found Body.

"What did Lee say to you?"

"He said he knew nothing of the girl's death. He said he rarely went into the basement and that on this occasion he went to use the toilet. He said after he had used the toilet he saw the girl's body lying over there."

"Did he say how far she was from the toilet?"

"Not in figures, but the toilet is 25 feet from where the body lay."

"Did he say how the body was lying?"

"No, sir, not to me."

"Did he say he had touched the body?"

"Not in my presence."

"Did you call Mr. Frank over the telephone?"

"No, I guarded Lee while Anderson called him."

"How long did Anderson wait on Mr. Frank?"

"He waited some time. He asked central to hurry the call. He told central that a woman had been murdered there and that he was very anxious to get Mr. Frank."

"What kind of clothing did the girl wear?"

"A kind of a purple dress."

Body Not Obscured.

"Could you see the body from where the negro, Lee, was standing when he said he saw it?"

"I can't say, but to do that one would have to look right close."

"Did the corner of the little room obstruct the view of the body from the toilet?"

"I think it would have, of the head and shoulders, not of the legs."

"Was the cord around her neck tied in front or behind?"

"I think it was looped in the rear."

"Did you see evidence of a struggle?"

"I don't know that I did. We went down into the basement hurriedly and right up to where the negro said the body was."

"Did you start an investigation?"

"We looked around as much as we could, and then notified Chief Lanford, and his men came and took charge of it."

"Did you go upstairs?"

"No, sir."

"Were the gas jets in the basement lighted?"

"No."

"Did you use the elevator?"

"No, we used the ladder altogether."

"Did the negro say that the elevator had been used during the evening?"

"No."

"Was anything found upstairs when you went up to telephone?"

"No, we didn't look around there much. We had no light."

"How far did the girl's tongue protrude from her mouth?"

"This far." (The witness measured about an inch and a half on his fingers.)

"Was the body cold?"

"Yes, and a bubbly streak was coming from her nostrils. Blood was running from her ears and her mouth."

Dr. J. W. Hurt, county physician, who performed the autopsy on the dead girl, asked the witness several questions relating to the condition of the body below the shoulders.

He asked:

"When the stocking was pulled down, did you loosen any strappings to do so?"

"No, the supporter from the corset was loose."

"Was the catch on the supporter broken, or only unfastened?"

"I don't think it was broken."

"Did Anderson loosen the supporter?"

"No."

"Did he use any violence in examining the body?"

"No."

Dr. Hurt then turned the witness back over to the jury.

Draw Knot About Neck.

"How was the cord tied about her neck?"

"It was looped and tied with a draw knot."

"What else was around her neck?"

"Two pieces of her underskirt had been torn away, tied together and bound around her neck."

"How tight was the cord drawn?"

"Tight enough to have choked her to death."

"Which was tied on first?"

"I think the cord was."

"What do you think caused her death?"

"Strangulation."

Tells Jury He Saw Girl and Mullinax Together

Atlanta Georgian

Wednesday, April 30th, 1913

Edgar L. Sentell, the man who identified Mullinax as being the man he saw with Mary Phagan Saturday night was the first witness to take the stand when the coroner's jury convened at 2:30 o'clock.

The witness said that he worked at Kamper's grocery store, starting to work there last Thursday. He was questioned as follows:

Q. How late did you work Saturday night? A. To about 10:30 o'clock.

Q. What is your work? A. I drive a wagon.

Q. What time did you get in with your wagon Saturday night? A. About 9:30 or 10 o'clock.

Leo Frank: The Coroner's Inquest

Q. What did you do after that? A. I stayed about the store for a little while, then went down to the drug store on the corner.

Saw Girl and Mullinax.

Q. How late did you stay there? A. I do not know exactly. I started walking to town and when I reached the Carnegie Library, I waited for a Magnolia street car. I think I waited about ten minutes and then found that the cars had quit running.

Q. Did you see Mary Phagan Saturday night? A. Yes, sir.

Q. Was she with any one? A. She was with this fellow Mullinax.

Q. What time was it? A. I do not know exactly. It was some time between 11:30 and 12:30 o'clock. I think it was nearer 12:30 o'clock, as the cars had quit running.

Q. Where did you see them? A. On Forsyth Street, near Hunter.

Q. What were they doing? A. They were walking toward me.

Q. Were they together? A. They were not exactly together.

Q. Just how were they? A. She as on one side of the sidewalk and Mullinax was on the other.

Q. Did she wear a hat? A. No.

Certain of Identity.

Q. Could you swear that it was Mary Phagan?—A. Yes.

Q. Are you sure that it was Mullinax?—A. I could, not say positively, but it was a man who looked like him, and I have not seen anyone who looks so much like the man I saw as Mullinax does.

Q. How long have you known Mullinax?—A. I have just known his name since Sunday.

Q. Did you know him before?—A. I used to see him around the car barns when I worked there last June, but I did not know his name.

Q. What were you doing around the car barns?—A. I worked there.

Q. When did you first hear of the death of the girl?—A. About 10 o'clock Sunday morning when I was on the car on my way to my aunt's.

Q. How did you know it was Mary Phagan?—A. I heard the street car men talking. They said the dead girl's name was Phagan, and I thought it might be Mary Phagan, as I had seen her out late the night before.

Q. When did you first tell of seeing her?—A. I went right on out to the Phagan home instead of going to my aunt's to find if it was Mary, and told them at the house that I had seen her.

Q. Where is your home?—A. My people live at East Point, but I board at 82 Davis Street.

Q. What work did you do before going with the Kamper Grocery firm?—A. I was in the Navy.

Q. When did you quit that work?—A. April 18.

Q. How long were you there?—A. About three months.

Q. Why did you quit?—A. I was discharged on account of weak eyes.

Q. What was the trouble with your eyes?—A. I could not see the targets.

Q. Do your eyes trouble you ordinarily?—A. No, sir.

Q. Are you quite sure they did not fail you when you met this girl Saturday night?—A. Yes, sir.

Q. Do you drink?—A. Sometimes, but I have never been drunk.

Q. Had you been drinking Saturday night?—A. No, sir.

Tells of Watchman Lee 'Explaining' the Notes

Atlanta Georgian

Wednesday, April 30th, 1913

Sergeant L. S. Dobbs was the third witness. He said he answered the call to the pencil company plant Sunday morning.

Q.—Did you find an umbrella? A.—No. Lassiter did.

Leo Frank: The Coroner's Inquest

Q.—Did you find the notes there? A.—One of them.

He then identified the two notes.

Q.—Were you at the plant when Lassiter found the umbrella? A.—No; he found them about 7 o'clock.

Q.—Where did you find the body? A.—About 150 feet from the elevator shaft.

Q.—Did you examine the body?

“Yes. When I turned the body over I found the face full of dirt, and could not tell if it was a white girl or negro. We examined the legs and found it was a white woman.

“I became suspicious of the negro and questioned him. I said: ‘You know something about this,’ and he became very much excited. We read the notes, and without anyone making comment the negro said the word ‘night’ meant the night watchman.

Body Had Been Dragged.

“I asked him why he went downstairs and he said to use the toilet. I asked why he didn't use the toilet on the second floor and he said white folks didn't like for negroes to use their toilet.

“I had Williams to lie down on the ground. Unless one looked directly at the body it could not have been seen from the toilet.

“In going back to the scene after daybreak, we discovered traces showing a body had been dragged from where the umbrella was found at the elevator to where it was found.”

Q.—Could an ordinary man have taken a body down the ladder? A.—I don't think so.

Q.—Had the elevator been used that night? A.—There was no way to use it. The watchman did not know how to run it.

Q.—Did the scratching on the ground show that a person might have stopped with the body? A.—No. It was continuous.

Shoe Found in Path.

Q.—Was the shoe found directly on the line in which the body had been dragged? A.—Yes; just a little to one side, and also the hat.

Sergeant Dobbs described the location of the body, which coincided with other testimony.

Q.—Was her clothing brighter than any boxes that were around? A.—No.

Q.—Was there any warmth in body? A.—No. I could work the fingers slightly.

Q.—Have you had much experience in handling dead bodies? A.—No.

Sergeant Dobbs said the negro told him no one had been in the building since 6 o'clock.

Q.—After the negro had gone upstairs after you found the body, did he go back down stairs? A.—Yes.

Q.—Did you notice any opening in the partition when you first went down? A.—No. I thought it was a solid wall.

Went Down Scuttle Hole on Ladder to Reach Body

Atlanta Georgian

Wednesday, April 30th, 1913

Previous to Watchman Newt Lee's testimony, three police officers, who were called to the pencil factory when Mary Phagan's body was found, testified. Their testimony, with the exception of such parts as were unfit to print, follows:

W. T. Anderson, police call officer on duty Sunday morning, was first witness.

"We went over in an automobile to the pencil factory and the negro took us into the cellar where the body was found," he said.

Anderson told of the location of the scuttle hole, from which a ladder led to the basement, and of the location of the body.

"At the foot of the ladder I did not find anything," he went on. "On the left of the basement is a partition part of the way, forming a room. The body was at the lower end of the partition, a few inches from the partition and about six feet from the outside wall of the building. Her head was toward the front of the building. She was lying on her face. The cellar was very dark.

"I did not see the body until I reached it. There is a toilet on the opposite side of the basement, on the right side next to the boiler. There was rubbish, shavings and the like. I did not see any white trash lying about.

"Sergeant Dobbs picked up one of the notes while I was there. Think I could identify them."

On being shown several papers Anderson selected one of the papers as one of the notes found. It was the note written on yellow paper.

"We also found a tablet and a pencil. There were four or five of us there, and I do not know who found it.

"Right in front of the body on the right side, I found her left shoe and hat. She was dressed in a dark colored dress. She had no shoe on her left foot. Her clothes were up to her knees.

"Her left leg just below the knee the stocking was torn and her leg skinned. There was blood on her head, while her eyes were bloodshot. A piece of wrapping cord and her underskirt band were tied around her neck. There was a cut on the back side of her head by the left temple. Her mouth and eyes were filled with dirt and sawdust. She was covered with so much dirt that I could not tell whether she was white or black, and had to pull down one of her stockings to tell whether she was white. Her legs below her knees were also covered with dirt and sawdust.

Staple Pulled From Door.

"There was a staple pulled out of the lock at the back door. It is a side door. It has a bar with a hasp. There was a lock in the staple, but the door was closed. There was a lock in the staple, but the door was closed. Sergeant Dobbs and Brown were there before me."

"There was blood on her head, stomach and legs. I had a flashlight with me. The watchman had an ordinary lantern, the globe of which was smoked. It did not give much light.

"It was about 25 or 30 feet from negro's toilet to where the body was lying. I could not see the body from there with his lantern, could not see over 10 or 12 feet with it.

"She had on a white underskirt. Her head was in line with the corner of the partition. A flashlight would have shown the body. It struck me that she would have been too far behind the partition for the lantern light to show her.

What Negro "Thought at First."

"The negro watchman told me when he saw the body at first he thought some one had placed something there to scare him. He said he did not go down there very much, going down that time to the toilet.

"I questioned the negro at length. He said the toilet in basement was for negroes.

"After questioning the negro, I called Frank at his residence, but could not get him. I then called Mr. Haas, of the National Pencil Company. One of the women members of the family talked to me. Sergeant Brown instructed me to call some of the head men of the pencil company."

Officer Anderson identified the clothing worn by the girl when he found her in the basement. He was then dismissed.

Officer Anderson was called in again and asked to identify the dead girl's clothing. In answer to a question, he said the girl's stocking supporters were unfastened.

Q.—Did the negro say it was a white woman or a negro when he telephoned? A.—He said: "A white woman has been killed up here."

Q.—Did he tell you how she was lying? A.—He said she was on her back.

Negro Was Excited.

Q.—Was he excited? A.—Yes.

Q.—How long do you think the girl had been dead? A.—I don't know much about that, but she was not much right.

Q.—Were there any signs of a scuffle? A.—Behind where she was lying there were evidence of a struggle. We found a bloody handkerchief seven or eight feet from the body.

Q.—Did you see a handbag? A.—I did not. I did not see any evidences of her pay envelope.

Q.—What kind of investigation did you make? A.—The first thing we did was to look for the left shoe. We did not make any investigation on the second floor.

Witness Saw Slain Girl and Man at Factory Door

Atlanta Georgian

Wednesday, April 30th, 1913

J. G. Spier followed Newt Lee on the stand. He lives at Cartersville, Ga.

Leo Frank: The Coroner's Inquest

Q. Were you about the National Pencil Company plant? A. Yes, sir; we walked over to the Terminal station from the Kimball House. I was with a friend. I left the Terminal station at 10 minutes of 4, then walked back there, going back Forsyth Street. I passed the pencil factory about 10 minutes after 4 o'clock. I noticed a young girl and a young man, a Jew of about 25, talking.

Q. Were they excited? A. My impression was that they were. The girl seemed excited and the man nervous.

Q. Was his face flushed? A. He had the appearance of having had a drink. That was my impression.

Q. Did you come back by there later?

Couple Still There.

A.—Yes; I came back to the Western Union to see a friend. The same couple was there.

Q.—Are you sure they were the same couple?

A.—I judge they were.

Q.—Were they in the same position?

A.—The girl had moved to the outer edge of the sidewalk.

Q.—Did you see the girl again?

A.—Yes, the next morning I saw her in the Bloomfield undertaking place. It was the dead girl.

Q.—Have you seen the man since?

A.—I think I did. I saw a man at the pencil factory Sunday whom I was told was Mr. Frank, but I have been told since then that it was not him.

Q.—When did you learn of this?

A. Sunday morning when I was on a car continuing a private investigation of another matter for which I was here. I bought an extra, put it in my pocket and did not read it until I got on the car. I was looking for a Fair-Street car.

Q. What time did you catch a car?

A. About 8 o'clock. I got off the car at Broad Street and talked to a policeman. We walked down to the pencil factory and I told him all I knew.

Q. What was the complexion of the man you saw Saturday?

A. I couldn't say.

Q. You are sure he was a Jew?

A. Yes.

Q. How tall?

A. About to my shoulder.

Q. How was the girl dressed?

A. I think her clothes were a little dark.

Q. Did she have ribbon on her hair?

A. I think so. I think she had her hair hanging down her back.

Q. You can't remember the man, but you remember the girl?

A. Yes.

Q. Do you know whether she was bareheaded?

A. I can't say.

STATE ENTERS PHAGAN CASE; FRANK AND LEE ARE TAKEN TO TOWER

Atlanta Georgian

Thursday, May 1st, 1913

Watchman and Frank Go on Witness Stand This Afternoon—Dorsey, Dissatisfied, May Call Special Session of Grand Jury To-morrow.

Coroner Donohuoo [sic] late to-day issued a commitment against Leo M. Frank, superintendent at the National Pencil Company, and Newt Lee, night watchman,

Leo Frank: The Coroner's Inquest

charging them with being suspected in connection with the death of Mary Phagan and remanding them to the custody of the sheriff. They were later taken to the Tower.

Arthur Mullinaux [sic], held since Sunday, was released.

Frank's commitment read as follows:

To Jailor:

You are hereby required to take into custody the person of Leo M. Frank, suspected of the crime of murdering Mary Phagan, and to retain the said Leo M. Frank in your custody pending the further investigation of the death of the said Mary Phagan, to be held by the Coroner of said county.

Coroner Donohoo [sic] adjourned the inquest into the death of Mary Phagan this afternoon until 2 o'clock Monday, without the taking of any testimony. The Coroner said the adjournment was taken for the purpose of obtaining more clearly defined evidence.

The delay is believed to be the result of a request from the police department and is interpreted to mean that the detectives are on the trail of new and important evidence not previously brought to light.

The State made its first move in the Mary Phagan case to-day when Solicitor General Dorsey called into conference Chief of Detectives Lanford and Chief of Police Beavers.

Mr. Dorsey wanted to know just what the police have done in the case, and it was for this reason he questioned Lanford and Beavers.

A new arrest was made in the Phagan case this afternoon. Detectives arrested James Conolley [sic], a negro employed at the National Pencil Company factory.

Connolly [sic] is a sweeper in the factory. The arrest was made on private information given over the telephone to the police that Connolly [sic] had been seen washing some clothing in the factory. He is about 30 years old.

Connolly [sic], at the police station, told the detectives that he was washing his shirt because he was summoned to the inquest this afternoon. The police were inclined to attach little importance to his arrest.

Newt Lee, the night watchman at the National Pencil Company's factory, will again go on the witness stand to supplement his testimony. Lee is said to have given important information to the detectives after a two – hours cross-examination this morning.

Leo M. Frank, superintendent of the factory, also will be a witness this afternoon.

Calls Inquiry Hesitating.

"The investigation has been hesitating," said Mr. Dorsey, before his conference with the police officials. "All leads given the police have not been followed closely and there is much more to this thing that has not been brought out. Unless some decisive action is taken quickly the mystery will remain unsolved."

At the end of the conference, Solicitor Dorsey and he had not fully made up his mind about taking over the case, but it was probable he would reach a decision in time to present the matter to the Grand Jury to-morrow if necessary. He told Chief Beavers and Chief Lanford that the handwriting evidence, what he considered the best possible clue, had been very badly handled by the police, particularly so in permitting Lee to copy the note instead of dictating it to him. He said the handwriting tests had been far from thorough. He criticized two police officials for laxity in one or two other features of the case.

Chief of Detectives Lanford, following the examination of Lee, declared that the watchman had made no confession, or part of one, implicating himself, but that he had divulged facts which will tend to lift the veil of mystery from the murder.

The police say that Lee's new testimony will relate directly to a conversation that the watchman and Frank held in Lee's cell on Monday.

Talk With Frank Is Basis.

According to the detectives, Lee will testify that Frank commanded him to stick to his story or "they would both go to —."

A conversation Lee had with a fellow prisoner last night in his cell, Chief Lanford said, resulted in the questioning of Lee to-day.

This conversation was reported to the detectives and, working on the new lead, Lee was brought to the detectives' room at 9:30 o'clock this morning.

Chief Beavers, Chief Lanford, Harry Scott, of the Pinkertons, and Detective John Black questioned him for an hour, with the result that it was agreed to again put him on the witness stand.

Lee, accompanied by John Black and Scott, was brought out of the conference shortly after 11 o'clock and removed to a cell.

Police Spurred to Action.

"Now, Lee," said Black and Scott, as they locked him up, "don't you talk about this case to anybody but us hereafter, do you hear?"

Orders were given to allow no one but the two detectives to see or talk with the watchman, and visitors, lawyers and persons of all description were barred from the corridors leading to his cell.

The announcement that the State, through Solicitor Dorsey, might intervene and take charge of the investigation unless the mystery was cleared at once spurred the police to further effort late to-day.

“Weed Out” False Clews.

Detective Starnes and Campbell continued throughout the day breaking down the stories of the persons who have testified that they saw Mary Phagan on the street Saturday after she had drawn her pay at the pencil factory at noon.

Chief Lanford said positively that the hunt was near its conclusion and with the completion of the inquest the truth would be established.

Mr. Dorsey was vehement in his denunciation of the manner in which the case had been handled.

Dorsey Voices His Protest.

“The burden of convicting the perpetrator of this horrible crime whoever he may be, will fall directly upon my shoulders,” said Dorsey, “and I don’t propose, for that reason, if not for the many others, to let it drift along.

“No effort has been made to establish if the shirt said to have been found in the ash barrel back of Lee’s home was Lee’s.

“The handwriting tests on the notes have not been exhausted by the police—in fact, hardly touched upon.

“The marks on the [3 words, illegible]

FRANK TO TESTIFY TO-DAY AT PHAGAN CASE INQUEST

lead to an extensive investigation that has never been made.

“People have been let go and come at will in various places who should have been locked up and guarded until the investigation was completed.

“The matter must be sifted to the bottom, and if it isn’t not done soon the State will assume charge and the Grand Jury will be put to work on it.”

Features of Testimony.

The principal features of the testimony that have been brought out so far are as follows:

J. G. SPIER, of Cartersville, Ga., testified—

That he saw a girl and a man standing in front of the pencil factory at 4:10 Saturday afternoon; that the girl was the one whose body he had viewed Monday morning at Bloomfield's undertaking establishment.

F. M. BERRY, assistant cashier of the Fourth National Bank, testified—

That the handwriting of the notes found by Mary Phagan's body and that of test written by Lee indicated that they were written by the same person.

J. M. GANTT, in the factory about twenty minutes on Saturday night, testified—

That Frank appeared nervous and apprehensive when he saw him at the factory at about 6 o'clock.

NEWT LEE, the night watchman, testified—

That Frank showed signs of nervousness by rubbing his hands, something he had never seen him do before. That Frank called him on the phone about 7 o'clock in the evening to see if everything was "all right," something he never had done before.

HARRY DENHAM, one of the two men in the office Saturday afternoon, testified—

That Frank did NOT seem nervous when he saw him at 3 o'clock; that Frank had a habit of rubbing his hands.

GEORGE W. EPPS, JR., 246 Fox Street, boy friend of Mary Phagan, testified—

That Mary Phagan had told him once that Leo M. Frank had stood at the factory door when she left and had winked at her and tried to flirt. That he rode uptown with Mary last Saturday; that she left him to get her money at the factory, with an engagement to meet him at 2 o'clock in the afternoon, but never appeared.

E. S. SKIPPER, 224 1-2 Peters Street, testified—

That Frank was NOT one of the three men he saw with a girl resembling Mary Phagan about midnight Saturday; that the girl he saw Saturday night he was almost certain was the same one whose dead body he saw in the morgue Monday morning.

EDGAR L. SENTELL, an employee of Kamper's grocery firm, testified—

Leo Frank: The Coroner's Inquest

That he saw, without a possibility of a mistake, none other than Mary Phagan walking on Forsyth Street, near Hunter, between 11:30 and 12:30 Saturday night, with a man. The man was Mullinax, he was almost positive. That he said, "Hello, Mary," and that she responded, "Hello, Ed."

R. M. LASSITER, policeman, testified—

That he had inspected the basement and had found plain signs of a body being dragged from the elevator to the place where the body of Mary was found. That a parasol was at the bottom of the elevator shaft.

SERGEANT R. J. BROWN, of the police department, testified—

That it would have been almost impossible to see the body from the point the negro told him he first saw it.

SERGEANT L. S. DOBBS, of the police department, testified—

That Lee, without anyone else making any comment, said that the words "night witch" meant "night watchman," in the notes that were found by the side of the dead girl.

CALL OFFICER ANDERSON testified—

That he attempted to get Frank at his residence by phone right after the body was found, but was unable to get him.

Gantt Says Frank Was Nervous.

Gantt's testimony was in the main corroboration of what he told The Georgian when he was arrested. His most striking testimony came when he declared that Frank was nervous when he called at the factory for his shoes. He said when Coroner Donehoo asked him to tell of his movements Saturday night:

"I went to the factory to get my shoes and met Mr. Frank at the door and got permission to come in. When he saw me he appeared very nervous and started back into his office; then he came out again. He told the night watchman to go with me to get the shoes and to stay with me."

Gantt testified that while in the factory he telephoned his sister, Mrs. F. C. Terrell, of 284 East Linden Street, that he would be home about 9 o'clock, and then he left the factory, the negro accompanying him to the door. He said he, together with Arthur White and C. G. Bagley, went to the Globe pool room, where they remained until 10:30 o'clock. Then, he said, he went home and stayed there till 2 o'clock Sunday afternoon, when he left and came downtown. He called on a girl friend Sunday night, he testified, and stayed at her home till 11 o'clock. He said he didn't know the officers came to his home Sunday night; that he was not told of their visit by his sister. He said he left his sister's home at 8

Leo Frank: The Coroner's Inquest

o'clock Monday morning and started to Marietta to visit his mother, who lives on a farm six miles east of the town.

Was Discharged by Frank.

Gantt testified that he had known Mary Phagan since she was 3 years old, and that he knew her when he was timekeeper at the pencil factory. He said Frank discharged him from the factory because of a personal difference. Asked as to the nature of this difference, he said that there was a shortage of \$2 in his payroll and that Frank told him he must either make the amount good or be discharged.

Gantt testified that he had never heard Mary Phagan complain of her treatment at the factory and that he had never heard her say she could not trust Frank.

While he was on the stand Gantt also threw new light on the wages paid the girls who work at the pencil factory. He said he paid off the girls, and had paid Mary Phagan every Saturday, while he handled the payroll. He said her weekly salary was \$4.05. Asked how this was computed, he declared she received 7 1-11 cents an hour for 55 hours' work. Coroner Donehoo called attention to the fact that this did not figure up \$4.05, but nothing more was said about the matter by either the witness or the jurymen.

E. G. Skipper 224 1-2 Peters Street, declared positively that Leo Frank was not one of the men he had seen on Trinity Avenue, near Forsyth Street, pushing a reeling girl along Saturday night about 11 o'clock. Skipper described the dress worn by the girl he had seen and declared it looked very much like the one that Mary Phagan wore when she was murdered. He was then asked to give a description of the three men who were with the girl. Frank was then brought in and Skipper was asked if Frank was one of the men. He said that Frank did not resemble any of them.

Tells of Mother's Worry.

Skipper testified that he had seen the body of Mary Phagan at Bloomfield's morgue, and said she looked like the girl he had seen on Trinity Avenue. He said he recognized her by her dress, parasol and the hair hanging down her back. He said he didn't follow the girl and the three men Saturday night because it is a common occurrence to see things like that in Atlanta on Saturday night.

J. W. Coleman, the stepfather of the dead child, told a pathetic story of her mother's worry over her continued absence from home Saturday night. He said he left home Saturday morning before Mary awoke, and that he had not seen her alive since last Friday night.

"I got home Saturday afternoon at 4 o'clock," testified Mr. Coleman, "and Mary had not come home; but we paid little attention to her absence then, as she often went to a moving picture show after work. I went downtown and came back about 7:20 o'clock and Mrs. Coleman met me at the door. She said Mary had not come home yet, and we

were shocked and began to worry. My wife said for me to eat supper and then we'd see if we could not find her. I went downtown and tried to find Mary. I went to all the picture shows, and everywhere I could think of, but could not find her.

"I went back home about 10 o'clock, and Mrs. Coleman was nearly crazy with worry and anxiety. I thought maybe Mary had gone to Marietta with her aunt, Mattie Phagan, and that she had telephone to a neighbor that she would not be home. I went to all the neighbors who had telephones, but none of them had heard from her. We sat up nearly all night trying to figure out what had become of the girl, and decided to get up early and try to find her.

Child Brings News of Crime.

"As we were getting up the next morning little Ellen Ferguson came running up the steps. My wife was excited and exclaimed that something had happened to Mary. The Ferguson girl ran into the house and cried that Mary had been murdered. Then she began screaming and my wife fainted. I caught a car and went downtown. I was with a friend. We passed detectives leading a handcuffed negro, and we followed them to the pencil factory. The man there was not going to let me in until I told him who I was. Then I went in and did all I could to help in the investigation which the detectives had started."

Mr. Coleman testified that he had several times heard Mary speak of her employers, but had paid little attention to her statements. He didn't remember whether she had ever said anything about Frank. He said she had often said that things went on at the factory that were not nice, and that some of the people there tried to get fresh. "She told most of those stories to her mother," said Mr. Coleman.

The examination of J. A. White, 58 Bonnie Brae Avenue, one of the two men who worked at the pencil factory Saturday afternoon, brought out for the first time the fact that in Frank's private office there is a wardrobe or closet large enough for a person to hide in. He testified that the closet was about 9 feet high and 4 feet wide, and was directly behind the door in Frank's office. He said he went into Frank's office when he left the factory Saturday to borrow \$2, but didn't notice the closet. The office door, he testified, was opened and resting against it. He said he didn't notice whether Mr. Frank was excited.

Didn't Know of Basement Room.

White testified that he had no knowledge of the small room which was found in the basement. He said the employees of the plant sometimes drank cans of beer in the basement, but said he had never heard of any women being brought in there.

Other witnesses called during the afternoon session of the jury included Detective J. R. Black, who is in charge of the police who are working on the case, and Guy Kennedy, 203 Bellwood Avenue. Black testified that Skipper had made a statement to him about

seeing three men and a girl on Trinity Avenue late Saturday night. He said Skipper told him the girl he saw wore white shoes and stockings.

Kennedy, who is a street car conductor on the English Avenue line, had previously told detectives and reporters that he had seen Mary Phagan Saturday afternoon. He told the Coroner's jury that he was mistaken; that the girl he saw was not Mary Phagan. He said he thought she was until he had seen the body of the murdered girl at the morgue.

Police Still Puzzled By Mystery Of Phagan Case

Atlanta Georgian

Friday, May 2nd, 1913

200 Witnesses To Be Called When Inquest Into Slaying of Factory Girl Is Resumed Next Monday—Felder to Aid State.

The exact facts in the Phagan case as this edition of The Georgian goes to press can be stated as follows:

FIRST. The Coroner's inquest is not yet ended. It has been adjourned until Monday afternoon next; and until it is ended the State is not likely to take hold of the case except in so far as Solicitor General Dorsey may deem it necessary to acquaint himself with facts that may aid him when the Coroner's jury renders its verdict. After this is done the case is turned over to the Solicitor General, as the chief prosecuting officer of Fulton County.

SECOND—It is reported that a large number of witnesses—200—are to be subpoenaed by the Coroner's jury, and that both Lee and Frank will testify.

THIRD—The functions of a Coroner's jury consist of hearing preliminary testimony, and holding persons under suspicion for the Grand Jury, which is the legal body that finds indictments against those accused of crime. Investigation before the Grand Jury is on evidence and is much more complete than before the Coroner's jury.

FOURTH—Solicitor – General Dorsey's conference with Chief of Police Beavers and Chief of Detectives Lanford yesterday was not to express dissatisfaction with the police, but to acquaint himself more fully with facts not yet made public.

FIFTH—Officials of the jail declared to-day that visitors will not be allowed to see either Frank or Lee, but, of course, counsel will have free access to them.

SIXTH—The absurd report that State troops were to be called out, of course, has no foundation in facts. This rumor was published in some of the State papers and by an unimportant morning daily of limited circulation.

SEVENTH—The report that William J. Burns is to come to Atlanta is of doubtful origin. The last heard of Mr. Burns he was in Europe.

EIGHTH—Friends of Frank are coming forward in his defense and are making a vigorous defense for him. It is reported that M. Frank, an uncle, who is very wealthy, will employ the ablest legal talent to defend Frank.

Rosser Asked for Transfer.

The transfer of the prisoners from the police station was made on the request of Luther Z. Rosser, who declared that the authorities had no legal right to keep the prisoners at the police station when they were being held under suspicion of a State crime.

Asked if he would seek to have orders given that no one should talk with the prisoners, as was done in the Grace and Appelbaum cases, Attorney Rosser said to-day that he, of course, would not consent to having the prisoners harassed continually by friends and curiosity seekers, but that he would have no objections at all to the visits of the detectives.

Frank and Lee were removed from the police station to the Tower quietly and without any show of demonstration, effectually disposing of the report that the people of the city had been wrought up to a pitch of excitement where they were anxious to take the law into their own hands.

Curious Crowd Avoided.

The usual crowd of curious persons had gathered in front of the police station, but the officers avoided them by taking the two men out the rear way and hurrying them over to the jail in automobiles. The groups of persons who were encountered in the brief trip made no comments, but looked on in silence. It was evident that the public mind comprehended the uncertainty of the guilt of either of the two men and that the person responsible for the death of Mary Phagan might even be still at large.

Frank was the first out of his automobile and hurried into the jail to avoid the photographers. Lee seemed more calm and undisturbed, stopping before he entered the jail doors to pose at the request of a camera man.

The transfer of the men came after it had been decided to adjourn the inquest, which had been called for 4:30 o'clock in the afternoon. Coroner Donehoo was informed of important evidence that had not yet been presented and which still was in an indefinite state. It was his opinion that the interests of the investigation would best be served by postponing further questioning of witnesses until Monday.

Girl Not on Streets After Noon.

The result of the last 24 hours of the work of the detectives has been to prove quite conclusively that Mary Phagan was not seen on the streets of Atlanta either in the heart of the city or near her home, after noon Saturday when she went to the pencil factory to obtain her pay envelope.

A half dozen persons were on hand soon after the death of the girl to testify that they had seen her at one place or another at some time after she was known to have gone into the factory.

Their stories conflicted so greatly with the probabilities of the case that the story of each man was run down carefully by the detectives who gave their whole time to this phase of the investigation.

In each case the witness was found either positively or quite probably to be mistaken, and the detectives were able to go back to their original theory that the girl did not leave the building after drawing her pay.

Felder to Aid Prosecution.

To aid in the investigation, Thomas B. Felder, member of the law firm of Felder, Anderson, Dillon & Whitman, has been engaged to assist the Solicitor General in the prosecution. He was retained by a committee of the citizens from the Bellwood community in which was the dead girl's home.

Mr. Felder said to-day that he already had started a private investigation when he was retained and that he would have an abundance of evidence within a few days. He refused to discuss the report that Burns detectives had been employed.

Dorsey Puts Own Sleuths Onto Phagan Slaying Case

Atlanta Georgian

Friday, May 2nd, 1913

200 Witnesses To Be Called When Inquest Into Slaying of Factory Girl Is Resumed Next Monday—Detectives Are Busy.

Coroner Declares Inquiry Will Not Be Made Hastily—Every Clew To Be Probed Thoroughly. Lee and Frank Are in Tower.

Grand Jury Meets, but Considers Only Routine Matters—Was No Truth in Report That Militia Had Been Ordered to Mobilize.

Solicitor General Hugh M. Dorsey this afternoon engaged private detectives to run down clues which have not as yet been fully developed by the men already working on the Phagan case.

The detectives are to investigate certain phases of the mystery which have previously received little attention and which he thinks may be of importance.

Mr. Dorsey had conferences to-day with the city detectives and with Miss Hattie Barnett, of the Pinkertons. The new Grand Jury which meets Monday may consider the Phagan case.

The Grand Jury met this morning and considered only routine matters. The Phagan case was not taken up at all.

The report that the National Guard had been mobilized originated because Adjutant-General Nash requested some of the officers of the Fifth Regiment to be within call in case of trouble. A few members of the Fifth Regiment were at the Armory last evening, but all had returned home by midnight.

Inquest To Be Thorough.

Coroner Donehoo said to a Georgian reporter that the mystery which surrounds the killing of Mary Phagan is by no means solved, and that the investigation would be carried on as long as there is a thread of evidence to be unraveled.

"I would not be holding this jury," said the Coroner, "if I were satisfied or were reasonably certain as to the facts in our possession. A case like this, so deeply wrapt in mystery, can not be solved in a day, and if there is anybody in Atlanta who is not pleased with the progress being made, his public spirit should make him come forward and lend his assistance. No pride of office, certainly will keep me from taking any reasonable suggestion and following it for all it is worth. It is up to the people to help all they can.

Following Every Clue.

"And why should the public demand such great haste? It requires weeks and sometimes months before some of these mysteries can be cleared. Investigation of the Holland killing out at the ice house here, I recall, went on about six weeks before anything definite was found out. It is only in the magazines that solutions are forthcoming in a day.

"It is not beyond the bounds of possibility that the body of Mary Phagan will be exhumed for a further examination.

The Coroner was informed to-day of another clew which he deems worthy of investigation, and in all probability will subpoena an important witness for the hearing on Monday.

"The new clew which we have may be a good one," he said. "We are following every one we can find, of course. This one may solve the mystery; who knows?"

Newest Facts in Case.

The exact facts in the Phagan case as this edition of The Georgian goes to press can be stated as follows:

FIRST—The Coroner's inquest is not yet ended. It has been adjourned until Monday afternoon next; and until it is ended the State is not likely to take hold of the case except in so far as Solicitor General Dorsey may deem it necessary to acquaint himself with facts that may aid him when the Coroner's jury renders its verdict. After this is done the case is turned over to the Solicitor General, as the chief prosecuting officer of Fulton County.

SECOND—It is reported that a large number of witnesses—200—are to be subpoenaed by the Coroner's jury, and that both Lee and Frank will testify.

THIRD—The functions of a Coroner's jury consist of hearing preliminary testimony, and holding persons under suspicion for the Grand Jury, which is the legal body that finds indictments against those accused of crime. Investigation before the Grand Jury is on evidence and is much more complete than before the Coroner's jury.

FOURTH—Solicitor – General Dorsey's conference with Chief of Police Beavers and Chief of Detectives Lanford yesterday was not to express dissatisfaction with the police, but to acquaint himself more fully with facts not yet made public.

FIFTH—Officials of the jail declared to-day that visitors will not be allowed to see either Frank or Lee, but, of course, counsel will have free access to them.

SIXTH—The absurd report that State troops were to be called out, of course, has no foundation in facts. This rumor was published in some of the State papers and by an unimportant morning daily of limited circulation.

SEVENTH—The report that William J. Burns is to come to Atlanta is of doubtful origin. The last heard of Mr. Burns he was in Europe.

EIGHTH—Friends of Frank are coming forward in his defense and are making a vigorous defense for him. It is reported that M. Frank, an uncle, who is very wealthy, will employ the ablest legal talent to defend Frank.

In regard to the arrest of Leo Frank, Milton Klein has furnished the following:

Leo Frank: The Coroner's Inquest

"Leo Frank, the superintendent and general manager of one of Atlanta's largest and most promising industries, spends two hours in his office on a holiday after generously relieving the watchman during these hours. His habits are regular and industrious, and his life while in Atlanta is perfectly blameless in every respect.

"The terrible crime committed in his plant calls forth the closest scrutiny of Mr. Frank's relations with his 300 workmen and women. Only the highest words of praise and confidence in his character are heard on all sides.

"I have worked with Mr. Frank for years in various charitable organizations and have ever found him the most polished of gentlemen, with the kindest of heart and the broadest of sympathy. To such an extent it is recognized among his fellow lodgemen that we have honored him with the office of president, which is the highest rank in our organization.

Best Work in Factory.

"He is a liberal supporter of many worthy enterprises. But his greatest work has been among his own employees at his factory. The first to report in the morning and the last to leave at night, every day and holidays, he has labored to build up a factory that in spirit and efficiency is second to none south of the Mason and Dixon line.

"After the magnificent work he has done in his adopted home, shall we, without consideration, emphasize every bit of gossip which unjustly and groundlessly connects him with this awful tragedy? No one seeks more fervently to discover the real perpetrator of this atrocious crime than Mr. Frank."

Miner Asks for Calmness.

Deputy Sheriff Plennie Miner makes the following plea for calm consideration of the Phagan case:

"While a crime of a most revolting nature has been committed in our midst, and our people are naturally excited and incensed over the deplorable affair, there are things that we need to consider coolly and carefully.

"Every possible effort is being put forth by the officers and the public generally to apprehend the guilty party or parties. Nothing is being left undone, no clew is being overlooked that would lead to a solution of the mysterious tragedy.

"But this is not a time for us to become too excited or too hasty in our efforts to ferret out the criminal. Above all things, and especially at this time, it is absolutely necessary for us to keep perfectly cool, to work carefully and quietly, running down every possible clew with caution.

"I respectfully ask that the public be patient, refraining from criticism of the unceasing efforts on the part of the officers or private individuals who are working so generously and faithfully on the case. And I would as respectfully ask that the daily papers refrain from printing anything calculated to unduly inflame the public mind; and from using such headlines as are calculated to arouse undue indignation.

"And you may rest assured if faithful and persevering work counts for anything, justice will be done. I have known, during my several years of experience as an officer and in criminal cases, undue haste in matters of this kind, brought on by excitement and enthusiasm to produce a miscarriage of justice. But I have never known a cool and systematic investigation of a tragedy, backed up by an earnest public sentiment demanding the apprehension of the real perpetrator of a crime like this, to fail of attaining the desired end."

ANALYSIS OF BLOOD STAINS MAY SOLVE PHAGAN MYSTERY

Atlanta Georgian

Saturday, May 3rd, 1913

Three Former Employees at Pencil Factory Are Summoned to Testify. Expected That Frank and Watchman Will Be Questioned Further.

It was reported to-day that three young women, former employees of the National Pencil Factory, will be important witnesses for the Coroner's jury in the Phagan case on Monday.

Dr. Claude Smith, city bacteriologist, was asked by the police to-day to make a chemical analysis of the bloodstains on the shirt found in the back yard of the home of Lee.

The garment was given to Dr. Smith by Detective Rosser. The detectives are hopeful that by scientific tests and comparisons it will be determined whether the garment was a 'plant' or not. Dr. Smith said that he could not make his examination until some time next week.

Solicitor Dorsey and Chief of Detectives Lanford were closeted for two hours to-day in a discussion of the cases. At the conclusion neither would make a public announcement.

\$1,000 Fund is Rumored.

Leo Frank: The Coroner's Inquest

It was said that an effort would be made to have the county appropriate \$1,000 for a private investigation.

The inquest will be resumed at 2 o'clock. Leo M. Frank has not yet given any testimony before the Coroner's jury, and it is planned for him to be heard on Monday. It is also likely that Lee, the night watchman, will be examined further.

The police and detectives are still busily at work on the case, but so far as is known they have secured nothing of importance.

Await Coroner's Verdict.

When the Coroner's jury verdict is rendered the case automatically goes to the Grand Jury. Solicitor Dorsey and the Grand Jury will not take up the case officially until the Coroner's jury has concluded its investigation.

Many wild reports, absolutely without basis in fact, are in circulation. It is emphatically declared by the police that no confessions have been made by anybody in the case. This should put an end to the report that Lee has confessed and implicated Frank.

It is not likely that the body of the unfortunate girl will be exhumed. County Physician Hurt says that no further examination is necessary, and the evidence on this point is very clear and exact.

Visitors Are Barred.

Visitors are not allowed to see either Frank or Lee, although counsel has full access to the Tower to confer freely with the men.

A score of employees of the factory are under subpoena to testify before the Coroner's jury, but their testimony is not considered likely to be of great importance.

The release of Arthur Mullinax and J. M. Gantt indicates that the detectives have abandoned the theory that the girl left the pencil factory after receiving her pay on Saturday. The detectives now are of the opinion that she was not seen on the streets again after she entered the factory.

May Be Held for Jury.

Without seeming to forecast what the Coroner's jury will do, it is more than likely that both Frank and Lee will be held for the Grand Jury, where the testimony or evidence will be weighed carefully under the supervision of Solicitor General Hugh Dorsey.

The only statement that the lawyers for Frank make is that he is still vehement in the declaration that he knows nothing whatever about the crime.

Mr. Rosser says that not a word of evidence had been produced against his client.

CROWDS AT PHAGAN INQUEST

Grand Jury Instructed to Probe Deeply

Atlanta Georgian

Monday, May 5th, 1913

Evidence Secured by Detectives May Not Be Presented at Coroner's Inquest—Lee and Frank to Testify. Many Other Witnesses Are Ready.

The Phagan inquest began at 2 o'clock Monday afternoon at police headquarters.

There was a great throng of witnesses in attendance.

A large force of police was on hand to keep the crowd of curiosity seekers in order.

Frank and Lee were taken from the Tower to police headquarters in charge of Deputy Sheriff Minor. A small crowd congregated about the jail in anticipation of the transfer and another crowd even larger was in front of headquarters when the two prisoners were brought in.

There was no demonstration, and the brief trip was made without event.

It is said, but without authority, that a great deal of very important evidence has been accumulated, but that it will not be presented at the Coroner's inquest. Instead, it will go directly into the hands of Solicitor Dorsey, who, as the chief prosecuting officer of Fulton County, is really in charge of the case now, although it has never been the duty of a prosecuting officer to interfere with the functions of the Coroner.

May Hold Both Lee and Frank.

It seems probable that both Frank and Lee will be held for the Grand Jury. The testimony brought out at the Coroner's inquest will be turned over to Solicitor Dorsey, who will study it carefully and make such further investigations as he may deem necessary, using the detective force of the city for that purpose.

Judge Ellis of the Superior Court on Monday instructed the May Grand Jury to investigate the mystery in a thorough manner. It is not likely, however, that the Grand

Leo Frank: The Coroner's Inquest

Jury will take up the case for several days. The matter of presenting evidence on which indictments may be found is in the hands of Solicitor Dorsey. He has charge of the Grand Jury, and it is he who presents the evidence and who frames the indictments, and it may take him several days to strengthen certain links in the chain of evidence, so that when indictments are brought they will be found to be legally correct and will leave no opportunity for the lawyers engaged by the accused to make objections in court.

It is the intention of Solicitor Dorsey to keep secret all evidence in his possession until the matter has been passed upon by the Grand Jury, indictments found and the case brought to trial.

Frank Maintains His Innocence.

Everything depends upon what transpires at the Coroner's inquest. Frank's testimony may make necessary an entirely new deal of the cards. He still maintains his innocence, and Lawyer Rosser, his counsel, declares that there is no evidence by which to connect him with the case.

Coroner Donehoo will hold a conference with Chief of Detectives Lanford and Solicitor Dorsey before the inquest to decide upon the witnesses who will be asked to testify.

In addition to Lee and Frank, the detectives will have on hand persons they have been interrogating since the inquest adjourned last Thursday. Several of these are said to have made disclosures of great importance.

Dorsey's Action Misconstrued.

There seems to be a misapprehension in the public mind about the attitude of Solicitor Dorsey. Rumors on the streets and gossip in newspapers that he "has taken the Phagan case out of the hands of the police and out of the control of the Coroner" is not true, for the very simple reason that Mr. Dorsey is the chief prosecuting officer of Fulton County, superior to the police, the detectives and the Coroner. He may act with them or independently of them. As Solicitor he is the most important official in the county government, more powerful than the Mayor or the Police Commission.

The Phagan case is in the hands of Mr. Dorsey now, as it has been from the beginning.

The function of the Coroner's office is simply to gather testimony and evidence that is turned over to the Solicitor for him to act upon.

Statement by Solicitor.

Solicitor Dorsey made this statement:

"Mr. Scott, of the Pinkertons, has given to this office valuable information. The policy of the Pinkertons is to establish the truth. They recognize that this office will receive from

Leo Frank: The Coroner's Inquest

them to that end any information they have, but under no circumstances do they expect to get any information we have gathered from other sources.”

The Grand Jury did not take up the Phagan case Monday. After passing on a number of routine matters it adjourned until Friday, but in the meantime will hold itself in readiness to a call from the Solicitor should he deem it necessary.

Mr. Dorsey said he was agreeably satisfied with the progress he had made in the case, and he was developing every clew that was of importance. He has given over his entire time to directing the investigation, he said, and would see anyone to-day except on matters relating to it.

Deputies from his office and private detectives in the county's employ have made search after search of the building. Many articles that were left there by the police have been brought to his office, and will be kept there until examined. Monday a dirty, grease-soaked broom and the lantern that was in the cellar, were brought to his office. He will have them examined for blood stains and finger prints.

He said that to the best of his knowledge the coroner's inquest would be resumed Monday afternoon.

Coroner Donehoo said that practically all of the employees of the pencil factory would be at the inquest this afternoon ready to testify if called upon.

With the employees of the paper factory where Mary Phagan worked before she went to the pencil factory the witnesses will total nearly 100.

The detectives say that all of these persons, a large number of whom were on the streets the Saturday afternoon of the tragedy, already have been questioned and that none of them saw Mary Phagan after she is known to have gone to the pencil factory for her money Saturday noon.

Chief Lanford was authority for the statement to-day that probably some of the most important evidence would be disclosed at the inquest, but would reserved and presented before the Grand Jury.

“We are not showing our full hand yet,” said one of the detectives. “We will submit sufficient evidence before the coroner's jury to warrant holding the two men now in custody, but we do not deem it advisable to tell everything until we present it to the grand jury. Three or four of our most im-

FRANK LIKELY TO TESTIFY AT INQUEST TODAY

portant witnesses will be saved until after the case goes to the Grand Jury.”

Rumor of New Important Witness.

A rumor is in circulation that among the witnesses for whom the detectives have been searching is a young woman who is said to have been with Mary Phagan when Mary went to get her pay envelope Saturday noon at the pencil factory. The identity of the mysterious girl has not been disclosed. The report is that she was overheard to remark that she waited outside the factory while Mary was in getting her envelope and that after she had waited about half an hour a man came out and told her she needn't wait any longer, as Mary would be detained by some work she had to do.

The detectives immediately started a search for the young woman in the hope that she would be able to give a good description of the man who told her she need wait no longer. Miss Beulah Daniel, daughter of G. T. Daniel, of Mableton, Ga., was in a Marietta store when she overheard the conversation, but little importance was attached to it until she repeated it to her father. He then notified the authorities and the search was taken up.

Bloodstain Tests Kept Secret.

Dr. Claude A. Smith, City Bacteriologist, to whom the shirt found in a barrel at Lee's home was given for an analysis of the bloodstains, would not make public the result of his investigation this forenoon. Chief Lanford said that he would receive this report later.

Chief Lanford's secretary, G. C. February, was occupied this forenoon in compiling all of the statements made thus far to the detectives and in making a review of all the clues that had been received and followed to their original source. The compilation will be added to as new developments occur.

Efforts to Trap Lee Fail.

Hoping to catch Newt Lee in some admission that will signify that he has more knowledge of the killing of Mary Phagan than he has been willing to tell, Deputy John Owen, who has been stationed at the jail nights, has kept a very close watch on the prisoner and has questioned him repeatedly.

After talking with Lee for some time last night, Owen posted a man behind the watchman's cell to learn what he would say to his cellmate, Dewberry, who is waiting to hang for murder.

"They seem to think you know more about the murder than you have told them," Dewberry was heard to say to Lee.

"I've told them everything I know," was the reply.

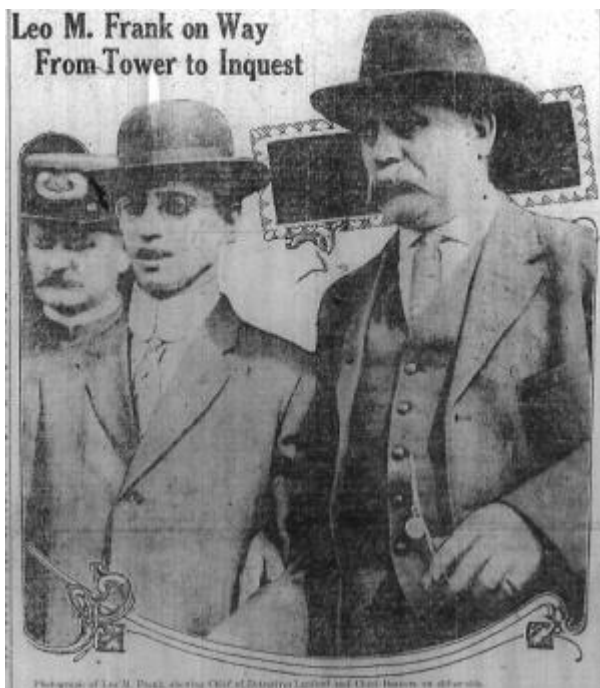
"They seem to think you're trying to protect some man," Dewberry continued.

"I declare, if I knew who did it, I would tell quick enough and get myself out of this," Lee said.

FRANK ON WITNESS STAND MAKES STATEMENT UNDER OATH; NERVOUS, BUT REPLIES QUICKLY

Atlanta Georgian

Monday, May 5th, 1913



Leo Frank, center, being brought to testify by Detective Lanford, left, and Police Chief Beavers, right

Phagan Inquest, Starting Late Monday Afternoon, Attracts Throng—200 Girls and Women Summoned As Witnesses, at Police Station.

The Coroner's inquest into the Phagan mystery did not really begin until 3 o'clock on Monday afternoon, instead of 2 o'clock, the hour set for the hearing.

Leo M. Frank and Newt Lee left the jail in charge of Chief of Police Beavers, Detectives Lanford and Starnes and entered the patrol wagon for the trip to

police headquarters.

A curious crowd waited around the jail doorway to get a look at the two prisoners.

Both men appeared nervous. Frank walked with a quick step between Beavers and Lanford. He was freshly shaved, wore a dark suit and a derby hat. Starnes followed with Lee. Neither man was handcuffed.

[The following is the opening paragraph of later article in the same newspaper on Tuesday, May 6th, 1913 that covered the questioning of Leo Frank.—Ed.]

Leo M. Frank, Superintendent of the National Pencil Factory, was a witness late Monday afternoon in the Coroner's inquest into the death of Mary Phagan.

Leo Frank: The Coroner's Inquest

There was a sensation when it was learned for the first time from the lips of Frank that another man was in the factory aside from those already known after Mary Phagan drew her pay, shortly after noon on the Saturday she met her death. The man was Lemmie Quinn, foreman of the tipping department.

Frank told in detail all he knew about Quinn and his work in the factory.

Frank was cool and collected. He answered the questions shot at him by the Coroner without hesitation and his utterance was distinct. He seemed absolutely sure of himself.

Solicitor Dorsey and Luther Z. Rosser, attorney for Frank, occupied prominent places, but Solicitor Dorsey did not interpose any questions during the early part of the inquiry. None of the questions directed at Frank were objected to by his attorney. Coroner Donehoo's questioning was uninterrupted.

Another significant point in Frank's testimony was that he says he heard Mary Phagan talking with another girl as the two left the building.

This gives strength to the report that another girl actually accompanied Mary to the factory.

Where is this girl now?

The detectives have reported nothing of the discovery of the girl who is said to have waited at the factory door for Mary to come out and finally left when some one from the factory told her that Mary would be detained for a half hour with some work.

Factory girls called as witnesses were excused at 5:30 o' clock, indicating that the inquest would be adjourned with the conclusion of Frank's testimony or the testimony of the Selig's who follow him. [End of revised opening paragraph—Ed.]

Crowd Fills Police Station.

They arrived at police headquarters five minutes later and were greeted by 700 or 800 persons, who packed the corridors and stairways of the police station.

Both Frank and Lee were taken directly to the detectives' room through a rear entrance, where the inquest was held.

It was necessary for the officers to cut a passageway through the jam of humanity. Into this narrow lane Frank, with Chief Lanford's hand on his arm, entered, looking neither to the right nor the left. He walked with a hurried step and appeared to be relieved when the room, where the inquest is being held, was reached.

Lee seemed less concerned and walked carelessly along from the rear door, up the stairs and through the packed corridors.

Bar Merely Curious From Room.

The inquest room was closed to all but those who could prove that they had actual business inside. Sergeant Maddox stood at the doorway and denied admittance to several hundred persons who were eager to hear the testimony.

Nearly 200 women and young girls, most of whom are employees either of the pencil factory, or of the paper factory where Mary Phagan formerly worked, were herded into the large roll-call room on the first floor to await the time when they should be called upon to testify.

Just before the inquest was called Coroner Donehoo was closeted in a conference with Solicitor Dorsey, Detective Lanford, Chief Beavers and the detectives who had been working on the case.

Newt Lee Taken From Room.

Chief Lanford held subpoenas for two more witnesses whom it was decided to call at the last moment.

Before the first witness, Leo Frank was called, the coroner requested that Lee be taken from the room.

Frank took his stand at 2:50 o'clock. He was sworn by Coroner Donehoo. His testimony follows:

Q. What is your name? A. Leo M. Frank.

Q. Where do you live? A. No. 68 East Georgia Avenue.

Q. What connection have you with the National Pencil Company? A. General superintendent.

Q. How long have you been with them? A. Since August, 1908.

Q. What was your business prior to that time? A. I was abroad buying machinery for the National Pencil Company.

Q. Where did you live before coming to Atlanta? A. At 152 Underhill Avenue, Brooklyn, N. Y.

Q. Who were you with then? A. Immediately prior to coming to Atlanta, I was with the National Meter Company.

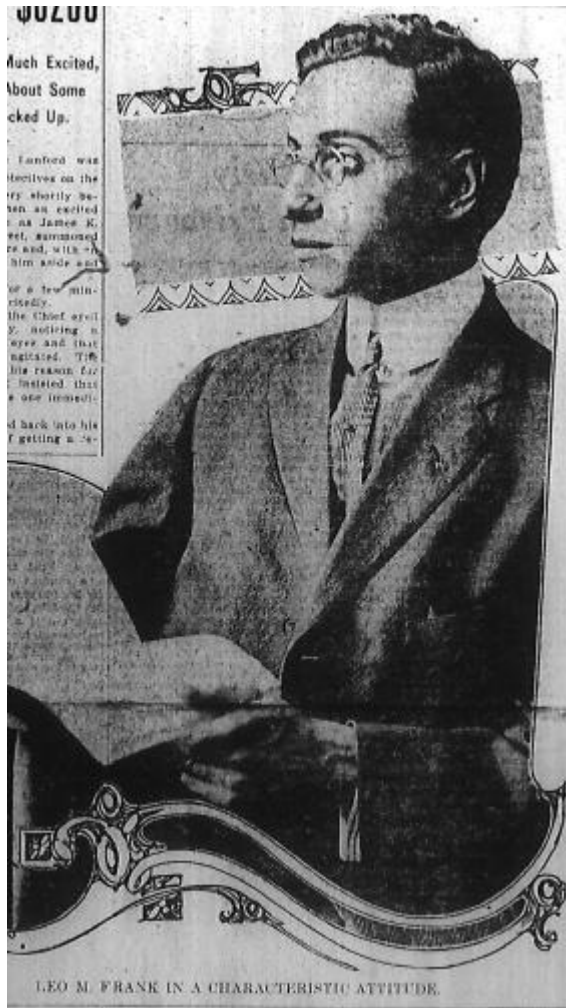
Q. What time did you come to Atlanta? A. I came to Atlanta at once and talked with the men who were getting up the pencil factory.

Leo Frank: The Coroner's Inquest

Q. What did you do next? A. I went back to New York and left New York the first week of November 1907 to go abroad.

Q. How long did you remain abroad? A. Until August 1908.

Q. What is your exact business with the National Pencil Company? A. Looking after the purchasing of material and the inspection of factory cost.



Tells of Actions Saturday Morning.

Q. What time did you get up Saturday morning, April 26? A. Just after 7 o'clock.

Q. Are you married? A. Yes.

Q. Have you ever been married before? A. No.

Q. Who lives with you besides your wife?
A. My father-in-law and mother-in-law,
Mr. and Mrs. Emil Selig.

Q. Have you servants around the place? A. One.

Q. What is her name? A. Her first name is
Minola. She is a colored woman.

Q. What time does she get there? A. About
6:30.

Q. Was she there when you got up? A.
Yes.

Q. What time did you leave the house? A.
Around 8 o'clock.

Leo Frank

Q. Whom did you see before you left the house? A. My wife

FRANK TELLS HIS OWN STORY ON STAND AT PHAGAN CASE INQUEST

and the servant.

Leo Frank: The Coroner's Inquest

Q. Did you see Mr. or Mrs. Selig? A. I did not see Mrs. Selig. I am not sure whether I saw Mr. Selig or not.

Q. How did you come to town? A. On the car.

Q. Which line? A. I have the choice of two lines. I do not remember the one I took.

Q. What lines are there? A. The Washington Street and the Georgia Avenue lines. I don't recall which one I used.

Q. Did you talk to any one on the car? A. I don't remember.

Q. What time did you arrive at the factory? A. About 8:25.

Q. Who was at the factory? A. Holliway, the day watchman, and the office boy, whose name is Alonzo Mann.

Q. Was the front door locked? A. No.

Q. Where was Holliway? A. By the time clock on the second floor, his usual place.

Q. Were Holliway and the office boy the only persons there? A. From all I remember.

Q. Do you remember that any one was back about the machinery? A. I don't know of any one being there.

Tells of Employees' Arrival.

Q. How long after you arrived was it before others came in? A. I don't know exactly, but think it was about half an hour. Several persons came in for pay envelopes. One man came in for his son's envelope and another for his step-son's envelope. One was Jimmy Graham's father.

Q. Was it a half or a whole holiday? A. It was Memorial Day and the factory force had been granted a whole holiday. The office force was to report for the handling of orders.

Q. Did any girls come in for their pay envelopes? A. Nettie Smith got hers and her sister's.

Q. Did you wait on them? A. Yes.

Q. Were there any others in the office at the time? A. I don't remember.

Q. Was there a clerk in the office? A. The place of the clerk is vacant, but it was being taken by one of the salesmen, Herbert Schiff. I do not remember whether or not he was at the office at the time I paid Nettie Smith.

Leo Frank: The Coroner's Inquest

Q. Was Schiff in the office at the time you paid these envelopes? A. No, sir.

Q. Who occupies the outer office? A. The stenographer.

Q. Was there any one in the outer office at the time? A. I don't know.

Q. Who is the stenographer? A. Miss Eubanks.

Q. Do you know her given name? A. No.

Describes Morning's Work.

Q. How long after you went there before some one else connected with the place came in?
A. About half an hour.

Q. Who was it that came in? A. Mr. Darley, Wade Campbell and several others.

Q. Can you tell us what you did during the morning? A. Went over the mail and took up various matters with the managers and made up some orders.

Q. Then what did you do? A. Went to the manager's office.

Q. What time was that? A. About 10 o'clock.

Q. Did any one go with you? A. No.

Q. What did you do before this? A. I talked several minutes with Darley and Campbell.

Q. Did you do anything at all on the financial sheet? A. No.

Delves Into Business Details.

Coroner Donehoo here questioned Frank at length on each detail of his work in the office at the factory during the forenoon of Saturday, April 26, and as to the manner the financial sheets and cost sheets of the company were made up.

Coroner Donehoo asked:

"Did you make out the financial sheets Saturday?" A. Yes.

[The following is a continuation of Leo Frank's questioning from a later news article on the next day, Tuesday May 6th, 1913.—Ed.]

Q. In your own handwriting? A. Yes.

Q. When did you make it out? A. Saturday afternoon.

Leo Frank: The Coroner's Inquest

Q. What date would that sheet bear? A. Thursday.

Q. Why didn't you make it out Thursday? A. Didn't know the pay roll.

Q. Why didn't you make out the financial sheet in the morning? A. There were too many other things to be done.

Q. How many orders were there on April 26? A. I think about eleven.

Q. Did you go to Montag Brother's Saturday? A. Yes.

Q. How long were you there? A. Until about 11 o'clock.

Denies Drinking With Darley.

Q. Did any one go with you? A. No.

Q. Didn't Mr. Darley go down to Cruikshank's and have a drink with you? A. No.

Q. Who was at the office when you returned? A. Miss Hall, the stenographer, and the office boy.

Q. How old is the office boy? A. About 15 or 16.

Coroner Donehoo asked Frank:

Q. After Mary Phagan left Saturday, did any one come into the office? A. Yes, there was one person whom I have not mentioned up to this time. In fact, I did not remember it until I had thought over the matter considerably. I knew that he had been in the office, but could not recall until a day or two ago the exact time.

Visited by Lemmie Quinn.

Q. Who was this? A. Lemmie Quinn.

Q. Is this the first occasion you have thought of it? A. No, I have thought of it several times.

Q. What did he do? A. He came into the office and said: "Good morning." He said: "You see you can't keep me away from the factory even on holidays." I merely said: "Yes," or something like that. He said he saw I was, quite busy, or that he wouldn't detain me or something like that. Then he went out.

Q. What were you doing at the time he came in? A. Transcribing orders.

Q. What time was he there? A. About 12:25.

Leo Frank: The Coroner's Inquest

Q. How long after the girl had been there? A. Nearly fifteen minutes.

Q. Where did Quinn go? A. He went out of the office and I heard his footsteps die away.

Q. You do not know whether he went out of the building or not? A. No.

Frank said that he was busy in the office until the time that Miss Hall, the stenographer, and the office boy left at 12 o'clock, with the exception of the time that he went to Montag Bros. and obtained some orders. Upon his return he said that he handed the orders to Miss Hall, who sent out postcard acknowledgments of the orders and returned the orders to him.

Phagan Girl Came In.

Frank was positive that Miss Hall and Alonzo Mann left the office at 12 o'clock, as he heard a whistle blow at that time. Frank was then interrogated as to the time Mary Phagan came after her money.

Q. Did any one else come in after Miss Hall and Alonzo Mann left?—A. About 12:10 the little girl who was killed came in.

Q. Was any one with her when she came in?—A. No.

Q. Did you hear her talk to any one as she came in?—A. No.

Q. How did she announce herself?—A. I think she asked for her pay.

Q. How did you get her pay envelope?—A. I asked her what her number was.

Q. Do you remember her number?—A. No.

Q. Have you looked up her number since her death?—A. Yes, but I don't remember what it was.

Q. Did she say anything else?—A. Yes, as she was going out she stopped, turned and asked me if the metal had come.

Q. Did you check the pay roll after paying her?—A. No. We never do that.

Q. Where was she when she asked about the metal?—A. She was in the outer office near the door.

Q. Did she call back as an afterthought? A. It seemed like an afterthought.

Q. What was the amount of the envelope? A. One dollar twenty I think.

Leo Frank: The Coroner's Inquest

Q. How was it made up? A. She had worked part of the Friday, part of the Saturday and part of the Monday previous.

Q. Do you remember how the pay was given her? A. I do not remember the denominations, as the envelopes were sealed.

Heard Steps Die Away.

When she in to her pay, that disturbed your work, did it not? A. Yes, for a minute or two.

Q. Where did she go when she left the office? A. I heard her footsteps dying away.

Q. Did you know her name? A. No, but her face was familiar.

Q. How was she dressed? A. I don't remember.

Q. Was her dress light or dark? A. What I saw of it I think it was light.

Q. Did she wear a hat? A. I don't remember, but think she did.

Q. Was it straw? A. I couldn't say.

Q. What did she do with the money? A. I don't know.

Q. Did you notice whether she had a parasol or not? A. I don't remember seeing one.

Q. What time did she come in? A. I don't know exactly; it was 12:10 or 12:15.

Q. How long did it take you to pay her? A. Two minutes.

Q. How did you identify her? A. Just took her number.

Q. Was her name on the envelope? A. I don't remember, but it should have been.

Said He Heard Girl's Voice.

Q. Did any one else come in between 12 and 12:15? A. No, but as she went out I heard a girl's voice as Mary was walking down the steps. I don't know what she said. I just heard a girl's voice talking.

Q. Don't you remember that you made an entry on the pay roll after paying her? A. No.

Q. Had the metal of which Mary Phagan spoke come at that time? A. I don't think it has come yet.

Q. How does it get to the factory? A. On a dray.

Leo Frank: The Coroner's Inquest

Q. How do you know when it comes in? A. The chief clerk checks it in.

Denies Sending Girl Back.

Q. Do you know off-hand when that metal comes in? A. Yes, and in this instance particularly, because we were short.

Q. You are sure you didn't send the little girl back to see whether it had come in, are you?
A. I did not.

Q. Did you ask Schiff about it? A. No, because I would know about it.

Q. How do you fix the time that she came in as 12:10 or 12:15? A. Because the other people left at 12 and I judged it to be ten or fifteen minutes later when she came in.

Q. Were you out of the office from the time the whistles blew at 12 until the time that Mary came in? A. No.

Q. Was Quinn foreman of the tipping plant? A. Yes.

Thinks He Left Plant.

Q. Did Mary work under him? A. Yes.

Q. How was Quinn dressed? A. I don't remember.

Q. Had he been working Saturday? A. No.

Q. Did he have on overalls? A. No, he was dressed up.

Q. Had he been working all the week until Saturday? A. Yes.

Q. What on? A. Fixing machinery and the like. There was some metal that he could work on.

Q. Did he go down stairs when he left your office? A. I don't know but I think he went out. I heard his footsteps die away.

Q. How old is Quinn? A. He is 25 or 30.

Q. How long has he been with the National Pencil Company? A. Three or four years.

Q. Is he married? A. Yes.

Q. What time was it when he left? A. About 12:25.

Leo Frank: The Coroner's Inquest

Q. What were you working on when Quinn left? A. Getting ready to go to work on the financial sheet.

Q. Do you remember what papers you got together? A. One of them was a production sheet.

Q. How much is there of that? A. It is a big sheet 14×30 inches and shows the whole week's production.

Q. Anything else? A. I looked over it for some time to see if it was correct.

Q. You hadn't left the building since Miss Hall left about 12 o'clock? A. No. About 1 o'clock I got ready to go home and found Arthur White and Harry Denham and Mrs. White up stairs. I told them that I was going home to lunch and they said they would stay and finish work. Mrs. White said she wanted to go. I afterward went down, put on my coat and went out.

When Did Watchman Leave?

Q. What time did the day watchman go? A. I don't know exactly.

Q. When you went upstairs how long did you stay? A. About two minutes.

Q. When you came back what did you do? A. Put on my coat, locked the door and went out.

Q. Did you lock any other door except your office door? A. No.

Q. What time did you leave the building? A. A trifle after 1 o'clock.

Q. Doesn't the day watchman stay on duty until the night watchman comes on? A. Yes, usually, but Saturday was a holiday. I work nearly every Saturday, anyhow, and I thought my being there was sufficient.

Q. Do you know Walter Pride? A. Yes, he is the oldest employee of the pencil company.

Q. Who pays him off? A. Mr. Schiff.

Q. What time does he usually leave on Saturday? A. He usually does extra work on Saturday cleaning up in the gluing department.

Q. What did Walter Pride do Saturday? A. Nothing that I know of.

Q. Did you see him? A. No.

Leo Frank: The Coroner's Inquest

Q. Does he get extra pay for doing this work? A. I think he gets a round sum of so much per week.

Q. Did you excuse him Saturday? A. No, I haven't seen him for two weeks.

Q. Is the front door usually locked or open when Walter is there? A. It is generally open.

Q. Then any one could go in there at any time and you would not know it? A. Yes.

Q. Has it ever been true that you were alone there before? A. Yes.

Q. Where did you go after leaving the building? A. Up Forsyth Street to Alabama. I think it was a Washington Street car.

Q. Do you remember any one on the car? A. No.

Q. Where did you get off the car? A. Georgia Avenue and Washington Street.

"Straight Home."

Q. Where did you go then? A. Straight home.

Q. Whom did you see at your home? A. My mother-in-law and wife were going to the matinee of the grand opera and had eaten their lunch. My father-in-law and myself ate lunch together.

Q. Who served the lunch? A. The servant.

Q. What did you do after eating? A. Lit a cigarette and lay down to take a nap.

Q. Who was there at the time? A. My father-in-law went down to the back yard to look at the chickens.

Q. Did he come back before you woke up? A. No. I got up and left before he came back.

Q. How long were you asleep? A. Only a short time. I hardly went to sleep at all.

Q. What time did you leave home? A. It must have been about 10 minutes of 2 o'clock.

Q. Did you see any one when you left the house? A. Yes. I saw Jerome Michael and his mother and walked up to Glenn street and spoke to them.

Q. Did any car pass you going to town? A. No.

Q. What care did you catch—at what time? A. It must have been the 2 o'clock car.

Leo Frank: The Coroner's Inquest

Q. Did you know any one on the car? A. Yes, a cousin of my wife's, Mr. Loeb.

Q. Where did you leave the car? A. The streets were blocked on account of the parade and I got off at Hunter Street and walked.

Q. Did you speak to any one on Hunter Street? A. No. I walked down to Whitehall Street and saw the parade.

Met an Employee.

Q. Where did you go then? A. Down Whitehall Street toward Brown & Allen's.

Q. Did you meet any one you knew? A. Yes, in front of Rich's, I met one of our foreladies, Miss Rebecca Carson.

Q. Did she go with you? A. No, she was with some one and I merely spoke to her and went on down to the corner of Whitehall and Alabama and bought some cigars and a package of cigarettes.

Q. Do you smoke cigars or cigarettes? A. Sometimes cigars and sometimes cigarettes.

Q. Where did you go next? A. To the factory.

Q. Where did you cross Forsyth Street? A. I don't remember.

Q. Did you unlock the door? A. Yes.

Q. What time was it? A. I don't know exactly, but about 3 o'clock.

Q. What did you do then? A. Went up to see about the two men I had locked in. They were fixing to go home. I told them I was back and then went to the office. A few minutes later I heard the bell on the clock ring and these boys came in. White borrowed \$2 from me, and I remember I joked him about needing money so soon after pay day and he replied that his wife had robbed him that morning.

Q. How did you know it was White's wife when you went upstairs before leaving for lunch? A. Earlier in the day she was in the office and told me that she was White's wife and wanted to see White. I told her to go upstairs and see him.

Q. I thought you said there were no outsiders there? A. That's right—it is true that she was there.

Q. How long does it take to make the financial statement? A. About an hour and a half. It took longer on Saturday on account of Thursday's entries not having been made.

HOW FRANK SPENT DAY OF TRAGEDY

Atlanta Georgian

Tuesday, May 6th, 1913

Factory Superintendent Explains Every Hour of the Saturday Phagan Girl Was Slain.

Here is told how Frank passed the whole day of the Saturday when Mary Phagan was killed. The following is taken from Frank's testimony.

7 o'clock a. m.—Arose and dressed at home

8—Left home for factory.

8:20—Arrived at factory.

8:50 or 9—M. D. Darley and [1 word-illegible] entered there.

10—Went over to office of Sig Montag, factory manager, on Nelson Street.

11—Went back to the factory office.

12—Stenographer and office boy left him alone in office.

12:10 p. m.—Mary Phagan came for her pay; got it and left. He heard her footsteps die away, and went on with his work, thinking no more about her. When she left he thought he heard her voice in the outer office.

12:15 or 12:20—Lemmie Quinn, foreman of the department where Mary worked, came in.

12:25—Quinn left.

1—Left the factory.

1:20—Arrived home.

1:40—Finished lunch with his father-in-law.

2—Left home for factory.

Leo Frank: The Coroner's Inquest

2:40—Spoke to Miss Rebecca Carson, forewoman in his factory, in front of Rich's store on Whitehall Street.

3—Arrived again at the factory.

3:10—White and Denham left; he remained entirely alone in the factory.

3:20—Latched the street door behind them.

3:45—Night Watchman Newt Lee, negro, came. He let negro go away again.

5:30—Finished work on the financial sheet.

6—Finished balancing cash, night watchman came back. Frank washed his hands and left the factory, leaving night watchman with J. M. Gantt.

6:25—Arrived home.

6:30—Wife and mother-in-law came in just as he was telephoning to the factory. Got no answer there.

7—Telephoned again. Night watchman told him everything was all right. He ate supper.

9:30—After smoking and reading since supper, he went upstairs and lit the gas heater.

10:30—Bathed.

11—Went to bed.

Sunday, April 27.

7:30 a. m.—Awakened by the phone. Informed of the tragedy. Went to undertaker's shop and identified Mary Phagan's body as that of the girl whom he had paid the afternoon before.

FRANK'S TESTIMONY FAILS TO LIFT VEIL OF MYSTERY

Atlanta Georgian

Tuesday, May 6th, 1913

Leo Frank: The Coroner's Inquest

Factory Superintendent's Statements on the Witness Stand Considered Distinctly Favorable to Him.

Leo M. Frank's testimony before the Coroner's inquest threw no new light upon the Phagan case. Indeed, if it did anything it strengthened the belief in the minds of many persons that the mystery is far from solved.

Frank's testimony was distinctly favorable to him. He was on the witness stand for several hours. He answered every question in a straight-forward manner. He was not more nervous than any other man in the room. He never halted for a word to make reply. The impression made upon those present was good.

The bringing into the case of another man not heretofore mentioned as having been in the factory on the day of Mary Phagan's death does not seem to have in any way helped to clear the mystery.

Quinn Talks Freely.

Lemmie Quinn, foreman, whose name was mentioned by Frank, apparently had nothing to conceal either, for he talked with the detectives and police without reserve, and gave a clear statement of his work in the factory. His testimony did more, if anything, than the testimony of any other person to shift the suspicion that has been attached to Frank.

Close reading of the testimony leads to the opinion that the police have not yet solved the great mystery.

Frank is in the Tower to-day. He will be heard again on Thursday. The police may have some important questions to ask him, but if they have, they gave nothing to indicate it at the inquest on Monday.

Solicitor Dorsey, now in active charge of the case, feels certain that the mystery soon will be solved. All the officials are reticent. They refuse to discuss the tragedy with reporters.

Following Every Clue.

Many baseless rumors are in circulation on the streets, and the public clue presented to them.

The police and detectives are working diligently and following every clue presented to them.

It is too early to forecast what the authorities have in store in the way of additional evidence, but that brought out yesterday pointed the finger of suspicion at no one at all. It was simply negative. It involved the witness no more than suspicion already had

involved him, and was not all damaging to Lee, who is being held with Frank in connection with the mystery.

Quinn was examined by Lanford and Scott, of the Pinkertons. He corroborated Frank's story in detail. He was permitted to return to his home at 31-B Pullman Street.

Quinn was foreman of the department in which the victim worked. He had known her ever since she first was employed with the concern. A stormy scene is said to have ensued during the interrogation to which he was subjected at headquarters. To a reporter he declared that Scott and Solicitor Dorsey charged him with having accepted a bribe.

He says he retorted to the charge:

"Show me the man that says I took a bribe, and I'll whip him on the spot."

Quinn was asked if Frank's statements were true, and he replied:

"Yes; it's true. I left my house Saturday morning about 11:45 o'clock. On the way uptown I stopped into Wolfsheimer's and bought an order of fancy groceries. I stopped at another place and bought a cigar.

"Then I went to the factory. I wanted to see Frank and tell him 'Howdy do.' I knew he would be in the place. He is always there on Saturdays. It was about 12:15 or 12:30 when I arrived at the building. I saw no one in front or as I went upstairs to the office.

"Frank was at his desk. He appeared very busy. I stepped in and said: 'Well, I see you work even on holidays. You can't keep me from coming around the building on Saturdays, either. How do you feel?'"

"He said he was feeling good. He didn't appear agitated or nervous. I didn't want to disturb him, so I left. I wasn't in the plant for more than two minutes. As I came downstairs on the way out, I saw someone in the rear of the first floor—a person whom I would have no grounds whatever to suspect.

Believes Frank Innocent.

"No! I won't divulge his name. I'll tell the detectives in time. I'm glad Frank told the Coroner of my visit. It was I who refreshed his memory of the incident. He apparently had forgotten it. I have not been keeping it secret. I told the detective Saturday of the visit.

"I have known Mr. Frank for years and I know he is not guilty."

Quinn declared that he was in the building about two minutes. He said that he did not see Mary Phagan.

Leo Frank: The Coroner's Inquest

He is outraged at the treatment he alleges was accorded him by the detectives.

"They were insulting and seemed to doubt my statement," he said. "In an insinuating manner Chief Lanford plied the question: 'So you put yourself there about the time the Phagan girl left the factory, eh?'"

Quinn was an ardent admirer of the murdered child. He says she was one of his most industrious employees.

He is married and has one child. His connection with the National Pencil Company dates back several years.

Quinn said that it was he who refreshed Frank's memory of his presence in the building shortly after noon of the day on which the girl is supposed to have been slain.

"I called upon Frank at the jail," he said. "The moment I reminded him of my visit, he recollected it. He apparently had forgotten it."

The inquest was adjourned at 7:18 o'clock. It will be resumed at 9:30 o'clock Thursday morning. The two-day postponement is to permit detectives to garner evidence they announce available.

Tells Action in Detail.

In detailing every move on the day Mary Phagan was killed, Frank said he left about 7 o'clock Saturday morning and was at the office by 8:26. About 9 o'clock Foreman M. D. Darley and others entered his office and talked business matters with him. Frank testified he went to the office of Sig Montag, factory manager, on Nelson Street, at 10 o'clock, and remained there for nearly an hour.

He returned at 11 o'clock and an hour later the stenographer and the office boy left him alone, Darley and the others having departed. He thought it was about ten minutes after noon that Mary Phagan came in to get her pay envelope and after receiving it started out of the door, stopping only to ask if an expected shipment of metal had arrived. He heard her voice as she seemed to be talking with another girl outside. He heard the footsteps die away and believes Mary Phagan left the building, he testified.

Visited by Lemmie Quinn.

Lemmie Quinn, foreman of the tipping department, came into the factory at 12:15 or 12:20, just after the Phagan girl had left. Frank said that the foreman merely greeted him and conversed for five or ten minutes and then left.

Frank said that he himself left the factory at 1 o'clock and went home for luncheon with his father-in-law, Emil Selig. He left home to return to the factory at 2 o'clock, arriving there about 3 o'clock, and speaking to several acquaintances on his way.

At 3:10 o'clock Harry Denham and Arthur White, two employees who had been doing some work on the holiday, punched the clock, stopped to talk a few minutes with Frank and then quit the building, leaving Frank there alone.

Sees Watchman and Gantt.

Newt Lee, the night watchman, came at 3:45, but was told by Frank that he might go away until 6 o'clock. The watchman returned at 6 o'clock and few minutes later J. M. Gantt appeared at the factory and asked permission to get a pair of shoes he had left in the shipping room. Frank left before Gantt had obtained his shoes.

Frank said that he arrived home at 6:25 and that his wife and mother-in-law entered as he was calling Newt Lee to see if Gantt had left the factory. Lee did not answer at this time, but answered when Frank called at 7 o'clock. Frank testified that he remained in the house from this time until he went to bed at 11 o'clock. He was awakened at 7:30 o'clock the next morning by the telephone call which told him of the tragedy.

MARY PHAGAN'S BODY EXHUMED; HURT LOOKS FOR SIGNS OF 'DOPE'

Atlanta Georgian

Tuesday, May 6th, 1913

Coroner and Country Physician Will Have Girl's Stomach Examined

The reason for the delay in beginning the Coroner's inquest was that Coroner Donehoo was in Marietta up to 2:30 o'clock.

The body of Mary Phagan was exhumed by direction of the Coroner who went to Marietta for the purpose. An examination of the contents of the stomach will be made for the purpose of determining whether the child had been "doped" before she was attacked on the day of her death.

It will probably be several days before the examination can be completed.

The examination was done very quietly, and few people in Marietta knew anything about it.

With the Coroner were Dr. J. W. Hurt, County Physician, and Dr. H. F. Harris, of the State Board of Health, acting under the direction of Solicitor Dorsey.

It is understood that the analysis of the stomach's contents will be made by Dr. Harris at the laboratory of the State Board of Health at the capitol.

Aside from this the State official made thorough examination of the [end of legible portion of article; rest cut off — Ed.]

Phagan Case and the Solicitor General's Power Under Law—Dorsey Hasn't Encroached on Coroner.

Atlanta Georgian

Tuesday, May 6th, 1913

HUGH DORSEY, Solicitor General of Fulton Superior Court, now bending every effort toward the solution of the Phagan mystery. He is following every clue, and in every way exerting all his powers and ability in clearing the baffling case.



Hugh Dorsey

By A GEORGIA LAWYER.

It is absurd to say, as some people have been saying in Atlanta of late, that Solicitor General Dorsey "has taken the Phagan case from the Coroner," or has "butted in" on the Coroner's business in some way.

It would be equally sensible to say that the commanding general in a battle had "butted in" on a captain's business, when, as the battle progressed, the general gave directions of one sort and another to the captain as to its conduct.

The truth of the matter is, Solicitor General Dorsey has been in charge of the Mary Phagan case ever since it was brought to light.

Murder is a crime against the sovereign State, and not

particularly against either the city of Atlanta or the county of Fulton, save in so far as they are a part of the State.

A murder in Atlanta is as much Savannah's business as it is Atlanta's so far as the violation of the laws of Georgia are concerned.

Solicitor Dorsey is a State official, and not specifically an Atlanta official, not yet a Fulton County official.

Office Useless in Main.

For certain purposes a Coroner's inquest sometimes is permitted under the law prior to Grand Jury investigation. Many lawyers hold, and rightly, that the office of Coroner is useless in the main, and ought to be abolished. It is a relic of old English procedure, instituted before the days of newspapers, telephones, telegrams, fast mails and other quick methods of communication.

In the absence of eyewitnesses to an apparent murder, however, a Coroner's inquest sometimes may serve an immediate purpose, and, perhaps, the Phagan case is a case in point with regard to that.

The Coroner is an officer entirely and definitely subordinate to the Solicitor General, and does not exercise any authority except such as he may exercise under the Solicitor.

The Solicitor assembles, in his discretion, the evidence against the accused, from it makes out a case for the Grand Jury, advises and instructs the Grand Jury as to its duty and rights in the matter, prepares an indictment for the Grand Jury's consideration, which, if found true, must be depended upon to set forth the case against the defendant to be summoned to bar in such exact terms that it may be guaranteed to withstand all attacks of opposing counsel in the trial of the case.

Has Full Responsibility.

The initial and the final responsibility for the State's case is in the hands of the Solicitor General.

There never is a minute from the time a murder is committed until a verdict is recorded that the State's cause is not in the hands of the Solicitor General, over and above all other officers.

He can not take a murder case "from the hands of a Coroner," because there never was a point of time in any murder case's history that it was not more in the hands of the Solicitor than it possibly could have been in the hands of the Coroner.

No man may be put in jeopardy of his life a second time in Georgia (save of his own motion) in criminal proceedings, but the "verdict" of a Coroner's jury can not be pleaded as former jeopardy.

Policemen, Coroners, Sheriffs are all peace officers, and have their direct and indirect duties to perform in the presence of crime against the State, but never is there a time when any one of them is equal in dignity or authority to the Solicitor General.

There is but one trial, upon motion of the State, of a criminal case in Georgia, and that is in the court house, under the direction of the Solicitor.

If a defendant be acquitted, that ends the matter. If he be convicted, he may move for another trial or appeal to a competent court of review. The State has no appeal.

Therefore, the law very properly provides that Coroner's findings, committal hearings and Grand Jury returns shall be merely parts of the process employed, or permitted, by the Solicitor, in whole or in part, prior to the actual trial of a case in the court house, before the judge and the trial jury.

There never is any question of the Solicitor General's supreme prosecuting status in the progress of a criminal investigation. Within the wide and sometimes arbitrary scope of his office he stands first in responsibility as the State's accredited representative and agent in the prosecution.

To be sure, there are Constitutional and statutory curbs and restrictions upon a Solicitor General, but none of them may be invoked by a Coroner.

SOLICITOR DORSEY ORDERS BODY EXHUMED IN THE HOPE OF GETTING NEW EVIDENCE

Atlanta Georgian

Wednesday, May 7th, 1913



Paul Donehoo

Inquest, To Be Resumed Thursday, Will Bring Out Important Facts Not Yet Made Public—Medical Experts To Be Called by Coroner.

New mystery was added to the Mary Phagan case on Wednesday, when the authorities for some reason not yet disclosed, did not follow out the order given by Solicitor Dorsey for the exhumation of the remains.

It was said by Solicitor Dorsey that he had given this order in the hope that new clues might be discovered.

A difference of opinion as to the advisability of the exhumation evidently has arisen, but the officials concerned were reticent. Coroner Donehoo admitted that Dorsey's order had been given, but said it had not been carried out. He would make no further statement.

The report published in an early edition of *The Georgian* that the body had been exhumed was made on statements by officials, and that it was for the purpose of making a microscopic examination of every wound on the body for finger prints and other clues.

It is undoubtedly the intention of the authorities to exhume the body again.

Dorsey Maintains Silence.

Very properly Solicitor Dorsey is not making public every move that the prosecution is engaged in, nor is he giving to the public such evidence as he is enabled to obtain.

It would seem probably that the exhumation will be made, if not on Wednesday, at least some other day soon; for the belief is growing that there still may be some clues that are worthy of further examination.

It was reported that the finger prints on the body were to be photographed and compared with the finger prints of persons under suspicion; which may, or may not have any basis in facts and might, or might not be of value. After the remains were discovered in the factory basement they were handled by several persons—embalmers and others—and whether there are any finger prints now on the body is problematic.

Chart May Be Made.

Leo Frank: The Coroner's Inquest

It is said, that a complete chart will be prepared by medical experts to be used at the trial, showing every wound and mark.

Notwithstanding these speculations as to the purpose of the exhumation, Solicitor Dorsey declared Wednesday forenoon that it was not for the purpose of obtaining a record of the fingerprints. One of the principal reasons for the action, he said, was to get a strand of the girl's hair in order to compare it with the hair found on the lathing machine in the tipping department at the factory. It was at this point that the detectives discovered blood spots on the floor and other evidence of a struggle.

"I cannot talk in regard to the matter," he said. "The body was exhumed, it is true, at my request. But to reveal further plans would be hurtful."

Thinks She Didn't Leave Factory.

The Solicitor is in entire accord with the theory that Mary Phagan never left the factory after she received her pay Saturday noon. He declared that if any search was being made for the man seen with a girl Saturday, April 26, by attaches of the Terminal Station, it was not being conducted under his direction.

The results of the chemical analysis in the laboratory of Dr. Harris in the State Capitol have not yet been made public. Dr. Harris would not admit Wednesday that traces of drugs had been found, bearing out the belief that the girl was drugged and rendered helpless before she was slain in the factory.

All of the remaining evidence in the case will be presented when the Coroner's inquest resumes Thursday morning at 9:30 o'clock.

It is the purpose of Coroner Donehoo to limit testimony to the points that are regarded as essential, so that

DORSEY ORDERS BODY EXHUMED IN PHAGAN CASE

the hearing may be concluded by Thursday night.

Have Two Hundred Names.

The Coroner and the Solicitor General have the names of about 200 persons on whom they may call for testimony. These include girls and women employed at the pencil factory. It is unlikely, however, that more than a few of the girls will be placed on the witness stand, but will be held in readiness to testify as was the case last Monday afternoon when the roll call room was filled with witnesses.

So far as the line of testimony can be anticipated from the information given out by the authorities, the most important will come from the physicians and chemists who have

been at work on the mystery under the direction of Coroner Donehoo and Solicitor Dorsey.

Dr. H. F. Harris, director of the State Board of Health, will submit a report on his chemical analysis of the contents of Mary Phagan's stomach. Dr. Harris also made a careful examination of the wounds and bruises on the body and will report on this to the jury.

Dr. J. W. Hurt, county physician, made the first examination of the girl's body after it was found in the basement of the factory. He also was present when it was exhumed from its little grave in the Marietta cemetery and another examination made at the order of Solicitor General Dorsey. He will present the results of his observations to the jury some time during the hearing Thursday.

Dr. Smith to Be Quizzed.

Dr. Claude A. Smith, City Bacteriologist, has made a chemical examination of the bloodstains on a shirt found at Newt Lee's home and of the pieces of wood chipped from the factory floor where the stains of blood were discovered, and will be questioned by Coroner Donehoo.

The recalling of Newt Lee also is regarded as an indication that the authorities expect the night watchman to tell something which he forgot or concealed in his previous examination.

The factory girls will tell of their acquaintance with Mary Phagan, of her companions and habits and of the conditions under which they have to work at the factory, so far as they have any relation to the mystery.

Bowen Released in Houston.

Accompanying mystifying new features of the hunt for the slayer was the news that Paul P. Bowen, held in Houston for the Atlanta authorities, had been released and relieved of all suspicion.

Bowen was employed with the Morrow Transfer Company in Atlanta as stenographer and shipping clerk, and later with the Southern Railway. He had many friends here and with them a good reputation.

His father and other relatives live in Newman, Ga., and are among the best people of that part of the State. Chief of Police Davison, of Houston, was angered that his detective chief should have exceeded his authority in arresting Bowen, and promptly discharged him from authority.

By letters Bowen wrote from Texas and statements of friends it was proved conclusively that he could not have been connected with the Atlanta mystery and he was accordingly freed.

Girl Employee on Fourth Floor of Factory Saturday

Atlanta Georgian

Thursday, May 8th, 1913

Miss Corinthia Hall, one of the employees at the National Pencil factory, was a witness. She lives near Kirkwood, at 19 Weatherby Street, and has worked at the factory for three years. She knew Mary Phagan.

Miss Hall was at the factory at 11:45 Saturday, April 26. She went to get another girl's coat. She went to the fourth floor and stopped in at the office and asked Mr. Frank if she could go to the fourth floor. She was accompanied by a young woman who had recently married and whose coat they were after. They saw a woman on the fourth floor. It was May Barrett. They also saw a young woman stenographer in Frank's office, and Arthur White's wife in the office. White was on the fourth floor with Harry Denham and Miss Barrett.

Q. Did you see any sacks on fourth floor?—A. No.

Q. What was Miss Barrett doing?—A. She was talking to Arthur White.

Q. Does she work on that floor?—A. Yes.

Q. Did you speak to her?—A. No. I was in a hurry.

Q. You are sure you did not see her with any sacks?—A. Yes.

Q. Do you know A. P. Hayes?—A. I know one Mr. Hayes.

Q. Did you tell him you had seen May Barrett on the fourth floor with some sacks, and when you asked her what she was going to do with them that she looked confused?—A. No.

Q. Where did you go when you left the office?—A. I went to Alabama and Forsyth Streets and used a telephone; then went to the Busy Bee Café at Hunter and Forsyth and got a cup of coffee and a sandwich.

Leo Frank: The Coroner's Inquest

Q. How long were you there?—A. I can't remember exactly.

Q. Did any of the factory employees come in while you were there?—A. Lemmie Quinn.

Q. What time was it when he came in?—A. About 12:30.

Q. What time was it when you left the factory?—A. Quarter to 12. I looked at the clock when I came down.

Q. Were you eating when Quinn came in?—A. No; we were waiting while a waiter went out to get a five dollar bill changed.

Q. Did Quinn make any change for you?—A. Yes, he gave me some paper money for some silver.

Q. How long did Quinn remain there?—A. Just a minute or two.

Q. Where did he go after you left the restaurant?—A. We left him talking to some men on the sidewalk.

Q. Did you see Mary Phagan that day?—A. No.

Q. Did you see any other employees that day?—A. We met Mr. Holloway coming away from the factory and he told us Mr. Frank was there and would let us in to get the coat.

Q. Did Mr. Frank know Mary Phagan?—A. Not that I know of.

Q. Did he show any familiarity with any of the girls there?—A. No.

Stenographer in Factory Office on Witness Stand

Atlanta Georgian

Thursday, May 8th, 1913

Miss Hattie Hall, the stenographer who worked at the National Pencil Factory Saturday morning, April 26, testified as follows:

She lives at 69 Luckie Street and works for the National Pencil Company, in Montag Bros.' office. Saturday morning, April 26, she went to Montag Bros.' office on Nelson Street, arriving there at approximately 8 o'clock. She left there between 10:30 and 11. She had talked with Frank over the phone several times during the morning.

Leo Frank: The Coroner's Inquest

"The regular stenographer at the plant was off, I think on account of sickness," she said, "and I went over to the pencil factory to help Frank out. My work there consisted of acknowledging orders and writing some letters."

Q. How long would it take to acknowledge one order?—A. I don't know exactly.

Q. Would it take as long as a minute?—A. Not over that, if that long.

Q. Did you do any other work?—A. Wrote some letters, about ten or twelve, I think.

Q. Did you see Holloway there Saturday morning?—A. I don't remember.

Q. Would you have seen him by the clock?—A. I don't know; I am nearsighted.

Tells of Callers at Office.

Q. Were there any people there during the morning?—A. Yes.

Q. Who were they?—A. Two men came in to see about some trouble their boys, who worked there, had gotten in. A woman, who was the wife of one of the employees, came up to see her husband, who was up there, and two young ladies, one who had just been married a few days, came up and drew their pay.

Q. How long did it take you to write the letters?—A. I don't remember.

Q. How long does it take you to write a page on a typewriter?—A. I don't know.

Q. Did you make carbons of those letters?—A. Yes.

Q. Can they be identified?—A. Yes, they have my initials on them.

Q. What time did you leave the office?—A. About 12 o'clock. I remember that I forgot my umbrella and went back to get it. As I was going out again I heard the 12 o'clock whistle blow.

Frank Busy When She Left.

Q. Was Frank busy?—A. Yes, the work was behind.

Q. Were you in the inner office with Mr. Frank except when he was dictating to you?—A. I don't remember.

Q. Was he working in there?—A. He was quiet, and I judged that he was busy.

Q. Did Frank make any remark that some of the employees had failed to get their pay on Friday?—A. I do not recall him making any such remark.

Leo Frank: The Coroner's Inquest

Q. Did you hear him talk to anyone about the amount of pay due?—A. No. I heard him talking to the office boy about the amount of postage Frank thought was due him.

Q. Did you see him working on the financial sheet?—A. I do not remember.

Q. Did he say anything about his work?—A. Yes; he said he had lots of work to do.

Q. Was Darley there at all?—A. No.

The witness was then excused, and told to return at 2:30 o'clock.

Quinn, Foreman Over Slain Girl, Tells of Seeing Frank

Atlanta Georgian

Thursday, May 8th, 1913

L. A. Quinn, foreman of the department of the pencil factory in which Mary Phagan worked, testified as follows:

Q. What is your business?—A. Machinist.

Q. Did you know Mary Phagan?—A. Yes.

Q. What is your department?—A. Metal department.

Q. What department was she in?—A. Same.

Q. When did you see Mary Phagan last?—A. The Monday before the murder.

Q. Do you know her associates?—A. I know some who talked with her—girls.

Q. Any boys in that department?—A. Henry Smith and John Ramey.

Q. Were they thrown together?—A. All were working in the same room.

Q. When did you leave the factory?—A. Friday.

Q. When were you to return?—A. Monday morning.

Q. What time did you arise Saturday morning?—A. 7 a.m.

Leo Frank: The Coroner's Inquest

Q. Where did you go?—A. My wife and I went uptown and had baby's picture made. We left home at 9:30 and got to the photographer's at 10. We then came down Whitehall and stopped in the Globe Clothing store and talked to friends, and then came on down Whitehall Street and stopped at a meat market. We were there about five minutes. Then we went to a soda fountain and then home. We reached home at 11:15 and left again at 11:45, and I went to a meat market. I went from there to a soda fountain at Benjamin's Pharmacy and bought two cigars. It was a few moments after 12 then. Then I went to the National Pencil Company.

Q. What did you go for?—A. To speak to Mr. Schiff.

Q. Did you see Mary Phagan?—A. No.

Q. What time was it when you went to the factory?—A. About 12:20.

Q. Are you sure it was not after 12 when you left your home?—A. Yes.

Q. How long were you at the meat market?—A. About ten minutes.

Q. What part of the factory did you go to?—A. To the office.

Q. Who was there?—A. Mr. Frank.

Q. Anyone else?—A. No.

Spoke to Frank.

Q. What did you say?—A. Good morning, Mr. Frank.

Q. How long were you in there?—A. About two minutes.

Q. Do you know the exact time?—A. It was between 12:15 and 12:30.

Q. Could it have been as late as 12:30?—A. No.

Q. How do you know?—A. I was at another place at 12:30.

Q. Where did you go then?—A. Outside the factory.

Q. Whom did you meet?—A. Mr. Malsby.

Q. What did he say?—A. He said that the girls—meaning Mrs. Freeman and Miss Corinthia Hall—were in the restaurant.

Q. What restaurant did he mean?—A. "Busy Bee" Café, at Hunter and Forsyth Streets.

Leo Frank: The Coroner's Inquest

Q. What did you do then?—A. I went to the restaurant.

Went to Pool Hall Then.

Q. Who was there?—A. Miss Hall and Mrs. Freeman.

Q. How long were you in the café?—A. About two minutes; they came out with me.

Q. Where did they go?—A. To Malsby's to use the phone.

Q. Where did you go?—A. DeToro Brother's pool parlors.

Q. What time was it?—A. At 12:30.

Q. How long were you there?—A. Till 1:15.

Q. How long does it take you to walk to the factory from your home?—A. Between twelve and fifteen minutes.

Q. Where did you go when you left the poolroom?—A. To Atlanta Theater.

Describes Franks' Attire.

Q. Who is John Rainey?—A. I don't know; only he operates a machine in my department.

Q. What time did you get to the Atlanta Theater?—A. About 1:20.

Q. How was Frank dressed when you were in the factory?—A. Wore brown suit.

Q. Who did you talk to on Sunday?—A. Mr. Darley and Mr. Montague.

Q. What time?—A. 9:30.

Q. Where did you go?—A. We took a lantern and went into the basement.

Q. Did you see Frank on Sunday?—A. I saw him at Bloomfield's Sunday afternoon.

Q. How was he dressed?—A. I think he wore a black or a blue suit.

Q. What did he say?—A. Nothing except hello.

Q. Did you tell any of the officers that you had not been at the factory since Friday?—A. No.

Q. You didn't tell Officer Payne?—A. No.

Leo Frank: The Coroner's Inquest

Q. You didn't tell Detective Starnes?—A. No.

Refreshed Frank's Memory.

Q. How was Frank dressed on Monday?—A. I think he wore a brown suit.

Q. What is the name of the white substance kept in the barrel in the factory?—A. Haskoline.

Q. Did you talk to Frank about your being in the office on Saturday?—A. I refreshed his memory of my being there.

Q. When?—A. I don't remember the exact date. It was after he had been locked up.

Q. How did you refresh his memory?—A. We were discussing the supposition of the girl having never left the factory. I told him: "Why I was there Saturday after the time you say Mary Phagan was." He said he remembered me being there, but wasn't sure of the time. I told him what time it was and he said he would tell his lawyers. I told him I did not want to be drawn into the case, but if it would help him I would do so.

Questioned of Talk With Girl.

Q. Were you alone with Frank when you talked of this?—A. Yes.

The witness was questioned closely regarding any conversation he might have had with Grace Jones, one of the girls working at the factory. He denied having discussed the murder with her at all, or having made the remark that he had not been at the factory on Saturday.

Q. Did you go out to the Colemans' home after the murder?—A. Yes.

Q. Did you discuss with them about Frank having fixed the machines?—A. No.

Q. Is there a man working at the place named Barrett?—A. Yes.

Q. Did you tell him you were there on Saturday?—A. No.

Q. Who was the first person you told you had been there on Saturday?—A. I told my father I had been there.

Q. Did you ever tell an officer?—A. Yes, Chief Lanford.

Q. You said that you had very little to do at the factory and came down to see Frank?—A. Yes, I was down there three or four hours a day for several days.

Tells How He Is Paid.



Q. Did your pay go on while you were here?—A. Yes.

Q. Have you been off at other times?—A. Yes.

Q. Did you receive full pay?—A. Ever since I have been foreman.

Q. Do you get paid by hour, day or week?—A. Week.

Q. Are you sure you had never told any officer of this before telling Frank?—A. Yes.

Q. Why did you just tell him?—A. Well, I knew he wouldn't question me three or four hours like the officers would.

Questioned as to his duty toward solving the mystery, witness said he thought if the officers were making a thorough investigation they would certainly question him, as he was foreman of the metal department.

Luther Rosser, one of Frank's attorneys

"I knew they had three or four men locked up," he said, "and as I had been in the building they might lock me up, too."

POLICE STILL WITHHOLD EVIDENCE

Frank To Be Examined on New Lines

Atlanta Georgian

Thursday, May 8th, 1913

Witnesses Are Quizzed in Detail, but Nothing Important Brought Out. Officials Say They Are Satisfied With Case as It Is Being Developed.

Leo Frank: The Coroner's Inquest

Whatever evidence the police officials may have directly to connect any of the suspects with the killing of Mary Phagan, it was not produced at the early session of the Coroner's inquest Thursday.

What this evidence is the officials refuse to say—except that they are satisfied with the progress that is being made in unraveling the mystery.

Leo Frank, superintendent of the National Pencil Factory, is expected to be the most important witness of the day.

It is said that an entirely new line of questioning will be taken up.

W. W. ("Boots") Rogers, former county policeman, and Lemmie Quinn, foreman in the tipping department at the National Pencil Factory, were the principal witnesses. Neither gave testimony that was materially damaging to either Leo M. Frank or Newt Lee, who are being held in connection with the crime.

Rogers was questioned closely of the events of the morning the crime was discovered, and told of taking the officers to the scene in his automobile. Beyond his belief that Frank appeared nervous when he was visited at his home by the detectives, Rogers had no information that appeared to point suspicion in one direction more than another.

He was sure, however, that the time clock tape on which Newt Lee, the night watchman, registered his half-hour rounds of the factory had no "misses" when it was taken from the clock by Frank that morning. Three misses were found on a tape subsequently brought to Police Headquarters.

Quinn's Story Unchanged.

An effort was made without avail to break down the story of Lemmie Quinn that he was at the factory and talked to Frank between 12:10 and 12:20 the Saturday afternoon of the tragedy. Coroner Donehoo tried to get Quinn to admit that he previously had told officers who interviewed him that he was not at the factory between Friday and the following Sunday.

Quinn steadfastly refused to admit that he had made a statement of the sort. He supported Frank's testimony of last Monday by insisting that he visited the factory for a few minutes and went into Frank's office.

Miss Hattie Hall, the stenographer who was at the factory office Saturday until noon, was another of the witnesses called to the stand during the forenoon. She testified as to Frank's movements while she was there.

Frank Pale, but Calm.

Frank was brought into the Commissioner's Room in the police station before the inquest began, but later was excused and Rogers called.

The factory superintendent was pale, but calm and collected. He whispered a few words to his counsel, Luther Z. Rosser, and smiled faintly at a remark that was made to him. He appeared to show the strain of the days since he has been in a cell.

Lee was not admitted to the room at the beginning of the hearing, but was detained in a nearby office. The night watchman seemed almost indifferent.

Pinkerton Detective Tells of Call From Factory Head

Atlanta Georgian

Thursday, May 8th, 1913

Harry Scott, the Pinkerton detective who has been working on the case since the day of the crime, took the stand when Schiff concluded his testimony.

Scott testified that Frank called him up Sunday afternoon before there was any talk of his arrest and asked the Pinkertons to begin work on the case and find the slayer.

Scott testified as follows:

Q. How are you interested in the Phagan case?—A. I was retained by the National Pencil Company to find the guilty man.

Q. Who retained you?—A. I received a call from Mr. Frank and he told me what he knew about the case.

Q. Where did Frank talk to you?—A. Mr. Frank, Mr. Dalley, Mr. Schiff and I went into the private office.

Q. What did Frank say?—A. He said: "I guess you have read of the crime. We feel an interest in the matter and desire to retain the Pinkertons and try to locate the murderer."

Tells He Is Suspected.

Q. What else did he say?—A. He said he had been down to the police headquarters, and that Mr. Black seemed to suspect him of the crime. He told me of his movements on the day of the crime. He told me that about 12:10 Mary Phagan came into the office and drew her money, \$1.20. At 12:50, he said, he went up to the fourth floor and saw Mr. White talking to Harry Denham and Arthur White. He said he left at 1:10 and went home, and returned at 3. White and Denham, Frank told me, left about 3:10, leaving him alone

in the building. Newt Lee reported at 4, but was sent away. Frank left the building about 6:15, and on the way out saw Newt Lee talking to James Gantt. Mr. Frank allowed Gantt to go inside of the factory to get some shoes and told Lee to go with him. Frank said he became worried over the presence of Gantt in the building and called Lee at 7:30. Frank asked Lee if Gantt had left the building and Lee said yes. Then Frank asked Lee if everything else was all right, and Lee said yes.

Q. Did you ask Frank any questions?—A. No.

Frank Showed Him Building.

Q. What did Frank show you?—A. He showed me the elevator, the room where the blood and hair were found, the basement where the body was found, and also the door.

Q. Have you talked to him since?—A. I talked to him one night, with Detective Black, at headquarters, but did not try to get a statement.

Q. Did he resent any of your questions? Did any one ask you to withhold evidence?—A. Mr. Hubert Haas asked me to keep the police from getting our evidence, and I told him we'd withdraw from the case before we'd do that.

Q. Tell of the interview between Lee and Frank.—A. Mr. Black suggested that Frank talk to Lee, since he employed him, and to try to get Lee to tell all the truth of the matter.

Q. What did Frank say to Lee?—A. I don't know. They were together privately.

Q. What did Lee say?—A. Lee says that Frank didn't want to talk about the murder. Lee says he told Frank he knew the murder was committed in daytime, and Frank hung his head and said "Let's don't talk about that."

Q. Did Frank tell you what happened at his conference with Lee?—A. No. He said he tried to get something out of Lee, but couldn't.

Asked Lee About Clock.

Q. Do you remember Frank ever asking Lee anything about the clock slip?—A. Yes, it was in Chief Lanford's office. Frank asked Lee about a skip on the record from 9:30 to 10:25. Lee said that he punched the clock regularly and Frank remarked that [1 word illegible] looked mighty peculiar.

Q. Tell us if this shirt was found [2 words illegible] back yard?—A. Yes.

Q. When you first saw the shirt was it very bloody?—A. Yes, it was very bloody on the right shoulder. The shirt looked as though it had been freshly washed, but not ironed. The blood spots looked fresh. Fred Bullard and Black said they found the shirt in a rag

barrel in Lee's back yard. The shirt looked as though it might not have been worn since being washed.

Couldn't Explain Spots.

Q. Was the shirt torn?—A. We tore a piece out of the shirt and showed it to Lee and he said he had a shirt with a flower design on it like this piece. We showed him the shirt then and he said at first that he thought it might be his shirt, although he had not seen it for two years. He said he did not know how the blood spots got on it. After looking at the shirt again he said he did not believe it was his shirt.

Q. What size shirt was it?—A. We could not tell.

Q. Have you any definite clew as to who committed this murder?—A. I would not care to commit myself that far.

LEO FRANK IS AGAIN QUIZZED BY CORONER

Atlanta Georgian

Thursday, May 8th, 1913

Newt Lee Called to Stand for Further Examination—Coroner Will Put Case in Hands of Jury by 7 o'clock, It is Predicted.

Leo M. Frank, superintendent of the National Pencil Factory, and Newt Lee, night watchman, both of whom are being held in connection with inquiry into the death of Mary Phagan, were recalled to the witness stand late Thursday afternoon at the inquest.

Frank was given a more searching examination as to movements on the day of the tragedy than he underwent his first day on the stand and an apparent endeavor was made to show that he was not at home at the times he had stated in his previous testimony.

Frank, however, answered the questions readily and Coroner Donehoo was not able to trip him.

In Frank's previous testimony he failed to mention several persons who were at his home when he said he was there Saturday night. But when he was questioned in regard to this point Thursday afternoon he gave their names at once.

NEWT LEE PRECEDED FRANK ON THE STAND.

Leo Frank: The Coroner's Inquest

Lee's testimony was in regard to the private conversation he had with Frank when Lee was first arrested. He declared that Frank had told him that they would "both go to hell" if they were not careful, but the effect of this testimony was largely nullified by Frank's earlier statement that the remark or a remark to the same effect was suggested by one of the detectives in the hope of getting some information from the night watchman.

The morning session was not prolific. Nothing of consequence was developed.

Miss Hattie Hall and Herbert Schiff, chief clerk in the pencil factory, were the first witnesses at the afternoon session.

Coroner Donehoo called for Lee immediately after Detective John Black had testified, supplementing the important testimony given by Harry Scott, of the Pinkertons.

W. W. ("Boots") Rogers, former county policeman, and Lemmie Quinn, foreman in the tipping department at the National Pencil Factory, were the principal witnesses this morning. Neither gave testimony that was materially damaging to either Leo M. Frank or Newt Lee, who are being held in connection with the crime.

Rogers was questioned closely of the events of the morning the crime was discovered, and told of taking the officers to the scene in his automobile. Beyond his belief that Frank appeared nervous when he was visited at his home by the detectives, Rogers had no information that appeared to point suspicion in one direction more than another.

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Night Edition

[The following few paragraphs were added to the above article in the night edition of the *Atlanta Georgian*—Ed.]

PHAGAN INQUEST IS NEAR END; LIKELY TO GO TO JURY BY 7 P.M.

Witnesses Are Quizzed in Detail, but Nothing Important Brought Out. Officials Say They Are Satisfied With Case as It Is Being Developed.

Leo Mr. Frank was ready to take the witness stand in the Phagan case when the Coroner continued the afternoon session on Thursday.

The morning session was not prolific. Nothing of consequence was developed.

Miss Hattie Hall and Herbert Schiff, chief clerk in the pencil factory, were the first witnesses at the afternoon session.

Newt Lee, the night watchman, was to follow Frank on the stand, and officials asserted that Lee would doubtless begin his concluding testimony by 4 o'clock.

It was expected that not more than six witnesses would be put up, the authorities declared, and that the inquest would be concluded before night.

The case will probably be placed in the hands of the Coroner's jury for a verdict by 7 o'clock.



Testimony along a new line will be given, it is understood by Miss Nellie Wood, 8 Corput Street; Miss Nellie Pettis, 9 Oliver Street, and Mrs. Lillie Pettis, 9 Oliver Street. All three young women will assert that Frank sought to treat them in a familiar manner.

Lillie Pettis

Another witness, a young woman, whose name the authorities refuse to divulge, will conclude the testimony. She is sick, it is asserted, but will be present with her physician.

Newt Lee, the negro night watchman, took the stand at 4:10 o' clock.

Coroner Donehoo called for Lee immediately after Detective John Black had testified, supplementing the important testimony given by Harry Scott, of the Pinkertons.

Lee Repeats His Private Conversation With Frank

Atlanta Georgian

Thursday, May 8th, 1913

Newt Lee followed Black on the stand.

Q. Tell the jury of your conversation with Frank in private—A. I was in the room and he came in. I said, Mr. Frank, it is mighty hard to be sitting here handcuffed. He said he thought I was innocent, and I said I didn't know anything except finding the body. "Yes," Mr. Frank said, "and you keep that up we will both go to hell!" I told him that if she had been killed in the basement I would have known it, and he said, "Don't let's talk about that—let that go!"

Frank has declared that he was instructed by the detectives just what to say to Lee in the effort to open his mouth, and said it.

Q. Was the furnace running Saturday night?—A. It was fired up.

Leo Frank: The Coroner's Inquest

Q. Did you say anything about sleeping?—A. Yes, sir. I came to the factory and Mr. Frank came out of his door and rubbed his hands and said he was sorry he had me come so early, when I might have been sleeping. I said I needed sleep.

Never Met Him Before.

Q. Did Frank ever come out to meet you before?—A. No, sir. He usually says "All right," when I say, "All right, Mr. Frank."

Q. Is the trap door usually open?—A. Yes, sir; it's open every evening when I come.

Q. When you went into the machinery room, did you notice anything on the floor?—A. No, sir.

Q. When you came there at 6 o'clock, what happened?—A. Mr. Frank came out and asked me what time it was. He told me not to punch the clock, as he wanted to put on a new tape. I held the lever and he put on the tape.

Sure He Punched Clock.

Q. Did he unlock the door of the clock?—A. No, he just opened the door.

Q. Are you sure you punched the clock every half hour that night?—A. Yes, sir.

Q. Whose shirt was that they found at your house?—A. It looked like one of mine. I used to have one like that.

Q. Whose clothes were in that barrel?—A. I had mine in there, and the lady might have had some of hers there.

Q. Was your shirt store bought?—A. No, sir, Mrs. John Bowen made it.

**INQUEST SCENE IS DRAMATIC IN ITS
TENSENESS**

Atlanta Georgian

Thursday, May 8th, 1913



Crowd in Small, Smoke-Filled Room Breathlessly Follows the Phagan Slaying Inquiry.

FATHER WEEPS SILENTLY

Jurors, Officials and Detectives Manifest Intense Interest in Replies of Witnesses.

In a small, crowded and smoke-filled room at police headquarters, Coroner Donehoo on Thursday morning began what it is thought will be the last session of the jury impaneled to inquire into the death of Mary Phagan, strangled to death in the basement of the National Pencil Factory April 26.

The situation was tense and pregnant with possibilities. The fact that the investigation of the case is rapidly drawing to a close, coupled with the admissions of officials that new and important evidence would develop the examination of the witnesses to-day, brought out a large and curious crowd.

At one end of the long table, heaped with notebooks and typewriters, sat Coroner Donehoo,

Hattie Hall, Frank's stenographer

flanked on each side by members of the jury. At the foot of the table sat the newspaper reporters and the official stenographers, four in number. Facing Coroner Donehoo and the jury sat the witness. Ranged along the wall were curious spectators, relatives of the dead girl and friends of the witnesses. Long before the inquest was called every available chair in the room was taken, and late comers ensconced themselves on the window ledges.

Dorsey Takes Active Part.

Prominent among the spectators were the attorneys for Frank, Pinkerton and city detectives and county and State officials. Solicitor Hugh Dorsey sat just behind Coroner Donehoo, and took an active part in the questioning of the witnesses. While Mr. Dorsey asked no questions himself, several times he conferred with the Coroner on the best manner in which to examine the witnesses.

Leo Frank: The Coroner's Inquest

Attorney Luther Rosser also occupied a seat near the Coroner, and took keen interest in the proceedings of the inquest. He did not object to any of the questions asked the witnesses that had bearing on the actions of Leo M. Frank on the day of the murder.

Ranged against the wall behind Coroner Donehoo were Detective John Black, in charge of the city investigating squad; Detective Starnes, and Detective Harry Scott of the Pinkertons. All of the officers paid close attention to the examination of the witnesses. To the left of the Coroner sat Dr. J. W. Hurt, County Physician, who examined the body, and whose testimony is awaited with considerable curiosity.

Father a Pathetic Figure.

J. W. Coleman, father of the dead girl, stood against the wall to the right of Coroner Donehoo, a pathetic figure in his sorrow. Mr. Coleman evinced keen interest in what was transpiring. He kept his eyes fixed constantly on the witness who sat at the foot of the long table, and his eyes filled with tears as the tragic details of the finding of the child's body were related.

The attitudes of the individual members of the jury showed their realization of the responsibility that rests upon them. Each of the six sat with his arms on the table, paying closest attention to the statements of the witnesses. Most of the questions were asked by the Coroner, but now and then a juror would interrupt to ask the witness to make some point clearer.

The air of tense eagerness with which the jurors awaited the replies of the witnesses was communicated to those whose only interest in the case was the satisfaction of curiosity.

Crowd Tense and Quiet.

The crowd in the room was one of the quietest that has ever attended a session of the inquest. Save for the occasional scratching of a match or the dragging of a chair across the floor, nothing was heard but the voices of the Coroner and the witnesses.

All of the witnesses brought in were subjected to a close examination by Coroner Donehoo, and all bore the ordeal well. "Boots" Rogers, one of the policemen who found the body, was on the stand more than an hour.

Frank of Nervous Nature; Says Superintendent Aide

Atlanta Georgian

Thursday, May 8th, 1913

Leo Frank: The Coroner's Inquest

The inquest was resumed at 2:40. Only a small crowd was present.

Miss Hattie Hall, stenographer for the Pencil Company, was called.

She said she had been connected with the company since December 4.

From a pile of papers taken from the factory records, Miss Hall identified a number that were written by herself. She said she did not think she could identify Frank's writing. Miss Hall selected eight letters that she had written. She said she didn't know how long it had taken her to write the letters.

Miss Hall looked at the cash book and the book containing the financial sheets and said there was nothing in them she had done on April 26.

Couldn't Identify Writing.

Coroner Donehoo did not explain his interrogation of the witness along these lines. He appeared very anxious to know just what work she had done on the day of the murder, and instructed her to be careful in identifying her own writing. Several questions were asked her regarding Frank's handwriting, but she insisted that she could not identify it.

Herbert Schiff, 38 West Fair Street, chief clerk at the Pencil Factory, was called next. He testified as follows:

Q. What do you do at the factory?—A. Help Mr. Frank, keep the pay roll and other things.

Q. Are you familiar with Frank's handwriting?—A. Yes.

Q. Were you there Saturday, April 26?—A. No, sir.

The witness was here asked several questions relating to the business of the company.

Examines Books and Papers.

He was told to examine the books and papers that were shown Miss Hall, and identify Frank's handwriting. He identified several letters and acknowledgements as having been written by Frank, and also a number of entries in the order book, dated April 26.

Q. Were you at the office Monday morning?—A. Yes.

Q. What was Mr. Frank doing?—A. He wasn't there. He didn't return until about 3:30 Monday afternoon.

Q. What time does Mr. Frank get down?—A. He is usually there about 8. He is usually there when I get there.

Leo Frank: The Coroner's Inquest

Q. Did you see Frank Sunday?—A. I saw him in Bloomfield's with Mr. Darley and some of the other help.

Known Frank Five Years.

Q. Do you know Mr. Frank very well?—A. Yes.

Q. How long have you been with him?—A. Five years.

Q. Have you been close to him?—A. I guess I have been around him as much as anyone.

Q. Is he of nervous temperament?—A. Yes, he is very excitable. I would say very much so.

Q. How long would it have taken you to get up all of the data on the financial sheet which Mr. Frank did?—A. Five or six hours.

Q. How long would it have taken Mr. Frank to do it?—A. He has handled it more often and would be quicker. I would say half an hour less than it would take me.

Q. What else did Frank do?—A. Balanced the cash book.

Q. How long would that take?—A. About an hour and a half.

Frank Answers Questions Nervously When Recalled

Atlanta Georgian

Thursday, May 8th, 1913

Frank was slightly nervous when he was answering the questions. He was asked:

Q. What kind of an elevator floor have you in the factory on the office floor?—A. A solid sliding door.

Q. Where was the elevator Friday night and Saturday?—A. I didn't notice it.

Q. What protection would there be from a person from falling into the shaft if the door was open?—A. There is a bar across the shaft.

Q. Where was the elevator Saturday?—A. I did not notice it.

Leo Frank: The Coroner's Inquest

Q. Where was it Sunday?—A. On the office floor.

Gave Tape to Police.

Q. What did you do with the tape after you took it out of the clock Sunday morning?—A. Gave it to one of the officers.

Q. Who was at a party at your house Saturday night?—A. Mr. Goldstein and others.

Q. Who else?—A. His wife and Mrs. Isaac Strauss.

Q. What were you doing?—A. Reading the Metropolitan magazine.

Q. Did you greet them?—A. Yes.

Q. You just greeted them?—A. Yes.

Q. Did you get up to greet them?—A. I don't remember.

Q. How about Mrs. Wolfsheimer?—A. She was not there.

Q. What was said about whisky when the officers came?—A. Nothing was said of whisky, but I said I would like to have a drink of something warm and the officer said a drink would do me good.

Dreamed of Phone Call.

Q. What did you say of some one telephoning you later at night?—A. I said I dreamed some one called.

Q. Did you look at the girl when you went to the undertakers?—A. Yes.

Q. Did you go into a toilet?—A. I did not.

Q. When did you first hear the girl's name?—A. I do not remember that accurately.

Didn't See Girl Late Saturday, He Admits

Atlanta Georgian

Thursday, May 8th, 1913

Man Who Said Mary Phagan Passed His Place Testifies He Was Wrong.

J. L. Watkins, who testified that he saw Mary Phagan Saturday afternoon, April 26, between 4 and 5 o'clock, was called to the witness stand.

He was accompanied to the inquest by a girl, Daisy Brown, who he said was the girl he mistook for Mary Phagan.

He said he became convinced of his mistake when detectives came out to his place and had Daisy Brown to dress as she was Saturday afternoon. Then he discovered, he said, that she was the girl he had mistaken for Mary Phagan.

Daisy Brown was placed on the stand and testified that she had passed along Bellwood Avenue at that time, Saturday, April 26.

She said she knew Mary Phagan, but could not understand how Watkins had mistaken her for Mary Phagan, as Mary was a little shorter and heavier.

Black Testifies Quinn Denied Visiting Factory

Atlanta Georgian

Thursday, May 8th, 1913

John Black, city detective, followed Scott.

Q. Tell about the shirt.—A. Sergeant Bullard and I went out to the rear of 40 Henry Street and searched Newt Lee's room.

Q. What did you find?—A. Lots of things.

Q. Tell about finding the shirt?—A. We found it in the bottom of an old barrel.

Q. Was the shirt on the top or in the bottom of the barrel?—A. In the bottom.

Q. When was this?—A. On Wednesday after the murder.

Q. Did you see the shirt Lee wore Sunday morning?—A. Yes.

Q. What kind was it?—A. A brown woolen shirt. The one we found at his home was unlaundered. It was washed, but not ironed.

Q. Have you any positive clues to the person that committed the crime?—A. No.

Q. What did Mr. Quinn say to you about his trip to factory Saturday?—A. Mr. Quinn said he was not at the factory on the day of the murder.

Q. How many times did he say it?—A. Two or three times. I heard him tell Detective Starnes that he had not been there.

Q. What did you tell Frank to ask Lee when they had a conference?—A. Nothing in particular, only that he try to get Lee to tell the truth.

“Boots” Rogers Tells How Body Was Found

Atlanta Georgian

Thursday, May 8th, 1913



W. W. Rogers was the first witness. He lives at 104 McDonough Road, and operates an automobile for himself. He said he took a party of officers to the National Pencil plant at five minutes past 3 o'clock Sunday morning, April 27.

He corroborated statements of officers regarding the finding of Mary Phagan's body and the notes beside it, and of the body being face downward.

Q. Who telephone Frank of the murder?—A. Starnes called him and asked him to come to the factory.

Q. How long were you in front of the plant before you were let in?—A. Two or three minutes.

Q. Did you hear him coming?—A. We saw him coming down the steps with a lantern.

Q. What did he say?—A. She's in the basement, white folks.

Q. Was he excited?—A. No, he answered questions coolly.

W.W. “Boots” Rogers

Leo Frank: The Coroner's Inquest

Q. What did he say when you went downstairs?—A. He thought at first it was something the boys had placed there to frighten him.

Q. How did he say he found the body?—A. On her face.

Q. How did you find it?—A. On her face.

Q. Do you remember any other questions asked him?—A. Yes, but he talked in a straight way.

Q. Who went back upstairs with Lee and Anderson after Lee had been placed under arrest?—A. No one else.

Q. Where did they go?—A. Into office, where Anderson attempted to get Frank over the phone.

Lee Was Not Excited.

Q. Was Lee excited then?—A. No.

Q. What else did you find?—A. We looked all over the place for her hat and shoe. Then Sergeant Brown and myself walked out the back door and down the alley. When we came back I went out on McDonough Road in my machine and got Miss Grace Hicks, who, I knew, worked at the pencil factory. I brought her to town about 5:30 or 5:45. She told us who the girl was.

Q. Did you ever get in touch with Frank while in the office?—A. After I got back with the young lady Mr. Starnes called Frank again and got him. That was a little after 6. It took about five minutes for me to go out to his house.

Q. Who answered the door?—A. Mrs. Frank.

Q. Was Frank there?—A. He was standing in the hall behind the curtains. He was dressed, with the exception of collar, coat and hat. He asked Black what was the matter and Black did not answer, but told him he had better put on his clothes and go to town with us. Frank was hoarse and Black suggested that a drink might do him good. Mrs. Frank went upstairs to see if there was any whisky in the house, but did not find any.

Says Frank Was Nervous.

Q. Was he well groomed?—A. Yes; I noticed particularly that he had on a clean white pleated bosom shirt. He was nervous, and moved about very nervously.

Q. How do you know he was nervous?—A. By the questions he asked.

NEW EVIDENCE IN PHAGAN CASE NOT YET BROUGHT OUT; DIG CAREFULLY FOR FACTS

He asked if anything had happened at the factory and when Black did not reply he asked if the watchman had found anything unusual. Black did not answer them, and he asked if the watchman had called him, and when we did not answer he said that he dreamed the night watchman called him about daybreak. He struck me as being highly nervous.

Q. What did you talk about on the way to town?—A. Black asked him if he knew Mary Phagan and he asked if she worked at the factory. Said he did not know whether he knew her or not.

Q. Where did you go?—A. To the undertaking establishment.

Q. Did Frank see the body?—A. No.

Q. Where did he go?—A. When we went into the room the undertaker turned the child's head and Frank sidestepped into a toilet.

Q. Was Frank trembling?—A. I did not notice that he was.

Q. What questions were asked?—A. He asked us the girl's name and we told him Mary Phagan and asked if he knew her. He said he would have to look on the payroll to find out. We went around to the factory. He opened the safe and got out his books.

Q. Who was in the factory?—A. Several officers and Mr. Darley, the foreman, went in just ahead of us.

Tells When She Was Paid.

Q. What did Frank do?—A. He looked in his books, ran his finger down a column and said: "Yes, she was here." Then he said: "Yes, she was paid off yesterday. I can tell you just when. The stenographer and office boy left at 12 o'clock and she came in here—let's see, I can tell you the exact time—it was 10 minutes past 12. I paid her \$1.20." Frank looked nervous and asked if anyone had found the envelope; that it must be around "there somewhere."

Q. Did you take Frank into the basement?—A. Yes, we went down. Frank ran the elevator.

Q. Did he say anything about the negro running the elevator?—A. Yes, he was asked if the negro ever ran it, and he said no.

Q. Had you noticed the elevator before?—A. No, except when we first went into the basement.

Leo Frank: The Coroner's Inquest

Q. Where was it?—A. Above us.

Q. Did you inspect the shaft then?—A. Yes.

Q. Did you see anything?—A. No, but I did not have a flashlight.

Q. Was anything found there later?—A. Yes, a parasol.

Q. Did you make a close inspection when Frank went into the basement?—A. No, we just took a casual look around.

Q. When did you see the parasol, hat and shoe?—A. I did not see them until nearly 7 o'clock. The officers had them upstairs.

Frank Inspected Building.

Q. Did Frank inspect rest of the building?—A. Yes, and Chief Lanford and Frank, with several officers, went to the other floors and left the negro with me.

Q. Did Frank come back into the office?—A. Yes, he came in twice while I was there with the negro. He spoke to Lee once, shook his head and said "Too bad."

Q. Did you notice the clock?—A. Yes. Frank and Darley were out there by the clock, and Frank said "I guess I had better change the clock." He opened it, took out the slip and placed it by the clock while he went into the office to get another slip. He then called to one of us and I held the lever up and found a pencil sticking in hole. Frank asked Lee what the pencil was doing there. Lee said he put it there so he could be sure of hitting his number. Then Frank locked the box with a key. He had opened it with a key.

Q. What was done with the slip taken out?—A. Frank dated it and took it into his office.

Q. What date did he put on the slip?—A. I think it was April 26; I'm not sure.

Rogers said he looked at the slip and the first punch was at 6:30 and last at 2:30. There were no misses, he said.

Q. Where was the slip taken?—A. Frank took it into the office and put it on file.

Q. Did Chief Lanford take it away?—A. Not then; he may have got it later in the day.

Q. Are you sure there were no misses on the slip?—A. I would have noticed if there were.

Q. Did Darley and Frank have any conversation while on the way to the station house after that?—A. Not that I remember. I was driving the car and Frank was seated in Darley's lap.

Q. Was Frank still nervous?—A. Yes. He still wanted a cup of coffee. He had been anxious all morning to get a cup of coffee. Several times he had asked Chief Lanford if he could spare him to go and get a cup of coffee.

Frank Wrote Nervously.

Q. What was done at the station house?—A. When we got there the officers were having Newt Lee write for them.

Q. Did he look nervous?—A. No, he was writing what they told him.

Q. Did they have Frank write?—A. Yes.

Q. Was he nervous?—A. Yes, his hand was shaking.

Rogers was excused and Lemmie Quinn, foreman of the metal department, was called.

BEST DETECTIVE IN AMERICA NOW IS ON CASE, SAYS DORSEY

Atlanta Georgian

Friday, May 9th, 1913

Solicitor Dorsey Says He Has Secured Powerful Aid in Search for Slayer of Girl—Woman Says She Heard Screams in Pencil Factory.

Shelby Smith, chairman of the Fulton commission, declared Friday afternoon that the board would back Solicitor Dorsey in any and all expense he might incur in the state's exhaustive investigation into the Phagan murder mystery. Smith said;

"We have instructed Dorsey to obtain the best possible detective skill for his probe and he would be backed by the county commission to the last ditch in the money the spent.

"The fact that he hired a good detective Friday is news to me, but he has the sanction and backing of the board in the matter."

HIRES BEST DETECTIVE, HE SAYS.

Solicitor General Hugh M. Dorsey said Friday afternoon that he had the best detective in America working on the mystery of the Mary Phagan strangling.

Leo Frank: The Coroner's Inquest

Important developments had ensued already, he declared, and he was confident that an early solution of the case would be reached by the new expert of national reputation who had been placed at work on the clues.

The solicitor is understood to have the affidavit of a woman who swears that she heard a girl's screams as she was passing the factory at 4:30 o'clock the afternoon of the tragedy. The cries were shrill and piercing, she says, and died away as she stopped an instant to listen.

The woman was sure they came from inside the factory, but she gave little attention to her startling experience until she read of the strangling of Mary Phagan. Then it occurred to her that she very likely had heard the dying cries of the little girl and she reported the matter to the authorities.

Solicitor Dorsey, as his first action after the holding of Leo M. Frank and Newt Lee to the Grand Jury for the murder of Mary Phagan, put out the dragnet for witnesses.

A batch of subpoenas were issued for the witnesses to appear in his office to give testimony in the case of "The State vs. John Doe."

After a long conference with Detective Starnes and Campbell, Solicitor Dorsey asserted that action on the part of the Grand Jury might be expected any time after Friday. He plainly intimated that a special session of the jury might be convened Saturday to consider the Phagan murder.

The Solicitor declared as he left the court house with a private detective whose name he refused to divulge that he anticipated the development of startling evidence before night, which, he said, would clear matters materially.

Dorsey Questions Newt Lee.

With the private detective the Solicitor went to the Tower and was closeted with Newt Lee, the night watchman, for more than an hour.

The form of the subpoena is taken to mean that many of the witnesses will submit their sworn testimony before the Solicitor General, who will thus have it in documentary form, instead of going before the Grand Jury to give oral testimony. However, it will be necessary for the material or indicting witnesses to go before the Grand Jurors in person.

"The investigation has just begun," said Chief of Detectives Lanford Friday, in discussing the action of the Coroner's jury. "We were confident we had presented sufficient evidence to warrant the holding of the two suspects in the case, but we will have much more when the case gets into the courts.

Have Strong Theory Already.

"We are going to continue right on with the investigation and try to dig down to the full truth of the mystery. We have a strongly supported theory as to who committed the crime, but we are ready at any time to change our opinions as soon as the evidence points in another direction.

"It will be possible, with the rush and hurry of the Coroner's jury

PHAGAN CASE TO BE RUSHED TO GRAND JURY BY DORSEY

passed, for my men to work with more deliberation and care and to sift with a greater thoroughness every bit of evidence that comes into their possession. Even if nothing new should develop, we have enough leads to keep half a dozen detectives busy for a week."

Detectives Rosser, Campbell, Black, Starnes and Bullard are still working with the chief on the case and probably will continue until the mystery is cleared.

Lemmie Quinn, foreman in the tipping department at the National Pencil factory, was the first of the witnesses to be examined by the Solicitor. He was in Mr. Dorsey's office a considerable part of the forenoon and underwent a rigorous examination.

New Witnesses Sought.

Detectives Starnes and Campbell also were with the Solicitor, and two of the Solicitor's assistants. Newton Garner and Dan Goodlin were dispatched the first thing in the morning to hunt up new witnesses of whom Mr. Dorsey had information.

Foreman Quinn was called, it is understood, to clear up the discrepancies in his testimony and the statement he is said to have made to the detectives and to several of his acquaintances. In his testimony before the Coroner's jury he declared that he visited the factory between 12:10 and 12:30 o'clock, the afternoon of the killing of Mary Phagan. He said he talked with Frank for two minutes in the superintendent's office.

Detectives declared that Quinn had told them and other persons that he did not visit the factory at all Saturday and that he was not there from the time he left Friday until the following Monday.

Frank Expected To Be Held.

"That's about what I expected at this time," was the comment with which Leo M. Frank, with little trace of emotion, received the news of the action of the Coroner's jury Thursday night.

Leo Frank: The Coroner's Inquest

Deputy Sheriff Plennie Minor was the officer who informed both Frank and Newt Lee that the jury had recommended that they be held under charges of murder for further investigation by the Fulton County Grand Jury.

The night watchman received the news indifferently and had nothing to say.

Frank and Lee are held under charges of murder, as the following verdict of the Coroner's jury will show:

Atlanta, Ga., May 8, 1913.

We, the Coroner's jury, impaneled and sworn by Paul Donehoo, Coroner of Fulton County, to inquire into the cause of the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, County Physician, find that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton County Grand Jury.

(Signed)

HOMER C. ASHFORD, Foreman.

DR. J. W. HURT, County Physician.

Solicitor Dorsey said Friday he would give the Phagan case all of his attention and present his evidence to the Grand Jury as quickly as possible.

The solicitor has shown an anxiety to avoid delays of any nature in hunting down the slayer of the Phagan girl, and now that the Coroner's jury has turned the case over to the Solicitor and the Grand Jury it may be taken for granted that the investigation will be hurried along with all possible speed.

Case in State's Hands.

"The case now is fully in the hands of the State," said the Solicitor Friday morning. "It will not be presented to the Grand Jury Friday, but I shall endeavor to present it at the earliest possible moment. The instant that I have a complete case I shall bring it to the attention of the Grand Jury. It is my desire to bring the slayer of Mary Phagan to justice with the greatest dispatch. A great crime has been done and I am no less eager to see the guilt determined than the general public."

It required the Coroner's jury about twenty minutes to frame its formal verdict Thursday night. The jurors received a brief charge from Coroner Donehoo and filed from the Commissioners' room in the police station at 6:08 o'clock. At 6:28 they were back with their verdict.

Coroner Donehoo admonished the jurors to be as ready to hold a person who they thought might be withholding information of the crime as to hold a person they regarded as the possible culprit. A person possessing knowledge of the crime and withholding it, he said, was an accessory after the fact.

An immediate hush fell on the packed room when the jurors returned. There was a dead silence except for the voice of Homer C. Ashford, foreman of the jury, when the verdict was read.

Girls Testify Against Frank.

The most damaging testimony against Frank in regard to his treatment of employees at his factory was saved until the last hours of the hearing. Girls and women were called to the stand to testify that they had been employed at the factory or had had occasion to go there, and that Frank had attempted familiarities with them.



Nellie Pettis

Nellie Pettis, of 9 Oliver Street, declared that Frank had made improper advances on her. She was asked if she ever had been employed at the pencil factory.

“No,” she answered.

Q. Do you know Leo Frank?—A. I have seen him once or twice.

Q. When and where did you see him?—A. In his office at the factory whenever I went to draw my sister-in-law's pay.

Q. What did he say to you that might have been improper on any of these visits?—A. He didn't exactly say—he made gestures. I went to get sister's pay about four weeks ago and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless “I saw him first.”

Says He Winked at Her.

“I told him I didn't want to ‘see him.’ He pulled a box from his desk. It had a lot of

Leo Frank: The Coroner's Inquest

money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'

"I instantly told him I was a nice girl."

Here the witness stopped her statement. Coroner Donehoo asked her sharply:

"Didn't you say anything else?"

"Yes, I did! I told him to go to h—! and walked out of his office."

Thomas Blackstock, who said that he was employed at the factory about a year ago testified as follows:

Tells of Frank's Conduct.

Q. Do you know Leo M. Frank?—A. Yes.

Q. How long have you known him?—A. About six weeks.

Q. Did you ever observe his conduct toward female employees of the pencil factory?—A. Yes. I've often seen him picking on different girls.

Q. Name some.—A. I can't exactly recollect names.

Q. What was the conduct you noticed particularly?

The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls.

Q. See it often?—A. A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building.

Q. Can't you name just one girl?—A. Yes. Magnolia Kennedy.

Q. Did you see him act with undue familiarity toward her?—A. No. I heard talk about it.

Q. Before or after the murder?—A. Afterward.

"Girls Tried to Avoid Him."

Q. When did you observe this misconduct of which you have told?—A. A year ago.

Q. Did you hear complaints around the plant?—A. No. The girls tried to avoid him.

Leo Frank: The Coroner's Inquest

Mrs. C. D. Donegan said she was connected with the pencil plant for three weeks. Her capacity was that of forelady. She resides at 165 West Fourteenth Street with her husband.

Her testimony follows:

“State your observations of Frank’s conduct toward the girls and women of the plant.”

“I have noticed him smile and wink at the girls in the place. That was two years ago.”

“Did you make a statement to the detectives of undue familiarity you had witnessed?”

“I told them that I had seen Frank flirt with the girls and women—that was all I said.”

Charges Familiarities.

The testimony of Nellie Wood, a young girl of 8 Corput Street, came next.

In brief it was this:

Q. Do you know Leo Frank?—A. I worked for him two days.

Q. Did you observe any misconduct on his part?—A. Well, his actions didn’t suit me. He’d come around and put his hands on me when such conduct was entirely uncalled for.

Q. Is that all he did?—A. No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn’t let him. He got too familiar by getting so close to me. He also put his hands on me.

Q. Where did he put his hands?—A. He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking but I was too wary for such as that.

Quit His Employ.

Q. Did he try further familiarities?—A. Yes.

Q. When did this happen?—A. Two years ago.

Q. What did you tell him when you left his employ?—A. I just quit, telling him that it didn’t suit me.

Frank’s testimony was looked forward to with keen interest, but when he was called to the stand in the afternoon, he merely answered additional questions as to his movements on the day of the crime and failed to add materially to the evidence in hand.

Leo Frank: The Coroner's Inquest

He appeared pale and haggard from his imprisonment, but he replied to all of the questions clearly and showed no hesitation or apparent fear. He was asked:

Testimony of Frank.

Q. What kind of elevator door is there to the shaft in the pencil factory?—A. Sliding doors.

Q. How many?—A. One on each floor.

Q. Are they latticed or solid?—A. Solid.

Q. Where was the elevator at 12 o'clock Saturday?—A. I did not notice.

Q. Were the doors open or closed?—A. I don't remember.

Q. What protection would a person have from falling down the shaft if the doors were left open?—A. A bar which projects across the opening.

Q. After the crime was committed, where did the elevator stand?—A. I only know where it stood Sunday morning. It then was on the second floor.

Didn't File Time Tape.

Q. When you last removed the tape from the time clock, what did you do with it?—A. Handed it to an officer in the building.

Q. Did you put it on file?—A. No.

Q. Are you sure?—A. Yes, positive.

Q. Do you remember a party at your house on the night of April 26?—A. Yes.

Q. Can you name the guests?—A. I don't remember them all.

Q. When the police came to bring you down to the factory that Sunday morning, what was said about whisky?—A. I said I wanted something warm to drink. One of the detectives suggested whisky.

Q. What time was it?—A. Between 7:30 and 8 o'clock.

Says He Viewed Body.

Q. What did you say about dreaming?—A. I said to someone that I thought I had dreamed of hearing the telephone ring in the dead of night.

Leo Frank: The Coroner's Inquest

Q. When you went to the undertakers', did you go in the water closet instead of the room in which the body lay?—A. No.

Q. Did you view the body?—A. Yes.

Q. Did you recognize the girl?—A. Yes.

Q. When did you first hear her name?—A. I don't remember.

Q. What time did you return home that Sunday afternoon?—A. I don't recollect.

Q. Did you telephone your wife before your return?—A. Yes.

Q. Was the murder discussed at home that afternoon?—A. Not much.

Q. What topic was discussed?—A. I don't remember.

Often Does Not Remember.

Q. When did Quinn first mention to you his visit to the factory on the 26th?—A. I don't remember.

Q. What did he say?—A. He said, "Don't you recollect that I was at the factory Saturday about noon?"

Q. What did you tell him about withholding that information until your attorney had been consulted?—A. I don't remember. I had so many visitors that I couldn't recollect the exact words.

Q. Who suggested the conference with your attorney relative to Quinn's visit?—A. I don't remember.

Q. How long have you known you had counsel?—A. Since Monday.

Q. Why was it mentioned that Quinn's visit he kept quiet until consultation with your lawyer?—A. I don't remember.

Explains Locks and Doors.

Q. How can you lock the door between your office and the dressing room where the blood spots were found?—A. I have never seen it locked.

Q. Is it usually open or locked?—A. Closed.

Q. Is there any way of closing the doors on the back stairway?—A. Yes. They are locked.

Q. Describe your telephone conversation with Detective Starnes at the time you were informed of the tragedy?—A. He asked me if I was superintendent of the National Pencil Factory. "I'd like to have you come down here at once," he said when I informed him that I was Leo Frank. He said he wanted me to identify a girl, and asked me if I knew Mary Phagan.

Q. Didn't you say that the first time you had heard her name was while you were traveling in the auto on the way to the factory Sunday morning?—A. I don't recollect that I did.

Q. Did you have any trouble with a girl in your office Saturday morning?—A. No. There was one incident where a mistake had been made in the pay envelope of Mattie Smith, but it was corrected without any trouble.

Tells of Callers at Office.

Q. What time was Mattie Smith in your office?—A. Between 9 and 10 a. m.

Q. Did any one enter while she was there?—A. I don't remember.

Q. Give the name of every one in the office throughout the day Saturday?—A. Mr. Darley, Mr. Holloway, the office boy, Miss Hall, the stenographer; Mr. Campbell, Mr. Fullerton, Mrs. White, Lemmie Quinn, Mr. Gantt, Emma Clark, another girl employee, Arthur White, Harry Denham, Newt Lee and Mary Phagan.

Q. Did you see May Barrett?—A. I don't know her.

Q. What did you say to Emma Clark?—A. I don't remember saying anything to her.

NO REAL SOLUTION OF PHAGAN SLAYING MYSTERY

**EVIDENCE AGAINST MEN NOW HELD IN BAFFLING CASE WEAK, SAYS
OLD POLICE REPORTER**

Atlanta Georgian

Sunday, May 11th, 1913



Solicitor Dorsey examining a witness

Detectives in Coroner's Jury Probe Admit They Have Nothing on Which to Convict Anyone in Mysterious Tragedy of Atlanta.

TESTIMONY BROUGHT OUT NO INCRIMINATING POINTS

BY AN OLD POLICE REPORTER.

The most sensational testimony offered at the Coroner's inquest in the Phagan case was lost sight of entirely by the newspapers.

Juror Langford asked Detective Black, who was on the witness stand: "Have you discovered any positive information as to who committed this murder?"

Detective Black replied, "No, sir, I have not!"

Coroner Donehoo asked Detective Scott of the Pinkerton force on the witness stand:

"Have you any definite information which makes you suspect any party of this crime?"

Detective Scott replied, "I would not commit myself. I am working on a chain of circumstances. Detective Black has been with me all the time on the case and he knows about the circumstances I refer to."

As you read this over and consider it carefully, you will be impressed by the fact that the two most important detectives engaged for a period of two weeks on the Phagan case testify under oath that they have no positive information as to who committed the crime—in fact really know nothing about it at all.

I am setting down here my own thoughts and ideas, without intending the slightest disrespect to any official, and further, I believe I am at liberty to do so because of Scott's and Black's testimony.

MYSTERY STILL WITHOUT SOLUTION.

Leo Frank: The Coroner's Inquest

In The Sunday American of last week I published an article saying that the developments of the preceding week had led nowhere, and that the mystery was then as dark and deep as any mystery that ever puzzled police and detectives.

I can only repeat this statement to-day. I am not in the confidence of any of the detectives, of Solicitor Dorsey, or of Coroner Donehoo, or any of the persons engaged in the attempt to unravel the crime.

I know what the average newspaper readers knows—no more, no less. I walk about the streets a great deal, I ride on the cars and met a great many people who talk about the terrible affair, and I believe I am right in saying that the consensus of opinion now is that the police and detectives are very far indeed from solving the mystery.

In making this statement I do not wish to be understood as casting reflections upon the police or detective force. The men engaged on the case are well-meaning, but of limited experience, and they may have made mistakes.

The infallible detective, like the indispensable man, does not exist.

All detectives are not “man catchers,” and many detectives employ very stupid methods in their work. They can see the obvious things, but they lack imagination. Their minds work like a circular saw, and a knotty problem sometimes stops their minds from working entirely, just as a tangle of knots in a plank being sawed puts the saw out of business.

I pay my respects here to Coroner Donehoo in the way he has handled the case. His examinations of witnesses showed unusual intelligence. His questions were searching and he exhibited a zeal in the public welfare that must not be overlooked. But Coroner Donehoo is not a Sherlock Holmes. He performed his function under the law in a creditable manner. He really wasted hours in asking questions that might have been spared except that there was always a hope that a blind question might catch a witness off-guard and there would be an ensuing revelation.

What did the Coroner's inquiry develop?

Take first the case of Lee. The testimony against him is that he is the only person KNOWN to have been in the pencil factory, after 6:30 o'clock in the evening until the body was discovered.

Frank testified that he found three “skips” in the clock tape Lee should have punched.

Sergeant R. J. Brown testified that Lee could not have seen the body from the place the night watchman told him he first saw it.

Sergeant L. S. Dobbs testified that Lee, without suggestion from any one, said that the words "night witch" in one of the notes found near the body of the dead girl meant "night watchman."

F. M. Berry, assistant cashier at the Fourth National Bank, testified that the notes found near the body were in his opinion written by Lee.

Detectives told of finding a shirt with blood stains near the right shoulder in a barrel at the rear of Lee's house. The indications were that the shirt never had been worn, however.

TESTIMONY FAVORING LEE.

Testimony favoring Lee is that he was not alone in the building until after 6:30 o'clock, and that it can not reasonably be supposed that he would have been able to lure the girl to the factory by any means after this time, or even that the girl would have been alone in that vicinity at that time. There is no evidence to account for her whereabouts between 12:10 and 6:30 o'clock.

Lee's own testimony was that he did not know the girl and that he never saw her until he came upon the body in the basement of the factory shortly before 3 o'clock Sunday morning.

W. W. Rogers testified that Lee did not appear excited. Other officers who went to the factory Sunday morning corroborated this testimony.

These circumstances conflict with what is known of Lee's nature. The natural course for Lee, had he been the culprit, it is argued, would have been instant flight.

The framing of the notes to divert suspicion, according to the testimony of persons familiar with the negro nature, was too subtle a plan to suggest itself to Lee's mind.

What was developed against Frank?

The principal points brought out connecting him with the crime were:

He was the last person known to have seen Mary Phagan. By his own testimony, he saw her at 12:10 Saturday afternoon, April 26, when she appeared at the factory to get her pay. No one was able to swear she was seen after that time.

G. W. Epps, Jr., a boy friend of the Phagan girl, testified that Mary had told him Frank had waited at the door when she left the factory one day and winked at her and tried to flirt. Epps rode to town with her the day she went to the factory to get her money, and was to meet her again at 4 o'clock at Five Points. She did not appear, lending strength to the theory that she never left the factory after once going to get her pay.

FRANK'S CONDUCT WITH GIRLS.

Thomas Blackstock, a former employee, testified that he had seen Frank attempt liberties with girls in the factory.

Nellie Pettis, 9 Oliver Street, testified that Frank had made improper advances to her when she went to get her sister-in-law's pay at the factory. She said he pulled out a box of money from a drawer and looked at her and then the money and asked: "How about it?"

Mrs. C. D. Donegan, 165 West Fourteenth Street, said she had seen Frank smile and flirt with the girls in his employ.

Nellie Wood, 8 Corput Street, testified that Frank had attempted familiarities with her in his office, and had put his hands on her and had tried to persuade her to remain with him in his office.

Frank testified that he was at the factory Saturday afternoon from 12 to 1 o'clock and from 3 to 6:30 o'clock. Harry Denham, Arthur White and White's wife were in the factory part of the afternoon, the two men until 3:10. From 3:10 until 3:45 Frank was alone in the factory. Then Newt Lee came and was told by Frank to take the remainder of the afternoon off until 6 o'clock. From about 4 o'clock until 6, Frank again was alone in the factory, so far as the testimony showed.

Lee testified that the crime could not have been committed in the night without his knowledge, as he had gone past the lathe machine on the second floor, where the struggle is believed to have taken place, twice every half hour on his regular rounds.

Lee testified that Frank appeared greatly agitated when he met him at the door of the factory office just before 4 o'clock. He said that Frank seemed nervous and was rubbing his hands in an excited fashion.

J. M. Gantt, a former employee who happened to be in the factory at 6 o'clock, testified that Frank appeared nervous and apprehensive at this time.

UNABLE TO REACH FRANK AT 3.

Call Officer Anderson testified that he tried to telephone Frank at his home after the police had viewed the body at 3 o'clock Sunday morning, but that he could not get him.

W. W. Rogers, former county policeman, who carried the officers in his automobile to the scene of the murder and later to get Frank, testified that Frank, when he saw the officers, began to ask them if "anything had happened at the factory?" and if the night watchman had "found anything" when nothing had been told him at that time as to the tragedy.

Leo Frank: The Coroner's Inquest

Rogers said he saw Frank remove the time slip from the time clock which Lee had punched. Rogers said that there were no "skips" on it, but that it was punched regularly every half hour from 6:30 in the evening until 2:30 the next morning. It was shortly after 2:30 o'clock that Lee told the officers he had found the body. The time slip which later was turned over to Chief Lanford by Frank had three "skips" in it.

Lee testified that Frank had told him the Sunday the body was found that the clock was punched all right and later contradicted himself by saying there were three "skips" in it, and that it "looked queer."

Lee testified that Frank had told him in a private conference that "they would both go to hell" if Lee maintained his present attitude.

Harry Scott, Pinkeron detective, bore out Lee on this point.

I am inclined to classify this as negative testimony.

Frank is reached and held through a process of elimination.

Testimony pointing toward the innocence of Frank was that of Frank himself.

He said that he had not known Mary Phagan by name before her murder; that he recalled paying her at 12:10 Saturday afternoon, but that she left his office at once and he heard her footsteps dying away as though she had left the building. He said he remained at the factory until 1 o'clock in the afternoon and then went to his home for luncheon, returning about 3 o'clock. He said that he was entirely alone from 4 o'clock until 6, and that he arrived home at 7 in the evening, where he remained. He declared he knew nothing of the tragedy until the following morning. He said that he dreamed during the night that some one was ringing the telephone, but that he did not fully awaken. In this manner he explained his failure to answer the telephone.

Harry Denham, one of the men in the factory Saturday afternoon until 3:10 o'clock, testified that Frank did not appear nervous or agitated when he saw him.

F. M. Berry, assistant cashier of the Fourth National Bank, testified that the notes found by the side of Mary Phagan did not appear to be in the handwriting of Frank.

Lemmie Quinn testified that he was in the office of Frank Saturday afternoon between 12:15 and 12:30, and that he did not see Mary Phagan in the office or anywhere else in the building.

Mr. and Mrs. Emil Selig, Frank's parents-in-law, corroborated the story of Frank's movements during the day.

Quinn and other men in the factory testified that they never had seen Frank many any improper advances toward the girls, but that on the contrary he had been most courteous when he had any personal dealings with them, which was not frequently.

Miss Corinthia Hall, one of the employees, said she never had observed Frank attempt any liberties with any of the girls.

Herbert Schiff, chief clerk in the factory, testified that the work which Frank accomplished Saturday afternoon on the financial sheet would have taken any expert five or six hours.

EVIDENCE IS NOT CONVINCING.

I ask would YOU consider this very convincing in the case of either man?

I do not.

But after the Coroner's inquest the case assumes a new form. The whole matter now rests in the hands of Solicitor Dorsey. I have never met him. All that I heard about him is in his favor. But he has never shown any unusual skill as a detective. He knows criminal law, and he will proceed along the regular lines of bringing the whole matter to the attention of the Grand Jury, and indicting both Frank and Lee. Then will come the trial.

If Detectives Scott and Black are reported accurately in their testimony, as quoted at the beginning of this article, then the prosecution in my opinion has very little upon which to base a successful trial of either of the men now held for the crime. Lee came through the cross-questioning without any discredit at all. The points made against Frank are not of much importance. They may foreshadow something big. They were, of course, sufficient to warrant the Coroner's Jury in holding him for the Grand Jury.

An indictment by the Grand Jury does not mean that a person is guilty. Far from it.

CRIME SHOULD BE UNRAVELED.

I hope Solicitor Dorsey will be able to unravel the great mystery, and that he will have evidence enough to convince—not only a jury of twelve men, but the entire community as well, of the guilt or innocence of whatever persons, Frank, Lee or others who may yet be caught in the net, of the murder of the innocent little girl.

An indictment by the Grand Jury is a very important legal document. It must be air tight, and held together by such a strong chain of evidence that it can not be broken anywhere. It has to run the whole gauntlet of the law. An imperfect indictment falls of its own weight.

For the battle really begins—not before a Coroner's Jury, but in the court room, where the law and the facts have precedence over everything else.

When the prosecution in the Phagan case goes into court, it will be faced by one of the best lawyers in the South.

Luther Z. Rosser, big of frame, big of intellect, big in the knowledge of the law and schooled in all the intricacies of its machinery, will be at the opposing counsel's table, making a battle for his client, turning evidence with his shield from the lance of Mr. Dorsey, sifting every piece of evidence for the jury, challenging every inch of the law to the judge.

And I am told, that he is skillful with the use of the broad sword as he is deft with the rapier.

I am writing thus freely, for the reason that the two detectives, quoted at the beginning of this article, in their testimony gave me the right to discuss the matter in the columns of the newspapers as I am doing.

PRECEDENT HAS NOT YET BEEN VIOLATED.

This is no violation of precedent. It is not for the purpose of establishing the guilt or innocence of any person. It is solely because I am trying to set down what I believe to be the thoughts running through the minds of the average man and woman.

Frank and Lee may be guilty, but it would require a great deal more evidence than has been published in the newspapers to convince me of it.

It may be that Mr. Dorsey has a mass of evidence to present to the jury when it confronts the accused in open court, and overwhelm the defense with sensation after sensation and buttressed fact after buttressed fact.

I do not know whether this is so or not. I give my own opinion for what it is worth. What the detectives and police now have against Frank and Lee at this moment is apparently worthless.

Any day or any hour may bring forth new suspects and the real criminals.

I can not help but sympathize with Frank in being held as he is on the very slight evidence presented against him. At the moment, it would seem as though he were a victim of circumstance and that he would have to take the consequences that follow being the superintendent of the factory and the last person who is said to have seen Mary Phagan alive. And consequences, as George Eliot said, are unpitying.

FRANK'S PAST IN HIS FAVOR.

I said in my article in last Sunday's American that what is known of Frank's past is in his favor. I reiterate that. He is a college graduate, a man of culture, has traveled considerably, and stands well among his friends.

Public Opinion that first condemned Lee, then Frank, then both of them, then was ready summarily to dispose of them without waiting for the process of the law, is calmer to-day and anxious for the facts.

I do not mean by this that I believe Public Opinion would acquit Frank without a trial, for the belief prevails that not all of the evidence has been made public. But Public Opinion is willing to "play fair" and hear the facts.

I hope Solicitor Dorsey will continue his investigation while he is weaving his web around Frank and Lee. It may be that they are not guilty. It may be that some other person or persons committed the ghastly deed. It is worth while for our alert prosecutor to watch in all directions for the criminals.

And it may be well for our citizens to keep their minds open and receptive, not acquitting or condemning anybody, no matter of what color, race or creed, until all the facts are known.

We can afford to be patient—even with THE LAW.

The great professor Drummond once asked a little girl to a Glasgow Sunday school for a definition of patience. She replied: "To wait a-wheel, an dinna get weary, to keep yer mouth shut and yer eyes open!"

Inquest This Morning.

Atlanta Constitution

Wednesday, April 30th, 1913

Coroner Donehoo last night set the time for the inquest at this morning at 8:45 o'clock. It will be held in Bloomfield's undertaking establishment on South Pryor street. A thorough investigation will be made into the mystery. It will then be determined if the evidence at hand is sufficient to commit Frank and the negro watchman to higher courts.

Frank Not Apparently Nervous Say Last Men to Leave Factory

Leo Frank: The Coroner's Inquest

Atlanta Constitution

Thursday, May 1st, 1913

Following Mechanic Barrett's declaration that there were two men at work Saturday at noon on the top floor of the factory building, Coroner Donehoo ordered detectives to accompany the machinist to the plant and bring the two employees to police headquarters.

They were brought immediately into the inquest. Their names were given as Harry Denham and J. Arthur White. Denham was first placed on the stand. His examination began immediately upon arrival.

"Did you see the blood on the lathing machine?"

"I saw it Monday."

"Were you on that floor Saturday?"

"No. I was on the top floor."

"Did you see Frank at any time of the day?"

"Yes."

Asked When They Would Finish.

"Did he offer you holiday as the others had been given?"

"No. He came up to where we were working and asked us if we would be through by 1 o'clock."

"Did you ever know Mary Phagan?"

"I knew her only by sight."

"Did you see her Saturday?"

"No, I never left the top floor."

"Were you aware of everything which transpired in the building during the time you were within it?"

"No. A person could have come into the plant and we never would have known anything about it."

"How long have you worked with the pencil company?"

"Three years."

"Have you ever heard of couples going into the building at night?"

"No."

"Have you ever been in the partitioned room in Frank's office?"

"No."

Apparently Not Nervous.

"When Frank came to where you were working at 3 o'clock Saturday afternoon to tell you that you could quit, did he seem nervous or agitated?"

"Not that I noticed. He didn't come all the way. He came to the head of the steps and called to us."

"Did you go down with him?"

"No. He went down ahead of us."

"Was he in his office?"

"Yes. When I went down I borrowed \$2 from him."

"Where did you leave him?"

"Writing at his desk."

"Was anyone else in the factory?"

"No one of whom I know, except Frank."

"How many rooms are there in Frank's office?"

"Only two—his and the stenographer's."

"Can you see any one in the private office from the stenographer's room?"

"Yes, if you try to."

"As you left the building Saturday afternoon, did you notice in Frank's office any change from the customary state in the condition of furniture?"

"No."

"Who uses the office beside Frank?"

"Mr. Darley, the assistant superintendent."

Left Building for a While.

Arthur White's story coincided with that told by Denham. He was examined mostly, though, along different lines.

"Who was in the building besides you, Denham and Frank?"

"My wife came up shortly after noon. Mr. Frank came to her and told her he was going to lock up and advised her to leave the building. He also asked us if we didn't think we'd bet-told him we weren't through. When we told him we weren't through, he said for us to stay in the place until he returned, as he was going out on the street. He came back at 3:08 and we punched out at 3:10 o'clock."

"When did Frank leave?"

"He left right away."

"Do you know where he went?"

"No. He locked us in the building though."

"Is there a closet in Frank's office?"

"Yes, there is. A kind of wardrobe."

"Did it look big enough to hold a human body?"

"Yes. It was about nine feet high and four feet wide."

"Where was it located?"

"Behind the door of his private office."

"Was the door closed?"

"I didn't notice."

FRANK TRIED TO FLIRT WITH MURDERED GIRL SAYS HER BOY CHUM

Atlanta Constitution

Thursday May 1st 1913

Mary Phagan Was Growing Afraid of Advances Made to Her by Superintendent of the Factory, George W. Epps, 15 Years Old, Tells the Coroner's Jury.

BOY HAD ENGAGEMENT TO MEET HER SATURDAY BUT SHE DID NOT COME

Newt Lee, Night Watchman, on Stand Declared Frank Was Much Excited on Saturday Afternoon—Pearl Robinson Testifies for Arthur Mullinax—Two Mechanics Brought by Detectives to the Inquest.

LEO FRANK REFUSES TO DISCUSS EVIDENCE

When a Constitution reporter saw Leo M. Frank early this morning and told him of the testimony to the effect that he had annoyed Mary Phagan by an attempted flirtation, the prisoner said that he had not heard of this accusation before, but that he did not want to talk. He would neither affirm nor deny the negro's accusation that never before the night of the tragedy had Frank phoned to inquire if all was well at the factory, as he did on the night of the killing.

Evidence that Leo M. Frank, superintendent of the pencil factory in which the lifeless body of Mary Phagan was found, had tried to flirt with her, and that she was growing afraid of his advances, was submitted to the coroner's jury at the inquest yesterday afternoon, a short time before adjournment was taken until 4:30 o'clock today by George W. Epps, aged 15, a chum of the murdered victim.

George rode with Mary to the city Saturday morning an hour before she disappeared at noon. He testified late Wednesday afternoon that the girl had told him of attempts Leo Frank had made to flirt with her, and of apparent advances in which he was daily growing bolder.

"She said she was getting afraid," he told at the inquest. "She wanted me to come to the factory every afternoon in the future and escort her home. She didn't like the way Frank was acting toward her."

Waited Two Hours For Girl.

George had an engagement to meet the girl Saturday afternoon at 2 o'clock, he said. They were scheduled to watch the Memorial parade and tour the picture shows. He

waited two hours for her. She had disappeared. The next known of her was when the lifeless form was found in the factory basement.

Frank was not present during the investigation but once. Detectives brought him before the jury for identification by E. S. Skipper, the man who saw the mysterious sextette of youths and girls Saturday night at Whitehall and Trinity. He remained but a moment.

Sensational developments were predicted shortly after the inquest was resumed at 2:15 o'clock, when Coroner Donehoo ordered detectives to bring to police headquarters the two mechanics who were in the factory building with Frank during the early part of Saturday afternoon.

They are Harry Denham and Arthur White, two youths who have been connected with the plant for several years. Detective Scott found them at work in the factory and escorted them to the inquest. They left the police station immediately after being examined.

A mystifying phase was added to the progress of the inquest when Edgar L. Sentell, a clerk in Kamper's grocery, declared positively that he had seen Mary Phagan with Arthur Mullinax at midnight Saturday as they crossed the corner of Hunter and Forsyth streets a few yards distant from the pencil factory.

Sentell had known the dead girl since early childhood. They were intimate friends, he said. Asserting that he had spoken to her, he stoutly maintained that she had answered his greeting.

J. L. Watkins, a neighbor to the home to which Mary lived, also testified that he had seen her Saturday afternoon when she crossed Ashby street at Bellwood. She presumably was on her way home, he stated.

George Epps is a bright, quick-witted chap and proved an eager witness. He was brought before the inquest following the examination of Pearl Robinson, the sweetheart of Arthur Mullinax, who testified in that youth's behalf.

"How old are you son?" was the first question asked him.

"Fifteen—going on sixteen," he answered with alacrity.

"Do you work or go to school?"

"I work at a furniture store. In the afternoon I sell papers."

His answers were clear and brief. He made a pleasing impression.

Lives Near Phagan Girl.

"How far do you live from 136 Lindsay street—the home of Mary Phagan?"

"Just around the block."

"Did you know Mary?"

"Yes, sir, I certainly did. We were good friends."

"When did you last see her alive?"

"Saturday morning, just before dinner when we came to town together on a street car."

"Did you arrange to meet her that afternoon?"

"Yes, sir. We were to have met at 2 o'clock in Elkin & Watson's drug store at Five Points. We were going to see the parade and go to the moving picture shows."

"How long did you wait for her when she failed to show up?"

"Until 4 o'clock in the afternoon. I stuck around two hours waiting for her. Then I had to go and sell my papers."

"Did you inquire for her?"

"Yes. I went to her house when I got through with my papers. She hadn't got back. The folks were looking for her."

"When you and Mary were riding to town, did you talk any?"

She Wanted Money Mighty Bad.

"We talked a whole lot. She said she was going to the pencil factory to draw the wages due her. She said she didn't have but \$1.60 coming to her, but wanted that mighty bad."

"How was she dressed?"

"She had on a blue dress and a dark blue hat. I remember that hat mighty well because I asked her why didn't she buy a stylish lid? 'Umph,' she said, 'I'm no stylish girl. I don't need one.'"

"Did you both get on the car at the same time?"

"No. She was on first. When I got on she motioned for me to come and sit beside her. While we were coming to town she began talking about Mr. Frank. When she would leave the factory on some afternoons she said Frank would rush out in front of her and try to flirt with her as she passed."

Leo Frank: The Coroner's Inquest

She told me that he had often winked at her and tried to pay her attention. He would look hard and straight at her she said and then would smile. She called him Mr. Frank. It happened often she said."

"How was the subject of Mr. Frank brought up?"

"She told me she wanted me to come down to the factory when she got off as often as I could to escort her home and kinder protect her."

"When did you hear she was killed?"

"Sunday."

Positive that he had seen Mary Phagan at midnight Saturday, Edgar L. Sentell offered to swear that it was the pretty victim whom he encountered with the suspected Mullinax at Forsyth and Hunter streets. He was the first witness during the afternoon session.

"I met Mary Phagan and Mullinax at Hunter and South Forsyth streets either between 11:30 and 12, or a little later. I am not positive which," he stated.

"Were they standing together?" he was questioned.

"No. They were walking along."

"Are you confident you knew both Mullinax and Mary?"

"I knew Mullinax at the car barns. I had known Mary all my life. I was born and raised with her."

"When was the last time you saw her?"

"One week previous to Saturday night."

"Did you speak to her?"

"I did. I said, 'Hello, Mary.'"

"Did she reply?"

"She did. She said, 'Hello, Edgar.'"

"Were her parents accustomed to letting her go with boys?"

Amazed to See Her Uptown.

"No. They were not. It amazed me when I saw her uptown at such an hour with a man. She looked like she was tired and fagged out."

"What did she wear?"

"A light purple dress, black shoes and a light blue ribbon tied in her hair. She didn't have a hat. An umbrella was in her hand."

"Can you swear that it was Mary Phagan you saw?"

"I can and I will. I am swearing now that it was Mary Phagan I saw."

"Can you swear it was Mullinax?"

"I am not so positive about him. If it wasn't, it was his spit-and-image."

"Did you know Mullinax's name?"

"No. Not at that time. I had seen him so much around the car barns, though. I learned his name later."

"When did you first hear of Mary's murder?"

"Sunday morning on an English avenue trolley car."

"Who did you first tell?"

"Mrs. Coleman, her mother."

"Did the paper tell who was killed?"

Went to Mother Of Girl.

"No. I heard men at the car barn say the girl's name was Phagan. I immediately remembered seeing Mary at midnight. I went straight to Mrs. Coleman and learned that it was her daughter."

"Where did you work before becoming connected with your present employers?"

"I was in the navy."

"When did you leave?"

"April 18, 1913."

"How long had you been there?"

"Three months."

"Why did you leave?"

"Because of eye affliction. I couldn't read the targets on the rifle range."

"Is your eye sight ordinarily affected?"

"Not particularly so."

"Are you sure your eyes didn't fail you when you saw this girl Saturday at midnight?"

"I am positive they did not."

"Do you drink?"

"Occasionally. But I never get drunk."

"Were you drinking Saturday night?"

"Not a drop."

At this juncture the clothing worn by the murdered girl was held to the questioned man's gaze.

"Is this the dress she wore when you saw her Saturday night?"

"It is."



At the left top is Detective Black, of the city, and at the right Detective Scott, of the Pinkertons. Below is a scene at the inquest. At bottom is a sketch by Henderson of the negro, Newt Lee, whose straightforward story at the inquest has tended to lift suspicion from him.

Detectives Black and Scott; a scene from the inquest; and Newt Lee

Bloody Hairs Are Found.

The discovery of a dozen strands of bloody hair identified by her sister workers as that of the murdered girls was related by R. P. Barrett, a mechanic in the pencil plant who made the find.

He was placed upon the stand directly after it had been vacated by Policeman Lasseter.

"What is your employment?"

"I am a machinist with the National Pencil company."

"How long have you been with them?"

"Seven weeks."

"Did you know Mary Phagan?"

"Yes. She ran a nulling machine at the factory."

"When did you see her last?"

"Tuesday, one week ago. She didn't work after that because of shortage of metal."

"How far is her machine from the dressing room she used?"

"About six feet."

"Was anything unusual found around the machine at which she worked?"

Splotches Of Blood.

"The girls at the factory told me Monday that Mary had been murdered. They were dim, and looked as the floor at the base of her machine. I found several dim, and looked as though whitewash had been spread over them. It looked as though the floor had been swept carefully."

"Was anything else found on the floor?"

"Yes. Monday morning, I started to work upon a lathing machine nearby the nulling machine of Mary's. My hands became tangled with long hair. I picked out a dozen strands or more. They were bloody. A number of the girls came and identified them as having come from Mary's head."

"Was Mary a quiet girl?"

"Exceptionally quiet, and a very well behaved one."

"Did anyone pay, or attempt to pay, attention to her?"

"Not of my knowledge. No one did around the factory."

"How large was the spot of blood you found near the machine at which she worked?"

"About six inches in diameter. There several smaller spots."

"What floor?"

"Second."

"How near the elevator?"

"At the extreme end—200 or more feet, I would judge, from the lift."

Girls Afraid Of Frank.

"Did you ever know of familiarity which Frank tried with Mary?"

"No."

Declaring that, in his opinion, both of the notes found beside the dead girl's body were written by the same person, F. M. Berry, assistant cashier of the Fourth National bank, and a handwriting expert, said that the script in the mysterious missives resembled only slightly that of the writing of the suspected watchman.

He took the stand at 3:30 p. m.

"What experience have you in distinguishing handwriting?"

"Only the experience that could be gained by my twenty-three years of service with the bank."

The notes were shown him. He inspected them closely in the light of a window fronting Decatur street.

"Were they written by the same person?" he was asked.

"In my opinion, they were."

Was Factory Used For Assignment?

Berry, the factory mechanic, was recalled to the stand at 4:10 o'clock. Sensational evidence was gained from him relative to the usage of the factory building as an alleged place of assignation for men and women.

"Did anybody work in the plant during a Saturday?" was the first question.

"No one of my direct knowledge. I heard, however, of two young employees who were at work on the top floor."

"Do you know them?"

"Not their names."

"Could you point them out to the detectives?"

"I could."

"Then," from Coroner Donehoo, "I will send a man after them. You go with him."

"What is the usual pay hour of the factory?"

"At 12 noon on Saturdays."

"Have you ever heard of the building used for immoral purposes?"

"Yes. Frequently. A Mr. Asbury Calloway, connected with the Scaboard offices near the factory building, has told me that he has often seen men and women and girls going in and out of the building at night."

"Had you heard such rumors from the inside of the concern—by that is meant from attaches to the plant?"

"No."

"Don't you suspect that some of the girls of the factory have filled clandestine appointments in the building?"

"I don't think so. I believe every girl in the place is straight—absolutely."

Gantt Smiles During Quiz.

J. M. Gantt, the Marietta youth who is held as a suspect in the Phagan case, was put through a grueling examination. He never flinched through the ordeal, answered the questions promptly and concisely and smiled during the entire procedure.

He was put on the rack the moment his sweetheart, Pearl Robinson, had been excused. He remained under examination probably longer than any other witness except the negro, Newt Lee. The time was an hour.

"Did you know Mary Phagan?"

"I did. I had known her since she was a little tot."

"Were you ever employed with the pencil factory?"

"I was—up until three weeks ago."

"Why did you leave them?"

"I was discharged."

"Why were you discharged?"

Alleged Shortage the Trouble.

"Because of personal differences with Mr. Frank, the superintendent.

"What were the differences?"

"Two dollars short in the pay roll."

"Were you in charge of the pay roll?"

"I was paymaster."

"Did you ever see Frank with Mary Phagan?"

"No."

"You always paid off the employees, did you not?"

"I did."

"How were they paid?"

"With the envelope method."

"Did you ever pay Mary Phagan?"

"Yes."

"What did she make?"

"Presumably \$4.05 a week, judging by the wage scale of the plant."

"When did you see her last?"

"The day I quit the pencil company."

"Had you seen her since?"

"No."

"Where did you go on Saturday?"

Went to the Factory.

"I went to the pencil factory about 6:30 o'clock that afternoon."

"Did you see Mr. Frank there?"

"Yes."

"Did he appear excited, agitated?"

"Yes. He seemed nervous."

"Did you ever hear Mary Phagan say she couldn't trust Frank—that she feared him in any manner?"

"No."

"How long were you in the building Saturday afternoon?"

"No longer than ten minutes."

"What did you do?"

"I got a pair of shoes I had left in the place when I quit. Also, I telephoned my sister, Mrs. F. C. Terrell what time I intended coming home that night. I used the phone in Mr. Frank's office."

"Then what did you do?"

"Went to the poolroom, watched several games of pool and went home."

"What time did you arrive home?"

"10:30 p. m."

"Were you there when the police came?"

"No."

"Did your sister tell of their visit?"

"No."

Shank Takes Stand.

Other testimony relative to the rumored immoral reputation of the factory building was gained from V. F. Shank, of Shank Bros., whose establishment is on Forsyth street, near the pencil plant.

Shank was called immediately after Barrett had left the stand.

"Do you work at night?"

"I do."

"Have you ever seen couples going into the pencil factory?"

"I have seen no couples. I have witnessed girls and men going singly into the place after dark."

"How long has it been since you've seen this?"

"Last summer some time."

"Did you make a statement recently of having seen girls enter the building?"

"I said a crowd of such sights I had seen. We were discussing the question of whether or not frolics were secretly held in the place."

Thought Girl Was Mary.

E. S. Skipper, of 224 1-2 Peters street, testified that he saw a sextet of men and women reeling drunkenly up Trinity avenue from Whitehall street Saturday night shortly before 11 o'clock. One of the girls, he said, answered the description of Mary Phagan.

"What did you see at Trinity and Whitehall?"

"Three men, two women and a girl dressed like and resembling the dead girl whom I saw at Bloomfield's. The girl was weeping and trying to break away from the party. She was being led up the street."

"Did either man answer the description of Frank?"

"I haven't seen Frank."

At this juncture the examination was stopped. Frank was brought down from the detectives quarters and put face to face with the witness.

"That's not the man," Skipper said.

"When you saw these drunken men and women leading a reluctant girl, didn't you think it your duty to call the police?"

"I see scenes like that on the streets every Saturday night."

Step-Father Tells of Grief.

J. W. Coleman, step-father of the murdered girl, told graphically of the grief in the little home on Lindsay street over the death when he took the stand at dusk.

"How old was Mary Phagan?"

"She would have been 14 next June."

"When did you last see her alive?"

"Friday night. She was at home early and was helping her mother with the housework. I left for work too early to see her Saturday morning."

"When you got home Saturday afternoon, was Mary there?"

"No. My wife came and said 'Mary has not come home. What do you suppose is the trouble? I am scared to death.' I couldn't eat supper. Her absence affected me. Mary was never known to be away from home at night.

I came to town and visited all the picture shows staying until they all had closed. When I returned, my wife and I speculated on what could have become of the child. We never slept any that night. At daybreak Helen Ferguson, a girl chum of Mary's came over.

The moment she rang the door bell my wife jumped from her seat. 'Oh Lord, that's bad news from Mary,' she said. The Ferguson girl came in. 'Mary has been murdered,' she told us. My wife fainted and she has been almost unable to walk since."

The coroner then adjourned the inquest until 4:30 o' clock today.

Newt Lee Tells His Story During Morning Session

Atlanta Constitution

Thursday, May 1st, 1913



Was the man who first assaulted and then brutally killed Mary Phagan last Saturday night hiding in the basement of the National Pencil company when the watchman, Newt Lee, came down and discovered the girl's mutilated body early Sunday morning?

This is the question that rose to everyone's mind, following the testimony of the negro night watchman, at the coroner's inquest Wednesday. In direct contradiction to the evidence of every policeman who had been on the scene, the negro declared that he found the body, lying face up, with the head toward the wall. When the police arrived, the body was lying face down, with the head pointing toward the front of the building.

The most severe cross examination could not shake the negro. He stuck to

White and Denham, the mechanics who were working on the fourth floor

his story, never seeming to waver for an instant. So convincing was his air that it became the general idea that the murderer must have been in the cellar at the time, waiting to burn the body of his victim. Lee's coming down into the cellar may have frightened him away.

He declared that when he reported for work at 4 o'clock on the afternoon before the tragedy, his employer told him to go home until 6 o'clock. Frank looked nervous and excited at the time, he said. He also said that Frank had called him up later in the night, to find if everything was all right, something that he had never done before.

What was thought earlier in the day to be damaging to the negro—his declaration that he was positive that it was the body of a white girl as soon as he saw it—was brushed aside when he explained that he saw the difference because of the hair, which was straight and brown; totally unlike that of a negress.

The same jury that was used by Coroner Donehoo Monday morning was reimpaneled at 9 o'clock Wednesday morning, when the inquest reconvened.

Inquest at Police Headquarters.

Leo Frank: The Coroner's Inquest

The inquest was held at police headquarters. W. F. Anderson, a call officer on the police force, who took the negro's message, when he reported the finding of the body, was the first to testify.

He described the body as he found it after the negro had led him and other officers to it. He stated specifically that the head pointed toward the front of the building and that the body was lying face down.

Minutely, he gave all of the gruesome details of the dead girl's appearance. He told how evident it had been that she had been in a struggle to the death, how her stocking was torn, her shoe missing and her whole face discolored by bruises and grime. So shocking was her state, he declared, that he did not know at first whether she was white or colored.

He said that her neck was knotted around with twine and a piece of cloth, evidently torn from her underskirt.

He declared that the staple that had been used to hold the door from the basement closed had been drawn.

Physician Does Questioning.

Dr. J. W. Hurt took up the questioning at this point.

"Could the negro have seen a body lying 20 or 30 feet away from where he was standing, by the light of the lantern that he carried?" he asked.

"He could not," replied the policeman. "At the most he could have seen for 12 or 15 feet. His lantern was very old and dirty."

Sergeant R. J. Brown, who also went to the scene of the crime, was next called before the jury. He corroborated the other policeman's testimony, in regard to the impossibility for anyone to distinguish the race of the girl without the most minute examination. He also declared that the negro could have seen nothing, standing 25 feet away from the body. "It was very hard to see with our regular police flash lights," he said, "and the negro only had a very weak lamp. I am sure that he could not have seen anything at a distance of 25 feet."

"This is nothing but a child," he testified that he exclaimed when he first saw the body. He said that he could not tell her color until he rolled down one stocking and looked at the knee.

He went over the revolting details of the girl's condition. His testimony did not conflict with his brother officers' in any way, but he told of some matters which the other had failed to bring out.

He said that there was dirt in her mouth even. The negro nightwatchman had told him, he said, that he rarely came down in the cellar, but that he had a special reason for doing so on that night.

When he was questioned about the telephoning of the news to Superintendent Frank that the sergeant's information became most damaging.

"We called up at once almost," he testified, "but, although we told central that a girl had been murdered and that it was of the utmost importance that we get the number, we could not get in communication with Mr. Frank until much later in the day."

Blood-Stained Garments Shown.

It was then that the most dramatic occurrence of the whole day took place. A one-piece purple silk dress, dirty and torn and blood-stained, and a gunmetal slipper, worn by Mary Phagan on the night of the murder, were shown to the jury.

Ben Phagan, the dead girl's sailor brother, rose from his seat and looked down on the little heap of clothes with eyes that tragically stared. For a moment he stood so, and then walked out, his head bowed, his hands over his eyes.

Upon being recalled, Officer Anderson testified that the body of the girl had still been warm when he came there and that blood was flowing from some of the wounds.

Police Sergeant L. S. Dobbs, who was next called, identified the notes that had been found by the girl's body. He declared that, after a minute examination, he had been able to say with authority that the body was that of a white girl. External appearances, he said, tended to show that the body had been dragged and thrown into the corner.

He said that after examining the body he turned to the negro watchman and accused him of having either committed the crime or of knowing something of it. The negro, he said, denied all knowledge of the affair.

Read Note to Negro.

He said that he then read him the note in which the girl is purported to have written: "Tall, black, thin negro did this. He will try to lay it on night—" The negro then replied, he declared, "That means me—the night watchman."

Other evidence simply corroborated the testimony of his brother officers.

Newt Lee, the negro night watchman, was called on the stand at 11:45 o' clock. He testified that Frank had especially instructed him to come to work two hours earlier than usual that Saturday, because of its being a holiday.

"Go out and have some more fun," Frank told him when he came to work at 4 o'clock, he declared. He explained that he made a round of the building every half-hour, only going to the basement when he had an unusual amount of time on his hands.

He said that Frank was still in the building when Gantt, a former bookkeeper, came to the door and asked to be allowed in to get an old pair of shoes that he had left inside. The negro declared that he had told Gantt that it was against the rules, but that he would ask his employer.

Frank Looked Frightened.

Lee declared that Frank looked frightened when he told him that Gantt was downstairs. He thought that this might have been caused by Frank's fear that the other, whom he had recently quarreled with and discharged, might "do him dirt."

He said that Gantt got the shoes, wrapped them up and made an engagement with someone over the telephone for 9 o'clock that night. The negro was unable to say who Gantt had talked to, but he said that it was a lady.

"How did you know?" he was asked. "By the name," he replied. He could not remember the name when further questioned, however.

He said that he saw Gantt leave, passing on down the street. He said that he did not know when Frank left, however. He explained the superintendent might have come back at any time, anyway, as he had a key.

He said that he went down into the basement at about 7 o'clock, after making a round of the building. He declared that the gas jet, which he had left burning when he left before, that morning, was not burning as brightly as before.

Frank Calls Up.

He said that shortly after this Frank called up to find if everything was all right. "It is as far as I know," he declared he answered.

He said Frank called before at night

When he declared that he had found the body lying with the face up, the coroner directly asked him, "Why did you turn it over?"

"I didn't," stoutly averred the negro.

He declared that he had punched the time clock every half-hour; that he himself had put in a fresh slip with Frank.

He said that when he first saw the body in the basement it had looked very vague in its outline, and that he thought that boys had put it there to frighten him. It was only when he saw the bloody face and straight hair, he said, that he recognized it as the body of a white woman. He then became frightened and called up the police.

He said that he had been told by employers on Sunday following his arrest that he had punched the clock regularly Saturday night.

He emphatically declared that his lantern had been cleaned Friday and that it was in good condition. He said that a negro fireman (Knollys) probably had a key to the back door of the building, kept open during the day.

Thinks He Saw Girl.

J. G. Spier, of Cartersville, testified that Saturday afternoon at about 4 o'clock he passed the factory and saw in front of it a 17-year-old girl and a man about 25 years old, both very much excited. He said that he came back nearly an hour later and noticed the same couple standing at the same place.

He said that he visited the body at Bloomfield's undertaking establishment and was sure that the dead girl was the same one that he saw Saturday afternoon. He said that Frank had the same "outline" as the man he saw, but would not identify him positively. Mr. Spier's testimony brought the morning session to a close.

Friends of L. M. Frank, superintendent of the National Pencil company, gave out yesterday for the first time their theory of how Mary Phagan came to her tragic death. They visited the scene of the crime, and, claiming that Frank has been unjustly held and questioned by the police, they are pointing out how the girl could have been robbed, assaulted and murdered without anyone connected with the factory knowing anything about it.

They point to the foot of the stairway by which the girl would have left the factory and show how easily a man could have hidden behind the railing, which is closely boarded up.

"The foul criminal," they state, "knew it was pay-day, and as it was Memorial day, the place would close early in the afternoon. He could have hidden at the foot of the stairway and when the girl came down the steps with her money in her purse, seized her and thrown her into the hole which leads to the basement to the left of the elevator shaft. It could all have been done so swiftly by a strong-armed man that the girl would have had no time to make an outcry before she was insensible in the basement.

"Then the criminal could have quickly followed on the ladder that stood in the hole and led from the first floor to the basement. Down in the basement he had ample opportunity to carry out his hellish purposes. His exit was easy, as has been shown in the newspapers.

No one could have heard or seen the crime committed who was passing in the street or who was on the second or third floors.”

“We are not advancing theories in the defense of Mr. Frank,” states S. S. Selig, who was among those who made an inspection of the factory Wednesday, “for he needs no defense. But the theory we advance is so plausible and fits so well into the clues that have been found that it is remarkable the officers have not worked along that line. The girl’s parasol was found at the foot of the ladder, where it could have fallen when she was thrown into the hole. That the purse and money were missing shows that there was robbery as well as assault and murder.”

Pretty Young Sweetheart Comes To the Aid of Arthur Mullinax

Atlanta Constitution

Thursday, May 1st, 1913

Pearl Robison, the pretty 16-year-old sweetheart of Arthur Mullinax, came nobly to his defense with testimony that corroborated that suspect’s alibi. She was placed on the stand late in the afternoon.

“Do you know Arthur Mullinax?”

“I am well acquainted with him.”

“Do you go with him?”

“Yes!”

“Were you with him Saturday?”

“Yes! At supper and to the theater.”

“What time did you get home?”

“About 10:30 o’clock.”

“Was he with you at that time?”

“He was.”

“Did he go in when you returned home?”

"No. He left for his home."

"Did you know Mary Phagan?"

"I never saw her."

"Had you ever heard of her?"

"Yes. A lot."

"How?"

"She was a topic of neighborhood praise for her appearance in the Christmas performance in the Jefferson street church last year. She played the part of 'Sleeping Beauty.'"

FRANK AND LEE HELD IN TOWER; OTHERS RELEASED

Atlanta Constitution

Friday, May 2nd, 1913



Young women employees of the National Pencil Company arrive at the police station to testify at the inquest

Grand Jury May Take Up Phagan Investigation Following Conference Between Dorsey, Beavers and Lanford.

MULLINAX AND GANTT ARE GIVEN FREEDOM

Coroner's Jury Will Resume Hearing on Monday, Following the Subpoenaing of 200 Witnesses.

Thomas B. Felder, member of the firm of Felder, Anderson, Dillon & Whitman, has been engaged to assist the solicitor

general in the prosecution of the murderer of Mary Phagan. He was retained yesterday by a committee of citizens from the Bellwood community, in which the dead girl lived. The counsel fund has been subscribed by residents.

Mr. Felder said last night to a reporter for The Constitution that within a day or so he would be abundantly supplied with convincing evidence. He already has started private investigation, he said, but would not divulge its form. He would not discuss the rumor that the Burns detective agency had been employed.

A special session of the Fulton grand jury is expected to be called to take action in the Mary Phagan mystery.

Evidence of this probability was first noted yesterday afternoon, when Solicitor General Hugh M. Dorsey summoned Police Chief Beavers and Detective Chief Lanford to his office in the Thrower building.

Following a short conference, in which the solicitor informed both chiefs that he was willing and ready to co-operate with them, they returned to headquarters. They will consult with Mr. Dorsey again shortly. It will then be determined whether or not the grand jury will take a hand in the case.

The process of eliminating suspects is now being put into operation by the police. J. M. Gantt and Arthur Mullinax, who were arrested immediately after the negro watchman had been taken into custody, were released late Thursday afternoon.

Thirty minutes before they were given freedom, however, Coroner Donehoo issued warrants demanding to the Tower Leo Frank, the factory superintendent, and Newt Lee, the night watchman. They are held under suspicion, and will be detained until further investigation by the coroner's jury.

The inquest, which was postponed until 4:30 o'clock Thursday afternoon, was again adjourned. It will be resumed next Monday afternoon at 2 o'clock. It was at the request of Chief Beavers and Lanford that this action was taken.

More Than 200 Subpoenaed.

The largest number of witnesses ever summoned before an inquest in Georgian was subpoenaed by Coroner Donehoo Thursday morning, when he ordered every employee of the National Pencil factory to give testimony at the hearing. More than 200 men, women and girls came to police headquarters at 4 o'clock. They were [two words illegible] a body, after which all were excused until the Monday session.

Although it was thought at first that they had disclosed a clue which would give them a new lead upon which to turn their investigation, the detectives say they attach but little significance to a letter addressed to "Mary Phagan," which was brought to them yesterday morning by a street car conductor.

Leo Frank: The Coroner's Inquest

The letter was discovered a day or so ago on an English avenue trolley car, the one on which she rode to town shortly before noon of the day on which she disappeared. It was found under the seat on which she sat. The sleuths would not divulge its contents. It was from a friend, was all the information they would give.

Police headquarters was not surprised when the coroner ordered Frank and the negro to jail. A large crowd had thronged the place since dawn. It had grown to tremendous proportions when the detaining warrants were issued. They were typewritten in Chief Beavers' office, and are as follows, excepting the changes of name for each individual writ.

"To the Jailer of Fulton County.

Greeting;

"You are hereby required to take into custody the person of (L. M. Frank, Newt Lee), suspected of the murder of Mary Phagan, and to retain the said (L. M. Frank, Newt Lee), in your custody pending the further investigation of the death of the said Mary Phagan, to be held by the coroner of said county.

"Herein fail not.

"(Signed) PAUL DONEHOO.

"Coroner.

"Given under my hand and official signature, this the first day of May, 1913."

Dorsey Explains Action.

"My only reason for calling Chief Beavers and Chief of Detectives Lanford into conference this morning was to ascertain what progress they had made in the Phagan case, and to see if I could assist them in any way. The idea that I brought them to my office to reprimand them for the lack of progress in the matter is absurd. I have no authority to take such an action."

The foregoing statement was made by Solicitor General Hugh M. Dorsey, immediately after a conference held in his private office behind locked doors, between him and the authorities, yesterday.

Although Mr. Dorsey did not confirm a rumor to the effect that the conference will result in the state taking the case in its own hand, should not immediate and telling results be shown by the police department in the case, the report was given added credence because of the renewed activity that has been shown in the investigation.

Leo Frank: The Coroner's Inquest

A short while after the conference the sixth arrest in the case was made. James Connolly, a negro sweeper, employed at the factory, was taken into custody. His arrest came as the direct result of detectives learning that he had been washing clothes at the factory.

The sweeper's explanation of this was satisfactory; however, little importance is attached to the affair. He declared that he had been summoned to appear at the inquest, and that he had been obliged to wash the shirt, as it was soiled and he had no clean one to wear.

Officials Called To Conference.

Relative to the conference with Solicitor Dorsey, Chief Beavers would have nothing to say last night. It has been his inexorable attitude throughout the entire investigation to say nothing. He will give no information whatever, and it is impossible to ascertain through him what progress the police have made.

Chief Lanford, however, told a reporter for The Constitution that he and the police chief had been called to the solicitor general's office to give Dorsey their views of the situation so that he could gain an insight into the progress that had thus far been made.

"He also stated his opinion," the detective chief said, "that the newspapers were publishing too much of the sensational case, and that, by some means or other, they were daily gaining information that was injurious to the work of the investigation.

"He seemed pleased with our progress. He denied the circulated report that he had denounced our methods and was disappointed in the lack of evidence we had gathered. We were assured of the support and co-operation of his office and of the grand jury. A special session, he said, would be called if necessary."

The chief also told that he and Chief Beavers would soon hold another conference with the solicitor, and that it would then be determined whether or not the grand jury should take action in the investigation.

It requires [two words illegible] for the two prisoners to be transferred from police headquarters to the Tower.

Transferred in Anton.

There they were put in automobiles, Beavers in charge of one and Black and Rosser in charge of the other. The van was made to the Tower in less than thirty seconds.

Frank who was first to arrive, darted through the jail door. The negro walked across the sidewalk, stopping before the barred doorway and [one word illegible] for the newspaper camera [one word illegible].

Frank and the watchman signed [two words illegible] papers and were [two words illegible] the jail proper.

They had hardly been assigned to [one word illegible] new prison, when Gantt and Mullinax were released from headquarters. All day, the mother and sister of the latter haunted the station. There was a cry of joy when he emerged from his cell. The mother threw her arms about his neck and wept hysterically.

Both Gantt and Mullinax left immediately for uptown. They will [one word illegible] in their respective homes.

Coroner Donehoo said late in the afternoon that his plan for summoning the employees of the pencil factory was to obtain possible evidence having direct bearing on the murder. It was not to ascertain conditions in the factory, as was rumored, or to procure testimony of Frank's character. It was to learn something definite of Mary Phagan as a working girl at the plant where she had been employed for more than one year.

The concern was shut down at 3 o'clock. It will be closed again next Monday. In their finest frocks and hats, the girls of the plant came to headquarters. The immense crowd of employees flooded the building. There were not seats enough to provide for them in the court room, and they overflowed to the street. There, they mingled with the crowd of curious that had flocked to the scene.

Frank Given High Praise.

In regard to the arrest of Leo Frank in connection with the investigation of the Phagan murder, Milton Klein has furnished The Constitution with the following statement:

"Leo Frank, the superintendent and general manager of one of Atlanta's largest and most promising industries, spends two hours in his office on a holiday after generously relieving the watchman during these hours. His habits are regular and industrious, and his life, while in Atlanta, is perfectly blameless in every respect. The terrible crime committed in his plant calls forth the closest scrutiny of Mr. Frank's relations with his 200 workmen and women. Only the highest words of praise and confidence in his character are heard on all sides.

"I have worked with Mr. Frank for years in various charitable organizations and have ever found him the most polished of gentlemen, with the kindest of heart and the broadest of sympathy. To such an extent it is recognized among his fellow lodge men that we have honored him with the office of president, which is the highest rank in our organization. He is a liberal supporter of many worthy enterprises. But his greatest work has been among his own employees at his factory. The first to report in the morning and the last to leave at night, every day and holidays, he has labored to build up a factory that in spirit and efficiency is second to none south of the Mason and Dixon's line.

"After the magnificent work he has done in his adopted home, shall we, without consideration, emphasize every bit of gossip which unjustly and groundlessly connects him with this awful tragedy? No one seeks more fervently to discover the real perpetrator of this atrocious crime than Mr. Frank."

Deputy Asks for Calm.

Deputy Sheriff Plennie Miner makes the following plea for calm consideration of the Phagan case.

“While a crime of a most revolting nature has been committed in our midst, and our people are naturally excited and incensed over the deplorable affair, there are things that we need to consider coolly and carefully.

“Every possible effort is being put forth by the officers and the public generally to apprehend the guilty party or parties. Nothing is being left undone, no clue is being overlooked that would lead to a solution of the mysterious tragedy.

“But this is not a time for us to become too excited or too hasty in our efforts to ferret out the criminal. Above all things, and especially at this time it is absolutely necessary for us to keep perfectly cool, to work carefully and quietly, running down every possible clew with caution.

“I respectfully ask that the public be patient, refraining from criticism of the unceasing efforts on the part of the officers or private individuals who are working so generously and faithfully on the case. And I would as respectfully ask that the daily papers refrain from printing anything calculated to unduly inflame the public mind: and from using such headlines as are calculated to arouse undue indignation. And you may rest assured if faithful and persevering work counts for anything, justice will be done. I have known, during my several years of experience as an officer and in criminal cases, undue haste in matters of this kind, brought on by excitement and enthusiasm to produce a miscarriage of justice. But I have never known a cool and systematic investigation of a tragedy, backed up by an earnest public sentiment demanding the apprehension of the real perpetrator of a crime like this, to fall of attaining the desired end.”

**SLEUTHS BELIEVE THEY CAN CONVICT
PHAGAN MURDERER**

Atlanta Constitution

Monday, May 5th, 1913

Detectives Are of Opinion They Have in Their Possession All Evidence That Is Needed by the Jury.

INFORMATION SECURED FROM MYSTERIOUS GIRL

Coroner's Jury Will Resume Inquest at 2 O'Clock This Afternoon — Factory Girls Will Be Witnesses.

Detectives working on the case of Mary Phagan, the 14-year-old murdered girl whose body was found in the basement of the National Pencil company at daybreak Sunday morning a week ago, believe that today they have in their possession evidence which will lead to the conviction of the girl's murderer, according to the statement of Harry Scott the Pinkerton man on the case, Sunday afternoon.

So important in fact, do the detectives consider the new evidence declared Mr. Scott, that its nature will not be publicly disclosed even at the coroner's inquest which is resumed today.

No particulars would be given out except that the information came from a girl who has not heretofore figured even in speculation in the case.

Will Wait for Trial.

Mr. Scott went so far as to state that "the new card will not be played until the trial."

The reason given by the detectives for withholding whatever new evidence they may have from the hearing before the coroner on Monday is to prevent a repetition of 'planted evidence' or other ruses to break down its significance.

The detectives were busy running down clews all day Sunday, but stated that they found nothing of consequence except that of the mysterious evidence of the girl.

The coroner's jury will resume its investigations Monday afternoon at 2 o'clock at police barracks when some of the most important witnesses in the case will be placed upon the stand.

Newt Lee, the negro night watchman, will possibly be the first witness. He will once more be put through a grueling questioning with the hope that some light may be thrown upon the mystery.

Girls Will Testify.

Among other witnesses will be many of the girls and other employees at the pencil factory. About 200 employees have the subpoena as witnesses.

The new grand jury will be empanelled Monday and it is not improbable that the Phagan case will be placed in its hands on Tuesday.

Frank and Newt Lee were left practically alone in the Tower on Sunday, except for friends who called on Frank.

THIRD MAN BROUGHT INTO PHAGAN MYSTERY BY FRANK'S EVIDENCE

Atlanta Constitution

Tuesday, May 6th, 1913

Lemmie Quinn, Foreman of the Department in Which the Little Girl Worked, Was in His Office Just a Few Minutes After She Received Her Pay on the Day of the Murder, He Tells the Coroner's Jury at Inquest on Monday Afternoon.

LEO FRANK INNOCENT NEW WITNESS TELLS ATLANTA DETECTIVES

Quinn Declares That Officers Accused Him of Being Bribed to Come to the Aid of Superintendent — Frank Is on Stand for Four Hours Answering Coroner's Questions—Body of Mary Phagan Exhumed and Stomach Will Be Examined.

The Mary Phagan murder mystery assumed a new aspect yesterday afternoon, when Leo M. Frank, the suspected factory superintendent, introduced a third man in the baffling mystery, who the witness stated, called to see him after the girl had drawn her pay and departed.

Frank was testifying before the coroner's inquest when he startled his audience with the declaration that he was visited by Lemmie Quinn, a pencil plant foreman, less than 10 minutes after the girl of the tragedy had entered the building Saturday.

Quinn immediately was summoned before Chief Lanford and Harry Scott, of the Pinkertons. He corroborated Frank's story in detail. After being quizzed for an hour or more, he was permitted to return to his home at 31-B Pulliam street.

Foreman of Girls' Department.

Quinn was foreman of the department in which the victim worked. He had known her ever since she first was employed with the concern. A stormy scene is said to have ensued during the interrogation to which he was subjected at headquarters. To a reporter for The Constitution, he last night declared that Scott and Solicitor Dorsey charged him with having accepted a bribe from Frank's counsel for the story he was telling of the visit to the factory.

He says he retorted to the charge:

Leo Frank: The Coroner's Inquest

"Show me the man that says I took a bribe, and I'll whip him on the spot."

Quinn was seen last night by a reporter for The Constitution when he returned to his home from police headquarters. When asked if Frank's statement were true, he said:

"Yes. It's true. I left my house Saturday morning about 11:45 o'clock. On the way uptown, I stopped into Wolfsheimer's and bought an order of fancy groceries. I stopped at another place and bought a cigar.

"Then I went to the factory. I wanted to see Frank and tell him 'Howdy do.' I knew he would be in the place. He is always there on Saturdays. It was about 12:15 or 12:20 when I arrived at the building. I saw no one in front or as I went upstairs to the office.

"Frank was at his desk. He appeared very busy. I stepped in and said: 'Well, I see your work even on holidays. You can't keep me from coming around the building on Saturdays either. How do you feel?'

"He said he was feeling good. He didn't appear agitated or nervous. I didn't want to disturb him, so I left. I wasn't in the plant for more than 2 minutes. As I came downstairs on the way out, I saw someone in the rear of the first floor—a person whom I would have no grounds whatever to suspect."

Won't Tell Name Now.

"No! I won't divulge his name. I'll tell the detectives in time. I'm glad Frank told the coroner of my visit. It was I who refreshed his memory of the incident. He apparently had forgotten it. I have not been keeping it secret. I told the detective Saturday of the visit.

"I have known Mr. Frank for years, and I know he is not guilty."

Frank's story on the stand was to the effect that within ten minutes after Mary Phagan had departed with her pay envelope, Quinn, who is foreman of the tipping department, dropped into the superintendent's office to say "Howdy do."

"I had not thought of it until reminded of the incident," he told the jury. "My memory was refreshed. I recollected it clearly. This is the first time I have made it known."

The foreman, Frank stated, came into the building about 12:30 noon during Memorial day. "How do you do?" he is quoted with having said. "I see you work even on holidays. Well, you can't keep me away from the factory on off days either." He remained less than two minutes, according to Frank.

IN BUILDING ONLY 2 MINUTES

Quinn declared to The Constitution that he was in the building about two minutes. He said that he did not see Mary Phagan.

He is outraged at the treatment he alleges was accorded him by the detectives.

"They were insulting and seemed to doubt my statement," he said. "In an insinuating manner Chief Lanford plied the question: 'So you put yourself there about the time the Phagan girl left the factory, eh?'"

Quinn was an ardent admirer of the murdered child. He says she was one of his most industrious employees.

He is married and has one child. His connection with the National Pencil company dates back to several years. The reporter met him at his home just as he was returning from the visit to police headquarters. He was fatigued, and admitted that he was almost exhausted.

Called on Frank in Jail.

Declaring that he had made his visit to Frank on Memorial day known earlier than Monday, Quinn told the reporter that it was he who refreshed Frank's memory of his presence in the building shortly after noon of the day on which the girl is supposed to have been slain.

"I called upon Frank at the jail," he said. "The moment I reminded him of my visit, he recollected it. He apparently had forgotten it."

The foreman's wife expressed dislike for her husband to be connected in the mystery. She seemed to regret that Quinn's name had been mentioned at the inquest, merely because of the sensation it would incur.

"Now our name will be mixed in it, too," she lamented.

Mother Thanked Foreman.

A day or so after her daughter's tragic end, Mrs. J. W. Coleman called Quinn to her home on Lindsay street. She expressed the gratitude felt over the kindness and favors extended the dead girl by her foreman. Mary, she said, had often told her of how she liked Quinn, and of how pleasant it was to work under him.

When Quinn saw Mary's step-father and her mother, he told the reporter, he expressed his belief in the superintendent's innocence.

"I told them," he said, "that with all the sympathy I felt for Mary and her relatives, I could not believe Frank guilty. I have worked for nearly four years under him, and I do not believe he was trying to shift the burden of suspicion by dragging my name into the case."

Leo Frank: The Coroner's Inquest

"He has told the truth. It is impossible for him to go against facts. He is purely a victim of circumstantial evidence. Time will tell the story. They may do me an injustice by bringing me into the scandal, but I am doing it in the defense of a guiltless man.

I believe the detectives are bungling this case. Lanford told me Monday that, inasmuch as I had not talked before, he guessed he would have to hold me. I retorted that I would not be the only innocent man he would be holding in that event."

Body of Girl Is Exhumed.

Police headquarters and everyone concerned in the mystery were surprised Monday afternoon when it was learned that the body was exhumed in Marietta. The stomach has been placed in the charge of the state board of health and an analysis for traces of drug or "dope," which it is suspected to contain, will be made.

The reinterment was witnessed by only the coroner, Dr. John W. Hurt, country physician, and Dr. H. F. Harris, of the state board. Dr. Harris will perform the examination.

The inquest began fifty minutes later several days, it is stated. However, it is also said that Dr. Harris' report will be prepared in time to submit it before the Thursday afternoon session of the coroner's inquest.

The inquest began fifty minutes later than the time for which it was scheduled. This was due to Coroner Donehoo's lateness in returning from the grave at Marietta. Police headquarters was thronged with a crowd of merely curious men, women and boys. Extra squads of police were necessary to handle the immense crowd.

FRANK FIRST WITNESS

Frank was the first witness. He was followed by his father and mother-in-law, Mr. and Mrs. Emil Selig, with whom he lives at 68 East Georgia avenue.

Factory Employees Are Excused.

About midway of the inquest, Coroner Donehoo excused the pencil factory employees who were waiting to be examined. They were released, however, subject to summons, and will be called back next Thursday. More than 200 of these witnesses appeared at police headquarters. A large majority were women and girls.

Frank and the negro, Newt Lee, were brought together from the Tower in Chief Beavers' automobile. When they were ushered into the inquest room, the coroner ordered Lee returned to the Tower until he was called. Frank took the stand at 2:30. He was released at 6:15. No one but the coroner plied questions.

Leo Frank On Stand.

Leo Frank: The Coroner's Inquest

The first questions to Frank were the customary formal queries relating to his occupation, age and address.

His statement and the questions he answered are as follows:

“What is your connection with the pencil company?”

“General superintendent.”

“How long have you occupied that position?”

“Since 1908.”

“In what business were you prior to that time?”

“I was abroad, buying machinery for the National Pencil company.”

“Have you lived in Atlanta all your life?”

“No.”

“Where did you reside before moving here?”

“In Brooklyn, N. Y.”

“Were you ever married before?”

“No—only once.”

“What was your Brooklyn address?”

“152 Underhill avenue.”

His Work In Brooklyn

“What business were you in there?”

“I was with the National Meter company.”

“When did you leave Brooklyn?”

“In 1907.”

“What are your duties with the National Pencil company?”

Leo Frank: The Coroner's Inquest

"Look after the production and filling of orders and the purchase of machinery. In short, I have general supervision of the plant."

"What time of the morning did you get up on April 26?"

"About 7 o'clock."

"Was anyone with you beside your wife?"

"My mother and father-in-law."

"Have you any children?"

"No."

"Does anyone else live on the place at which you reside?"

"A negro washerwoman and servant."

"What time did you leave the house on the morning of April 26?"

"Eight o'clock."

"Who did you see?"

"Minola, the servant girl, and my wife."

"Did you see Mr. and Mrs. Selig, your parents-in-law?"

"I don't remember."

"How did you leave the house?"

"Caught a trolley car. Got to the factory about 8:20, I presume."

When He Reached Factory.

"Did you talk to anyone on the car?"

"I don't remember."

"Who was at the factory upon your arrival?"

"Hollway, the day watchman, and the office boy, Alonzo Mann."

"Was the door locked?"

"No."

"Who was in your office?"

"The office boy."

"Did you see anyone else?"

"No."

"How long was it before anyone came into your office?"

"About thirty minutes."

"Who was it?"

"Several men for their pay envelopes."

"Was Saturday, April 26, a whole or half holiday?"

"Whole holiday."

"Were there others calling for their pay envelopes?"

"Yes. A girl named Mattie Smith came in shortly afterward."

Frank Waited On Girl.

"Did you personally wait on them?"

"Yes."

"Was there anyone else in the office?"

"Not that I knew of."

"Who occupies the office with you?"

"The chief clerk, Herbert Schiff."

"Was Schiff in the office at the time you paid Mattie Smith and those who preceded her?"

"No."

"Who occupies the outer office adjoining yours?"

"The stenographer and office boy."

"Was anyone in this office at the time?"

"Not that I knew of."

"Who is your stenographer?"

"Miss Eubanks."

"How long was it before anyone else came in?"

"Anywhere from a half hour to forty minutes. M. B. Darley, Wade Campbell and a Mr. Fullerton. They arrived about 9 o'clock."

How Frank Spent Morning.

"Tell what you did during that part of the morning which followed 9 o'clock."

"I went over the mail, business papers and later to the offices of the manager, Mr. Selig."

"What time did you go there?"

"About 10 o'clock."

"Did anyone go with you?"

"No. I went alone."

"What did you do prior to 10 o'clock..

(This question was a repeater.)

"Various office duties, as I have already told."

"Did you talk to anyone?"

"Yes. To Mr. Darley and Mr. Campbell."

"Anyone else?"

"Not that I remember."

"Did you touch the financial sheet of your concern?"

"No."

"Can you recall anything else you did?"

"No."

"Where did you say you went at 10 o'clock?"

"To the office of Sig Montag, the manager, at 20 Nelson street."

"Do you remember the particular papers you handled?"

"Not exactly. A note, though, I recollect, was one 'Rush Panama assortment boxes.'"

"What do you usually do in the morning?"

"Get up various papers over the desk and straighten out the work of my stenographer."

"Did you speak to Hollway, the watchman?"

"Yes. But I only said 'Good morning.'"

"Do you wear the same clothes at the factory which you wear at home?"

"Yes."

"Did you remove your clothes when you reached the factory?"

"Only my coat. I exchanged it for one I wear at the office."

No Personal Mail.

"Did you have any personal mail?"

"No."

"Do you keep papers of value in the safe?"

"Yes."

"Where is the safe?"

"In the outer office—the one adjoining my private office."

"Can you recall the first paper you looked over?"

"No."

"Who is your shipping clerk?"

"A Mr. Irby."

"How long did you sit at your desk after your arrival in the morning?"

"I don't know."

"Did you intend going to the ball game?"

"Yes; until Saturday morning."

"Did you work on the house order book?"

"Yes, but not until I got back from the office of the manager—No, I forgot. I did not work on it at all. Montag's stenographer did it."

"Who was in the office when you left for Montag's?"

"Several persons—about six or eight in all."

"How long were you at Montag's?"

"Until 11 o'clock, I believe."

"Did you telephone Miss Hall, Montag's stenographer, that you wouldn't need her at the pencil factory, and that she needn't come?"

No, She Phoned Me.

"No. She telephoned me. I told her she need not come, as I did not need her."

"When you departed for Montag's, you're sure you went alone?"

"Positive."

"Didn't Mr. Darley walk to Cruickshank's at Alabama and Forsyth, to get a drink with you?"

"No. He did not."

"Who was at the office when you returned?"

"Miss Hall, Montag's stenographer, and the office boy."

"How old is the office boy?"

"About 15 years, I presume."

"Does he wear long or short trousers?"

"Short trousers."

"What did you do upon returning?"

"Assorted papers and letters for about ten minutes."

"What did you do while Miss Hall entered the orders you had given her, as you say?"

"I don't remember, except that I was working at my desk."

"Is your office work systematized?"

"Yes, excepting on times during which I have no special plans. Then, I take up the most important and pressing business."

"What else did you do?"

"I don't remember precisely. I was at work all morning and afternoon."

"Were you out of the office at all while Miss Hall was in the building?"

"No."

"How long was she occupied with the orders?"

"About thirty minutes."

"When she finished the orders, what did you do with them?"

"I put them on my desk."

"What time did she finish and leave?"

Miss Hall Leaves Factory.

"About 12 o'clock. I recollect the time, because I heard the noon whistle blowing. She and the office boy left together."

"Did you see any outsider in the building when you got back from Montag's?"

"No, I think not."

"What did you do when the stenographer and office boy left?"

"Started to work on the orders."

"Were you entirely alone?"

"So far as I knew."

"Do you know of anyone else who came in?"

"Yes. A little after 12 o'clock the little girl that was killed came into my office."

"Where were you?"

"At my desk in the inner office."

"How did she announce herself?"

"I looked up when I heard her footsteps. I think she said she wanted her pay envelope. I asked her number, and she gave it to me. I gave her the envelope with her number stamped on it."

"What was her number?"

"I don't remember."

"Have you ever looked up that number?"

"Yes, but I don't recollect it."

"When you gave her the pay envelope what did she do?"

Has the Metal Come Yet?

"Walked out into the outer office, stopped and called back: 'Mr. Frank, has the metal come yet?'"

"Did you make entry of her payment?"

"No."

"Did she call back about the metal as though in after thought?"

"Yes. It was natural. She hadn't worked since Monday because of the lack of metal."

"What was the amount in her envelope?"

"One dollar and twenty cents."

"Do you remember in what denomination it was given her?"

"No. I don't."

"She disturbed you in your work, did she not?"

"Yes."

"How did you know she was gone?"

"As she went down stairs I heard her footfalls dying away. I also heard another voice. It was vague, but like a girl's or woman's. It seemed as though it came from the Forsyth street entrance."

"Did you know her name?"

"No."

"Do you remember how she was dressed?"

"No. I only looked at her from over the side of my desk."

"Was her dress dark or light?"

"What little I saw appeared light."

"How was her hair arranged?"

"I don't remember."

Did Not See Them.

"How about the color of her shoes and stockings?"

"I didn't see them."

"Did you see a parasol, purse or handkerchief?"

"No. I didn't notice."

"How long did it take for you to give her the envelope?"

"About two minutes. Not longer."

"How did you identify the number on her envelope?"

"She called it out."

"Is that the only means of identification you employ?"

"Yes, except the name is written on the envelope, I think, I'm not sure."

"Did you hear anyone else in the building at the time Mary Phagan was present?"

"Nothing but the voice downstairs as she went down the steps."

"How long were you at the office after she had departed?"

"I stayed there."

"Did anything else happen?"

"Yes; within five to ten minutes after the Phagan girl had left an employee named Lemmie Quinn, foreman of the tipping department, came into my office. He said: 'I see you're busy, but you can't keep me away even on holidays.' He stayed only a short time. This is the first time I recollected the incident."

"What were you doing then?"

Where Did Quinn Go?

"Copying orders. It was about 12:35 o'clock, ten minutes after Mary Phagan had left."

"Where did Quinn go?"

"I don't know."

"Had the metal come when Mary Phagan was in your office?"

"No. I don't think it has come even yet."

"How does it come to the plant?"

"By drayman."

"Would you know if it had arrived?"

"Yes; I certainly would."

"Where is it put—in what part of the building?"

"In the rear of the office floor."

"Did you send Mary Phagan back to see if the metal had come?"

"No, I did not."

"Now, tell the jury once more of Mary Phagan's visit."

(The witness was required to repeat the story of the girl's appearance in his office at 12 o'clock to procure her pay envelope. The recital was without variance from the original statement.)

"How did you fix the time? You say it was about 5 minutes after 12?"

"It seemed that late."

"Were you out of the office from the time the noon whistles blew until Quinn came in?"

"No."

"How long had Mary Phagan worked at the pencil factory?"

"I don't know; I really don't."

"Was she in Quinn's department?"

"Yes."

"Was she under him—was he her boss?"

"Yes."

Was Not in Overalls.

"How was Quinn dressed?"

"I think he wore a straw hat?"

"Does he wear different clothes in the factory to what he wears at home and on the street?"

"I presume so. He was not in his overalls Saturday."

"Has he access to the entire factory building?"

"Yes."

"How old is he?"

"About twenty-five years, I would judge."

"Is he married?"

"Yes."

"How long has he been with the pencil company?"

"About four years, I understand."

"What time did you finish work Saturday afternoon?"

"About 1 o'clock."

"You are sure, now that you had not left the office from the time Miss Hall, the stenographer, had departed until you started away for lunch?"

Only Time I Left.

"I am positive. The only time I left was when I went upstairs to tell the two mechanics and the wife of one who were on the top floor, that I was ready to go and would have to lock up the building. I came back downstairs and picked up my coat."

"How did you know they were upstairs?"

"The day watchman had told me."

"How long did you stay there?"

"No longer than two minutes."

"What time did you leave the place?"

"A trifle after 1 o'clock."

"Doesn't the day watchman usually stay at the plant until the arrival of the night watchman?"

"Yes, except on Saturday afternoons, when we close down for half holiday."

"Do you know Walter Fry?"

"Yes. He's a negro, the oldest employee in the factory."

"Who pays him off?"

"The chief clerk, Mr. Schiff."

"What did he do there Saturday?"

"I didn't see him."

Duties of Fry.

"Was Fry away from work upon your authority?"

"No."

"What are his duties?"

"He sweeps and cleans glue from the floors on the glue room."

"What time is he supposed to do this?"

"In the afternoons."

"When you left the building, where did you go?"

"I went up Forsyth street to Alabama, up Alabama to Broad, where I caught a street car home."

"Where did you get off?"

"At Georgia avenue on Washington street. I went directly home, arriving there about 1:20 o'clock."

"How long were you at home?"

"Well, I ate dinner in about twenty minutes."

"Was there any interruption to the meal?"

"No."

"What did you do upon finishing?"

"I think I smoked a cigarette and lay down for a short nap."

"What time did you wake?"

"I didn't go good to sleep."

"Have you been working strenuously?"

"I had been concentrating my mind on the work at the office. It was rather fatiguing, I'll admit."

"What time did you leave your home?"

"About 1:50 o'clock."

"Where did you go?"

"To Washington street and Georgia avenue. I met a cousin, Jerome Michael, and talked with him until the 2 o'clock hour came."

"Did you meet anyone whom you knew on the car?"

"Yes, another cousin, Cohen Loeb."

"Where did you get off?"

"At the corner of Washington and Hunter street. The cars were blocked by the memorial parade."

"Did you see anyone you knew?"

Watched Part of Parade.

"No. I walked to Hunter and Whitehall streets and watched part of the parade. Then, I walked to Rich's store where I passed Miss Rebecca Carson, one of our foreladies. Then, I went to Brown and Allen's, at the corner of Whitehall and Alabama streets and across to Jacob's, where I bought four cigars and a pack of cigarettes."

"Do you customarily smoke cigars or cigarettes?"

"Cigars, usually."

"What did you do upon leaving Jacob's?"

"Went straight to the pencil factory."

"What time was it that you arrived there?"

"About 2:50 o'clock."

"Did you unlock the door?"

"Yes. I unlocked the outer and inner doors, relocked the outer door and left the inner door open."

"When you passed the clock in front of your office, what time was it?"

"I didn't notice. It must have been about 3 o'clock. I pulled off my coat and went upstairs to tell the mechanics that I had returned. They already were preparing to leave."

Then Mechanics Leave.

"How long was it before they came downstairs?"

"Only a few minutes. They entered my office about five minutes after 3 o'clock."

"How long before you went downstairs?"

"Three minutes, or four—maybe five. I went down to lock the door."

"You were left alone in the building?"

"So far as I knew."

"What did you do?"

"Worked on the books."

"When you went to lock the door, did you see the girl?"

"No."

"How long did you work on the books?"

"Until about 4 o'clock, or 4:15. I had gone to wash my hands when the night watchman came."

"Why were you washing your hands?"

"It's awfully dirty in the building."

"You went out and washed your hands upon beginning work, too, didn't you?"

"Yes."

Negro Has a Pass Key.

"How did the negro watchman get in?"

"He has a pass key."

"How frequently do you wash your hands?"

"Whenever they get dirty."

"What did you say to the watchman?"

"I said: 'Howdy, Lee. I didn't go to the baseball game. I'm sorry I put you to this trouble. You may go out on the street and enjoy yourself for an hour and a half. Be sure and be back within that time, though.'"

"Had you told him to come at 4 o'clock?"

"Yes. Friday I told him I wanted to go to the ball game."

"When did you actually finish working on your books?"

"About 5:30 o'clock."

"Your work occupied your whole time."

"It did."

"You saw no one but Lee?"

"No one else."

"Heard no noises in the building?"

"None."

Couldn't Go to Game.

"Who were you intending going to the ball game with?"

"My brother-in-law, Mr. Hirzenbach."

"When did you tell him you could not go?"

"I tried to get him at noon Saturday, but failed."

"Did you notify him at all?"

"No."

"Did you go downstairs after 4 o'clock?"

"No."

"What were you doing when Lee came in?"

"Fixing the time-clock slips."

"Were you at the factory Monday?"

"No."

"When Lee came in, was it light or dark?"

"It wasn't light. Two lights were burning near the time clock."

"Did you wash your hands then?"

"I think so."

"Did you and Lee go out together?"

"No. He went first."

Factory Employees Excused.

At this juncture of the examination the 200 or more factory employees who were summoned to the inquest by Coroner Donehoo were notified that they were excused for the day, but were subject to further summons. They had been sitting in the assembly hall. It was later than 4 o'clock when they left police headquarters.

"What time did he get downstairs?"

"Shortly after 6 o'clock."

"Did you follow him?"

"Yes; I went downstairs to lock the door."

"What did you see, if anything?"

"I saw Newt Lee talking to J. M. Gantt, a former employee of the pencil factory. Lee said: 'Mr. Gantt wants to get his shoes.' I asked him what shoes. Gantt said either black or tan, I forget which color. He saw that I didn't like the idea of letting him in the building. He

said, 'You can go with me, or let the watchman go.' 'Lee can go,' I told him. They went in together, Lee locking the door behind him."

"What did you then do?"

"I went down Alabama street to Whitehall to Jacobs' where I bought a drink and box of candy."

"Did you talk with anyone there?"

"Yes. I held a short conversation with the young lady at the candy counter. Following that, I went directly home, arriving there about 6:35 o'clock."

Went to His Home.

"Who was at home?"

"My father-in-law and Minola, the negro servant."

"How long before your wife arrived?"

"She came about 6:30 o'clock."

"Were you inside your home at the time she returned?"

"Yes."

"What were you doing?"

"Telephoning."

"Telephoning who?"

"The night watchman at the factory."

"What time was that?"

"Six-thirty o'clock."

"What was your conversation with the watchman?"

"I couldn't get him."

"Why did you call?"

"To see if Mr. Gantt had left the plant."

"Have you and Mr. Gantt ever suffered personal differences?"

"No. I discharged him for gross carelessness. I had heard that he said I had not treated him right."

"How long before you called again?"

"Seven-thirty o'clock—I mean 7."

"What did you do in the meantime?"

"Ate supper."

"What did you say over the phone to Lee?"

"I asked if Gantt had gone and if everything was all right at the factory. He said, 'yes.'"

"Did you fear physical violence from Gantt?"

Looked Big and Dangerous.

"I can't say, exactly. He looked mighty big and dangerous when I saw him. He impresses me as a kind I'd like to have somebody with whenever I run up against him."

"What did you do after supper?"

"We discussed the opera which my wife had attended Saturday afternoon, and I smoked and read until 9:30 o'clock. Later, about 10:30 to be explicit, I went up and took a bath."

"Did you leave the house?"

"No."

"How long were you in the bath?"

"Until 11:30 o'clock."

"When did you go to bed?"

"Immediately after taking the bath."

"When did you wake the next morning?"

"About 7:30 o'clock."

"What did you do?"

"Answered the telephone. It wakened me."

"How were you dressed?"

"In my nightgown and bathrobe."

"Was anyone else up at that time?"

"No."

"What was the message you received over the telephone?"

"It was from Detective Starnes. He said he wanted me to identify someone at the pencil factory—that there had been a tragedy. I started to dress."

"How long did it take you to dress?"

Then Detectives Come.

"I don't know. I went at it hurriedly, though. I told my wife to meet Starnes at the door when he arrived—No! I went down myself. He came in an automobile with Detective Black and a man named Rogers—Boots Rogers. I had no more than got into my top shirt and sox when they arrived."

"Who spoke first—you or they?"

"I don't remember. I dressed and jumped into the machine. We went to Bloomfield's, the undertaker, and I went in and saw the 'poor little thing.' I said: 'That is the girl I paid off yesterday afternoon.'"

"Describe her, will you?"

"She was bruised and cut about the face—a horrible sight. I saw a piece of wrapping cord around her throat and a strip of cloth."

"In what department in the pencil factory is used the cord that was around her throat?"

"On the second floor for bundling pencils."

"Is any used on the office floor?"

"Yes. Some."

"How long were you at the undertakers?"

"Only a few minutes."

"What did you do upon leaving?"

"Went immediately to the factory building."

Went to the Basement.

"To which part of the building did you first go?"

"The basement with Mr. Darley, who arrived at the same time I did, and the detectives."

"What time did you remove the tape from the watchman's clock?"

"I don't remember."

"Did you examine the back door?"

"Yes, upon being told that it had been open."

"Was it a part of the night watchman's duty to go into the basement?"

"Yes."

"How far was he supposed to go?"

"To the dust pan, which is situated only a few feet from the back door."

"Were you aware that the building—or some parts of it—had been used for assignation?"

"No."

"How often have you been in the basement since your connection with the plant?"

"Not more than a dozen times."

"How was the clock tape when you removed it?"

Clock Was in Error.

"I thought at the time that it was correct but, upon further thought, I have concluded that it was punched inaccurately during Saturday night and Sunday morning."

"How many misses did it contain?"

"Three, I think."

"Why was one tape stamped and the other penciled?"

"It was a mere coincidence, I penciled one because it would have been impossible to apply the stamp."

"Did you go over the factory premises on an inspection tour with the detectives?"

"Yes."

"Did you go to the dressing room used by Mary Phagan?"

"Yes."

"Did you see anything unusual in it?"

"No, not that I noticed."

"How long were you in the building at that time?"

"I don't remember."

"Where did you go upon leaving?"

Went to Police Station.

"I went with the detectives in the automobile that carried the watchman to police headquarters. I talked with Chief Lanford and offered him all the assistance I could possibly give in running down the murderer. I told him I was naturally interested in the case, and that I would give most anything to find the girl's slayer. Then, I walked uptown with Mr. Darley."

"What suit did you wear Sunday?"

"A blue one."

"What kind of suit on Saturday?"

"A brown one—the one I am wearing at present."

"Can you run the elevator in the plant?"

"Yes, but I don't make a practice of operating it."

"Have you ever called up the office at night before you telephoned last Saturday night?"

"Yes, several times."

"Had you ever let Lee go away before as you let him go last Saturday?"

"No. That happened to be the first whole holiday during the time he has been at work."

"Were you nervous and agitated when you saw Gantt Saturday afternoon?"

"No."

"When did you first see the notes found beside the dead girl's body?"

About the Two Letters.

"In Chief Lanford's office Tuesday, when Detective Starnes dictated them for me to copy."

"When you began them, was the first letter a capital or small letter?"

"I don't recollect."

"Did you recognize the handwriting on the notes?"

"No."

"Could you make out their composition?"

"No. Both were incoherent and illegible."

"What was it in the dead girl's appearance which caused you to recognize her body?"

"Her face."

"How did you identify her as the girl to whom you gave the pay envelope last Saturday week?"

"I saw her plainly that day."

"Wasn't she badly bruised and cut about the face?"

"She was, badly."

"How long have you had this blue suit which you wore Sunday?"

"Three or four months."

"Did you ever wear it at the factory?"

"No."

"Didn't you tell Mr. Darley Sunday that you had on a new suit?"

"No. I merely remarked of the freshness of the suit I wore."

"Did you change clothes Sunday morning?"

"Yes. I always change on Sundays."

Conversation With Lee.

"How about the private conversation you had with Lee in the cell at police headquarters?"

"It was this way: The detectives asked me to talk to Lee. They said they wanted to find if he had ever let couples go in the factory building at night. Detective Black asked me to get all I could out of him. 'Get all you can,' he told me, 'for we think he knows more than he's told us or will tell. Tell him that the police have got you both and that you'll go to hell if he doesn't talk.' I didn't use those exact words, although I did say something similar. Lee said to me: 'Fore God, Mr. Frank, I'm telling the truth.' I told him, 'Lee, they've got us both, and we'll swing if you don't tell the straight of it.' I did not say anything about going to hell—I positively did not."

"Are you accustomed to going to ball games?"

"No."

"What did you do with the underclothes you took off Saturday?"

"I threw them into the washbag. Detective Black saw them."

"Who notified the employees that Friday would be pay day?"

"It was posted in the plant."

"Did Newt Lee accuse you of murdering Mary Phagan?"

"No."

"When you and Lee were talking in the cell at police station, didn't he describe the body and didn't you ask him not to talk about it?"

"No."

Nobody Notified Her.

"Who notified Mary Phagan to come and draw her pay envelope Saturday at noon?"

"No one of whom I know."

"Do you ever tie bundles with the kind of cord with which she was strangled?"

"No."

"Do you ever use that kind of twine?"

"Yes, occasionally."

"Are you right or left-handed?"

"Right-handed."

"Were you the first to hear the telephone ring when Detective Starnes called you early Sunday morning?"

"Yes. I thought at first that I was dreaming."

"When was the first time that you were told the dead girl's name was Mary Phagan?"

"When Mr. Starnes called me and asked me if I had paid Mary Phagan, a girl who worked in the tip plant."

Following this question Frank was excused. He probably will be put on the stand again before the inquest ends. He did not appear fatigued or agitated when the ordeal was finished. He was carried to the Tower in custody of Deputy Sheriff Plennie Minerquest in the neighborhood of \$100.-

Father-in-Law Goes on Stand.

Emil Selig, of 68 East Georgia avenue, father-in-law of the suspected superintendent, took the stand when it was deserted by Frank.

"How long has Leo Frank, your son-in-law, been married?"

"Three years."

"Do you live with him?"

"No; he lives with me."

"When did you first see him Saturday?"

"At dinner."

"How long did he stay at dinner?"

"Quite a while."

"When did you next see him?"

"At supper."

"What did he first do upon arriving for supper?"

"Sat down at the table."

"What did he do afterward?"

"Read in the hallway."

"How long did you see him?"

"Until about 10 o'clock. Mr. and Mrs. Maurice Goldstein, my wife, Mrs. Ike Strauss, Mrs. Wolfsheimer and my daughter, Mrs. A. Marcus, were playing cards until 11 o'clock. Leo returned about 10 o'clock, I think."

"Did Frank see these people?"

"I suppose he did."

"How was he dressed?"

"In a brownish suit."

"What time did you wake Sunday morning?"

"At 8 o'clock."

Frank Called Up Factory.

"Did he often call up the factory upon coming home at night?"

"Yes."

"Did Mrs. Frank tell you anything Sunday morning?"

"Yes. She said something terrible had happened."

"Didn't she say that a girl who worked at the factory named Mary Phagan had been murdered?"

"No, sir."

"Did you talk to Frank that day?"

"Yes."

"Did you find out anything about the murder?"

"No."

"Didn't you get any information from him about it?"

"No."

"Did Mr. Frank say anything about it when he came back from the factory?"

"No; not that I recollect."

"All you knew was what your daughter had told you?"

"Yes. She said, 'Papa, something terrible has happened at the pencil factory.'"

Mrs. Selig On Stand.

Mrs. Josephine Selig, wife of Emil Selig, and mother-in-law of Frank, was next called for examination.

"Did you see Frank on Memorial day—at supper?"

"Yes. He was in the hall, reading a paper."

"Did Frank know you were in the house when he went to bed Saturday night?"

"Yes—he must have."

"Did he talk to the guests in your home?"

"Yes."

"Do you remember any of the conversation?"

"No."

"How long did he talk with any of them?"

"About twenty minutes, I suppose."

"When did you go in to see Mrs. Frank Sunday morning?"

"About 9 o'clock."

"Did she tell you anything about Mr. Frank?"

"No."

"Did you ask her about him?"

"Yes. She said he had gone to town."

"When did she speak about the murder?"

"When Mr. Frank came home that afternoon."

"Did he speak of it?"

"Yes. He said a little girl had been murdered at the plant."

"Did you ask him anything about it?"

"No. I didn't think it had any bearing on us."

"How did he seem to take it?"

"He seemed unconcerned."

"He didn't express any anxiety or curiosity about it?"

"No."

"Did he read the paper that afternoon?"

"Yes."

"Did he read it just as studiously as he read it the preceding night?"

"Apparently so."

"Did he seem to feel apprehensive?"

"No."

"When did Frank first mention the name of the slain girl?"

"I don't think I remember."

The inquest was adjourned at 7:18 o'clock. It will be resumed at 9:30 Thursday morning. The two-days' postponement is to permit detectives to garner evidence they announce available.

Following up a new theory advanced last night, detectives are said to have searched the roof of the National Pencil factory building in search of the victim's missing pocketbook and pay-envelope, neither of which have ever been found.

Police headquarters could not verify the report at midnight. Two men with lanterns, however, were seen walking over the roof about 10 o'clock. They were noticed from The Constitution reportorial rooms. After remaining on the building for thirty minutes or longer, they disappeared through a scuttle hole.

OFFICIALS PLAN TO EXHUME BODY OF VICTIM TODAY

Atlanta Constitution

Wednesday, May 7th, 1913

For Second Time in Less Than Week Physicians to Make Examination at the Graveside of Mary Phagan.

REFUSE TO TELL WHY ACTION WILL BE TAKEN

Search for Finger Prints and New Wounds Is Reported Reason—Inquest Resumed Thursday—Strange Man Sought.

Mary Phagan's body will be exhumed today for the second time. Bertillion and medical experts will make examinations for finger prints and wounds which may have been overlooked before. Coroner Donehoo and Dr. H. F. Harris, of the state board of health, will be in charge.

Between 9 and 10 o'clock is the scheduled time. The coroner and Dr. Harris and others of their staffs will leave at daybreak this morning in automobiles. They are expected to return about noon. The examination will be at the grave side.

This action is taken at the request of Solicitor General Hugh M. Dorsey. Neither he nor Dr. Harris would talk when questioned by a Constitution reporter last night. Although

they admitted that a second exhumation was in view, they would not divulge their reason.

Dr. Harris is Non-Committal.

"I am not in a position to talk," said Dr. Harris. "Under other circumstances, I would be glad to give any information at my command. In this case, though, I have been urged to secrecy, and cannot violate my trust."

The solicitor said:

"I cannot talk. The body will be exhumed, it is true, at my request. To reveal further plans would be ruinous."

It was learned by The Constitution, however, that the body was to be exhumed for an examination for possible finger prints and wounds. The information came from responsible source.

It also is rumored that a Bertillion expert, summoned by authorities, arrived in Atlanta last night, and will inspect the body for finger prints. In case such evidence is revealed, photographs will be made and placed in hands of the solicitor general.

The examination for wounds will be made by Dr. Harris. When he was asked if his analysis of the dead girl's stomach had been finished, he said:

Examination Not Complete.

"The examination has not been completed. It is well under way, however, and within a few days, I will be prepared to submit the result before the coroner's jury."

He was asked if he could determine at this stage of the examination whether or not there were traces of drugs or dope.

He answered: "I am not prepared to talk on that subject. I will be unable to make a statement until I am called before the coroner's inquest."

The body was first exhumed last Sunday night under supervision of Dr. Harris, Coroner Donehoo and County Physician John W. Hurt. The stomach was removed and placed in the laboratory of Dr. Harris, who is analyzing it for traces of drugs or poison.

It came as a surprise. It was not made known until 2:50 o'clock Monday afternoon when the coroner and Dr. Hurt appeared at the inquest held at police headquarters. It was intended to keep the second exhumation a secret, in accordance with plans of the solicitor.

Seek Strange Man.

Solicitor General Hugh M. Dorsey is striving to learn the identity of the strange man who participated in a sensational scene at the Terminal station last Saturday week with a girl believed to have been Mary Phagan.

It was learned Tuesday that this man's suit case, which was checked overnight in the parcel check room, was tagged with a label bearing the lettering:

"National Pencil Company; Atlanta."

Also, it was disclosed that, following the scene created by him and the girl, he cancelled his Pullman ticket for Saturday night, returning Sunday afternoon to engage a berth for that night. He left the station Saturday in company with the girl.

Girl Makes Scene.

As he has already been revealed, a youthful, well-dressed man, wearing a straw hat and carrying a suit case, walked hurriedly from the waiting room of the Terminal Saturday afternoon of the 26th, and made his way along the runway leading to the track stairways.

As he reached the gateway of tracks No. 5 and 6, a pretty girl, about 14 years old, clad in summer frock and wearing a dark blue straw hat, rushed from the waiting room and accosted him. She seemed angry. He dropped his case and led her away from the crowd, apparently to have a talk with her.

The attention of a gateman, who had noticed the arrival of both the man and girl, was again attracted to them by loud exclamations from the girl. She was furious and tearful, while he was obviously trying to explain something.

"You want to leave me; you want to leave," she was heard to wail. "I won't

[This article is continued on page two of the newspaper which is not available – Ed.]

FRANK WILL TAKE STAND AT INQUEST

Atlanta Constitution

Thursday, May 8th, 1913

Mrs. Mattie White Tells Detectives That on Afternoon of Killing She Saw Negro in Factory.

Leo Frank: The Coroner's Inquest

Leo M. Frank will probably be the first witness to take the stand in the Mary Phagan murder inquest to be resumed this morning at 9:30 o'clock in police headquarters. He will be examined thoroughly along lines which neither the chief of detectives, coroner nor solicitor general will disclose.

He was resting comfortably at midnight, and, according to reports from the Tower in which he is imprisoned, he is in fit condition to undergo the ordeal. In the first interrogation to which he was subjected, he was on the stand for a trifle more than six hours. It is not thought that the examination today will last that long.

Headquarters was given a surprise yesterday afternoon with the report brought back by Detectives Rosser and Haslett, who were sent early in the afternoon to interview Mrs. Mattie White, wife of Arthur White, the mechanic who was in the pencil factory during the time Mary Phagan entered the building to draw her pay envelope.

Saw Negro in Factory.

Mrs. White stated that she went to the plant to see her husband shortly before 1 o'clock, and that as she came downstairs a few minutes later, she noticed a stalwart, black negro, sitting on a box on the first floor only a few feet from the elevator. He was seated in the shadow of the staircase, and was almost out of view.

This is the first time she has told of seeing the negro. It also is the first time it has been revealed that a negro was in the building between the hours of 12 noon and 4 o'clock, the fatal afternoon. Mrs. White told the sleuths that she did not recollect the incident at first.

Her statement was written and placed on record at headquarters. She will be summoned to the inquest. Her residence is at 58 Bonnie Brae avenue, where she has resided several years.

"The negro was a big man," she said to Haslett and Rosser, "and was apparently too well-dressed to be a workman. He was sitting on a box in the shadows of the stairway, and gazing intently at the elevator shafts. I thought nothing of his presence, and hurried on out of the building. I don't know whether or not I will be able to identify him. I possibly could, though."

Searching for Greek.

Detectives are searching for a young Greek, who is supposed to have disappeared the day the body was discovered. He was an attaché of the café adjoining the pencil factory, a popular establishment with girl employees of the plant, at which many of whom ate their lunches.

Chief Lanford stated that when city detectives, following clues they had obtained from girls of the factory, sought to interview him, they found him missing. Later, it was reported that he was in Anniston, Ala., in which city Pinkerton men are making a search.

Leo Frank: The Coroner's Inquest

He was employed as a waiter at the café, and had been in America for a good many years. The officers will not give his name.

The theory, on which suspicion is directed toward the Greek, is that the girl was murdered on the outside of the factory building, probably in the alley way facing Madison avenue, and that her body was carried into the basement through the rear door which was broken open.

The bursting of the door would have been an easy matter, as the staple could have been taken out, the detectives say, with the fingers.

It is advanced, too, that the slayer was in love with his victim, and that the deed was inspired by insane jealousy.

Added energy was injected into the search for the missing Greek at dusk Wednesday, when W. T. Hunter, a youth living at 250 Grant street, came to police headquarters and told Chief Lanford a story of a scene he had witnessed at 3:30 o'clock on the Sunday morning the body was found.

Hunter told of the appearance of three Greeks in a club at Broad and Hunter streets at 8:30 o'clock the Sunday morning of the discovery. One of the trio, he said, carried a mysterious package under his arm, obviously containing clothing. All three, upon entering the club, went into the washroom, where they cleaned their faces and hands. Detectives have been detailed to look for the three Greeks answering Hunter's descriptions.

Dorsey Talks With Lee.

Solicitor General Dorsey held a lengthy interview with Newt Lee in the Tower Wednesday afternoon. It was the first opportunity he had gained to talk with the suspect. He would not divulge the result nor tell of the lines along which the negro was quizzed. Immediately after leaving the jail, Mr. Dorsey hurried away in an automobile.

The negro watchman, Chief Lanford says, will also go on the stand today. It will be his second examination. He will be questioned more closely regarding his private interview held with him by Frank Tuesday, a week ago, when both were allowed to talk in the privacy of the negro's cell.

STAINS OF BLOOD ON SHIRT FRESH, SAYS DR. SMITH

Leo Frank: The Coroner's Inquest

Atlanta Constitution

Thursday, May 8th, 1913

City Bacteriologist Makes His Report After Examination of Garment of Negro Which Was Found in Trash Barrel.

LEE'S CELLMATE MAY TESTIFY AT INQUEST

Witness Spent 24 Hours in Same Cell With Phagan Prisoner — Body of Girl Exhumed for Second Time.

DAY'S DEVELOPMENTS IN PHAGAN MYSTERY

Dr. Claude Smith, city bacteriologist, completes examination of negro's blood-stained shirt, and finds that the blood stains are new.

Body of Mary Phagan was exhumed shortly after noon on Wednesday for the purpose of making a second examination.

Mrs. Mattie Smith, wife of one of the mechanics who were last men to leave pencil factory, tells detectives that shortly before 1 o'clock, when she left the building, she saw strange negro near elevator.

Bill Bailey, negro convict who was placed in cell with Newt Lee for twenty-four hours, now at liberty, and will probably be called upon at inquest today to testify.

Leo Frank will be placed upon the stand again today at 9:30 o'clock, when the coroner's inquest is resumed.

Solicitor General Hugh Dorsey holds a long conference in cell with Newt Lee, but declines to tell what passed.

Detectives announce they are searching for a Greek, who is now believed to be in Alabama.

Chief Lanford declares that somebody is blocking Phagan investigation, silencing witnesses, and "planting" evidence.

The report of Dr. Claude A. Smith's analysis of the bloodstains on the shirt found in the home of Newt Lee, who is held in connection with the Mary Phagan murder, has been submitted to the detective department. It reveals that the stains were caused by human blood, not more than a month old.

The report is brief. The examination was thorough, but no comparison was made with the stains on the garment and with other stains. The only specimen possessed by Dr.

Smith beside the shirt were small shavings, flecked with blood, which were chipped from the flooring at the spot near the machine, where the girl is supposed to have received her death blow.

Comparison with the stains on the chip were impossible because of the stain's dimness. Dr. Smith said to a reporter for The Constitution that he had not been given the bloody garments which Mary Phagan wore to use for the purpose of comparisons. The shirt has been returned to police headquarters. It will be used in the inquest today.

When the negro was confronted with the tell-tale garment Tuesday a week ago he admitted to its ownership, but said he could not account for the blood spots. He had not worn it, he declared, for two years. He said it was not bloody when he discarded it in 1911. Lee said he knew no manner in which the stains could have been made.

Shirt Found In Trash Barrel.

The shirt was found by Detectives Scott and Black in the bottom of a barrel filled with trash, which stood in the back yard of Lee's home on Henry Street. The sleuths never would tell the clew which led them to search for it.

Dr. Smith states that his inspection revealed the fact that the garment was not being worn when the stains were made. It had been used to mop up the blood, he said, and could not possibly have been worn at the time. He could not determine whether or not the blood was that of a white person or a negro.

He will probably be summoned to testify at the inquest.

Mary Phagan's body was exhumed shortly after noon Wednesday. Profound secrecy surrounds the action and it probably will not be known until the inquest today why the disinterment was made. Dr. H. F. Harris of the state board of health, was the only official at the graveside in the Marietta cemetery when the corpse was unearthed.

Body Exhumed For Last Time.

After an examination lasting two hours the body was again hurled and, according to a responsible report, some organ removed and brought by Dr. Harris to Atlanta. When the body was replaced it was consigned forever to its last resting place. Mr. and Mrs. J. W. Coleman, the dead girl's parents, objected so strenuously to further exhumations that it will never be removed again.

Until late at night Dr. Harris labored in his laboratory in the state capitol over the examination. He was reached by a reporter shortly after 16 o'clock.

"I am pledged to secrecy," he said. "It was under the condition that I make public nothing whatever pertaining to the examination that I was selected for the work. I cannot

disclose the object of the analysis or its nature until allowed to do so by Solicitor Dorsey.”

Solicitor Dorsey said about 9:30 o'clock that he was not prepared to talk of the exhumation. He admitted, however, requesting Coroner Donehoo and Dr. Harris to remove the body and make certain examinations which he expected to result in new and valuable evidence.

Reliable reports are to the effect that one motive of the disinterment was for the purpose of obtaining some hair from the victim's head with which to compare the strands found on the lathing machine in the pencil factory.

Another rumor is that a chart was made of the cuts and bruises on the face and body and that photographic plates were made of the finger prints on the throat.

No one outside the solicitor's staff, Dr. Hurt, Dr. Harris and Coroner Donehoo are aware of the motive for the exhumation. Even Chief Lanford and the Pinkerton men expressed their lack of knowledge. They have not been taken into the confidence of the officials supervising the mysterious move.

His Work Hampered Says Lanford.

Accusing mysterious forces of blocking his detectives, Chief Lanford said Wednesday that the work of investigation is being seriously hampered. In many instances, he declared, his men had been refused evidence which they sought, and had encountered a number of prospective witnesses, who refused to divulge the information it was believed they could give.

“I cannot account for the situation,” he told a reporter for The Constitution. “We are being sorely handicapped. Not only are we being opposed, but, as has been shown many times, evidence is being planted. We have discovered numerous signs of “plants” in the past few days, and are not surprised at any “frame up.”

The chief also hinted that arrests would probably result from the discoveries of planted evidence. A squad of men have been detailed to run down clues pointing to guilty persons. They are finding their task a baffling one.

Although he would say but little, Chief Beavers also hinted of efforts he had met to frustrate the work of the detective department. “It seems that we are being opposed,” he said.

Lee's Cellmate May Testify.

Imprisoned for twenty-four hours in the same cell with Newt Lee, the nightwatchman suspect in the Mary Phagan mystery, Bill Bailey, an ex-convict, will probably be called

to the stand in the coroner's inquest this morning to testify to certain admissions he is believed to have got from the negro.

Bailey is a negro youth, apparently 20 years old. He served eight years in the Fulton chaingang on a charge of shooting, during which time he was bunkmate of the suspected watchman. Lee was serving sentence at that time on a charge of gambling.

The negroes were intimate friends. Bailey is working with J. Mayo. Several days ago Mr. Mayo brought him to police headquarters and conferred with Chief Lanford on a plan to imprison the two ex-convicts. Monday night Bailey was sent to the Tower and locked in Lee's cell.

He was released twenty-four hours later. Chief Lanford nor any of his detectives will disclose the result of the scheme, but it is freely rumored around headquarters that the Bailey negro succeeded in obtaining valuable evidence, which he is expected to deliver at the inquest.

Did Negro Write Notes?

After minute examination of the mysterious notes found beside the body on the morning of the discovery, A. M. Richardson, inspector of service with the Adams and Southern Express companies, told a reporter for The Constitution yesterday morning that he was fully convinced that the negro nightwatchman did not write them.

"They were written by a white man," he said, "and an educated man, at that. The letters are formed too expertly, and adhere too closely to the ruling of the paper on which they were written. In my opinion, they were written by the murderer, a shrewd man, with intention of reflecting guilt upon an illiterate negro."

Mr. Richardson has made a lifetime study of handwriting. He is thoroughly acquainted with detective methods and operations, and has taken decided interest in the Phagan mystery. Most of his investigation in the case has been concentrated upon the notes. He hopes to trace their origin by means of comparing suspected script under strong microscopic examination.

New Witnesses Summoned.

Another new witness summoned yesterday for the inquest this morning was Miss Grace Hicks, of 100 McDonough road, an intimate acquaintance of the murdered girl, and the woman who identified the body before it had been removed from the cellar of the pencil factory.

The sleuths will not disclose the character of the testimony she will be expected to render. She stated to reporters, however, that she held out little evidence, and that the last time she saw the girl of tragedy alive, was on the Monday preceding her death, when she left the pencil plant.

Miss Hicks was quizzed for an hour Wednesday morning in the office of Chief Lanford. She operated a tipping machine adjoining the machine operated by the Phagan girl. She came at 6 o'clock Sunday morning in answer to summons to the factory building. The moment the tragic face of the slain girl was revealed in the dim, flickering light of the watchman's lantern, she exclaimed:

"That's Mary Phagan—Oh, my God!" falling into a swoon in the arms of her brother-in-law, Boots Rogers.



Leo Frank

FRANK AND LEE ORDERED HELD BY CORONER'S JURY FOR MARY PHAGAN MURDER

Atlanta Constitution

Friday, May 9th, 1913

Sensational Statements Made at Inquest by Two Women, One of Whom Had Been an Employee, Who Declared That Frank Had Been Guilty of Improper Conduct Toward His Feminine Employees and Had Made Proposals to Them in the Factory.

*EVIDENCE IN BAFFLING MYSTERY
THUS FAR, IS CIRCUMSTANTIAL, IS
ADMISSION MADE BY DETECTIVES*

Frank and Lee Both Go on Stand Again and Are Closely Questioned in Regard to New Lines of Evidence and Forced to Reiterate Testimony Formerly Made to Coroner's Jury. They Will Remain in

Jail Pending Action of the Grand Jury.

Leo Frank: The Coroner's Inquest

Leo. M. Frank, superintendent of the National Pencil factory, and Newt Lee, the negro night watchman, suspects in the Mary Phagan murder, were ordered by the coroner's jury to be held under charges of murder for further investigation by the Fulton grand jury.

With this verdict the inquest closed at 6:28 o'clock yesterday afternoon. Frank and the negro will be held in the Tower until action is taken by the grand jury and solicitor general. The decision was reached within twenty minutes after the jury had retired.

Although much important testimony was delivered at the inquest, probably the most significant was the admission made by Detective Harry Scott, of the Pinkertons, and Detective John Black, of headquarters, both of whom declared in answer to questions that they so far had obtained no conclusive evidence or clues in the baffling mystery, and that their only success had been attained in the forging of a chain of circumstantial evidence.

Testimony was drawn from a number of women and young girls who told of alleged undue familiarity of the suspected factory superintendent with them and other female employees of the plant. The boldest statement of this character was made by Nellie Pettis, a young sister-in-law of Mrs. Lillie Mae Pettis, an employee of the factory.

She declared that on one occasion, four weeks ago, when she had gone to Frank's office to obtain her sister's pay envelope, the superintendent had made an open proposal, and had even intimated the offer of money.

Frank and Lee on Rack.

Both the superintendent and the negro suspect were placed on the rack during the afternoon session. Lee's statement was a reiteration of his former story. He was quizzed on new lines, however, answering all questions promptly and clearly. He preceded his employer.

Frank was interrogated in regard to new evidence that has been obtained by the sleuths.

He was worn and haggard, and shows the effect of his imprisonment. From 9:30 in the morning, at which hour the inquest was resumed, until 5 o'clock in the afternoon, when he was placed on the stand, he sat in the office of Chief Beavers, the object of the gaze of immense crowd of idly curious who thronged the building.

Coroner's Verdict.

The following is the verdict of the coroner's jury:

Atlanta, Ga., May 8, 1913.

We, the coroner's jury, empaneled and sworn by Paul Donehoo, coroner of Fulton county, to inquire into the cause of the death of Mary Phagan, whose dead body now lies before us, after having heard the evidence of sworn witnesses, and the statement of Dr. J. W. Hurt, county physician, find that the deceased came to her death from strangulation. We recommend that Leo M. Frank and Newt Lee be held under charges of murder for further investigation by the Fulton county grand jury.

(Signed)

HOMER C. ASHFORD.

Foreman.

DR. J. W. HURT.

County Physician.

Frank's Testimony.

Frank was put on the rack at 5 o'clock. His examination was much shorter than the one to which he was subjected during the first session.

"What kind of elevator door is there to the shaft in the pencil factory?" was the first question.

"Sliding doors."

"How many?"

"One on each floor."

"Are they latticed or solid?"

"Solid."

"Where was the elevator at 12 o'clock Saturday?"

"I did not notice."

"Were the doors open or closed?"

"I don't remember."

"What protection would a person have from falling down the shaft [1 word illegible] the doors were left open?"

Leo Frank: The Coroner's Inquest

"A bar which projects across the opening."

"After the crime was committed, where did the elevator stand?"

"I only know where it stood Sunday morning. It then was on the second floor."

"When you last removed the tape from the time clock, what did you do with it?"

"Handed it to an officer in the building."

"Did you put it on file?"

"No."

"Are you sure?"

"Yes—positive."

"Do you remember a party at your house on the night of April 26?"

"Yes."

"Can you name the guests?"

"I don't remember them all."

"When the police came to bring you down to the factory that Sunday morning, what was said about whiskey?"

"I said I wanted something warm to drink. One of the detectives suggested whisky."

"What time was it?"

"Between 7:30 and 8 o'clock."

"What did you say about dreaming?"

"I said to someone that I thought I had dreamed of hearing the telephone ring in the dead of night."

"When you went to the undertakers', did you go in the water closet instead of the room in which the body lay?"

"No."

"Did you view the body?"

"Yes."

"Did you recognize the girl?"

"Yes."

"When did you first hear her name?"

"I don't remember."

"What time did you return home that Sunday afternoon?"

"I don't recollect."

"Did you telephone your wife before your return?"

"Yes."

Did Not Discuss Murder.

"Was the murder discussed at home that afternoon?"

"Not much."

"What topic was discussed?"

"I don't remember."

"When did Quinn first mention to you his visit to the factory on the 26th?"

"I don't remember."

"What did he say?"

"He said, 'Don't you recollect that I was at the factory Saturday about noon?'"

"What did you tell him about withholding that information until your attorney had been consulted?"

"I don't remember. I had so many visitors that I couldn't recollect the exact words."

"Who suggested the conference with your attorney relative to Quinn's visit?"

"I don't remember."

"How long have you known you had counsel?"

"Since Monday."

"Why was it mentioned that Quinn's visit be kept until consultation with your lawyer?"

"I don't remember."

"How can you lock the door between your office and the dressing room where the blood spots were found?"

"I have never seen it locked."

"Is it usually open or closed?"

"Closed."

"Is there any way of closing the doors on the back stairway?"

"Yes. They are locked."

"Describe your telephone conversation with Detective Starnes at the time you were informed of the tragedy?"

Frank Was Called Up.

"He asked me if I was superintendent of the National Pencil factory. 'I'd like to have you come down here at once,' he said when I informed him that I was Leo Frank. He said he wanted me to identify a girl, and asked me if I knew Mary Phagan."

"Didn't you say that the first time you had heard her name was while you were traveling in the auto on the way to the factory Sunday morning?"

"I don't recollect that I did."

"Did you have any trouble with a girl in your office Saturday morning?"

"No. There was one incident where a mistake had been made in the pay envelope of Mattie Smith, but it was corrected without any trouble."

"What time was Mattie Smith in your office?"

"Between 9 and 10 a. m.?"

"Did anyone enter while she was there?"

"I don't remember."

"Give the name of everyone in the office throughout the day Saturday."

"Mr. Darley, Mr. Holloway, the office boy, Miss Hall, the stenographer; Mr. Campbell, Mr. Fullerton, Mrs. White, Lemmie Quinn, Mr. Gantt, Emma Clark, another girl employee, Arthur White, Harry Denham, Newt Lee and Mary Phagan."

"Did you see May Barrett?"

"I don't know her."

"What did you say to Emma Clark?"

"I don't remember saying anything to her."

He was released from examination of 4:55 o'clock.

Lee on Stand.

Newt Lee was put on the stand, and for the first time publicly told of the private conversation he held with Frank on the night the latter was arrested and brought to police headquarters. He was put through only a short examination.

"Detail your talk with Mr. Frank at headquarters Tuesday night a week ago."

"I was in the room locked up by myself. Mr. Frank, he came in. I says, 'Howdy, Mr. Frank; how're you feeling? It's mighty hard,' I says, 'for me to have to sit here handcuffed to a chair for something I didn't do.'

"He said I knew something about the crime. I told him I didn't know a thing on earth about it.

"Then he said: 'Look here, Newt, if you keep up that same story we're both going to hell.' He said it loudly, and made a sweepinn gesture with his hands. I told him that the killing must have been done in the daytime, as all that night I had to pass once every thirty minutes by the machine where they said the little girl was killed. He wouldn't let me talk about it."

"When you came to work Saturday at 4 o'clock, did you say anything about wanting to go to sleep?"

"Yes, sir. When I got to the factory I went to the office door and hollered: 'All right, Mr. Frank, I'm here!' just like I always do. He came to the door, and said I could go out on the street and have some fun. I said I had rather sleep, because I hadn't been sleeping much of late, than have a good time out on the street. He said go on, though, and I went."

"Was that the first time he ever came to the door to greet you?"

"Yes, sir."

"Was the street door locked when you entered the building?"

"No, sir."

Found Inside Door Locked.

"Was the inside door locked—the door leading to Frank's office and the second floor?"

"Yes, sir."

"Had it ever been locked before?"

"No, sir. Not since I've been working there."

"How did you get in?"

"Unlocked the door."

"When you arrived, was the scuttle hole near the elevator open?"

"I don't know, sir. It generally always does stay open, though."

"Was it light or dark on the second floor?"

"Dark."

"Did Mr. Frank put on the tape of the time clock at 6:30 when you returned from the street?"

"Yes, sir."

"Did he ever do this before?"

"Only once, that's all."

"How long did it take him to fix the tape?"

"A pretty good while."

"Whose shirt is that they found at your house?"

"It looks mighty like one I use to have."

"What size do you wear?"

"Sixteen."

"Whose clothes were in the barrel in which it was found?"

"Mine."

"Was the shirt ready-made?"

"No, sir. It was made by Mrs. Bowen, a white lady who gave it to me."

"If it is a ready-made garment, then it isn't yours?"

"No, sir."

Schiff Tells of Office Work.

Herbert Schiff, chief clerk of the pencil factory, took the stand.

"What is your capacity with the concern?" he was questioned.

"I formerly was a traveling salesman. I'm now chief clerk and first assistant to Mr. Frank."

"Are you entirely familiar with his handwriting?"

(The object of the coroner was to ascertain the exact amount of work done by the suspected superintendent during the day on which the murder is believed to have been committed.)

"Yes."

"His business, too?"

"Yes, thoroughly."

"Wasn't Frank behind with his office work on that particular Saturday?"

"What kind of work had accumulated?"

"Billing, orders and the financial sheet."

"Were you at the factory Saturday?"

"No."

"How many employees are there attached to the plant?"

"One hundred and fifty or more."

(At this juncture of his examination, Schiff was given the same assortment of clerical work to investigate which had previously been given Miss Hall. He was asked to identify Frank's handwriting. He recognized ten requisition sheets which the suspect had handled.)

"How long would it require to adjust these requisitions?"

"An hour and thirty minutes, I would say."

"Were you at the factory Monday morning at 8 o'clock?"

"Yes."

"When did you first see these papers?"

"Monday or Tuesday, I forget which."

"How long would you judge that it took Frank to complete the work on his books and papers which you recognize as having been performed by him that day?"

"About six or seven hours."

"Did you see him Sunday?"

"Yes, at Bloomfield's, the undertaker."

"Did you speak to him?"

"No; not at that time. I heard him say to Mr. Darley, whom he had accompanied to the undertaker's, that he was going to police headquarters."

"What clothes did he wear?"

"I did not notice closely, but it looked like a brown suit. I'm not sure."

"Did you talk with him at all Sunday?"

"A little. He told me what he had heard of the tragedy, and of being telephoned at daybreak."

"Do you know him well?"

"Yes, I do. I've been associated with him probably more than anyone connected with the plant."

"What is his general manner toward the girl employees?"

"He says very little to them."

"Is he naturally nervous?"

"Yes, quite so. He gets agitated over the least little happening."

Frank's Conduct Discussed.

The following is Tom Blackstock's testimony:

"Do you know Leo M. Frank?"

"Yes."

"How long have you known him?"

"About six weeks."

"Did you ever observe his conduct toward female employees of the pencil factory?"

"Yes. I've often seen him picking on different girls."

"Name some."

"I can't exactly recollect names."

"What was the conduct you noticed particularly?"

The witness answered to the effect that he had seen him place his hands with undue familiarity upon the person of girls.

"See it often?"

"A half dozen times, maybe. He generally was seen to become that familiar while he was touring the building."

"Can't you name just one girl?"

"Yes. Magnolia Kennedy."

"Did you see him act with undue familiarity toward her?"

"No. I heard talk about it."

"Before or after the murder?"

"Afterwards."

"When did you observe this misconduct of which you have told?"

"A year ago."

"Did you hear complaints around the plant?"

"No. The girls tried to avoid him."

At 6:28 o'clock, when the jury adjourned the inquest, executive session was declared. Behind locked doors, with even the coroner barred, the six jurors heard the statement of Dr. John W. Hurt, county physician, relative to the examination he had made upon the body.

He told them of the disclosure that death had been caused by strangulation, and minutely described the cuts and wounds about the chest, head and shoulders. No reference was made to the examination he held on the stomach by Dr. H. F. Harris, of the state board of health, nor of the analysis made at the grave when the body was disinterred Wednesday afternoon.

Dr. Hurt's statement consumed twenty minutes or more. It required half that time for the jury to reach a verdict. When it had been delivered, Coroner Donehoo made a small speech of thanks, commending each man for his efforts during the inquest. Following which, the six men were paid their regulation fee of \$1.

A pathetic feature of the adjournment was the handshake accorded the jury individually by James W. Coleman, stepfather of the slain girl. With tear-dimmed eyes and tremulous hand Mr. Coleman moved among the jurors, pressing their hands firmly and murmuring words of gratitude.

The final two hours of the inquest were occupied in examining witnesses whose testimony pertained to the suspected superintendent's alleged misconduct with female employees of the plant. These witnesses were Mrs. C. D. Donegan, Tom Blackstock, Nellie Wood and Nellie Pettis.

It was the first time such testimony had been introduced, and came as a surprise. The statement of the Pettis girl was the most interesting. She lives at 9 Oliver street and is apparently 18 or 19 years old.

Testifies to Improper Conduct.

She first was asked if she ever had been employed at the pencil factory.

"No," she answered.

"Do you know Leo Frank?"

"I have seen him once or twice."

"When and where did you see him?"

"In his office at the factory whenever I went to draw my sister-in-law's pay."

What did he say to you that might have been improper on any of these visits?"

"He didn't exactly say—he made gestures. I went to get sister's pay about four weeks ago, and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless 'I saw him first.'

"I told him that I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?'"

"I instantly told him I was a nice girl."

Here the witness stopped her statement. Coroner Donehoo asked her sharply:

"Didn't you say anything else?"

"Yes, I did! I told him to go to h—I! and walked out of his office."

Mrs. C. D. Donegan was next called to the stand. She was connected with the pencil plant for three weeks. Her capacity was that of forelady. She resides at 165 West Fourteenth street with her husband.

"Frank Flirted With Women."

Her testimony follows:

"State your observations of Frank's conduct toward the girls and women of the plant."

"I have noticed him smile and wink at the girls in the place. That was two years ago."

"Did you make a statement to the detectives of undue familiarity you had witnessed?"

"I told them that I had seen Frank flirt with the girls and women—that was all I said."

The testimony of Nellie Wood, a young girl of 8 Corput street came next.

Leo Frank: The Coroner's Inquest

In brief it was this:

"Do you know Leo Frank?"

"I worked for him two days."

"Did you observe any misconduct on his part?"

"Well, his actions didn't suit me. He'd come around and put his hands on me, when such conduct was entirely uncalled for."

"Is that all he did?"

"No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door, but I wouldn't let him. He got too familiar by getting so close to me. He also put his hands on me."

"Where did he put his hands?"

"He barely touched my breast. He was subtle with his approaches, and tried to pretend that he was joking, but I was too wary for such as that."

"Did he try further familiarities?"

"Yes."

"When did this happen?"

"Two years ago."

"What did you tell him when you left his employ?"

"I just quit, telling him that it didn't suit me."

Detectives On Stand.

The placing of Detectives Scott and Black on the rack created surprise. They had been assisting in the examination of witnesses. Both were quizzed during the afternoon session.

Scott was first to take the stand.

"What is your profession?"

"Assistant superintendent of the Atlanta branch of the Pinkerton Detective agency."

"Why are you investigating the Mary Phagan case?"

"I have been retained by the National Pencil company, through Leo M. Frank, to catch the murderer of Mary Phagan."

"When and how were you retained?"

"Monday following the discovery of the body, I was called over the telephone by Mr. Frank. I went to see him at his office and was employed."

"State what conversation ensued between you?"

"Frank said, 'I guess you have read of the horrible crime that has been committed in our factory building. We desire to catch the murderer or murderers, and want to employ the Pinkertons so as to show the public that we are interested in the case.' He also said that John Black, a detective at police headquarters, seemed to suspect him of the crime. He detailed to me his movements on the day of the murder. This was his explanation:

"I was at the office of the plant until 10 a. m., when I went to Montag's office, returning to the factory about 10:30 o'clock. White and Denham, two mechanics, were in the building, and, about 12:10 o'clock, Mary Phagan came in to draw her pay. As she stopped from the office with her envelope, she called back to see if the tipping metal had arrived. About 12:50 o'clock, I left for dinner, returning at 3:10. At 4 o'clock, the negro watchman, Newt Lee, appeared. He was dismissed because of the rupture in my plans to attend the ball game. At 6:30, the negro returned and I went home for the night."

Scott Questioned Frank.

"Did you ask him any questions?"

"I asked him but little, nothin, in fact."

"Did he show you over the building?"

"Yes, we inspected the time clock, the elevator, machine room in which the girl is supposed to have been killed, and the spot in the basement where the body was found."

"Who was with you beside Frank?"

"A Mr. Darley."

"Did Frank make any suggestions as to how you might proceed with your investigation?"

"None, whatever."

"Did he advance any theories?"

"None."

"Have you talked with him since?"

"Only once, and that was while he was being examined at police headquarters."

"Did Frank reprimand you for questioning him, or protest against the tone of your questions?"

"No."

"Did he ask you to stop the investigation?"

"No. Herbert Haas asked us to turn over to him the reports of our progress until further notice. I told him we'd first withdraw from the case."

Scott Reports to Manager.

"Who is getting your daily reports?"

"Sig Montag, manager of the pencil factory."

"Are you still in the employ of the pencil factory?"

"Yes."

"Who planned the conference between Lee and Frank?"

"Detective Black and I. We asked Frank to impress upon the negro the importance of telling the truth."

"What was he told to say to Lee?"

"What I have just told you."

"What did Frank say when the conference was finished?"

"That he could not get a thing out of the negro."

"What did the negro say?"

"That Frank told him that if he stuck to his original story, both would go to h—l, and that Frank had made no effort to question him."

"What did Frank say regarding the conference?"

"That he could get nothing from Lee, and that he had made every possible effort to get the truth."

"Were you with Detective Black when Lee's home was searched for the bloody shirt?"

"No."

"Did you see the shirt in question?"

"Yes."

"Describe it!"

"It was bloody, and looked as though it had been recently washed. It exhaled a strong odor of blood."

"Had it ever been laundered?"

"There was no mark to indicate it."

"Did Lee ever see it?"

"Yes, he recognized it, but said it 'had not been worn for two years.' He could not account for the blood stains."

Scott Refuses to Committ Self.

"Mr. Scott, have you any direct clue or clues?"

"I won't commit myself at present."

"Have you anything positive?"

"Only surmises. We are only running out a chain of circumstantial evidence."

"Is this information in only your possession?"

"No. It is also in Detective Black's."

Detective Black was called.

"Tell the jury about the bloody shirt which you found in Newt Lee's home."

"Fred Bullard, a headquarters detective, and I went to the rear of 40 Henry street last Thursday a week ago and found it in a trash barrel at the negro's home."

"In which part of the barrel was it found?"

"In the bottom."

"Was the barrel odorous?"

"Yes. It was strong with the fumes of refuse."

"Did you see the shirt Lee wore Sunday when he was arrested?"

"Yes."

"Was it like the bloody one?"

"No. It was a woolen garment. The bloody one was linen."

"Where is the bloody shirt now?"

[It appears there was a mistake in printing and part of the article is missing —Ed.]

"... clue in the Phagan case?"

"Have you discovered any positive clew in the Phagan case?"

"No."

"What did Lemmie Quinn tell you of his trip to the pencil factory on the Saturday that Mary Phagan disappeared?"

"He told me last Tuesday that he was not at the factory at all on April 26."

Six Witnesses at Morning Session.

Three hours of the most rigid questioning of witnesses at yesterday morning session of the coroner's inquest into the death of Mary Phagan failed to bring out any new evidence of importance. Six witnesses—"Boots" Rogers, a former county policeman; Lemmie Quinn, foreman of the pencil factory; Miss Corinthia Hall, employed at the factory; Miss Hattie Hall a stenographer; J. L. Watkins and Miss Daisy Jones—were examined by Coroner Donehoo, but the testimony differed in no way from what has already been given.

Constitution Reporter Testifies.

Rogers told how Britt Craig, the Constitution reporter, was the first to enter the basement and see the dead girl's body as it lay "face down" in the basement of the pencil factory.

His story of how Lee told the officers of his discovery of the body was identified with other testimony on this point.

After Lee had been arrested Rogers said that he went in an automobile to the home of Miss Grace Hix, at 100 McDonough road, an employee at the factory, and brought her to the factory to identify the body of Mary Phagan. He then went for Frank, who had in the meantime been telephoned to, and found him nearly dressed, but nervous.

Rogers said that when the officers arrived at the Frank home, Frank asked whether there was anything wrong at the factory.

While at the factory, Rogers testified, Frank ran the elevator and examined the time clock, reporting that it was correctly punched. His only remark to the arrested night watchman was "too bad."

Rogers told of how he then took Frank to the undertaker's shop to see the girl's body, and later took him to police headquarters to be questioned.

L. A. Quinn, the foreman under whom Mary Phagan worked, stated that he had not seen Mary Phagan since the Monday prior to her death when she was suspended from work on account of a shortage of material.

He stated that he did not work on the Saturday of the murder, but was in the pencil factory to see Mr. Schiff, and talked with Frank only a few minutes after the time when Frank is supposed to have paid off Mary Phagan. He said he did not see Mary Phagan that day. Quinn accounted minutely for his whereabouts and actions on the day of the murder.

Had Forgotten Visit.

He stated that he had forgotten his visit to the factory on the day of the murder until the Tuesday or Wednesday following, but when he remembered it, he asked Frank [1 word illegible] he had better tell the officers. Frank, he said, suggested that he tell his—Frank's—lawyers about it.

Upon being asked why he had withheld his story of his visit to the factory from the detectives, Quinn said that he did not want to be questioned by the detectives and drawn into the case.

He was questioned about his visit to the Coleman home, where Mary Phagan lived, after the murder, and was also questioned as to the treatment received by girls working in the factory.

Miss Hattie Hall, stenographer for Sig Montag, stated that she was at the factory on Saturday morning working for Frank from about 11 o'clock until noon, but did not see

Mary Phagan and could throw no light on the mystery. She told how much and the nature of the work she did for Frank on that day. She said she left the factory at 12:02 o'clock.

The former testimony of J. L. Watkins to the effect that he had seen Mary Phagan on the street between 5 and 6 o'clock on the afternoon of the murder was broken down when a Miss Daisy Jones told the jury how she had passed where Watkins thought he saw Miss Phagan at the time the Watkins lad designated, and that Watkins, being recalled to the stand, admitted his mistake.

Miss Corinthia Hall, who has been an employee at the pencil factory for three years, testified that Frank's conduct toward the girls in his employ was beyond reproach. She said that she left the factory at 11:45 on the morning of the day of the murder; did not see Mary Phagan and had not seen her since the Monday before when she was laid off from work.

The theory that Mary Phagan was slain by a Greek who worked in a nearby café, has been disproven and is abandoned by the detectives.

GIRL WILL SWEAR OFFICE OF FRANK DESERTED BETWEEN 12:05 AND 12:10

Atlanta Constitution

Saturday, May 10th, 1913

Testimony Considered Important by Officers Because Frank at the Inquest Stated on Stand That He Did Not Leave Between Noon on Saturday and 12:25. When Quinn Came to See Him.

SHE WENT TO FACTORY TO GET PAY ENVELOPE – POSITIVE OF THE TIME

New Evidence, Just Submitted to Detective Department, Leads Chief Lanford to Believe That Mary Phagan Was Murdered in the Basement — Woman Says She Heard Screams on Saturday Afternoon.

A new and important witness has been found in the Mary Phagan murder mystery.

She is Monteen Stover, a girl of 14 years, a former employee of the pencil factory.

After already having attested to an affidavit now in possession of the solicitor general, she will testify before the grand jury that on the day of Mary Phagan's disappearance,

she entered the pencil plant at 12:05 o'clock in the afternoon and found the office deserted.

Also, that she remained five minutes, during which time no one appeared. The building seemed empty of human occupants, she declares, and no sounds came from any part. Expecting to have found the superintendent, she says she went through both the outer and inner offices in search of Frank.

Testimony Important Declare Police.

The police say that this is valuable evidence because of the testimony of Frank at the inquest to the effect that he remained in his office throughout the time between 12 noon and the time at which Quinn arrived, 35 minutes after 12. Also, they recount his statement that Mary Phagan entered the building at 12:05, the time the Stover girl says she arrived.

The latter states she went to draw her pay envelope. She is positive of the time at which she appeared in the office, because she looked at the timeclock on the wall fronting the entrance to the outer office. She was anxious, she says, to ascertain if it was time to draw the pay for which she had come.

In telling of the value of the Stover girl's testimony, the police refer to Frank's testimony, which was recorded as follows:

"What time did Miss Hall, the stenographer, leave the office Saturday, April 26?"

"About 12 noon. I recollect the time because I heard the noon whistles blow."

"What did you do when she departed?"

"Started work on my books."

"Were you alone?"

"So far as I knew."

"Did anyone come in later?"

"Yes. Shortly after 12 o'clock, the little girl who was killed entered my office."

When Mary Phagan Reached Office.

"Can't you estimate the time?"

"Yes, it was about five minutes after twelve."

"How did you fix the time?"

"It seemed that late."

"What time do you say Lemmie Quinn arrived?"

"About 12:25 o'clock."

"Were you out of the office from the time the noon whistles blew until Quinn came?"

"No."

Monteen Stover was seen by a Constitution reporter last night at her home, 171 South Forsyth street. She is a daughter by first marriage of Mrs. Homer Edmondson, a boarding house keeper of that address.

She is now employed with a Whitehall street department store as salesgirl. The detectives discovered her last Saturday, when she came again to the pencil factory to draw the pay she had missed on the previous weekend.

As she and her mother entered the office, they were questioned by two officers who were stationed in the plant to procure whatever evidence they might find. Monteen told them of her visit on Memorial day, and gave them her name and address. Monday morning she was taken to the office of the solicitor general, where an affidavit was attested to.

Went to Factory To Get Her Pay.

"I went to the pencil factory that Saturday," she told the reporter, "to draw my pay. The front door and the door leading to the second floor were unlocked. The whole place was awfully quiet, and kinder scary as I went up the steps.

"The minute I got to the office floor I looked at the clock to see if it was time to draw my pay. I would have looked at it, anyhow, I suppose, as it was always customary for me to punch it the first thing upon entering the place to go to work.

"It was five minutes after twelve. I was sure Mr. Frank would be in his office, so I stepped in. He wasn't in the outer office, so I stepped into the inner one. He wasn't there, either. I thought he might have been somewhere around the building, so I waited. When he didn't show up in a few minutes, I went to the door and peered further down the floor among the machinery. I couldn't see him there.

"I stayed until the clock hand was pointing exactly to ten minutes after twelve. Then I went downstairs. The building was quiet and I couldn't hear a sound. I didn't see anybody. As I walked from the building out to the street I saw four young boys standing close to the entrance. When I first came into the place they were standing on the corner of Forsyth and Hunter streets. They were only young boys."

Detectives Wanted Testimony a Secret.

Mrs. Edmondson, Monteen's mother, said to the reporter:

"I regret it exceedingly that Monteen will have to testify in this case, but if it will help clear up the mystery I will be mighty glad. Also, I'm grieved that it will get in the newspapers. The solicitor and detectives seemed extremely anxious that her testimony be kept secret."

Monteen had worked at the pencil factory for a year. She spoke highly of the suspected superintendent, and said that he was as popular with his employees as any employer whom she had ever known. She did not know the Phagan girl, and said she had never even seen her.

After scouring the vicinity of Mapleton and Smyrna for miles around, the police have finally found the mysterious "girl in the red dress," who was reported to have visited the pencil factory with Mary Phagan at the time of her disappearance. She is Mrs. Nancy Caldwell, of 10 Gray street, a former companion of the [new paragraph started; misprint]

How Report Started.

STARTED.

The chief of police and two detectives, after an auto trip to Marietta, were informed she lived in Atlanta, and after examining her thoroughly, learned that she had not seen Mary Phagan since a year ago. The rumor of her association with Mary on Memorial day started in a store near Mapleton by a girl who is said to have asserted her knowledge of a girl who accompanied Mary to the pencil factory.

Before her marriage, Mrs. Caldwell was Miss Nancy Summerhill, who lived eight miles from Smyrna. She and the victim were intimate friends until 1912, when both moved to Atlanta. She was seen by a reporter for The Constitution late last night.

"No, I wasn't with Mary that Saturday," she said. "I wish I had been. I might be able to throw some light on the mystery. If I had gone with her to the factory building and had experienced all I am reported to have experienced, I'd have said so long ago."

Says She Heard Screams.

Evidence that Mary Phagan was murdered in the pencil factory basement in which her lifeless form was found, was submitted by Chief Lanford to Solicitor Hugh Dorsey Friday in the shape of an affidavit attested by a young woman pedestrian who passed the building at 4:30 o'clock the Saturday of the crime.

She testifies to this effect:

That at 4:30 o'clock Saturday afternoon, April 26, as she passed the Forsyth street entrance to the National Pencil factory, she was attracted by shrill screams of a girl emanating, apparently, from the basement of the plant building. So tragic did the cries sound that she stopped. Three sharp, piercing screams came in succession, then died away as though having been stifled.

The deponent says that although her experience preyed depressingly on her mind, she did not consider it important enough to report to police authorities until she read of the Phagan murder. Her testimony has been in the hands of Chief Lanford since last Monday.

Believes Girl Was Alive.

This throws a new aspect on the mystery. The problem of the bloody hairs and stains found on the second floor confront the sleuths. It has heretofore been the accepted theory that the murder was committed in that part of the building. Chief Lanford, however, believes that the girl was still alive when her body was lowered to the cellar.

Neither Chief Lanford nor the solicitor would reveal the name of the woman. Her home is on Haynes street, but further than this they would tell nothing. This affidavit exists, though, the chief states positively, and will be delivered to the grand jury.

Many new developments arose Friday. With the case completely in its hands, the state busted itself throughout the day with examining 100 or more witnesses who were summoned to the office of Solicitor Dorsey.

Solicitor Dorsey announced Friday morning that he had obtained one of America's best detectives to assist him. He would not disclose the name, saying that the new detective would work secretly on the case. It is rumored that Detective Burns has been employed to conduct the investigation.

Many Detectives on Trail.

The entire staff of detectives at police headquarters, numbering thirty, is still engaged in running down every available clue. The Pinkertons and other private agencies continue at work on the mystery. No pains or expense are being spared.

The grand jury, according to Solicitor Dorsey, is likely to begin its investigation any time after Friday. It is thought its action will be taken next Monday. Shelby Smith, chairman of the Fulton county commission, in speaking of the solicitor's probe, said it would be through and exhaustive.

"No expense will be too great, no work too hard and exacting. We have instructed Solicitor Dorsey that he will be backed to the last ditch in the money to be spent. He has the sanction and support of the county board in every particular."

Newt Lee was interviewed for the second time by Solicitor Dorsey Friday afternoon. Mr. Dorsey would not discuss the lines along which the negro was quizzed.

The grand jury which has been empanelled for the present term is composed of many prominent and influential residents and business men. It is as follows:

L. H. Beck, foreman; F. P. H. Akers, R. R. Nash, Charles Heinz, H. G. Hubbard, John D. Wing, R. A. Redding, V. H. Kriegshaber, R. F. Sams, A. D. Adair, S. C. Glass, J. G. Bell, Cephas M. Brown, George A. Gershon, A. L. Guthman, Walker Dunson, W. L. Peroy, C. A. Cowles, Sol Benjamin, R. P. Bell, H. M. Beutell, W. A. Bosser and Albert Roylson.

THE PHAGAN CASE DAY BY DAY

Atlanta Constitution

Monday, May 12th, 1913

The history of the baffling Phagan mystery, daily recorded, is briefly as follows:

Sunday April 26—Girl's body found in basement of pencil factory. Newt Lee, negro night watchman, who made discovery, arrested. Arthur Mullinax, street car employee, also arrested. Both held on suspicion.

Monday—Leo M. Frank, factory superintendent, detained, but later released. J. M. Gantt, former bookkeeper of pencil concern and friend of dead girl, arrested in Marietta. Negro elevator boy also taken into custody. Pinkertons enter case.

Tuesday—Bloody shirt found at negro watchman's home. Planted evidence theory advanced. Mary Phagan's body buried. Sleuths announce they have evidence to convict. Frank confers with negro suspect.

Wednesday—Inquest begins. Newt Lee testifies. One hundred and fifty pencil factory employees summoned before coroner. George Epps, newsboy, tells of ride to uptown with Mary Phagan on her last trip.

Thursday—Frank and Lee ordered to Fulton tower on warrants issued by Coroner Donehoo. Trip made without incident.

Friday—Both prisoners tell reporter for The Constitution at 1 a. m. that they are not guilty and will prove their innocence.

Saturday—Evidence is unearthed that imposters, pretending to be Pinkerton detectives, are questioning leading witnesses. No arrests made.

Leo Frank: The Coroner's Inquest

Sunday, May 4—Detectives again announce their belief that they can convict murderer, whoever he is.

Monday—Paul P. Bowen, former Atlanta youth, arrested in Houston under suspicion of complicity in slaying. Is released at night.

Tuesday—Detectives obtain affidavit from woman who alleges she heard screams from basement of factory building at 4:30 p. m. on Memorial day.

Wednesday—Testimony is secured from Monteen Stover that she visited pencil plant at 12:05 noon on Memorial day and that offices were deserted.

Thursday—Inquest resumed. Character witnesses are examined. Frank and Lee ordered by jury to be held under suspicion of murder for grand jury investigation.

Friday—Mrs. Nancy Caldwell, of 10 Gray street, is examined by detectives under belief that she was the “mysterious girl in red” who was supposed to have visited factory with Mary Phagan. She establishes alibi.

Saturday—Three more Pinkerton detectives put to work on investigation. No developments at police headquarters. Solicitor general examines 100 witnesses.

Sunday May 11—Solicitor Dorsey announces that grand jury will probably not take action until early next week.

CORONER'S JURY VISITS SCENE OF MURDER AND ADJOURNS WITHOUT RENDERING VERDICT

Atlanta Journal

Monday, April 28th, 1913

Will Meet Again Wednesday Morning When Witnesses Will Be Examined—Five Hundred People Present When Inquest Was Begun

For an hour Monday morning a jury empaneled by Coroner Paul Donahue [sic] groped through dark basement passageways and first floor rooms in the factory of the National Pencil company hunting for evidence that would aid them in reaching a verdict as to who murdered pretty Mary Phagan. At the end of their hunt the body adjourned. They will meet again Wednesday morning at 9 o'clock to continue their investigation.

Leo Frank: The Coroner's Inquest

Many witnesses who can throw a light on the actual crime, the actions of the dead girl or of the suspects under arrest will be examined then. It is probable, also, that the prisoners now held in jail also will testify.

The jury met at P. J. Bloomfield's undertaking chapel, 84 South Pryor street, shortly after 10 o'clock. It was composed of these: J. C. Hood, Clarence Langford, Glenn Dewberry, Homer C. Ashford, John Miller and C. Y. Sheets. Mr. Ashford was foreman.

The first official act of the jury was to view the remains of the 14-year-old girl. Behind closed doors the coroner's talesmen inspected the fatal wounds and bruises on the girl's body.

No witnesses were called. One or two who had been told by the police to be present when excused and told to report again Wednesday morning. They and many others probably will be heard at that time.

A throng of 500 persons had gathered at the undertaking parlors to hear the inquest. They were excluded by the police and when the jury, headed by Coroner Donahue [sic], finally left the funeral parlors for the scene of the murder, the investigators had to elbow and shoulder their way across a crowdbanked sidewalk.

Every inch of ground, every thing that has been mentioned in connection with the case were examined by the jurors in the pencil factory.

They were accompanied by three or four policemen on their tour, and the many details of the mystery given them to unravel, if possible. Once in their investigation a lantern was placed on the spot on the basement floor where Newt Lee, negro night watchman, says another lantern was sitting when he discovered the body. Apparently there was doubt in the minds of some of the jurors as to whether or not it would be possible for one standing where the negro said he stood to see a body. What the consensus of opinion among the investigators was is not known, however.

Shovels, tools, pieces of wood and other objects lying in the basement were examined for evidence that there had been possible weapons in the attack upon the girl. The search along this line was fruitless.

The jury viewed the machine room in the second story, upon the floor of which blood stains were found Monday morning. They saw the lathe to which a few strands of hair were found clinging by a workman. They visited the lavatory and several other rooms in the building. At the conclusion of the search no juror expressed an opinion. They will reserve their judgment until the conclusion of the inquest. This probably will be on Wednesday.



NEGRO WATCHMAN TELLS STORY OF FINDING GIRL'S BODY AND QUESTIONS FAIL TO SHAKE HIM

Atlanta Journal

Wednesday, April 30th, 1913

Newt Lee, Negro Who Notified Police of Mary Phagan Murder, Tells Coroner Girl's Body Was Lying Face Up With Head Toward West When He Found It — But Officers Declare They Found It Lying Face Down, Head Toward East, Knew She Was White, Said He, by Her Hair

SAYS MR. FRANK DID UNUSUAL THINGS, BUT DOES NOT DIRECTLY IMPLICATE ANYONE

Mary Phagan

Mr. Frank Met Him Outside Office Saturday Afternoon and Let Him Off for Two Hours, After Having Insisted That He Be There at 4 o'Clock—Mr. Frank Was Scared When He Saw Gantt, Says Negro—Telephoned Him That Night for First Time—Inquest Resumed at 2:15

That he found the body of Mary Phagan face up with its head toward the back of the building, was the startling evidence given at the coroner's inquest Wednesday morning by Newt Lee, the negro night watchman at the National Pencil factory in which the child was murdered.

This evidence, by which the negro has stuck without wavering is in direct conflict with the evidence of all the police officers and others who answered the negro's alarm.

They found the body lying face down with its head toward the front of the building, they all swear.

The negro swore to the coroner Wednesday, that when he scurried away from the body to the telephone, he stayed away until the officers came. He went with them—and they found the body exactly reversed from the position in which he says he found it.

Thus is mystery added to mystery in the crime.

If the negro tells the truth (and the police have been unable to shake him from his first story, however much they doubt some of its particulars), who turned the child's body over upon its face with its head in the opposite direction after he left it go to the telephone?

WAS MURDERER STILL THERE?

Was the murderer lurking there in the gloom at the back of the basement when the negro came down the ladder?

Was it the purpose to burn the body in the furnace—which was not burning then, but which might have been lighted easily from the clutter and trash? Did the negro's descent into the basement frustrate that? And then did the murderer pull the hasp on the rear door of the basement and flee before the officers got there?

Patience and perseverance upon the part of the police, and the incessant putting together of two and two, will reveal the story.

The negro did not attempt to implicate any one, in his evidence before the coroner's jury. His evidence was damaging slightly to Mr. Frank, the superintendent, in that he said Mr. Frank sent him away from the factory from 4 to 6 after having insisted that he be there at 4; that Mr. Frank looked frightened when he came down the stairs as the negro, after his return, met Mr. Gantt at the street door; and that Mr. Frank never had called him before, as he did over the telephone between 7 and 8 o'clock that evening, to ask if everything was all right. The obvious conflict, between the officers inability to distinguish at first whether the girl was white or black may be dismissed, perhaps, by the negro's stout assertion that he knew by her hair, which was long and brown and wavy, totally unlike that of a negro woman.

At 12:40 o'clock the coroner's inquest adjourned until 2:15 o'clock.

THINKS HE SAW HER.

J. G. Spier, of Cartersville, testified that he saw a man and a girl, the latter of whom he declared positively after seeing the body at the undertaking establishment was Mary Phagan, on Forsyth street, near the pencil factory Saturday afternoon about 3:50 o'clock. He was positive the girl was the same whose body was pointed out to him as Mary Phagan's, he said, but was not sure of the man. The general "outline," he said was the same as the pointed out to him as Frank. He saw this couple again about 5 o'clock, he said.

Leo Frank: The Coroner's Inquest

The first official and public probe into the deep mystery hiding the slayer of fourteen-year-old Mary Phagan, brutally murdered and mistreated last Saturday night in the National Pencil factory, was begun in earnest Wednesday morning at 9:10 o'clock, when the coroner's jury began its examination of witnesses.

The inquest was held at police headquarters, behind the closed doors of the station, in the office of the board of commissioners. Coroner Donehoo assembled his jury again (following a recess since it was empaneled last Monday morning) at the undertaking establishment of P. J. Bloomfield on Pryor street, and marched at the head of it from there through the streets to police headquarters, preferring to go to the witnesses who were incarcerated rather than bring those witnesses to the jury.

The following witnesses were called and sworn by the coroner:

E. E. Shank.

W. J. Coleman, step-father of the murdered child.

Adam Woodward, negro nightwatchman in an adjoining livery stable, who believes he heard a woman's screams about 11 o'clock Saturday night.

Newt Lee, negro nightwatchman in the pencil factory, who first reported the finding of the body.

W. W. Rogers, former county policeman, who carried the officers to the scene of the crime.

W. F. Anderson, call officer, city police.

Sergeants Brown and Dobbs, of the city police.

Miss Pearl Robertson, friend of Arthur Mullinax, the trolley car conductor who has been held upon suspicion.

J. M. Gantt, formerly bookkeeper at the National Pencil factory.

E. L. Sentell, who believes he saw the girl on the street with some man Saturday night.

It was a noticeable fact that L. M. Frank, superintendent of the factory, was not among the witnesses called at first. His attorney, Luther Z. Rosser, was present when the inquest began its work.

Coroner Donehoo resumed his inquest upon the mysterious murder of Mary Phagan Wednesday morning, reimpaneling shortly before 9 o'clock the same jury which met Monday and recessed for two days. The members of that jury are H. C. Ashford, L.

Leo Frank: The Coroner's Inquest

Glenn Dewberry, of 352 Cooper street; J. C. Hood, of 185 Windsor street; C. A. Langford, of 144 Highland avenue; John Miller and C. Y. Sheats, of Cascade road.

Immediately after impanelling the jury at the undertaking shop of P. J. Bloomfield on Pryor street, where the murdered girl's body had rested until it was removed for burial Tuesday. Coroner Donehoo led it away from the crowd congregated in the street in front of the establishment, marching to police headquarters. There the negro night watchman, Newt Lee, and the superintendent, L. M. Frank, of the National Pencil company, were in detention behind stout bars.

CALL OFFICER TESTIFIES.

W. F. Anderson, call officer, city police, was the first witness to be examined. He told of receiving a telephone call at police headquarters shortly after 3 o'clock Sunday morning a man's voice informed him that the speaker was the negro night watchman at the National Pencil company factory and that he, the watchman, had found the body of a young woman who evidently had been murdered. She was a white girl, the negro said.

The witness went to the factory on Forsyth street with other officers, and was met there by the negro, Newt Lee, and was led by the negro through a trapdoor down a ladder into the basement, where after some moments he distinguished the body of the murdered girl later identified as Mary Phagan. He could not see it at first until he was almost upon it, said the officer. The body was lying in a corner beyond the end of a compartment partitioned off at the left from the main basement. It was lying upon its face. The left stocking was torn. The left shoe was missing. The left knee was bruised. The band around the bottom of the underskirt was torn off.

GRUESOME DETAILS GIVEN.

The head was very bloody, and the eyes were bloodshot. A cord, he said, which was a sort of small rope, was tied so tightly around the neck that it cut into the flesh. This cord was about six or seven feet long. In addition to it, the band which had been torn from the dead girl's underskirt, was wrapped round the neck.

He also found a bruise just above and back of the ear. He testified that the mouth and eyes of the dead child were filled with dirt and sawdust, and that the whole face was so discolored with grime that he was not sure at first whether the girl was white.

In reply to questions he said that he hadn't noticed whether the body had been dragged across the floor of the cellar.

After examining the body he had gone to the door which offered an exit from the cellar, and there he found that the staple on the inside had been drawn, and that the door had been opened by this means.

LANTERN LIGHT DIM.

At this point, Dr. J. W. Hurt took up the questioning and brought out an important fact from the witness.

He asked the witness what sort of light he had used in the cellar. The officer said that it was the usual police flashlight light. Then he inquired the sort of light used by Newt Lee, the negro night watchman. The officer answered that it was a lantern, very much smoked, which gave only a dim light.

Lee has told the police that he noticed the body as he stood twenty or thirty feet away.

"Could he have seen twenty or thirty feet with his lantern?" asked Dr. Hurt.

"He could not," answered Officer Anderson, "He couldn't have seen more than twelve or fifteen feet. And I also think that the place where he says he was standing is in such a position that rays from the lantern would not have even fallen in the direction of the body.

He also testified that the reason which the negro gave for going to the cellar was not convincing.

BASEMENT DESCRIBED.

He was present, said the witness, when somebody picked up a note near the body. He identified it as the one written on a slip of yellow paper. Later somebody found another note. He didn't identify that. About five feet from the girl's body a pencil was found. Near it was a pad from which the slip evidently had been torn. He described the basement—a long, narrow enclosure between rock walls, with the elevator shaft near the front, a boiler on the right about half way back, a partition on the left shutting in an enclosure which seemed to be waste space, an open toilet on the right beyond the boiler, the girl's body on the left beyond that, and a door at the back end. The girl's left slipper was found near the elevator. She wore no hat that he couldn't find. He didn't remember distinctly how she was dressed, but believed it was in some dark material.

SERGEANT BROWN TESTIFIES.

Sergeant R. J. Brown gave evidence putting heavy suspicion upon the negro night watchman, Newt Lee. Call Officer Anderson has testified that the negro told him over the telephone that the body was that of a young white woman.

Sergeant Brown declared that he and his brother officers found it impossible to tell whether it was the body of a white or a colored girl until they made a minute examination.

He described revolting details. He said that the negro's story that he (the negro) first saw the body when he was standing some twenty-five feet away from it, seemed improbable

to the officers, for they stood there and could not see it by the light of the negro's lantern, nor could they make it out until they were within just a few feet of it.

It was only after a minute examination, said the sergeant, that he and the other officers concluded that the negro's statement was right, that the body was that of a white person.

BODY WAS COLD.

"This is nothing but a child!" the officer said he exclaimed, when he first saw the body closely. The body was cold then and was somewhat still, said he.

"I couldn't tell whether it was a white girl or a colored girl. I took some shavings from around there and rubbed her face with them. Still I couldn't tell whether her skin was white or dark. Finally I had to roll the stocking down from the right knee—the other being torn and dirty; and then I saw her white skin."

The officer said the body was fearfully dirty—particularly the face. There was a place on the dirt floor of the basement that looked as if something might have been dragged there. He did not believe that all of the dirt that was on the child's face could have gotten there simply from the body's lying upon the dirt floor. Dirt was inside the child's mouth, even. Her tongue was swollen, and protruded almost to the point of her chin, showing she had choked to death. A piece of heavy twine was tied tightly around her neck. A strip from around the bottom of her underskirt was tied around her neck, too. He knew it was from her underskirt, because the lace on it matched the lace on her skirt, and a strip was missing there. The hands were folded beneath the body, but were not tied. He described the surrounding circumstances that he found—a lock on a staple near the back door, the staple having been pulled out. The negro night watchman's lantern was of an ordinary type, said he, and had not been cleaned in some time, its globe being dirty and its light dim. Lee, the negro, told him that he (the negro) rarely went into the basement, but gave a reasonable excuse for his presence there when he found the body.

GAVE LITTLE INFORMATION.

Sergeant Brown testified that Newt Lee gave them little information upon their arrival at the pencil factory. He said that the negro did not tell them whether he had touched the corpse.

He was questioned as to who had telephoned to Frank, and he said that Officer Anderson endeavored to reach Frank over the phone. The officer told central that a girl had been murdered and that it was of utmost importance that he be given the number that he asked. But although this number was rung repeatedly, he got no answer. It was not until much later Sunday morning that the police were able to get into communication with Frank.

He testified that the negro would have found it almost impossible to see the body from the position in which Newt Lee said that he was standing at the time he made his grewsome discovery.

He continued his testimony by saying that the girl's clothing was badly disordered and torn, and that the cord around her neck looped in the back. The band which was also bound round the neck was in two pieces which had been tied together. The tongue, he said, protruded an inch, and the blood upon the face was cold.

In his opinion the band from the underskirt had been tied about the neck before the rope, and that Mary Phagan was strangled to death.

CLOTHES ARE EXHIBITED.

When his testimony had been concluded a dramatic incident took place. The clothes that the girl had worn were brought forward for the jury to see, and were placed in a heap on a chair. There was a commotion at the side of the room. The brother of Mary Phagan rose, and for a moment remained staring at the heap in the chair. Without speaking, he clasped his hands to his head and pushed his way from the room.

Officer Anderson was recalled and testified that he found the body lying face downward, although Newt Lee had said that the body lay face upward.

He said that the legs of the body were not stiff, and that blood in the hair was still moist. Blood, he said, was still flowing from the body. According to his testimony, the head of the body lay toward Forsyth street, and there were signs in the cellar of a struggle.

The clothes which were shown to the jury consisted in a one-piece purple dress, with white trimmings. Only one shoe, a black gun-metal slipper, was displayed.

HE FOUND THE NOTES.

Sergeant L. S. Dobbs identified the two notes as having been found by himself near the body. One was written on yellow paper, the other on rough scratch pad paper. The elevator shaft, said he, is distant about 150 feet from where the body was found. He told of the minute examination that had to be made to determine whether or not the body was that of a white girl. Her hands looked as if she had been dragged face downward.

On the back of her head at the left was a wound. Cuts were on her face and forehead. The sergeant said he called Newt Lee, the negro, to him and said: "You did this or you know who did it." The negro denied any guilt, said the sergeant.

The sergeant said that then he read one of the notes to the negro, with a sentence like this:

"Mommer: Tall black thin negro did this. He will try to lay it on night—"

The sentence came to the end of a line there, said the sergeant.

"That means me," the sergeant said the negro night watchman said immediately. "The night watchman."

Later, said the sergeant, he stood where the negro said he was standing when he saw the body and tried to see it. He even went so far as to have a fellow officer lie down where the body had been. But though it was daylight, he barely could discern the officer there, said the sergeant; nor would he have seen him at all had not been looking particularly toward that spot with a definite purpose. By the light of a dim lantern, it would have been practically impossible for the negro to have stood where he claimed, said he, and seen the body in the gloom partially behind the corner of the partition and slightly below floor level.

The staple taken from the rear door could not have been pulled off save from the inside, said he. A piece of iron nearby might have been used to prize it out, said he.

Sergeant Dobbs, in reply to a question as to whether he thought the body had been dragged, said that after daylight had come he noticed a trail leading from the elevator shaft to where the body had been found.

COULDN'T HAVE CARRIED BODY.

In his opinion an ordinary man could not have carried the body down the ladder to the basement. The elevator, Sergeant Dobbs said, was on the first floor, on the Forsyth street level.

The girl's left shoe, Sergeant Dobbs said, was found alongside her hat on a garbage pile about 100 feet from the elevator and about 50 feet from the body. The boiler, in which there was no fire, was also about 100 feet from the elevator and 50 feet from the body, alongside the trail.

The notes, the witness said, were found almost together near the head, about two feet from the partition. There was no opening in the partition that he saw.

Sergeant Dobbs said that when he entered the basement he was three or four feet from the body before he saw it. The negro was leading the way, he said.

Sergeant Dobbs said the body was cold when he first saw it. He felt of the face and hands and knees. The finger joints were not stiff and could be worked back and forth easily, he said. Having had no experience with dead bodies, the witness said he could not estimate how long the girl had been dead when he found her.

NO ONE IN BUILDING, HE SAID.

Sergeant Dobbs said the negro told him no one had been in the building since he started to work at 6 o'clock Saturday night.

The girl's body was taken from the basement out the back way by the undertaker's. Sergeant Dobbs said, some time after daylight—about 6 o'clock Sunday morning, he thought.

Britt Craig, a newspaper reporter, was then called.

At 11:45 o'clock the negro night watchman, Newt Lee, was called to the stand by the coroner.

He said that he lives at 40 Henry street. Usually he went to his work about 6 o'clock as night watchman at the pencil factory, he said. Last Friday Mr. Frank, the superintendent, told him to come earlier, at 4, on Saturday, saying it would be a half holiday. Mr. Frank spoke to him two or three times about it during the day, said he. He appeared at the factory at 4 o'clock, accordingly, and found the street door unlocked but the double doors leading to the plant were locked. He has keys to the front and back of the factory, said the negro.

FRANK LETS LEE GO.

He went into the office and Mr. Frank came into the outer office from the inner office, rubbing his hands.

"I'm here, sir," the negro said he remarked to his employer.

"I'm sorry, Newt, that I had you come here so soon," the negro said Mr. Frank told him. "Go out and have some fun. Come back in about an hour and a half, but don't stay later than the usual time"—6 o'clock.

The negro said he left and returned at 6 o'clock.

The negro said that after coming to work each evening at 6 o'clock he punched the time clock, and started on his rounds of the four floors of the factory. Those rounds usually took him half an hour, he said, exclusive of the basement. If the half hour had not quite expired when he reached the clock, sometimes he went to the basement, too, said he; otherwise he omitted the basement and resumed his round.

COULDN'T SEE INTO OFFICE.

The negro said that usually Mr. Frank called him into the office, and that it was contrary to the usual custom when Mr. Frank came out into the outer office and met him. He couldn't see into the office, said the negro, or tell whether there was anybody else inside.

The negro said he left, going up Forsyth street to Alabama, east on Alabama to Broad, across the bridge, along Viaduct way to that Whitehall viaduct and down the street into Wall street and along that street to Central avenue, where he found a big fat man selling some sort of medicine. The man had some negroes there, eating [1 word illegible] and

dancing, said Newt Lee. He stayed there until time to go back to work, and got back to the factory two or three minutes, or perhaps four minutes, before 6 o'clock. Mr. Frank was still there. He started to punch the clock. Mr. Frank told him to wait, that there had been only two or three there that day and the slip had been taken from the clock. Mr. Frank came out and the two of them put the slip back on, said the negro, and he punched the clock at 6. Mr. Frank went back into the office, said the negro, and he himself went back downstairs to close the doors. At the street door he met Mr. Gantt, formerly a bookkeeper in the office, said the negro. Mr. Gantt wanted to get in and get some old shoes that he had left there. The negro told him it was against the rules, but that if Mr. Frank, who was upstairs, said no, he would let Mr. Gantt in.

At Mr. Gantt's request that he ask Mr. Frank, he turned from the door, and saw Mr. Frank just coming down the stairs from the office and machine room floor. Mr. Frank looked scared, said the negro, but he thought it was because he was afraid Mr. Gantt might have come there "to do him dirt," because Frank and Gantt had quarreled and the former had discharged the bookkeeper some weeks before. Mr. Gantt stated his case to Mr. Frank. "What kind of shoes were they?" Mr. Frank asked. "Tan," Mr. Gantt replied. "I think I saw the negroes sweeping them out this morning," said Mr. Frank, "But I had some black ones, too," said Gantt. "All right, Newt," said Mr. Frank. "Take him up there and stay with him." Mr. Frank went on out, said the negro, and he went up into the office with Mr. Gantt and got the shoes. The negro gave him some little red twine and some paper to wrap the shoes up. Mr. Gantt wanted to use the telephone, and the negro told him to go ahead. Mr. Gantt called some lady. "I know it was a lady because I heard him call her name," said the negro. He couldn't remember the name. Mr. Gantt told her he would be home about 9 o'clock or a little later. He talked some time, then hung up the receiver and left. The negro locked the street doors behind him, and then because Mr. Frank had told him to watch Mr. Gantt, he stood there at the glass door and watched him leave. Mr. Gantt crossed the street, passed in front of the saloon there, and went on off up the street, said the negro.

The negro said that he did not see Gantt at 4 o'clock when he first came to work. He did not watch Mr. Frank when he left, said the negro. Frank had a key to the building and could have returned while the negro and Gantt were upstairs. The negro said he did not go to the basement when he first came at 4 o'clock. He was asked if there was a rug carpet in Mr. Frank's office, and replied no. He knew because he cleaned it every night.

Mr. Frank offered him some bananas when he was there the first time, said the negro, but he declined the fruit.

GANTT THERE HALF AN HOUR.

It took Gantt "no time at all" to find the shoes, said the negro. Gantt was in the building about half an hour. He did not know where Mr. Frank was during this time. He thought Mr. Frank walked away from the building toward Alabama. The first time he ever saw Mr. Frank, said the negro, was when he came to work there about three weeks before the crime.

After making the rounds of the building, or about 7 o'clock, he went to the basement, said the negro.

Machinery is on the second floor and on the top floor. Gantt got the shoes out of the shipping department near the clock on the second floor.

Lee said he went to the basement by way of the ladder through the trap door. A gas light always burned near the foot of the ladder. The gas was not as high as he had left it at 7 o'clock that morning. It had been turned down to about the size of the lightning bug. He received a phone message from Mr. Frank between 7 and 8 o'clock. Other members of the force had called him on previous nights occasionally, but this was the first that Mr. Frank had called him. Mr. Frank asked if everything was "all right," and the negro replied, "So far as I know."

BODY WAS FACE UP.

The negro said that the body was lying face up when he discovered it.

Other witnesses who came later swore it lay face down when they found it.

This contradicted the evidence of all the policemen.

He was asked the point blank question by the coroner:

"Why did you turn it over?"

"I didn't turn it over," said the negro.

He said he punched the clock every half hour during Saturday night.

"What did Mr. Frank say on Sunday about that clock not being right?" he was asked.

"He said it was all right," replied the negro.

He was asked to repeat his story of how he found the body. He went down the ladder to go to the basement, and went into the toilet, leaving his lantern in front of it upon the ground.

On coming out, he saw the body of the girl lying on the ground around the corner of the partition. It looked very vague, and he thought somebody had put something there to frighten him. He found the body lying on its back with the head turned toward Madison avenue (exactly the reverse of the position the officers found it in). He saw blood on the face and knew by the straight hair that it was the body of a white woman.

"It scared me, that body there," said the negro, "and I called up the station house."

"How did you know the number?" asked the coroner.

Mr. Frank had given it to him, said the negro, for use in case of fire or anything unusual. "He gave me his own number, too, to call him up in case I wanted him."

The coroner asked him if he touched the body when he found it.

He said, "No, sir, I did not."

He did not go back to the basement until the police came.

He went through the machine room in which the girl was supposed to have been attacked, every 15 minutes, in making his rounds of the building. He had to pass through it, he said, on his rounds.

PUNCHED CLOCK REGULARLY.

In answer to a question, the negro said that Mr. Frank and Mr. Darley told him that he had punched the clock regularly. He thought that was on Sunday after he had been arrested, said the negro.

Answering another question, the negro said that he did not know when it was that he told the police of Mr. Frank having let him off, Saturday afternoon, or of Mr. Frank having telephoned to him later.

Answering another direct question, the negro said that when he returned with the police the body was "just the same" as when he first saw it.

The negro admitted that he said over the telephone that the body was that of a white woman. His lantern had been cleaned Friday, he said, and was in fairly good condition. He had never seen the dead girl before he found her body. The girls employed in the factory always left before he came to work, and he left before they came back. The factory work stopped each day at 5:30 o'clock, and he came on duty at 6 o'clock. He had seen the back door open in the daytime, he said, and he thought the fireman—a negro named Knollys—had a key to it.

Policeman Anderson corroborated the negro's statement about the gas jet being a very dim light.

GIRL AND MAN NEAR FACTORY.

J. G. Spier, of Cartersville, in Atlanta Saturday, testified that he walked from the Kimball house down Forsyth street to the Terminal station with a friend Saturday afternoon and reached the Terminal station at exactly 3:50 o'clock. When he went by the National Pencil company's place, on his way back from the station, he saw a girl apparently about seventeen years of age and a white man apparently about twenty-five years of age, and

both seemed slightly excited. The girl was nervous, and was twisting her hands, and he thought the man had been drinking. They were standing near the street door of the factory. He went on down to Five Points, he said, and later went back by the Western Union office on Forsyth street, and at about twenty minutes to 5 o'clock he passed the man and the girl again. The girl was standing right by the door of the pencil factory. He saw the same girl Sunday morning at Bloomfield's undertaking establishment. There was no doubt in his mind that it was the same girl, despite the disfigured and swollen features of the corpse. He couldn't be sure about the man. A man pointed out to him by an officer as "Mr. Frank" had the same "outline" as the man he saw on Forsyth street. This man was pointed out to him on Sunday morning. About 8:30 o'clock he went to the factory where the detectives were making their investigation. We went there with a policeman, to whom he had told the story of the excited couple he had seen. He was on a Fair street car reading a newspaper extra, and got off the car and talked to an officer. He could not describe the complexion of the man whom he saw with the girl. He, Spier, is five feet and eleven inches in height, he said, and he thought the man with the girl would come about to his shoulder. He could not identify the clothing which had been worn by Mary Phagan, on the table. As well as he remembered, the girl had on a light cloak. He did not notice whether she wore a hat or not. He thought her hair was dark. He was in Atlanta on personal business, he said.

The Inquest adjourned at the conclusion of Mr. Spier's testimony, until 2:15 o'clock.

DETECTIVES ELIMINATE EVIDENCE IN CONFLICT WITH THEORY THAT PHAGAN GIRL NEVER LEFT FACTORY

Atlanta Journal

Thursday, May 1st, 1913

All Efforts Will Be Concentrated at Inquest Thursday Afternoon to Show That Testimony of Witnesses Who Claim to Have Seen Girl After She Entered Factory on Fatal Day is Vague and Indefinite and Contradictory

**NIGHT WATCHMAN EXPECTED TO TAKE STAND AND GIVE INFORMATION
HERETOFORE WITHHELD**

This Intimation Came From Detectives Thursday Morning After the Watchman Had Been Vigorously Questioned Behind Closed Doors for More Than an Hour—Women Employees of Factory Will Be Called—Witness Admits Mistake



Detectives investigating the case

When the coroner's jury reconvenes Thursday afternoon at 4:30 o'clock the city detectives will endeavor to eliminate all testimony which tends to refute the theory that Mary Phagan never left the National Pencil company's factory after she went there to collect her two days' wages last Saturday about noon.

The testimony of Edgar L. Sentell, employee of the Kamper's grocery company, has been a stumbling block in the way of the case from the very first. The detectives have never believed that Mary Phagan left the factory, yet they were confronted with Sentell's positive statement that he saw and spoke to her between 11:30 and 1:30 o'clock Saturday night.

At Wednesday's inquest he said that he was positive that he saw the girl, and said that he believed her companion was Arthur Mullinax.

SAYS SENTELL WAS IN DOUBT.

Thursday, however, D. W. Adams, a trolley car motorman, came to Chief Beavers and told him that he heard Sentell say shortly after he had testified at the inquest, that he was not certain that the woman he saw was Mary Phagan.

"It might have been Miss Pearl Robinson," Adams quotes Sentell as saying just a short time after he swore positively that he saw and spoke to Mary Phagan. Miss Robinson, was at the inquest, was wearing on Saturday evening a dress very much like the one Mary Phagan wore, and earlier in the evening she and Mullinax says they were together.

Detective Starnes and Campbell have convinced J. L. Watkins who testified that he saw Mary Phagan Saturday afternoon about 5 o'clock that he was mistaken and that the girl he really saw was Miss Daisy Jones, who lives at the corner of Fox and Lindsay streets. Miss Jones will be at the inquest Thursday afternoon and Watkins will take the stand to make the statement that his first testimony was in error.

In demonstrating to Mr. Watkins that he had seen Miss Jones instead of Mary Phagan, the detectives got Miss Jones to put on the same clothes she had on Saturday afternoon and took her out on the street where Mr. Watkins had seen her. Watkins was immediately convinced that Miss Jones was the girl he had seen.

Before the hour of convening of the inquest a number of detectives were engaged in talking to employees of the factory about general conditions, especially with references to the conduct of the men, employees and employers alike, toward the women who worked there.

A number of former employees were among the people who were in conference with the detectives.

SIXTH ARREST MADE.

A sixth arrest in the Phagan murder case was made by detectives at 2 o'clock Thursday. James Connally [sic], a negro "sweeper" employed at the National Pencil factory, was seen washing a shirt at a faucet in the rear of the building. Before he had completed the work detectives who had been phoned, walked in and placed the man under arrest. There were certain marks on the man's shirt. He claims that they are "rust" marks. The detectives will hold him, at least until a chemical analysis can determine for certain whether or not the stains were caused by blood.

The negro declared to the police that the shirt was the only one which he possessed and that he washed so he could appear in it at the inquest, to which he had been summoned. His statement is believed by the police.

NEW INFORMATION SECURED.

A report that Newt Lee, the night watchman, has given the detectives much additional information was current at police headquarters Thursday morning, and was not denied by the officials working on the case. Lee went through another hour's examination Thursday morning, and when he was locked in his cell again orders were given that he be allowed to communicate with no one.

Leo Frank: The Coroner's Inquest

It is now reported that he will go before the coroner's jury, when it convenes again at 4:30 in the afternoon.

The detectives intimate that Lee has given them new information which will materially help them in solving the mystery of Mary Phagan murder. It bears out the theory, they say, upon which they have been working for the past two days.

Shortly after 9 o'clock Thursday morning Lee was brought from his cell at the office of the chief of detectives. There he was examined for an hour by Chief Lanford, Chief Beavers, City Detectives Black and Rosser, and Harry Scott, the Pinkerton representative.

FACTORY GIRLS TO TESTIFY.

Coroner Paul Donehoo has announced his intention of summoning practically every woman employee of the National Pencil Factory, and many of the men, before the jury, which will resume the investigation of the death of little Mary Phagan on Thursday afternoon at 4:30 o'clock.

Trouble, expense and inconvenience cannot be considered in making an investigation in a case of such paramount importance, the coroner declares, and it is possible that some fact of the greatest importance may be developed by thoroughly examining the employees of the factory.

Probably some of the girls there have in their possession facts that would lead the detectives directly to the murderer, yet the girls holding this information may have no idea of its importance.

Coroner Donehoo told Chief of Detectives Lanford of his decision early Thursday and that official immediately offered the coroner two of his men who will serve the subpoenas.

According to the present plan the detectives will secure from the management a list of the employees. Their names will be written on the subpoenas, which the detectives will immediately serve.

Repeated rumors that employees of the factory know more than has ever been developed by the officers, has led, it is said, to the necessity of continuing the probe among them.

Of especial value is the coroner's inquest for when the witnesses go before it they are placed under oath, and if their stories vary at the trial of any party, who may be indicted for the crime, then the record of the coroner's investigation may be produced.

It is said that there are between sixty and eighty women and about 104 male employees of the National Pencil factory.

MAY EXHUME BODY.

Coroner Paul Donehoo is considering the advisability of having the body of Mary Phagan, interred at Marietta Monday, exhumed in order that physicians may make an examination of the contents of her stomach.

The coroner took the matter up, following a conference with D. G. Buchanan, formerly a sergeant of police at Augusta. Mr. Buchanan, who is now in business in Atlanta, advances the theory that Mary Phagan was drugged early in the afternoon, and that the tying of the cord and piece of her underskirt about her neck was either a simple "stall" or was done for the purpose of moving the body around by someone, who feared that he would bloody his clothing if he touched it.

FRANK REGRETS DELAY.

Leo M. Frank, when seen by a Journal reporter Thursday morning, said that he has no statement to make until his testimony is given before the coroner's jury, which will probably be at the afternoon session this Thursday.

Mr. Frank said that a complete stenographic statement had been dictated by him, and that he was anxious to have this before the jury.

He looked worn and tired, but declared that he regretted the delay and was anxious to have his testimony introduced as he was confident the coroner's inquest would completely establish his innocence.

UNCLE TO AID HIM.

It was learned Thursday that Moses Frank, one of the city's substantial citizens, is returning to Atlanta today to assist his nephew, L. M. Frank, in establishing his innocence of the crime with which his name has been linked by the charges of suspicion. Mr. Frank had started to Europe, but was reached by wire in New York and immediately started back here, giving up his journey. L. M. Frank is said to be a favorite nephew and the probable heir to his fortune.

The coroner's investigation of the murder of little Mary Phagan at the National Pencil factory Saturday or Sunday, will be resumed at police headquarters at 4:30 o'clock Thursday afternoon, and the principal witness is expected to be L. M. Frank, superintendent of the factory, who is being detained by the police.

When the inquest, which had been in session from 9 o'clock in the morning, adjourned for the day Wednesday at 6 o'clock, the mystery of Mary Phagan's death had not been solved, and the crime was far from fixed on any individual.

Coroner Paul Donehoo expects to hold a long night session Thursday. He fixed the hour for the re-convening of the inquest at 4:30 o'clock in order that the city detectives might

utilize the entire day in their hunt for evidence which may tend to throw additional light on the factory tragedy.

WEDNESDAY'S SESSION.

G. W. Epps, a fifteen-year-old, [1 word illegible] boy, who says that he lives just around the corner from the dead girl's residence proved one of the most interesting of the witnesses heard by the coroner's jury at Wednesday afternoon's session. Epps, who rode to town with Mary when she went to the factory to get her earnings for two days' labor, was to meet her again at 2 o'clock at Five Points, and they had arranged to watch the Memorial day parade together.

Coming in on the car, he declared that Mary told him that Mr. Frank had winked at her and looked "suspicious." She requested him, he said, to meet her at the factory whenever he could.

Edgar L. Sentell, of 82 Davis street, was positive that he saw Mary with a male companion on Forsyth street, near the factory between 11:30 Saturday evening and 12:30 o'clock Sunday morning. They spoke to each other, he said.

Sentell was not quite positive that her companion was Arthur Mullinax, the former street car conductor.

Another witness, a neighbor, claimed to have seen her near her home at 5 o'clock Saturday afternoon, while still another witness who had told the detectives that he saw Mary the afternoon of the tragedy, appeared at the inquest and declared that he was mistaken. Miss Pearl Robinson, who had also been summoned as a witness, was the girl he saw, he declared.

FACTORY EMPLOYEES TESTIFY.

Three employees of the factory were among the witnesses of the session. One, R. P. Barrett, found the blood splotches near Mary's machine on the second floor, which show that there instead of in the dark basement she commenced her fight for life. Harry Denham and Arthur White, the two young men who worked on the fourth floor of the factory from 7:30 until 3 o'clock Saturday, were the other witnesses. Mr. Frank, they said, came up to their floor shortly afternoon and when told that they couldn't complete their work by 1 o'clock locked them in the building until about 3 o'clock, when they left him there.

J. M. Gant [sic], another of the men held by the police in the case, was on the stand, and he told on oath practically the same story that he has so often told to the detectives and reporters.

J. W. Coleman, of 146 Lindsay street, step-father of the murdered girl, told the pathetic story of the anxiety of her mother and himself when she failed to appear at home by dusk,

Saturday evening. Coleman declared Mary Phagan would have been fourteen years old had she lived until the first day of June.

Frank M. Berry, assistant cashier at the Fourth National bank, was one of the important witnesses at the hearing, and he declared that in his opinion the notes found by the girl's body were written in the same hand as several other notes, which had been written at police headquarters for the detectives, by the negro watchman, Newt Lee.

WAS FACTORY A RENDEZVOUZ.

Repeated questions from the coroner and the members of his jury attempted to bring from many witnesses the statement that the pencil factory had been visited often after working hours by men and women.

No witness before the jury admitted having seen couples enter the place after dark, but it is said that when the jury continues its investigation Thursday several persons who claim to have seen men and women enter the building at night, will be called.

Miss Pearl Robinson, of 133 Bellwood avenue, testified that Arthur Mullinax was with her the greater part of Saturday evening, and it is extremely probable that Mullinax will be released immediately upon the closing of the coroner's probe.

Expert embalmers from P. J. Bloomfield's establishment will probably be called before the coroner's jury Thursday afternoon, and they will give it as their opinion that Mary Phagan had been dead ten hours or more when they received the body.

The undertakers were called about half an hour after the arrival of the police at the factory, or shortly after 4 o'clock Sunday morning.

SOLICITOR DORSEY IS MAKING INDEPENDENT PROBE OF PHAGAN CASE

Atlanta Journal

Friday, May 2nd, 1913

Outside of Solicitor's Activity There Have Been No Developments Since the Suspects Were Transferred to Tower

GROUNDLESS RUMORS DENIED BY OFFICIALS

Chief Lanford's Busy Running Down Tips—Coroner's Inquest Will Be Resumed on Monday Afternoon at 2

The Atlanta Journal has published every fact and development in connection with the mysterious murder of Mary Phagan. The Journal will continue to print news of further developments and additional evidence as the investigation proceeds. No fact has been suppressed nor will any news relating to the hunt for solution of the crime be withheld from the public. Many silly reports about a confession having been made by one or both of the prisoners held on suspicion in the case have been circulated, but they are without the slightest foundation.

AN INDEPENDENT INVESTIGATION.

Forces in the employ of the solicitor general, Hugh M. Dorsey, are making an independent investigation of the Phagan murder case, it was learned Friday.

The solicitor general refuses to state just how many men he has at work on the mystery or who they are. They have developed nothing, however, which he is willing to give out for publication.

The city was filled with foolish rumors throughout the morning Friday and officials were called upon to deny dozens of groundless reports.

Coroner Paul Donehoo, who has more than 100 witnesses subpoenaed, declares that the inquest will certainly be resumed at 2 o'clock Monday afternoon. The coroner says that the investigation is as thorough and exhaustive as it is possible to make it and every report that reaches him is being probed.

"It is not surprising," said the coroner, "that the mystery has not been solved by this time and the fact that the crime cannot now be laid at the door of any individual and that person brought immediately to trial is no indication that the guilty party will never be brought to justice. In many instances, where the detectives have had as little to start with as in this case, it has taken them months to finally establish the guilt of the right party."

MANY DETECTIVES AT WORK.

In addition to the city detectives, the Pinkertons employed by the National Pencil company, and the officers employed by the solicitor general, it is said that many other private detectives are working on the mystery.

Colonel Thomas B. Felder has been employed by a number of citizens living in the vicinity of the home of the slain girl, to assist the state in the case, and while he will make no statement it is reported that he has a private detective agency trying to solve the mystery.

Leo Frank: The Coroner's Inquest

Solicitor Dorsey was in conference on Friday with a number of the city detectives, who have been assigned to the task of finding Mary Phagan's murderer, and the fact that he has actively entered the case is considered the most important development of Friday.

There will certainly be no grand jury action in the matter, however, until Monday. The grand jury, which has been on duty for the past two months, was discharged Friday, and another grand jury will not be organized until Monday.

DETECTIVES NOT TALKING.

Following the transfer of Leo M. Frank, superintendent of the National Pencil factory, and Newt Lee, nightwatchman, to the county jail from police headquarters on coroner's warrants late Thursday afternoon, and the release of J. M. Gantt and Arthur Mullinax, Chief of Detectives Lanford has issued instructions to his men to talk with no one about the case, and to make direct reports to him. The chief is himself very reticent about developments in the case. He declares that his orders were issued because the few statements made by himself and his officers have been repeatedly exaggerated, and in many instances he and his men have been misquoted.

The transfer of the two principal figures in the case to the tower has resulted in things again assuming a normal attitude about police headquarters. The detectives Friday morning were busy running down the many rumors and "tips" which have come to their ears. The officers are literally bombarded by "tips," and despite the fact that practically all of them prove valueless when investigated, the officers have scattered in every direction, shifting every report to the bottom.

NO NEED FOR MILITIA.

On reports from sources which he considered reliable, Governor Brown Thursday night advised Adjutant General Nash to communicate with officers of the Fifth regiment with a view to having the national guard in readiness should the necessity arise.

The governor states that he did not go to the extent of suggesting that the national guard be mobilized. He simply recommended that the adjutant general request the officers of the regiment to be prepared for such steps, in the event current rumors were to materialize.

The governor also communicated with the jail authorities and with the police.

In carrying out the suggestion of the executive, Colonel E. E. Pomeroy gathered a few members of the Fifth regiment at the armory. No efforts were made to mobilize troops and by 11:30 o'clock those who had reported were allowed to return to their homes.

In the meantime an investigation had developed that the rumors were groundless. Deputy sheriffs in automobiles rushed over the entire city looking for any excitement, and they declare that never had Atlanta been more quiet.

REASON FOR TRANSFER.

Mr. Frank and the negro Lee were transferred to the tower on the coroner's warrants, because, it is said, there is considerable doubt of the legality of holding them at police headquarters, as both have been arrested in connection with a state, not a city case.

The warrants are similar in all respects, save that in one Leo M. Frank, superintendent of the pencil factory, is named, and in the other Newt Lee, the negro night watchman, is named.

The warrant against Mr. Frank reads as follows:

"Georgia, Fulton county:

"To the Jailer of Said County: Greetings:

"You are hereby required to take into custody the person of Leo M. Frank, suspected of the murder of Mary Phagan, and to retain the said Leo M. Frank in your custody pending a further investigation of the death of said Mary Phagan, to be held by the said coroner of said county.

"Herein fail not.

"Given under my hand and official signature this the first day of May, 1913.

(Signed)

"PAUL DONEHOO,

"Coroner."

INQUEST DELAYED.

Mr. Frank and the nightwatchman were transferred to the tower immediately after Coroner Paul Donehoo swore his 160 witnesses, the employees of the pencil company, and adjourned the inquest until 2 o'clock next Monday afternoon.

The coroner's decision to postpone the inquest from Thursday afternoon until Monday afternoon was reached after a conference with Chief of Police Beavers and Chief of Detectives Lanford. The reason assigned for the postponement is a desire to give the detectives additional time to work on the case.

MULLINAX GOES FREE.

Arthur Mullinax, the young man who has been in jail for several days, held on the statement of E. L. Sentell that he (Sentell) saw Mullinax and Mary Phagan walking on Forsyth street about midnight Saturday, has been completely exonerated.

Mullinax took his release calmly, as he did his arrest.

"I have never been worried," he said, "for I knew I was innocent and was confident that in a little time everybody else would know it, too.

"I am not sore because I have been arrested. If that girl had been my sister I know that I would have wanted the officers to lock up every man against whom there was any suspicion, and hold him until things cleared up.

"I guess I have lost my job—that's the only thing which worries me."

Chief Lanford told the released man that he would make a personal effort to see that he got his position back. Mullinax has been working with the Towel Supply company.

GANTT ALSO LIBERATED.

The release of J. M. Gantt followed that of Mullinax.

When habeas corpus proceedings were started for Gantt by his attorneys he was transferred from headquarters to the Tower, and Chief Lanford had to get an order from Judge George L. Bell, of the superior court, before he had authority to release the man.

The warrant drawn against Gantt in Justice F. M. Powers' court has been dismissed.

MANY THEORIES OFFERED.

Theories of how Mary Phagan met her death and by just what system her murderer can be brought to justice are flooding the office of the detectives. People are calling over the phone to tell the officers just how they should proceed. Many of them come in person, and the office is in receipt of hundreds of letters from this and half a dozen other states, giving advice and theories.

Many of the letter writers are anonymous, but most of the people sign their names. Several letters have been received from "criminologists," who are willing to divulge their theories only for money. Several letters have come from "seers" and "mystics," who have communed with the spirits and learned in that way the "identity" of the murderer.

Among the interesting callers at police headquarters Friday were two ladies, who have dreamed about the murder. Both say that they distinctly saw Mary Phagan in her desperate battle with the murderer.

The ladies arrived within a short time of each other, but their dreams didn't coincide. Both gave the chief accurate descriptions of the murderers of their dreams.

FRANK IN GOOD SPIRITS.

Mr. Frank got a good night's sleep Thursday night and Friday, he was in a cheerful frame of mind. Many friends called to see him during the day and Mr. Frank talked to them freely. He is confident that when the coroner's investigation has been concluded his absolute innocence will have been established.

PINKERTONS AFTER TRUTH.

The position of the Pinkerton detectives, employed by the National Pencil company, in the murder case, has occasioned considerable comment about police headquarters.

When asked about the matter, Harry Scott, the representative who is working on the mystery and assisting the city officers, declared that he and his men were out simply after the truth.

"It doesn't matter whom it hits," said Mr. Scott, "we want to do everything in our power to find the guilty man, and if we find him we are going to give every bit of our evidence to the state authorities, and lend our assistance in securing his conviction.

"This is just like any other case with us, and in all of them we go after the facts regardless of whom they help or hurt.

"When, for instance, we are investigating a bank robbery and find that the crime was committed by an employee or an official, we disclose the facts just as if the guilty man had been a highwayman."

Two additional Pinkerton men went to work on the case Friday, assisting Mr. Scott and the city detectives.

DETECTIVES CONFER WITH CORONER AND SOLICITOR DORSEY

Atlanta Journal

Saturday, May 3rd, 1913

Following Meeting Lasting Two Hours, Officials Investigating Murder Mystery Visited Scene of Tragedy

NO CHANGE IN PLANS FOR INQUEST MONDAY

Progress Has Been Made In Developing Evidence, It Is Said, but its Nature Has Not Been Divulged

The three central figures in the investigation of the Phagan murder case—the solicitor general, the coroner and the chief of detectives—held a conference Saturday morning, which lasted for more than two hours. The officials discussed the evidence in the case and the many theories which have been advanced, but refused to divulge any definite information about the long conference.

It is said, however, that the officials have decided to lend their efforts towards building their case on the ground that Mary Phagan never left the pencil factory.

New evidence, strengthening this view, is said to have been developed during the day by Detectives Black and Scott and Starnes and Campbell, but they refuse to divulge its nature.

It is said to be improbable that the method of legal procedure in the investigation will be changed. That is the coroner's inquest will be resumed Monday at 2 o'clock in the afternoon.

Dr. J. W. Hurt, the county physician, was one of the witnesses who conferred with the three officials at the solicitor's office Saturday morning, but he refused to discuss the case. Dr. Hurt made the examination of the dead girl's body.

M. B. Darley, general foreman of the National Pencil factory, and two young women employees were among the several witnesses examined by the officials during the conference. It is said that none of them disclosed events of importance.

VISIT SCENE OF TRAGEDY.

Following the conference, Solicitor Hugh Dorsey, his assistant, E. A. Stephens; the coroner, the chief of detectives and Detectives Black and Scott met at the factory, which had then closed for the day, and went over the scene of the tragedy. It was stated that the inspection trip was made simply in order that the solicitor general might be made familiar with the building, the different distances, and other physical points in the case.

RUMORS DENIED.

Chief of Police J. L. Beavers and Chief of Detectives Newport A. Lanford both positively denied Saturday morning that there has been a confession from either of the men held in the Tower in connection with the Phagan murder mystery.

They characterized the rumors of a confession, which have spread over the entire city, as idle gossip, which they say does a great injustice not only to Leo M. Frank, the superintendent of the factory, and Newt Lee, the night watchman, but to the men working on the case as well.

The two police officials, who have been constantly in touch with every movement in the case, declare that both Mr. Frank and the negro have not changed their statements that they know nothing about the crime in connection with which they are held.

Both officers deplore the wide circulation of the report of a confession and many other similar rumors, which, they say, are founded on no fact.

The elimination from the Phagan murder case of countless wild rumors and baseless reports has been occupying the time of the squad of detectives assigned to solve the Phagan mystery, by Chief Lanford.

NEVER LEFT FACTORY.

The detectives have been successful up to the present in showing that every report that Mary Phagan was seen after noon of last Saturday was without foundation. If the girl did leave the National Pencil factory in the basement of which her lifeless body was found at 4 o'clock Sunday morning by Newt Lee, the negro watchman, the detectives want to know it, for if this fact could be established what they term their "main lead" would be broken.

If Mary Phagan did not leave the factory after noon Saturday then the detectives have only to prove what transpired in the stone building and they will have solved the mystery.

CASE IS STRENGTHENED.

As the result of the elimination of so many conflicting reports the officers say that their main case has been strengthened; and Saturday morning, as the men started out for a day of hard work, they had an air of renewed confidence in their ability to solve the murder mystery within a short time.

All of the rumors had to be investigated, and now that most of them have been proved without foundation, the detectives consider that the case is less complicated than it was two or three days ago.

Several of the officers have been conducting a general investigation of the factory with particular reference to the treatment of the women employed by the officials and by the men who work there. While past occurrences there would probably be inadmissible in the trial of an individual for the murder of Mary Phagan, still the knowledge of past events might give the detectives a new clue or "lead," they say.

GIRL IN RED DRESS MAY FURNISH CLUE TO PHAGAN MYSTERY

Atlanta Journal

Sunday, May 4th, 1913

[The top part of this article is cut off including the headline and the sub-headings – Ed.]

A 17-year-old miss, [several words illegible] blonde and who weighs about [several words illegible] 140 pounds, and who was in [several words illegible] in Marietta last Wednesday afternoon wearing a dark red dress and a [1 word illegible] leghorn hat, may furnish the vital clue in the mystery of the murder of Mary Phagan.

Who is she?

Where does she live?

Is it true that she was the last friend of Mary Phagan's to see the murdered girl alive on Saturday afternoon, April 26?

She alone can answer. It is but a matter of hours until her identity is revealed.

If she knows what she is said to know, she can tell the officers of the law something that they are very anxious to learn.

Last Wednesday afternoon Miss Beulah Daniel, daughter of G. T. Daniel, of Mableton, Ga., was in a store in Marietta, making some purchases. She is quoted as saying that near her stood two girls, who also were making some purchases and who were talking as they looked over the goods offered to them. One of them was the girl already described above. Miss Daniel furnishes that description. She does not describe the girl's companion. They were discussing the murder of Mary Phagan in the National Pencil factory in Atlanta.

WAITED AT FACTORY DOOR.

The girl in the red dress related in Miss Daniel's hearing. It is said, a story that may prove the missing link of evidence that the detectives are seeking in their efforts to solve the mystery.

She said that she went to the pencil factory with Mary Phagan last Saturday afternoon when Mary called there to get her pay; that she waited at the street door of the factory;

that half an hour passed without Mary returning, and she was beginning to grow impatient, when a man came to the door and told her she needn't wait any longer, for Mary had some work to do.

If the report is true, and the girl in the red dress did say what she is quoted here as saying, she can probably describe the man who came to the door of the pencil factory and told her that she needn't wait.

There may be the vital clue.

Here is how the trail of the clue was lost:

Miss Daniel, it is said, did not realize the import of what she had overheard. She returned to her home in Mableton later in the afternoon and repeated to her father what she had heard.

"That's exactly the evidence the police are looking," her father is said to have exclaimed. "Here is The Journal, this afternoon, asking the world 'Who saw Mary Phagan last?' We've got to find that girl!"

But their search, determined and interested though it was, resulted fruitlessly—except for one slight lead to further information. Someone in the store had heard the girl in the red dress say she was going to catch the next car — leaving Marietta about 3 o'clock. No one in the store who had seen them knew her or her companion.

Atlanta detectives were informed, and it is known that they were at work upon the clue Friday and Saturday morning in Marietta. Their efforts were in vain, however—but they spread a net of inquiry which today is reaching out to cover the entire territory between Marietta and Atlanta—all to locate the girl who wore the red dress.

Somewhere in that 19-mile stretch of country, or perhaps within the 24 square miles of Atlanta's own area, she will be found.

If she, or anyone who knows her and can tell where she is to be found, reads this, let her or the acquaintance do one of two things—call The Journal by telephone, or call the chief of detectives in Atlanta. On Sunday The Journal's representatives can be reached at Ivy 1917-J. On week days the number is Main 2000. The chief of detectives number is Main 24.

CORONER RESUMES PROBE.

The coroner's jury probing the mystery of the murder of Mary Phagan, whose mutilated body was found in the basement of the National Pencil company's factory, last Sunday morning, will resume its inquest at police headquarters tomorrow afternoon at 2 o'clock.

Leo Frank: The Coroner's Inquest

Nearly 200 witnesses, many of whom are girl employees of the pencil company, have been subpoenaed and in addition to these it is expected that Newt Lee, the negro night watchman, and Leo M. Frank, superintendent of the factory, who are now in the Fulton tower, will take the stand.

Solicitor General Hugh M. Dorsey, who is carrying on a special investigation of the mystery, and E. A. Stephens, assistant solicitor general, had a conference yesterday afternoon, with Coroner Paul Donehoo, Chief of Detectives Newport A. Lanford, and Chief of police James L. Beavers. The conference lasted from 3 o'clock in the afternoon until nearly 7 o'clock. The two chiefs and the coroner went over all the details of the evidence secured so far with the solicitor general and his assistant.

WATCHMAN TO TESTIFY.

It is expected that the first witness who will take the stand when the inquest is resumed tomorrow afternoon will be Newt Lee, the negro night watchman, who was one of the chief witnesses when the inquest was begun Wednesday. It is expected that Lee will give some testimony as to a conversation he is alleged to have had with L. M. Frank at police headquarters Wednesday night.

It is also expected that Mr. Frank will be called to the stand or that the stenographic statement he made soon after his arrest will be introduced as evidence.

It is understood that the coroner's jury will try to draw from the employees of the pencil factory evidence as to past relations between certain officials of the company and the employees.

Dr. J. W. Hurt, county physician who examined the body of the Phagan child, will be a witness.

THEY DIDN'T SEE GIRL.

J. L. Watkins, who testified on Wednesday that he saw Mary Phagan Saturday afternoon before the murder, will be recalled to say that he had mistaken Miss Daisy Jones for the Phagan child. E. L. Sentell, who testified that he saw Mary Phagan about midnight Saturday, will again take the stand to say that he has found he was mistaken.

Rumors were current last night that detectives have discovered attempts to influence the testimony of witnesses but none of these has been verified.

MORE ARRESTS IMPROBABLE.

It was stated at police headquarters last night that as far as could be seen at present, no further arrests in the case are contemplated.

In all probability startling evidence will be brought out when the inquest is resumed, but detectives have given no intimation as to what this will be.

A big corps of detectives have been working unceasingly on the case since the inquest was postponed from Thursday afternoon until Monday, and with the aid of the solicitor general it is suspected that by tomorrow several new phases will be brought out.

The new Fulton country grand jury will be empanelled tomorrow and it is probable that, in event the coroner's probe is finished Monday night, the cases will be taken up by the jury Tuesday.

CORONER'S INQUEST RESUMED 2:30 P. M.; FRANK WILL TESTIFY

Atlanta Journal

Monday, May 5th, 1913

Factory Superintendent Was Expected to Be the Chief Witness, Though 200 Others Had Been Subpoenaed

NEW GRAND JURY URGED TO PROMPT INVESTIGATION

A Thousand Violations of Law Against Vice Do Not Equal Crime of Mary Phagan's Murder, Says Judge Ellis

The jury empanelled a week ago by Coroner Paul Donehoo resumed its probe into the mystery of the murder of little Mary Phagan on Monday afternoon shortly after 2:30 o'clock.

Although police headquarters was crowded by nearly 200 witnesses, mostly employees at the National Pencil factory, where Mary Phagan met her death, it was said at the opening of the session that only a few witnesses would be called upon to testify.

The coroner, the chief of detectives and the solicitor general held a short conference just before the inquest was resumed.

It is said that the conference was held in order that the officials might reach a decision as to just what witnesses it will be necessary to bring before the inquest. It is said to be the desire of Solicitor Dorsey that the inquest may proceed without disclosing any more of the "state's hand" than is absolutely necessary.

Leo Frank: The Coroner's Inquest

L. M. Frank, superintendent of the factory, who is held in connection with the case, was expected to be among the first witnesses examined by the coroner's jury. It was also considered probable that Newt Lee, the negro watchman, who is also under arrest in the case, would be recalled to the stand in order that the jury might ask him addition questions.

There was a possibility, however, of Mr. Frank being the only witness.

Luther Z. Rosser, attorney for Mr. Frank, said he would make no objection to Mr. Frank appearing before the coroner's jury and answering any questions that the jurors might wish to ask.

Should the inquest be concluded Tuesday afternoon, it is highly probable that the grand jury, which was empaneled Monday morning, will take up the Phagan case Tuesday, although no definite announcement has been made by the officials.

The detectives are said to have located another important witness, a woman who is said to have seen Mary Phagan at the factory last Saturday. It is said to be improbable, however, that this witness will be called Monday, and the officials are anxious to keep her identity a secret.

In his charge to the new grand jury, Judge W. D. Ellis, of the superior court, Monday morning called upon the jury to make an immediate and searching investigation of Mary Phagan's murder. He declared that a thousand violations of the law against vice would not equal in crime the mistreatment and death of this fourteen-year-old child, and that the case demanded the prompt attention of the grand jury.

Judge Ellis' reference to the Phagan case, taken verbatim from his charge to the jury, was: "The Mary Phagan case calls for your immediate and vigorous attention. The power of the state is behind you. What appears to be an awful crime has been committed, and the welfare of the community, the good name of Atlanta, public justice and the majesty of the law demand at the hands of this grand jury and of all officers of the law the most searching investigation and the prompt bringing to trial of the guilty party."

Solicitor Dorsey was seen after the judge's charge had been concluded and stated that in his opinion the Phagan case could hardly be taken up Monday. He thought it would probably be several days before the grand jury began its investigation, although he said it was possible for the jury to take the matter up at once if it saw fit to do so.

LANFORD'S STATEMENT.

"We have sufficient evidence to justify the coroner's jury in holding L. M. Frank and Newt Lee for further investigation by the grand jury," declared Chief of Detectives Newport A. Lanford Monday morning.

Leo Frank: The Coroner's Inquest

The detectives are still searching for the mysterious "Girl in the Red Dress," who stated in a store in Marietta last Wednesday that she was with Mary Phagan, when she went to the National Pencil company's factory on Forsyth street, Saturday a week ago to collect her wages for two days' labor.

Detectives Starnes and Campbell went to Marietta early in the morning Sunday, responding to telephone information given the officers as the result of The Journal's story Sunday.

Many people, who believed that they might be of assistance in locating the girl called at detective headquarters after reading The Journal's story, and as a result Chief of Police J. L. Beavers joined the detectives in his auto about 11 o'clock Sunday morning.

Chief Beavers stated on his return that the efforts to find the girl of the red dress had proved futile. This girl is supposed to have stated that she went to the factory with Mary Phagan and waited outside, while she went to get her money.

Soon she was notified by two girls who came down the steps, that Mary would be down in a few minutes. Later according to the story, a man came down and told her that Mary said not to wait as she would be busy half an hour or more.

NEW EVIDENCE CLAIMED.

It is said that important new evidence has been developed in the case. About this the detectives are reticent, and while they are not responsible for the statement, the general impression prevails that Solicitor General Hugh M. Dorsey is using every effort to prevent the public coming into possession of "the state's case."

A number of stenographers are busy at police headquarters making typewritten copies of the statements made by witnesses and principals in the case, and it is said that this work is being done in order that the case may be gotten before the coroner's jury in a tangible shape.

Dr. Claude Smith, city bacteriologist, expects to complete his analysis of the bloodstains before the inquest is resumed. Dr. Smith is making an analysis not only of the blood stains on the shirt found in a barrel at the home of Newt Lee, but of the blood stains found on the floor of the second story of the factory, the blood on the lathe at the factory, and also of the blood on the garments worn by the dead girl.

Dr. Smith's report will probably tell whether or not it is the same blood on the shirt and on the floor of the factory where Mary Phagan commenced her battle for life, and this will prove of great value to the police. The analysis is expected to have an important bearing on the case in many ways.

PINKERTONS AIDING.

A statement was given out at the office of the solicitor general Monday to the effect that Harry Scott, the Pinkerton on the case, has placed much valuable information in the hands of the solicitor.

Scott, with John Black, of the city force, was closeted with the solicitor for more than an hour Monday, and he gave the official a detailed account of the results of his investigation. Scott, like the general public, is being kept in ignorance of the results of the independent investigation, which is being conducted by the solicitor, Solicitor Dorsey is probably the only man who is now in touch with every phase of the investigation.

The solicitor's office seemed to consider the information disclosed by the Pinkerton man Monday to be of great importance to the state.

MYSTERIOUS LETTER.

A letter, that may have an important bearing on the case, has come into the possession of Harry Scott, of the Pinkertons. This letter was the subject of a conference between Scott and Chief Lanford Monday and it is believed the detectives regard its contents as important. It is understood that the letter is from the mother of a young man, who formerly worked at the factory and who may be able to give the detectives some information of value. The detectives declined to even admit that they had such a letter.

BODY IS EXHUMED.

The body of Mary Phagan was exhumed Monday by direction of Coroner Donehoo, who went to Marietta for the purpose. An examination of the contents of the stomach will be made for the purpose of determining whether the child had been poisoned before she was attacked on the day of her death. It will probably be several days before this examination can be completed. The exhumation was done very quietly, and few people in Marietta knew anything about it.

L. M. FRANK'S COMPLETE STORY OF WHERE HE WAS AND WHAT HE DID ON DAY OF MARY PHAGAN MURDER

Atlanta Journal

Tuesday, May 6th, 1913

Leo Frank: The Coroner's Inquest

For Three Hours and a Half Mr. Frank Was on the Stand, Answering Questions About His Movements Every Hour and Minute of the Day—He Was Calm and Unruffled When Excused From Stand and Returned to the Tower

HE TELLS OF VISIT OF LEMMIE QUINN TO HIS OFFICE TEN MINUTES AFTER MARY PHAGAN RECEIVED WAGES

Introduction of Quinn Gives the Factory Superintendent an Important Witness, in Confirmation of His Statements. Only Three Witnesses Examined by Coroner at Session Monday Afternoon

For three hours and a half Leo M. Frank, general superintendent of the National Pencil factory in which Mary Phagan was murdered, faced the coroner's jury Monday afternoon and told minutely, detail by detail, in precise sequence, where he was and what he did during practically every minute of Saturday, April 26, Saturday night, and Sunday, April 27. When he had finished, his father-in-law, Emil Selig, was put upon the stand and questioned closely regarding what he knew of Frank's whereabouts and acts on those days. And after Mr. Selig had been excused, Mrs. Josephine Selig, his wife, was called to testify along the same line. These three witnesses occupied the entire session Monday, which was at work for almost five hours.

That Lemmie Quinn, foreman of tipping department, visited the National Pencil factory shortly after Mary Phagan is supposed to have received her pay envelope and departed, was an absolutely new feature in the murder mystery brought out by Mr. Frank's testimony.

While Quinn has never been on the stand he has corroborated Mr. Frank's statement in interviews with the detectives, and goes further by saying that he recalled his visit to the factory for the incarcerated superintendent.

Mr. and Mrs. Emil Selig, father and mother-in-law of Mr. Frank, with whom the latter lives, were the only other witnesses examined Monday afternoon before the inquest was adjourned until Thursday morning at 9:30 o'clock.

When Mr. Frank left the witness stand at 6:20 o'clock, after three hours and a half of examination, he stated to a Journal reporter that he was not tired. He seemed none the worse for the ordeal he had just gone through. He was at once transferred to the tower.

Leo. M. Frank, superintendent of the National Pencil factory, was the first witness when the inquest was resumed. Mr. Frank entered the commissioner's room where the inquest was being held at 2:45 o'clock. He was accompanied by Chief of Detectives Newport A. Lanford, Chief of Police James L. Beavers, Detective J. N. Starnes and Deputy Plennie Miner.

Leo Frank: The Coroner's Inquest

He was sworn at 2:50 o'clock and a systematic questioning was begun by Coroner Donehoo, who was occasionally prompted by Solicitor General Hugh M. Dorsey and Chief of Detectives Lanford.

"What is your name?" the coroner asked.

"Leo M. Frank," was the answer.

"Where do you live?"

"At 68 East Georgia avenue."

"What is your connection with the National Pencil factory?"

"I am general superintendent."

"How long have you been with the National Pencil factory?"

"Since August, 1908," was the answer.

"How long have you held the office of general superintendent?"

"Since September 1, 1908."

"Where were you prior to that date?"

"Just prior to that time I was buying machinery for the factory."

"Have you lived in Atlanta all your life?"

"No, sir."

"Where did you live before coming to Atlanta?"

"In Brooklyn, New York."

"Are you married or single?"

"I am married."

"Is your wife living?"

"Yes, sir."

"How many times have you been married?"

"Once only."

"Where did you live in Brooklyn, N. Y.?"

"My last address there was 152 Underhill avenue."

"In what business were you engaged in Brooklyn?"

"I was with the National Meter company."

"When did you leave Brooklyn?"

"About the middle of October, 1907."

"Where did you go?"

"To Atlanta to confer with the National Pencil company."

"When did you go abroad?"

"The first week in November, 1907."

"When did you return to Atlanta?"

"August 1, 1908."

HIS DUTIES AT FACTORY.

"What are your duties at the pencil factory?"

"I look after the purchasing of material, inspect factory costs; see that orders are properly entered and filled, and look after the production in general."

"What time did you get up Saturday morning, April 26?" was the next question.

"About 7 o'clock."

"Do you and your wife live alone?"

"No, sir."

"With whom do you live?"

"My mother and father-in-law."

"Who are they?"

"Mr. and Mrs. Emile Selig."

"Have you any children?"

"No, sir."

"Does any one else live with you?"

"No, sir."

"How many servants have you?"

"There is only one on the place."

"What is this servant named?"

"I don't know her last name. Her first name is Minola. She is colored."

"What time does she get there?"

"About 6:30 o'clock."

"Was she on time Saturday, April 26?"

"Yes, sir."

LEFT HOME AT 8 A. M.

Mr. Frank said that he left his home about 8 o'clock that morning, Saturday, April 26. He remembered seeing his servant, Minola, and his wife, as he was leaving. He didn't remember seeing any one else. He was sure he did not see Mrs. Selig. He might have seen Mr. Selig, but he did not remember.

At his corner he can catch either the Washington street or the Georgia avenue car, said he. He did not remember which he boarded that morning. He did not remember talking to any one on the car. He arrived at the factory about 8:20 o'clock. He does not punch the time clock. Mr. Holloway, the day watchman, and Alonzo Mann, the office boy, both were there. Holloway was near the time clock as he went by. Alonzo, the office boy, was in the office. He did not remember whether any one was in the machine room. He didn't look back there. He didn't remember how long it was, perhaps an hour until several other people came in to get their pay envelopes. One man came to get his envelope for his son, and another for his stepson. One of the men was the father of a boy named Jimmie Grant, he remembered. Saturday being Memorial day, was a holiday in the factory, but he had instructed the office force to report and Coroner Donehoo fired question after question, related or without context, at Mr. Frank, the queries being rapid and precise. It was evident that the witness was to be examined most minutely.

Continuing, Mr. Frank remembered that during the morning of that Saturday Miss Mattie Smith came in to get the pay envelopes of herself and her sister. He didn't remember whether there was anybody in the outer office at that moment. The office boy should have been there. His chief clerk was Herbert Schiff, a salesman, who had been acting in that capacity since the discharge of J. M. Gantt, the former incumbent. Schiff was not in the office. The stenographer should have been in the outer office. She is a Miss Eubanks. He didn't remember her first name.

He had been in the office about thirty or forty minutes when M. B. Darley, Wade Campbell and "Mr. Fullerton" came in. The first thing he did was look over his mail and the papers.

WENT TO MANAGER'S OFFICE.

"What sort of papers?" he was asked.

"Notes and orders," he replied, adding that the notes are memoranda for his attention about work around the factory. He put them in a folder, to get ready for Monday.

"What did you do after you went through the mail?" he was asked.

He replied that he went over to the manager's office about 10 o'clock. Before going there he talked several minutes with Darley and Campbell. He did not attend to the financial sheet then. He couldn't recall doing anything else. The manager's office is in the establishment of Montag Bros., 10 to 20 Nelson street, he said. Sig Montag is the manager. The coroner questioned him closely about what papers he handled that morning. He asked the witness, "What do you usually do after you get to the office when the factory is at work?"

Mr. Frank replied that usually he opened his desk, got out the orders, arranged the work for his stenographer, and at a few minutes after 7 o'clock he would go up into the factory and distribute the orders among the proper departments.

He said that he did not get the factory mail at this office. Sometimes he got personal mail there, he said. He went to the safe that morning and got out the papers, but couldn't recall what the first one was. He answered numerous specific questions about where he was when the others came in, and how to make out a financial sheet, etc.

Frank said that he prepared a financial sheet Saturday afternoon. It bore the date of Thursday, the twenty-fourth, he said, in response, to the coroner's question. Their week ended on Thursday, he said.

"Why didn't you make out the sheet on Thursday?" he was asked.

"I didn't know the payroll then. We generally get the payroll on Friday."

INTENDED TO GO TO GAME.

"Did you intend to go to the ball game on Saturday?" the coroner asked.

"Yes," replied Mr. Frank, "until I got up and saw it was a cloudy day."

He was asked why he didn't make out the final sheet in the morning, and replied that he had other matters—invoices, orders, etc.—to look after.

"When did you work on the house books?" he was asked.

"Not on Saturday," he said.

Mr. Frank said that his stenographer was not at the office Saturday, so he called a Miss Hall from Montag Brothers to help him. He went to Montag Brothers to see an official of the National Pencil company, who has his office there, he said, and shortly before 11 o'clock Miss Hall telephoned him there to return to the pencil factory and took over some important papers. When he got back to the pencil factory Miss Hall, his office boy and some others were in his office, he said.

At this point the coroner abruptly changed his line of questioning to ask "Is the house order book of April 30 in your handwriting?"

"No," replied the witness.

"How many others were there on April 30?"

"Eleven, I think," said Mr. Frank.

"Who entered those?"

"Miss Hall," said the witness.

The coroner then came back to the visit to Montag brothers, and Mr. Frank said that he remained there until about 11 o'clock. He said that he talked to several persons there on business.

[Part of a paragraph is missing here—Ed.]

look over the mail for matters needing immediate attention.

MANY QUESTIONS ASKED.

"Did you stop on your way there?" he was asked.

"I don't remember."

"Did you stop on your way back?"

"I don't remember," he again answered.

The coroner asked him to try to refresh his memory. He still insisted that he did not remember stopping at any place, either on his way to or from Montag Brothers.

The coroner kept up his systematic fire of questions, asking "How old is your office boy?"

"About fifteen or sixteen," he replied.

"Does he wear long or short trousers?"

"Short."

"What did you do when you got back to the pencil factory?"

"I sorted orders for about ten minutes."

"What was in those orders?"

"I don't remember."

He didn't remember whether the orders or invoices were from in Atlanta or out of the city, he said.

"Do you usually get orders or invoices on the twenty-sixth?" was the next question.

"We get invoices when the goods are shipped," the witness answered.

"Do you remember any specific order or invoices on that date?" he was asked.

"No, sir, I do not," said Mr. Frank.

He had no specific times for taking up routine work, said Mr. Frank. Usually he took up what appeared to be most important at the time.

HE WAS ALONE, HE SAID.

He dictated letters a while to Miss Hall. She entered the orders that he had received that morning. He didn't remember just what she was doing while he did that. It took him about five or ten minutes to assort the orders. It took Miss Hall about fifteen or twenty minutes to enter them. When she had entered them she wrote postcard receipts for them. Then she copied on the typewriter the letters that he had dictated to her.

That didn't take her long. About 12 o'clock he started copying the orders in the shipping requests. About that time Miss Hall and the office boy left. He didn't remember whether they went together. He remembered it was about noon, for he heard the whistle blow at the time. So far as he knew, there was no one else in the office after Miss Hall left. He said it was customary to copy orders on the day of their receipt. They were seldom more than a day late copying them. It took him probably forty minutes to copy the orders. He didn't begin work more than a minute or two before 12 o'clock. Again he was asked whether he was alone, and answered, "Yes, as far as I know."

MARY CAME FOR WAGES.

"About 12:10 or 12:05 o'clock," said Mr. Frank, "this little girl who was killed came up and got her envelope. I didn't see or hear any one with her. I didn't hear her speak to any one who might have been outside. I was in my inside office working at the orders when she came up.

"I don't remember exactly what she said.

"I looked up, and when she told me she wanted her envelope, I handed it to her. Knowing that the employees would be coming in for their pay envelopes, I had them all in the cash basket beside me, to save walking to the safe each time."

Mr. Frank said he didn't know Mary Phagan's number. He said each envelope had the employee's number stamped on it. He admitted that he had looked up Mary Phagan's number since the murder, but he had forgotten it again, said he. He did not see her pay envelope after he handed it to her. He made no entry of the payment, on the payroll or any other record, because none was required, said he.

"The girl left. She got to the outer door and asked if the metal had come. I told her no."

(The girl had been "laid off" from work at the factory the preceding Tuesday, it has been understood, because of a shortage in some metal which her work required.)

"Where was Mary Phagan when she asked about this metal?" he was asked.

"In the outer office, I think, or in the main hall."

He explained that the Phagan child hadn't been working since Monday because of the shortage in the metal supply.

There was \$1.20 in the child's pay envelope, he said, part of it being for work on Friday and Saturday of the previous week. He didn't know at what rate she was paid, he said, as he didn't open the sealed pay envelope.

HEARD FOOTSTEPS DIE AWAY.

Leo Frank: The Coroner's Inquest

When she left he heard her footsteps die away in the hall, he said, and returned to his work, thinking no more about her.

Mr. Frank said he knew the Phagan child's face, but didn't know her name. She stood partly behind his desk, he said, and he didn't notice the details of her dress, but thought the color was light. He didn't recall whether she wore a hat, or carried a parasol or purse, he said, and didn't see her shoes or stockings, which, he said, were hidden by the desk.

The girl reached his office between 12:10 and 12:15, he said and stayed there about two minutes. He thought her name was on the outside of the pay envelope, he said, but had identified her by her number.

No one else came into the office while she was there, the witness said. In response to a question from the coroner, he said that he had told her she had come almost too late. When she left he thought he heard her voice in the outer office, he said. He made no entry on the pay roll after giving the girl her envelope, he said.

About five or ten minutes after Miss Phagan left a man named Lemmy Quinn, foreman in the tip department, came in, he said.

Quinn remarked, "Well, I see you're busy," Mr. Frank said, and left about 12:25. Mr. Frank then copied orders, he said. He didn't know where Quinn went, he said.

Mr. Frank said that the metal hadn't come at that time, and he didn't think it had arrived yet. The acting chief clerk, whose name was Schiff, would receive it when it came, he said.

He didn't go to see whether it had come when the Phagan child called, he said, nor did he ask Schiff about it. He would probably know it had come before Schiff did, he said.

HEARD WHISTLES.

Mr. Frank said that he fixed the time Mary Phagan came for her money by the factory whistles which blew about noon. He didn't leave his office between the time the girl left and Quinn called, he said. He didn't recall how Quinn was dressed, he said, but thinks he wore a straw hat.

Mr. Frank said he didn't know how long Mary Phagan had worked at the pencil factory.

He said that Quinn knew Mary because he was foreman of the tip department in which she was employed. Quinn worked last week, Mr. Frank said, on tools and machinery.

Mr. Frank said that Quinn usually wore the same clothing around the factory that he wore on the streets. Quinn came into his office about 12:25 and spoke to him. He was wearing street clothes. Quinn was about twenty-five or thirty years old, said he. Probably half an hour after Quinn spoke to him he left the factory—about 1 o'clock, or three or

four minutes after that hour. He did not lock all of the papers in the safe, he said, because he anticipated returning to work with them that afternoon.

“Do you remember which ones you got together before you left?”

Mr. Frank answered that he got the production sheet and looked it over, and a few other papers. After the time Miss Hall left the office until he himself left to go home he was in the office all of the time, he said. Before he left he went up to the fourth floor, where he found Harry Denham and Arthur White and Mrs. White, and told them he was going out and would lock the door. Mrs. White, he thought, said she would go on out, and he thought she went away. He went up by the stairway to that floor, he said.

The day watchman was there shortly after 11 o'clock, said he. He didn't remember exactly what time he left. Except on Saturdays, the day watchman usually worked until the night watchman came on duty. On Saturdays, said he, he himself worked, except on rare occasions; and when he did work he let the day watchman go. He couldn't remember more than three or four occasions, said he, when the day watchman had worked. He let the watchman off as a usual thing that Saturday, said he.

HADN'T SEEN FRY.

He was asked about Walter Fry, a negro employed at the factory. Fry, said he, is one of the oldest negro employees there. He had to clean the third floor of a lot of glue once each week, and usually he did it on Saturdays. Mr. Frank did not know whether Fry was in the building that day. The watchman said nothing of it, as he should have done had the negro been there. He had not excused Fry from work, said he. He hadn't seen Fry in two weeks, he added.

He caught a Washington street car and got off at Georgia avenue. He got home about 1:20 o'clock. He found his mother-in-law and his wife dressed and ready to go to the opera. He told them good-bye and went in and had lunch with his father-in-law. The servant, Minola, waited upon them. They spent about twenty minutes eating. Afterward he lit a cigarette and lay down upon the sofa, his father-in-law, a chicken fancier, going out in the back yard to look at some chickens. His father-in-law had not come back when he got up and left the house. He did not sleep while he lay on the sofa. He dozed, for he was tired from the morning's work.

He left home about 2 o'clock. On the street he saw a cousin of his, from Athens, and the cousin's mother. He crossed the street and talked with them. They said they had come down for grand opera. He walked on up to Glenn street, not having missed a car, and there caught a Washington street car. On the street car he met another cousin, J. C. Loeb, and talked with Mr. Loeb as they rode to town. At the corner of Washington and Hunter streets the car stopped, on account of the parade, and he got out and walked west on Hunter to Whitehall. When he reached that corner the parade came around into Hunter street from Whitehall.

WATCHED THE PARADE.

He stopped there and watched the parade a while, then walked on up Whitehall toward Alabama. In front of Rich's he met Miss Rebecca Carson, one of the forewomen in the factory. He spoke to her, but did not stop. That must have been about 2:40 o'clock. Just a few minutes later, when there was a lapse in the parade, he crossed Whitehall and entered Jacobs' drug store on the corner, buying three or four cigars of a brand that he named, and perhaps a package of cigarettes. From Jacobs' he went on up Alabama street to Forsyth, and turned down Forsyth to the factory. He opened the street door with his key, and locked it behind him with a latch manipulated from the inside. He unlocked the inner door and left it open behind him. That was about 3 o'clock. He took off his coat and went upstairs to the third floor, where he found Denham and White in the back of the room. They told him they would be through work and ready to leave in a few minutes. He came directly downstairs to his office. He opened the safe and took out some papers and started work on the financial sheet. A few minutes later he heard Denham and White come down from their work and ring the clock. White came into his office and borrowed \$2. He joked with White a minute or so about the loan, and then got his signature upon an advanced wage sheet and gave him the \$2. He put the slip in an envelope, where he kept other slips like it.

About 3:09 or 3:10 o'clock White and Denham went downstairs. Shortly afterward he followed them and latched the street door again behind them. That was about 3:20 o'clock, he said.

The day watchman left about 3 o'clock, Mr. Frank said, and White and Denham left about 3:15. He went downstairs and locked the door after them, he said, and returned to his work on the financial sheet. The witness said that, so far as he knew, he was alone in the factory. He had seen no one while on his way up or down the steps.

Mr. Frank said that he worked on the financial sheet until about 5:30 o'clock. At about fifteen minutes before 4, he said, he went to the lavatory to wash his hands, and on his way back to his office saw the night watchman coming up the stairs.

NIGHT WATCHMAN COMES.

Mr. Frank said that on Friday he had told the watchman to report for duty at 4 o'clock Saturday afternoon, and that he remembers the time because he looked at his watch to see if the watchman was on time. The watchman had pass keys to the doors, he said.

Asked about his conversation with the night watchman, Mr. Frank said that he said, "Howdy, Lee," and told him he was sorry he had to come to work so early, and that he could go out and enjoy himself for an hour or an hour and a half. Lee offered him some bananas, he said, but he took none.

The only other interruption during the afternoon, Mr. Frank said, was a telephone call for Mr. Schiff.

Leo Frank: The Coroner's Inquest

Mr. Frank said that he had planned to go to the ball game with his brother-in-law, Mr. Ersenbach. He had tried to telephone Mr. Ersenbach that he couldn't go, but had been unable to get him, the witness said.

Mr. Frank said that after 5:30 he balanced the cash. This took until about 6 o'clock, he said.

Mr. Frank was not downstairs between 4 and 4:30, he said, in response to a question.

The witness said that when Lee returned about 6 o'clock he was putting in the clock slips. There were two clocks, he said, one that registered between one and 100 and the other between 100 and 200. The watchman punched the latter. Mr. Frank took out the Friday slips, he said, which were dated April 26, and put them on the clerk's desk.

He was asked when Fullerton was to start to work.

"On Monday, the 28th," he said. He didn't know, he said, whether Fullerton started to work on Monday or not.

It was not very light, Mr. Frank said, when Lee returned to work. He had no conversation with him. Lee did not seem in the least agitated, Mr. Frank said.

GANTT WAS THERE.

Mr. Frank said that about 6 o'clock he washed his hands and put on his coat preparatory to leaving the building. Lee had punched the clock and was at the bottom of the steps, Mr. Frank said, to lock the door after him. Lee was talking to J. M. Gantt, former employee of the factory, on the sidewalk just outside the door, the witness said.

Mr. Frank said that Lee told him Gantt wanted to get a pair of shoes he had left in the factory. The witness said he sent Lee in with Gantt, and left the building himself.

Mr. Frank said he then went to Jacobs' pharmacy at the corner of Alabama and Whitehall streets and bought a box of candy. It was a special kind of candy that was not kept boxed and he had to wait a few minutes, he said, while the girl put it in a box for him. He chatted with the girl, he said, but spoke to no one else before he got home.

He reached home about 6:25 o'clock, he said. His father-in-law and the servant were there, the witness said and his wife and his mother came in a few minutes later.

They came in about 6:30, Mr. Frank said, just as he was telephoning to the factory. He telephoned at 6:30, he said, because at that time the night watchman was due to be punching the clock and would ordinarily be where he could easily hear the telephone.

Mr. Frank said that he failed to get Leet at 6:30, so telephoned him again at 7 o'clock, when the watchman answered.

Leo Frank: The Coroner's Inquest

The witness said he asked whether Gantt had gone and if everything was all right, then ate his dinner.

Mr. Frank said he had never heard Gantt make any direct threats against him. Gantt had been discharged, the witness said, because of negligence in his accounts.

Mr. Frank said that he telephoned the factory, because Gantt "was a man I wanted to keep up with when he was in the factory."

The witness said that after supper he smoked and read until about 9:30 o'clock, when he went upstairs and lit the gas heater. He then went back downstairs, he said, and read until about 10:30, when he went back upstairs, took a bath and went to bed about 11.

Mr. Frank said he was awakened about 7:30 o'clock Sunday morning by the ringing of the telephone. He answered it in his bath robe, he said. It was Detective J. M. Starnes, who said he wanted Mr. Frank to identify some one at the factory, the witness said.

Mr. Frank said he asked the detective if there had been a fire, and the reply was, "No; a tragedy."

The witness said Mr. Starnes told him an automobile would be right up for him. Detective Black and Boot Rogers arrived before he had finished dressing, Mr. Frank said. He went with them, he said, to Bloomfield's undertaking establishment to see the body of Mary Phagan.

Mr. Frank said that he immediately recognized the "poor little thing." He looked at her, he said, and remarked, "That is the child I paid off Saturday."

Mr. Frank then described the appearance of the corpse, and said that the cord about her neck was of the type used on the third and fourth floors of the pencil factory in binding "units."

GOES TO FACTORY.

He stayed at the undertaker's shop but a few minutes. Then he drove down to the factory and saw Darley going in just ahead of him and called to him. He went upstairs, where he saw the negro and a number of detectives. There he was told the details of the tragedy. He took them down to the basement in the elevator. He couldn't get the elevator to work at first, and Darley started it for him. He didn't see any blood in the basement. He told Darley to nail up the back door, which they showed him to be standing open. He said it was part of the watchman's duty to come down in the basement and see that that door was fastened, and also to look in the dust bin. The fire insurance people consider that dust bin somewhat of a hazard, said he. He hadn't been in the cellar a dozen times before during his connection with the company, said he.

He answered a number of questions relative to the method of operating the elevator. It is run by electricity. There is a switch on the left of the elevator at the second floor landing where the power is turned off. The switch never is locked up. Formerly it was, but the insurance people objected, and later it was left unlocked where the firemen could get to it immediately and shut off the power in the building.

THE PART OF THE TIME CLOCK.

He was questioned as to the tape on the time clock. When he looked at it first after the tragedy, he thought it was all right because the lines had not been broken. Later, said he, he studied it more closely and saw that the negro night watchman had skipped in two or three places, punching hours only instead of hours and half hours. He said he had put the date, 28, on the tape in advance because he knew when the employees came to work Monday morning they would start to punching that date.

While he was in the factory on the Sunday morning after the tragedy was discovered, the detectives used most of the time going over the factory, looking for some one who might have been hidden. He did not know what machine Mary Phagan used in the factory, said he. He didn't know of any stuff similar to whitewash used around the plant. There was a yellowish substance, like soap, used for a lubricant.

SAID HE HELPED DETECTIVES.

Leaving the factory that Sunday morning, he went to police headquarters with some of the detectives and Mr. Darley. There he answered a number of questions. He did not remember what they were, but he remembered that he wanted to give the detectives every possible help in getting at the bottom of the thing. He told them everything that they wanted to know, said he.

He and Darley left headquarters together and walked toward town. He asked Darley if he wanted to see Mary Phagan's body, and Darley, saying yes, they walked over to the undertaker's, but they could not see the corpse, because the embalmers were busy at the moment.

WORE THE SAME SUIT.

Questioned as to the clothes he wore on the day preceding the murder's discovery, he declared that he wore the same suit that he wore then, as he testified. He had put it on the next Monday again, and had worn it constantly since. On the Sunday when the murder was discovered he wore a blue suit.

He answered a number of questions relative to the time lock. No person unfamiliar with it could manufacture a time record upon it, he said. He experienced some difficulty himself when he changed the dates, said he. There is a key to the time clock, said he, but he didn't even know who had it. It would be possible, by moving the hands of the clock, to make it register at regular intervals, he thought.

RUNNING THE ELEVATOR.

The coroner reverted to Friday afternoon. He stayed somewhat late that afternoon, he said.

The elevator boy is a negro called "Snowball," he said. He explained again the operation of the elevator. He (Frank) could run the elevator, but he had not done so on any certain occasion that he remembered. On Saturday morning the motor was running, he knew, because it was being used to operate a circular saw in the department where Denham and White were at work.

He said he had never telephoned before Saturday night to the negro night watchman, Newt Lee, because the negro had been there only a couple of weeks. The negro had been employed formerly by Mr. [1 word illegible], said he.

Frank said that he identified the girl's corpse by her hair and her features. He didn't know the girl's name, he said, but recognized her corpse as that of the girl he had paid Saturday. Mr. Frank said that he hadn't noticed that the girl appeared nervous when he saw her Saturday afternoon. He wasn't sure he had heard her voice after she left him, he said, but thought he had heard some girl's voice in the outer office.

Mr. Frank said that when he went to the undertaker's establishment Sunday morning, he wore a blue suit he was accustomed to wear on Sundays, having changed from the brown one he had worn the day before. He had never worn this blue suit to the pencil factory that he remembered, the witness said.

He said that he mentioned to Darley on Sunday that he had on another suit. He changed things from the pocket of the brown suit to the blue one, he said; changed his underwear and his shirt, as he was accustomed to do. He had never given the night watchman any clothes, he said.

Mr. Frank was asked about his talk with Lee at the police station. He said that previous to his talk with Lee he had been asked by Detective Black and Scott to try to find out whether Lee had been letting couples into the pencil factory at night.

"Black said, 'Put it strong to him,'" the witness said, "'Try to get out of him all you can. We think he knows more than he is willing to tell. Tell him they've got you and me and they'll send us both to hell if you don't tell what you know.'"

Mr. Frank said that he said to Lee something similar to the words Black has used. "I talked to him kindly," Mr. Frank said. The witness said that he urged Lee to tell the truth about the couples; that he told Lee in substance, "They know you something," and said, "They can swing us both if you don't tell."

Mr. Frank said that the negro said in substance, "'Fore God, Mr. Frank, I don't know anything about it.'"

Leo Frank: The Coroner's Inquest

Lee declared that he had admitted no couples, Mr. Frank said, and “kept up a good tale.”

The witness said that he didn't use the words the detectives told him in which he used the word “hell.”

Going back to the talk of the ball games, Mr. Frank said that he didn't know what time the games started.

The witness was then quizzed as to how many suits of underwear he had worn, and how often he was accustomed to change.

He had worn one suit last week, he thought, he said. When he took them off he put them in the wash bag, he said. Detective Black saw them, he declared—a suit of winter underwear.

He generally wore two suits of underwear a week during the winter, he said, and four or five a week in the summer.

Going back to the references to the ball game, the witness was asked if he had intended going to the ball game after 4 o'clock. He said that he had expected to leave the factory at 1 o'clock.

Mr. Frank said that he had notified the factory employees by posting notices about Monday or Tuesday that they would be paid Friday afternoon, since Saturday was a holiday on account of being Memorial day. They were paid about 5 o'clock Friday afternoon, he said.

Mr. Frank said that during his conversation with Lee the watchman did not accuse him of the crime, or describe the girl's body, and declared that he did not tell Lee not to talk about the tragedy.

Mr. Frank then said that the usual pay time was about noon Saturday.

He replied in answer to a question that he didn't remember ever having used any cord like that found about the girl's neck to tie a bundle.

“Are you right-handed or left-handed?” he was asked.

“Right-handed,” he replied.

Mr. Frank said that he had been in the habit of carrying a pocket knife, but this was taken from him when he was arrested.

The witness repeated his statement that he first heard the telephone on Sunday morning at about 7:30. Later Sunday morning, he said, he thought he recalled dreaming that he heard the telephone in the night.

MR. SELIG ON STAND.

Emil Selig, father-in-law of Mr. Frank, succeeded him on the witness stand. He lives at 68 Georgia avenue, said Mr. Selig. About three years ago Frank married his daughter. He had never heard of Frank being married before. He had known Frank about a year before Frank married Miss Selig.

In answer to the question, "Do you live with Mr. Frank?" the old gentleman replied, "No; he lives with me."

He didn't remember seeing Frank leave on the morning of the tragedy, said he. He did see him at dinner time and ate dinner with him. His wife and daughter both were going to grand opera, and, as well as he remembered, they left before the end of dinner.

After dinner, said Mr. Selig, he (Selig) lay down and took a nap. He didn't know what Mr. Frank did. Maybe he lay down, too. Mr. Selig said he got up about 3 o'clock, and Frank was gone. He saw him again at supper. That was between 7 and 8 o'clock, he thought. He didn't remember the exact hour. His wife and daughter and the servants all were there with them, he thought. After supper that Saturday night, Mr. Frank went out into the hall and sat there reading. "We played cards," said he. Asked who "we" was, he replied that they had a little company in that evening.

Asked for the names of the company, he remembered that Mr. and Mrs. Morris Goldstein, Mrs. I. Strauss, who lives on Pryor street, and Mrs. Wolfsheimer, from Washington street, and maybe another married daughter, Mrs. A. E. Marcus, were there.

Mr. Frank didn't play cards, said he. Mr. Frank must have known that the guests were there. He didn't remember especially about that. They played cards there until about 11 o'clock. Mr. Frank, he presumed, went on up to bed about 9 o'clock. He didn't see anything of him after that. Mrs. Frank didn't play cards, but was out with her husband for a while.

"Who played partners?" the coroner asked him.

"We didn't have any partners," answered the witness. "We were playing for blood."

On Saturday Mr. Frank had on a brown every-day suit, said the witness. He thought Mr. Frank had on the same suit Sunday. It was the same suit he had worn to the inquest, said Mr. Selig.

DIDN'T TALK ABOUT TRAGEDY.

Mr. Selig said that he didn't hear the telephone ring during the night Saturday or Sunday morning. He didn't remember Mr. Frank having telephoned the factory Saturday night, but that Mr. Frank might have done so without his having known it.

Leo Frank: The Coroner's Inquest

Mr. Selig said that he awoke about 8 o'clock Sunday morning, after Mr. Frank had left the house. Mrs. Frank told him that "something terrible had happened in the factory," he said, but that he didn't press the question as to what had transpired; that all day Sunday he made no efforts to find out what had occurred.

Mr. Frank returned home about 10 o'clock, the witness said. Mr. Selig said that he didn't remember Mr. Frank having mentioned the affair during the day.

He said that Mr. Frank had frequently called the factory at night to ask if everything was all right.

MRS. SELIG TESTIFIES.

Mrs. Josephine Selig, wife of Emil Selig and mother-in-law of Mr. Frank, was the witness who succeeded her husband on the stand. She saw Mr. Frank Saturday at dinner, she said. She had not seen him at breakfast. She rarely saw him at breakfast. He came home to dinner about 1:15 o'clock. She and her husband, Frank and his wife and the cook were there in the house at that time. She and Mrs. Frank left about 1:20 o'clock to go to the opera matinee. She was not sure whether her husband was present when they left. She saw Mr. Frank again at supper about 6:15 o'clock. He was sitting in the hall, reading a paper, when they came in. They had supper between 6:30 and 6:45 o'clock. Mr. Frank had continued his reading since they came in. She didn't see Mr. Frank use the telephone, but was pretty sure that he did. It was possible that she might have been upstairs when he used the phone in the dining room. It would not have been unusual for him to telephone, said she. She could not swear, she said, that Mr. Frank used the telephone that evening.

After supper, she said Mr. Frank stayed in the hall and read. She stayed there in the hall until about 8:20 o'clock. Then they had company and their company was entertained in the dining room just off the hall. Asked to name those who were there, she said the two Mrs. Marcus, Mr. and Mrs. Goldstein, and Mrs. Ike Strauss were there. Ike Strauss came over about 10:30 o'clock for his wife, he said. She remembered that Mrs. Wolfsheimer was there, too.

KNEW GUESTS WERE THERE.

Mr. Frank knew these guests were in the house, she said. He was in the hall and conversed casually with them when they arrived. He must have talked with the guests about twenty minutes, she said. She couldn't remember any of his conversation, she said.

"Now, this was the last night of the opera," her questioners cautioned her. "Are you sure these guests were there that night?"

Mrs. Selig was positive. They played cards, she said. Mrs. Frank was there, too. She was in the dining room and out in the hall with Mr. Frank constantly during the evening. Mrs. Frank sat out there with him a good deal, but came in occasionally. He stopped reading

some time between 9:30 o'clock and 10, she said. He went to bed then, stopping at the door as he went and telling them all good night.

Mrs. Frank went upstairs with him, she said.

Mrs. Selig said that when she got up the next morning the first person she saw was her daughter, Mrs. Frank.

Mrs. Frank said Mr. Frank had gone to town, but didn't say why.

About 10 o'clock Mr. Frank came in and told her that some girl had been found dead in the factory. She didn't remember anything else about the conversation.

She didn't attach much importance to it, she said.

Mr. Frank didn't go into details. He mentioned it casually. After a while he sat down and read a paper, she said. She denied that he seemed to be apprehensive.

Questioned again about that part of her testimony, she reiterated that the matter of the girl having been found dead was treated casually. Mr. Frank seemed not greatly concerned about it, she said.

All of these statements were made in direct answer to direct questions. Mrs. Selig seemed not to remember very much except that which she answered positively.

Mr. Frank wore a brown suit of clothes all three of the very days, she said—Saturday, Sunday and Monday. She was positive about this, she said.

Mr. Frank did not mention to her the name of the girl who had been found dead, said she. He owned another suit, of blue, she said. She went into detail about who their laundrymen are, etc.

At 7:20 o'clock the inquest adjourned until 9:30 o'clock Thursday morning.

TWO NEW WITNESSES IN PHAGAN MYSTERY TO TESTIFY THURSDAY

Atlanta Journal

Wednesday, May 7th, 1913

Leo Frank: The Coroner's Inquest

Detectives Said to Attach Much Importance to Testimony That Two Girls Will Give When Inquest Resumes

INQUEST WILL BE ENDED THURSDAY, SAYS DONEHOO

Paul P. Bowen Has Been Released by Houston Officials—Chief Detective and 14 Policemen Are Discharged

Two new witnesses, whom the detectives have recently located, are expected to give testimony of importance at the final session of the Phagan inquest Thursday.

One of the witnesses is Miss Grace Hix, of 100 McDonough road, daughter of James E. Hix. Miss Hix worked at the same machine with Mary Phagan, but has not been to the factory since the latter was slain. Miss Hix was closeted for two hours with the detectives Tuesday evening, but it is not known just what her testimony will be. [Appears to be missing words in the printing—Ed.] day Mary Phagan was killed, but did not see her, according to a statement she made to a Journal reporter Wednesday afternoon at 2:45 o'clock.

"The last time I saw Mary Phagan was on the Monday before she was killed," said Miss Hix. "That was the day she got layed off. I was uptown Saturday, the day she was killed, but I did not see her."

The name of the other witness has not been learned. That witness, a young woman, who works at the factory will testify according to the same report, that on the Saturday that Mary Phagan met her death, she (the witness) went to the factory to get her own envelope. According to the report the young woman will testify that she went to Superintendent Frank's office between 12:10 and 12:20 o'clock (the time Mary Phagan is supposed to have gone for her pay) and waited about five minutes.

TO FINISH INQUEST.

The coroner's inquest will be concluded Thursday, according to Coroner Paul Donehoo. The inquest has been probably the most thorough and exhaustive ever conducted in Georgia, the jurors having spent many hours in listening to testimony in the case and now the coroner is determined that the inquest itself shall be concluded at Thursday's session and the jurors relieved from further duty in the case.

It is probable that the body of little Mary Phagan interred at Marietta a week ago will be again exhumed before the final session of the jury. It is said that one important point has now not been fully covered by the examination and this will necessitate the lifting of Mary Phagan's body from the grave a second time. Before any action is taken, however, the parents of the slain girl will be consulted. It is probable that Dr. J. W. Hurt, the country physician, and Dr. H. F. Harris, of the state board of health, will make the second examination.

Leo Frank: The Coroner's Inquest

It was reported that the principal reason for exhuming the body again is to get some of the hair from the murdered child's head in order that it might be compared with the hair found in the metal room at the pencil factory. It is understood that the hair which was in possession of the detectives has been lost.

Officials will make no definite statement relative to the second examination of the girl's body, but it was learned from the coroner that at noon Wednesday the physicians, who are to make the examination, had not started for Marietta. It is said to be practically certain, however, that the body will be exhumed before the convening of the final session of the inquest.

NO EVIDENCE AGAINST BOWEN.

A development of interest in the case as the release of Paul Reniston Bowen, the former Atlantan, who was arrested in Houston, Tex., as a suspect in the Phagan case. The release of Bowen carries out the prediction made Tuesday afternoon by The Journal, when after a vigorous investigation The Journal was able to show that it was practically impossible for Bowen, who left here about nine months ago, to have been in Atlanta or Georgia at the time of the murder.

Young Bowen is well and favorably known in Atlanta, where he worked for several years and has many friends here, who have received letters from him recently. He comes originally from Newnan, where his family is prominent. Interesting in connection with Bowen's release is the announcement of the summary removal from office of Chief of Detectives George Peyton, of Houston, who made the arrest. Chief of Police Ben S. Davison declares that Peyton exceeded his authority in taking young Bowen into custody. Chief Beavers has wired Houston that Bowen is not wanted by the Atlanta police.

INQUEST AT 9:30.

Interest in the Phagan investigation is again centered in the coroner's inquest, which is scheduled to resume its probe into the mystery on Thursday morning at 9:30 o'clock.

Just what witnesses will go before the coroner's jury is not known, as the actions of the officials have been shrouded in mystery since the active entrance of Solicitor Dorsey in the case. It is probable, however, that in addition to recalling Newt Lee to the stand, the jurors will hear the testimony of Dr. Hurt, of Dr. Harris, and of Dr. Claude Smith, the city bacteriologist, who has examined the bloodstains on the shirt found at Lee's home, on the floor of the factory and on the garments of the murdered girl.

NEWT LEE TO TESTIFY.

The examination of Newt Lee before the jurors will be a vigorous probe, similar to the questioning Monday afternoon of L. M. Frank, and especial emphasis will be laid on the conversation the two men had some days ago in the negro's cell.

It is not improbable that Mr. Frank himself will be recalled to the stand. Despite the fact that he gave testimony for three hours and a half, the stenographic record of his statement is being examined by the officials in order that they may bring him back if they are able to find any pertinent question that was not put to him during the three and one-half hours examination Monday.

Lemmie Quinn, foreman of the tipping department in which Mary Phagan worked, may be another witness before the inquest. Quinn's corroboration of Frank's statement that he (Quinn) came to the factory a few minutes after Mary Phagan got her pay envelope will, it is said, be attacked by the detectives.

Few other witnesses will be examined Thursday, it is said, although it is probable that the two girls who are said to have been paid shortly before Mary Phagan arrived at the factory, may be put on the stand.

J. L. WATKINS SAYS HE DID NOT SEE PHAGAN CHILD ON DAY OF TRAGEDY

Atlanta Journal

Thursday, May 8th, 1913

J. L. Watkins, called to the stand after Miss Hall, the stenographer, was excused, clarified his former testimony that he had seen Mary Phagan on the street near her home on Saturday afternoon, April 26, by declaring that he is convinced now he was mistaken about it.

"Mr. White [sic], on last Thursday did you not swear before this inquest that between 4 and 5 o'clock on the afternoon of Saturday, April 26, you saw Mary Phagan walking along Bellwood avenue toward her home?" asked the coroner.

"Yes, that's so," answered the witness. "I was honestly mistaken."

He was asked how he had found out that he was mistaken. He replied that Detectives Starnes and Campbell had found the young woman whom he mistook for Mary Phagan. He is absolutely certain now that he was mistaken, said he. They had brought the girl before him, dressed in the same clothes that she wore that afternoon, and had caused her to cross a vacant field just as she crossed it that afternoon.

The girl whom he mistook for Mary Phagan, said he, he knew now to be Daisy Jones. He pointed her out among those in the room.

He was excused from the stand.

LEMMIE QUINN GRILLED BY CORONER BUT HE STICKS TO HIS STATEMENT

Atlanta Journal

Thursday, May 8th, 1913

L. A. Quinn was called to the stand. He lives at 31B Julliam street, he said, and is foreman of the metal department at the National Pencil factory. Mary Phagan worked in his department, he said. The last time he saw her was on the Monday preceding the murder, he said. She left the plant about 2 o'clock that Monday, said he. That was earlier than usual, but she left because the metal with which she worked had run out and she wanted to hurry to the matinee. He didn't know any of her intimate friends, said he. She worked with Helen Ferguson and Grace Hix and Magnolia Kennedy, said he, and Henry Smith and John Ramey also worked in that department.

He worked on Friday, April 25, until 5:30 o'clock, said Quinn. He got his pay and left with the understanding that he would come to work on Monday.

The next morning, Saturday, he got up about 7 o'clock. Later he went uptown with his wife to get a picture made of their baby. Then they went back home. He came up town again, said he. He was stopped there, and questioned closely about hours and minutes.

He left home about 9:30 o'clock, he said. He and his wife and baby went straight to Kuhn's photograph studio. They were there about ten minutes, he said.

They stopped next at the Globe Clothing company's store on Whitehall street, said he, and talked for a while with some friends of his in there. He named them. He and his wife were there about five or ten minutes. They went from there down to a meat market in the next block south and bought some meat, staying there about five minutes. Farther down the street they stopped in at a soda water stand and bought some soft drinks. They arrived home about 11:15 o'clock. He remained in the house about thirty minutes. He left there about 11:45 o'clock, for town again, to get to the market before it closed, so he could buy some supplies for Sunday. He bought some meat and vegetables on that trip, said he. He could not describe the man he bought the meat from. He bought the vegetables first, from a man about five feet eleven inches tall, 165-170 pounds in weight, clean shaved. The man seemed to be a foreigner. He looked like an Italian.

HE WENT TO THE FACTORY.

From the meat market he went to Benjamin's pharmacy and bought some cigars from a man named Pounds. He arrived there at a few minutes after 12 o'clock. He went on up Whitehall, left on Hunter street, to Forsyth, and then to the pencil factory. There was nothing unusual about him going to the factory on holidays, said the witness. He did so often. He wanted to speak to "Mr. Schiff" on this occasion, said he. He found the front door unlocked. He did not see Mary Phagan. He got there some time between 12:20 and 12:25, said he.

He was asked how he observed the time so minutely.

He figured it on the time he left home, said he. He knew he left there about 11:45 o'clock, because he looked at his watch several times while he was at home. He walked to town, up Pulliam to Garnett, to Whitehall, and so to the market. It took him about 10 or 15 minutes to make the walk. It was pretty close to 12 o'clock when he got to the market, said he. He did not remember looking at his watch after he left home. It didn't take him long to buy the meat and vegetables. He bought 40 cents worth of steak. He was waited on immediately. It took him about ten minutes, however, he said, to buy the vegetables. He wasn't around the market longer than ten or twelve minutes. He stopped two or three minutes in Benjamin's on the corner. The walk from there to the factory took about five minutes. He went straight to the office. He didn't go anywhere else. He didn't remember hearing the noon whistles blow.

WHEN HE SAW MR. FRANK.

He found Mr. Frank in the latter's private office. They exchanged "good mornings," he said. "Is Mr. Schiff in?" Quinn said he inquired. "No, I don't suppose he will be down today," Quinn said Mr. Frank replied. "You see you can't keep me away even on holidays," Quinn said he remarked to Mr. Frank. He said that Mr. Frank answered, "Yes," and laughed, and nothing else was said. He was there in the office about two minutes, said he. He wasn't positive about the exact time. He didn't think it could be as early as 12:15 when he arrived there. It could have been between 12:20 and 12:35, he admitted.

"Could it have been as late as 12:30 o'clock?" he was asked.

"It could have been, but it wasn't."

"Why are you so positive?"

"Because I was somewhere else at 12:30," the witness answered.

He continued that when he left the factory he stopped to talk with "Mr. Maulsby" at Mr. Maulsby's place of business two doors from the factory. He offered Mr. Maulsby a cigar. Maulsby told him "those girls are in the restaurant," and he answered "I know it; I saw them when I came up." He told the names of two young women, one of whom was then a bride and the other of whom still worked in the factory.

IS AT FACTORY NOW.

Mr. Quinn said that he thought Miss Corinthia Hall is at the pencil factory this Thursday. The Miss Hall he saw at the undertaker's establishment was a stenographer at Montag Brothers, and not Miss Corinthia Hall, he said.

The witness said that his purpose in going to the factory Saturday was to see Mr. Schiff and talk baseball with him. He had been accustomed to drop by the factory often on Saturdays and holidays, he said.

Mr. Quinn said that after leaving the factory he met the young ladies—Miss Hall and Mrs. Freeman—at the Busy Bee café, at the corner of Forsyth and Hunter streets.

In reply to a question from the coroner, he said that he thinks Mrs. Freeman is at the factory this Thursday.

Mrs. Freeman, who is about seventeen years old, had been married the day before—Friday—he said. Mr. Quinn said that he wanted to chat with her about the wedding. They remained in the café only a few minutes, he said, all three leaving together. Mr. Quinn said that he went to DeFoor Brothers pool parlor, getting there about 12:30, and chatted with the proprietors until about 1:15.

The coroner at this point asked Mr. Quinn if he knew May Barrett.

He replied, "Yes, she is employed in the varnishing department of the pencil factory."

A FIFTEEN-MINUTE WALK.

In response to a question, Mr. Quinn said that it takes him about fifteen minutes to walk from his home to the pencil factory.

Going back to his visit to the pool room, Mr. Quinn said that after chatting baseball with the proprietors, he went to the Atlanta theater to buy a ticket.

Here Mr. Quinn said in response to a question that he knows John Rainey.

Just after he had bought his ticket at the theater, Mr. Quinn said, he saw Cliff Dodgen, an employee of the theater. The witness said that he didn't remember exactly where his seat in the theater was, but thought it was on the ninth row, in the center aisle. No one that he knew sat near him that he remembered, he said.

The witness said in reply to the coroner's question that Mr. Frank wore a brown suit Saturday.

Mr. Quinn said that he went to the factory about 9:30 o'clock Sunday morning. He met Mr. Darley and Ed Montag, an officer of the factory there, he said, and they went in the basement together.

The witness said that he heard of the murder about 9 o'clock Sunday morning when he went to a soda water stand near his home. Officer Payne and the men in charge of the stand were discussing it, he said, and told him. Mr. Quinn said that he gathered from the description given him then that the victim must have been Helen Ferguson. He was told that her first name was Mary, he said, and asked if the last was Phagan. The soda water man recalled it then.

The witness said that he then went to the undertaker's establishment and looked at the body.

DENIED STATEMENT TO OFFICER.

He said that on Sunday afternoon he saw Mr. Frank at the undertaker's. Mr. Frank wore a blue or a black suit then, he said.

Mr. Quinn denied that he had told Officer Payne or Detective Starnes that he hadn't been to the factory since Friday.

He declared that when he had talked with Detective Starnes and Campbell at the rear door of the factory he had not stated that he hadn't ben to the factory since Friday.

Mr. Quinn was asked about the white material used in his department. It was known as "hascolene," he said, and was used as a lubricant for the machines. It came shipped in barrels, he said.

The witness said that on Tuesday or Wendesday in the detectives office, he recalled his visit to Mr. Frank on Saturday and that Mr. Frank remembered it readily. He told Mr. Frank, he said, that if it would do any good to mention his visit he would tell of it. Mr. Frank suggested that he mention it to his lawyer first, the witness said.

At this point Mr. Quinn, in response to a question, again denied that he had told Officer Payne or Detective Starnes or Campbell that he hadn't been to the factory since Friday.

The witness said that he knew Miss Grace Jones and that he thinks she has been at the factory since the tragedy. He hadn't accompanied Miss Jones from the factory; he said, and had not seen her since the tragedy, except on the fourth floor of the factory. He had talked to her there, he said, to see if she would not come to work in his department in case there were a number of vacancies that were anticipated. Mr. Quinn said that he didn't remember discussing the Phagan case with Miss Jones.

Mr. Quinn said that he paid the Colemans a visit of consolation on Thursday. He went, he said, at the suggestion of Mr. Darley and Miss Magnolia Kennedy and because he thought he should go. His visit was purely one of consolation, he said.

Coroner Donehoo then asked Quinn:

"Did you ever tell Mr. Coleman (Mary Phagan's stepfather) how Frank acted toward the girls in your department?"

"No, sir."

"Did you ever tell Mr. Coleman how you treated the girls?"

"Yes, I told him I had always tried to make the girls feel at home. Frequently in fixing their machines, I would tell them to 'Get out of the way and let papa fix it.' I told Mr. Coleman how jolly Mary was—about a remark she made once: 'Yes, you look like papa!'"

"Do you know a man named Barrett?"

"Yes."

"You never mentioned to him that you went to the pencil factory that Saturday?"

"No, sir."

"When was the first time that you told anybody that you had been up there Saturday?"

"I told my father the next day, on Sunday. I didn't tell Chief Lanford or any of the detectives until last Monday."

"Why did you withhold that information?"

"I wasn't asked about it."

"You didn't consider it your duty to tell unless you were asked?"

"No, I didn't want to be dragged into it any sooner than necessary."

"State what else you know, that you have retained."

"Nothing."

"You are not withholding anything then?"

"No, sir, nothing."

"You say it was your duty to come down and see Mr. Frank after his arrest?"

"Yes, sir."

"Do you consider it your duty to protect Mr. Frank?"

"No, sir."

HIS PAY WENT ON.

He was asked if his pay went on while he called upon Mr. Frank at the jail, and said yes. Answering further questions, he said that now and then he got away for matinees, etc., but that his pay went on, that he wasn't docked for absences. He was asked about his call at the jail.

"You came down and recalled your visit to Mr. Frank. Did he tell you to keep quiet about it until he had told his lawyers?"

"No. He remarked that he was going to tell his lawyers." He said that Mr. Frank remembered his having been there, but did not remember the time of the visit until his attention was called to it.

"Why did you volunteer this information to Mr. Frank and not to the detectives?"

"I knew he couldn't question me for three or four hours and the detectives could."

"Did Mr. Frank consider it advisable that nothing be known about this?"

"No, sir. Mr. Frank didn't ask me not to tell about it. I didn't volunteer to tell it, because I expected to be asked every day."

"Why didn't you want to be questioned?"

"I knew they had three or four men holding them here, and they could hold me if they wanted to, as I had been in the building on Saturday."

Other questions intervened, and then the coroner asked:

"Did you go out to Mrs. White's yesterday?"

"No, sir; I don't know Mrs. White."

"Arthur White's wife—you know Arthur White?"

"Yes, but I never have been out to his house."

Quinn was excused from the stand at this juncture.

MISS DAISY JONES CONVINCES JURY SHE WAS MISTAKEN FOR MARY PHAGAN

Atlanta Journal

Thursday, May 8th, 1913

Miss Daisy Jones, identified by J. L. Watkins as the girl whom he had mistaken for Mary Phagan on the afternoon of April 26, appeared before the coroner's jury dressed exactly as she was on that afternoon, and testified that she had been just where Watkins said he saw Mary Phagan at the hour when Watkins thought he saw the girl, and that she had crossed a vacant field just as Watkins described Mary Phagan as having done.

In short, with Mr. Watkins' new testimony, she proved conclusively that it was not Mary Phagan who was seen that afternoon there, but herself—the witness.

She lives at 251 Fox street, said the witness. She is fifteen years old. Her home is on the corner of Fox and Lindsay streets, one block from Mary Phagan's home. Between 5 and 6 o'clock on the afternoon of Saturday, April 26, said she, she carried her father's supper to him in his store at the corner of Bellwood avenue and Ashby street. She went back home along Bellwood avenue and crossed a vacant field before she reached Lindsay street, passing between two trees in that field.

She was acquainted with Mary Phagan, said the witness. They were about the same size, said she, though Mary was a little heavier and not quite so tall. Their hair was about the same color, she said.

On the afternoon of April 26, said she, she was dressed exactly as she appeared there at the inquest—in a blue serge skirt, white shirtwaist with a blue bow on the front of it, and a blue bow in her hair. The coroner asking her height, she was measured against a board in the detectives' office and was found to be five feet one and a quarter inches tall.

MISS HATTIE HALL, STENOGRAPHER, LEFT PENCIL FACTORY AT NOON

Atlanta Journal

Thursday May 8th, 1913

Miss Hattie Hall, a stenographer, was called to the stand after Quinn was excused.

When Miss Hall was excused, shortly before 12:30 o'clock, she was told to return at 2:30 o'clock, as she probably would be recalled then. Miss Hall's testimony revealed nothing not already known, and was vague upon a number of points already testified to by others. It bore mainly upon the period when she was in the office of the National Pencil company on the morning of Saturday, April 26. According to her, she was there from about 11 o'clock until noon. She saw nothing of Mary Phagan and could throw no light upon the mystery. The coroner questioned her minutely as to hours and minutes and details of her own actions.

She lives at 69 Luckle street, she said, and is a stenographer employed at the office of Big Montag, of Montag Brothers, 10 and 12 Nelson street, to attend to the correspondence of the National Pencil company, of which she said Mr. Montag is treasurer. The books of the pencil company are kept there, she said.

ARRIVED AT 8 O'CLOCK.

She arrived at work about 8 o'clock Saturday morning, April 26, she said. After telephoning to Mr. Frank at the pencil factory and learning that he needed help over there, and after Mr. Frank had come to the office of Mr. Montag for some purpose, she went to the pencil factory, leaving the Montag office between 10:30 and 11 o'clock, she said, walking over to the factory. She worked in the outer office after taking some dictation from Mr. Frank in the inner office. She acknowledged to a number of orders, using postcard blanks which she stamped with dates, etc. She didn't remember a man near the clock, didn't remember seeing the day watchman, Mr. Holloway, didn't remember whether he was there or not. She wrote about ten or twelve letters, couldn't remember anything about any of them except that one related somehow to a die for stamping pencils; made carbon copies of them, and put her initials on the typewriter in one corner of each. She described vaguely several people who called—the father and stepfather of two of the factory boys, who talked with Mr. Frank, he telling her later that the boys had gotten into trouble about breaking up an automobile or something like that; a "Mrs. Somebody," whose husband worked in the factory; two young women, one of whom got a pay envelope. She was writing the letters when the two young women called. She has been a stenographer since December 4, she said.

LEFT ABOUT NOON.

When she finished her work she went straight home, she said. She left the office almost exactly at 12 o'clock, for she noticed the whistles blowing. She found she had forgotten her umbrella, and went back upstairs after it, looking at the clock and noticing that it

pointed at about 12:02. She told minutely what she did that morning, and what she was accustomed to do at the factory office.

No important discrepancy was noticeable between her story and that of Mr. Frank, who already had testified about her being there.

MR. FRANK'S TREATMENT OF GIRLS UNIMPEACHABLE, SAYS MISS HALL

Atlanta Journal

Thursday, May 8th, 1913

Miss Corinthia Hall, an employee in the factory, was the first of the young women employed there to testify before the coroner from their viewpoint regarding Mr. Frank's attitude and demeanor toward them.

She declared his conduct toward the young women in the factory to be irreproachable.

She works in the varnish department on the fourth floor of the pencil factory, and lives at 19 Waverly street, Kirkwood, she told the coroner. She has been working at the factory about three years, she said.

About 11:45 o'clock on the morning of April 26, she said, she left the pencil factory. She had been there for about ten minutes with Mrs. Emma Freeman, a bride of a day, formerly employed there, to get Mrs. Freeman's coat. She remembered looking at the clock as they went out. She and Mrs. Freeman spoke to Mr. Frank. He asked Mrs. Freeman, "How's the bride?"

"How did he know she was a bride?" queried the coroner.

Miss Hall said Mrs. Freeman (who had been Miss Clark the day before) ran away from the factory to the minister's to get married. Mr. Frank was in the door of his office, said she. She saw a stenographer and Mrs. White in the office. Frank asked her, the witness, to tell Arthur White that his wife wanted to see him downstairs. Arriving on the fourth floor, she saw Arthur White, Henry Denham and Mrs. Mae Barrett. The coroner asked her a number of questions as to what Mrs. Barrett had in her hands, if she saw any crocus sacks there. The witness said that she did not see any crocus sacks in Mrs. Barrett's hands. Mrs. White did not come upstairs at the time. White went downstairs to her. The witness got Mrs. Freeman's coat and went downstairs, and White introduced her to his wife.

MET QUINN IN CAFÉ.

Leo Frank: The Coroner's Inquest

The coroner asked the witness if she knows "Mr. Hays, who works in the office of A. P. Stewart, tax collector." She knew Maybell Hays' father, replied the witness. The coroner asked her if she told Mrs. Hays anything about Mrs. Barrett and some crocus sacks, and she replied that she did not. She detailed her movements after leaving the factory. She went down a couple of doors and used the phone in Harry Malsby's place, she said. She went to the drug store nearby. She came back to Malsby's and used the phone again, not having reached the person whom she wished to talk to. Then she and Mrs. Freeman went into the "Busy Bee" café, on the corner of Hunter street, to get some coffee and sandwiches. Lemmie Quinn came in. Just before he came she had paid for the sandwiches, giving a \$5 bill, and received a lot of silver change. She got Quinn to give her bills for some of this, she said.

That was about 12:30 o'clock. She asked Quinn what he was going to do that afternoon. He said he was going to the Atlanta theater. His wife didn't want to go, he said. She told the coroner the name of a young man, saying that it was to him that she telephoned. Asked about the employees on the fourth floor, she mentioned the name of Joe Sletzer, foreman in that department. Replying to a question from the coroner, she said she didn't know of any trouble between White and Sletzer. She did not see Mary Phagan on Saturday. The last time she had seen Mary Phagan was on the preceding Monday, which was the last day that Mary worked there. She did not see Holloway, the day watchman in the factory, that Saturday, but did not him on the street nearby when she and Mrs. Freeman approached the place.

"Do you know whether Mr. Frank knew Mary Phagan?"

"No, I don't think so. He doesn't know many of us."

"What is Mr. Frank's conduct toward the girls working in the factory?"

CONDUCT IRREPROACHABLE.

The witness replied in effect that it is irreproachable, so far as she knows.

"You never saw him display any undue familiarity toward any of them, did you?"

"No, sir."

"Did you ever see him chuck any of them under the chin, or try to kiss them?"

"No, sir!" answered the witness, with emphasis.

She was excused, and the inquest recessed immediately, at 12:55 o'clock for lunch.



PHAGAN INQUEST IN SESSION; SIX WITNESSES ARE EXAMINED BEFORE ADJOURNMENT TO 2:30

Atlanta Journal

Thursday, May 8th, 1913

Lemmie Quinn, the Factory Foreman, Was Put Through a Grilling Examination, but He Steadily Maintained That He Visited the Factory Shortly After the Time Mary Phagan is Supposed to Have Left With Her Pay Envelope

*FRANK'S TREATMENT OF GIRLS IN
FACTORY DESCRIBED AS
UNIMPEACHABLE BY ONE YOUNG
LADY EMPLOYEE*

Mr. Frank's Manner at the Time He

Lemmie Quinn

*Was Informed of the Tragedy by Officers at His Home on Sunday Morning is Told of by
Former Policeman — Both Frank and the Negro Night Watchman Are Expected to
Testify During Afternoon, When Inquest Will Be Concluded*

The coroner's inquest into the mysterious murder of Mary Phagan adjourned at 12:55 o'clock Thursday to meet again at 2:30. At the hour of adjournment, six witnesses had testified. They were "Boots" Rogers, former county policeman; Lemmie Quinn, foreman of the pencil factory; Miss Corinthia Hall, an employee of the factory; Miss Hattie Hall, stenographer; J. L. Watkins and Miss Daisy Jones. L. M. Frank and Newt Lee, the negro night watchman, were both present at headquarters during the morning session, but neither had been recalled to the stand when recess was ordered. Both are expected to testify during the afternoon, when an effort will be made to conclude the inquest and return a verdict.

Though put through a searching examination by the coroner in an effort to break down his statement that he had visited the factory on the day of the tragedy shortly after noon

just after Mary Phagan is supposed to have received her pay envelope and left, Quinn stuck to his story. He declared that he had recalled his visit to Mr. Frank, and that Mr. Frank told him he was going to communicate the fact to his lawyers.

"Boots" Rogers testified that Mr. Frank had changed the tape in the time clock while the officers were in the factory Sunday morning after the body of Mary Phagan had been found, and that he stated at the time that the sheet he took from the clock seemed to be correct. Rogers also described Mr. Frank's manner when the officers went to his home in an automobile to take him to the factory Sunday morning.

Miss Corinthia Hall, an employee in the factory, testified that Mr. Frank's treatment of the girls in the factory was unimpeachable. She also testified that she had met Lemmie Quinn at a restaurant near the factory near the noon hour Saturday, her statement being confirmatory of his visit to the factory on the fatal day. J. L. Watkins testified that he had mistaken Miss Daisy Jones for Mary Phagan when he thought he saw Mary on the street near her home on Saturday afternoon about 5 o'clock. Miss Jones testimony was also in this connection.

NEW WITNESSES CALLED.

Following a conference between Solicitor General Dorsey, Assistant Solicitor General Stephens and Chief of Detectives Lanford, just after the inquest recessed for lunch, it was learned that Leo M. Frank and Newt Lee would be recalled at the afternoon session and that there would be the following new witnesses: Miss Alice Wood, of 8 Corput street; Miss Nellie Pitts, of 9 Oliver street, and Mrs. C. D. Dunnegan [sic], of 165 West Fourteenth street.

"Boots" Rogers, formerly a county policeman, was the first witness. Mr. Rogers said that he lived at 100 McDonough road. He was at the police station at 3 o'clock on the morning of April 27, he said, when a call came from the factory of the National Pencil company. The officers responded to the call in his automobile, he declared. Those who went with him were Police Sergeants Brown and Dobbs, Call Officer Anderson and Britt Craig, a newspaper reporter.

Mr. Craig was the first person to enter the basement, the witness said. He (Mr. Rogers) entered second; Dobbs and Newt Lee, the negro night watchman, bringing up the rear. All saw the body about the same time, Mr. Rogers said.

The witness said that the girl's body was lying face down, with the hands folded beneath the body. The body was turned over by Police Sergeant Dobbs, he said.

Rogers continued that they found two notes near the body. The first note, found by Sergeant Dobbs, was on white scratch paper and on a tablet lying face down. The sheet with the note on it was detached and fell off when the tablet was picked up. It was lying about a foot from the body's right shoulder. Another note was found later, written on a yellow order blank of the factory, lying about a foot from the feet of the body. Rogers

wasn't sure whether he or Sergeant Dobbs noticed that first. He didn't notice a sharpened pencil nearby. There were a number of stubs, but none sharpened that he saw.

Asked "Who telephoned Mr. Frank that the girl was dead?" he said no one did as nearly as he remembered—that Detective Starnes telephoned Mr. Frank later in the morning to come down to the factory.

About two or three minutes after the first officers arrived with him, said Rogers, they were admitted to the factory. They saw the negro night watchman, Newt Leet, through the glass door, coming down the stairs with his lantern.

"She's down in the basement—she's down in the basement," Rogers aid the negro told them first. He showed them the way down, indicating the trap door and the ladder. Britt Craig, a newspaper man, went first, and was followed by the witness, then by Sergeant Dobbs of the police, and last by the negro.

Everything was in gloom, though a gas jet was burning dimly at the foot of the ladder.

NEGRO WASN'T EXCITED.

"Look out, white folks, you'll step on her," the witness said the negro exclaimed when they started toward the rear of the basement. The negro took the lead then, with his lantern, and led them to the body. The negro's manner was as cool as that of a man would be under the circumstances, said the witness. The negro wasn't excited. "He was being questioned by all of us," said the witness. He answered questions promptly.

"How did you happen to find the body?" the witness said was one of the questions put to the negro. He repeated the negro's answer—of how he was making his rounds, and entered the basement, and by the dim rays of his lantern noticed a suspicious looking object on the ground near the back. "Somebody's put that there to try to scare me," the negro said he remarked to himself, going over to see closer. The body was revealed and he hurried back upstairs to telephone the police.

BODY FOUND FACE DOWN.

The witness said that Sergeant Dobbs asked the negro how the body was lying when he found it. The negro's answer was "on its face." "Did you turn it over?" the negro was asked; and answered "no sir, I didn't touch it."

This point of the evidence was in conflict with previous testimony by the negro himself, who swore at the inquest that when he found the body it was lying on its back face up, with its head toward the back door—exactly the reverse of the position in which the officers found it.

Rogers, the witness, said that the body was lying on its face, hand folded beneath it, when he and the officers first saw it. The negro stuck to the same story while answering



Daisy Jones, who was mistaken for Mary Phagan

all the questions, said the witness. After about ten minutes Sergeant Dobbs ordered that the negro be held under arrest. The negro was taken upstairs by Call Officer Anderson. The rest of them looked around for the girl's left shoe, which was missing from the body.

Officer Anderson and the negro went upstairs first alone. Twenty or thirty minutes later the witness went up and found the officer and the negro sitting in the office. Anderson was trying to telephone to some of "the factory folks," said the witness. The negro was sitting nearby in silence. Some one suggested that the officer telephoned to Mr. Frank, the superintendent, at his home. Anderson tried to get Mr. Frank's number. There was no answer. Anderson talked to the operator, and told her something very serious had happened and that the call was urgent; and Anderson said he heard the persistent ringing that followed.

IDENTIFIED AS MARY PHAGAN.

While he and Sergeant Dobbs had been moving about downstairs, looking for the girl's shoes, said Rogers, they found the staple on the back door pulled, and pushed the door back and went out into the alley, searching it to Hunter street for some clue. Rogers then went away to find some one to identify the body, said he. The shoe was found by somebody else later. He went to 100 McDonough road, said he, to get Miss Grace Hix, a relative of his own, whom he knew to be employed in the factory. He brought Miss Hix back with him in the automobile, and she identified the body as that of Mary Phagan. Miss Hix sought first to telephone to Mary's mother, Mrs. J. W. Coleman, but there was no phone in the Coleman home, so she telephoned instead to the home of another girl, Miss Ferguson, and got Mrs. Ferguson, and asked her to go over and break the news to Mrs. Coleman.

MR. FRANK NOTIFIED.

Mr. Rogers said that Detective Starnes, who had been summoned to the factory, called Mr. Frank over the telephone shortly after 6 o'clock. The witness said that he drove Detective Black to Mr. Frank's home, and that Mrs. Frank, wearing a heavy bathrobe, came to the door. He said that Mr. Frank stood in the hall, fully dressed except his collar and tie.

Leo Frank: The Coroner's Inquest

The witness said that Mr. Frank appeared nervous and excited and asked whether the night watchman had reported to the police that something had happened at the factory. Mr. Rogers said that neither he nor Mr. Black answered.

The witness said that Mr. Frank remarked that a drink of whiskey would do him good and that Mrs. Frank said there was none in the house, but insisted that Mr. Frank get some breakfast before going out. However, they hurried to the undertaking establishment, the witness said.

Mr. Rogers said that on the way to the undertaker's establishment, Mr. Frank remarked that he had dreamed he had heard his telephone ring about daybreak. Detective Black asked Mr. Frank whether he knew Mary Phagan, the witness said, Mr. Frank replying that he didn't know whether he did or not.

The witness said that Mr. Frank did not go into the room in which the Phagan child's body lay.

Mr. Frank remarked, the witness said, that he could refer to his payroll and see whether Mary Phagan worked at the pencil factory.

"Was Mr. Frank steady or trembling at the undertaking establishment?" was asked Mr. Rogers.

"I couldn't say," he answered.

Mr. Frank suggested that they go to the factory, the witness said. At the factory, the witness said, they found a number of detectives and policemen and Mr. Darley, an official of the factory, who had been summoned. They went upstairs, the witness said, to the office and Mr. Frank referred to the payroll, saying that Mary Phagan worked there and that she had been paid \$1.20 the day before, shortly after 12 o'clock.

ELEVATOR AT SECOND FLOOR.

The witness said that Mr. Frank then asked if the pay envelope had been found, remarking that it must be around somewhere. They went to the basement in the elevator, which stood at the second floor, the witness said. Mr. Frank switched the current and there was some delay in getting the elevator to work. The fire doors of the elevator were open at this time, Mr. Rogers said, but he didn't remember whether they were open or closed when he went to the factory the first time.

The elevator was run to the basement, the witness said and Mr. Frank was shown where the body had been found.

CHANGED TAPE IN CLOCK.

When he returned from the basement, said the witness, he sat in Mr. Frank's inner office with the negro, Lee. Mr. Frank stayed in outer office, but came in twice where he and negro were, and, on the second trip, Mr. Frank looked at the negro and shook his head and said, "Too bad!"

Mr. Frank asked repeatedly if the officers were through with him, saying he wanted to go out and get a cup of coffee, but no opportunity to get the coffee arose. After a while, said the witness, after Mr. Frank had been through the building with Chief of Detectives Lanford, Mr. Frank suggested that they change the tape in the time clock. Mr. Frank took a key to the clock, which he wore on a ring at his belt, and opened the clock with it and removed the time slip and laid it down by the clock. He then went back into his office and got a blank slip. He asked one of the officers standing near to hold back a little lever while he inserted this slip. The lever knocked against a little pencil in the clock. Newt Lee, the negro, was standing near. Mr. Frank turned to the negro and asked, "What is this pencil doing in the hole?" Lee said he had put it there so his number would be sure to register every time he rang. Mr. Frank put the key back at his belt and dated the slip which he had taken from the clock with a pencil which he took from his pocket. The witness though Mr. Frank wrote the date "April 26, 1913," on it, but he wouldn't be sure about that, he said.

Mr. Frank, after examining the slip, stated that it was punched correctly, said the witness. He also looked at the slip. The first punch started at 6 p. m., and it was punched every half hour, the witness thought, up to 2:30 o'clock. At 2:30 was the last punch. Mr. Frank took the slip into his own office, said the witness, and the witness said he did not know what became of it after that. A little later they all got into his automobile, said Rogers, Mr. Frank sitting in Mr. Darley's lap in front beside him (the witness) at the wheel, and some of the officers sitting with Frank in the back.

At this point the coroner asked where Mr. Darley was when the clock slip was being removed. He was standing near by, said the witness.

After delivering his passengers at police headquarters, said Rogers, he went with Miss Hix to take her back to her own home.

On the trip to headquarters, said he, Mr. Frank did not seem to be as nervous as he had been. When he returned to headquarters, said the witness, the detectives were getting Newt Lee, the negro, to write. Lee then seemed very nervous.

STAINS ON SHIRT WERE NOT MADE WHILE SHIRT WAS BEING WORN

Leo Frank: The Coroner's Inquest

Atlanta Journal

Thursday, May 8th, 1913

A number of new witnesses had been summoned for the inquest, and the indications were said to be that the session (promised as final in the coroner's investigation) might last all day.

It became known, before the inquest convened, that several witnesses whom the detectives have discovered would not be introduced there at all. The evidence that they can furnish, whatever it may be, will not become public until some later time, it was said.

It was stated further Thursday morning that the report by Dr. Claude A. Smith, city bacteriologist, upon the analysis by him of stains upon the shirt supposed to have been found at the house of Newt Lee, the negro, had been mailed to Chief of Police Beavers late Wednesday afternoon. The report set forth, it was said, that the stains are not old, and that probably they are stains of human blood.

It was learned further regarding the bacteriologist's report that it stated that the shirt had not been worn since it was washed—in other words, that the blood had been thrown on the shirt or had been mopped up by it.

Regarding the chips taken from the floor of the factory, the report [1 word illegible] that they, too, showed human blood.

No comparison between the blood on the chips and that on the shirt was made.

BODY IS EXHUMED.

The body of Mary Phagan was removed Wednesday from the grave at Marietta for a second time Wednesday evening, and Dr. H. F. Harris, of the state board of health, made another examination, the nature of which is being kept secret.

Mr. and Mrs. J. W. Coleman, parents of the murdered child, have objected so strenuously to the second exhumation, it is said, that it is not expected that the body will be again removed from its resting place.

Solicitor General Hugh M. Dorsey, who has taken active charge of the investigation in the murder case, spent more than an hour in Newt Lee's cell at the Tower Wednesday, questioning the negro. It is said that Lee stuck closely to his first story, despite a vigorous cross examination.

Bill Bailey, who was bunkmate of Lee, when both were in the chain gang some years ago, spent twenty-four hours in the his cell, having been sent there by the detectives. It is probable that Bailey may be used as a witness at the inquest.

DETECTIVES VISIT FACTORY.

Shortly after 1 o'clock City Detective John Black and Harry Scott, of the Pinkerton agency, who are working on the Phagan murder mystery, were driven to the building of the National Pencil company's plant in the automobile of ex-County Policeman "Boots" Rogers.

The officers entered the place and remained about half an hour. When they returned to the street, both detectives were non committal. They acknowledged, however, that they had visited the factory in an effort to make themselves clear on some points.

CHARACTER WITNESSES ARE CALLED IN THE CASE BY CITY DETECTIVES

Atlanta Journal

Friday, May 9th, 1913

Tom Backstock, of 21 Hightower street, a youth of about sixteen or seventeen years, testified that he worked at the pencil factory about a year ago. He didn't know Mr. Frank personally, he said, but knew him when he worked at the factory.

"Did you have any opportunity to observe his conduct with the women there?" the lad was asked.

"I saw him 'pick' at the girls," was the reply.

"Who were they?" the coroner asked.

"I couldn't tell their names now," he said. "I didn't work there long enough to get very well acquainted."

The coroner asked how Mr. Frank had acted and the boy said he had placed his hands on some of them. He didn't know how many times he had seen this.

In reply he mentioned the name of a girl, but said he had simply heard a rumor since the crime was committed. He knew nothing of his own knowledge.

The witness said he had never heard any of the girls complain, but had seen them trying to get out of Mr. Frank's way. He worked at the pencil factory about six weeks, he said, and stopped because he found a better position.

Miss Nellie Wood, of 8 Corput street, said that she didn't know Mr. Frank very well. She had worked at the factory two days about two years ago, she said.

Miss Wood said that she was employed as a forelady. Mr. Frank would come to her and put his hands on her "when it was not called for," she said.

"Any other girls?" the coroner asked.

"No, sir, not that I saw," she said.

"Is that all he did?" the coroner asked.

"No, that's not all," the witness replied, "He asked me into his office to talk business on the second day I was there. The subject of the conversation was whether I was going to stay there. He wanted to close the door. I objected and he said, 'Don't worry. No one is coming.' He was too familiar. I didn't like it."

The witness said that Mr. Frank attempted familiarity and then tried to pass it off as a joke, but that she told him she was "too old for that."

Mrs. C. D. Donegan, of 165 West Fourteenth street, said that she worked at the factory about three weeks two years ago. She said that Mr. Frank had smiled and winked at the girls, but never more than that. She denied that she had told Detective Scott anything more than this.

CORONER DONEHOO POINTS OUT THE LAW TO THE JURORS

Atlanta Journal

Friday, May 9th, 1913

The coroner's charge to the jury was in part as follows: "You have heard the statement of the county physician. You have seen what caused death. You have seen the body and have heard the evidence in the case.

"It is your duty to inquire diligently as to how Mary Phagan came to her death. That was your oath. In case of unnatural death, you were to determine at whose hands death came.

"You have heard the county physician say strangulation caused death. In determining who is guilty of the murder you turn to the evidence, and if you find that any other party is implicated or is attempting to shield the murderer, he is guilty in the same degree.

"Your position in this matter is similar to that of a commitment court, not a trial court.

"If there is a reasonable suspicion in your mind directed against any person or persons in connection with this crime, it is your duty to hold them. You can also hold witnesses who are essential in trying this case. If you think anybody not actually connected with the case has important information bearing upon it, you can hold them.

"If you believe any one is concealing information, it is your duty to commit that person as an accessory of the crime."

DETECTIVE HARRY SCOTT'S TESTIMONY AS GIVEN BEFORE CORONER'S JURY

Atlanta Journal

Friday, May 9th, 1913

An unexpected turn was given to the coroner's inquest into the mysterious murder of Mary Phagan, Thursday afternoon, when Harry Scott, the Pinkerton detective who has been representing that agency in its work on the case, was called to the stand by the coroner. Mr. Scott was in the room at the moment.

One new detail that he revealed was in a reply to a direct question from the coroner, when he stated that Herbert Haas, attorney for Leo M. Frank and attorney for the National Pencil factory, requested him and superintendent of the Pinkerton agency in Atlanta to withheld [sic] from the police all evidence they gathered until he, Mr. Haas, would consider it.

Their reply, said Mr. Scott, was that they would withdraw from the case before they would do that.

He proceeded to say that he and his firm still are retained by the pencil company.

Mr. Scott was called to the stand when Assistant Superintendent Schiff, of the pencil factory, left it.

Leo Frank: The Coroner's Inquest

He is assistant superintendent of the Atlanta agency of the Pinkerton detective service, he said. He lives at 52 Cherry street. The agency was retained in the case by the National Pencil company "to locate the party responsible for the murder of Mary Phagan." The engagement was made Monday afternoon, April 28, when, about 4 o'clock he received a phone call from Leo M. Frank, superintendent of the factory, and in response to it he (Scott) went to the factory to see Mr. Frank. There, said he, he found a group of men whom he afterward identified as Frank, Mr. Darley and others, standing around the time clock, talking. He introduced himself and said he wanted to see privately whoever was particularly interested in the case. He and Mr. Frank and one or two others went into a private office, and Mr. Frank called Sig Montag, treasurer of the company, over the telephone to get authority to employ the detectives.

Asked how Mr. Frank broached the subject to him, Mr. Scott said the factory superintendent remarked: "I guess you've read of the horrible murder committed? We feel that the company ought to make some investigation to show the public we are interested in clearing up the crime. We want the Pinkertons to locate the murderer."

Mr. Frank then told him all he (Mr. Frank) seemed to know about the matter, said the detective. Mr. Frank said that he had been down at police barracks a short while before, and that Detective Black seemed to suspect him of the crime.

QUOTED FRANK IN DETAIL.

Mr. Frank detailed his movements on that particular Saturday, said the detectives. The witness quoted as he remembered the relation, giving the same story that since has been elaborated by Mr. Frank himself and others on the stand. Mr. Scott said that the superintendent said he left the factory about 6:15 on the afternoon of Saturday, April 26. As he went out of the front door, he said, he saw Lee sitting on a packing box outside talking with Gantt, formerly a bookkeeper in the factory. Then he went on to relate the matter as it is already generally accepted, about leaving Gantt there and telephoning to the night watchman later after failing to get him once over the telephone.

After getting the watchman over the telephone and learning that everything was all right, Mr. Scott said, Mr. Frank told him he (Mr. Frank) "prepared to go to bed about 9 o'clock."

He asked Mr. Frank very few questions, said the detective. He took notes of what was told to him. He went over the building with Mr. Frank then, looking at the elevator, the time clock, the machine room, where Frank pointed out to him a machine on which human hair was said to have been found that morning, and pointed out also what were believed to be blood stains on the floor. Mr. Darley accompanied them. He went into the basement with his escort, said the detective, and saw the trash pile where the hat and shoe had been found, also the spot where the body had been found, and the staple that had been pulled with the lock from the back door.

OFFERS NO THEORY.

Mr. Frank advanced no theory about the crime, said the detective, and offered no suggestions. He talked to him the night afterward at police headquarters, in the presence of Detective Black, but he didn't ask the pencil superintendent for a statement because he understood the police had one already. He denied that Mr. Frank had reprimanded him for too much zeal or had remonstrated with him for trailing him (Mr. Frank).

REFUSED ATTORNEY'S REQUEST.

The detective answered a direct question, however, by saying that Herbert Haas, representing himself to be an attorney for Mr. Frank, did call at the Pinkerton office and there, to Superintendent Pierce and Mr. Scott, made the request that the detectives withhold from the police all information which they gathered until he, Mr. Haas, had considered it. They told him they would withdraw from the case first, said Mr. Scott.

"Who gets copies of your reports?" he was asked by the coroner.

"I think Mr. Sig Montag gets copies of all reports we make," said the witness. He added, replying to questions, that his agency still is employed by the pencil company—"to fix the responsibility for this murder."

"Do you know anything about the conversation Mr. Frank and the negro Newt Lee had along together at headquarters?"

The detective replied that City Detective Black and he suggested to Mr. Frank that he employ this method for drawing from the negro all the information he could, and Frank agreed and went into the room with Lee. He did not know what passed between them, said the detective, except what he learned from the negro's relation of what was said.

DIDN'T TRY TO GET TRUTH.

Mr. Scott said that Newt Lee told him Mr. Frank did not try to get the truth out of him (Lee) during their talk at the police station.

That Lee said he accused Mr. Frank of knowing something and that Mr. Frank only hung his head and later told him if he (Lee) didn't stick to his story they would both go to hell.

That Lee said he told Mr. Frank the crime must have been committed in the day time, and Mr. Frank again only hung his head.

Mr. Scott said that Lee then said he had started to describe to Mr. Frank how he had found the body and that Mr. Frank said, "Let's don't talk about that any more" before he had finished.

Mr. Scott said that Mr. Frank had told him after the conversation with Lee that he couldn't get anything out of the negro. The witness said that Mr. Frank reported that he had asked Lee why there was a break in the time slip and that Lee said he had punched it.

Mr. Scott said that he did not find the bloody shirt at Newt Lee's home—that it was found by Detective Black and Detective Bullard. The witness said that he looked at the shirt and that it seemed to him it had not been worn and that the blood was fresh. He said that Lee, when shown the shirt, said, "That's my shirt," and later qualified his statement by saying that it might be his shirt; that he hadn't worn it in two years.

"Have you any definite information which makes you suspect any party of this crime?" the coroner asked Detective Scott.

WOULDN'T COMMIT HIMSELF.

"I wouldn't commit myself," replied the detective, who continued that his investigation was not complete and that he was working on a chain of circumstances.

"Is this chain of circumstances known to yourself alone?" he was asked.

"No," replied Mr. Scott, "Detective Black has been with me all the time on the case."

Mr. Scott was then excused.

**DETECTIVE JOHN BLACK TELL THE JURY HIS
VIEWS ON THE PHAGAN CASE**

Atlanta Journal

Friday, May 9th, 1913

Detective John Black followed Detective Scott on the stand. He was questioned about the finding of the bloody shirt at Newt Lee's home. He said that on the Tuesday afternoon after the murder he went with Detective Fred Bullard to Newt Lee's house at 40 Henry street.

They searched the premises, he said, and found the bloody shirt in a clothes barrel in Lee's room. The shirt was near the bottom of the barrel and was covered with scraps of old clothes, he said, the barrel apparently being used as a dumping place for old garments.

Asked whether he had seen the shirt that Lee had worn the Sunday morning the Phagan child's body was discovered, Detective Black said it was not the same shirt that was found in the barrel. The shirt found at Lee's house had apparently been washed but not [rest of sentence cut off—Ed.]

Juror Langford at this point asked Detective Black, "Have you discovered any positive information as to who committed this murder?"

Detective Black replied, "Do you mean positive information? No, sir, I have not."

Detective Black contradicted the testimony given at the morning session by Lemmie Quinn by saying that Quinn had told him the Monday after the tragedy that he had not been to the pencil factory the Saturday before.

"Quinn made the statement in my presence two or three times," said the witness. "On one occasion Detectives Starnes and Campbell questioned him in the basement of the pencil factory and he said he had not been there."

Detective Black said that it was at his suggestion that Mr. Frank talked to the negro "to get the truth out of him."

HERE IS TESTIMONY OF WITNESSES GIVEN AT THE FINAL SESSION OF CORONER'S JURY IN PHAGAN CASE

Atlanta Journal

Friday, May 9th, 1913

Full Story of Hearing Thursday Afternoon When Frank, Newt Lee, Detectives Black and Scott and Several Character Witnesses Were Placed on the Stand

The verdict of the coroner's jury that Mary Phagan came to her death by strangulation and its recommendation that both Mr. Frank and Lee be held for investigation by the grand jury was rendered at 6:30 o'clock Thursday afternoon and marked by the conclusion of one of the most remarkable inquests ever held in this state.

Deputy Plennis Minor carried the news of the coroner's jury verdict to Mr. Frank and to the negro. Mr. Frank was in the hallway of the Tower, reading an afternoon paper, when the deputy approached him and told him that the jury had ordered him and the negro held for an investigation by the grand jury.

"Well, it's no more than I expected at this time," Mr. Frank told the deputy. Beyond this he made no comment.

Newt Lee, says Mr. Minor, was visibly affected. He seemed very much depressed and hung his head in a dejected manner.

The jury was empaneled by Coroner Paul Donehoo on Monday, April 28, and has held four long and tedious sessions for the taking of testimony in addition to meeting to inspect the body and the scene of the crime. Twice the body of Mary Phagan was exhumed at the order of the coroner, in order that physicians might search more thoroughly for clues and evidence.

The reports of the physicians, who made these examinations, have never been made public, even the evidence of the county physician, Dr. J. W. Hurt, having been given the jury behind closed doors. It is said that even to the jury the physician did not go thoroughly into his investigation. The verdict of the jury was rendered after only twenty minutes of deliberation.

Superintendent Frank and the negro, Lee, were both searchingly examined for the second time by the coroner at Thursday afternoon's session inquest, but neither added materially to former statements. Lee was principally questioned about the interview, which Mr. Frank had with him in a cell at police headquarters.

EVIDENCE ALL CIRCUMSTANTIAL.

Harry Scott, the Pinkerton operative on the case, gave interesting testimony of his position in the probe of Mary Phagan's death. Mr. Scott refused to commit himself, when asked if he had definite information as to who killed Mary Phagan. "I am working on a chain of circumstance—that is all," he said.

City Detective John Black in answering the same question said that he had no "positive" information as to the murderer.

A number of character witnesses were introduced towards the close of the inquest.

NEWT LEE TELLS OF THE TALK HE HAD IN THE POLICE STATION

Atlanta Journal

Friday, May 9th, 1913

Leo Frank: The Coroner's Inquest

Newt Lee, the negro night watchman, was recalled and asked to tell about any conversation he had with Mr. Frank at the jail or the police station. Lee said he has not talked to Mr. Frank at the jail, but that he had talked with him at the police station.

Mr. Frank came into the room, where he was, Lee said, and asked, "How are you feeling, Newt?"

"Not so good, Mr. Frank?" Lee said was his answer.

Lee said that he then told Mr. Frank that it was mighty hard on him "an innocent man" to be handcuffed there in the chair, and that Mr. Frank told him he knew he (Lee) was innocent, but he believed he knew something about the murder.

Lee said that he then told Mr. Frank that the officers had said the girl was killed on the second floor; that he said in his rounds of the building he had to pass through the second floor room, which had been indicated, every half hour and that he would have known it if the murder had been committed there.

Lee said that Mr. Frank then said: "Let's don't talk about that. Let that go."

Lee said that the furnace had been fired on Friday, but that it had not been fired on Saturday. He went to work shortly before 4 o'clock, Saturday afternoon and called to Mr. Frank, as usual, "All right, Mr. Frank."

He said that Mr. Frank came out of his office, rubbing his hands, and told him he was sorry he had been forced to come to work so early; that he could have slept two hours longer.

Lee said that he told Mr. Frank that he needed some sleep and that Mr. Frank told him to go out and have a good time and come back at 6 o'clock.

Lee said that he didn't remember Mr. Frank having come out of his office to talk to him before; that he always called him into the office in case he wanted to talk to him.

Lee said that the street door was unlocked when he came to work at 4 o'clock, but that the double doors inside were locked. These double doors were usually unlocked, he said. Lee said that he got in by using his pass key.

The witness said that he didn't remember whether the trap door to the basement was open or closed when he came to work. The fireman always went to the basement through this door, he said.

Lee said that he didn't notice any bloodstains on the second floor. It was dark, he said, and his only light was his lantern.

Lee said that when he returned to work at 6 o'clock Mr. Frank told him to wait until he put on a new tape before he punched the clock; that he didn't use a key to unlock the clock.

Lee explained the pencil found in the clock by saying that he always stuck a pencil there to check himself, and to remember where he had punched last. He was positive, he said, that he had punched the clock every half hour between the hours of 6 p. m. and 3 a. m. the Saturday night of the tragedy.

Lee was asked if the bloody shirt found at his residence belonged to him. He said that he didn't know—it was found at his house, he said, so it must be his. Lee said that a "white lady" had made four shirts for him and this might be one of them. If it was a "store bought" shirt, it did not belong to him, he said.

SUPERINTENDENT FRANK IS ONCE MORE PUT ON WITNESS STAND

Atlanta Journal

Friday, May 9th, 1913

Leo M. Frank general superintendent of the National Pencil factory, was recalled to the stand. He was questioned regarding the elevator. The coroner wanted to know what kind of a door there is to the shaft on the office floor. The witness replied that it is a heavy door solid, that slides up and down.

"Where was the elevator on Saturday, April 26?" he was asked.

"I didn't notice."

"Where was it on Friday night?"

"I didn't notice."

"Was the door open on Saturday?"

"I didn't notice."

Asked whether it would not be possible for some one to fall into the elevator shaft if the door was open, he replied that there is a bar across the door.

Leo Frank: The Coroner's Inquest

"Where was the elevator after the murder?"

"I can only say it was at the office floor on Sunday morning," replied the witness.

The coroner reverted to the time-clock. "What time did you take the slip out of the clock?" he asked.

"I took it out, marked the time on it, and handed it to an officer," replied the witness.

"What officers?"

"I don't remember."

Regarding the guests who, his mother-in-law and father-in-law testified, called at their home Saturday evening, the coroner asked him next.

"Do you remember a party at your home on the night of the murder?"

"Yes."

"Why didn't you tell about it when you were on the stand before?"

"I wasn't asked."

"We asked you about whom you saw. Now can you tell us who was there?"

Mr. Frank named them, corroborating what his father-in-law and mother-in-law had testified as to their identity. He didn't pay much attention to them, said Frank. He merely greeted them and continued his reading.

"Where were you sitting?"

"In the front room."

"Didn't the guests have to pass you when they went to the dining room from the front door?"

"Yes."

"When the officers came out Sunday morning to bring you down to the factory, what was said about something to drink?"

"I told my wife I wanted something warm to drink. One of the officers said that something would do me good. The implication was 'whiskey,' but I didn't mean that. What I wanted was a cup of coffee."

He was asked regarding the telephone call during the night, and repeated that he thought when he got up that he had dreamed of the telephone ringing, and that later when he was told the officers had tried to get him he concluded that the dream was real.

"Did you see the girl's body?"

"Yes. I walked in, and they turned on the light and I looked at the body, recognizing her as the girl I had paid the day before."

"When did you hear the name first?"

"I don't recollect."

"What time did you get home on Sunday?"

"I don't remember, but I think it was about 1 o'clock."

When he telephoned home to his wife Sunday morning he did not give her any of the details of what had happened, said he. "When you went home, did you go into details?"

"No, I merely told them what the detectives found. We didn't discuss it very much."

"What topic did you discuss?"

"I don't remember."

TELLS OF QUINN'S VISIT.

The witness said that Lemmie Quinn, a foreman in the factory, first told him about the visit to the factory on one of the two days that he spent at police headquarters. He said Quinn remarked: "I was there at the office Saturday." The witness said he recalled it when Quinn mentioned about the time.

Mr. Frank could not recollect having told Quinn anything about withholding information about that point until his lawyers could pass on it. He had so many visitors, he couldn't remember a detail like that, he said. He couldn't remember who made the suggestion about consulting attorneys. He didn't know whether Quinn knew (when he recalled the visit to mind) whether he had a lawyer. He didn't remember how long he had counsel at that time.

"When did Quinn mention this visit on Saturday?"

"I don't remember."

"How can you lock the door into the dressing room where the blood was found?"

"I don't know. I suppose with keys. There is a door with a lock, in the partition. A spring in the lock keeps it closed."

"Is there any way to lock the doors and stop passage on the back stairs?"

"There are doors to the stairs, but I never heard of them being locked recently."

TELLS OF TELEPHONE CONVERSATION.

The witness was asked other questions, whose purport was not evident, about these two doors and how they stood that day, and the locks on them, etc. The fact was brought out that there was only one lavatory on that floor, and Mr. Frank, answering a direct question, said he did not enter it all day to the best of his recollection.

Regarding his telephone conversation with a detective who called him early Sunday morning, Mr. Frank said he didn't know who it was, but learned later that it was a detective. "I would like to have you come down at once," he said he was told. He asked what had happened, and was told there had been a tragedy, and they wanted him to identify some one.

"He asked me over the phone if I knew Mary Phagan. I told him I did not. Then he asked me if I hadn't paid off a little girl who worked in the tipping department Saturday afternoon. I said yes, and he said, 'We'll send out after you right away.'"

"Didn't you say the other day that the first time you heard Mary Phagan's name was in the automobile going down town?"

"No."

"Do you remember whether or not Harry Denham and Arthur White had any lunch with them on the fourth floor?"

"I don't remember."

"When you came downstairs to go out to lunch, did you lock the doors leading into the office?"

The witness did not remember. He was asked as to the disposition of the papers he had been working on. He could remember putting them under a paperweight, but could not remember whether or not he closed his desk. The only people in the building when he left there for lunch, said he, were Henry Denham and Arthur White and Mrs. White.

HIS WORK SATURDAY AFTERNOON.

One of the jurors asked him if he had had any trouble that day about the "time" (pay) of one of the girls working in the factory. He said no, but that Darley had noticed a

discrepancy in the time of Miss Mattie Smith and had deducted some cash from the envelope.

Another juror asked, "Did you work on the financial sheet only in the afternoon?"

"Yes."

He got together a few papers pertaining to it, said the witness, before he went to lunch. The last thing he did there that afternoon was to balance his cash. "Did Miss Hall (the stenographer) assist you?" "No." He named again all the people whom he saw about the factory that day. "Do you know Mae Barrett?" asked a juror. Mr. Frank had not called that name. "I never heard of her," answered the witness. He said she could be employed somewhere in the factory, however, without his knowing it.

WITH TWO MEN HELD IN TOWER, MYSTERY OF MURDER DEEPENS

Atlanta Journal

Friday, May 9th, 1913

*Belief That the Detectives Had Positive Evidence, Which They Were Withholding,
Dissipated by Admissions*

SCOTT AND BLACK REFUSED TO NAME MAN SUSPECTED

*Case Now Goes to the Grand Jury but No Action Is Expected for a Week—Search for
Evidence Will Continue*

Coroner Paul Donehoo and the six jurors who investigated the murder of little Mary Phagan in the National Pencil factory on April 26, concluded Thursday the most thorough and exhaustive probe of a violent death ever conducted in this county and probably in the state.

The jury recommended that Leo M. Frank, superintendent of the factory, college graduate and man of culture and refinement, and Newt Lee, an ignorant negro watchman, both be held for investigation by the grand jury.

But the mystery of Mary Phagan's death has not been solved.

Leo Frank: The Coroner's Inquest

After all of the evidence in the long and tedious probe had been given on oath before coroner's jury, and after two weeks of hard and conscientious work by the city detectives and numerous private detectives, Mary Phagan's death is still an admitted mystery.

NO POSITIVE EVIDENCE.

John Black, a city detective, and Harry Scott, of the Pinkertons, two men, who have been at work on the mystery almost since the minute Newt Lee telephoned police headquarters that he had found the body of a murdered woman in the basement of the factory, stated on the witness stand Thursday afternoon that they had no positive evidence that would lay the crime on any individual.

"We are working on a chain of circumstances," Scott told the jury. "I have no positive information as to who committed the murder," said Black.

There have been many rumors to the effect that the state is withholding from public much important evidence.

Undoubtedly the state did withhold evidence at the inquest, which would tend to strengthen the chain of circumstances, but the statements under oath of the two detectives that they had no conclusive or positive information, which would make them name the man they suspect, served to show that the element of mystery has not been dissipated.

UP TO GRAND JURY.

Action by the Fulton county grand jury on the cases of Leo M. Frank, superintendent of the National Pencil factory, and Newt Lee, negro night watchman, suspects in the Mary Phagan murder case, is not expected at least for a week.

Following the commitment of the two men by the coroner's jury Thursday afternoon, interest has been centered in the probable action of the grand jury. That body held one of its regular sessions on Friday morning, but no phase of the Phagan case went before it. The state's case is far from complete, it is said, and, there is much work before the officials will be ready to place their evidence before the grand jurors. The grand jury, however, can take up the matter of its own initiative, and since Judge W. D. Ellis especially charged it to investigate the Phagan case, it is said that two weeks will not elapse before the jury returns "no bills" or "true bills" against the men held by the coroner's inquest.

WHO JURORS ARE.

The present grand jury, which will be in office for this term of court, about two months, is comprised of the following citizens:

L. H. Beck, foreman; F. P. H. Akers; R. R. Nash; Charles Heins, H. G. Rubbard, John D. Wing, R. A. Redding, V. H. Kriegshaber, R. F. Sams, A. D. Adair, Sr., S. C. Glass, J. G. Bell, Cephas M. Brown, George A. Gershon, A. L. Gothman, Walker Dunson, W. L. Percy, C. A. Cowles, Sol Benjamin, R. P. Bell, H. M. Beutell, W. A. Bosser and Albert Roylston.

Only the filing of writ of habeas corpus for one or both of the prisoners is likely to precipitate immediate action by the grand jury, and there has been no intimation from Attorney Luther Z. Rosser, counsel for Mr. Frank, that he will seek the liberation of his client through a habeas corpus writ.

PUBLIC NOW KNOWS ALL FACTS IN MURDER CASE, SAY DETECTIVES

Atlanta Journal

Saturday, May 10th, 1913

Pinkertons Declare the State Has No Evidence of Importance That Hasn't Been Given to the Newspapers

IDENTITY OF SOLICITOR'S DETECTIVE A MYSTERY

Chief Lanford Believes He Is One of Sheriff's Capable Deputies—Gantt Questioned, Newt Lee Has Lawyer

The probe into the mystery of little Mary Phagan's death two weeks ago still goes on.

The small army of professional, amateur, city, state and private detectives which took up the chase of the murderer soon after the horrible details of the crime became known still pursues the investigation with unabated vigor.

Solicitor Dorsey's detective, heralded as the best in the world and admitted by the solicitor to be an A-1 man, remains a mystery. Mr. Dorsey refuses to divulge his identity, and even the attaches of his office profess not to know his name.

N. A. Lanford, chief of the city detectives, who has known not even a twelve-hour working day law since the crime was discovered, and who has been vigorously following every tangible "lead," treats the entry of Mr. Dorsey's sleuth into the limelight very lightly, and expresses an opinion that the mysterious man is no other than a very conscientious and efficient young deputy in the solicitor's office.

PUBLIC KNOWS ALL.

Officials of the Pinkerton agency, which has been employed to ferret out the mystery by the National Pencil company, declare that they are well satisfied with the progress made, and add that the public is now in possession of practically all of the really important points in the state's case. They regard as highly important the testimony of Miss Monteen Stover.

The Pinkertons state that the identity of the mysterious detective who has been brought into the case by Solicitor Dorsey, is not known to them.

"We welcome any assistance which the alleged detectives can give the state, for we are only interested in seeing the mystery cleared and the guilty party brought to trial. However, working with the city department, and giving it the benefit of everything we learn, we have done all that is humanly possible for detectives to do, and we are continuing the probe with the intention of leaving no stone unturned."

Solicitor Dorsey on Saturday again gave practically his entire time to the Phagan investigation, and interviewed during the morning many of the city detectives, who are working on the case.

GANTT INTERVIEWED.

Among the witnesses whom he saw Saturday was J. M. Gantt, who for a few days was held by the detectives in connection with the case. Gantt, it is said, made a statement relative to the nervousness of Superintendent L. M. Frank when he met Gantt at the door of the factory Saturday afternoon two weeks ago.

Newt Lee, the negro ordered held by the coroner's jury, stated to Deputy Plennie Minor Saturday that in future he would refuse to talk to anyone except his attorney. The negro didn't remember his lawyer's name, but it was later learned that he is being represented by Attorney Bernard L. Chappelle, of 609 Temple court building. Attorney Murray Donnell, who was first reported to be counsel for the incarcerated negro, states that the report is a mistake.

As the result of the Phagan investigation it is probable that the city council will be asked to allow the city detectives money for reasonable expenses incurred in their investigations.

The city detectives, who are working sixteen hours a day on the case and who have been at the grueling work steadily for two weeks, have incurred considerable expense, which must come from their own pockets since they are allowed nothing but car fare by the city.

IMPORTANT WITNESS.

Leo Frank: The Coroner's Inquest

Monteen Stover, a fourteen-year-old girl of 171 South Forsyth street, has made an affidavit declaring that she went to the office of Superintendent L. M. Frank, of the National Pencil factory, at 12:05 o'clock on last Memorial day, and remained there until 12:10 o'clock without seeing any person in the building.

The young girl, who is a former employee of the factory, is regarded as one of the state's most important witnesses, and her testimony will be used to help strengthen the state's case, when the Phagan murder mystery is investigated by the grand jury.

Mr. Frank testified at the inquest that he remained in his office from the time the stenographer, Miss Hall, left as the noon whistles blew until the arrival of Lemmie Quinn at 12:25 o'clock.

He also declared that Mary Phagan entered the office about 5 minutes after 12 o'clock, the time Miss Stover says that she came to the office and found it empty.

According to Miss Stover she walked up the steps at 12:05, and looked at the clock, which she was accustomed to punch, and went straight to the office. There was no one in the outer office, so she went to Mr. Frank's private office and found it empty. She waited for five minutes, she says, and having heard no one in the building, left.

The detectives found this witness last Saturday when she returned to the factory to get the pay envelope, which she failed to get on her trip to the factory the week before.

She was with her mother on this second trip and they told of the former visit, when the officers, who were stationed at the door of the factory, stopped them.

Miss Stover is a daughter of Mrs. Homer Edmondson, a boarding house keeper, and she is now employed as salesgirl at a local store. She worked at the pencil factory for about a year, she says.

The solicitor has another unpublished affidavit in his office, which is of doubtful value in the case.

HEARD SCREAMS.

A woman pedestrian, whose name Mr. Dorsey has not made public, testifies that she passed the pencil factory about 4:30 o'clock on Saturday, April 26. Then she was attracted, it is said, by several shrill screams, which came apparently from the basement of the building. There were three screams in rapid succession, and then they suddenly stopped as if the crier had been choked.

This witness has been known to the police since Monday following the tragedy, for then she reported the occurrence to the officials. This is in conflict with the theory of the detectives that the girl met her death shortly afternoon Saturday.

COUNTY TO PAY BILL.

According to Shelby Smith, chairman of the Fulton county board of commissioners, that body and not Solicitor Dorsey, is going to pay the bill for the independent investigation of the Phagan murder mystery, which is being conducted by the solicitor general.

Mr. Smith states that more than a week ago the members of the commission agreed to stand the expense of an investigation "in order that Mr. Dorsey might not be hampered in getting to the truth of the matter."

The commissioners, so Mr. Smith says, have nothing more to do with the case. They simply told Mr. Dorsey to go ahead, and don't even know who he has employed, according to the chairman.

Mr. Smith will not discuss a pecuniary limit to the cost of the probe, but says that the board expects Mr. Dorsey to be "conservative."

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here.](#)

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Last Updated: Part 1 – May 8, 2013, Part 2 – May 8, 2015

100 Years Ago Today: The Trial of Leo Frank Begins

“ON SATURDAY morning at 11:30, April 26, 1913 Mary Phagan ate a poor girl’s lunch of bread and boiled cabbage and said goodbye to her mother for the last time. Dressed for parade-watching (for this was Confederate Memorial Day) in a lavender dress, ribbon-bedecked hat, and parasol, she left her home in hardscrabble working-class Bellwood at 11:45, and caught the streetcar for downtown Atlanta.

“Before the festivities, though, she stopped to see Superintendent Leo M. Frank at the National Pencil Company and pick up from him her \$1.20 pay for the one day she had worked there during the previous week....

“Almost no one knew it at the time, but by one o’clock one young life was already over. For her there would never again be parades, or music, or kisses, or flowers, or children, or love. Mary Phagan never left the National Pencil Company alive. Abused, beaten, and strangled by a rough cord pulled so tightly that it had embedded itself deeply in her girlish neck and made her tongue protrude more than an inch from her mouth, Mary Phagan lay dead, dumped in the dirt and shavings of the pencil company basement, her once-bright eyes now sightless and still as she lay before the gaping maw of the furnace where the factory trash was burned.”

* * *

IN 1913 GEORGIA, it was customary in criminal cases for all of the prosecution and defense witnesses to be sworn before any of their testimony was taken. In the hot and crowded temporary Fulton County courtroom at 10AM on July 28, 1913, Solicitor Hugh Dorsey called his witnesses and they were duly sworn. But the Leo Frank defense team, in the persons of Luther Rosser and Reuben Arnold, surprised everyone by asking to have their witnesses sworn at a later time, claiming that — though they had just declared themselves fully ready to go to trial — their witness list was as yet “fragmentary” and would occasion severe delays if it were required to be completed that morning. But presiding Judge Leonard Roan ruled against them, and in all of five minutes the defense was ready to call their list. It turns out that the defense had wanted to conceal for a time their strategy of making Frank’s character a factor in his defense, and revealing the names of their witnesses — numbers of prominent Atlanta Jews, Frank’s former Cornell University classmates, and others — made that strategy obvious, and would give the prosecution time to find rebuttal witnesses on the subject of the [character of Leo Frank](#).

The first witness was Mrs. Fannie Coleman, Mary Phagan’s mother. She described her last moments with her daughter on the morning of the previous April 26. When asked to identify the clothes that 13-year-old Mary had worn that day, she broke down.



Mary Phagan's aunt, mother, and sister.

The next witness called was 15-year-old George Epps, who said he's ridden on the trolley car with little Mary from 11:50AM to 12:07PM, when she'd disembarked to go see Superintendent Leo Frank at the National Pencil Company and pick up her pay. The exact timing of Mary's visit to Frank was to become very important later in the case.

The third prosecution witness — [Newt Lee, the pencil company's night watchman](#) and the man who found Mary Phagan's bruised body in the factory basement in the wee hours of April 27 — was very damaging to Frank.

Lee stated that he had arrived at work early — at 4PM — on the day of the murder at the explicit instructions of Frank, who had said he was planning to attend a baseball game with a relative. But when Lee came to the factory at 4, Frank appeared very nervous and agitated and said that Lee should leave immediately and come back at 6. When Lee said he'd rather rest for a while at the factory building than go out, Frank insisted that he must go out for two hours.

When Lee did come back, Frank was still acting strangely and became extremely agitated when, around the same time, a friend of Mary Phagan's and a former worker at the plant, J.M. Gantt, showed up and asked to retrieve some shoes he'd left on the premises. Frank was so nervous that he fumbled the routine task of putting Lee's slip into the time clock, taking twice as long as usual. After Frank went home, he telephoned Lee to ask him if everything was "all right" — something that Lee said he had never done before.

100 Years Ago Today: The Trial of Leo Frank Begins

Lee told the court that, the day after the murder, Frank had told authorities in his presence that Lee's time slip for the previous night had been punched correctly:

"When did you see Frank?"

"I saw Mr. Frank Sunday morning at about 7:00 or 8:00. He was coming in the office."

"How did he look at you?"

"He looked down on the floor and never spoke to me. He dropped his head down this way."

"Was any examination made of the time clock?"

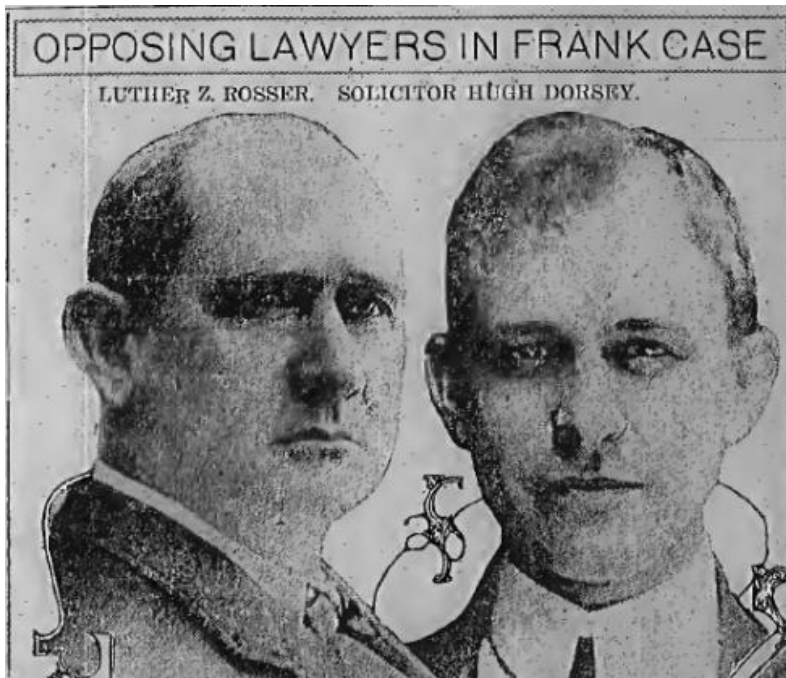
"Boots Rogers, Chief Lanford, Darley, Mr. Frank and I were there when they opened the clock. Mr. Frank opened the clock and said the punches were all right."

"What did he mean by all right?"

"Meant that I hadn't missed any punches."

This was ominous testimony from Leo Frank's point of view: As part of an apparent attempt to incriminate Newt Lee, Frank had later told police that Lee had missed several punches — implying that he had had time to be involved in the murder. Around the same time a bloody shirt was planted on Lee's property. It was detected as a fake when the pattern of stains showed it had not been worn when stained, but had been crumpled up and wiped in blood.

Rosser's cross-examination of Lee that day could not shake him in any element of his story.



Rosser and Dorsey

* * *

The following is a direct transcription of part of the coverage of the first day of the trial in the Atlanta *Constitution* (July 29, 1913):

Watchman Tells of Finding Body of Mary Phagan

MOTHER AND THE WIFE
OF PRISONER CHEER HIM
BY PRESENCE AT TRIAL

—

**Jury Is Quickly Secured and
Mrs. Coleman, Mother of
the Murdered Girl, Is First
Witness to Take Stand.**

Dateline Atlanta, Georgia — July 28, 1913: With a swiftness which was gratifying to counsel for the defense, the solicitor general and a large crowd of interested spectators, the trial of Leo M. Frank, charged with the murder of Mary Phagan on April 26, in the building of the National Pencil factory, was gotten under way Monday.

When the hour of adjournment for the day had arrived, the jury had been selected and three witnesses had been examined. Newt Lee, the night watchman who discovered the dead body of Mary Phagan in the basement of the National Pencil factory, and who gave the first news of the crime to the police, was still on the stand, undergoing a rigid cross examination by Luther Z. Rosser, attorney for Frank.

Lee Sticks To First Story.

When the trial is resumed this morning, Newt Lee will again be placed on the stand. It is not expected that anything new will be adduced from his testimony. Throughout the grueling cross-examination of Mr. Rosser Monday afternoon Lee stuck to his original story in minutest detail.

Questions that would have confused or befuddled a man of education failed to budge him from the statement he originally made to the police, and has repeated from time to time to reporters and court officials.

The first day's proceedings of the Frank trial proved singularly free of the dramatic element or the unexpected in testimony. There were touches of the pathetic, as, for example, when Mrs. J.W. Coleman, mother of the dead child, broke down and cried bitterly when she viewed the clothing of

her little daughter; and there were touches of humor when the little Epps boy, who had ridden to town with Mary Phagan on the day of her murder, explained to Luther Rosser his method of telling the time of day by the sun, and of Newt Lee, who amused the courtroom by his quaint allusions and his negro descriptions of a tiny light in the basement of the pencil factory, which he likened to the gleam of a lightning bug, and of his quick retort when Mr. Rosser purposely spoke of this insect as a June bug.

“I didn’t say June bug—I said lightning bug,” contradicted Newt.

Careful Attention to Detail.

This brief excerpt is given as significant of the careful attention to detail that Lee gave to his story.

When the hour of 9 o’clock arrived, Pryor Street in front of the temporary courthouse building was cluttered with the usual mob of the morbidly curious. They hugged the hot walls of the buildings like lethargic leeches, vainly trying to gain admission to the building, or buzzed about like bees, gossiping idly of the case.

Perfect order was maintained, however, and few not directly interested in the trial were allowed to enter the courtroom. All day long the crowd remained on the sidewalks gazing intently at the window to the courtroom, spewing tobacco juice on the street, eagerly questioning every person who left the building.

Interest naturally centered on the appearance in the court of Leo M. Frank, the accused. If Frank has chafed under his confinement, his physical appearance belies the fact. He looked as fit physically as he did the day he was first arrested. He was dressed with scrupulous neatness in a gray suit of pronounced pattern, which was all the more conspicuous on account of his diminutive form. As he entered the courtroom he smiled cordially at several friends. The first person to whom he spoke was a woman employee of the pencil factory.

Next in interest was Mrs. Leo M. Frank, wife of the accused, who, up to this time, has been seen little in public. Mrs. Frank is an extremely attractive-looking young woman. During progress of the trial she kept her eyes constantly fixed on Solicitor Dorsey. Her gaze was one of calm estimate. She seemed to be attempting to fathom his thoughts and to divine his purposes.

Mrs. Coleman Takes Stand.

Efforts to show Mary Phagan's attitude toward Leo M. Frank by the state and efforts by the defense to show the dead girl's attitude toward little George Epps, the 14-year-old newsie who testified to riding down town with her on the morning before she was found dead, were the first important things attempted yesterday when the trial of the state v. Leo M. Frank, charged with the Phagan girl's murder on April 26, was formally opened.

Both efforts were promptly blocked for the present time by opposing counsel, and the testimony was started in regular form by the introduction of Mrs. J. W. Coleman, mother of Mary Phagan, as the first witness for the state.

During the preliminaries Attorneys Reuben R. Arnold and Luther Z. Rosser, for Frank, tried to conceal the names of their witnesses, but on Solicitor Hugh M. Dorsey's objections, they were overruled by Trial Judge L.S. Roan, and they called and swore their witnesses as the state had done but a few moments previously.

In a come-back for this the defense asked the court to honor their duces tecum which they previously served upon the solicitor, requiring him to bring into court all statements and affidavits made by James Conley, the negro sweeper, who made an affidavit incriminating himself and declaring he had aided Frank in disposing of the girl's body.

Solicitor Dorsey, after a conference with Frank A. Hooper, a brilliant criminal lawyer aiding him, dictated a statement to the court stenographer in which he agreed to produce these affidavits and statements at the proper time, should they be held material.

Defense Announces Ready.

The case started promptly at 9 o'clock, with the courtroom, thronged with veniremen and spectators, witnesses and lawyers and friends of the principal. Contrary to the persistent rumor that the defense would ask postponement and to their frequent objections to the trial in the heated term, the defense proved ready and willing to go to trial...

You can read the entire Atlanta *Constitution* for this day by downloading [this PDF file](#). The complete Atlanta *Georgian* [can be downloaded here](#), and the entire Atlanta *Journal* can be read by [downloading this file](#).

* * *

100 Years Ago Today: The Trial of Leo Frank Begins

MAKE SURE to check out the FULL American Mercury series on the Leo Frank case @ www.TheAmericanMercury.org.

The *American Mercury* will be following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan. Follow along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).

The Leo Frank Trial: Week One



Newt Lee, far right, on the witness stand (click for high resolution)

Almost all of the information published today about the Frank trial has two characteristics in common: 1) it is stridently pro-Frank with little pretense of objectivity, and 2) it is derivative — meaning that it consists of little more than cherry-picked paraphrases and interpretations of what witnesses said, and reporters and investigators discovered, during those fateful days. To say that much crucial information is left out or glossed over by the partisan writers of today is a vast understatement. We aim to correct some of these intentional omissions in this exclusive series.



The courtroom scene

We'll begin with the entire testimony — taken during direct and cross examination — of Newt Lee. There had been an attempt to frame Lee — through the medium of a planted bloody shirt — before the trial began, an act almost certainly committed by pro-Frank forces. But subsequent events proved that Lee was entirely innocent, and by the time of the trial he was not under any suspicion whatever, and therefore had no known motive to lie. Here are his exact words (emphasis ours, some paragraph breaks added for increased readability):

NEWT LEE (colored), sworn for the State.

On the 26th day of April, 1913, I was night watchman at the National Pencil Factory. I had been night watchman there for about three weeks. When I began working there, Mr. Frank carried me around and showed me everything that I would have to do. I would have to get there at six o'clock on week days, and on Saturday evenings I have to come at five o'clock.

On Friday, the 25th of April, he [Leo Frank] told me "Tomorrow is a holiday and I want you to come back at four o'clock. I want to get off a little earlier than I have been getting off."

I got to the factory on Saturday about three or four minutes before four. The front door was not locked. I pushed it open, went on in and got to the double door there. I was paid off Friday night [April 25, 1913 — Ed.] at six o'clock. It was put out that everybody would be paid off then [because Saturday was a State holiday, Confederate Memorial Day — Ed.]. Every Saturday when I get off he gives me the keys at twelve o'clock, so that if he happened to be gone when I get back there at five or six o'clock I could get in, and every Monday morning I return the keys to him. The front door has always been unlocked on previous Saturday afternoons. After you go inside and come up about middle ways of the steps, there are some double doors there.

It was locked on Saturday when I got there. Have never found it that way before.

I took my keys and unlocked it. When I went upstairs I had a sack of bananas and I stood to the left of that desk like I do every Saturday. I says like I always do, "Alright, Mr. Frank," and he come bustling out of his office. He had never done that before. He always called me when he wanted to tell me anything and said "Step here a minute, Newt."

This time he came up rubbing his hands and says, "Newt, I am sorry I had you come so soon, you could have been at home sleeping, I tell you what you do, you go out in town and have a good time." He had never let me off before that.

I could have laid down there in the shipping room and gone to sleep, and I told him that. He says, "You needs to have a good time. You go down town, stay an hour and a half and come back your usual time at six o'clock. Be sure and be back at six o'clock."

The Leo Frank Trial: Week One

I then went out the door and stayed until about four minutes to six. When I came back the doors were unlocked just as I left them and I went and says, "All right, Mr. Frank," and he says, "What time is it?" and I says, "It lacks two minutes of six." He says, "Don't punch yet, there is a few worked today and I want to change the slip."

It took him twice as long this time than it did the other times I saw him fix it. He fumbled putting it in, while I held the lever for him and I think he made some remark about he was not used to putting it in.

When Mr. Frank put the tape in I punched and I went on downstairs.

While I was down there Mr. Gantt [a young man who was a former pencil factory employee and who had been a friend of Mary Phagan's — Ed.] came from across the street from the beer saloon and says "Newt, I got a pair of old shoes that I want to get upstairs to have fixed."

I says, "I ain't allowed to let anybody in here after six o'clock."

About that time Mr. Frank come busting out of the door and run into Gantt unexpected *and he jumped back frightened.*

Gantt says, "I got a pair of old shoes upstairs, have you any objection to my getting them?"

Frank says, "I don't think they are up there, I think I saw the boy sweep some up in the trash the other day."

Mr. Gantt asked him what sort they were and Mr. Frank said "tans." Gantt says, "Well, I had a pair of black ones, too." Frank says, "Well, I don't know," and he dropped his head down just so. Then he raised his head and says, "Newt, go with him and stay with him and help him find them," and I went up there with Mr. Gantt and found them in the shipping room, two pair, the tans and the black ones.

Mr. Frank phoned me that night about an hour after he left, it was sometime after seven o'clock. He says "How is everything?" and I says, "Everything is all right so far as I know," and he says, "Good-bye."

No, he did not ask anything about Gantt. *Yes, that is the first time he ever phoned to me on a Saturday night, or at all.*

There is a light on the street floor just after you get in the entrance to the building. The light is right up here where that partition comes across. Mr. Frank told me when I first went there, "Keep that light burning bright, so the officers can see in when they pass by." It wasn't burning that day at all. I lit it at six o'clock myself. On Saturdays I always lit it, but week-days it would always be lit when I got there. On Saturdays I always got there at five o'clock. This Saturday he got me there an hour earlier and let me off later.

The Leo Frank Trial: Week One

There is a light in the basement down there at the foot of the ladder. He told me to keep that burning all the time. It has two little chains to it to turn on and turn off the gas. When I got there on making my rounds at 7 p. m. on the 26th of April, it was burning just as low as you could turn it, like a lightning bug. I left it Saturday morning burning bright.

I made my rounds regularly every half hour Saturday night. I punched on the hour and punched on the half and I made all my punches. The elevator doors on the street floor and office floor were closed when I got there on Saturday. They were fastened down just like we fasten them down every other night.

When three o'clock came I went down the basement and when I went down and got ready to come back I discovered the body there. I went down to the toilet and when I got through I looked at the dust bin back to the door to see how the door was and it being dark I picked up my lantern and went there and I saw something laying there which I thought some of the boys had put there to scare me, then I walked a little piece towards it and I seen what it was and I got out of there.

I got up the ladder and called up [the] police station. It was after three o'clock. I carried the officers down where I found the body.

I tried to get Mr. Frank on the telephone and was still trying when the officers came. I guess I was trying about eight minutes.



The jury listens intently to the testimony in the Leo Frank case.

I saw Mr. Frank Sunday morning at about seven or eight o'clock. He was coming in the office. He looked down on the floor and never spoke to me. He dropped his head right down this way. Mr. Frank was there and didn't say nothing while Mr. Darley was speaking to me. Boots Rogers, Chief Lanford, Darley, Mr. Frank and I were there when they opened the clock [the time clock — Ed.].

The Leo Frank Trial: Week One

Mr. Frank opened the clock and said the punches were all right, that I hadn't missed any punches. I punched every half hour from six o'clock until three o'clock, which was the last punch I made. I don't know whether they took out that slip or not.

On Tuesday night, April 29th at about ten o'clock I had a conversation at the station house with Mr. Frank. They handcuffed me to a chair. They went and got Mr. Frank and brought him in and he sat down next to the door. He dropped his head and looked down. We were all alone.

I said, "Mr. Frank, it's mighty hard for me to be handcuffed here for something I don't know anything about."

He said, "What's the difference, they have got me locked up and a man guarding me."

I said, "Mr. Frank, do you believe I committed that crime," and he said, "No, Newt, I know you didn't, but I believe you know something about it."

I said, "Mr. Frank, I don't know a thing about it, no more than finding the body."

He said, "We are not talking about that now, we will let that go. If you keep that up we will both go to hell." Then the officers both came in.

When Mr. Frank came out of his office that Saturday he was looking down and rubbing his hands. I have never seen him rubbing his hands that way before.

CROSS EXAMINATION.

I don't know how many times I told this story before. Everybody was after me all the time down there at the station house. Yes, I testified at the coroner's inquest and I told them there that Mr. Frank jumped back like he was frightened when he saw Mr. Gantt. I am sure I told them, and I told them that Mr. Frank jumped back and held his head down. I didn't say before the coroner that he said he had given one of the pair of shoes of Mr. Gantt to one of the boys; they got that wrong.

On Saturdays I had to wake up usually and get to the factory at twelve o'clock. This time Mr. Frank told me to get back at four. I did say before the coroner that he was looking down when he came out of his office. I told them also that there was a place in that building [where] I could go to sleep, but they didn't ask me where.

When you come in the front door of the factory, you can go right on by the elevator and right down into the basement, anybody could do it. The fact that the double doors on the steps were locked wouldn't prevent anybody from going in the basement. That would only prevent anybody from up stairs from going into the basement unless they went by the elevator or by unlocking those double doors.

The Leo Frank Trial: Week One

All of the doors to the factory were unlocked when I got back there Saturday afternoon about 6 o'clock, the first floor, the second floor, the third floor and the fourth floor. Anybody could come right in from the street and go all over the factory without Mr. Frank in his office knowing anything about it.

The doors are never closed at all. That is a great big, old, rambling place up there. The shutters, the blinds to the factory were all closed that day because it was a holiday, excepting two or three on the first floor which I closed up that night. It's a very dark place when the shutters are closed. That is why we have to burn a light.

There is a light on the first floor near the clock, it burns all the time because that is a dark spot. There are two clocks, one punches to a hundred, the other punches to two hundred, because there are more than a hundred employees. I punch both of them.

About Mr. Frank and Mr. Gantt, they had had a difficulty and I knew that Mr. Frank didn't want him in there. Mr. Frank had told me "Lee, I have discharged Mr. Gantt, I don't want him in here, keep him out of here," and he had said," When you see him hanging around here, watch him."

That is the reason I thought Mr. Frank was startled when he saw Mr. Gantt. Mr. Gantt is a great big fellow, nearly seven feet. When he went out I watched him as he went to the beer saloon and I went on upstairs. He left the factory about half past six.

I went through the machine room every time I made a punch that night. I went to the ladies' dressing room every half hour that night until three o'clock. I went all over the building every half hour, excepting the basement. I went down to the basement every hour that night, but not all the way back.

Mr. Frank had instructed me to go over the building every half hour and he said go down in the basement once in awhile. He said go back far enough to see the door was closed. He told me to look out for the dust bin because that is where we might have a fire and to see that the back door is shut and to go over all the building every half hour.

No, he didn't give me any different instructions on that Saturday, he didn't tell me not to go in the basement or in the metal department. He allowed me to carry out the instructions just like I had been doing before. Yes, if I had gone back to find out whether that door was closed or not, I would have found the body, but I could see if the door was open, because there was a light back there. No, it wasn't open that night. It was shut when I found the body.

It was about ten minutes after I telephoned the police that they arrived. When I was down there I was close enough to the door to see it was shut, there was a light in front of it. There was no light between the body and the door. It was dark back there. The body was about sixty feet from that door. If the back door had been open I could have seen that big light back there in the alley. The back door was closed when I found the body.

The Leo Frank Trial: Week One

The first time I went down the basement that night was seven o'clock. I went just a little piece beyond the dark, so I could see whether there was any fire down there. That's what I was looking for.

Yes, I could tell whether the door was open from there. No, I didn't go back as far as they found the body, I didn't go back that far at all during the night. The reason I went that far back when I saw the body was because I went to the closet. There are two closets on the second floor, one on the third floor and one on the fourth floor. I didn't see the lady's hat or shoe when I went down to that little place with my lantern, nor the parasol. My lantern was dirty.

I was sitting down there, after I had punched, on the seat, set my lantern on the outside. When I got through I picked up my lantern, I walked a few steps down that way, I seed something over there, about that much of the lady's leg and dress.

I guess I walked about three or four feet, or five or six. I guess the body was about ten feet from the closet. As to what made me look in that direction from the closet, because I wanted to look that way. I picked up the lantern to go down there to see the dust bin, to see whether there was any fire there. The dust bin was to the right of me. When I was sitting down there the dust bin was not entirely hid behind the partition. I could see where the dust came down.

The balance of the night in order to see whether there was any fire in the dust bin or not I went twenty or twenty-five feet from the scuttle hole, and when I was down in the closet I had to go at least ten feet to see whether or not there was any fire in the dust bin. I would have gone further if I hadn't discovered the body.

When I saw the body, the closest I ever got to it was about six feet. I was holding my lantern in my hand. I just saw the feet. When I first saw it I was about ten feet from it. As to how far the body was from where I was sitting in the closet, it was not less than ten feet and not more than thirty. I stood and looked at it to see whether or not it was a natural body.

When I first got there I didn't think it was a white woman because her face was so dirty and her hair was so crinkled and there were white spots on her face. When the police came back upstairs they said it was a white girl. I think I reported to the police that it was a white woman. She was lying on her back with her face turned kinder to one side. I could see her forehead. I saw a little blood on the side of her head that was turned next to me. The blood was on the right side of her head. I am sure she was lying on her back.

Mr. Frank had told me if anything serious happened to call up the police and if anything like fire to call up fire department. I already knew the number of the station house.

I did say at the coroner's inquest that it took Mr. Frank longer to put the tape on this time than it did before. I did not say it took twice as long at the coroner's inquest, because they didn't ask me. I didn't pay any attention to him the first time he put the tape on. The

reason the last time I know it took him longer because I held the lever and had to move it backwards and forwards.

When I was in the basement one of the policemen read the note that they found. They read these words, “The tall, black, slim negro did this, he will try to lay it on the night” — and when they got to the word “night” I said “They must be trying to put it off on me.” I didn’t say, “Boss, that’s me.”

RE-DIRECT EXAMINATION.

The first time I saw Mr. Frank put any tape on, he didn’t say anything about it being any trouble. The last time he put it on, he said something about that he wasn’t used to putting it on. I was holding the lever there and he got it on twice and he had put it on wrong and he would have to slip it out and put it back.

When Mr. Frank came out rubbing his hands, he came out of his inner office into the outer office and from there in front of the clock.

I did not go down in the basement as far as the boiler during the night, except when I discovered the body. The officers talked to me the whole time. I didn’t get to sleep hardly, day or night. Just the time I would get ready to go to sleep, here they was after me. Then I would go back to my cell, stay a while and then another would come and get me. They carried me where I could sleep, but they wouldn’t let me stay there long enough to sleep. I didn’t get no sleep until I went over to the jail, and I didn’t get no sleep at jail for about two weeks. That was before the coroner’s inquest, when I was first arrested.

When I went back to the jail I was treated nicely. As to who talked to me longer, Mr. Frank or Black, Mr. Black did. Mr. Arnold talked to me longer than Mr. Frank did on April 29th.

In the southwest corner is some toilets for men and women.

Modern accounts of the Frank trial often include the claim that Frank could not have been convicted without the testimony of Jim Conley, and that, except for Conley, no one’s testimony made out much of a case for Frank’s guilt. But Lee’s testimony was very damaging indeed to Frank. And neither the Coroner’s Jury nor the grand jury which indicted Frank (which included several Jews) heard a word from Jim Conley.



Courtroom sketch of the defendant, Leo M. Frank

Frank's decision to have Newt Lee arrive early, and then, when he arrived, sending him away for two hours might be seen as an innocent change of plans — but Frank's absolute insistence that Newt could not rest on the premises during the two-hour gap is definitely suspicious — as is Frank's first and only telephone call ever made to Lee, at 7:30 PM on the night of the murder, asking him if everything was "all right." It also seems quite strange that every single person in Frank's sizable household would fail to be awakened by a telephone that rang insistently for some eight minutes. The police would also find it difficult to reach Frank via telephone, not getting an answer until 6:30 AM.

Lee's testimony that Frank was so nervous (some six hours after the murder, with Mary Phagan's body hidden in the basement) that he wrung his hands, jumped in fear when seeing Mary's friend Gantt (who could have been theoretically looking for her), and

The Leo Frank Trial: Week One

couldn't properly operate the time clock (that he had previously worked with ease for nearly five years) without help made an impression. But even more significant was the statement (later corroborated by other witnesses) that Frank had inspected Lee's time card the day after the murder and had declared that it was all correct, with every punch made at the proper time. Later the bloody shirt was found at Lee's home — and Frank would be telling a very different tale about the time card, contradicting himself and declaring that several punches were missing. It's hard to explain that about-face as anything other than a ham-handed attempt to implicate Lee.

In fact, the Frank defense team were still trying to plant the idea in the jurors' minds that Lee might have had something to do with the crime. Frank's lead defense lawyers, Reuben Arnold and Luther Rosser, explained their strategy to the judge while the jury was not present, citing Lee's reaction to the Ebonics-style "death notes" found near the body which included references to a "night witch," which seemed a semi-literate allusion to the night watchman:

"In an instant, Lee said, 'That night witch means me.' It showed familiarity with the notes. Isn't it strange that a negro so ignorant and dull that Mr. Rosser had to ask him a question ten times over could in a flash interpret this illegible scrawl?"

"We've got to commence somewhere and at some time to show the negro is a criminal and we might as well begin here as anywhere else."

Rosser's and Arnold's effort was to imply that Newt Lee had something to do with the crime, at least the writing of the death notes at the behest of factory sweeper Jim Conley, who the defense would allege was the real murderer. This theory was greatly weakened while aborning, though, when Lee told the court that he hadn't even met Conley until he saw him — a month after the murder — in jail.



Reuben R. Arnold, attorney for the defense

On Sunday, April 27, 1913, Leo Frank had said that Lee had punched his time card correctly — even reviewing it in front of police officers. Frank was then allowed to put it back in the company safe.

253

DEFENDANT'S EXHIBIT 1.

Time slip, dated April 26, taken out of clock by Frank.

101	601	138
102	632	139
103	700	140
104	732	141
105	800	142
106	831	143
107	906	144
108	932	145
109	1029	146
110	1104	147
111	1200	148
112	107	149
113	135	150
114	203	151
115	301	152
116	330	153
117		154
118		155
119		156
120		157
121		158
122		159
123		160
124		161
125		162
126		163
127		164
128		165
129		166
130		167
131		168
132		169
133	(Erasure made here)	170
134		171
135		172
136		173
137		174
138		175

Defendant's Exhibit 1, supposedly a copy of Newt Lee's "time slip, dated April 26, taken out of clock by Frank." It indicates four missed punches, though Frank showed officers Lee's time slip the day after the murder, and no punches had been missed.

The Leo Frank Trial: Week One

On Monday, April 28, Frank changed his story. Now he said that Lee had missed three or four punches on the clock. This would have amounted to *three to four hours* of Lee's time unaccounted for. It took about 30 minutes to get to Lee's home home from the factory — plenty of time to have committed the murder and dispose of evidence.

Leo Frank asked the police to check his laundry for blood two days after the murder, possibly to suggest they should check Newt Lee's home as well. When Lee's residence was searched, a bloody shirt — later proven to have been planted, obviously by someone trying to incriminate Lee — was indeed found at the bottom of Newt Lee's garbage burning barrel. It suggested to police that Lee had "forgotten to burn the bloody shirt that had been stained during the Mary Phagan murder."

The defense subjected Lee to a grueling ordeal of confusing questions, cross-questions, insults, and accusations — but they could not rattle him nor catch him in any contradiction.

Sergeant L. S. Dobbs told the jury of how he found the lifeless body of Mary Phagan: "The girl was lying on her face, the left side on the ground, the right side up. Her face was punctured, full of holes, and was swollen and black. The cord was around her neck, sunk into the flesh. Her tongue was protruding."

Detective John Starnes was called to the stand. Here is his complete testimony from the Brief of Evidence:

J. N. STARNES, sworn for the State.

I am a city officer. Went to the pencil company's place of business between five and six o'clock, April 27th. The pencil company is located in Fulton County, Georgia. That is where the body was found. The staple to the back door looked as if it had been prized out with a pipe pressed against the wood. There was a pipe there that fitted the indentation on the wood.

I called Mr. Frank on the telephone, and told him I wanted him to come to the pencil factory right away. He said he hadn't had any breakfast. He asked where the night watchman was. I told him it was very necessary for him to come and if he would come I would send an automobile for him, and I asked Boots Rogers to go for him. I didn't tell him what had happened, and he didn't ask me.

Mr. Frank appeared to be nervous; this was indicated by his manner of speaking to Mr. Darley; *he was in a trembling condition.*

I was guarded with him in my conversation over the phone.

About a week afterwards I went to the factory and had the night watchman there, Mr. Hendricks, to show me about the clock. *He took a new slip and put it in the clock and punched the slip all the way around in less than five minutes* (State's Exhibit P).

I got some cord on the second floor of the pencil factory, the knots in these cords are similar to the knots in this cord (State's Exhibit C [the cord used to strangle Mary Phagan — Ed.]).

On the floor right at the opposite corner, what might be called the northwest corner of the dressing room, on Monday morning, April 28th, I saw splotches that looked like blood about a foot and a half or two feet from the end of the dressing room, some of which I chipped up. It looked like splotches of blood and something had been thrown there and in throwing it had spread out and splattered.

There was no great amount of it. I should judge that the area around these spots was a foot and a half. The splotch looked as if something had been swept over it, some white substance. There is a lot of that white stuff in the metal department.

It looked like blood. I found a nail fifty feet this side of the metal room toward the elevator on the second floor that looked like it had blood on the top of it. It was between the office and the double doors. I chipped two places off on the back door which looked like they had bloody finger prints.

I don't know when Frank was arrested. I don't think he was arrested on Monday. He was asked to come to the station house on Monday. It takes not over three minutes to walk from Marietta Street at the corner of Forsyth across the viaduct and through Forsyth Street down to the pencil factory.

Lee was composed at the factory; he never tried to get away.

The door to the stairs from the office floor to the third floor was barred when I first went up there.

CROSS EXAMINATION.

I am guessing about the time. It wouldn't take over five minutes to get off the car, walk to the pencil factory, walk in, walk up the stairs and back into Mr. Frank's office.

The hasp is bent a little.

I heard Boots Rogers testify at the coroner's inquest and I testified twice. I did not correct any statement at the coroner's inquest that Boots Rogers made. I am the prosecutor in this case. I cannot give the words of the conversation of the telephone message between myself and Mr. Frank. I could be mistaken as to the very words he used. It was just a casual telephone conversation.

I don't know that the splotches that I saw there were blood. The floor at the ladies' dressing room is a very dark color.

I saw cord like that in the basement, but it was cut up in pieces. I saw a good many cords like that all over the factory. I never found the purse, or the flowers or the ribbon on the little girl's hat. This diagram (State's Exhibit A) is a correct diagram of second floor and basement of pencil company and other places. No. 11 on diagram (State's Exhibit A) is the toilets.

RE-DIRECT EXAMINATION.

I was guarded in what I said over the phone to Mr. Frank though it was just a conversation between two gentlemen. These pieces of wood look like what I chipped off the floor. I turned them over to Chief Lanford. (Referring to State's Exhibit E).

RECALLED FOR THE STATE.

I saw Mr. Rosser at the coroner's inquest. I never heard him say anything throughout the hearing.

The most important facts brought forth by Starnes were the pointed contrast between Leo Frank's extreme nervousness compared with Newt Lee's relative calm. This was all the more remarkable because, as the jury well knew, Lee, a black man in racially-stratified 1913 Atlanta, who had been caught alone in a dark factory at night with the body of a dead white girl, was under a much heavier cloud of suspicion than Frank — and had in fact been arrested, while Frank had not.

Next came the testimony of W.W. "Boots" Rogers, who had accompanied the officers:

W. W. ROGERS, sworn for the State.

I am now connected with Judge Girardeau's court. I was at the station house Saturday night, April 26th, and went to the National Pencil Company's place of business. It was between five and five thirty that I heard Mr. Starnes have a conversation over the phone. I heard him say, "If you will come I will send an automobile after you."

It took us five or six minutes to get out to Mr. Frank's residence at 68 E. Georgia Avenue. Mr. Black was with me. Mrs. Frank opened the door. She wore a heavy bath robe. Mr. Black asked if Mr. Frank was in. Mr. Frank stepped into the hall through the curtain. He was dressed for the street with the exception of his collar, tie, coat and hat. He had on no vest.

Mr. Frank asked Mr. Black if anything had happened at the factory. Mr. Black didn't answer. He asked me had anything happened at the factory. I didn't answer. Mr. Frank said, "Did the night watchman call up and report anything to you?" Mr. Black said, "Mr. Frank, you had better get your clothes on and let us go to the factory and see what has happened." Mr. Frank said that he thought he dreamt in the morning about 3 a. m. about hearing the telephone ring.



Leo Frank

Mr. Black said something about whiskey to Mrs. Frank in Mr. Frank's presence. Mrs. Frank said Mr. Frank hadn't had any breakfast and would we allow him to get breakfast. I told Mr. Black that I was hungry myself. Mr. Frank said let me have a cup of coffee. Mr. Black in a kind of sideways, said, "I think a drink of whiskey would do him good,"

The Leo Frank Trial: Week One

and Mrs. Frank made the remark that she didn't think there was any whiskey in the house.

Mr. Frank seemed to be extremely nervous. His questions were jumpy. I never heard him speak in my life until that morning. His voice was a refined voice, it was not coarse. He was rubbing his hands when he came through the curtains. He moved about briskly. He seemed to be excited. He asked questions in rapid succession, but gave plenty of time between questions to have received an answer.

Mr. Frank and Mr. Black got on the rear seat and I took the front seat and as I was fixing to turn around, one of us asked Mr. Frank if he knew a little girl by the name of Mary Phagan. Mr. Frank says: "Does she work at the factory?" and I said, "I think she does." Mr. Frank said, "*I cannot tell whether or not she works there until I look on my pay roll book*, I know very few of the girls that work there. I pay them off, but I very seldom go back in the factory and I know very few of them, but I can look on my pay roll book and tell you if a girl by the name of Mary Phagan works there."

One of us suggested that we take Mr. Frank by the undertaking establishment and let him see if he knew this young lady. Mr. Frank readily consented, so we stopped at the telephone exchange, Mr. Frank, Mr. Black and myself got out and went in the undertaking establishment.

I saw the corpse. The corpse was lying in a little kind of side out room to the right of a large room. The light was not lit in this little room where the body was laying, and Mr. Gheesling stepped in ahead of me and went around behind the corpse and lit the light above her head and her head was lying then towards the wall. I stepped up on the opposite side of the corpse with a door to my left. Mr. Gheesling caught the face of the dead girl and turned it over towards me. I looked then to see if anybody followed me and I saw Mr. Frank step from outside of the door into what I thought was a closet, but I have afterwards found it was where Mr. Gheesling slept, or where somebody slept. There was a little single bed in there.



The clothes worn by Mary Phagan when she was killed

I immediately turned around and came back out, in front of the office. I didn't see Frank look at the corpse. I don't remember that Mr. Frank ever followed me in this room. He may have stopped on the outside of the door, but my back was toward him and I don't know where he stopped. Mr. Gheesling turned the head of the dead girl over towards me and I looked around to see who was behind me and I saw Mr. Frank as he made that movement behind me. He didn't go into the closet as far as I could see, but he got out of my view. He could have looked at the corpse from the time that Mr. Gheesling was going around behind, but he could not have seen her face because it was lying over towards the wall. The face was away from me and I presume that was the cause of Mr. Gheesling turning it over.

The Leo Frank Trial: Week One

There was some question asked Mr. Frank if he knew the girl, and I think he replied that he didn't know whether he did or not but that he could tell whether she worked at the factory by looking at his pay roll book.

As we were leaving Mr. Frank's house, Mr. Frank asked Mrs. Frank to telephone Mr. Darley to come to the factory.

Mr. Frank was apparently still nervous at the undertaking establishment, he stepped lively. It was just his general manner that indicated to me that he was nervous. I never saw Mr. Frank in my life until that morning.

After we got out of Mr. Frank's house and was in my car, was the first time Mr. Frank had been told that the young lady was named Mary Phagan and that there had been any murder committed at the factory.

From the undertaker's we went to the pencil factory in my car. We went into Mr. Frank's office, he went up to the safe, turned the combination, opened the safe, took out his time book, laid the book down on the table, ran his finger down until he came to the name Mary Phagan, and said, "Yes, Mary Phagan worked here, she was here yesterday to get her pay." He said, "I will tell you about the exact time she left there. My stenographer left about twelve o'clock, and a few minutes after she left the office boy left and Mary came in and got her money and left." He said she got \$1.20 and he asked whether anybody had found the envelope that the money was in.

Frank still seemed to be nervous like the first time I seen him. It was just his quick manner of stepping around and his manner of speech like he had done at the house that indicated to me that he was nervous.

He then wanted to see where the girl was found. Mr. Frank went around by the elevator, where there was a switch box on the wall and Mr. Frank put the switch in. The box was not locked. Somebody asked him if he was used to keeping the switch box locked. He said they had kept it locked up to a certain time until the insurance company told him that he would have to leave it unlocked, that it was a violation of the law to keep an electric switch box locked. We then stepped on the elevator. He still stepped about lively and spoke up lively, answering questions, just like he had always done.

After we got on the elevator, he jerked at the rope and it hung and he called Mr. Darley to start it and we all stepped out of the elevator. Mr. Darley came and pulled at the rope two or three times and the elevator started.

As to whether anybody made any statement down in the basement as to who was responsible for the murder, I think Mr. Frank made the remark that Mr. Darley had worked Newt Lee for sometime out at the Oakland plant and that if Lee knew anything about the murder that Darley would stand a better chance of getting it out of him than anybody else.

After we came back from the basement it was suggested that we go to the station house and as we started out Mr. Frank says, "I had better put in a new slip, hadn't I, Darley?" Darley told him yes to put in a slip. Frank took his keys out, unlocked the door of the right-hand clock and lifted out the slip, looked at it and made the remark that the slip was punched correctly. Mr. Darley and Newt Lee was standing there at the time *Mr. Frank said the punches had been made correctly*. Mr. Frank then put in a new slip, closed the door, locked it and took his pencil and wrote on the slip that he had already taken out of the machine, "April 26, 1913."

I looked at the slip that Mr. Frank took out (Defendant's Exhibit I), the first punch was 6:01, the second one was 6:32 or 6:33. He took the slip back in his office. I glanced all the way down and there was a punch for every number.

While we were walking through the factory Mr. Frank asked two or three times to get a cup of coffee. As to what Mr. Frank said about the murder, I don't know that I heard him express himself except down in the basement. The officers showed him where the body was found and he made the remark that it was too bad or something to that effect. When we left the factory to go to police headquarters, Newt Lee was under arrest. I never considered Mr. Frank as being under arrest at that time. There had never been said anything to him in my presence about putting him under arrest. Mr. Frank's appearance at the station house was exactly like it was when I first saw him. He stepped quickly, when the door of the automobile was open, he jumped lightly off Mr. Darley's lap, went up the steps pretty rapid.

CROSS EXAMINATION.

I never saw Mr. Frank until that morning. I don't know whether his natural movements or manner of speech were quick or not. We didn't know whether the girl was a white girl or not until we rubbed the dirt from the child's face and pulled down her stocking a little piece. The tongue was not sticking out, it was wedged between the teeth. She had dirt in her eye and mouth. The cord around her neck was drawn so tight it was sunk in her flesh and the piece of underskirt was loose over her hair.

I don't know whether Mr. Frank went upstairs or not after we reached his house. I think he called to his wife to get him his collar and tie. He got his coat and vest some place, but I don't know where. At the time Mrs. Frank was calling Mr. Darley, Mr. Frank was putting on his collar and tie down in the reception hall. We were at the house 15 or 20 minutes. After Mrs. Frank had said something about Mr. Frank getting his breakfast before he went, Mr. Black said something about a drink would do good. Mrs. Frank then called her mother, who said that there wasn't any liquor in the house, that Mr. Selig had an acute attack of indigestion the night before and used it all up.

Mr. Frank readily consented to go to the undertaker's with us. When we got in the car we told him it was Mary Phagan and he said he could tell whether she was an employee or not by looking at his book, that he knew very few of the girls.

Yes, anybody facing the door of the little chapel at the undertaker's could have seen the corpse. As to whether I know that Mr. Frank didn't see the corpse he could have got a glance at the whole corpse, but when Mr. Gheesling turned the face over no one could have got a good look at the face unless they stepped in the room. Mr. Gheesling turned the young lady's face directly toward me, Mr. Frank was standing somewhere behind me, outside of the room. I turned around to see if Mr. Frank was looking. I don't know that he didn't get a glance at the corpse, but no one but Mr. Gheesling and I at this moment stepped up and looked at the little girl's face. What Mr. Frank and Mr. Black saw behind my back, I can't say. I don't say that Mr. Frank stepped into that dressing room, but he passed out of my view. So did Mr. Black. Mr. Gheesling had a better view of Mr. Black and Mr. Frank than I did, because my back was to them and Mr. Gheesling was looking straight across the body at them.

Mr. Frank had no difficulty in unlocking the safe when we went back to the factory. The elevator we went down on is a freight elevator, makes considerable noise. It stops itself when it gets to the bottom. I don't think it hits the ground.

She was lying on her face with her hands folded up. Her face was turned somewhat toward the left wall. A bruise on the left side of her head, some dry blood in her hair. One of her eyes were blackened. There were several little scratches on her face. Somebody worked her arms to see if they were stiff. The arms worked a little bit. The joints in her arms worked just a little bit.



Mary Phagan — and the spot where her body was discovered

When we first went down the basement we stayed down there about 20 or 25 minutes. During that time neither the shoe, the hat, nor the umbrella had been found. In the elevator shaft there was some excrement. When we went down on the elevator, the elevator mashed it. You could smell it all around. It looked like the ordinary healthy man's excrement. It looked like somebody had dumped naturally; that was before the elevator came down. When the elevator came down afterwards it smashed it and then we smelled it. As to the hair of the girl anyone could tell at first glance that it was that of a white girl.

RE-DIRECT EXAMINATION.

The body wasn't lying at the undertakers where it could have been seen from the door.

RE-CROSS EXAMINATION.

At the moment the face was turned towards me, I didn't see Mr. Frank but I know a person couldn't have looked into the face unless he was somewhere close to me. I was inside and Mr. Frank never came into that little room.

RE-DIRECT EXAMINATION.

When the face was turned towards me, Mr. Frank stepped out of my vision in the direction of Mr. Gheesling's sleeping room.

Well, the tangled issue of whether Frank actually dared to look directly into the dead face of Mary Phagan is interesting but not conclusive: Mary's the person too sensitive to want to do that. But Frank's denial of knowing Mary Phagan by name is hardly credible: he had paid her some 52 times prior to the murder, and written her initials each time in his accounting book. And Rogers confirmed the fact that Leo Frank had — initially — stated that all of Lee's time clock punches were correct. He also revealed that the original time slip was, unfortunately, left in Frank's custody instead of that of the police.

The next important testimony was that of Detective John R. Black, who had known Frank before the Phagan murder. He stated that Leo Frank was not naturally nervous or excitable, giving his nervousness immediately after the killing more significance. Black also had knowledge of Frank's change of heart regarding the "missed punches" on Newt Lee's time slip and the circumstances surrounding the finding of the bloody shirt. But Black, unlike Lee, was easily confused and rattled by the defense's rapid-fire cross-examination, damaging his credibility.

JOHN R. BLACK, sworn for the State.

I am a city policeman. I don't know the details of the conversation between Mr. Starnes and Mr. Frank over the 'phone. I didn't pay very much attention to it. I went over to Mr. Frank's house with Boots Rogers. Mrs. Frank came to the door. Mrs. Frank had on a bath robe. I stated that I would like to see Mr. Frank and about that time Mr. Frank stepped

out from behind a curtain. His voice was hoarse and trembling and nervous and excited. He looked to me like he was pale.

I had met Mr. Frank on two different occasions before. On this occasion he seemed to be nervous in handling his collar. *He could not get his tie tied*, and talked very rapid in asking questions in regard to what had happened.

He wanted to know if he would have time to get something to eat, to get some breakfast. He wanted to know if something had happened at the pencil factory and if the night watchman had reported it, and he asked this last question before I had time to answer the first. He kept insisting for a cup of coffee.

When we got into the automobile as Mr. Rogers was turning around Mr. Frank wanted to know what had happened at the factory, and I asked him if he knew Mary Phagan and told him that she had been found dead in the basement of the pencil factory. *Mr. Frank said he didn't know any girl by the name of Mary Phagan*, that he knew very few of the employees.

I suggested to Mr. Rogers that we drive by the undertaker's. In the undertaking establishment Mr. Frank looked at her. He gave a casual glance at her and stepped aside. I couldn't say whether he saw the face of the girl or not. There was a curtain hanging near the room and Mr. Frank stepped behind the curtain. He could get no view from behind the curtain. He walked behind the curtain and came right out. Mr. Frank stated as we left the undertaking establishment that he didn't know the girl but he believed he had paid her off on Saturday. He thought he recognized her being at the factory on Saturday by the dress that she wore but he could tell by going over to the factory and looking at his cash book.

At the pencil factory Mr. Frank took the slip out, looked over it [Newt Lee's time clock slip — Ed.] *and said it had been punched correctly*. On Monday and Tuesday following *Mr. Frank stated that the clock had been mis-punched three times*. This slip was turned over to Chief Lanford on Monday. I saw Mr. Frank take it out of the clock and went back with it toward his office. I don't know of my own personal knowledge that it was turned over to Chief Lanford Monday.

When Mr. Frank was down at police station on Monday morning Mr. Rosser and Mr. Haas [Lawyers for Frank and the National Pencil Company. — Ed.] were there. About 8 or 8:30 o'clock Monday morning Mr. Rosser came in police headquarters. That's the first time he had counsel with him. That morning Mr. Haslett and myself went to Mr. Frank's house and asked him to come down to police headquarters. About 1 1:30 Monday Mr. Haas demanded of Chief Lanford that officers accompany Mr. Frank out to his residence and search his residence. Mr. Haas stated in Frank's presence that he was Mr. Frank's attorney and demanded to show that there was nothing left undone, that we go out to Mr. Frank's house and search for anything that we might find in connection with the case.

On Tuesday night Mr. Scott and myself suggested to Mr. Frank to talk to Newt Lee. Mr. Frank spoke well of the negro, said he had always found him trusty and honest. They went in a room and stayed from about 5 to 10 minutes alone. I couldn't hear enough to swear that I understood what was said. Mr. Frank stated that Newt still stuck to the story that he knew nothing about it.

Mr. Frank stated that Mr. Gantt was there on Saturday evening and that he told Newt Lee to let him go and get the shoes but to watch him, as he knew the surroundings of the office. After this conversation Gantt was arrested. Frank made no objections to talking to Newt Lee.

Mr. Frank was nervous on Monday. After his release Monday he seemed very jovial.

On Tuesday night Frank said at station house that there was nobody at [the] factory at 6 o'clock but Newt Lee and that Newt ought to know more about it, as it was his duty to look over factory every thirty minutes. Also that Gantt was there Saturday evening and he left him there at 6 o'clock and that he and Gantt had some trouble previous to discharge of Gantt and that he at first refused to allow Gantt to go in factory, but Gantt told him he left a pair of shoes there.

CROSS EXAMINATION.

When I said that Mr. Frank was released I spoke before I thought. I retracted it on cross-examination. I don't know that Mr. Rosser was at the police station between 8 and 8:30 Monday morning, I said that to the best of my recollection. I wouldn't swear Mr. Rosser was there. I heard Mr. Rosser say to Mr. Frank to give them a statement without a conference at all between Mr. Frank and Mr. Rosser. I said that we wanted to have a private talk with Mr. Frank without Mr. Rosser being present. I wanted to talk to Mr. Frank without Mr. Rosser being present. While I was at the coroner's inquest Mr. Frank answered every question readily.

I wouldn't swear positively, but to the best of my recollection I had a conversation with Mr. Frank on two previous occasions. When I met Mr. Frank on previous occasions I don't remember anything that caused me to believe he was nervous, nothing unusual about him.

I heard the conversation Mr. Starnes had over the telephone with Mr. Frank early that morning. It was about a quarter to six, or a quarter past six. I think we got to the undertaker's about 6:20. As to the reason why I didn't tell Mr. Frank about the murder when I was inside the house, but did tell him as soon as he got in the automobile, I had a conversation with Newt Lee and I wanted to watch Mr. Frank and see how he felt about the murder.

Mr. Frank didn't go upstairs and put his collar and cravat on. Mrs. Frank brought him his collar and tie, I don't know where she got them. He told her to bring his collar and tie and he got his coat and hat. I don't know whether he went back to his home or not. He

put his collar and tie on right there. I don't know where he got his coat and vest at. I don't know what sort of tie or collar he had. He put his collar and tie on like anybody else would; tied it himself. I don't know whether Mr. Frank finished dressing upstairs or not. I couldn't see him when he went behind those curtains.

We stayed at the Frank home about ten minutes. At the undertaking establishment I was right behind Mr. Frank. He was between me and the body. I saw the face when the undertaker turned her over. Yes, Mr. Frank being in front of me had an opportunity to see it also. No, Mr. Frank didn't go into that sleeping room. Mr. Frank went out just ahead of me. When we went back to the pencil factory, Mr. Frank went to the safe and unlocked it readily at the first effort. He got the book, put it on the table, opened it at the right place, ran his finger down until he came to the name of Mary Phagan and says, "Yes, this little girl worked here and I paid her \$1.20 yesterday."

We went all over the factory that day. Nobody saw that blood spot that morning. I guess there must have been thirty people there during that day. Nobody saw it. I was there twice that day. Mr. Starnes was there with me. He didn't call attention to any blood spots. Chief Lanford was there, and he didn't discover any blood spots.

Mr. Frank was at the police station on Monday from 8:30 until about 1 1:30. Mr. Frank told me he had discharged Mr. Gantt on account of shortage and had given orders not to let him in the factory.

As regards Mr. Frank's linen, Mr. Haas said he was Mr. Frank's attorney and requested that we go to Mr. Frank's house and look over the clothes he had worn the week before and the laundry too. Yes, we went out there and examined it. Mr. Frank had had no opportunity to telephone his house from the time we mentioned it until we got out there. He went with us and showed us the dirty linen. I examined Newt Lee's house. I found a bloody shirt in the bottom of a clothes barrel there on Tuesday morning about 9 o'clock.

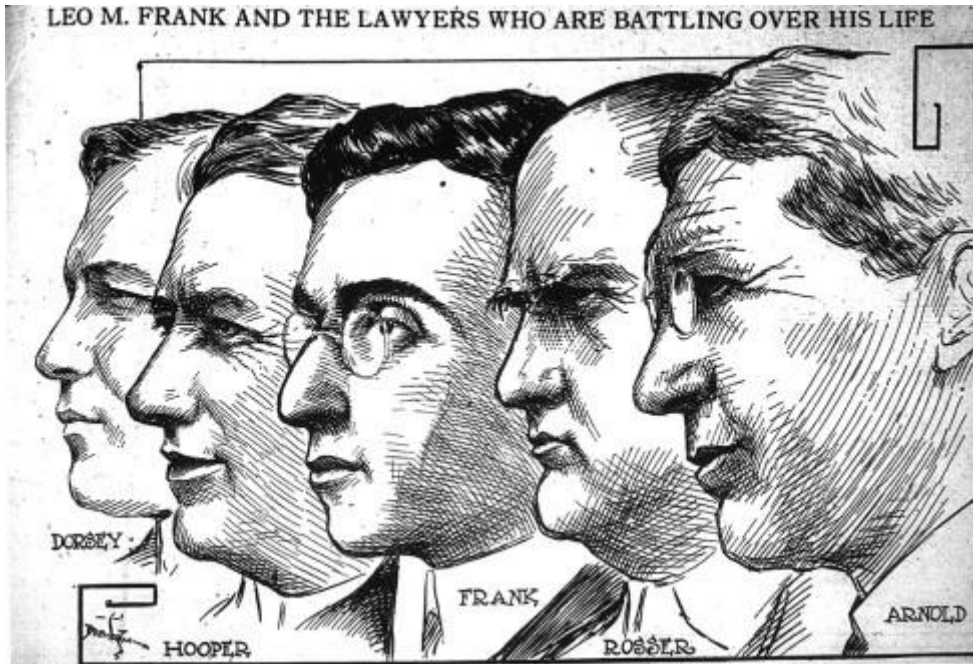
RE-DIRECT EXAMINATION.

Mr. Frank had told me that he didn't think Newt Lee had told all he knew about the murder. *He also said after looking over the time sheet and seeing that it hadn't been punched correctly that that would have given Lee an hour to have gone out to his house and back.* I don't know when he made this last statement. I don't remember whether that was before or after I went out to Lee's house and found the shirt. We went into his house with a skeleton key. It was after Frank told me about the skips in the punches. The shirt is just like it was the day I found it. The blood looks like it is on both sides of the shirt.

RE-CROSS EXAMINATION.

I don't know whether I went out to Lee's house before or after Mr. Frank suggested the skips in the time slips. I don't like to admit it, but I am so crossed up and worried that I don't know where I am at, but I think to the best of my knowledge it was Monday that Frank said that the slips had been changed.

Much is made of Black getting “crossed up and worried” on cross-examination, and his vagueness about just when Frank started suggesting that houses ought to be searched. (It was Dorsey’s theory that Frank wanted his own house to be searched because it would naturally follow that Lee’s house would then be searched also, and the planted bloody shirt be found.) But far more important than any of the confusion are the two elements that Black could not be “crossed up” on: Frank’s extreme nervousness on the morning after the murder — he could not even properly tie his own tie — and the fact that *he did indeed change his position on Lee’s time slips by 180 degrees.*



Leo Frank, center, and the legal minds arrayed for and against him

Next in the witness box was James Gantt, the man whose presence at the factory Sunday evening had so frightened Frank. Whether the fright was because Gantt had been fired by Frank, or because Gantt was a friend of Mary Phagan’s, was a matter of contention. But Gantt had much more to say, too:

J. M. GANTT, sworn for the State.

From June last until the first of January I was shipping clerk at the National Pencil Company. I was discharged April 7th by Mr. Frank for alleged shortage in the pay roll. I have known Mary Phagan when she was a little girl.

Mr. Frank knew her, too. *One Saturday afternoon she came in the office to have her time corrected, and after I had gotten through Mr. Frank came in and said, “You seem to know Mary pretty well.”* No, I had not told him her name.

The Leo Frank Trial: Week One

I used to know Mary when she was a little girl, but I have not seen her up to the time I went to work for the factory. My work was in the office and she worked in the rear of the building on the same floor in the tip department.

After I was discharged, I went back to the factory on two occasions. Mr. Frank saw me both times. *He made no objection to my going there.*

One girl used to get pay envelopes for another girl with Mr. Frank's knowledge. There was an alleged shortage in the pay roll of \$2.00. Mr. Frank came to see me about it and I told him I didn't know anything about it, and he said he wasn't going to make it good, and I said I wasn't, and he then discharged me. Prior to my being discharged Mr. Frank told me he had the best office force he ever had. I was the time keeper.

Mr. Frank could sit at his desk and see the employees register at the time clock if the safe door was closed. Mr. Frank did not fix the clock frequently, possibly two or three times. On April 26th, about six o'clock I saw Newt Lee sitting out in front of the factory and I remembered that I left a pair of shoes up there and I asked Newt Lee what about my getting them, and he said he couldn't let me up. I said Mr. Frank is up there, isn't he? because I had seen him in the window from across the street, and while we were standing there talking, in two or three minutes, *Mr. Frank was coming down the stairway and got within fifteen feet of the door when he saw me and when he saw me he kind of stepped back like he was going to go back, but when he looked up and saw that I was looking at him he came on out, and I said "Howdy, Mr. Frank," and he kind of jumped again.*

I told him I had a pair of shoes up there I would like to get and he said, "Do you want to go with me, or will Newt Lee be all right?" and he kind of studied a little bit, and said, "What kind of shoes were they?" and I said, "They were tan shoes," and he said, "I think I saw a negro sweeping them up the other day." And I said, "Well, I have a pair of black ones there, too," and he kind of studied a little bit, and said "Newt, go ahead with him and stay with him until he gets his shoes," and I went up there and found both pair right where I had left them.

Mr. Frank looked pale, hung his head, and nervous and kind of hesitated and stuttered like he didn't like me in there somehow or other.

CROSS EXAMINATION.

I testified at the coroner's inquest. I admit I did not testify about Frank's knowing Mary very well there, that has been recalled to my mind since I was arrested on Monday, April 28th, at 11 o'clock and held until Thursday night about six.

Frank, according to Gantt, remarking "You seem to know Mary pretty well," did not jibe with Frank's claim that he didn't know the murdered girl by name. It was a riveting moment. It implied far more than a mere knowledge of the dead girl's name or the catching of the superintendent in a lie — it implied that Leo Frank was noticing who noticed Mary, and therefore might have had designs on her for some time. The

prosecution's theory was that Frank's killing of Mary had proceeded from a failed attempt to seduce her.



Mary Phagan and her aunt

Next in the witness box was Pinkerton agent Harry Scott, whose testimony was particularly credible because his agency had been brought into the case at the specific request of the National Pencil Company and was being paid by forces friendly to Frank.

HARRY SCOTT, sworn for the State.

I am Superintendent of the local branch of the Pinkerton Detective Agency. I have worked on this case with John Black, city detective. I was employed by Mr. Frank representing the National Pencil Company.

I saw Mr. Frank Monday afternoon, April 28th, at the pencil factory. We went into Mr. Frank's private office. Mr. Darley and a third party were with us. Mr. Frank said, "I guess you read in the newspapers about the horrible crime that was committed in this factory, and the directors of this company and myself have had a conference and thought that the public should demand that we have an investigation made, and endeavor to determine who is responsible for this murder." And Mr. Frank then said he had just come

from police barracks and that Detective Black seemed to suspect him of the crime, and he then related to me his movements on Saturday, April 26th, in detail.

He stated that he arrived at the factory at 8 a.m., that he left the factory between 9:30 and 10 with Mr. Darley for Montag Bros. for the mail, that he remained at Montag Bros. for about an hour; that he returned to the factory at about 11 o'clock, and just before twelve o'clock Mrs. White, the wife of Arthur White, who was working on the top floor of the building that day with Harry Denham, came in and asked permission to go upstairs and see her husband. Mr. Frank granted her permission to do so.

He then stated that Mary Phagan came in to the factory at 12:10 p. m. to draw her pay; that she had been laid off the Monday previous and she was paid \$1.20; that he paid her off in his inside office where he was at his desk, and when she left his office and went in the outer office, she had reached the outer office door, leading into the hall and turned around to Mr. Frank and asked if the metal had come yet; Mr. Frank replied that he didn't know and that Mary Phagan then, he thought, reached the stairway, and he heard voices, but he could not distinguish whether they were men or girls talking, that about 12:50 he went up to the fourth floor and asked White and Denham when they would finish up their work and they replied they wouldn't finish up for a couple of hours; that Mrs. White was up there at the time and Frank informed Mrs. White that he was going to lock up the factory, that she had better leave; Mrs. White preceded Mr. Frank down the stairway and went on out of the factory as far as he knew, but on the way out, Mrs. White made the statement that she had seen a negro on the street floor of the building behind some boxes, and Mr. Frank stated that at 1:10 p.m. he left the factory for home to go to luncheon; he arrived at the factory again at 3 p. m., went to work on some financial work and at about four o'clock the night watchman reported for work, as per Mr. Frank's instructions the previous day; that he allowed Newt Lee to go out and have a good time for a couple of hours and report again at six o'clock, which Newt did and at six o'clock when Lee returned to the factory, he asked Mr. Frank, as he usually did, if everything was all right, and Mr. Frank replied "Yes" and Lee went on about his business.

Mr. Frank left the factory at 6:04 p. m. and when he reached the street door entrance he found Lee talking to Gantt, an ex-book-keeper who Frank had discharged for thieving. Mr. Frank stated that he had arrived home at about 6:25 p. m. and knowing that he had discharged Gantt, he tried to get Lee on the telephone at about 6:30; knowing that Lee would be in the vicinity of the time clock at that time and could hear the telephone ring; that he did not succeed in getting him at 6:30, but that he got him at seven; that he asked Lee the question if Gantt had left the factory and if everything was all right, to which Lee replied "Yes," and he hung up the receiver. Mr. Frank stated he went to bed somewhere around 9:30.

After that Mr. Frank and Mr. Darley accompanied me around the factory and showed me what the police had found. Mr. Darley being the spokesman. We went first to the metal room on the second floor, where I was shown some spots supposed to be blood spots, they were already chipped up, and I was taken to a machine where some strands of hair were supposed to have been found. From there we went down and examined the time

clock and went through the scuttle hole and down the ladder into the basement, where I was shown where everything had been found.

As to Mr. Frank's manner and deportment at the time we were in his office, he seemed to be perfectly natural. I saw no signs of nervousness. Occasionally between words he seemed to take a deep breath, and deep sighs about four or five times. His eyes were very large and piercing. They looked about the same they do now. He was a little pale. He gave his narrative rather rapidly.

As to whether he stated any fixed definite time as to hours or minutes, he didn't state any definite time as to when Mary Phagan came in, he said she came in at about 12:10. We furnished attorneys for Frank with reports. After refreshing my memory I now state that Mr. Frank informed me at the time I had that conversation with him that he heard these voices before 12 o'clock, before Mary Phagan came.

He also stated during our conversation that Gantt knew Mary Phagan very well, that he was familiar and intimate with her. He seemed to lay special stress on it at the time. He said that Gantt paid a good deal of attention to her.

As to whether anything was said by any attorney of Frank's as to our suppressing any evidence as to this murder, it was the first week in May when Mr. Pierce and I went to Mr. Herbert J. Haas' office in the 4th National Bank Building and had a conference with him as to the Pinkerton Agency's position in the matter. Mr. Haas stated that he would rather we would submit our reports to him first before we turned it over to the public and let them know what evidence we had gathered. We told him we would withdraw before we would adopt any practice of that sort, that it was our intention to work in hearty co-operation with the police.

I saw the place near the girls' dressing room on the office floor, fresh chips had already been cut out of the floor and I saw white smeared where the chips had been cut out and there were also some dark spots near the chipped out places. It was just as though somebody had taken a cloth and rubbed some white substance around in a circle, about eight inches in diameter. This white stuff covered all of the dark spots.

I didn't note any unusual signs of nervousness about Frank in his office. There wasn't any trembling or anything of that sort at that time. He was not composed.

On Tuesday night, April 29th, Black, Mr. Frank and myself were together and Mr. Black told Mr. Frank that he believed Newt Lee was not telling all that he knew. I also said to Mr. Frank that Newt knew more than he was telling, and that as he was his employer, I thought he could get more out of the nigger than we could, and I asked him if he would consent to go into a room as employer and employee and try to get it out of him. Mr. Frank readily consented and we put them in a private room, they were together there for about ten minutes alone. When about ten minutes was up, Mr. Black and I entered the room and Lee hadn't finished his conversation with Frank and was saying, "Mr. Frank it is awful hard for me to remain handcuffed to this chair," and Frank hung his head the

entire time the negro was talking to him, and finally in about thirty seconds, he said, "Well, they have got me too." After that we asked Mr. Frank if he had gotten anything out of the negro and he said, "No, Lee still sticks to his original story." Mr. Frank was extremely nervous at that time. He was very squirmy in his chair, crossing one leg after the other and didn't know where to put his hands; he was moving them up and down his face, and he hung his head a great deal of the time while the negro was talking to him. He breathed very heavily and took deep swallows, and sighed and hesitated somewhat. His eyes were about the same as they are now.

That interview between Lee and Frank took place shortly after midnight, Wednesday, April 30th. On Monday afternoon, Frank said to me that the first punch on Newt Lee's slip was 6:33 p. m., and his last punch was 3 a. m. Sunday. *He didn't say anything at that time about there being any error in Lee's punches.* Mr. Black and I took Mr. Frank into custody about 11:30 a.m. Tuesday, April 29th. His hands were quivering very much, he was very pale.

On Saturday, May 3d, I went to Frank's cell at the jail with Black and I asked Mr. Frank if from the time he arrived at the factory from Montag Bros. up until 12:50 p. m., the time he went upstairs to the fourth floor, was he inside of his office the entire time, and he stated "Yes." Then I asked him if he was inside his office every minute from 12 o'clock until 12:30 and he said "Yes."

I made a very thorough search of the area around the elevator and radiator and back in there. I made a surface search. I found nothing at all. I found no ribbon or purse, or pay envelope, or bludgeon or stick. I spent a great deal of time around the trap door and I remember running the light around the door way right close to the elevator, looking for splotches of blood, but I found nothing.

CROSS EXAMINATION.

Yes, I sent you this report as to what happened between Mr. Herbert J. Haas and myself: "This afternoon Supt. H.B. Pierce and myself held a conference with Mr. Herbert Haas, at which the agency's position in the matter was discussed, and Mr. Haas stated they wanted to learn who the murderer was, regardless of who it involved." Mr. Haas told me that after I had told him we would withdraw from the cause before we would not co-operate with the police. No, I did not report that to you. I reported the motive of our conference. No, I did not say anything about Mr. Haas wanting us to do anything except locate the murderer. Yes, I talked to you afterwards and you also told me to find the murderer, even if it was Frank.

Mr. Haas had said to Mr. Pierce and me that he would rather that we submit our reports of evidence to him before we turned it over to the police. No, there was nothing said about not giving this to the police.

I testified at the coroner's inquest as to what conversation I had with Mr. Frank. I did not give you in my report the details of Mr. Frank's morning movements, when he left home,

arrived at the factory and went to Montag Bros., and returned to the factory. As to my not saying one word about Gantt being familiar with this little girl, that was just an oversight, that is all. No, I did not testify to that either at the coroner's inquest. I didn't put it in the report to you, because Gantt was released the next day and I didn't consider him a suspect.

There was no reason for my not giving it to you. It was an oversight. I am representing the National Pencil Company, who employed me, and not Mr. Frank individually. It is true in my report to you with reference to the interview between me and Mr. Frank that I stated "I had no way of knowing what they said because they were both together privately in a room there and we had no way of knowing except what Lee told us afterwards." I now state that I did hear the last words of Lee.

I didn't put in my notes that Gantt was familiar with Mary Phagan, I don't put everything in my notes and the coroner didn't examine me about it either. No, I didn't tell the coroner anything about Frank crossing his legs and putting his hands up to his face. I never went into detail down there. No I didn't mention his hanging his head.

We always work with the police on criminal cases. No, I did not testify before the coroner about any white stuff having been smeared over those supposed blood spots.

I am not sure whether I got the statement about Mary Phagan being familiar with Gantt from Mr. Darley or Mr. Frank. Mr. Frank was present at the time.

Mr. Frank told me when the little girl asked if the metal had come back that he said "I don't know." It may be true that I swore before the coroner that in answer to that question from Mary Phagan as to whether the metal had come yet that Frank said, "No," and it is possible that I so reported to you. If I said "No," I meant "I don't know." I say now that Mr. Frank told me he left the factory at 1:10 p.m. If I reported to you that he told me he left at one o'clock, I made a very serious mistake. That is an oversight. Yes, I reported to the police before I reported to Mr. Haas or Mr. Montag.

RE-DIRECT EXAMINATION.

Yes, our agency reported to the police about finding the club. I find it is in our report of May 15th. I don't know when it was reported; I was out of town. I worked all through this case with Detective Black and every move he made was known to both of us. As to the stairway from the basement to the upper floor, there was a great deal of dust on the stairs and the dust didn't seem to be disturbed. This stairway is not in the picture but is near the back door. It was nailed and closed.

The "club" referred to was, along with part of a company pay envelope, "discovered" on the first floor of the factory — where African-American sweeper Jim Conley had been sitting on the day of the murder — by a rogue Pinkerton agent who was soon dismissed. (The "discovery" occurred days after minute examination by police investigators and by Scott, who found nothing.)

The real bombshell in Scott's testimony was his revelation that Frank — who had denied even knowing Mary Phagan, to say nothing of her relationships — had told Scott that "Gantt knew Mary Phagan very well, that he was familiar and intimate with her." Shortly thereafter, Gantt was arrested as a suspect. He was eventually released.

The testimony of the next witness on the stand, brief as it was, would prove devastating to Frank. She was pretty blonde Monteen Stover, a co-worker of Mary Phagan's. She was not hostile to Frank, and in fact thought highly of him. But one thing she was sure of — he definitely was *not* in his office continuously from noon to 12:45 on the day Mary Phagan died, as he had claimed:



Miss Monteen Stover

MISS MONTEEN STOVER, sworn for the State.

I worked at the National Pencil Company prior to April 26th, 1913. I was at the factory at five minutes after twelve on that day. I stayed there five minutes and left at ten minutes after twelve. I went there to get my money. I went in Mr. Frank's office. He was not there. I didn't see or hear anybody in the building. The door to the metal room was closed. I had on tennis shoes, a yellow hat and a brown rain coat. I looked at the clock on my way up, it was five minutes after twelve and it was ten minutes after twelve when I started out. I had never been in his office before. The door to the metal room is sometimes open and sometimes closed.

CROSS EXAMINATION.

I didn't look at the clock to see what time it was when I left home or when I got back home. I didn't notice the safe in Mr. Frank's office. I walked right in and walked right out. I went right through into the office and turned around and came out. I didn't notice how many desks were in the outer office. I didn't notice any wardrobe to put clothes in. I don't know how many windows are in the front office. I went through the first office into the second office. The factory was still and quiet when I was there. I am fourteen years old and I worked on the fourth floor of the factory. I knew the paying-off time was twelve o'clock on Saturday and that is why I went there. They don't pay off in the office, you have to go up to a little window they open.

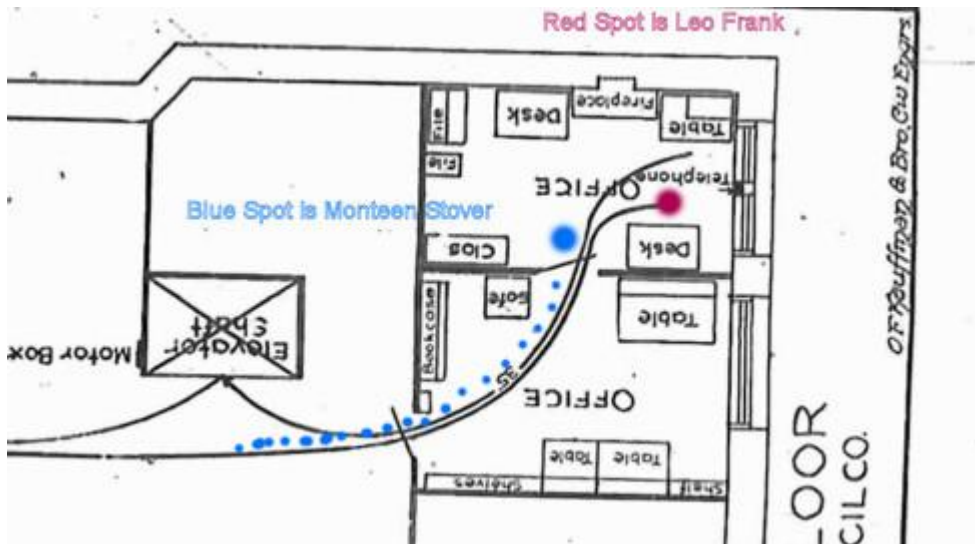


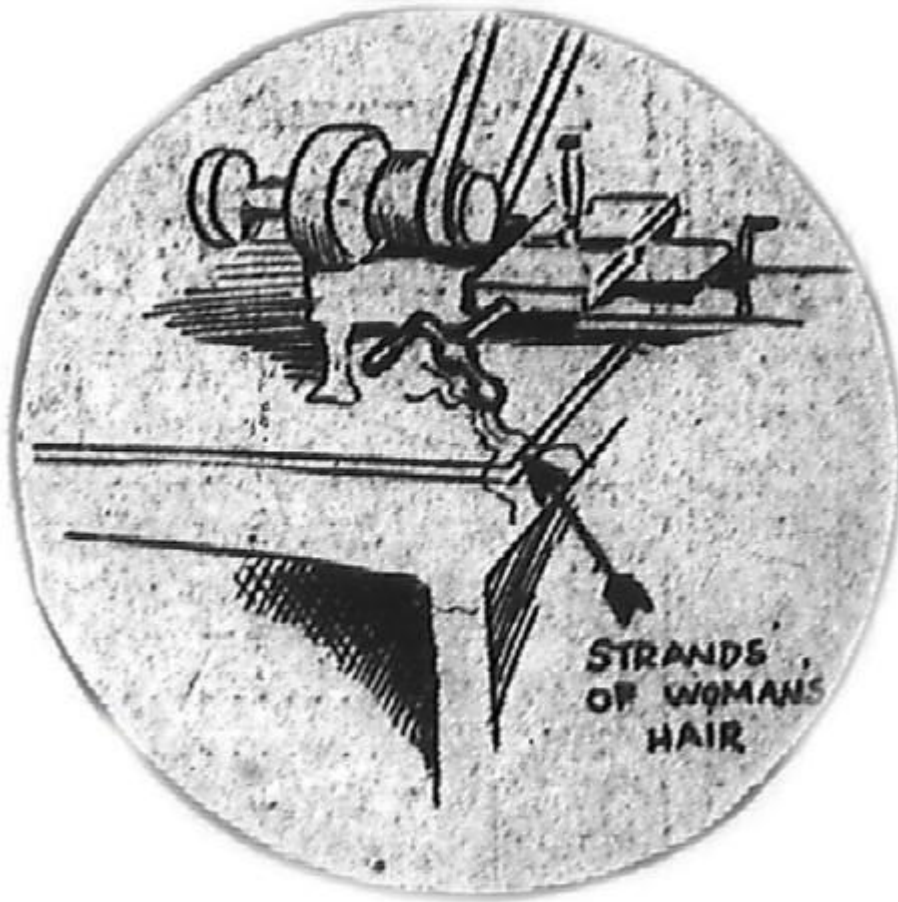
Diagram of Leo Frank's outer and inner office: How likely is it that Monteen Stover could have missed Frank had he really been in his office as he claimed?

RE-DIRECT EXAMINATION.

The door to the metal room is sometimes closed and sometimes open. When the factory isn't running the door is closed.

Next to the stand came pencil company machinist R.P. Barrett, who had discovered hair that looked like Mary's on a factory metal room lathe, and bloodstains hastily covered

with a lubricant nearby. The hair and stains had *not* been there when work ended on Friday, he said.



The hair found on the lathe. Where did it come from?

R.P. BARRETT, sworn for the State.

I am a machinist for the National Pencil Company. I have been there about eight weeks. On Monday morning, April 28th, I found an unusual spot that I had never seen before at the west end of the dressing room on the second floor of the pencil factory. That spot was not there Friday. The spot was about 4 or 5 inches in diameter and little spots behind these from the rear — 6 or 8 in number. I discovered these between 6:30 and 7 o'clock Monday. *It was blood. It looked like some white substance had been wiped over it.* We kept potash and haskoline, both white substances, on this floor. This white stuff was smeared over the spots. It looked like it had been smeared with a coarse broom. There was a broom on that floor, leaning up against the wall. No, the broom didn't show any evidence of having been used, except that it was dirty. It was used in the metal department for cleaning up the grease. The floor was regularly swept with a broom of finer straw.

I found some hair on the handle of a bench lathe. The handle was in the shape of an "L." The hair was hanging on the handle, swinging down. Mell Stanford saw this hair. The hair was not there on Friday.

The gas jet that the girls sometimes use to curl their hair on is about ten feet from the machine where the hair was found. Machine Number is No. 10. It is my machine. I know the hair wasn't there on Friday, for I had used that machine up to quitting time, 5:30.

There was a pan of haskoline about 8 feet from where the blood was found. The nearest potash was in vats in the plating department, 20 or 25 feet away. The latter part of the week I found a piece of a pay envelope (State's Exhibit U) under Mary Phagan's machine. I have examined the area around the elevator on the main floor and I looked down the ladder and I never saw any stick. I did not find any envelope or blood or anything else there.

CROSS EXAMINATION.

I never searched for any blood spots before, until Miss Jefferson came in and said she understood Mary had been murdered in the metal department, then I started to search right away; that was the only spot I could find; I could tell it was blood by looking at it. I can tell the difference between blood and other substances. I found the hair some few minutes afterward — about 6 or 8 strands of hair and pretty long. When I left the machine on Friday I left a piece of work in there. When I got back the piece of work was still there. It had not been disturbed. The machine was in the same position in which I left it Friday night; there was no blood under this machine.

There is no number or amount on the envelope I found, and no name on it, just a little loop, a part of a letter. Yes, I have been aiding Mr. Dorsey and the detectives search the building. Yes, Mr. Dorsey subpoenaed me to come to his office; it was a State subpoena. I gave him an affidavit.

DNA evidence didn't exist in 1913, so it was impossible to test the hair or blood to see if they had come from Mary Phagan. But the hair looked like Mary's, and it's hard to imagine another plausible explanation for their appearance over a holiday weekend.



Witnesses: Mrs. Jefferson, R.P. Barrett, Mrs. White

After Barrett left the stand, janitor Mel Stanford confirmed Barrett's statement that neither the hair nor the bloodstains had been present at the end of business on the Friday before the murder. Then Mrs. G.W. Jefferson testified that she had found the bloodstains with Barrett, and that they covered an area "as big as a fan."

Dr. Claude Smith, a chemist for the city of Atlanta, stated that although he had only seen four or five corpuscles on the wood chips, his analysis had proved them to be blood:

DR. CLAUDE SMITH, sworn for the State.

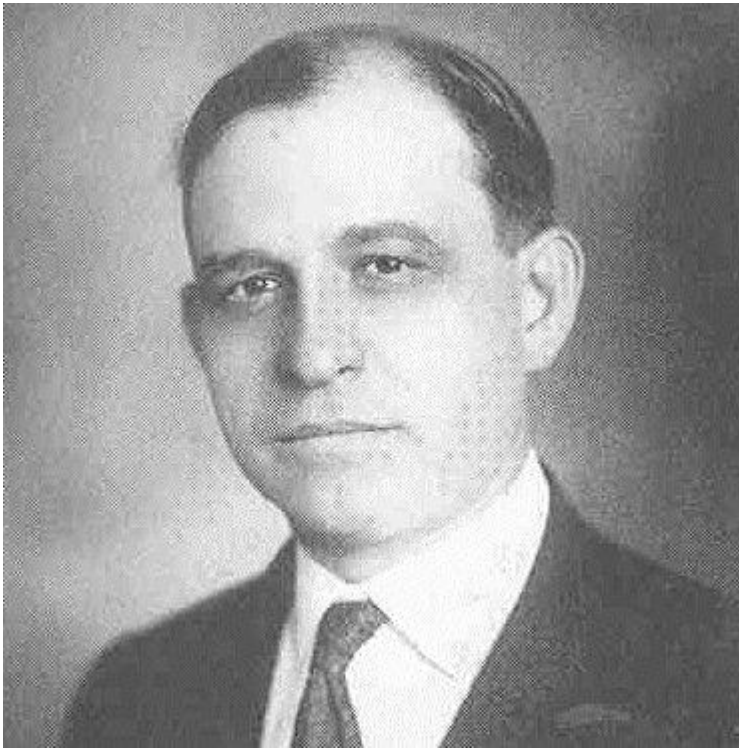
I am physician and City Bacteriologist and Chemist. These chips (Exhibit E, State) appear to be the specimen which the detectives brought to my office and which I examined. They had considerable dirt on them and some coloring stain. On one of them I found some blood corpuscles. I do not know whether it was human blood. This shirt (Exhibit E for State [The shirt planted at Newt Lee's residence — Ed.]) appears to be the same shirt brought to my office by detectives which I examined. I examined spots and it showed blood stain. I got no odor from the arm pits that it had been worn. The blood I noticed was smeared a little on the inside in places. It didn't extend out on the outside. The blood on shirt was somewhat on the inside of the garment high up about the waist line which to my mind could not have been produced by turning up the tail.

CROSS EXAMINATION.

I found grit and stain on all of the chips. I couldn't tell the one that I found blood on. I did the work in the ordinary way. The whole surface of the chips was coated with dirt. I

couldn't tell whether the blood stain was fresh or old. I have kept blood corpuscles in the laboratory for several years. I found probably three or four or five blood corpuscles in a field. I don't know how much blood was there. A drop or half drop would have caused it, or even less than that. Rigor mortis begins very soon after death. Sometimes starts quicker, but usually starts very soon. I could not say when rigor mortis would end.

The next significant witness was Frank's business associate N.V. Darley. While Darley verbally fenced with Solicitor Dorsey to avoid incriminating his friend Frank, he finally did confirm that Frank was nearly out of his mind with anxiety after the murder was discovered, admitting that Frank was "trembling all over."



Prosecutor Hugh Dorsey

Dr. Henry F. Harris established the time of Mary Phagan's death as very close to that of Monteen Stover's visit to Leo Frank's empty office, and stated he had determined the cause of death to be strangulation, though it had been preceded by a blow with a blunt object, probably a fist, and a collision of her head with a sharp object, possibly a lathe. He also testified that, although no seminal fluid was present, some violence had been done to Mary's private parts before she died.

Mrs. Arthur White, who had been visiting her husband who was working on an upper floor, testified that she had seen a black man lurking near the elevator on the first floor when she left around 1 PM. This fitted with the prosecution's theory that the man was Jim Conley, on watch during Frank's attempted tryst, and who would eventually help Frank move the body.

The Leo Frank Trial: Week One

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Be sure to read next week's installment here at *The American Mercury* as we follow the trial that changed the South — changed America — and changed the world 100 years ago.

For further study we recommend the following resources:

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia's Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

The *American Mercury* will be following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan, in capsule form on a regular basis until August 26, the 100th anniversary of the reading of the verdict. Follow along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).

(For background on this case, read our [introductory article](#), our coverage of [Week One of the trial](#), and my exclusive [summary of the evidence against Frank](#).)



Leo M. Frank: Why was he so unbelievably nervous the day of Mary Phagan's murder, and the day after — wringing his hands, shaking and trembling, and unable to unlock his own company's door, operate its time clock, or operate its elevator?

As Week Two opened, the Atlanta Georgian's James B. Nevin conceded that the case against Frank was impressive so far and that Jim Conley's testimony — and ability to hold

up under defense insinuations and accusations — would be crucial to the case's outcome:

The State HAS definitely shown that Leo Frank might have murdered Mary Phagan and that he DID have the opportunity to accomplish it. Having shown that the OPPORTUNITY was there, and that the murder likely was consummated during the time limits of that opportunity, the elements of the case need but be knitted properly together to make dark the outlook for Frank...

Did Leo Frank, between 12 o'clock and the time he left the pencil factory, after paying Mary Phagan her pittance of wages, lure or follow her into the back of the second floor, there assault her and kill her? Did he then secure the services of Jim Conley to conceal the body? Or did Jim Conley, half drunk, loitering in the dark hallway below, seeing little Mary Phagan coming down the steps with her mesh bag in her hands, brooding over his lack of funds wherewith to get more whisky, find in this setup an opportunity to secure a little money — the violent killing of the girl following?

Prior to the trial, Jim Conley had made one admission after another under the withering blast of police interrogation. He would make three statements in all, in each one admitting to more and more participation in the crime. Despite his slow, reluctant, and grudging admissions — and the obvious contradictions among his initial affidavits — investigators, and even some who had been doubtful about Conley's account, were finally convinced that they had gotten the truth out of him. Police and factory officials accompanied Conley when he was brought back to the scene of the crime. Conley guided them through the factory and recounted and re-enacted the events of April 26, 1913 — the day of the murder — step by step as he had experienced them. The account was so minute in its details, so consistent with the known facts, so precisely matched with evidence which Conley could not possibly have known about unless he had really been

there, and presented in such an open and frank manner that even skeptics were convinced by it.



Jim Conley

Let's continue with this extremely important testimony (paragraphing and emphasis are mine):

JAMES CONLEY, sworn for the State.

I had a little conversation with Mr. Frank on Friday, the 25th of April. He wanted me to come to the pencil factory that Friday morning, that he had some work on the third floor he wanted me to do.

All right, I will talk louder. Friday evening about three o'clock Mr. Frank come to the fourth floor where I was working and said he wanted me to come to the pencil factory on Saturday morning at 8:30; that he had some work for me to do on the second floor. I have been

working for the pencil company for a little over two years.

Yes, I had gone back there that way for Mr. Frank before, when he asked me to come back. I got to the pencil factory about 8:30 on April 26th. Mr. Frank and me got to the door at the same time. Mr. Frank walked on the inside and I walked behind him and he says to me, "Good morning," and I says, "Good morning, Mr. Frank." He says, "You are a little early this morning," and I says, "No, sir, I am not early." He says, "Well, you are a little early to do what I wanted you to do for me, *I want you to watch for me like you have been doing the rest of the Saturdays.*"

I always stayed on the first floor like I stayed the 26th of April and watched for Mr. Frank, while he and a young lady would be upon the second floor chatting, I don't know what they were doing. He only told me they wanted to chat. When young ladies would come there, I would sit down at the first floor and watch the door for him. I couldn't exactly tell how many times I have watched the door for him previous to April 26th, it has been several times that I watched for him.

I don't know who would be there when I watched for him, but there would be another young man, another young lady during the time I was at the door. A lady for him and one for Mr. Frank. Mr. Frank was alone there once, that was Thanksgiving day. I watched for him. Yes, a woman came there Thanksgiving day, she was a tall, heavy built lady. I stayed down there and watched the door just as he told me the last time, April 26th.

He told me when the lady came he would stomp and let me know that was the one and for me to lock the door. Well, after the lady came and he stomped for me, I went and locked the door as he said. He told me when he got through with the lady he would

The Leo Frank Trial: Week Two

whistle and for me then to go and unlock the door. That was last Thanksgiving day, 1912.

On April 26th, me and Mr. Frank met at the door. He says, "What I want you to do is to watch for me to-day as you did other Saturdays," and I says, "All right."

I said, "Mr. Frank, I want to go to the Capital City Laundry to see my mother," and he said, "By the time you go to the laundry and come back to Trinity Avenue, stop at the corner of Nelson and Forsyth Streets until I go to Montags." I don't know exactly what time I got to the corner of Nelson and Forsyth Streets, but I came there sometime between 10 and 10:30.

I saw Mr. Frank as he passed by me, I was standing on the corner, he was coming up Forsyth Street toward Nelson Street. He was going to Montag's factory. While I was there on the corner he said, "Ha, ha, you are here, is yer." And I says, "Yes, sir, I am right here, Mr. Frank." He says, "Well, wait until I go to Mr. Sig's, I won't be very long, I'll be right back." I says, "All right, Mr. Frank, I'll be right here." I don't know how long he stayed at Mon- tag's. He didn't say anything when he came back from Montag's, but told me to come on. Mr. Frank came out Nelson Street and down Forsyth Street toward the pencil factory and I followed right behind. As we passed up there the grocery store, Albertson Brothers, a young man was up there with a paper sack getting some stuff out of a box on the sidewalk, and he had his little baby standing by the side of him, and just as Mr. Frank passed by him, I was a little behind Mr. Frank, and Mr. Frank said something to me, and by him looking back at me and saying something to me, he hit up against the man's baby, and the man turned around and looked to see who it was, and he looked directly in my face, but I never did catch the idea what Mr. Frank said. Mr. Frank stopped at Curtis' Drug Store, corner Mitchell and Forsyth Streets, went into the soda fountain. He came out and went straight on to the factory, me right behind him.



The National Pencil Company factory, 1913, where Mary Phagan met her death

When we got to the factory we both went on the inside, and Mr. Frank stopped me at the door and when he stopped me at the door he put his hand on the door and turned the door and says: "You see, you turn the knob just like this and there can't nobody come in from the outside," and I says, "All right," and I walked back to a little box back there by the trash barrel.

He told me to push the box up against the trash barrel and sit on it, and he says. "*Now, there will be a young lady up here after awhile, and me and her are going to chat a little,*" and he says, "Now, when the lady comes, I will stomp like I did before," and he says, "That will be the lady, and you go and shut the door," and I says, "All right, sir."

And he says, "Now, when I whistle I will be through, so you can go and unlock the door and you come upstairs to my office then like you were going to borrow some money for me and that will give the young lady time to get out." I says, "All right, I will do just as you say," and I did as he said. Mr. Frank hit me a little blow on my chest and says, "Now, whatever you do, don't let Mr. Darley see you." I says, "All right, I won't let him see me."



*N.V. Darley, assistant superintendent
under Frank*

Then Mr. Frank went upstairs and he said, "Remember to keep your eyes open," and I says, "All right, I will, Mr. Frank." And I sat there on the box and that was the last I seen of Mr. Frank until up in the day sometime.

The first person I saw that morning after I got in there was Mr. Darley, he went upstairs. The next person was Miss Mattie Smith, she went on upstairs, then I saw her come down from upstairs. Miss Mattie walked to the door and stopped, and Mr. Darley comes on down to the door where Miss Mattie was, and he says, "Don't you worry, I will see that you get that next Saturday." And Miss Mattie came on out and went up Alabama Street and Mr. Darley went back upstairs. Seemed like Miss Mattie was crying, she was wiping her eyes when she was standing down there. This was before I went to Nelson and Forsyth Streets.

After we got back from Montag Brothers, the first person I saw come along was a lady that worked on the fourth floor, I don't know her name. She went on up the steps. The next person that came along was the negro drayman, he went on upstairs. He was a peg-legged fellow, real dark. The next I saw [was] this negro and Mr. Holloway coming back down the steps. Mr. Holloway was putting on his glasses and had a

bill in his hands, and he went out towards the wagon on the sidewalk, then Mr. Holloway came back up the steps, then after Mr. Darley came down and left, Mr. Holloway came down and left. Then this lady that worked on the fourth floor came down and left. The next person I saw coming there was Mr. Quinn. He went upstairs, stayed a little while and then came down.

FOREMAN IN FACTORY TESTIFIES FOR FRANK

LEMMIE QUINN.



Factory foreman Lemmie Quinn

The Leo Frank Trial: Week Two

The next person that I saw was Miss Mary Perkins, that's what I call her, this lady that is dead, I don't know her name. After she went upstairs I heard her footsteps going towards the office and after she went in the office, I heard two people walking out of the office and going like they were coming down the steps, but they didn't come down the steps, they went back towards the metal department.

After they went back there, I heard the lady scream, then I didn't hear no more, and the next person I saw coming in there was Miss Monteen Stover. She had on a pair of tennis shoes and a rain coat. She stayed there a pretty good while, it wasn't so very long either. She came back down the steps and left.

After she came back down the steps and left, I heard somebody from the metal department come running back there upstairs, on their tiptoes, then I heard somebody tiptoeing back towards the metal department. After that I kind of dozed off and went to sleep.

Next thing I knew Mr. Frank was up over my head stamping and then I went and locked the door, and sat on the box a little while, and the next thing I heard was Mr. Frank whistling. I don't know how many minutes it was after that I heard him whistle. When I heard him whistling I went and unlocked the door just like he said, and went on up the steps.

Mr. Frank was standing up there at the top of the steps and shivering and trembling and rubbing his hands like this. He had a little rope in his hands—a long wide piece of cord. His eyes were large and they looked right funny. He looked funny out of his eyes. His face was red. Yes, he had a cord in his hands just like this here cord.

After I got up to the top of the steps, he asked me,” Did you see that little girl who passed here just a while ago?” and I told him I saw one come along there and she come back again, and then I saw another one come along there and she hasn't come back down, and he says, “*Well, that one you say didn't come back down, she came into my office awhile ago and wanted to know something about her work in my office and I went back there to see if the little girl's work had come, and I wanted to be with the little girl, and she refused me, and I struck her and I guess I struck her too hard and she fell and hit her head against something, and I don't know how bad she got hurt. Of course you know I ain't built like other men.*”

The reason he said that was, I had seen him in a position I haven't seen any other man that has got children. I have seen him in the office two or three times before Thanksgiving and a lady was in his office, and she was sitting down in a chair (and she had her clothes up to here, and he was down on his knees, and she had her hands on Mr. Frank. I have seen him another time there in the packing room with a young lady lying on the table, she was on the edge of the table when I saw her).

He asked me if I wouldn't go back there and bring her up so that he could put her somewhere, and he said to hurry, that there would be money in it for me.

The Leo Frank Trial: Week Two

When I came back there, I found the lady lying flat of her back with a rope around her neck. The cloth was also tied around her neck and part of it was under her head like to catch blood. I noticed the clock after I went back there and found the lady was dead and came back and told him. The clock was four minutes to one.

She was dead when I went back there and I came back and told Mr. Frank the girl was dead and he said "Sh-Sh!" He told me to go back there by the cotton box, get a piece of cloth, put it around her and bring her up. I didn't hear what Mr. Frank said, and I came on up there to hear what he said. He was standing on the top of the steps, like he was going down the steps, and while I was back in the metal department I didn't understand what he said, and I came on back there to understand what he did say, and he said to go and get a piece of cloth to put around her, and I went and looked around the cotton box and got a piece of cloth and went back there.

The girl was lying flat on her back and her hands were out this way. I put both of her hands down easily, and rolled her up in the cloth and taken the cloth and tied her up, and started to pick up her, and I looked back a little distance and saw her hat and a piece of ribbon laying down and her slippers and I taken them and put them all in the cloth and I ran my right arm through the cloth and tried to bring it up on my shoulder.

The cloth was tied just like a person that was going to give out clothes on Monday, they get the clothes and put them on the inside of a sheet and take each corner and tie the four corners together, and I run my right arm through the cloth after I tied it that way and went to put it on my shoulder, and I found I couldn't get it on my shoulder, it was heavy and I carried it on my arm the best I could, and when I got away from the little dressing room that was in the metal department, I let her fall, and I was scared and I kind of jumped, and I said, 'Mr. Frank, you will have to help me with this girl, she is heavy,' and he come and caught her by the feet and I laid hold of her by the shoulders, and when we got her that way I was backing and Mr. Frank had her by the feet, and Mr. Frank kind of put her on me, he was nervous and trembling, and after we got up a piece from where we got her at, he let her feet drop and then he picked her up and we went on to the elevator, and he pulled down on one of the cords and the elevator wouldn't go, and he said, "Wait, let me go in the office and get the key," and he went in the office and got the key and come back and unlocked the switchboard and the elevator went down to the basement, and we carried her out and I opened the cloth and rolled her out there on the floor, and Mr. Frank turned around and went on up the ladder, and I noticed her hat and slipper and piece of ribbon and I said, "Mr. Frank, what am I going to do with these things?" and he said, "Just leave them right there," and I taken the things and pitches them over in front of the boiler, and after Mr. Frank had left I goes on over to the elevator and he said, "Come on up and I will catch you on the first, floor," and I got on the elevator and started it to the first floor, and Mr. Frank was running up there.

He didn't give me time to stop the elevator, he was so nervous and trembly, and before the elevator got to the top of the first floor Mr. Frank made the first step onto the elevator and by the elevator being a little down like that, he stepped down on it and hit me quite a blow right over about my chest and that jammed me up against the elevator and when we

The Leo Frank Trial: Week Two

got near the second floor he tried to step off before it got to the floor and his foot caught on the second floor as he was stepping off and that made him stumble and he fell back sort of against me, and he goes on and takes the keys back to his office and leaves the box unlocked.

I followed him into his private office and I sat down and he commenced to rubbing his hands and began to rub back his hair and after awhile he got up and said, "Jim," and I didn't say nothing, and all at once he happened to look out of the door and there was somebody coming, and he said, "My God, here is Emma Clarke and Corinthia Hall," and he said "Come over here Jim, I have got to put you in this wardrobe," and he put me in this wardrobe, and I stayed there a good while and they come in there and I heard them go out, and Mr. Frank come there and said, "You are in a tight place," and I said "Yes," and he said "You done very well."

So after they went out and he had stepped in the hall and had come back he let me out of the wardrobe, and he said "You sit down," and I went and sat down, and Mr. Frank sat down. But the chair he had was too little for him or too big for him or it wasn't far enough back or something.

He reached on the table to get a box of cigarettes and a box of matches, and he takes a cigarette and a match and hands me the box of cigarettes and I lit one and went to smoking and I handed him back the box of cigarettes, and he put it back in his pocket and then he took them out again and said, "You can have these," and I put them in my pocket, and then he said, "Can you write?" and I said, "Yes, sir, a little bit," and he taken his pencil to fix up some notes.

I was willing to do anything to help Mr. Frank because he was a white man and my superintendent, and he sat down and I sat down at the table and *Mr. Frank dictated the notes to me*. Whatever it was it didn't seem to suit him, and he told me to turn over and write again, and I turned the paper and wrote again, and when I done that he told me to turn over again and I turned over again and wrote on the next page there, and he looked at that and kind of liked it and he said that was all right.

Then he reached over and got another piece of paper, a green piece, and told me what to write. He took it and laid it on his desk and looked at me smiling and rubbing his hands, and then he pulled out a nice little roll of greenbacks, and he said, "Here is \$200," and I taken the money and looked at it a little bit and I said, "Mr. Frank, don't you pay another dollar for that watch man, because I will pay him myself," and he said, "All right, I don't see what you want to buy a watch for either, that big fat wife of mine wanted me to buy an automobile and I wouldn't do it."

And after awhile Mr. Frank looked at me and said, "*You go down there in the basement and you take a lot of trash and burn that package that's in front of the furnace,*" and I told him all right. But I was afraid to go down there by myself, and Mr. Frank wouldn't go down there with me. He said, "There's no need of my going down there," and I said,

The Leo Frank Trial: Week Two

“Mr. Frank, you are a white man and you done it, and I am not going down there and burn that myself.”

He looked at me then kind of frightened and he said “Let me see that money” and he took the money back and put it back in his pocket, and I said, “Is this the way you do things?” and he said, “You keep your mouth shut, that is all right.”

And Mr. Frank turned around in his chair and looked at the money and he looked back at me and folded his hands and looked up and said, “Why should I hang? I have wealthy people in Brooklyn,” and he looked down when he said that, and I looked up at him, and he was looking up at the ceiling, and I said, “Mr. Frank what about me?” and he said, “That’s all right, don’t you worry about this thing, you just come back to work Monday like you don’t know anything, and keep your mouth shut, if you get caught I will get you out on bond and send you away,” and he said, “*Can you come back this evening and do it?*” and I said “Yes, that I was coming to get my money.”

He said, “Well, I am going home to get dinner and you come back here in about forty minutes and I will fix the money,” and I said, “How will I get in?” and he said, “There will be a place for you to get in all right, but if you are not coming back let me know, and I will take those things and put them down with the body,” and I said, “All right, I will be back in about forty minutes.”

Then I went down over to the beer saloon across the street and I took the cigarettes out of the box and there was some money in there and I took that out and there was two paper dollar bills in there and two silver quarters and I took a drink, and then I bought me a double header and drank it and I looked around at another colored fellow standing there and I asked him did he want a glass of beer and he said “No,” and I looked at the clock and it said twenty minutes to two and the man in there asked me was I going home, and I said, “Yes,” and I walked south on Forsyth Street to Mitchell and Mitchell to Davis, and I said to the fellow that was with me “I am going back to Peters Street,” and a Jew across the street that I owed a dime to called me and asked me about it and I paid him that dime.

Then I went on over to Peters Street and stayed there awhile. Then I went home and I taken fifteen cents out of my pocket and gave a little girl a nickel to go and get some sausage and then I gave her a dime to go and get some wood, and she stayed so long that when she came back I said, “I will cook this sausage and eat it and go back to Mr. Frank’s,” and I laid down across the bed and went to sleep, and I didn’t get up no more until half past six o’clock that night, that’s the last I saw of Mr. Frank that Saturday.

I saw him next time on Tuesday on the fourth floor when I was sweeping. He walked up and he said, “Now remember, keep your mouth shut,” and I said, “All right,” and he said, “*If you’d come back on Saturday and done what I told you to do with it down there, there wouldn’t have been no trouble.*” This conversation took place between ten and eleven o’clock Tuesday.

The Leo Frank Trial: Week Two

Mr. Frank knew I could write a little bit, because he always gave me tablets up there at the office so I could write down what kind of boxes we had and I would give that to Mr. Frank down at his office and that's the way he knew I could write.

I was arrested on Thursday, May 1st.

Mr. Frank told me just what to write on those notes there. That is the same pad he told me to write on (State's Exhibit A). The girl's body was lying somewhere along there about No. 9 on that picture (State's Exhibit A). I dropped her somewhere along No. 7. We got on [the] elevator on the second floor. The box that Mr. Frank unlocked was right around here on side of elevator.

ona. enon Co.
37 & 39 SOUTH FORSYTH ST.
ATLANTA, GA., 190
PUT THIS ORDER NUMBER ON YOUR BILL.
Bell Phone Main 171. Order No. 1918

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fire down her did
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he said he would have me
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negro it did it
but that long tall black
negro did by his self

The death notes found near Mary Phagan's body – [click for high resolution](#)

He told me to come back in about forty minutes to do that burning. Mr. Frank went in the office and got the key to unlock the elevator. The notes were fixed up in Mr. Frank's private office. I never did know what became of the notes.

I left home that morning about 7 or 7:30. I noticed the clock when I went from the factory to go to Nelson and Forsyth Streets, the clock was in a beer saloon on the corner of Mitchell Street. It said 9 minutes after 10. I don't know the name of the woman who was with Mr. Frank on Thanksgiving day. I know the man's name was Mr. Dalton. When I saw Mr. Frank coming towards the factory Saturday morning he had on his raincoat and his usual suit of clothes and an umbrella. Up to Christmas I used to run the elevator, then they put me on the fourth floor to clean up. I cleaned up twice a week on the first floor under Mr. Holloway's directions.

The lady I saw in Mr. Frank's office Thanksgiving day was a tall built lady, heavy weight, she was nice looking, and she had on a blue looking dress with white dots in it and a grayish looking coat with kind of tails to it. The coat was open like that and she had on white slippers and stockings. On Thanksgiving day Mr. Frank told me to come to his office. I have never seen any cot or bed down in the basement. I refused to write for the police the first time. I told them I couldn't write.

CROSS EXAMINATION.

I am 27 years old. The last job I had was working for Dr. Palmer. I worked for him a year and a half. I worked before that for Orr Stationery Company for three or four months. Before that I worked for S.S. Gordon. Before that I worked for Adams Woodward and Dr. Honeywell. Got my first job eleven years ago with Mr. S.M. Truitt. Next job was with W.S. Coates. I can't spell his name.

I can't read and write good. I can't read the newspapers good. No, sir; I don't read the news-paper. I never do, I have tried, I found I couldn't and I quit. I can't read a paper right through. I can't go right straight down through the page, and that's the reason I don't read newspapers, I can't get any sense out of them. There is some little letters like "dis" and "dat" that I can read. The other things I don't understand. No, I can't spell "dis" and "dat." Yes, I can spell "school," and I can't spell "collar," I can spell "shirts." I can spell "shoes," and "hat." I spell "cat" with a "k." I can spell "dog," and most simple little words like that. I don't know about spelling "mother." I can spell "papa." I spell it p-a-p-a. I can't spell "father" or "jury" or "judge" or "stockings." I never did go to school further than the first grade. I went to school about a year. I can spell "day," but not "daylight," I can spell "beer" but not "whiskey." I couldn't read the name "whiskey." No, I can't read any letter on that picture there (Exhibit A, State).

I can't figure except with my fingers. I know the figures as far as eight, as far as twelve. I knows more about counting than I do about figuring. I don't know what year it was I went to school. I worked for Truitt about two years, for Mr. Coates five years, for Mr. Woodward and Mr. Honeywell about a year and a pressing club about two years, Orr

The Leo Frank Trial: Week Two

Stationery Company three or four months, Dr. Palmer about a year and a half, and then I went to work for the pencil factory.

Mr. Herbert Schiff employed me at the pencil factory. Sometimes Mr. Schiff paid me off, sometimes Mr. Gantt, sometimes Mr. Frank. I don't remember when I saw Mr. Frank pay me off or how many times. I drew my money very seldom.

I would always have somebody else draw it for me. I told Mr. Holloway to let Gordon Bailey draw my money mostly. He's the one they call "Snowball." The reason why I didn't draw it myself I would be owing some of the boys around the factory and I didn't have it to pay, and I would leave the factory about half past eleven so that I didn't have to pay it, and then I would have Snowball draw my money for me mostly. I would see him afterwards and he would give me the money. Sometimes I would go down through the basement out the back way to keep away from them.

The reason I let them draw my money I owed some of them, and some of them owed me and I wanted them to pay me first before I paid them. I didn't want to get my money on the inside because I didn't want them to see such a little I was drawing to what they were drawing. I wasn't drawing but \$6.05. Snowball was drawing \$6.05. As to who it was I didn't want to see what I was drawing, there was one named Walter Pride; he's been there five years. He said he drew \$12.00 a week. Then there was Joe Pride, he told me he drew \$8.40 a week. They were down in the basement and asked me how much I was drawing. I told them it wasn't none of their business. Then there was a fellow named Fred. I don't know how much he drew. The next one was the fireman. I don't know how much he drew. There were two or three others, but I didn't have no talk with them. I was just hiding what I drew from Walter Pride. As to whether I couldn't draw my money after Walter drew his without his knowing it, well he would always be down there waiting for me. As to whether I couldn't get my money without his being behind me and seeing what I got, he could see if I tore open the envelope. I had to open it to pay them with. That's the reason I didn't go and draw my money. I know I could have put it in my pocket, but I couldn't tear it open unless I took it out. Yes, the reason I didn't draw my money was because I didn't want to pay them. That's the reason I let Snowball draw my money. They could have slipped up behind me and looked. As to whether I couldn't walk off and keep them from seeing it, if I didn't tear it open, then they would keep up with me until I did. He would follow me around.

No, I wasn't trying to keep out of paying them. As to what I was trying to do, if they paid me then I would pay them. The way I liked to settle with them, I liked to take them to the beer saloon and buy twice as much as they get. If I was there when they come in on me, I would say, "I owe you, let's drink it up." Yes, I would get out of it if I could, but if they saw me walk up and pay them that way. I paid Walter Pride sometimes that way and sometimes the other way. I would say, "I owe you fifteen cents, I buy three beers, and you owe me fifteen cents, and that be three beers." I say if I would be in the beer saloon when they come in there, I would do that, but if I could get out before they saw me, I would be gone.

The Leo Frank Trial: Week Two

I never did know what time the watchman come there on Saturday, or any Saturday. I never have seen the night watchman in the factory. I have seen young Mr. Kendrick come and get his money. He always comes somewhere about two o'clock to get his money. I have seen him lots of times Saturday and get his money. He always got it from Mr. Frank at two o'clock.

No, I didn't know Newt Lee. I heard them say there was a negro night watchman, but I never did know that he was a negro. I knew they paid employees off at twelve o'clock. I don't know what time the night watchman would come there to work. Mr. Holloway stays until 2:30.

I couldn't tell the first time I ever watched for Mr. Frank. Sometimes during the last summer, somewhere just about in July. As to what he said to get me to watch for him that was on a Saturday, I would be there sweeping and Mr. Frank come out and called me in his office. I always worked until half past four in the evening. I would leave about half past twelve, ring out and come back about half past one or two. Sometimes I would ring in when I came back and sometimes I wouldn't. I ringed in every morning when I came. I never did ring in much. I would do it after they got after me about it. It was my habit not to do it. As to how they would know how much to pay me if I didn't ring in, I knew they paid me \$1.10 a day, all the time. No, they didn't pay me by the clock punches, they paid me by the day, they paid me 11 c. an hour. Sometimes I would punch the clock when I got there; that was my duty.

Sometimes I was paid when I didn't work, I don't know how that happened, but Mr. Frank would come and tell me I didn't take out that money for the time you lost last week. I don't know on what date he ever did that on. Yes, I always got my money in envelopes. As to how they would know how much to put in the envelope, when I didn't punch, they would come and ask if I was here every time I didn't ring in, and they would ask Mr. Holloway if I was here. If the clock didn't show any punch, they would ask me if I was here at that hour. No they wouldn't ask how many hours I was here, they would just ask if I was here a certain hour and then they would pay me for the full day, whether I punched the clock or not, just so I punched it in the morning.

The lady that was with Mr. Frank the time I watched for him sometime last July was Miss Daisy Hopkins. It would always be somewhere between 3 and 3:30. I was sweeping on the second floor. Mr. Frank called me in his office. There was a lady in there with him. That was Miss Daisy Hopkins. She was present when he talked to me. He said *"You go down there and see nobody don't come up and you will have a chance to make some money."*

The other lady had gone out to get that young man, Mr. Dalton. I don't know how long she had been gone. She came back after a while with Mr. Dalton. They came upstairs to Mr. Frank's office, stayed there ten or fifteen minutes. They came back down, they didn't go out and she says, "All right, James." About an hour after that Mr. Frank came down. This lady and man after she said "All right, James" went down through the trap door into the basement. There's a place on the first floor that leads into another

The Leo Frank Trial: Week Two

department and there's a trap door in there and a stairway that leads down in the basement, and they pull out that trap door and go down in the basement. I opened the trap door for them. The reason I opened the trap door because she said she was ready, I knew where she was going because Mr. Frank told me to watch, he told me where they were going.

I don't know how long they stayed down there. I don't know when they came back. I watched the door all the time. Mr. Dalton gave me a quarter and went out laughing and the lady went up the steps. Then the ladies came down and left, and then Mr. Frank came down after they left. That was about half past four. He gave me a quarter and I left and then he left.

The next Saturday I watched was right near the same thing. It was about the last of July or the first of August. The next Saturday I watched for him about twelve o'clock he said "You know what you done for me last Saturday, I want to put you wise for this Saturday." I said, "All right, what time?" He said, "Oh, about half past."

After Mr. Holloway left, Miss Daisy Hopkins came on in into the office, Mr. Frank came out of the office, popped his fingers, bowed his head and went back into the office. I was standing there by the clock. Yes, he popped his fingers and bowed to me, and then I went down and stood by the door. He stayed there that time about half an hour and then the girl went out. He gave me half a dollar this time.

The next time I watched for him and Mr. Dalton too, somewhere along in the winter time, before Thanksgiving Day, somewhere about the last part of August. Yes, that's somewhere near the winter. This time he spoke to me on the fourth floor in the morning. Gordon Bailey was standing there when he spoke to me. He said, "I want to put you wise again for to-day."

The lady that came in that day was one who worked on the fourth floor; it was not Miss Daisy Hopkins. A nice looking lady, kind of slim. She had hair like Mr. Hooper's. She had a green suit of clothes on. When Miss Daisy Hopkins came she had on a black skirt and white waist the first time. I don't know the name of that lady that works on the fourth floor. Yes, I have seen her lots of times at the factory, but I don't know her name. She went right to Mr. Frank's office, then I went and watched. She stayed about half an hour and come out. Mr. Frank went out of the factory and then came back.



Daisy Hopkins; she denied going to the pencil factory for immoral purposes, where Jim Conley said he saw her

I stayed there and waited for him. He said, "I didn't take out that money." I said, "Yes, I seed you didn't." He said "That's all right, old boy, I don't want you to say anything to Mr. Herbert or Mr. Darley about what's going on around here."

Next time I watched for him was Thanksgiving Day. I met Mr. Frank that morning about eight o'clock. He said "A lady will be in here in a little while, me and her are going to chat, I don't want you to do no work, I just want you to watch."

In about half an hour the lady came. I didn't know that lady, she didn't work at the factory. I think I saw her in the factory two or three nights before Thanksgiving Day in Mr. Frank's office. She was a nice looking lady. I think she had on black clothes. She was very tall, heavy built lady. After she came in that Thanksgiving Day morning, I closed the door after he stamped for me to close it. She went upstairs towards Mr. Frank's office. Mr. Frank came out there and stamped, and I closed the door. Mr. Frank said, "I'll stamp after this lady comes and you go and close the door and turn the night latch." That's the first time he told me about the night lock. And he says, "If everything is all right you kick against the door," and I kicked against the door. After an hour and a half Mr. Frank came down and unlocked the doors and says, "Everything is all right." He then went and looked up the street and told the lady to come on downstairs. After she came down, she said to Mr. Frank, "Is that the nigger?" and Mr. Frank said, "Yes," and

The Leo Frank Trial: Week Two

she said, "Well, does he talk much?" and he says, "No, he is the best nigger I have ever seen." Mr. Frank called me in the office and gave me \$1.25.

The lady had on a blue skirt with white dots in it and white slippers and white stockings and had a gray tailor-made coat, with pieces of velvet on the edges of it. The velvet was black and the cloth of the coat was gray. She had on a black hat with big black feathers.

I left a little before 12 o'clock. I didn't see anybody else there that day at the office.

The next time I watched was way after Christmas, on a Saturday about the middle of January—somewhere about the first or middle. It was right after New Year, one or two, or three or four days after. It was on a Saturday. He said a young man and two ladies would be coming. That was that Saturday morning at half past seven. I was standing by the side of Gordon Bailey when he come and told me, and he said I could make a piece of money off that man. Yes, Snowball could hear what he said.

The man and ladies came about half past two or three o'clock. They stayed there about two hours. I didn't know either one of the ladies. I can't describe what either one of them had on. The man was tall, slim built, a heavy man. I have seen him at the factory talking to Holloway, he didn't work there. I have seen him often talking to Holloway, through the week.

You asked me what I did the second Saturday after I watched for him, well, I don't remember. As to what I did the Saturday I watched for him the second time, I disremember what I did. The Saturday after that, I think about the first of August, I did some more watching for him. I don't remember what I did the Saturday before Thanksgiving Day. I don't remember what I did the Saturday after Thanksgiving Day. I don't remember what I did the next Saturday. I don't know, sir, what I did the next Saturday.

The next Saturday I did some watching for him. I watched for him somewhere about the last of November after Thanksgiving Day. No, I don't remember any of those dates. Couldn't tell you to save my life what time I left home the first time I watched for him. I couldn't tell you what time I got to the factory the second time I watched for him, nor what time I left home. I don't know whether I drew my money on the first Saturday I watched for him. I disremember whether anybody else drew my money for me the second Saturday I watched for him. I don't know how much I drew. I couldn't tell you whether I drew my money Thanksgiving Day or not. I don't know how much I drew. I don't remember what time I got down or what time I left. I don't know when I got to the factory the day before Thanksgiving, or how long I worked there. I don't remember how many hours I worked the first Saturday I watched for him or the second, or the third, or Thanksgiving Day. No, I don't know how much I drew on those days.

The first time I was in prison was in September. The next was sometime before Christmas, I can't remember the date. I was there thirty days. It was somewhere along in October. A year before that I was in prison too, about thirty days. I have been in prison

The Leo Frank Trial: Week Two

three times since I have been with the pencil company. I have been in prison about three times within the last three or four years. I have been in prison seven or eight times within the last four or five years. I can't give you any of the dates, nor how long I stayed there any of the times that I was there. I don't know what month or what day it was, nor how long I stayed there.

I knew the factory was not going to be run on April 26th. Yes, Snowball and I drank beer together sometimes in the building. Yes, we used to go down in the basement and drink together, but he ain't the only man.

I never was drunk at the factory. Snowball wasn't there the first Saturday I watched for Mr. Frank. I think he laid off. I don't know whether he was there the second or third Saturdays, I didn't see him Thanksgiving morning, but I saw him the day before Thanksgiving. That was the time that Mr. Frank told me to watch for him. He talked to me before Snowball. I don't know whether Snowball was there in January when I watched. Snowball was there in January in the box room when Mr. Frank told me to watch for him. I don't know whether Mr. Frank knew he was there or not. There were eight niggers in all working in the factory. Snowball, the fireman and me did just plain manual labor, the rest of the negroes had better jobs. Snowball, the fireman and I were the last negroes to get jobs there. We were the new darkies; the others had been working there before we went there.

Mr. Frank used to laugh and jolly with me. I couldn't tell you the first time he did this. Mr. Darley has seen him jollying me. They would jolly me together. They would play and go on around there with me. It has been so long ago I can't tell you any of the jokes. Mr. Schiff and Mr. Holloway has seen him joking with me. He would say, "Come on I am going to make a graveyard down there in the basement if you don't hurry and bring that elevator back up here." Mr. Holloway heard him say that. Mr. Schiff has seen him playing with me. He would goose me and punch me and tell me I was a good negro. I don't remember anything else he said. Yes, Mr. Darley would goose me and kick me a little bit, just playing with me. Mr. Schiff would crack jokes with me. I don't remember the time.

The time Mr. Frank came in the elevator and told me about watching for him, he didn't know Snowball was in there. Snowball was standing right there by me. Mr. Frank could have seen him and he could have heard anything that was said. He saw Snowball standing there.

I have been at the factory over two years. I don't remember the day or month I went there. It was some time in 1910. I don't remember whether it was summer or winter. Miss Daisy Hopkins worked on the fourth floor in 1912. I don't know when she quit. I saw her working from June, 1912, up until about Christmas. Yes, I worked on the same floor with her, I don't know whether she worked there in 1913. Miss Daisy was a low lady, kind of heavy, and she was pretty, low, chunky kind of heavy weight. I don't know what color hair she had or eyes, or her complexion. She was light skinned. She looked to be about twenty-three. I know she was there in June, because she gave me a note to take

The Leo Frank Trial: Week Two

down to Mr. Schiff. I remember that because the note had June on it. Mr. Schiff said it had "June" on it when he read it. I can't read but he read that note and he read "June something," it was on the outside of the note. It was on the back of the note. "June" was written on the back of that note. She wrote the note and folded it up and he read "June" on the back of it and he laughed at it. The reason I know she left the factory during Christmas because Mr. Dalton told me she wasn't coming back. He told me that one Saturday coming down to the factory.

I never have seen Mr. Dalton except at the factory. No, he doesn't work there. I saw him somewhere along in January. He came out that time by himself. He and a lady had been down in the basement. The last time I saw him the detectives brought him down at the station house and asked if I had ever seen him in there. I saw Mr. Holloway at the factory the first Saturday I watched for Mr. Frank. The next Saturday I watched, he was sick and wasn't there. He was sick two Saturdays in June.

I disremember whether I saw Mr. Schiff and Mr. Darley. I remember seeing Mr. Darley at the factory on Thanksgiving Day. I don't remember what time he left. I couldn't tell you anybody who came to the factory the first Saturday I watched. The second time I think there were some young ladies working up on the fourth floor. I don't know about the third time. I don't know whether anybody was working there Thanksgiving or not. I didn't see Mr. Schiff at all. I will swear that he was not in the office with Mr. Frank.

I don't know whether any ladies were working there the next time or not. I have been back in the metal department, but I never have been on the right hand side where the machines are. I have swept on the second floor, but not in the metal department. I don't know where those vats are back there. I don't know what you are talking about. I don't know anything about the plating room. I never have been in Mr. Quinn's office. I have put disinfectants in the ladies' and gentlemen's closets back there. I wouldn't go inside. I would only go to the door. I stood outside of the door and sprinkled it in a little way.

Outside of that, and going to Mr. Quinn's office, I have never been on the left hand side of the factory. I have been there where they wash the lead at, and I have stuck bills in Mr. Quinn's office. Yes, I have been back in there where that dark place is. I don't know how many times I have stacked some boxes back there. I have been back there three times altogether. Sometime before Christmas. Yes, sir, you can see from the top of the stairway back in there. I have been back there three times altogether. Sometime before Christmas.

Yes, sir; you can see from the top of the stairway to Mr. Frank's inside office. A man sitting at Mr. Frank's desk can see people coming up the stairway if he is watching for them. If the safe door is open I don't hardly think he can see them. If it is shut he can. I am certain of that. I thought you were talking about the third floor. He couldn't see people coming up from the first floor. He can see them after they get along by the clock.

I left the factory 5:30 Friday afternoon, before the factory stopped. I think I punched when I went out. One of them was ten minutes fast. That was the one on the right, I left there without drawing my money because I knew I wasn't going to draw but \$2.75 and I

The Leo Frank Trial: Week Two

owed the watchman a dollar and I knowed I wouldn't have enough for me and to pay him and I told Mr. Holloway to let Snowball draw it for me. Snowball drew it for me and met me at the shoe shop at the corner of Alabama and Forsyth Street. He gave me \$3.75. I wasn't supposed to draw but \$2.75, and Mr. Frank taken that dollar for the watchman and stuck an extra dollar in my envelope and that made \$3.75.

I don't remember how many beers I drank Friday. Yes, I told Mr. Scott I got up at 9 o'clock that morning. That wasn't true. I ate breakfast about seven. Yes, I told Mr. Black I ate at 9:30. That wasn't true. I left my house between 7 and 7:30. I told Mr. Scott I left somewhere between 10 and 10:30. No, that wasn't true. I got to Peters Street about 25 minutes to 8. I don't know how long I stayed there. Some things in my affidavit that I made that are true. Yes, there are some things in my last affidavit that are true.

I was arrested on the first of May. I sent for Mr. Black to come down when I made my first statement on May 18th. Yes, I denied I had been to the factory in that statement. I made that statement in the detectives' office. Mr. Black and Mr. Scott were present. They didn't question two or three hours. I did some writing before then, before that statement was made. Yes, I know I did some writing before May 18th. I did some writing in Chief's office that Sunday. I told Black I bought whiskey on Peters Street at about 10:30. I told them I paid forty cents for ft. I don't remember telling them that I bought the whiskey at 11 o'clock. Yes, I told them I went into the Butt-In Saloon after I went to Earley's for the whiskey.

Some of it I told them was the truth and some of it wasn't. They asked me if I was lying and I held my head down. I held back some of the truth, and when they asked me if that was the truth I hung my head down. I didn't want to give the man away, but I wanted to tell some and let him see what I was going to do and see if he wasn't going to stick to his promise as he had said [Frank's promise to help Conley if he "kept his mouth shut." — Ed.].

I told them I went into Butt-In Saloon and saw some negroes at tables shooting dice and I won ninety cents and bought a glass of beer. I told them that I went to three beer saloons. I told them after I went home at 2:30, I went to Joe Carr's saloon and got 15c. worth of beer. I don't remember telling them that I went there between 3:30 and four o'clock.

The detectives talked to me nearly every day after I made my first statement. Sometimes hours at a time. No, they didn't cuss me.

Yes, I sent for Black on May 24th. When the statement came out in the papers that's the time I sent for him. As to how I knew it came out in the papers, I heard the boys across the street hollering extra papers. Mr. Black came down after I sent for him and I told him it's awful hot in here, and I told him I was going to tell him something, but I wasn't going to tell him all of it now. I told him that I would tell him part and hold part back. Scott and Black were both there.

The Leo Frank Trial: Week Two

Yes, I told Mr. Black on May 24th, the time I made the second statement, that I helped tote the little girl. I sure remember that. I think I told them about Mr. Frank getting me to watch for him, that he told me he struck a girl and for me to go back and get her. I didn't give Mr. Frank clear away that time. I kept some things back. I don't remember now whether I told them at that time or not. I don't know whether I told them about going down the basement or not. The first time I told them I wrote the notes on Friday. They didn't tell me my story wouldn't fit. I don't remember them telling me anything about changing my statement. I told them that was all I had to say.

They never told me they wanted me to tell anything else. They didn't say anything to me that it didn't sound right. Mr. Black talked to me right smart and Mr. Lanford talked to me a little. No, they never talked to me a whole day. As to why I changed my statement from Friday to Saturday, I put it on Saturday, because I was at the factory on Saturday. As to why I didn't put myself there on Saturday, the blame would be put on me. I didn't want them to know that I had written any notes for Mr. Frank. Yes, in that statement I told the officers I was going to tell the whole truth.

I told them that I got up at nine o'clock, because there was nothing doing at the factory that day at the time. I said I was there at 9 o'clock, because he had done told me where to meet him at. Yes, I told them that I was going to tell the whole truth. Yes, the reason I told them I left home at 9 or 9:30, because there was not anything doing at the factory at that time. I told them it was about 9 o'clock when I looked at the clock, because I don't know what time it was when I looked at the clock, and I told them I had some steak and some sausage for breakfast and a piece of liver and I drank some tea and bread. Well, there was some sausage, but I don't know whether I ate it or not. Yes, I had steak, liver and sausage for breakfast. I know I ate the steak and a piece of liver, and drank a cup of tea and ate some bread. I got up that morning at six o'clock. Yes, I told the officers I got up at 9 or 9:30. I don't remember anything else I told them. Yes, I told them that I went straight to Peters Street and went in the first beer saloon there, and drank two beers and gave a fellow a beer, that had a whip around his neck. I told them three saloons and I called two names. I don't know whether I told them about this whiskey or not. I told them I bought it between 10 and 10:30.

No, that is not true. I told them that on account of my saying I didn't leave home until about 9 or 9:30. I bought it about a quarter to eight. The reason I told these lies about the time was because I didn't want to put myself at the factory twice, because there wasn't anything doing at the factory that morning. That is the only reason I told that story.

I don't know when the first time was I told them I got there at 8 o'clock instead of 10 or half past, it was after I got out of jail up there. I guess I made most of these changes after I got out of jail. I don't know who the detective was I told about my not leaving home at 9 o'clock. Four of them were talking to me, all at the same time. I think it was Starnes and Campbell that I told that to, about changing the time. I don't remember whether I told them then that I was going to tell the whole truth. I told them that after I got out of jail, after I got back to headquarters. If you tell a story you know you've got to change it. A lie won't work, and you know you've got to tell the whole truth.

Yes, I knew it was bound to come when I told it the first time. I didn't tell the whole truth then, because I didn't want to give the whole thing away then. In the statement where I told about my moving the little girl for Mr. Frank, the reason why I didn't correct it then about the time I bought the liquor, I don't know whether I did it then or not, but I did tell them.

I told them I drank four or five beers that morning. I told them at the first saloon I bought two beers. I didn't tell them I bought any wine at that time. I told them I had some wine put in my beer. What they call wine. It wasn't any wine though. I don't know whether I told them that in the statement I made about moving the little girl or not. The wine was put in my beer at Mr. Earl's beer saloon on Saturday morning. I told that to Mr. Black and Mr. Scott, I don't remember when.

As to my not testifying about that yesterday, you didn't ask me that. I remember telling you that yesterday. I remember saying I didn't buy any wine. No, I didn't say anything about putting beer in wine yesterday, but I remember I said something about putting wine in beer. I know I told you that yesterday.

I don't remember telling them I started straight from Peters Street to Capital City Laundry. I told them I started for the laundry after leaving Mr. Frank at the factory. If they have got it down there, I must have said so. I don't remember saying it. I told them I met Mr. Frank at the corner of Nelson and Forsyth Street before I went to the factory. Yes, I told them I went from Peters Street and met him at the corner of Nelson and Forsyth before I went to the factory. As to why I told them that story, because I did meet him there. No, I didn't go straight from Peters Street to meet him at the corner of Nelson and Forsyth as I told them. I went straight from Peters Street to the pencil factory.

I don't remember when the first time I told the truth about it. I told it either to Mr. Starnes, Mr. Campbell, Mr. Black or Mr. Scott. I told it after I got out of jail, I remember telling the officers when he said "Ah, ha," when I met him at the corner. I don't remember telling the officers that he asked me where I was going and I told him I was going to the Capital City Laundry to see my mother. I don't remember saying that to the officers. If I did say that it was not the truth. As to why I lied about that, because I did tell Mr. Frank down there when I left the factory that I was going to see my mother. I told the officers he stayed at Montag's about 20 minutes. I did tell you yesterday that I didn't have any idea how long he stayed there, because I haven't any idea now. As to why I didn't say yesterday that it was 20 minutes, because you didn't ask me. I didn't tell Mr. Dorsey how long it was, because he didn't ask me what I told detectives about it, but I told detectives that. I told them that story because I didn't have any idea how long he stayed there. I don't know how long Mr. Frank stayed there. I told the officers 20 minutes as that was the best I could do about it, so I just told him 20 minutes.

I told the detectives about wanting me to watch for him when I got back to the factory. I don't know why I didn't tell them that at the time I told them about moving the body. I don't remember who I told it to or when, but I told them. I did tell them about Mr. Frank stamping his foot. I don't know whether I told them at the time I told about helping move

the body. I told it to Mr. Scott, Mr. Black, Mr. Campbell, Mr. Starnes and Mr. Dorsey. Mr. Starnes and Mr. Campbell wasn't in there sometimes when I told it. No, I didn't tell it to Mr. Scott and Mr. Black. They dropped the case and Mr. Starnes and Mr. Campbell taken it up.

They came down and was talking to me for a month or more in my cell. Yes, I told Mr. Black about Frank stomping his foot and Mr. Scott. I told them all about it. Yes, I told the detectives that the first party I saw going up the factory after I got back from Montag's was Miss Mattie Smith. That was a mistake. I didn't see Mr. Darley go up after I got back from Montag's. No, I didn't say yesterday that I saw him go up after I got back from Montag's. I don't know whether Mr. Darley saw me or not. I was sitting right there at the box. He could have seen me if he had looked, so could Miss Mattie Smith. The rest of them could have seen me if they had looked. Yes, I told the officers the first time I saw them go up was after I got back from Montag's. That was not so. I was just mistaken about it. Don't know when I corrected the mistake or to whom. Yes, I stated it to Mr. Dorsey. It was after I came from jail. I have corrected it to Mr. Starnes and Mr. Campbell too.

It was about 11:30 when Mr. Darley left the factory, right after we got back from Montag's. It may have been about 11 o'clock. Miss Mattie Smith left the factory somewhere about 9:30. It was after we got back from Montag's that I saw Mr. Darley leave. Mr. Holloway and the peg-legged negro went upstairs and came down before Mr. Darley left the factory. They could have seen me sitting on the box, as they came out the factory. Mr. Holloway left about 10 or 15 minutes after Mr. Darley left. It may have been four or five minutes. After Mr. Holloway left, I told them Mr. Quinn came in. I may have told them that a lady dressed in green was the next one. That wasn't true. A lady in green did go up before Mr. Darley came down. She came down before Holloway and Darley left. If I told the officers that she went up after they left, I made a mistake.

Mr. Quinn was the next man that went up after Mr. Holloway came down. Yes, I said that yesterday. Yes, I said yesterday Mr. Quinn was the last man I saw come down. No, I didn't say yesterday Miss Monteen Stover came down after Mr. Quinn came down. I might have told the officers that I saw Mr. Holloway return upstairs, turn to the right toward Hunter Street and go in the factory. If I did, I made a mistake. I don't remember all the mistakes I made. No, I have never told about a lady going up there after them six or seven minutes, I was mistaken. I don't know whether I have ever corrected that mistake or not. She went upstairs and Mr. Quinn went up and came down before she did. If I told the officers she stayed there 7 or 8 minutes and came right down, I made a mistake. I don't think I corrected that mistake at all. I don't know how long it was after she came down before anybody else went up and down. If I told the officers it was 10 or 15 minutes that was a mistake. I don't think I corrected that mistake at all. I haven't got any idea at all how long before the lady in green came down that anybody else went up. Yes, I told Mr. Scott and Mr. Black that the only people who went up at all were Miss Mattie Smith, Darley, Holloway and the woman in green, and nobody went up and down until Mr. Frank whistled.

The Leo Frank Trial: Week Two

No, that wasn't true. The reason why I told that story was because I didn't want them to know that these other people passed by me, for they might accuse me. The reason why I didn't tell them was because I didn't want people to think that I was the one that done the murder. I told them that I saw those four men go up because I didn't think they saw me sitting there, and I didn't tell of seeing the other people for fear they would report on me. The reason why I told the police about those four going up there, because that is all I could remember that went up and down. I don't know when my memory got fresher about other people going up and down. I think it was after I got out of jail. I think I corrected that with Mr. Starnes, Mr. Campbell and Mr. Dorsey, at police headquarters.

After I corrected with the detectives down at headquarters, they took me to Mr. Dorsey's office. I have been in Mr. Dorsey's office three times. Mr. Dorsey was down at headquarters with me I think about four times. As to whether it took Mr. Dorsey about seven times to get my testimony straight, it didn't take him that long to get it straight, it took that long for me. As to why I didn't tell it all, I didn't want to tell it all. I was intending to hold back some. I didn't want to tell it all right at one time. I just told a little and kept back a little. Yes, and Mr. Dorsey went down seven times while I was telling some and holding back some. They didn't ask me to take back any stories. No, it didn't take Mr. Dorsey seven times to tell the story. Yes, I said I added to it every time he went down. But he wouldn't come back and try to do anything with it. I didn't tell the officers that I went to a moving picture show after I left the factory. I said I looked at the pictures from the outside. I told them I went on Peters Street and looked at the pictures from the outside. I stayed there about ten or fifteen minutes. I drank two glasses of beer.

I don't know whether it was in the first, second or third statement that I told about watching for Mr. Frank. Two of the detectives were there.

Yes, I locked the front door that Saturday of the murder. I don't know what time. It was somewhere after dinner. I can't give you any estimate. It was later than 12 o'clock. It wasn't one o'clock, because it was four minutes to one after I went upstairs and came downstairs and unlocked the door. Yes, I heard the stamping before I locked the door, and I heard the scream before I heard the stamping. After he stamped for me I went and locked the door. I couldn't tell to save my life how long the door stayed locked. I was upstairs between the time I locked the door and the time I went down and unlocked it. I unlocked the door before I went upstairs. I locked the door when he stamped and I unlocked it when he whistled. As soon as he whistled I unlocked the door and went upstairs. Mr. Frank sent me back in the metal department. He wouldn't go back there with me.

When he whistled that was the signal for me to unlock the door and the stamping was for me to unlock the door. He showed me how to lock the door that day. He showed me how to lock the door on Thanksgiving Day too. I don't know how he came to show it to me again. I guess he thought I forgot it. When I went down to leave the door were unlocked, both doors were unlocked.

The Leo Frank Trial: Week Two

The only thing I remember Mr. Frank telling me was not to let Mr. Darley see me around the door, that a young lady would be up there after awhile to chat, and he wanted me to watch for him.

No, he didn't tell me what he wanted me to meet him at Nelson and Forsyth Street for. Yes, I could have come back to the factory just as well as going to meet him at Nelson and Forsyth Street if he had told me that. I don't know why he told me to meet him at Nelson and Forsyth. I don't remember telling the officers that I met him accidentally at Nelson and Forsyth Street. Mr. Frank stayed at Montag's about an hour. Mr. Frank went to Montag's between 10 and 10:30 and stayed about an hour. I guess it was about a half an hour. Mr. Frank didn't say a thing about why he wanted me at the corner of Nelson and Forsyth Street.

Before we went to Montag's he said he didn't want me to say anything to Mr. Darley that there was going to be a young lady there after a while, and he told me that again after we came back from Montag's. Mr. Frank gave me the signal about stamping and whistling on Thanksgiving Day and he repeated it again that day. I told yesterday how he done it, like I am telling now. I think I am telling the truth now.

We had been back from Montag's about five minutes when the lady in the green dress went up. She stayed up there a good little while, ten or fifteen minutes. I didn't tell the officers the peg-legged negro went up first. I didn't tell them in the first statement. I may have told them in the next statement. The peg-legged negro didn't stay upstairs no time. Came back down with Mr. Holloway. Mr. Darley came down five or ten minutes after Mr. Holloway came down. Yes, that was after he came back from Montag's. I have no idea what time it was. After Holloway came down, the lady with the green dress came down. She went on out and Mr. Quinn came in. He went up and came down before Monteen Stover came in and before Mary Phagan came in. Yes, I am certain of that.

No one else came in after Mr. Quinn except Mary Phagan. Mr. Quinn, Monteen Stover and Mary Phagan went in almost the same time. They went and came out almost together. Quinn first, Mary Phagan next and Monteen Stover next. Mr. Quinn had already come out of the factory when Mary Phagan went up. I didn't see Mrs. Barrett, or Miss Corinthia Hall or Miss Hattie Hall or Alonzo Mann, or Emma Clarke. I didn't see none of them. I never saw Mrs. White go in there at all that day. I was sitting on the box all the time. I got up twice to make water. I made water against the elevator door, right in front of the elevator shaft.

Miss Stover had done gone then, and Mr. Quinn also. I went to sleep after Miss Monteen Stover came down. Don't know how long I was asleep, maybe ten or fifteen minutes. I heard the scream before I went to sleep, before Monteen Stover ever went in there. Mr. Quinn had already gone.

I told the officers I didn't see Mary Phagan go up at all. I didn't tell them I heard any scream. I don't know when I first told that story. I told Mr. Starnes and Mr. Campbell. That was after I got out of jail. I said I heard the scream before I went to sleep, which I

did. Monteen Stover came up and went down before I went to sleep. I told Mr. Starnes and Mr. Campbell about somebody running back on tiptoes. I don't know when I told them. He woke me up stamping, then I locked the door, and went to the box and kicked on the side of the elevator door. It was about ten or fifteen minutes after he stamped that I heard him whistle. When he whistled I unlocked the door.

I don't know when I first told about Mr. Frank standing at the top of the stairs, trembling and nervous. I told Mr. Dorsey, Mr. Starnes and Campbell. I don't know why I didn't tell it the day I told them I was going to tell the whole truth. I didn't mean to keep back anything then. That day I told them everything I remembered.

When I got to the top of the stairs, Mr. Frank had that cord in his hands. I don't remember when I first told about that. I didn't tell it that day when I said I was telling the whole truth, I just didn't remember it. When I told Black and Scott that I was telling the whole truth I didn't say anything about Mr. Frank having hit the little girl. I thought I had told them that. I have told that to some of the officers. I remember now that I told them that. He told me to get her out of there some way or other. He didn't say she was dead. I didn't know she was dead.

I went back there and found the cord around her neck. When I looked at the clock it was four minutes to one. That was after I went and seen the girl was dead, and he told me to bring her up there. I was standing at the steps. I could see the clock from there. Then I went back and got a piece of striped bed tick, something like your shirt there, had whitish looking stripes on it. I taken the cloth and spread it down and rolled the little girl in the cloth and tied it up. When I laid her down in the cloth, I tied the cloth around her. I did my best. Her feet were hanging out of the cloth, also her head.

If I didn't tell Black and Scott anything about the hat and the slippers and the ribbon, they must not have asked me. I know I took the things and pitched them in front of the boiler. The elevator don't hit hard when it hits the ground. The wheels at the top don't make any noise. The motor makes a little noise, something like a June bug. The elevator hits the dirt at the bottom, but it don't make any noise.

I left the factory about 1:30. The reason why I didn't tell Scott and Black before I wrote four notes instead of two, they didn't ask me how many I wrote. Another reason why is, because Mr. Frank taken that and folded it up like he wasn't going to use it. I wrote three notes on white and one on green paper. The green one is the one he folded up like he wasn't going to use it. I don't know how long it took me to write those notes. I took me somewhere about two minutes and a half, I reckon.

The reason I didn't tell Scott and Black about burning the body, because someone had done taken them off the case. Mr. Scott told me. The first time I told that was to Mr. Starnes and Mr. Campbell after I came back from jail. I don't remember telling the officers that Mr. Frank told me he was going to send those notes to his folks up North. If they have got it down there I must have said it.

The Leo Frank Trial: Week Two

He told me he was going to write to his mother and tell her that I was a good negro. The reason I didn't take the parasol down with the shoes, it was too far back for me to see it.

I got my hair cut last week. My lawyer sent the barber. They gave me a bath and bought me clean clothes. My wife gave me my shirt. I didn't read any newspapers on Monday about this crime. It don't do me no good because I can't make any out. I didn't try to read any that day. I washed that shirt on Thursday, May 1st, in the metal room about half past one or two.

As to how that dung came to be in the elevator shaft, when Mr. Frank had explained to me where he wanted to meet me and just as I started out of the place that negro drayman came in there with a sack of hay and I gave him a drink of whiskey that I bought at Earley's saloon on Peters Street that morning, and he suggested that I go down in the basement and do it, there's a light down there, and I went down the ladder and stopped right by the side of the elevator, in front of the elevator, somewhere about the edges of it.

No, I didn't see the two white men go up and talk to Mr. Frank in his office that day. No, I didn't see a man by the name of Mincey at the corner of Carter and Electric Avenue that day. I didn't tell him that I killed a girl that day. I didn't say I killed one to-day and I didn't want to kill another. I didn't tell Harlee Branch that Mary Phagan was murdered in the toilet room on the second floor, or that the body was stiff when I got back there, or that it took at least thirty minutes to get the body downstairs and write the notes. I don't remember telling Miss Carson on May 1st, that Mr. Frank was innocent. I didn't have any conversation with Miss Mary Pirk on April 28th and she didn't say that I committed the crime and I didn't shoot out of the room immediately after she said that I didn't tell Miss Carson on Monday that I was drunk all day Saturday. I didn't see her at all on Monday.

I didn't tell Mr. Herbert Schiff on Monday that I was afraid to go on the street, that I would give a million dollars if I was a white man. I said if I was a white man I would go on out. I didn't say nothing about no million dollars because I don't know what it takes to make a million. I didn't ask Miss Small on Monday what the extra had in it and I didn't say Mr. Frank is just as innocent as you are. I didn't ask Miss Fuss on Wednesday for an extra, I didn't tell her that I thought Mr. Frank was as innocent as the angels in heaven.

RE-DIRECT EXAMINATION.

I never was in jail until April 26th. I have been down at police head- quarters several times. First time I was arrested was for throwing rocks. I was a small boy then. I was arrested another time for fighting black boys, then I was arrested about drinking and disorderly, and the last time I was arrested was about fighting again. I never have fought with a white man or white woman.

The Leo Frank Trial: Week Two

Police officers took me down to jail and to [the] door where Mr. Frank was. I never did see Mr. Frank in jail. The last time I saw Mr. Frank was in the station house before I had talked. He looked at me and smiled and bowed his head.

While I was writing the notes, Mr. Frank took the pencil out of my hand and told me to rub out that “a” I had down there on the word “negro.” I saw Mary Phagan’s pocketbook, or mesh bag, in Mr. Frank’s office after he got back from the basement. It was lying on his desk. He taken it and put it in the safe. When I went back to see about the girl, it wouldn’t have taken more than about a minute to go down and lock and unlock the door. He had time enough to do it.

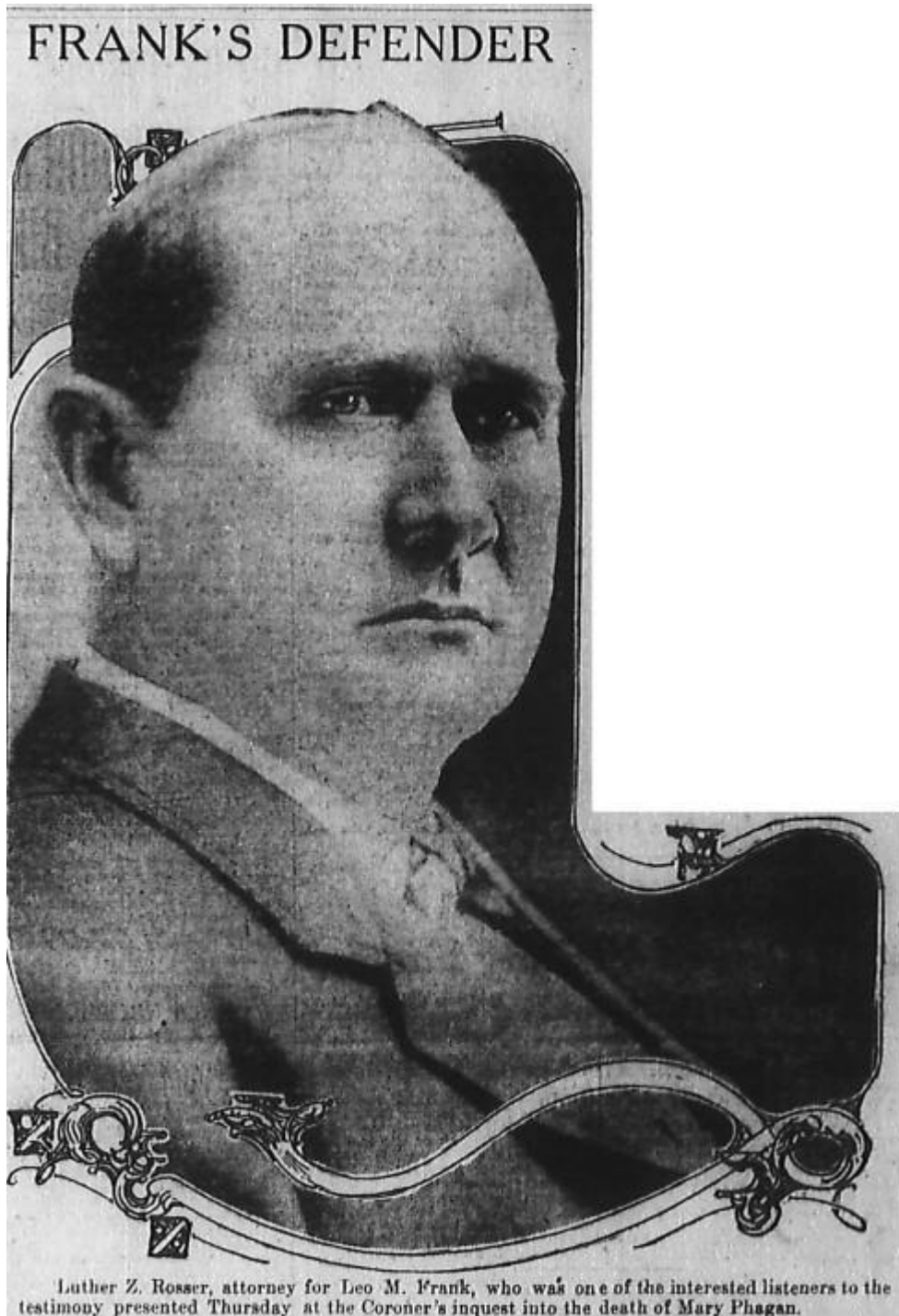
Mr. Scott talked to me about three hours and a half one Thursday. Mr. Frank told me he would send me away from here if they caught me. He would get me out on bond and send me away.

I never saw Mincey before seeing him at the station house in Mr. Lanford’s office. I had orders from Mr. Frank to write down how many boxes we needed and give it to him. I didn’t tell Mr. Black or Mr. Scott about the mesh bag because they didn’t ask me. I disremember when I first told about it. I think it was after I was in jail. I told Mr. Dorsey about it after I came out of jail.

Mr. Frank knew for a whole year that I could write. I used to write for him the word “Luxury,” “George Washington,” “Magnolia,” “Uncle Remus,” “Thomas Jefferson,” that’s the name of pencils. I spell “Uncle Remus” “O-n-e Rines. ” I spell “Luxury” I ‘ “L-u-s-t-r-i-s.” I spell ” I Thomas Jefferson” ” T-o-m J-e-f-f- or J-e-i-s-s.” I spell “George Washington” “J-o-e W-i-s-h- t-o-n.” After Mr. Frank found out what I meant he understood it. I spell “ox” “o-x.” Yes I wrote him orders to take money out of my wages.

The pocketbook was a wire looking whitish looking pocketbook, had a chain to it. You could take it and fold it up and hold it in one hand. When I wrote the word “Luxury” and “Thomas Jefferson,” I didn’t have anything at all to copy from. I was writing it down for Mr. Frank.

After Conley’s direct testimony, Leo Frank called it “the vilest and most amazing pack of lies ever conceived in the perverted brain of a wicked human being.” But, as you have read above, Conley held up well under the ferocious attack of the defense. He freely admitted that he had been confused on a few occasions and had lied in his first two statements — first, to protect himself, and second to protect Frank, who he still expected would come up with bail money and get him out of town — and he also provided a wealth of new detail about Leo Frank’s “chats” with young women.



Leo Frank's co-lead attorney Luther Rosser

At one point, Frank's attorney Luther Rosser, referring to the recent haircut and clean set of clothes that Conley had been given, snidely remarked "They put some new clothes on you so the jury could see you like a dressed-up nigger" — possibly inflaming racial feelings among the all-White jury. It was widely believed at the time that Conley would

be disbelieved by many simply because he was black and because Leo Frank, a white man, and Frank's attorneys would contradict Conley and accuse him of the murder — a woe be unto any black man in 1913 Atlanta accused of harming a white girl.

Nevertheless Conley, a simple and poorly educated man, gave not an inch on his most damaging claims against Frank even when the most skilled attorneys money could buy cross-questioned him for more than 13 hours.

Much has been made of Conley's testimony that Frank stated "I wanted to be with the little girl, and she refused me, and I struck her and I guess I struck her too hard and she fell and hit her head against something, and I don't know how bad she got hurt. *Of course you know I ain't built like other men.*" Conley himself said he thought that Frank meant by not being "built like other men" that he, Frank, was sexually abnormal in some way that prevented normal intercourse, adding that he had glimpsed Frank with young women in positions implying oral sex. Later medical testimony, however, would show no physical abnormality in Frank. But "I ain't built like other men" might have had reference instead to Frank's thin, light physique, and the implication that he might strike a girl and never imagine the blow could do her serious harm. Such a bit of self-exculpation is quite understandable under the circumstances — though the strangulation, evidently done to ensure her silence after she had been knocked down and injured, is disgusting and heinous in the extreme.

Testifying before Conley had been Helen Ferguson, who indicated that Frank would not give Mary's pay to Mary's friend (who had offered to take it to her) the day before the murder, suggesting that Frank wanted to ensure that Mary would come to him personally in his office the next day:

MISS HELEN FERGUSON, sworn for the State.

My name is Helen Ferguson, I worked at the National Pencil Company on Friday the 25th. I saw Mr. Frank Friday, April 25th, about 7 o'clock in the evening and asked for Mary Phagan's money. Mr. Frank said "I can't let you have it," and before he said anything else I turned around and walked out.

I had gotten Mary's money before, but I didn't get it from Mr. Frank.

CROSS EXAMINATION.

When I got Mary's money before I went up there and called my number and called her number, and I got mine and hers. I didn't ask the man that was paying off this time to let me have it. I don't remember whether Mr. Schiff was in the office or not when I asked Mr. Frank for Mary's money. Some of the office force were there, but I can't recall their name.

I worked in the metal department about two years. I never saw little Mary Phagan in Mr. Frank's office. I don't think Mr. Frank knew my name, he knew my face. It has been

some time since I asked for Mary's pay by number. I do not believe that I ever saw Mr. Frank speak to Mary Phagan.

RE-DIRECT EXAMINATION.

I don't know who paid off on Friday, April 25th.

After Conley, Dr. Henry F. Harris was recalled to the stand with more autopsy testimony proving that the murder had been committed around noon on April 26. Though the defense tried to imply that the hour of death really couldn't be determined, Dr. Harris's words made it clearer than ever that Newt Lee could not have committed the crime, that the only possible killers were Frank or Conley, and that the bloody shirt found in Newt Lee's trash barrel and Lee's alleged time card with missing punches were evidence, not of Lee's guilt, but of a malevolent effort by Frank partisans to shield the real murderer.



Mary Phagan autopsy photo; the indentation in her neck from the cord which strangled her clearly visible

A low character, C.B. Dalton's testimony confirmed Conley's statement about his keeping watch for Frank during Frank's trysts with young women:

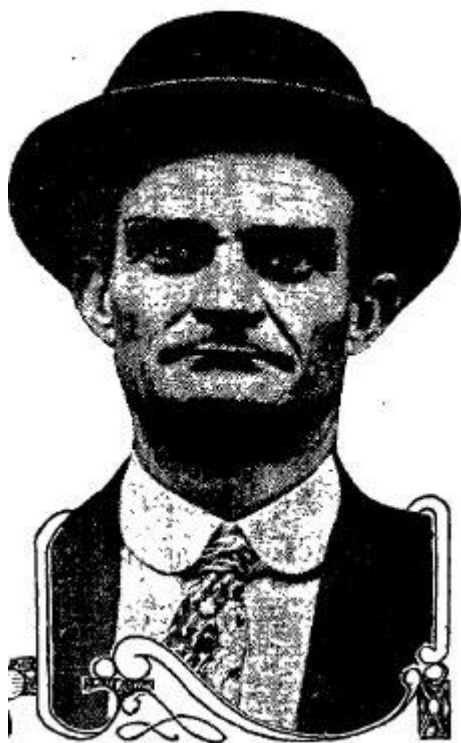
C.B. DALTON, sworn for the State.

I know Leo M. Frank, Daisy Hopkins, and Jim Conley. I have visited the National Pencil Company three, four or five times. I have been in the office of Leo M. Frank two or three times. I have been down in the basement. I don't know whether Mr. Frank knew I was in the basement or not, but he knew I was there. I saw Conley there and the night watchman,

and he was not Conley. There would be some ladies in Mr. Frank's office. Sometimes there would be two, and sometimes one. May be they didn't work in the mornings and they would be there in the evenings.

CROSS EXAMINATION.

I don't recollect the first time I was in Mr. Frank's office. It was last fall. I have been down there one time this year but Mr. Frank wasn't there. It was Saturday evening. I went in there with Miss Daisy Hopkins. I saw some parties in the office but I don't know them. They were ladies. Sometimes there would be two and sometimes more. I don't know whether it was the stenographer or not.



C.B. Dalton

I don't recollect the next time I saw him in his office. I never saw any gentlemen but Mr. Frank in there. Every time I was in Mr. Frank's office was before Christmas. Miss Daisy Hopkins introduced me to him. I saw Conley there one time this year and several times on Saturday evenings. Mr. Frank wasn't there the last time. Conley was sitting there at the front door.

When I went down the ladder Miss Daisy went with me. We went back by the trash pile in the basement. I saw an old cot and a stretcher. I have been in Atlanta for ten years. I have never been away over a week. I saw Mr. Frank about two o'clock in the afternoon. There was no curtains drawn in the office. It was very light in there. I went in the first office, near the stairway. The night watchman I spoke of was a negro. I saw him about the first of January. I saw a negro night watchman there between September and December. I lived in Walton County for twenty years. I came right here from Walton County. I was absent from Walton

County once for two or three years and lived in Lawrenceville. I have walked home from the factory with Miss Laura Atkins and Miss Smith.

RE-DIRECT EXAMINATION.

I gave Jim Conley a half dozen or more quarters. I saw Mr. Frank in his office in the daytime. Mr. Frank had Coca-Cola, lemon and lime and beer in the office. I never saw the ladies in his office doing any writing.

RECALLED FOR CROSS EXAMINATION.

Andrew Dalton is my brother-in-law. John Dalton is a first cousin. I am the Dalton that went to the chain gang for stealing in Walton County in 1894. We all pleaded guilty. The others paid out. I don't know how long I served. I stole a shop hammer. That was in case No. L. There were three cases and the sentences were concurrent. One of the other Daltons stole a plow and I don't know what the other one stole. I was with them. In 1899 at the February term of Walton Superior Court I was indicted for helping steal [a] bale of cotton. In Gwinnett County I was prosecuted for stealing corn, but I came clear.

RE-DIRECT EXAMINATION.

It has been 18 or 20 years since I have been in trouble. I was drunk with the two Dalton boys when we got into that hammer and plow stock scrape.

CROSS EXAMINATION.

I don't know whether I was indicted in 1906 in Walton County for selling liquor. I know Dan Hillman and I know Bob Harris. I don't know whether I was indicted for selling liquor to them or not.

RE-DIRECT EXAMINATION.

Miss Daisy Hopkins knows Mr. Frank. I have seen her talking to him and she told me about it.

Dalton's checkered and criminal past was brought out by the defense, but since he was freely admitting involvement in immoral activities as part of his direct testimony, the revelation of his criminal record had little sting.

Several witnesses were called or recalled to clarify points made earlier in the trial; the most significant of these was Pinkerton agent Harry Scott:

HARRY SCOTT, re-called for State.

It took Jim Conley two or three minutes to write out the notes that I dictated to him [testing to see if Conley could have written the death notes — Ed.].



Detectives John Black and Harry Scott

CROSS EXAMINATION.

I knew on Monday that Mrs. White claimed she saw a darkey at the pencil factory [Conley, watching at the bottom of the steps near the front door for Frank according to the prosecution theory; lying in wait to attack Mary Phagan according to the new defense theory. — Ed.]. I gave that information to the police department.

Mr. Frank gave me the information when I first talked to him. I never inquired of Frank or any of the pencil factory people if Conley could write. Sunday, May 18th, I was present when Conley made his statement. May 18th. I wrote it out myself. (Defendant's Exhibit 36). He made no further statement on that day. He stated that he did not go to the pencil factory at all that day. At that time I knew he could write. [It had been claimed by the defense that the information that Conley could write had first come from Leo Frank. — Ed.]

He told me everything that was in that statement. The information that Conley could write came from the pencil factory on May 18th. On May 18th I dictated to Conley these words: "That long tall black negro did by himself." I dictated each word singly and I

should judge it took him more than six or seven minutes to write it. He writes quite slowly.

When he was brought before Mrs. White to see if she could identify him he was chewing his lips and twirling a cigarette in his fingers. He didn't seem to know how to hold on to it. He could not keep [his] feet still. He positively denied on May 18th that he had anything to do with the murder of Mary Phagan and that he was at the factory at all.

We talked very strongly to him and tried to make him give a confession. We used a little profanity and cussed him. He made that statement after he knew that I knew he could write. We had him for about two or three hours that day. He made another statement on May 24th which was put in writing. (Defendant's Exhibit 37). He was carried to Mr. Dorsey's office that day and went over the statement with Mr. Dorsey. He still denied that he had seen the little girl the day of the murder. He swore to all that the statement contains. That statement was a voluntary statement from him. He sent for Mr. Black and we went there together. We questioned him again very closely for about three hours on May 25th. He repeated the story that he told in his statement of May 24th.

We saw him again on May 27th in Chief Lanford's office. Talked to him about five or six hours. We tried to impress him with the fact that Frank would not have written those notes on Friday. That that was not a reasonable story. That showed premeditation and that would not do. We pointed out to him why the first statement would not fit. We told him we wanted another statement. He declined to make another statement. He said he had told the truth. On May 28th Chief Lanford and I grilled him for five or six hours again, endeavoring to make clear several points which were far-fetched in his statement. We pointed out to him that his statement would not do and would not fit. He then made us another long statement on May 28th (Defendant's Exhibit 38), having been told that his previous statement showed deliberation; that that could not be accepted. He told us then all that appears in the statement of May 28th. He never told us [then — Ed.] anything about Mr. Frank making an engagement for him to stamp for him and for him to lock the door. He told us nothing about seeing Monteen Stover. He did not tell us about seeing Mary Phagan. He said he did not see her. He didn't say he saw Lemmie Quinn.

Conley was a rather dirty negro when I first saw him. He looked pretty good when he testified here.



Jim Conley, center, being led away in custody after his testimony

Frank was arrested Tuesday morning at about 11:30; on May 29th we had another talk with him [Conley — Ed.]. Talked with him almost all day. Yes, we pointed out things in his story that were improbable and told him he must do better than that. Anything in his story that looked to be out of place we told him wouldn't do. After he had made his last statement we didn't wish to make any further suggestion to him at that time.

He then made his last statement on May 29th (Defendant's Exhibit 39). He told us all that appears in that statement. We tried to get him to tell about the little mesh bag. We tried pretty strong. He always denied ever having seen it. He never said that he saw it in Frank's office, or that Frank put it in his safe. We asked him about the parasol. He didn't tell us anything about it. He didn't tell us anything about Frank stumbling as he got on the street floor at the elevator and hit him.

Since making this statement on May 29th I have not communicated with Conley and have not seen him. He never told us that he came from his home straight to the factory. He denied knowing anything about the fecal matter down in the basement in the elevator shaft. He never said he went down there himself between the time he first came to the factory and went to Montag's. He never said he thought the name of the little girl was Mary Perkins. He never said anything at all about Mary Perkins. We pressed him that day as to whether he saw Mary Phagan or not. He finally told us that he saw her dead body. He never did tell us that he heard a lady scream though we asked him about it. He

said he did not hear anybody scream while he was sitting on the box. He said he didn't hear anything at all that day. He never said any thing about Mr. Frank having hit her, and having hit her too hard. He never said anything about somebody running on tiptoes from the metal department and back again. He said he did not hear any stamping. He did not tell us anything about Mr. Frank telling him how to lock the door. He did not tell us anything about Frank having a cord in his hand at the top of the steps or that Frank looked funny about his eyes or that his face was red. He didn't tell us that he went back there and found the little girl with a rope around her neck and a piece of underclothing or that he went back to Mr. Frank and told him the girl was dead, or that he wrapped her in a piece of cloth. He said it was a crocus sack. He did not say anything about Mr. Frank saying "Sh-sh." He didn't say that he put the sack on his shoulder and that body dangled round about his legs. He said he never saw the ribbon; didn't know where it was. We asked him whether there was any thought of burning the body and he said not. He didn't know anything about that. He never said anything about his promising to come back and burn the body or that he said to Mr. Frank "You are a white man and done it, and I am not going down there and burn it myself;" or that Mr. Frank had arranged to give his bond and send him away; or that Frank said he would have a place to get in by when he came back to burn the body, or said he owed a Jew ten cents and paid it.

He did not tell us of any conversation he had with Mr. Frank on Tuesday after the murder in which Mr. Frank said "If you had come back on Saturday and done what I told you there wouldn't have been any trouble." As to the scene between Conley and me when I undertook to convince him that I knew he could write on Sunday, May 18th, I called him up at Chief Lanford's office, gave him a paper and pencil and told him that we understood he said he couldn't write and now we knew he could write and we wanted him to write what we told him. He sat there and looked at us while we were talking and I told him to write as I dictated and he picked up the pencil and wrote immediately. We convinced him that we knew he could write and then he wrote.

RE-DIRECT EXAMINATION.

I got information as to Conley writing through my operations while I was out of town. McWorth told me when I returned. I got no information personally about Conley being able to write from the pencil company people. Personally I did not get information as to Conley's being able to write from [the] pencil company. I got it from outside sources, wholly disconnected with the pencil company. As to whom I first communicated anything about Mrs. White's statement about seeing a negro down there, my impression is I told it in my many conversations with Black, and Chief Lanford and Bass Rosser. Don't know the day. It was shortly after April 28th. After Conley made his last statement Chief Beavers, Lanford and I went to the jail with Conley and saw the sheriff and he went to Frank's cell.

The last time I saw Frank was Saturday, May 3rd. As to whether Mr. Frank refused to see me, only through Sheriff Mangum, as to the number of matters I told Conley didn't fit the first time and those I told him didn't fit the last time, I could not name those, that would almost be impossible unless I had the statement clear in my head. I never

suggested what to put in or what to substitute or what to change. They came from Conley himself.

THE STATE RESTS.

Scott's grilling at the hands of the defense had mainly proved only that Conley had changed his story several times, which Conley himself admitted he had done to protect himself — and to protect Frank, who had, Conley said, offered to help him skip town if he "kept his mouth shut."

* * *

Next came the defense — and no one in Atlanta was ready for the shocking revelation that would soon come from Leo Frank himself as he took the stand.

Be sure to read about it in next week's installment here at *The American Mercury*.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

For further study we recommend the following resources:

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia's Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

The *American Mercury* is following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan, in capsule form on a regular basis until August 26, the 100th anniversary of the reading of the verdict. Follow

The Leo Frank Trial: Week Two

along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

Read also the Mercury's coverage of [Week One of the Leo Frank trial](#), and my exclusive [summary of the evidence against Frank](#).

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).

100 Years Ago Today: Leo Frank Takes the Stand



Leo Frank

In addition to being an executive of Atlanta's National Pencil Company, Leo Frank was also a B'nai B'rith official — president of the 500-member Gate City Lodge in 1912 — and even after his conviction and incarceration Frank was elected lodge president again in 1913. As a direct result of the Leo Frank conviction, the B'nai B'rith founded their well-known and politically powerful "Anti-Defamation League," or ADL.

When Leo Frank mounted the witness stand on Monday afternoon, August 18, 1913, at 2:15 pm, he orally delivered an unsworn, four-hour, pre-written statement to the 250 people present.

100 Years Ago Today: Leo Frank Takes the Stand



The Leo Frank trial

Epic Trial of 20th Century Southern History

The audience sat in the grandstand seats of the most spectacular murder trial in the annals of Georgia history. Nestled deep within the pews of the Fulton County Superior Court were the luckiest of public spectators, defense and prosecution witnesses, journalists, officials, and courtroom staff.



Hugh M. Dorsey

Like gladiators in an arena, in the center of it all, with their backs to the audience, seated in ladder-back chairs, were the most important principals. They were the State of Georgia's prosecution team, made up of three members, led by Solicitor General Hugh M. Dorsey and Frank Arthur Hooper. Arrayed against them were eight Leo Frank defense counselors, led by Luther Z. Rosser and Reuben Rose Arnold. The presiding judge, the Honorable Leonard Strickland Roan, sitting in a high-backed leather chair, was separated by the witness stand from the jury of 12 white men who were sworn to justly decide the fate of Leo Frank.

100 Years Ago Today: Leo Frank Takes the Stand

Crouched and sandwiched between the judge's bench and the witness chair, sitting on the lip of the bench's foot rail, was a stenographer capturing the examinations. Stenographers clicked away throughout the trial and were changed regularly in relays.



Reuben R. Arnold

Surrounding the four major defense and prosecution counselors were an entourage of uniformed police, plainclothes detectives, undercover armed security men, government staff, and magistrates.

The first day of the Leo Frank trial began on Monday morning, July 28, 1913, and led to many days of successively more horrifying revelations. But the most interesting day of the trial occurred three weeks later when Leo Frank sat down in the witness stand on Monday afternoon, August 18, 1913.

The Moment Everyone Was Waiting For

What Leo Frank had to say to the court became the spine-tingling climax of the most notorious criminal trial in US history, and it was the moment everyone in all of Georgia, especially Atlanta, had waited for.



Leo Frank posing for Collier's Weekly. The photo would later become the front cover for the book [The Truth About the Frank Case](#) by C.P. Connolly.

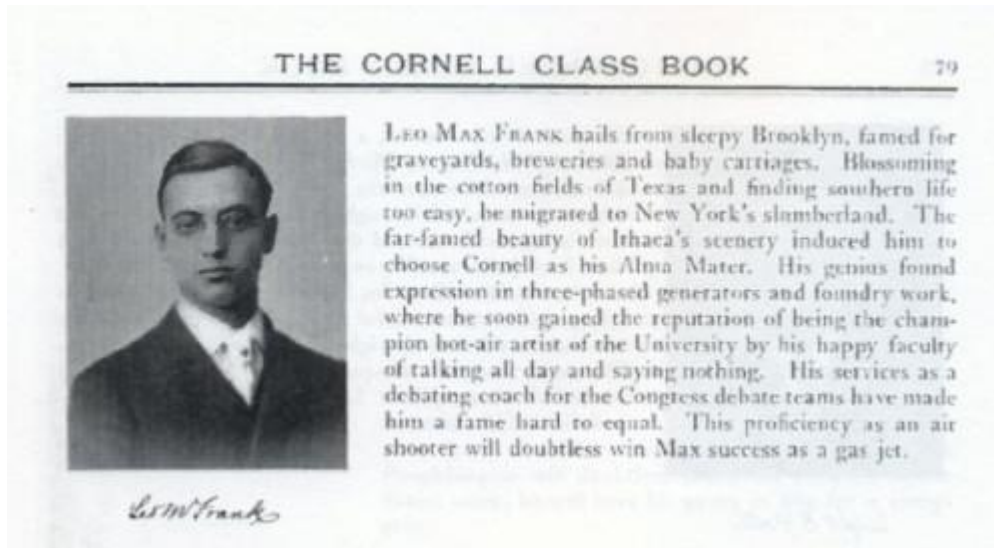
Judge Roan explained to the jury the unique circumstances and rules concerning the unsworn statement Leo M. Frank was to make. Then, at 2:14 pm, Leo Frank was called to speak. When he mounted the stand, a hush fell as 250 spellbound people closed ranks and leaned forward expectantly. They were more than just speechless: They were literally breathless, transfixed, sitting on the edges of their seats, waiting with great anticipation for every sentence, every word, that came forth from the mouth of Leo Frank.

But listening to his long speech became challenging at times. He had a reputation as a

“gas jet” from his college days (see his college yearbook entry), and he lived up to it now with dense, mind-numbing verbiage.

Three Out of Nearly Four Hours: Distractions and Endless Pencil Calculations

To bring his major points home during his almost four-hour speech, Leo Frank presented original pages of his accounting books to the jury. For three hours he went over, in detail, the accounting computations he had made on the afternoon of April 26, 1913. This was meant to show the court that he had been far too busy to have murdered Mary Phagan on that day nearly 15 weeks before.



Leo Frank's reputation as a “hot air artist” — and service as a debating coach — shown in his college yearbook entry

One point emphasized by the defense was how long it took Frank to do the accounting books: Was it an hour and a half as some said, or three hours? Can either answer ever be definitive, though? No matter how quickly one accountant works, is it beyond belief that another could be twice as fast?



The Ultimate Question Waiting to be Answered

Monteen Stover

The most important unanswered question in the minds of everyone at the trial was this: *Where had Leo Frank gone between 12:05 pm and 12:10 pm on Saturday, April 26, 1913?* This was the crucial question because Monteen Stover had testified she found Leo Frank's office empty during this five-minute time segment – and Leo Frank had told police he never left his office during that time. And the evidence had already shown that Mary Phagan was

100 Years Ago Today: Leo Frank Takes the Stand

murdered sometime between 12:05 and 12:15 pm in the Metal Room of the same factory where Leo Frank was present.

There weren't a plethora of suspects in the building: April 26, 1913, was a state holiday in Georgia — Confederate Memorial Day — and the factory and offices were closed down, except for a few employees coming in to collect their pay and two men doing construction work on an upper floor.

Two investigators had testified that Leo Frank gave them the alibi that he had *never* left his office from noon until after 12:45. If Leo Frank's alibi held up, then he couldn't have killed Mary Phagan.

Everyone wanted to know how Leo Frank would respond to the contradictory testimony clashing with his alibi. And, after rambling about near-irrelevancies for hours, he did: Frank stated — in complete contradiction to his numerous earlier statements that he'd never left his office — that he might have “unconsciously” gone to the bathroom during that time — *placing him in the only bathroom on that floor of the building, the Metal Room bathroom. The Metal Room bathroom is where Jim Conley stated he had first found the lifeless body of little Mary Phagan, near the Metal Room proper where Mary Phagan's blood was found, and where the prosecution had spent weeks proving that the murder had actually taken place.*

CORONER. PAUL DONEHOO, who has vigorously prosecuted inquiry into the Phagan case, and is making every effort to solve mystery.



Paul Donehoo

This was doubly amazing because weeks earlier Leo Frank had emphatically told the seven-man panel led by Coroner Paul Donehoo at the Coroners Inquest, that he (Leo Frank) *did not use the bathroom all day long* — not that he (Leo Frank) had forgotten, but that *he had not gone to the bathroom at all*. The visually-blind but prodigious savant Coroner Paul Donehoo — with his highly-refined “B.S. detector” was incredulous as might be expected. Who doesn't use the bathroom all day long? It was as if Leo Frank was mentally and physically, albeit crudely and unbelievably, trying to distance himself from the bathroom where Jim Conley said he found the body.

Furthermore, Leo Frank had told detective Harry Scott — witnessed by a police officer named Black — that he (Leo Frank) was in his office *every minute from noon to half past noon*, and in State's Exhibit B (Frank's stenographed statement to the police), Leo Frank never mentions a bathroom visit all day.

And now he had reversed himself!

Why would Leo Max Frank make such a startling admission, after spending months trying to distance himself from that part of the building at that precise time? That is a difficult question to answer, but there are clues. 1) The testimony of Monteen Stover (who liked Frank and who was actually a supportive character witness for him) that Frank was missing from his office for those crucial five minutes was convincing. Few could believe that Stover — looking to pick up her paycheck, and waiting five minutes in the office for an opportunity to do so — would have been satisfied with a cursory glance at the room and therefore somehow missed Frank behind the open safe door as he had alleged. 2) The evidence suggests that Frank did not always make rational decisions when under stress: Under questioning from investigators, he repeatedly changed the time at which Mary Phagan supposedly came to see him in his office (and State's Exhibit B shows that Frank, in the presence of his lawyers, told police that Mary Phagan *was in his office with him alone* between 12:05 and 12:10 pm); he reportedly confessed his guilt to his wife the day of the murder; he, if guilty, reacted out of all proportion and reason to being spurned by his teenage employee; and he maintained the utterly unbelievable position throughout the case that he did not know Mary Phagan by name, despite indisputably knowing her initials (he wrote them on the company books by hand some 52 times!) and interacting with her countless times.



Mary Phagan

Frank had also said (to paraphrase his statement) that to the best of his recollection when he was in his second floor office from 12:00 to 12:45 pm, and that aside from temporary visitors, the only other people continuously in the building he was aware of were Mr. White and Mr. Denham on the fourth floor, banging away and doing construction as they tore down a partition. That's it, three people. One can understand investigators, after hearing Frank's statement that there were only three people in the building, asking the question: *If there are three people in the factory, and two of them didn't do it, who is left?*

Even if only *one* of these lapses is true as described, it is enough to show a pronounced lack of judgement on

Frank's part. A man with such impaired judgement may actually have been unable to see that by explaining away his previous untenable (and now exposed as false) position of "never leaving the office" with an "unconscious" bathroom visit, he was placing himself at the *scene* of the murder at the *precise time* of the murder.

Thus are men who tell tales undone, even as they fall back upon a partial truth.

Georgia: Right to Refuse Oaths and Examination

Under the Georgia Code, Section 1036, the accused has the right to make an unsworn statement and, furthermore, to refuse to be examined or cross-examined at his trial. Leo Frank made the decision to make an unsworn statement and not allow examination or cross examination.

The law also did not permit Solicitor General Hugh M. Dorsey or his legal team to orally interpret or comment on the fact that Leo Frank was not making a statement sworn under oath at his own murder trial. The prosecution respected this rule.

The jury knew that Leo Frank had had months to carefully prepare his statement. But what was perhaps most damaging to Leo Frank's credibility was the fact that *every* witness at the trial, regardless of whether they were testifying for the defense or prosecution, had been sworn, and therefore spoke under oath, and had been subject to cross-examination by the other side — *except for Leo Frank*.

Thus it didn't matter if the law prevented the prosecution from commenting on the fact Leo Frank had refused cross examination, opting instead to make an unsworn statement, because the jury could see that anyway. Making an unsworn statement and refusing to be examined does not prove that one is guilty, but it certainly raises eyebrows of doubt.



Leo Frank takes the stand

The South an "Honor Bound" Society

Could a sworn jury upholding its sacred duty question Leo Frank's honor and integrity as a result of what Southerners likely perceived as his cowardly decision under Georgia Code, Section 1036? If so, greater weight would naturally be given to those witnesses who *were* sworn under oath and who contradicted Leo Frank's unsworn alibis, allegations, and claims. It put the case under a new lens of the sworn versus the unsworn.

The average Southerner in 1913 was naturally asking the question: *What white man would make an unsworn statement and not allow himself to be cross-examined at his own murder trial if he were truly innocent?* Especially in light of the fact that the South was culturally white separatist — and two of the major material witnesses who spoke against Leo Frank were African-Americans, one claiming to be an accomplice

after the fact turned accuser. In the Atlanta of 1913, African-Americans were perceived as second class citizens and less reliable than whites in terms of their capacity for telling the truth.

Today, we might ask: Why wouldn't Leo Frank allow himself to be cross examined when he was trained in the art and science of debating during his high school senior year and all through his years in college, where he earned the rank of Cornell Congress Debate Team coach? (*Pratt Institute Monthly*, June, 1902; *Cornellian*, 1902 through 1906; *Cornell Senior Class Book*, 1906; Cornell University Alumni Dossier File on Leo Frank, retrieved 2012)

Odd Discrepancies



Newt Lee

Most Leo Frank partisan authors omit significant parts of the trial testimony of Newt Lee and Jim Conley from their retelling of the Leo Frank Case. Both of these black men, former National Pencil Company employees, made clearly damaging statements against Frank.

The evidence Newt Lee brought forward was circumstantial, but intriguing — and never quite adequately explained by Leo Frank then, or by his defenders now.

He stated that on Friday Evening, April 25, 1913, Frank made a request to him, Lee, that he report to work an hour early at 4:00 pm on Confederate Memorial Day, the next day. The stated reason was that Leo Frank had made a baseball game appointment with his brother-in-law, Mr. Ursenbach, a Gentile who was married to one of Frank's wife Lucille's older sisters. Leo Frank would eventually give two different reasons at different times as to why he canceled that appointment: 1) he had too much work to do, and 2) he was afraid of catching a cold.

Newt Lee's normal expected time at the National Pencil Company factory on Saturdays was 5:00 pm sharp. Lee stated that when he arrived an hour early that fateful Saturday, Leo Frank had forgotten the change because he was in an excited state. Frank, he said, was unlike his normal calm, cool and collected "boss-man" self. Normally, if anything was out of order, Frank would command him, saying "Newt, step in here a minute" or the like. Instead, Frank burst out of his office, bustling frenetically towards Lee, who had arrived at the second floor lobby at 3:56 pm. Upon greeting each other, Frank requested that Lee go out on the town and "have a good time" for two hours and come back at 6:00 pm.

100 Years Ago Today: Leo Frank Takes the Stand

Because Leo Frank asked Newt Lee to come to work one hour early, Lee had lost that last nourishing hour of sleep one needs before waking up fully rejuvenated, so Lee requested of Frank that he allow him to take a nap in the Packing Room (adjacent to Leo Frank's front office). But Frank re-asserted that Lee needed to go out and have a good time. Finally, Newt Lee acquiesced and left for two hours.

At trial, Frank would state that he sent Newt Lee out for two hours because he had work to do. When Lee came back, the double doors halfway up the staircase were locked – very unusual, as they had never had been locked before on Saturday afternoons. When Newt Lee unlocked the doors and went into Leo Frank's office he witnessed his boss bungling and nearly fumbling the time sheet when trying to put a new one in the punch clock for the night watchman – Lee – to register.



The National Pencil Company building around 1913

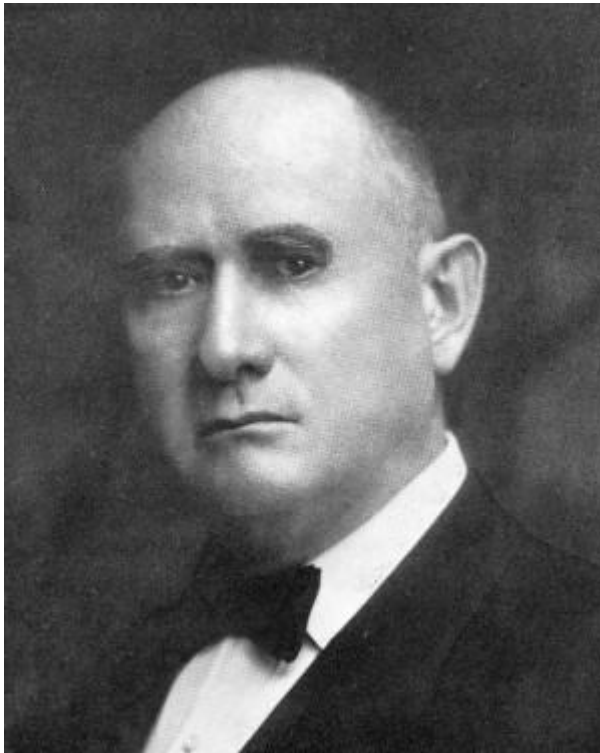
It came out before the trial that Newt Lee had earlier been told by Leo Frank that it was a National Pencil Company policy that once the night watchman arrived at the factory – as Lee had the day of the murder at 4:00 pm – he was not permitted to leave the building under any circumstances until he handed over the reigns of security to the day watchman. Company security necessitated being cautious – poverty, and therefore theft, was rife in the South; there were fire risk hazards; and the critical factory machinery was worth a small fortune. Security was a matter of survival.

The two hour timetable rescheduling – the canceled ball game – the inexplicable sudden security rule waiver – the bumbling with a new time sheet – the locked double doors – and Frank's suspiciously excited behavior: All were highlighted as suspicious by the prosecution, especially in light of the fact that the “murder notes” – found next to Mary Phagan's head – physically described Newt Lee, even calling him “the night witch.” And, the prosecutor asked, why did Leo Frank later telephone Newt Lee, not once but two or more times, that evening at the factory?

A “Racist” Subplot?

The substance of what happened between Newt Lee (and janitor James “Jim” Conley – see below) and Leo Frank from April 26, 1913 onward is most often downplayed, censored, or distorted by partisans of Leo Frank.

From the testimony of these two African-American witnesses, we learn of an almost diabolic intrigue calculated to entrap the innocent night watchman Newt Lee. It would have been easy to convict a black man in the white separatist South of that time, where the ultimate crime was a black man having interracial sex with a white woman — to say nothing of committing battery, rape, strangulation, and mutilation upon her in a scenario right out of [Psychopathia Sexualis](#).



Luther Z. Rosser, for the defense

The plot was exquisitely formulated for its intended audience, the twelve white men who would decide Leo Frank’s fate. It created two layers of African-Americans between Frank and the murder of Mary Phagan. It wouldn’t take the police long to realize Newt Lee didn’t commit the murder, and, since the death notes were written in dialect, it would leave the police hunting for another black murderer. As long as Jim Conley kept his mouth shut, he wouldn’t hang. So the whole plot rested on Jim Conley – and it took the police three weeks to crack him.

The ugly racial element of this defense ploy is rarely mentioned today. The fact that it was Leo Frank, a Jew (and considered white in the racial separatist Old South), who first tried to pin the rape and murder of Mary Phagan on the elderly, balding, and married African-American Newt Lee (who had no criminal record to boot) is not something that Frank partisans want to highlight. The Leo Frank cheering section also downplays the racial considerations that made Frank, when his first racially-tinged defense move failed and was abandoned, change course for the last time and formulate a new subplot to pin the crime on Jim Conley, the “accomplice after the fact.”

If events had played out as intended, there would have likely been one or two dead black men in the wake of the defense team’s intrigue.

Jim Conley knew too much. He admitted he had helped the real murderer, Leo Frank, clean up after the fact. To prevent Conley, through extreme fear, from revealing any more about the real solution to the crime, and to discredit him no matter what he did, a

new theory was needed. Jim Conley certainly was scared beyond comprehension, knowing what white society did to black men who beat, raped, and strangled white girls.

The Accuser Becomes the Accused



Jim Conley

The new murder theory posited by the Leo Frank defense was that Jim Conley assaulted Mary Phagan as she walked down the stairs from Leo Frank's office. Once Phagan descended to the first floor lobby, they said, she was robbed, then thrown down 14 feet to the basement through the two-foot by two-foot scuttle hole at the side of the elevator. Conley then supposedly went through the scuttle hole himself, climbing down the ladder, dragged the unconscious Mary Phagan to the garbage dumping ground in front of the cellar incinerator (known as the "furnace"), where he then raped and strangled her.

the scratch marks on Mary Phagan's face — she had been dragged face down in the basement — *did not bleed*, strongly suggesting she was already quite dead when the dragging took place.

But this grotesque racially-tinged framing was to fail in the end — in part because because physicians noticed that

Investigators arranged for a conversation to take place between Leo Frank and Newt Lee, who were intentionally put alone together in a police interrogation room at the Atlanta Police Station. The experiment was to see how Frank would interact with Lee and determine if any new information could be obtained.

Once they thought they were alone, Leo Frank scolded Newt Lee for trying to talk about the murder of Mary Phagan, and said that if Lee kept up that kind of talk, they both would go straight to hell.



Leo Frank in the courtroom; his wife Lucille Frank behind him

Star Witnesses

The Jewish community has crystallized around the notion that Jim Conley was the star witness at the trial, and not 14-year-old Monteen Stover who defended Leo Frank's character — and then inadvertently broke his alibi.

Leo Frank partisans downplay the significance of Monteen Stover's trial testimony and Leo Frank's attempted rebuttal of her testimony on August 18, 1913. Governor John M. Slaton also ignored the Stover-Frank incident in his 29-page commutation order of June 21, 1915.

Many Frank partisans have chosen to obscure the significance of Monteen Stover by putting all the focus on Jim Conley, and then claiming that without Jim Conley there would have been no conviction of Leo Frank.

Could they be right? Or could Leo Frank have been convicted on the testimony of Monteen Stover, without the testimony of Jim Conley?

It is a question left for speculation only, because no one ever anticipated the significance of Jim Conley telling the jury that he had found Mary Phagan dead in the Metal Room bathroom.

It was not until Leo Frank gave his response to Monteen Stover's testimony — his explanation of why his second floor business office was empty on April 26, 1913 between 12:05 pm and 12:10 pm — that everything came together *tight and narrow*.

Tom Watson resolved the “no conviction without Conley” controversy in the September 1915 number of his *Watson's Magazine*, but perhaps it is time for a 21st century explanation to make it clear why even the Georgia Supreme Court ruled that the evidence and testimony of the trial sustained Frank's conviction.

August 18, 1913: You Are the Jury

The four-hour-long unsworn statement of Leo Frank was the crescendo of the trial. (Later, just before closing arguments, Frank himself was allowed the last word. He spoke

100 Years Ago Today: Leo Frank Takes the Stand

once more on his own behalf, unsworn this time also, for five minutes, denying the testimony of others that he had known Mary Phagan by name and that he had gone into the dressing room for presumably immoral purposes with one of the company's other employees.)



The jury that convicted Leo Frank

Frank would also reaffirm his “unconscious visit” admission in a newspaper interview published by the *Atlanta Journal-Constitution* on March 9th, 1914.

A Poignant Excerpt from Frank Hooper’s Final Arguments:

There was Mary. Then, there was another little girl, Monteen Stover. He never knew Monteen was there, and he said he stayed in his office from 12 until after 1 — never left. Monteen waited around for five minutes. Then she left. The result? There comes for the first time from the lips of Frank, the defendant, the admission that he might have gone to some other part of the building during this time — he didn’t remember clearly...

I will be fair ‘with Frank. When he followed the child back into the metal room, he didn’t know that it would necessitate force to accomplish his purpose. I don’t believe he originally had murder in his heart. There was a scream. Jim Conley heard it. Just for the sake of knowing how harrowing it was, I wish you jurymen could hear a similar scream. It was poorly described by the negro. He said it sounded as if a laugh was broken off into a shriek. He heard it break through the stillness of the hushed building.

* * *

Be sure and read this week’s installment of “The Trial of Leo Frank” by Bradford L. Huie three days from now, exclusively on *The American Mercury*.

[Introduction](#)

[Week One](#)

[Week Two](#)

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Appendix: Essential Reading

To gain a full understanding of the Leo Frank case, and the tissue-thin “anti-Semitic conspiracy” theories advanced by the media today, it is necessary to read the official record without censorship or selective editing by partisans. Here are the resources which will enable you to do just that.

- [Leo M. Frank Brief of Evidence, Murder Trial Testimony and Affidavits, 1913](#)
- Leo M. Frank unsworn trial statement ([BOE, Leo Frank Trial Statement, August 18, 1913](#))
- Leo Frank trial, [State’s Exhibit B](#)

Original State’s Exhibit B:

Part 1 – <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0061.jpg>

Part 2 – <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0062.jpg>

Complete Analysis of State’s Exhibit B (required reading): [The full review of State’s Exhibit B](#)

- Leo Frank Case files from the Georgia Supreme Court, Adobe PDF format: <http://www.leofrank.org/library/georgia-archives/>
- *Atlanta Constitution* issue of March 9, 1914 ([Leo Frank Answers List of Questions Bearing on Points Made Against Him, March 9, 1914](#))
- Compare the analysis of the bathroom statement by reading: [Argument of Hugh M. Dorsey](#), followed by [Argument of Mr. Frank Hooper](#) — also compare with [Tom Watson’s](#) version
- Minola McKnight statement ([Minola Mcknight, State’s Exhibit J, June 3, 1913](#)) and cremation request in the 1954 Notarized Last Will and Testament of [Lucille Selig Frank](#)

- 2D and 3D [National Pencil Company](#) floor diagrams

The National Pencil Company in 3 Dimensions

3-Dimensional Floor Plan of the [National Pencil Company](#) in 1913:
<http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0060.jpg>.

The Defendant Leo Frank's Factory Diagrams Made on His Behalf:

2-Dimensional Floor Plan of the [National Pencil Company](#) in 1913. Defendants Exhibit 61, Ground Floor and Second Floor 2D Birds Eye View Maps of the National Pencil Company: <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0125.jpg>.
[Plat of the First and Second Floor of the National Pencil Company](#).

1. [State's Exhibit A \(Small Image\)](#) or [State's Exhibit A \(Large Image\)](#).
2. [Different Version: Side view of the factory diagram showing the front half of the factory](#)
3. [Bert Green Diagram of the National Pencil Company](#)

- James "Jim" Conley's testimony ([James Conley, Brief of Evidence, August, 4, 5, 6, 1913](#))

- Staged late [defense version of events](#)

- The [Jeffersonian Newspaper](#) 1914-1917 and *Watson's Magazine* ([August](#) and [September](#), 1915) series on the case

- Defense and prosecution both ratify the original Brief of Evidence: [Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913. Brief of Evidence](#)

- [John Davison Lawson's American State Trials 1918, Volume X](#)

- Mary Phagan Kean's analysis of the Leo Frank Case: [The Murder of Little Mary Phagan](#)

- [State's Exhibit A](#)

front of the gaping maw of the furnace, adding that Frank had asked him to come back later and burn the body in return for a promised payment of \$200 — an appointment that was never kept. He also told a rapt courtroom how he had written the black-dialect “death notes” at Frank’s instruction.



Jim Conley on the witness stand; prosecutor Hugh Dorsey; ladies in the audience

Conley said that Frank had admitted to striking the girl, when she refused his advances, and accidentally killing her. (Conley evidently missed seeing the marks of strangulation, probably being deceived by a ripped piece of lace underwear that the killer had placed around Mary’s neck to conceal the deep lacerations made by the cord.)

Not only had Conley stood up to one of the most intense cross-examinations imaginable, but, before the trial, he had led investigators on an on-location step-by-step re-enactment

of his part in the crime that was so detailed and factual that it convinced almost all observers that he was telling the truth. The Atlanta *Georgian's* James B. Nevin, whose paper was beginning to show sympathy for Frank, nevertheless expressed the popular view when he wrote:

If the story Conley tells IS a lie, then it is the most inhumanly devilish, the most cunningly clever, and the most amazingly sustained lie ever told in Georgia!

Conley's Story Cinches Case Against Frank, Says Lanford

He Has Told the Whole Truth---There's Not a Lawyer Who Can Shake Him,' Asserts Chief.

JIM CONLEY has told the whole truth---there's not the shadow of a doubt about it. We feel perfectly satisfied now with the case against Frank. If we had the least suspicion that his story were false, we could not feel satisfied---we would be puzzled and worried just as much as when the crime was first committed.

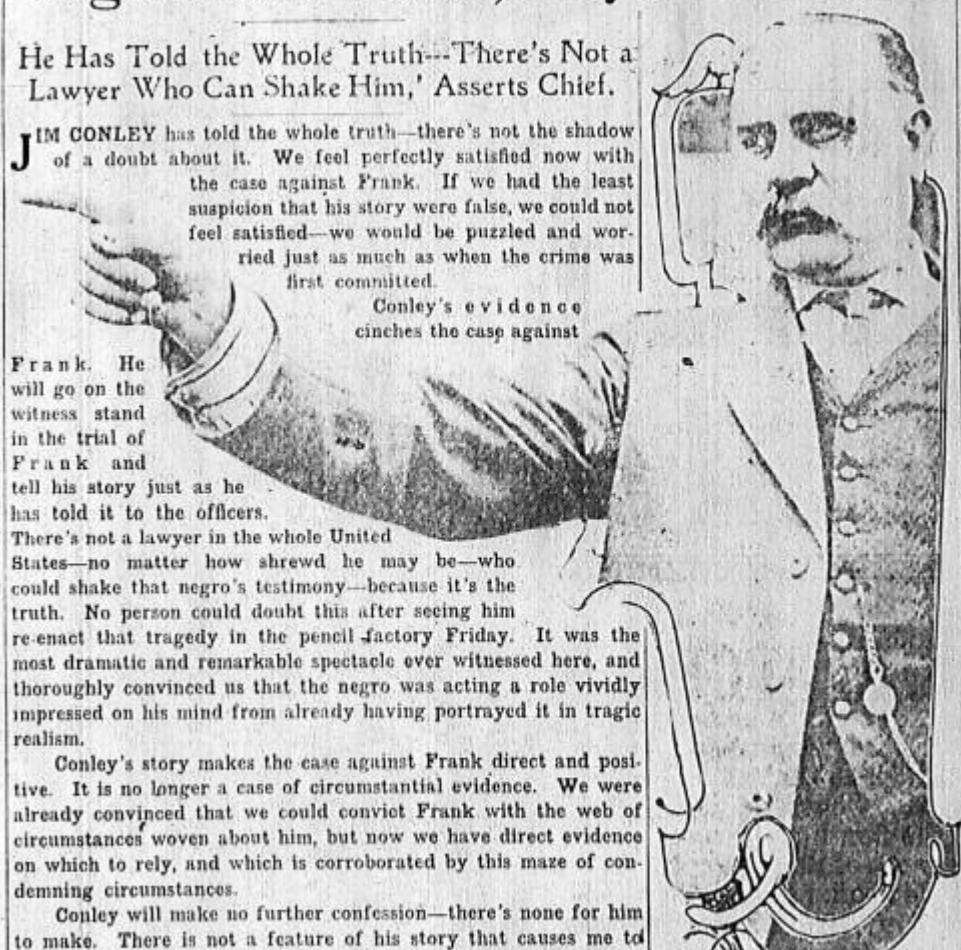
Conley's evidence cinches the case against Frank. He will go on the witness stand in the trial of Frank and tell his story just as he has told it to the officers.

There's not a lawyer in the whole United States---no matter how shrewd he may be---who could shake that negro's testimony---because it's the truth. No person could doubt this after seeing him re-enact that tragedy in the pencil factory Friday. It was the most dramatic and remarkable spectacle ever witnessed here, and thoroughly convinced us that the negro was acting a role vividly impressed on his mind from already having portrayed it in tragic realism.

Conley's story makes the case against Frank direct and positive. It is no longer a case of circumstantial evidence. We were already convinced that we could convict Frank with the web of circumstances woven about him, but now we have direct evidence on which to rely, and which is corroborated by this maze of condemning circumstances.

Conley will make no further confession---there's none for him to make. There is not a feature of his story that causes me to doubt that he has told all he knows.

From the very first we suspected that Frank was guilty, but we were never prejudiced against him. We have entertained every possible theory and worked on many different lines, as have all of the detectives on the case, and have been open to conviction. But every bit of real evidence unearthed pointed to Frank, and now the confession of Conley makes it all plain.---NEWPORT LANFORD, Chief of Detectives.



With the final confession of Conley, police believed they had fully solved the case.

W.W. Matthews, a motorman for the Georgia Railway & Electric Co., was sworn for the defense and stated that Mary Phagan got off his car at 12:10, meaning that if the motorman's watch and memory were accurate she must have arrived shortly *after* Monteen Stover, not *before* her as other witnesses had testified. W.T. Hollis, a streetcar conductor, was called to confirm Matthews' timing. Here is their testimony:

W.W. MATTHEWS, sworn for the Defendant.

I work for the Georgia Railway & Electric Co. as a motorman. On the 26th day of April I was running on English Avenue. Mary Phagan got on my car at Lindsey Street at 11:50. Our route was from Bellwood to English Avenue, down English Avenue to Kennedy, down Kennedy to Gray, Gray to Jones Avenue, Jones Avenue to Marietta, Marietta to Broad, and out Broad Street. From Lindsey Street to Broad Street is about a mile and a half or two miles. We make frequent stops. We were scheduled to arrive at Marietta and Broad at 12:07(1/2). We were on schedule. We stayed on time all day. Our car turned up Broad St.



Atlanta circa 1913, as viewed from Hunter Street

Mary Phagan got off at Hunter and Broad. It takes generally from two and a half to three minutes to go from Broad and Marietta to Broad and Hunter. That is a very congested street and you must go slow. I was relieved at Broad and Marietta by another motorman, but sat down in the same car one seat behind Mary Phagan. Another little girl was sitting in the seat with her. We got to Broad and Hunter about 12:10. Mary and the other little girl both got off and walked to the sidewalk and they wheeled like they were going to turn around on Hunter Street, both of them together. The pencil factory is about a block and a half from where they got off at Hunter and Broad. Nobody got on with Mary at Lindsey Street. There wasn't any little boy with her. The first time I noticed the little girl sitting with Mary was when we left Broad and Marietta Streets and I went back into the

car and saw this little girl sitting with her. I know the little Epps boy. I have seen him riding on my car. He did not get on the car with her at Lindsey Street. I saw Mary's body at the undertaker's. It was the same girl that got on my car.

CROSS EXAMINATION.

I did not tell one of the detectives that we might have been running three or four minutes ahead of schedule that day. I remember that Mary did not get off the car at Broad and Marietta because there was a street car conductor sitting behind me, an ex-conductor and he had a badge on his coat and I looked at it and it had a little girl's picture and I reached over to where Mary was and said, "Little girl, here is your picture," and she said, "No, it is not." I don't know who the other little girl was sitting with her. The other little girl was dressed something like Mary. I didn't pay much attention to their dresses, but they looked sort of alike. Mary's dress wasn't black. It was light colored. I know Epps since this case came up. I could identify him. I never paid much attention to her hat. It was light colored I reckon but I am not sure. It just seemed that way.

RE-DIRECT EXAMINATION.

I identified Mary's body Sunday afternoon after the murder at the undertaker's. There was no doubt about her being the same girl. I knew her well by sight. She rode on my car lots.

RE-CROSS EXAMINATION.

I can't tell you whether that is the hat or not she wore.

W. T. HOLLIS, sworn for the Defendant.

I am a street car conductor. On the 26th of April I was on the English Avenue line. We ran on schedule that day. Mary Phagan got on at Lindsey Street at about 11:50. She is the same girl I identified at the undertaker's. She had been on my car frequently and I knew her well. No one else got on with her at Lindsey Street. Epps did not get on with her. I took up her fare on English Avenue, several blocks from where she got on. And no one was sitting with her then. I do not recollect Epps getting on the car at all that morning. Don't know whether anybody else afterwards sat with Mary or not. We got to Broad and Marietta seven and a half minutes after twelve, schedule time. I was relieved at Forsyth and Marietta Streets, where I got off. Mary was still on the car when I got off. It takes two and a half minutes to run from Broad and Marietta to Broad and Hunter. I have timed the car again and again since then. I identified the little girl at the undertaker's Sunday afternoon. Didn't notice the color of her clothes.



Defense witnesses Hollis, Matthews, and Kaufman: Ira Kauffman testified that Mary Phagan's body could have been pushed down the scuttle hole to the basement, an idea essential to the defense's theory that Jim Conley was the killer.

CROSS EXAMINATION.

Mary rode with us two or three times a week. So did Epps. I don't know where he got off or where he got on. We are not supposed to come in ahead of time. We never come in two or three minutes ahead of time. We are a little late sometimes. I never noticed anybody sitting with Mary. She was sitting by herself when I got her fare. There wasn't but two or three passengers on the car and I know there wasn't anybody sitting with her. If Epps was on the car I don't recollect it. I don't re- call the name of any other passengers except Mary Phagan. As to what attracted my attention to Mary getting on the front end of the car, as a general rule when she would catch our car Mr. Matthews would say to her "You are late to-day," and sometimes she would come in and remark that she was mad; that she was late to-day and when she came that morning Mr. Matthews said to her, "Are you mad to-day?" and she said, "Yes, I am late." And sort of laughed and came on in the car and sat down. She usually caught our car when she came in the morning, the one due in town at 7:07. I didn't know Mary's name, I just recognized Mary's face as the little girl who traveled with us.

RE-DIRECT EXAMINATION.

I heard of the murder the next day. Newspaper reporters asked us to go down and identify the girl. There was no doubt about her being the little girl who was on our car. Oliver Street is the next street to Lindsey. I did not see Epps get on at Oliver Street. It is against the rule of the company to get to the city ahead of time.

RE-GROSS EXAMINATION.

It is not against the rules to get in behind time. Sometimes we might get there a few minutes ahead of time, but hardly ever. We always look at our watches at the main destination, just at Broad and Marietta. We are supposed to do that.

But — and this issue dogs both sides of this case — how accurate were watches and clocks in 1913? (Even in 2013, my quartz watch is sometimes off by a few minutes, especially when the battery is over a year old, and my remaining spring-wound watch is, to put it charitably, just approximate even when freshly-wound.) And, if Mary really didn't get off the car until 12:10, why didn't Monteen Stover meet her, then? And a later-arriving Mary Phagan still doesn't explain Leo Frank's empty office while the factory clock ticked off every second from 12:05 to 12:10 in Monteen Stover's presence.



Herbert Schiff

Herbert G. Schiff, the factory's assistant superintendent directly under Leo Frank, then testified, stating that he'd never seen women brought to the office as the prosecution had alleged, nor had he seen Conley "watching" for Frank. He stated that he, not Frank, had paid off Helen Ferguson the Friday before the murder, and that Ferguson has not asked for Mary Phagan's pay. He also went into excruciating detail — thousands of words' worth — about how the books were kept at the factory, with the unstated implication being that Frank would have simply been too busy calculating sums and making entries to have entertained young ladies — or killed them. This "too busy" line of reasoning would be returned to again and again by the defense, and would form the larger part of Leo Frank's own statement in his own defense. It was reinforced by the next witness, public

accountant Joel Hunter, and yet another accountant, C.E. Pollard.

Hattie Hall, the plant stenographer, confirmed that she had worked with Frank until about noon, and had punched out at 12:02, seeing no one come in as she went out. Interestingly, Hall said of the important financial sheet that supposedly took up so much time every Saturday that "I didn't see Mr. Frank working on any of these books that day, that I was in the outer office and he was in the inner office. There wasn't any such

looking sheet as the financial on his desk. When I was in there he was at work on a pile of letters and things like that.”



Corinthia Hall: Why would Conley have had to hide when she and a friend visited Leo Frank's office?

Emma Clarke Freeman and Corinthia Hall then testified that they had come briefly to the factory at 11:45, contradicting Jim Conley's testimony that they had arrived at 12:45 when he had gone into Leo Frank's wardrobe to hide from them while they talked to Frank. If the women spoke the truth, and it's hard to imagine a reason for them not to do so, it does appear that Conley was mistaken about the time, but why would he deliberately lie about it? The timing of their visit isn't crucial in any way — even its complete absence would just have given Frank and Conley a few more minutes to move Mary Phagan's body and write the death notes. But it is interesting that, according to Conley's testimony, Frank obviously didn't want to be seen with Conley that day, which is odd and suspicious in itself

— what's wrong with being seen talking with the factory sweeper? Maybe a lot is wrong with it, if you're planning to use him to facilitate a secret sexual tryst with an underage girl.

Pinkerton detective Harry Scott was recalled by the defense, mainly to show that Jim Conley had changed his story and contradicted himself thereby many times. But there wasn't too much sting in that for the prosecution, since Conley himself had freely admitted as much.

Miss Magnolia Kennedy challenged the idea that Helen Ferguson had asked for Mary's pay, but confirmed that the hair found on the lathe in the Metal Room looked like Mary's, and that she had never seen blood on the floor there until after the murder:



Misses McMurtrey, Kennedy, and Johnson said they had never experienced inappropriate behavior from Leo Frank.

MISS MAGNOLIA KENNEDY, sworn for the Defendant.

I have been working for the pencil factory for about four years, in the metal department. I drew my pay on Friday, April 25th, from Mr. Schiff at the pay window. Helen Ferguson was there when I went up there. I was behind her and had my hand on her shoulder. Mr. Frank was not there, Mr. Schiff gave Helen Ferguson her pay envelope. Helen Ferguson did not ask Mr. Schiff for Mary Phagan's money. I came out right behind Helen Ferguson. We waited for Grace Hicks and then went down stairs. Helen didn't say anything about Mr. Frank at all. We went down stairs about five minutes to six. We saw Helen Ferguson start up Forsyth Street.

CROSS EXAMINATION.

On Monday, April 28th, Mr. Barrett called my attention to the hair which he found on the machine. It looked like Mary's hair. My machine was right next to Mary's. There is a good deal of water over there by Mr. Quinn's room. Mary's hair was a light brown, kind

of sandy color. You could plainly see the dark spots and white spot over it ten or twelve feet away. [The smear of Haskoline or other white substance, apparently placed over the blood spots. — Ed.] Helen and Mary were the best of friends and were neighbors. Helen made mention that Mary was not there when we were paid off. I have never noticed any spots around the metal room. That's the first time I had ever seen anything like that.



Machinist R.P. Barrett

RE-DIRECT EXAMINATION.

I have never looked for spots before. It's a dirty floor, full of oil dirt. I don't know whose hair that was. Helen did not ask Mr. Schiff for Mary's money. She did not have any business going to Mr. Frank when Mr. Schiff was there paying off. She did not go in and ask Mr. Frank for Mary's money. I left with her. I went one way and she went another.

RE-CROSS EXAMINATION.

Mr. Frank paid off sometimes. If there is any trouble about the amount of our money, we would go to anybody that was in the office. Mr. Frank was not paying off that day.

Pencil factory employee Wade Campbell was then sworn and told of his interactions on the day of the murder. The defense hoped he could cast doubt on the blood spot evidence and Frank's interactions with Conley, but note well his testimony about how cheerful and playful Frank was before noon:

WADE CAMPBELL, sworn for the Defendant.

I have been working for the pencil factory for about a year and a half. I had a conversation with my sister, Mrs. Arthur White, on Monday, April 28th. She told me that she had seen a negro sitting at the elevator shaft when she went in the factory at twelve o'clock on Saturday and that she came out at 12:30, she heard low voices, but couldn't see anybody. On April 26th, I got to the factory about 9:30. Mr. Frank was in his outer office. *He was laughing and joking with people there, and joked with me.* He thought I

wanted to borrow some money. I stayed about five or ten minutes and left the factory. That was about 9:40. I have never seen Mr. Frank talk to Mary Phagan. On Tuesday after the murder I went up on the fourth floor with Mr. Frank. I did not see the negro Conley talk to him at all that time.

CROSS EXAMINATION.

My sister said she saw the negro when she went in the factory. When she heard the voices coming out, she was coming down the steps from the second floor. I saw the spots where they claim was blood, close to the girls' dressing room on second floor. I couldn't say whether it was blood or not. I deny that I ever said that my sister said she saw the negro on the box when she came out of the factory. He was sitting on a box between the elevator shaft and the staircase. That looks like my signature. I don't know whether it is or not. Yes, I corrected certain statements in that paper.

RE-DIRECT EXAMINATION.

I went to Mr. Dorsey's office because he subpoenaed me. I thought I had to obey it. Mr. Starnes and Mr. Campbell and the stenographer were there. All of them asked me questions. I signed a statement about twenty-one pages long. I have seen Jim Conley reading newspapers up on the fourth floor, twice since the murder. It is not unusual to see spots all over the metal room floor.

RE-CROSS EXAMINATION.

Conley was sitting by the elevator when he was reading those papers, during working hours. The other time he was reading down at the rear end of the building. It was an extra, but I don't know what paper it was. I knew that he could write because I had seen him do it several times, with pen and ink. I don't know whether he was making up his report of boxes, but I have seen him writing. Yes, I have seen spots along the route from the ladies' closet to the elevator ever since I have been there. They have red varnish and red paint and such things like that that look like blood. I am sure there are spots all around in the metal room, but I won't say they look like the spots near the ladies' dressing room.

How jocular and playful Leo Max Frank was in the forenoon of April 26, 1913, apparently a man without a care in the world. Was he possibly even a man with the anticipated pleasure of a sexual tryst in mind? Contrast this with his nervousness and trembling and startling inability to perform everyday tasks when Newt Lee arrived at four in the afternoon — a time when, according to his story, he didn't have any idea that Mary Phagan was dead and had nothing but a possible rain shower to worry about.

Factory employee Lemmie Quinn testified that he had been to the factory and glimpsed Frank in his office about 12:20, though he hadn't mentioned that visit to anyone until days had passed — and even Frank failed to mention it until Quinn came forward. Quinn admitted that he had told Frank he "didn't want to be brought into it," but that he would mention the visit "if it would help." He also confirmed the time of Miss Hall's and Mrs.

The Leo Frank Trial: Week Three

Freeman's visit to the factory, but only indirectly, saying that he saw them in a nearby eatery, The Busy Bee, at around 12:30. He also claimed that "we have blood spots quite frequently" in the Metal Room.

Harry Denham, who was working on the fourth floor of the pencil factory the day of the killing, said that he saw Leo Frank around three and he did not appear especially anxious or nervous. If Jim Conley's account is accurate, this would have been a time when Frank still might have been expecting Conley to return to "finish the job" — that is, burn the body. An hour later, when Newt Lee arrived, Frank would probably have realized that Conley had skipped out.



These 12 jurors listened attentively as the witnesses testified

Minola McKnight, the Frank's African-American cook, had earlier signed a statement saying that she had overheard a conversation between Frank and his wife in which Frank admitted to killing a girl earlier that day. Her statement was brought to the attention of the police by her husband. But she later denied her former statement, said her husband was lying, and that she had only signed the statement (even though her lawyer was present) because of a fear of jail and the detective's "third degree" methods. Amid allegations that Mrs. Frank had suddenly started to give her money, both she and her husband stuck to their respective stories. If Minola McKnight was telling the truth the second time around and not the first, the Atlanta police were engaged in the crudest kind of abuse and subornation of perjury. Here is her testimony — the reader may assign whatever credibility he thinks it deserves:

MINOLA McKNIGHT (c[olored]), sworn for the Defendant.

The Leo Frank Trial: Week Three

I work for Mrs. Selig. I cook for her. Mr. and Mrs. Frank live with Mr. and Mrs. Selig. His wife is Mrs. Selig's daughter. I cooked breakfast for the family on April 26th. Mr. Frank finished breakfast a little after seven o'clock. Mr. Frank came to dinner about 20 minutes after one that day. That was not the dinner hour, but Mrs. Frank and Mrs. Selig were going off on the two o'clock car. They were already eating when Mr. Frank came in. My husband, Albert McKnight, wasn't in the kitchen that day between one and two o'clock at all. Standing in the kitchen door you can not see the mirror in the dining room. If you move up to the north end of the kitchen where you can see the mirror, you can't see the dining room table. My husband wasn't there all that day.

Mr. Frank left that day sometime after two o'clock. I next saw him at half past six at supper. I left about eight o'clock. Mr. Frank was still at home when I left. He took supper with the rest of the family. After this happened the detectives came out and arrested me and took me to Mr. Dorsey's office, where Mr. Dorsey, my husband and another man were there. I was working at the Selig's when they come and got me. They tried to get me to say that Mr. Frank would not allow his wife to sleep that night and that he told her to get up and get his gun and let him kill himself, and that he made her get out of bed. They had my husband there to bulldoze me, claiming that I had told him that. I had never told him anything of the kind. I told them right there in Mr. Dorsey's office that it was a lie. Then they carried me down to the station house in the patrol wagon. They came to me for another statement about half past eleven or twelve o'clock that night and made me sign something before they turned me loose, but it wasn't true. I signed it to get out of jail, because they said they would not let me out. It was all written out for me before they made me sign it.

CROSS EXAMINATION.

I signed that statement (State's Exhibit "J"), but I didn't tell you some of the things you got in there. I didn't say he left home about three o'clock. I said somewhere about two. I did not say he was not there at one o'clock. Mr. Graves and Mr. Pickett, of Beck & Gregg Hardware Co., came down to see me. A detective took me to your (Mr. Dorsey's) office. My husband was there and told me that I had told him certain things. Yes, I denied it. Yes, I wept and cried and stuck to it. When they first brought me out of jail, they said they did not want anything else but the truth, then they said I had to tell a lot of lies and I told them I would not do it. That man sitting right there (pointing to Mr. Campbell) and a whole lot of men wanted me to tell lies. They wanted me to witness to what my husband was saying. My husband tried to get me to tell lies. They made me sign that statement, but it was a lie. If Mr. Frank didn't eat any dinner that day I ain't sitting in this chair. Mrs. Selig never gave me no money. The statement that I signed is not the truth. They told me if I didn't sign it they were going to keep me locked up. That man there (indicating) and that man made me sign it. Mr. Graves and Mr. Pickett made me sign it. They did not give me any more money after this thing happened. One week I was paid two weeks' wages.

RE-DIRECT EXAMINATION.

The Leo Frank Trial: Week Three

None of the things in that statement is true. It's all a lie. My wages never have been raised since this thing happened. They did not tell me to keep quiet. They always told me to tell the truth and it couldn't hurt.

Mr. and Mrs. Selig, Frank's in-laws, testified that Frank had acted normally on the day of the murder and the next day. A number of other witnesses, many of them Jewish, testified that they had seen Frank going to or coming back from lunch on April 26, a few adding that they saw no signs of nervousness as he made his way via the streetcar system.

Several workers at the factory, testifying for the defense, said they'd never seen Leo Frank talking to Mary Phagan, that they'd never seen him with women in his office after hours, and that Conley's reputation for veracity was bad. One of them, Iora Small, went further, volunteering for the benefit of the all-white jury that "I don't know of any nigger on earth that I would believe on oath." Miss Small, on cross-examination, stated that she and several of her co-workers had seen blood spots in the metal room the following Monday, near where the samples had been chipped up, "two or three spots, some the size of a nickle and some the size of a quarter."

Several of Frank's friends and family members said they dined or talked with Leo Frank the afternoon and evening the day after the murder, and that Frank hadn't displayed any unusual nervousness then.

Frank's lawyers showed audacity by bringing to the stand W.D. McWorth, the (later dismissed) Pinkerton man who had "discovered" what was insinuated to be a fragment of Mary Phagan's pay envelope (showing the initials "M.P.") and a "bloody club" on the first floor where Conley said he'd been stationed. The only hitch in this tale was that these "finds" were made almost three weeks after police and other Pinkerton agents had made a thorough search of the entire building.

The defense then brought numerous physicians to the stand who cast doubt on the time element of the case by claiming that Dr. Henry F. Harris's autopsy analysis of the contents of Mary Phagan's stomach was flawed, since it was difficult to gauge the degree of digestion of cabbage. Harris had said that Mary Phagan had met her death around 12:05 — about the same time Mary Phagan had come to collect her pay from Leo Frank and that Monteen Stover had found Leo Frank's office — on the same floor as the Metal Room — utterly empty. But the jurors knew there was more than just cabbage in Mary Phagan's last meal, and there was no trace of a living Mary anywhere in any witness's testimony after her visit with Frank.

A number of friends and acquaintances of Frank were brought in to testify to Frank's general good character. (Many consider this to be a tactical error on the defense's part, since it opened the door for the prosecution to address Frank's character — and several prosecution witnesses testified that Frank had made inappropriate sexual advances to girls and young women — an opportunity the prosecution would not otherwise have had.

And the defense also chose *not* to cross-examine any of the young women who so testified, leaving an impression with the jurors that they *dared not* do so.)

One of the character witnesses for the defense had a surprise in store:

MISS IRENE JACKSON, sworn for the Defendant.

I worked at the pencil factory for three years. So far as I know Mr. Frank's character was very well. I don't know anything about him. He never said anything to me. I have never met Mr. Frank at any time for any immoral purpose.



Irene Jackson: a witness for Frank, her testimony under cross-examination was very surprising to the defense.

CROSS EXAMINATION.

I am the daughter of County Policeman Jackson. I never heard the girls say anything about him, except that they seemed to be afraid of him. They never would notice him at all. They would go to work when they saw him coming.

Miss Emily Mayfield and I were undressing in the dressing room once when Mr. Frank came to the door. He looked, turned around and walked out. He just came to the door and pushed it open. He smiled or made some kind of face. Miss Mayfield had her top dress off and had her old dress in her hand to put it on.

I told Mr. Darley I would not quit unless my father made me, and he said if the girls would stick to Frank they won't lose anything.

I heard some remarks two or three times about Mr. Frank going to the dressing room on different occasions, but I don't remember anything about it. The second time I heard of his going to the dressing room was when my sister was laying down there. She had her feet on a stool. She was dressed. I was in there at the time. He just walked in, and turned and walked out. Mr. Frank walked in the dressing room on Miss Mamie Kitchens, when I was in there. He never said anything the three times he walked in when I was there. The dressing room has a mirror and a few lockers for the foreladies. That's the only thing that I have ever seen Mr. Frank do, go in the dressing room and stare at the girls. I have heard them speak of other times when I was not there.

RE-DIRECT EXAMINATION.

My father made me quit, after the murder. There are two windows in the dressing room opening on Forsyth Street. I think there had been some complaints of the girls flirting through the windows. I have heard of some of the girls flirting through the windows. The orders were against the girls flirting through the windows. Mr. Frank never came into the room at all, he pushed the door open and just looked. My sister and I were both dressed when Mr. Frank looked in the door. The other time he came in I was fixing to put on my street dress. I was not undressed.

RE-CROSS EXAMINATION.

I don't know if Mr. Frank knew the girls were in there before he opened the door or not. It was the usual hour for them to be in there. He could have seen the girls register from the outer office, but not from the inner office. I have never heard any talk about Mr. Frank going around putting his hands on girls. I have never heard of his going out with any of the girls. My sister quit at the factory before Christmas. I have never flirted with anybody out of the window. I have heard them say that they didn't want the girls to flirt around the factory. I have heard Mr. Frank say that to Miss McClellan, after she told him that she knew of some of the girls flirting.

The Leo Frank Trial: Week Three

Miss Jackson's story lent credence, though not full corroboration, to the stories of Frank being very forward with the girls who worked under him. What ordinary male factory manager would fling open the door of a women's dressing room, well knowing that it was, or might be, occupied?

The most long-awaited moment of the entire trial had now arrived. On August 18, 1913 at 2:14 PM, the accused, Leo Max Frank, mounted the stand to speak to the jury in his own defense. And what a strange, amazing speech it was.



H. Morse Stephens Debate Club 1906

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EDWARD ELWAY FREE
THOMAS BYRON GILCHRIST
HORACE WADSWORTH GILLET
CARLTON PERRY JOHNSON

HORACE GREELEY NEBEKER
HOWARD PECK
LESLIE DONALD PERRY
ALBERT HERMAN SCHAAF
CHARLES FREDERICK SHAW
JENS FREDERICK SUNDERBROOK
JOHN CADMAN TRACY
CHARLES HENRY TUCK
HOMER ANDREW WATT

*Leo Frank, lower right, Vice President in 1906 of the H. Morse Stephens Debate Club
(click for high resolution)*

Under Georgia law, the defendant has a choice: he may remain silent, he may testify under oath in the customary way and be cross-examined by opposing counsel, or he may make an *unsworn* statement about which he *may not be* cross-examined. Amazingly, Leo Frank chose the last of these options. Here was Frank, proclaiming his innocence — Leo Frank, a skilled debater who had been a member of an Ivy League debate team — Leo Frank, with some of the best and toughest legal minds in the state on his side — here was this same Leo Frank quailing before a county prosecutor, refusing to be sworn, and refusing to be cross-examined. It gave the definite appearance of a man who *dared not* be cross-examined. Despite the near-certainty that such a choice would be a black mark in the eyes of the jury, Frank made that choice — and his platinum-plated legal team either agreed or acquiesced in his decision.



Leo Frank addresses the court

The Leo Frank Trial: Week Three

Weeks in preparation, Leo Frank's unsworn speech was a mind-numbing nearly four hours long — and an astounding three of those four hours were devoted to recounting the minutiae of his office work on the day of the murder, mainly his financial entries and accounting book calculations, in excruciating detail. Frank even presented the original pages of the accounting book to the jury.

All this was Frank's way of telling the jury that he simply hadn't any time to spare that Saturday to ravish any 13-year-olds, or kill them, or cover up the crime. But how credible is that? At a little after noon, when Leo Frank was the last known person to have seen Mary Phagan alive, he had had three and a half hours to do his office work.



Leo M. Frank tells his own story, pictures from the Atlanta Georgian: The claim that “the accused man urged his lawyers to let the Solicitor and his aides cross-question him freely” is disingenuous theatre, though — Frank could have accomplished that easily by making a sworn statement. Dorsey was not permitted by law to cross examine him on the unsworn statement he did make. Amazingly, when the Georgian and Constitution published Frank’s statement on August 19, they completely omitted his admission that he may have used the toilet shortly after noon on the day of the murder. (click for high resolution)

Both defense and prosecution agree that — guilty or innocent, whatever he may have done between noon and 1PM — he came back after lunch that day and had another three hours, from roughly 3PM to 6PM, to do whatever work needed to be done. Was his prolonged monologue supposed to convince his listeners that *six and a half hours* would not suffice for his calculations and that he *definitely needed* the noon hour too? If that were true, why had he originally planned to leave *two entire hours* early, at 4PM, to see a holiday baseball game with his brother-in-law? Wouldn't *that* have made his accounting work impossible, too? And, if Leo Frank can do his accounting and other work in an average time of seven or eight hours, is it beyond belief that he could, if necessary, work 15% faster and give himself an hour or more to spare? In fact, who would ever know if he had just made up any missed work a day or two later?

The Leo Frank Trial: Week Three

Eventually, Frank would address issues more germane to the case in his statement:

Miss Hall left my office on her way home at this time, and to the best of my information there were in the building Arthur White and Harry Denham and Arthur White's wife on the top floor. To the best of my knowledge, it must have been from ten to fifteen minutes after Miss Hall left my office, when this little girl, whom I afterwards found to be Mary Phagan, entered my office and asked for her pay envelope. I asked for her number and she told me; I went to the cash box and took her envelope out and handed it to her, identifying the envelope by the number.

Again, Frank is here sticking to his story about not knowing Mary Phagan by name. It would have been more believable if he had at long last admitted that fear of being accused of murder and worse had frightened him into a lie. It might have given the jury the impression of a man in difficult circumstances finally coming clean.



Leo Frank, far left, with classmates at Cornell University

The assertion that Frank never knew Mary Phagan's name approaches the preposterous. Frank controlled the payroll and entered the amounts in his accounting books every week. We know that he wrote, in his own hand, Mary Phagan's initials "M.P." next to her employee number and pay amount in these books *every week for the full 52 weeks* of Mary Phagan's employment at the National Pencil Company. How would he know her initials if he did not know her name?



Mary Phagan: Is it credible that Leo Frank could enter her initials in the company books some 52 times, and pass within 18 or 20 inches of her nearly a thousand times over the course of a year, and not know her name at all — or even her face with certainty?

We know from the blueprints of the factory that the only bathroom on the second floor, where Frank's office was located, was the Metal Room bathroom. Mary Phagan worked in the Metal Room. To get to this bathroom, Frank, a regular coffee drinker, had to pass right by Mary Phagan's work station. The employees worked 11-hour days, five days a week, 52 weeks a year. That's at least 2,860 hours during the slightly over one year that little Mary had worked for Frank. Even if he only used the bathroom once in every three hours, *that's over 953 times* that Leo Frank would have walked right by Mary Phagan. And, considering the testimony of other girls and young women who worked there that he *did* speak to them on occasion — it seems wildly unlikely that he would know none of them by name. And if he knew any of them by name, it stands to good reason that one that he knew would be Mary Phagan, who worked near his office and not more than three feet — closer than any other employee — from the door to the bathroom that he used multiple times, practically brushing up against her, every day. (One wishes that prosecutor Dorsey had asked every second-floor employee if Leo M. Frank knew him or her by name. Frank, in his statement, does make mention of quite a few female employees by name, and, early in the investigation, he suggested that J.M. Gantt was friendly with Mary — a thing he was hardly likely to know if he didn't have some acquaintance with her.)

Frank continued his unsworn statement:

She [Mary Phagan — Ed.] left my office and apparently had gotten as far as the door from my office leading to the outer office, when she evidently stopped and asked me if the metal had arrived, and I told her no. She continued on her way out, and I heard the sound of her footsteps as she went away. It was a few moments after she asked me this question that I had an impression of a female voice saying something; I don't know which way it came from; just passed away and I had that impression.

This was different from what Frank had said shortly after the murder story broke. Then he had said that he heard Mary talking to another girl — a girl who has never turned up, probably because she didn't exist. Frank had said: "She went out through the outer office and I heard her talking with another girl." Every person known to be in the vicinity was extensively investigated and interviewed, and no girl was discovered who spoke to Mary Phagan or met her at that time. Monteen Stover, who thought highly of Frank and had no reason to hurt him, was the only other girl there, and she testified that she saw only an empty office — no Mary Phagan, no Leo Frank.

Frank's unsworn statement continues:

This little girl had evidently worked in the metal department by her question and had been laid off owing to the fact that some metal that had been ordered had not arrived at the factory; hence, her question. I only recognized this little girl from having seen her around the plant and did not know her name, simply identifying her envelope from her having called her number to me.

Leo Frank actually had the gall to say that Mary Phagan "had *evidently* worked in the metal department *by her question*," implying that not only did he not know the dead girl by *name*, but did not know her by *sight* either, at least not enough to *know she worked in the metal department*, something he only inferred from her question! This is so beyond the bounds of probability that it can hardly be believed, and casts serious doubt on everything Leo Frank said about this case. It's enough by itself to make one think that Leo Frank is hiding something, something very dark, about his relationship with this girl.

Frank's Statement Dictated SAYS COUNSEL NEVER SAW IT To Wife Several Weeks Ago

Leo M. Frank stated to a reporter for The Constitution that the four-hour statement which he delivered on the stand Monday afternoon had been prepared two weeks before the trial; that every line of the statement, as originally prepared, had been dictated to his wife, who is an expert stenographer, and that he had adhered to the text of the original closely, interpolating some few passages which had been suggested by points brought out during the progress of the trial.

"Neither Mr. Arnold nor Mr. Rosser ever saw the statement," said Frank. "Neither helped me with one word of it."

The conclusion of the statement was extemporaneous and came to me while I was on the stand.

Frank never once referred to a note during the time he was delivering the statement. The only papers he had in his hand at any time were the financial sheet, invoices and other papers referring to work at the factory.

Leo Frank told a reporter for the Atlanta Constitution (published August 20, 1913) that he had prepared his statement two weeks ahead of time, with his wife as stenographer, and that his attorneys had not seen it.

In his unsworn statement above, Frank says that when Mary started to leave his office, "she evidently stopped and asked me if the metal had arrived, and I told her *no*." [Emphasis mine.]

It was a matter of controversy whether Frank had actually answered "no" or had instead said "I don't know" — detectives claimed that Frank had admitted to answering "I don't know" when he was first questioned. If it was indeed "I don't know," it might have been an opening for Frank to have invited Mary Phagan to "go and check" and accompany him to the Metal Room to "see if the metal had arrived." And the Metal Room was precisely where the prosecution, the police — and even the investigators hired by the pencil company — contended the murder had taken place.

And then Leo Frank made the most startling admission of all — possibly, short of a detailed and abject confession, the most startling admission he could possibly make:

Now, gentlemen, to the best of my recollection from the time the whistle blew for twelve o'clock until after a quarter to one when I went up stairs and spoke to Arthur White and Harry Denham, to the best of my recollection, I did not stir out of the inner office; but it is possible that in order to answer a call of nature or to urinate I may have gone to the toilet. Those are things that a man does unconsciously and cannot tell how many times nor when he does it. Now, sitting in my office at my desk, it is impossible for me to see out into the outer hall when the safe door is open, as it was that morning, and not only is it impossible for me to see out, but it is impossible for people to see in and see me there.

The Leo Frank Trial: Week Three

Frank was evidently hoping to blunt the effect of Monteen Stover's testimony, explaining why she may have found his office empty from 12:05 to 12:10 by saying perhaps he'd gone to use the toilet, or been hidden behind the safe door, when she came in. The "safe door" argument was a weak one, as a young lady earnestly seeking her pay was likely to simply glance around its open door — even if Frank *had* been precisely positioned behind it. So — after months of denying he'd left his office at all between 12 and 12:45 — he stated that he might have have left it to "unconsciously" visit the bathroom.



The accused, Leo M. Frank

And what bathroom would he have used? The only bathroom on the second floor — where Frank's office was located — was the Metal Room bathroom. Frank was suggesting that he may have been using the bathroom — the Metal Room bathroom! — when Monteen Stover found his office empty, at the *precise time* when the evidence indicates Mary Phagan was being murdered *in that very location*. This was also astounding because a few weeks earlier Leo Frank had emphatically told the coroner's jury that on the day of the murder he *had not used the bathroom all day long*, a statement so insistent and so ridiculous that it made more than a few eyebrows rise at the time.

The Leo Frank Trial: Week Three

What is it about that bathroom that seems to unnerve Leo Frank, and make him stumble and contradict himself so much?

And now this new admission: Frank was admitting that he might have gone to the Metal Room, where strands of hair that looked like Mary Phagan's had been found on a lathe handle — hair that hadn't been there the Friday before — and where a five-inch fan-sized blood stain had been found the following Monday. The stain was clumsily concealed with a layer of white Haskoline powder which had soaked the blood up and turned pink — *a condition that certainly wouldn't have endured for even a single week of factory work and traffic*, ruling out the defense's argument that the stain was very old.

Frank was admitting that he might have used the Metal Room bathroom, exactly where Conley said he found the battered, strangled, and lifeless body of Mary Phagan — where he said he wrapped her body in a sack and prepared to carry it, with Leo Frank's help, to the basement, dropping it at one point in the passageway, where another blood stain was subsequently found.

He was telling the jurors who were to decide his fate that he may indeed have been at the *precise location* at the *precise time* when Mary Phagan had been murdered according to the prosecution's witnesses. And this after maintaining for *months* that he had never made such a visit, or in fact left his office for even an instant from 12 to 12:45!

Frank went on to say in his statement that, after he returned home for lunch:

I sat down to my dinner and before I had taken anything, I turned in my chair to the telephone, which is right behind me and called up my brother-in-law to tell him that on account of some work I had to do at the factory, I would be unable to go with him, he having invited me to go with him out to the ball game. I succeeded in getting his residence and his cook answered the phone and told me that Mr. Ursenbach had not come back home. I told her to give him a message for me, that I would be unable to go with him.

So, supposedly, Frank could not attend the ball game “on account of some work I had to do at the factory.” In previous statements Frank had said he'd changed his mind because of impending rain — why the change? And why would meticulous Leo Frank, so knowledgeable of how long his endless financial calculations took him, have planned leaving hours early, at 4PM, unless he knew for sure he'd be done by then? And if he *wasn't* able to be done by then, necessitating the cancellation, *what unforeseen event had intervened and taken up his time?*

Frank went on with his courtroom statement:

Then that other insinuation, an insinuation that is dastardly that it is beyond the appreciation of a human being, that is, that my wife didn't visit me; now the truth of the matter is this, that on April 29th, the date I was taken in custody at police headquarters, my wife was there to see me, she was downstairs on the first floor; I was up on the top

floor. She was there almost in hysterics, having been brought there by her two brothers-in-law, and her father. Rabbi Marx was with me at the time. I consulted with him as to the advisability of allowing my dear wife to come up to the top floor to see me in those surroundings with city detectives, reporters and snapshotters; I thought I would save her that humiliation and that harsh sight, because I expected any day to be turned loose and be returned once more to her side at home. Gentlemen, we did all we could do to restrain her in the first days when I was down at the jail from coming on alone down to the jail, but she was perfectly willing to even be locked up with me and share my incarceration.



Mrs. Leo Frank:: Is it conceivable that her 29-year-old husband, surrounded every working day by over 150 young women and teenage girls over which he had absolute authority, was unfaithful?

Mrs. Frank did not visit her husband for 13 days after his arrest — an act that could possibly be explained by her outrage at her husband's putative infidelity — and Frank's claim that she had to be "restrained" from actually moving into his cell is too extreme to be credible, especially since no reports are extant of her having attempted to see him again in those first days, to say nothing of taking up residence in his lockup. Remember, Minola McKnight had stated that Leo Frank confessed to killing a girl to his wife the night of the murder — though she later repudiated her statement. Was the box of candy purchased on the way home by Leo Frank that evening an attempt to reassure her of his love despite what he had done? Was her anger so extreme she shunned him for almost two weeks in his hour of need, or did she really have to be forced to stay away just to "save her that humiliation" of seeing him with detectives, reporters, and photographers?

Lucille Selig Frank did eventually become the dutiful wife by the side of her accused husband, and did well in that role. But that didn't happen immediately.

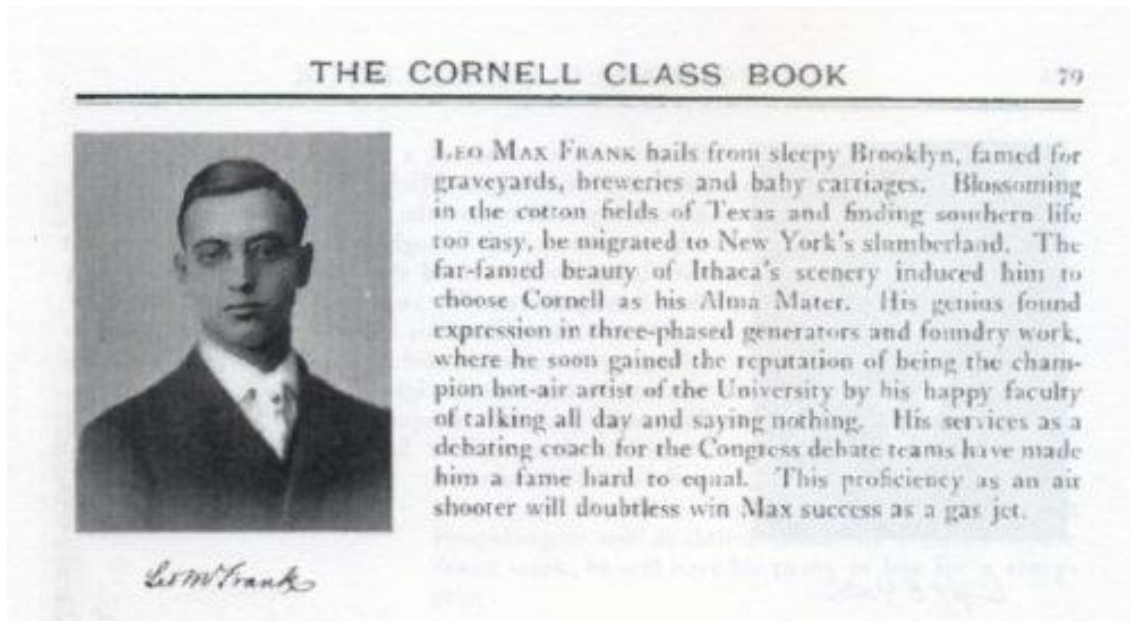
Upon her death decades later it was discovered that she left explicit instructions — not that she be buried in Queens, New York by her husband's side — but that she be cremated and her ashes scattered in a public park.



Leo Frank's grave: his wife left instructions that she was not to be buried beside him

Frank continued his statement:

Gentlemen, I know nothing whatever of the death of little Mary Phagan. I had no part in causing her death nor do I know how she came to her death after she took her money and left my office. I never even saw Conley in the factory or anywhere else on that date, April 26, 1913. The statement of the witness Dalton is utterly false as far as coming to my office and being introduced to me by the woman Daisy Hopkins is concerned. If Dalton was ever in the factory building with any woman, I didn't know it. I never saw Dalton in my life to know him until this crime.



Leo Frank, debate coach at Cornell

One amazing fact that this reporter has uncovered is that the *Atlanta Constitution* and the *Atlanta Georgian* (the *Georgian* by this time was taking an editorial line favorable to Frank) *completely omitted* Leo Frank's "unconscious bathroom visit" admission when they [printed Frank's full statement on August 18, 1913](#) and [August 19, 1913](#). The [Atlanta Journal](#) did include the admission, so it seems unlikely that the words "call of nature" or "urinate" were deemed too shocking for a public reading about a brutal strangulation murder.

We'll continue with the final installment of The Leo Frank Trial next week right here at *The American Mercury*, when I'll be examining the claims that anti-Semitism was the motive for Frank's prosecution and conviction, and much more.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

For further study we recommend the following resources:

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia's Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

The *American Mercury* is following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan, in capsule form on a regular basis until August 26, the 100th anniversary of the reading of the verdict. Follow along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

Read also the Mercury's coverage of [Week One of the Leo Frank trial](#) and [Week Two](#) and my exclusive [summary of the evidence against Frank](#).

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).

CROSS EXAMINATION.

I work at Jacobs' Pharmacy. My sister used to work at the pencil factory. I don't remember any occasion when Mr. Frank came in the dressing room door while Miss Irene Jackson and her sister were there.

MISSES ANNIE OSBORNE, REBECCA CARSON, MAUDE WRIGHT, and MRS. ELLA THOMAS, all sworn for the Defendant, testified that they were employees of the National Pencil Company; that Mr. Frank's general character was good; that Conley's general character for truth and veracity was bad and that they would not believe him on oath.



Mrs. B.D. Smith

MISSES MOLLIE BLAIR, ETHEL STEWART, CORA COWAN, B. D. SMITH, LIZZIE WORD, BESSIE WHITE, GRACE ATHERTON, and MRS. BARNES, all sworn for the Defendant, testified that they were employees of the National Pencil Company, and work on the fourth floor of the factory; that the general character of Leo. M. Frank was good; that they have never gone with him at any time or place for any immoral purpose, and that they have never heard of his doing anything wrong.

MISSES CORINTHIA HALL, ANNIE HOWELL, LILLIE M. GOODMAN, VELMA HAYES, JENNIE MAYFIELD, IDA HOLMES, WILLIE HATCHETT, MARY HATCHETT, MINNIE SMITH, MARJORIE McCORD, LENA McMURTY, MRS. W. R. JOHNSON, MRS. S. A. WILSON, MRS. GEORGIA DENHAM, MRS. O. JONES, MISS ZILLA SPIVEY, CHARLES LEE, N. V.

DARLEY, F. ZIGANKI, and A. C. HOLLOWAY, MINNIE FOSTER, all sworn for the Defendant, testified that they were employees of the National Pencil Company and knew Leo M. Frank, and that his general character was good.



Numerous current employees of the National Pencil Company testified that Leo Frank had never made any sexual overtures to them.

D. I. MacINTYRE, B. WILDAUER, MRS. DAN KLEIN, ALEX DITTLER, DR. J.E. SOMMERFIELD, F. G. SCHIFF, AL. GUTHMAN, JOSEPH GERSHON, P.D. McCARLEY, MRS. M. W. MEYER, MRS. DAVID MARX, MRS. A. I. HARRIS, M. S. RICE, L. H. MOSS, MRS. L.H. MOSS, MRS. JOSEPH BROWN, E.E. FITZPATRICK, EMIL DITTLER, WM. BAUER, MISS HELEN LOEB, AL. FOX, MRS. MARTIN MAY, JULIAN V. BOEHM, MRS. MOLLIE ROSENBERG, M.H. SILVERMAN, MRS. L. STERNE, CHAS. ADLER, MRS. R.A. SONN, MISS RAY KLEIN, A.J. JONES, L. EINSTEIN, J. BERNARD, J. FOX, MARCUS LOEB, FRED HEILBRON, MILTON KLEIN, NATHAN COPLAN, MRS. J. E. SOMMERFIELD, all sworn for the Defendant, testified that they were residents of the city of Atlanta, and have known Leo M. Frank ever since he has lived in Atlanta; that his general character is good.

MRS. M. W. CARSON, MARY PIRK, MRS. DORA SMALL, MISS JULIA FUSS, R.P. BUTLER, JOE STELKER, all sworn for the Defendant, testified that they were employees of the National Pencil Company; that they knew Leo M. Frank and that his general character is good.

The character issue having been broached by the defense, the door was opened to the prosecution to bring forth witnesses on the same subject:

MISS MYRTIE CATO, MAGGIE GRIFFIN, MRS. C.D. DONEGAN, MRS. H. R. JOHNSON, MISS MARIE CARST, MISS NELLIE PETTIS, MARY DAVIS, MRS. MARY E. WALLACE, ESTELLE WINKLE, CARRIE SMITH, all sworn for the Defendant [*sic* — This is a typographical error; these witnesses were sworn for the State. — Ed.], testified that they were formerly employed at the National Pencil Company and worked at the factory for a period varying from three days to three and a half years; that Leo M. Frank's character for lasciviousness was bad.



Misses Myrtice Cato and Maggie Griffin

The defense — ominously — chose not to cross-examine any of these witnesses. This restricted the prosecution to the mere statements that Frank had a “bad character for lasciviousness”: Under the rules of the court, Dorsey could only ask for particulars — could only inquire into *why* Frank had such a bad character — *if* the defense opened the door with cross-examination. This the defense refused to do — with *any* of the ten women who said that Frank was badly lascivious. The jury was thus left with the impression that the defense *dared not* do so — a point that would be hammered home in the prosecution's closing statement.

Two of these witnesses had made far more extensive statements at the Coroner's Inquest, where the rules of evidence permit wider latitude in questioning. As I reported in an earlier article:

[Several young women and girls testified](#) at the inquest that Frank had made improper advances toward them, in one instance touching a girl's breast and in another appearing to offer money for compliance with his desires.

The *Atlanta Georgian* reported: "Girls and women were called to the stand to testify that they had been employed at the factory or had had occasion to go there, and that Frank had attempted familiarities with them. Nellie Pettis, of 9 Oliver Street, declared that Frank had made improper advances to her.



Miss Nellie Pettis

"She was asked if she had ever been employed at the pencil factory. No, she answered.

"Q: Do you know Leo Frank? A: I have seen him once or twice.

"Q: When and where did you see him? A: In his office at the factory whenever I went to draw my sister-in-law's pay.

"Q: What did he say to you that might have been improper on any of these visits? A: He didn't exactly say — he made gestures. I went to get sister's pay about four weeks ago and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless 'I saw him first.' I told him I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?' I instantly told him I was a nice girl.

"Here the witness stopped her statement. Coroner Donehoo asked her sharply: 'Didn't you say anything else?' 'Yes, I did! I told him to go to h—l! and walked out of his office.'" (*Atlanta Georgian*, May 9, 1913, "Phagan Case to be Rushed to Grand Jury by Dorsey")

If true, this was shocking behavior on Frank's part. Not only was he importuning a young woman for illicit relations in exchange for money, but it was a woman he'd *only seen once or twice*. If he would act in such a way with an absolute stranger, what wouldn't he do? In the same article, another young girl testified to [Frank's pattern of improper familiarities](#):

"Nellie Wood, a young girl, testified as follows:

"Q: Do you know Leo Frank? A: I worked for him two days.

"Q: Did you observe any misconduct on his part?

"A: Well, his actions didn't suit me. He'd come around and put his hands on me when such conduct was entirely uncalled for.

"Q: Is that all he did? A: No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door but I wouldn't let him. He got too familiar by getting so close to me. He also put his hands on me.

"Q: Where did he put his hands? He barely touched my breast. He was subtle in his approaches, and tried to pretend that he was joking. But I was too wary for such as that.

"Q: Did he try further familiarities? A: Yes."

The trial testimony continued:

MISS MAMIE KITCHENS, sworn for the State in rebuttal.

I have worked at the National Pencil Company two years. I am on the fourth floor. I have not been called by the defense. Miss Jones and Miss Howard have also not been called by the defense to testify. I was in the dressing room with Miss Irene Jackson when she was undressed. Mr. Frank opened the door, stuck his head inside. He did not knock. He just stood there and laughed. Miss Jackson said, "Well, we are dressing, blame it," and then he shut the door.

CROSS EXAMINATION.

Yes, he asked us if we didn't have any work to do. It was during business hours. We didn't have any work to do. We were going to leave. I have never met Mr. Frank anywhere, or any time for any immoral purposes.

MISS RUTH ROBINSON, sworn for the State in rebuttal.

I have seen Leo M. Frank talking to Mary Phagan. He was talking to her about her work, not very often. He would just tell her, while she was at work, about her work. He would stand just close enough to her to tell her about her work. He would show her how to put

rubbers in the pencils. He would just take up the pencil and show her how to do it. That's all I saw him do. I heard him speak to her; he called her Mary. That was last summer.

MISS DEWEY HEWELL, sworn for the State in rebuttal.

I stay in the Home of the Good Shepherd in Cincinnati. I worked at the pencil factory four months. I quit in March, 1913. I have seen Mr. Frank talk to Mary Phagan two or three times a day in the metal department. I have seen him hold his hand on her shoulder. He called her Mary. He would stand pretty close to her. He would lean over in her face.

CROSS EXAMINATION.

All the rest of the girls were there when he talked to her. I don't know what he was talking to her about.

MISS REBECCA CARSON, re-called by the State in rebuttal.

I have never gone into the dressing room on the fourth floor with Leo M. Frank.

MISS MYRTICE CATO, MISS MAGGIE GRIFFIN, both sworn for the State, testified that they had seen Miss Rebecca Carson go into the ladies' dressing room on the fourth floor with Leo M. Frank two or three times during working hours; that there were other ladies working on the fourth floor at the time this happened.



Myrtice Cato and Marie Carst

J. E. DUFFY, sworn for the State in rebuttal.

I worked at the National Pencil Company. I was hurt there in the metal department. I was cut on my forefingers on the left hand. That is the cut right around there (indicating). It never cut off any of my fingers. I went to the office to have it dressed. It was bleeding pretty freely. A few drops of blood dropped on the floor at the machine where I was hurt. The blood did not drop anywhere else except at that machine. None of it dropped near the ladies' dressing room, or the water cooler. I had a large piece of cotton wrapped around my finger. When I was first cut I just slapped a piece of cotton waste on my hand.

CROSS EXAMINATION.

I never saw any blood anywhere except at the machine. I went from the office to the Atlanta Hospital to have my finger attended to.

W. E. TURNER, sworn for the State in rebuttal.

I worked at the National Pencil Company during March of this year. I saw Leo Frank talking to Mary Phagan on the second floor, about the middle of March. It was just before dinner. There was nobody else in the room then. She was going to work and he stopped to talk to her. She told him she had to go to work. He told her that he was the superintendent of the factory, and that he wanted to talk to her, and she said she had to go to work. She backed off and he went on towards her talking to her. The last thing I heard him say was he wanted to talk to her. That is all I saw or heard.

CROSS EXAMINATION.

That was just before dinner. The girls were up there getting ready for dinner. Mary was going in the direction where she worked, and Mr. Frank was going the other way. I don't know whether any of the girls were still at work or not. I didn't look for them. Some of the girls came in there while this was going on and told me where to put the pencils. Lemmie Quinn's office is right there. I don't know whether the girls saw him talking to Mary or not, they were in there. It was just before the whistle blew at noon. Mr. Frank told her he wanted to speak to her and she said she had to go to work, and the girls came in there while this conversation was going on. I can't describe Mary Phagan. I don't know any of the other little girls in there. I don't remember who called her Mary Phagan, a young man on the fourth floor told me her name was Mary Phagan. I don't know who he was. I didn't know anybody in the factory. I can't describe any of the girls. I don't know a single one in the factory.

The defense had made an impression with their parade of young female pencil factory workers who not only had never been on the receiving end of any importunities by Leo Frank, but who had never seen Frank speaking to Mary Phagan. Almost all of these were still employed by the firm, which was supporting Frank — and had motive to protect their source of income, of course. But, financial motives aside, it still would be quite surprising for even the most lecherous boss imaginable, in charge of dozens and dozens of young women and girls, to have attempted to seduce every single one! So finding a large number who had never been approached sexually by Frank could hardly be seen as definitive proof that he had never done so. Nor would it seem likely, assuming that Leo Frank had talked to Mary Phagan on a number of occasions, that *every single* employee, or even a majority of them, would have seen such conversations. So finding quite a number who had never witnessed such conversations meant little.

But finding some who *had* witnessed questionable forays by Frank into the ladies' dressing room — and who *had* been sexually approached by Frank or witnessed his approaches to others — and who *had* seen Frank talk to Mary Phagan, *addressing her by name* — was enough to almost entirely destroy the character edifice built up by the defense of a Leo Frank who didn't know Mary Phagan and whose behavior toward his female employees was above reproach. Most damaging of all was what it did to Leo Frank's reputation for truthfulness.

After a motorman named Merk testified that defense witness Daisy Hopkins had a reputation as a liar, George Gordon, Minola McKnight's attorney, testified as to the events of the night that Minola McKnight made her sensational affidavit claiming that Leo Frank had admitted to his wife that he wanted to die because he had killed a girl that day. McKnight, who worked for the Franks as a cook, had since repudiated the affidavit and was claiming it was obtained from her by force.

GEORGE GORDON, sworn for the State in rebuttal.

I am a practicing lawyer. I was at police station part of the time when Minola McKnight was making her statement. I was outside of the door most of the time. I went down there with *habeas corpus* proceedings to have her sign the affidavit and when I got there the detectives informed me that she was in the room, and I sat down and waited outside for her two hours, and people went in and out of the door, and after I had waited there I saw the stenographer of the recorder's court going into the room and I decided I had better make a demand to go into the room, which I did, and I was then allowed to go into the room and I found Mr. Febuary reading over to her some stenographic statement he had taken.

There were two other men from Beck & Gregg Hardware store and Pat Campbell and Mr. Starnes and Albert McKnight. After that was read Mr. Febuary went out to write it off on the typewriter and while he was out Mr. Starnes said, "Now this must be kept very quiet and nobody be told anything about this." I thought it was agreed that we would say nothing about it. I was surprised when I saw it in the newspapers two or three days afterwards.

I said to Starnes: "There is no reason why you should hold this woman, you should let her go." He said he would do nothing without consulting Mr. Dorsey and he suggested that I had better go to Mr. Dorsey's office. I went to his office and he called up Mr. Starnes and then I went back to the police station and told Starnes to call Mr. Dorsey and I presume that Mr. Dorsey told him to let her go. Anyway he said she could go. You (Mr. Dorsey) said you would let her go also. That morning you had said you would not unless I took out a *habeas corpus*. In the morning after Chief Beavers told me he would not let her go on bond and unless you (Mr. Dorsey) would let her go, I went to your office and told you that she was being held illegally and you admitted it to me and I said we would give bond in any sum that you might ask. You said you would not let her go because you would get in bad with the detectives, and you advised me to take out a *habeas corpus*, which I did. The detectives said they couldn't let her go without your consent. You said you didn't have anything to do with locking her up.

The Leo Frank Trial: Week Four

The "Affidavit" Monday, May 26, 1913, and attested before a Notary, June 2, 1913.

I, Albert McKnight, was at Mr. Leo Frank's home on _____ Saturday the girl was murdered at the Penick factory on Forsyth St. My wife Minola is looking for Mr. Frank and has been for about two years. I was in the kitchen about 1 - 2 o'clock this same Saturday that they say the girl was murdered. The door bell rang and my wife Minola went to the door. When she came back to me, I asked her who was at the door and she said Mr. Frank. I told her if she must find him now and he did not want any of it. I did not go upstairs to see his wife as she asked what I had to say with Mr. Frank. I told her that some just now. Mr. Frank left the house in about five minutes. I saw him go out of the house and catch the Georgia Avenue car. I was at the house from 9 A.M. Saturday until about 9 P.M. I went back to Mr. Frank's house the next morning Sunday. When I went to the kitchen, my wife said, what do you think Mr. Frank said? Mr. Frank said he killed some body and he had a terrible night and said he was looking at him to give him his damn pistol and let him shoot his damn head off. What I told her to do it, a man like me, I must be crazy. Mrs. Frank asked her father and mother if she thought he really killed some one. He had been drinking, he made me not to sleep on the rug by the bed. This was at the breakfast table Sunday. I was listening from the kitchen. Then Mrs. Frank was only paying my wife \$7.50 per week up to the Saturday of the murder and they told her if she would not talk they would pay her \$7.00 per week and she would not have to work as late as she had been doing. And for her to say nothing at court but what they told her to say. They gave her \$5.00 extra the _____ to court. They are paying my wife _____ as she is buying lots of dresses and has money all the time. I can tell Mr. Frank has done something as they act strange. Mrs. Frank tells Magnolia [sic] every day not to forget what to say if they come for her to go to court again. Mrs. Frank had a quarrel with Mr. Frank the morning of the murder she asked Mr. Frank to kiss her and she [sic] said he was saving his kisses for _____ and would not kiss her. Magnolia [sic] also heard Mrs. Frank say she would never live with him again for she knew he had killed that girl and that they had the right man and ought to break his neck.

Signed: Albert McKnight & witnessed by R. L. Craven & A. Morrison

The fragile remains of Albert McKnight's 1913 affidavit. It ends "I can tell Mr. Frank has done something as they act strange. Mrs. Frank tells Magnolia [= Minola] every day not to forget what to say if they come for her to go to court again. Mrs. Frank had a quarrel with Mr. Frank on the morning of the murder. She asked Mr. Frank to kiss her but then she said he was saving his kisses for _____ and would not kiss her. Magnolia said she heard Mrs. Frank say she would never live with him again, for she knew he had killed that girl, and they had the right man and ought to break his neck." Signed: Albert McKnight & witnessed by R.L. Craven & A. Morrison"

As to whether Minola McKnight did not sign this paper freely and voluntarily (State's Exhibit J), it was signed in my absence while I was at [the] police station. When I came back this paper was lying on the table signed. That paper is substantially the notes that Mr. Febuary read over to her. As they read it over to her, she said it was about that way.

*Minola McKnight's
affidavit*

STATE OF GEORGIA, County of Fulton

Personally appeared before me, a notary public in and for the above state and county, Minola McKnight, who lives in the rear of 351 Pulliam street, Atlanta, Ga., who, being duly sworn, deposes and says:

Saturday morning, April 26, 1913, Mr. Frank left home about 8 o'clock, and Albert, my husband, was there Saturday too; Albert got there I guess about a quarter after 1 and was there when Mr. Frank came for dinner, which was about half past one, but Mr. Frank did not eat any dinner and he left in about ten minutes after he got there.

Mr. Frank came back to the house at 7 o'clock that night, and Albert was there when he got there. Albert had gone home that evening, but he came back, but I don't know what time he got there, but he came some time before Mr. Frank did, and Mr. Frank eat supper that night about 7 o'clock, and when I left about 8 o'clock I left Mr. Frank there.

Sunday morning I got there about 8 o'clock, and there was an automobile standing in front of the house, but I didn't pay any attention to it, but I saw a man in the automobile get a bucket of water and pour into it, Miss Lucille (Mr. Frank's wife), was down stairs, and Mr. and Mrs. Selig were up stairs. Albert was there Sunday morning, but I don't remember what time he got there. When I called them down to breakfast about half past eight I found that Mr. Frank was gone. Mr. and Mrs. Selig eat breakfast and Miss Lucille didn't eat until Mr. Frank came back, and they eat breakfast together. I didn't hear them say anything at the breakfast table, but after dinner I understood them to say that a girl and Mr. Frank were caught at the office Saturday.

I don't know who said it, but Miss Lucille and Mr. and Mrs. Selig and Mr. Frank were standing there talking after dinner. I didn't know the girl was killed until Monday evening. I understood them to say it was a Jew girl, and I asked Miss Lucille, and she said it was a Gentile.

On Tuesday Mr. Frank says to me, "It is mighty bad, Minola. I might have to go to jail about the girl, and I don't know anything about it."

I heard Mrs. Rauxin, Mrs. Frank's sister, tell Miss Lucille that it was mighty bad, and Miss Lucille said, "Yes, it is. I am going to get after her about it." I don't know what they were talking about.

Sunday Miss Lucille said to Mrs. Selig that Mr. Frank didn't sleep so good Saturday night. She said he was drunk and wouldn't let her sleep with him, and she said she slept on the floor on the rug by the bed because he was drinking. Miss Lucille said Sunday that Mr. Frank told her Saturday night that he was in trouble, that he didn't know the reason why he would murder, and he told his wife to get him placed and let him kill himself. I heard Miss Lucille say that to Mrs. Selig. It got away with Mrs. Selig mighty bad, she didn't know what to think. I haven't heard Miss Lucille say whether she believed it or not. I don't know why Mrs. Frank didn't come to see her husband, but it was a pretty good while before she came to see him, maybe two weeks. She would tell me, "Wagon't it mighty bad that he is locked up," and she said "Minola, I don't know what I am going to do."

"When I left home to go to the solicitor general's office, they told me to mind what I said. They paid me \$3.50 a week, but last week she paid me \$4, and one week she paid me \$6.50. But at the time of of this murder I was getting \$3.50 a week, and the week right after the murder I don't remember how much they paid me. The next week \$4, and the next week \$4. One week Mrs. Selig gave me \$5, but it was not for my work, and they didn't tell what it was for. They just said, 'Here is \$5, Minola,' but of course I understood what they meant, but they didn't tell me anything at the time. I understood it was a tip for me to keep quiet. They would tell me to mind how I talked, and Miss Lucille would give me a hat."

Question: Was that the reason you didn't tell the solicitor yesterday all about this, that Miss Lucille and the others had told you not to say anything about what had happened out there?"

"Yes, sir."

Question: "Is that true?"

"Yes, sir."

Question: "And that is the reason why you would rather have been locked up last night than tell this?"

"Yes, sir."

Question: "Has Mr. Pickett or Mr. Cravens or Mr. Campbell or myself (Detective Starnes, evidently), influenced you in any way or threatened you in any way to make this statement?"

"No, sir."

Question: "You make it of your own free will and accord, in their presence and the presence of Mr. Gordon, your attorney?"

"Yes, sir."

(Signed) "MINOLA M'KNIGHT."

"Sworn to and subscribed before me, this third day of June, 1913.

(Signed), G. C. FEBUARY."

Yes, you agreed with me that you had no right to lock her up. I don't know that you said you didn't do it. I don't remember that we discussed that. You told me that you would not direct her to be let loose, because you would get in bad with the detectives. I had told you that the detectives told me they would not release her unless you said so. I took out a *habeas corpus* immediately afterwards and went down there to get her released, and she was released.

CROSS EXAMINATION.

I heard that they had had her in Mr. Dorsey 's office and she went away screaming and was locked up. I knew that Mr. Dorsey was letting this be done. She was locked in a cell at the police station when I saw her. They admitted that they did not have any warrant for her arrest. Beavers said he would not let her out on bond unless Mr. Dorsey said so. He said the charge against her was suspicion. They put her in a cell and kept her until four o'clock the next day before they let her go. When I went down to see her in the cell, she was crying and going on and almost hysterical. When I asked Mr. Dorsey to let her go out on bond, he said he wouldn't do it because he would get in bad with the detectives, but that if I would let her stay down there with Starnes and Campbell for a day, he would let her loose without any bond, and I said I wouldn't do it. I said that I considered it a very reprehensible thing to lock up somebody because they knew something, and he said, "Well, it is sometimes necessary to get information," and I said, "Certainly our liberty is more necessary than any information, and I consider it a trampling on our Anglo-Saxon liberties." They did not tell me that they already had a statement that she had made, and which she declared to be the truth.

RE-DIRECT EXAMINATION.

You (Mr. Dorsey) did not tell me that you had no right to lock anybody up. I told you that, and you agreed to it, but you would not let her go. I told you that Chief Beavers said he would do what you said and then I asked you to give me an order. You said you wouldn't give me an order. When I told Starnes that I thought I ought to be in that room while Minola was making the statement, he knocked on the door, and it was unlocked on the inside and they let me in. They let me into the room at once after I had been sitting there two hours. I was present when she made the statement about the payment of the cook. I don't remember what questions I asked her at that time. I was her attorney. I didn't go down there to examine her; I went there to get her out. Starnes and Campbell were in and out of the room during the time. Mr. Starnes stayed on the outside of the door part of the time. I don't know who was in the room and who was not while I was outside.

Next on the stand was Albert McKnight, Minola's husband, whose testimony about the lunch hour at the Franks on the day of the murder had been attacked by the defense. Frank's lawyers had used a diagram of the household to show that he could not have seen what he claimed to have seen. McKnight testified that the diagram was inaccurate and did not show the furniture in its true positions on April 26.

Following Albert McKnight were his employers, who also shed some light on Minola's statement. They had been present while she was being held, and had even gotten her to make statements to them while detectives were not present. These statements were consistent with her affidavit, and *not* consistent with her later denial of it:

R. L. CRAVEN, sworn for the State in rebuttal.

I am connected with the Beck and Gregg Hardware Co. Albert McKnight also works for the same company. He asked me to go down and see if I could get Minola McKnight out when she was arrested. I went there for that purpose. I was present when she signed that affidavit (State's Exhibit J).

I went out with Mr. Pickett to Minola McKnight's home the latter part of May. Albert McKnight was there. On the 3rd day of June, we were down at the station house and they brought Minola McKnight in and we questioned her first as to the statements Albert had given me; at first she would not talk, she said she didn't know anything about it.

I told her that Albert made the statement that he was there Saturday when Mr. Frank came home, and he said Mr. Frank came in the dining room and stayed about ten minutes and went to the sideboard and caught a car in about ten minutes after he first arrived there, and I went on and told her that *Albert had said that Minola had overheard Mrs. Frank tell Mrs. Selig that Mr. Frank didn't rest well and he came home drinking and made Mrs. Frank get out of bed and sleep on a rug by the side of the bed and wanted her to give him his pistol to shoot his head off and that he had murdered somebody, or something like that.* Minola at first hesitated, but *finally she told everything that was in that affidavit.* When she did that Mr. Starnes, Mr. Campbell, Mr. February, Albert McKnight, Mr. Pickett, and Mr. Gordon were there. When we were questioning her, I don't remember whether anybody but Mr. Pickett and myself and Albert McKnight were there.

CROSS EXAMINATION.

We went down there about 11:30 o'clock. I didn't know that she had been in jail twelve hours then. I suppose she was in jail because they needed her as a witness. I was in Mr. Dorsey's office only one time about this matter, the same morning I started out to see if I could get her and I went to see Mr. Dorsey about getting her out. Her husband wanted her out of jail and I went to see Mr. Dorsey about getting her out.

At first she denied it. I questioned her for something like two hours. I didn't know she had already made a statement about the truth of the transaction. Mr. Dorsey didn't read it to me. He said she was hysterical and wouldn't talk at all. I went down to get her to make some kind of a statement; I wanted her to tell the truth in the matter. I wanted to see whether her husband was telling the truth or whether she was telling a falsehood.

Yes, she finally made a statement that agreed with her husband, and I left after awhile.

As to why I didn't stay and get her out, because I didn't want to. I went after we got her statement. No, I didn't get her out of jail. I did not look after her any further than that. I don't think Mr. Dorsey told me to question her. He wanted me to go out to see her. He said Mr. Starnes and Mr. Campbell would be up there and they would let us know about it, and we went up there and Mr. Starnes and Mr. Campbell brought her in. They let us see her all right. I did not ask Campbell or Starnes to turn her out. I didn't ask anybody to turn her out. I never made any suggestion to anybody about turning her out. Nobody cursed, mistreated or threatened this woman while I was there. I don't know what took place before I got there.

E. H. PICKETT, sworn for the State in rebuttal.

I work at Beck & Gregg Hdw. Co. I was present when that paper was signed (State's Exhibit J) by Minola McKnight. Albert McKnight, Starnes, Campbell, Mr. Craven, Mr. Gordon was present when she made that statement.

We questioned her about the statement Albert had made and she denied it all at first. *She said she had been cautioned not to talk about this affair by Mrs. Frank or Mrs. Selig.* She stated that Albert had lied in what he told us. *She finally began to weaken on one or two points and admitted that she had been paid a little more money than was ordinarily due her.*

There was a good many things in that statement that she did not tell us, though, at first. She didn't tell us all of that when she went at it. She seemed hysterical at the beginning. We told her that we weren't there to get her into trouble, but came down there to get her out, and then she agreed to talk to us but would not talk to the detectives. The detectives then retired from the room.

Albert told her that she knew she told him those things. She denied it, but finally acknowledged that she said a few of those things, and among the things I remember is that she was cautioned not to repeat anything that she heard. We asked her a thousand questions perhaps. I don't know how many. I called the detectives and told them we had gotten all the admissions we could. We didn't have any stenographer and Mr. Craven began writing it out, and Mr. Craven had written only a small portion when the stenographer came.

She did not make all of that statement in the first talk she had with us. She didn't say anything with reference to Mrs. Frank having stated anything to her mother on Sunday morning.

The affidavit does not contain anything that she did not state there that day. Before she made that affidavit, she said he did eat dinner that day. She finally said he didn't eat any. At first she said he remained at home at dinner time about half an hour or more. She finally said he only remained about ten minutes. At first she said Albert McKnight was not there that day. She finally said he was there. She said she was instructed not to talk at first. At first she said her wages hadn't been changed, finally said her wages had been

raised by the Seligs. As to what, if anything, she said about a hat being given her by Mrs. Selig, the only statement she made about the hat at all was when she made the affidavit. We didn't know anything about the hat before. *Nobody threatened her when she was there.* When the first questioning was going on Campbell and Starnes were not in there. They came in when we called them and told them we were ready. Her attorney, Mr. Gordon, came in with the detectives.

CROSS EXAMINATION.

As to why we didn't take her statement when she denied saying all those things, because we didn't believe them. We were down there about three hours. We went down there to try and get Minola McKnight out, if we could. We asked Mr. Dorsey to get her out. He said he would let us stand her bond, and he referred us to the detectives to make arrangements. As to why we didn't get her out then, we wanted a statement from her if we could get it. No, I didn't know that whenever the detectives got the story they wanted, they would let her out. As to my going to get her out and then grilling her for three hours, I didn't tell her I was going to get her out; I went down there to get her out, but she left there before I did. She went out of the room. The detectives treated her very nice. They let her go after she made the statement. I knew they were holding her because she did not make a statement confirming her husband. It was not my object to make her statement agree with her husband's statement, but it was my duty as a good citizen to make her tell the truth.

Dr. S.C. Benedict testified that one of the defense medical experts had a grudge against Dr. Harris, the prosecution's main medical expert. This was followed by several streetcar motormen who stated that the streetcars often arrived ahead of schedule, which tended to minimize the effect of the testimony of the motormen called by the defense, who had claimed that since the streetcar schedule was rigorously adhered to, Mary Phagan must have arrived later than Leo Frank's original estimate of five to ten minutes after noon. There was a great deal of testimony later regarding the timing of Mary Phagan's arrival — and the amount of time which had passed since her late breakfast.

Ultimately, no one really doubted that Mary Phagan had arrived at Leo Frank's office just a few minutes after noon on April 26 — and had met her death a very few minutes after that.

J. H. HENDRICKS, sworn for the State in rebuttal.

I am a motorman for the Georgia Railway & Electric Company. On April 26th I was running a street car on the Marietta line to the Stock Yards on Decatur Street. I couldn't say what time we got to town on April 26th, about noon. I have no cause to remember that day. The English Avenue car, with Matthews and Hollis has gotten to town prior to April 26th, ahead of time. I couldn't say how much ahead of time. I have seen them come in two or three minutes ahead of time; that day they came about 12:06. Hollis would usually leave Broad and Marietta Streets on my car. I couldn't swear positively what time I got to Broad and Marietta Streets on April 26th. I couldn't swear what time

Hollis and Matthews got there that day. I don't know anything about that. Often they get there ahead of time. Sometimes they are punished for it.

J. C. McEWING, sworn for the State in rebuttal.

I am a street car motorman. I ran on Marietta and Decatur Street April 26th. My car was due in town at ten minutes after the hour on April 26th. Hollis' and Matthews' car was due there 7 minutes after the hour. Hendricks car was due there 5 minutes after the hour. The English Avenue frequently cut off the White City car due in town at 12:05. The White City car is due there before the English Avenue. It is due 5 minutes after the hour and the Cooper Street is due 7 minutes after. The English Avenue would have to be ahead of time to cut off the Cooper Street car. That happens quite often. I have come in ahead of time very often. I have known the English Avenue car to be 4 or 5 minutes ahead of time.

STATE'S EXHIBIT B.

Frank's statement made before N. A. Lanford, Chief of Detectives, on Monday morning, April 28, 1913, this statement being unsigned:

"I am general superintendent and director of the National Pencil Company. In Atlanta I have held that position since August 10, 1908. My place of business is at 37 to 41 S. Forsyth St. We have about 107 employees in that plant, male and female. I guess there are a few more girls than boys. Saturday, April 26th, was a holiday with our company and the factory was shut down. There were several people who came in during the morning. The office boy and the stenographer were in the office with me until noon. They left about 12 or a little after. We have a day watchman there. He left shortly before 12 o'clock. After the office boy and the stenographer left, this little girl, Mary Phagan, came in, but at the time I didn't know that was her name. She came in between 12:05 and 12:10, maybe 12:07, to get her pay envelope, her salary. I paid her and she went out of the office. I was in the inner office at my desk, the furthest office to the left from the main office. It was impossible to see the direction she went in when she left. My impression was that she just walked away. I didn't pay any particular attention. I didn't keep the door locked downstairs that morning because the mail was coming in. I locked it at 1:10 when I went to dinner. Arthur White and Harry Denham were also in the building. They were working on the machinery, doing repair work, working on the top floor of the building, which is the fourth floor, towards the rear or about the middle of the building, but a little more to the rear. They were tightening up the belts; they are not machinists; one is a foreman in one department and the other is an assistant in another, and Denham was assisting White, and Mrs. White, the wife of Arthur White, was also in the building. She left about 1 o'clock. I went up there and told them I was going to dinner and they had to get out, and they said they had not finished and I said, 'How long will it take?' and they said until some time in the afternoon, and then I said, 'Mrs. White, you will have to go, for I am going to lock these boys in here.' Anyone from the inside can open the outside door, but not the inside door, which I locked. You can go in the basement from the front through the trap door. No, sir, they could get up the steps if I was out. I locked the outer door and the inner door. I got back at 3 o'clock, and maybe two or three minutes before, and I went to the office and took off my coat and then went upstairs to tell those boys I was back, and I couldn't find them at first, they were back in the dipping room in the rear, and I said, 'Are you ready,' and they said, 'We are just ready,' and I said, 'All right, ring out when you go down to let me know when you go out,' and they rang out, and Arthur White came in the office and said, 'Mr. Frank, loan me \$2.00,' and I said, 'What's the matter; we just paid off,' and he said, 'My wife robbed me,' and I give him \$2.00 and he walked away, and the two of them walked out. I locked the outer door behind them. When I am in there is no need of locking the inner door. There was only one person

A portion of Leo Frank's original statement to the police is shown here. Note that he flatly states that Mary Phagan arrived between 12:05 and 12:10. Ironically, a huge amount of his defense team's efforts went into challenging Frank's own statement as to the time Mary Phagan had appeared in his office. They were trying to edge Frank's

meeting with the murdered girl later and later, and therefore further from the time that Monteen Stover had found Frank's office empty. Frank himself changed the time of her arrival several times during the course of the investigation.

CROSS EXAMINATION.

I don't know when that happened or who ran the car. I don't know whether they ran on schedule time on April 26th, or not. When one car is cut off, one might be ahead of time, and one might be behind time. It's reasonable to suppose that the five minutes after car ought to come in ahead of the one due seven minutes after. If it was behind it would be cut off, just as easy as the other one would be cut off by being ahead.

M. E. McCOY, sworn for the State, in rebuttal.

I knew Mary Phagan. I saw her on April 26th, in front of Cooledge's place at 12 Forsyth Street. She was going towards pencil company, south on Forsyth Street on right hand side. It was near twelve o'clock. I left the corner of Walton and Forsyth Street exactly twelve o'clock and came straight on down there. It took me three or four minutes to go there.

CROSS EXAMINATION.

I know what time it was because I looked at my watch. First time I told it was a week ago last Saturday, when I told an officer. I didn't tell it because I didn't want to have anything to do with it. I didn't consider it as a matter of importance until I saw the statement of the motorman of the car she came in on, and I knew that was wrong. She was dressed in blue, a low, chunky girl. Her hair was not very dark. She had on a blue hat.

GEORGE KENDLEY, sworn for the State in rebuttal.

I am with the Georgia Railway & Power Co. I saw Mary Phagan about noon on April 26th. She was going to the pencil factory from Marietta Street. When I saw her she stepped off of the viaduct.

CROSS EXAMINATION.

I was on the front end of the Hapeville car when I saw her. It is due in town at 12 o'clock. I don't know if it was on time that day. I told several people about seeing her the next day. If Mary Phagan left home at 10 minutes to 12, she ought to have got to town about 10 minutes after 12, somewhere in that neighborhood. She could not have gotten in much earlier. The time that I saw her is simply an estimate. That was the time my car was due in town. I remember seeing her by reading of the tragedy the next day. I didn't testify at the Coroner's inquest because nobody came to ask me. No, I have not abused and villified Frank since this tragedy. No, I have not made myself a nuisance on the cars by talking of him. I know Mr. Brent. I didn't tell him that Mr. Frank's children said he was

guilty. Mr. Brent asked me what I thought about it several times on the car. He has always been the aggressor. As to whether I abused and villified him in the presence of Miss Haas and other passengers, there has been so much talk that I don't know what has been said. I don't think I said if he was released I would join a party to lynch him. Somebody said if he got out there might be some trouble. I don't remember saying that I would join a party to help lynch him if he got out. I talked to Mr. Leach about it. I don't remember what I told him. I told him I saw her over there about 12 o'clock. That was the time the car was due in town. I know I saw her before 12:05. My car was on schedule time. I couldn't swear it was exactly on the minute.

HENRY HOFFMAN, sworn for the State in rebuttal.

I am inspector of the street car company. Matthews is under me a certain part of the day. On April 26th he was under me from 11:30 to 12:07. His car was due at Broad and Marietta at 12:07. There is no such schedule as 12:07 and half. I have been on his car when we cut off the Fair Street car. Fair Street car is due at 12:05. I have compared watches with him. They vary from 20 to 40 seconds. We are supposed to carry the right time. I have called Matthews attention to running ahead of schedule once or twice. They come in ahead of time on relief time for supper and dinner.

CROSS EXAMINATION.

I don't know anything about his coming on April 26th. We found out he was ahead of time way along last March. He was a minute and a half ahead. I have caught him as much as three minutes ahead of time last spring, on the trip due in town 12:07. I didn't report him, I just talked to him. I have known him to be ahead of time twice in five years while he was under my supervision.

N. KELLY, sworn for the State in rebuttal.

I am a motorman of the Georgia Railway & Power Co. On April 26th, I was standing at the corner of Forsyth and Marietta Street about three minutes after 12. I was going to catch the College Park car home about 12:10. I saw the English Avenue car of Matthews and Mr. Hollis arrive at Forsyth and Marietta about 12:03. I knew Mary Phagan. She was not on that car. She might have gotten off there, but she didn't come around. I got on that car at Broad and Marietta and went around Hunter Street. She was not on there.

CROSS EXAMINATION.

I didn't say anything about this because I didn't want to get mixed up in it. I told Mr. Starnes about it this morning. I have never said anything about it before. That car was due in town at 12:07. The Fair Street car was behind it.

W. B. OWENS, sworn for the State in rebuttal.

I rode on the White City line of the Georgia Railway & Electric Co. It is due at 12:05. Two minutes ahead of the English Avenue car. We got to town on April 26th, at 12:05. I don't remember seeing the English Avenue car that day. I have known that car to come in a minute ahead of us, sometimes two minutes ahead. That was after April 26th. I don't recall whether it occurred before April 26th.

LOUIS INGRAM, sworn for the State in rebuttal.

I am a conductor on the English Avenue line. I came to town on that car on April 26th. I don't know what time we came to town. I have seen that car come in ahead of time several times, sometimes as much as four minutes ahead. I know Matthews, the motorman. I have ridden in with him when he was ahead of time several times.

CROSS EXAMINATION.

It is against the rules to come in ahead of time, and also to come in behind time. They punish you for either one.

W. M. MATTHEWS, sworn for the State in rebuttal.

I have talked with this man Dobbs (W. C.) but I don't know what I talked about. I have never told him or anybody that I saw Mary Phagan get off the car with George Epps at the corner of Marietta and Broad. It has been two years since I have been tried for an offense in this court.



Defense witness W.M. Matthews at center

CROSS EXAMINATION.

I was acquitted by the jury. I had to kill a man on my car who assaulted me.

W. C. DOBBS, sworn for the State in rebuttal.

Motorman Matthews told me two or three days after the murder that Mary Phagan and George Epps got on his car together and left at Marietta and Broad Streets.

CROSS EXAMINATION.

Sergeant Dobbs is my father.

W. W. ROGERS, sworn for the State in rebuttal.

On Sunday morning after the murder, I tried to go up the stairs leading from the basement up to the next floor. The door was fastened down. The staircase was very dusty, like it had been some little time since it had been swept. There was a little mound of shavings right where the chute came down on the basement floor. The bin was about a foot and a half from the chute.



W.W. "Boots" Rogers

SERGEANT L. S. DOBBS, sworn for the State in rebuttal.

I saw Mr. Rogers on Sunday try to get in that back door leading up from basement in rear of factory. There were cobwebs and dust there. The door was closed.

O. TILLANDER, sworn for the State in rebuttal.

Mr. Graham and I went to the pencil factory on April 26th, about 20 minutes to 12. We went in from the street and looked around and I found a negro coming from a dark alley way, and I asked him for the office and he told me to go to the second floor and turn to

the right. I saw Conley this morning. I am not positive that he is the man. He looked to be about the same size. When I went to the office the stenographer was in the outer office. Mr. Frank was in the inner office sitting at his desk. I went there to get my step-son's money.

E. K. GRAHAM, sworn for the State in rebuttal.

I was at the pencil factory April 26th, with Mr. Tillander, about 20 minutes to 12. We met a negro on the ground floor. Mr. Tillander asked him where the office was, and he told him to go up the steps. I don't know whether it was Jim Conley or not. He was about the same size, but he was a little brighter than Conley. If he was drunk I couldn't notice it, I wouldn't have noticed it anyway.

CROSS EXAMINATION.

Mr. Frank and his stenographer were upstairs. He was at his desk. I didn't see any lady when I came out.

J. W. COLEMAN, sworn for the State in rebuttal. [Mary Phagan's stepfather. — Ed.]

I remember a conversation I had with detective McWorth. [McWorth was the Pinkerton man, later dismissed, who claimed to have discovered a "bloody club" and part of Mary Phagan's pay envelope on the first floor, long after other detectives had thoroughly searched the area. —Ed.] He exhibited an envelope to me with a figure "5" on the right of it.



Mary Phagan's stepfather, J.W. Coleman

CROSS EXAMINATION.

This does not seem to be the envelope he showed me. (Defendant's Exhibit 47). The figure "5" was on it. I don't see it now. I told him at the time that Mary was due \$1.20, and that "5" on the right would not suit for that.

J. M. GANTT, sworn for the State in rebuttal.

I have seen Leo Frank make up the financial sheet. It would take him an hour and a half after I gave him the data. [This in contrast to the repeated claim by Frank that he needed all afternoon. — Ed.]



J.M. Gantt

IVY JONES (c[olored]), sworn for the State in rebuttal.

I saw Jim Conley at the corner of Hunter and Forsyth Streets on April 26th. He came in the saloon while I was there, between one and two o'clock. He was not drunk when I saw him. The saloon is on the opposite corner from the factory. We went on towards Conley's home. I left him at the corner of Hunter and Davis Street a little after two o'clock.

HARRY SCOTT, sworn for the State in rebuttal.

I picked up cord in the basement when I went through there with Mr. Frank. Lee's shirt had no color on it, excepting that of blood. I got the information as to Conley's being able to write from McWorth when I returned to Atlanta. As to the conversation Black and I had, with Mr. Frank about Darley, Mr. Frank said Darley was the soul of honor and that we had the wrong man; that there was no use in inquiring about Darley and he knew Darley could not be responsible for such an act. I told him that we had good information to the effect that Darley had been associating with other girls in the factory; that he was a married man and had a family. Mr. Frank didn't seem to know anything about that. He

said it was a peculiar thing for a man in Mr. Darley's position to be associating with factory employees, if he was doing it.



Pinkerton Detective Harry Scott

CROSS EXAMINATION.

We left after about two hours interview.

L. T. KENDRICK, sworn for the State in rebuttal.

I was night watchman at the pencil factory for something like two years. I punched the clocks for a whole night's work in two or three minutes. The clock at the factory needed setting about every 24 hours. *It varied from three to five minutes.* That is the clock slip I punched (State's Exhibit P). I don't think you could have heard the elevator on the top floor if the machinery was running or anyone was knocking on any of the floors. The back stairway was very dusty and showed that they had not been used lately after the murder. I have seen Jim Conley at the factory Saturday afternoons when I went there to get my money.

CROSS EXAMINATION.

I generally got to the factory about a quarter of two to two-thirty. The clock was usually corrected every morning. The clock would run slow sometimes and sometimes fast.

VERA EPPS, sworn for the State in rebuttal.

My brother George was in the house when Mr. Minar was asking us about the last time we saw Mary Phagan. I don't know if he heard the questions asked. George didn't tell him that he didn't see Mary that Saturday. I told him I had seen Mary Phagan Thursday.

C. J. MAYNARD, sworn for the State in rebuttal.

I have seen Brutus Dalton go in the factory with a woman in June or July, 1912. She weighed about 125 pounds. It was between 1:30 and 2 o'clock in the afternoon on a Saturday.

CROSS EXAMINATION.

I was ten feet from the woman. I didn't notice her very particularly. I did not speak to them.

W. T. HOLLIS, sworn for the State in rebuttal.

Mr. Reed rides out with me every morning. I don't remember talking to J. D. Reed on Monday, April 29th, and telling him that George Epps and Mary Phagan were on my car together. I didn't tell that to anybody. I say like I have always said, that if he was on the car I did not see him.

J. D. REED, sworn for the State in rebuttal.

Mr. Hollis told me on Monday, April 28th, that Epps had gotten on the car and taken his seat next to Mary, and that the two talked to each other all the way as though they were little sweethearts.

J. N. STARNES, sworn for the State in rebuttal.

There were no spots around the scuttle hole where the ladder is immediately after the murder. Campbell and I arrested Minola McKnight, to get a statement from her. We turned her over to the patrol wagon and we never saw her any more until the following day, when we called Mr. Craven and Mr. Pickett to come down and interview her. We stayed on the outside while she was on the inside with Craven and Pickett. They called us back and I said to her, "Minola, the truth is all we want, and if this is not the truth, don't you state it." And she started to put the statement down. Mr. Gordon, her attorney, was on the outside, and I told him we could go inside without his making any demand on me, and he went in with me, and Mr. February had already taken down part of the statement and I stopped him and made him read over what he had already taken down, and after she had finished the statement, Attorney Gordon went to Mr. Dorsey's office and then he came back to the police station. After he returned the affidavit was read over in the presence of Mr. Pickett, Craven, Campbell, Albert McKnight and Attorney Gordon and she signed it in our presence. You (Mr. Dorsey) had nothing to do with holding her. You told me over the phone that you couldn't say what I could do, but that I could do what I pleased about it.

CROSS EXAMINATION.

No, I did not lock her up because she didn't give us the right kind of statement; as to the authority I had to lock her up, it was reasonable and right that she should be locked up. I did that for the best interest of the case I was working on. No, I didn't have any warrant for her arrest. She was brought to Mr. Dorsey's office by a bailiff by a subpoena. I took her away from Dorsey's office and put her in a patrol wagon. I expect Mr. Dorsey knew we were going to lock her up, but he did not tell us to do it. No, he didn't disapprove of it. I didn't know anything about her having made a previous statement to Mr. Dorsey. I think Mr. Dorsey said she had made such a statement. I saw her the next day in the station house. She didn't scream after leaving Dorsey's office until she reached the sidewalk. And then she commenced hollering and carrying on that she was going to jail; that she didn't know anything about it, or something like that. No, I had no warrant for her arrest. She had committed no crime. I held her to get the truth. Mr. Dorsey told me I could turn her loose as I pleased. That was after she made the statement. I told him as to what had occurred and that her attorney, Gordon, was coming up there to see him. I told Col. Gordon that if it was agreeable with Col. Dorsey, that Minola could go as far as we were concerned. Well, Mr. Dorsey had more or less to do with the case that I was working on and I wanted to act on his advice and consent. He called me on the telephone and told me that if the chief thought it best or if we thought it best after conferring, to just let her go.

DR. CLARENCE JOHNSON, sworn for the State in rebuttal.

I am a specialist on diseases of the stomach and intestines. I am a physiologist. A physiologist makes his searches on the living body; the pathologist makes his on a dead body.

If you give any one who has drunk a chocolate milk at about eight o'clock in the morning, cabbage at 12 o'clock and 30 or 40 minutes thereafter you take the cabbage out and it is shown to be dark like chocolate and milk, that much contents of any kind vomited up three and a half hours afterwards would show an abnormal stomach. It doesn't show a normal digestion.

If a little girl who eats a dinner of cabbage and bread at 11:30 is found the next morning dead at 3 a. m., with a rope around her neck, indented and the flesh sticking up, bruised on the eye, blood on the back of her head, the tongue sticking out, blue skin, every indication that she came to her death from strangulation, her head down, rigor mortis had been on her twenty hours, the blood had settled in her where the gravity would naturally take it in the face, she is embalmed, formaldehyde is used and injected in the various cavities of the body, including the stomach, a pathologist takes her stomach a week or ten days after, finds cabbage of that size (State's Exhibit G) in the stomach, finds starch granules undigested, and finds in the stomach that the pylorus is still closed, that there is nothing in the first six feet of the small intestines; that there is every indication that digestion had been progressing favorably, and finds thirty-two degrees hydrochloric acid, and if the pathologist is capable and finds that there was only combined hydrochloric

acid and that there was no abnormal condition of the stomach, the six feet of the intestines was empty, *I would say that the digestion of bread and cabbage was stopped within an hour after they were eaten.* That would not be a wild guess in my opinion.

CROSS EXAMINATION.

The bruises on the head, the evidence of strangulation and other injuries about the head are other possible factors which must be taken into consideration. Anything which disturbs the circulation of the blood, or hinders the action of the nerves controlling the stomach, especially the secretion, prevents the development of the characteristics found in normal digestion one hour after a meal. I mean by mechanical condition of the stomach, no change in the size or thickness, or opening into the intestines, or size or thickness of intestines. The test should be made with absolute accuracy with these acids. The color test is generally accepted. A man's eye has to be absolutely correct to make the color test.

The degree of acidity in a normal stomach varies from 30 to 45 degrees, according to the stomach and what is in it. The formaldehyde would make no change on the physical property on the pancreatic juice found in the small intestine after death. There would be hardly any change on its chemical property. When it comes in contact with the formaldehyde it is supposed to be preserved. It has some neutralizing effect on the alkali present. That decomposes in time after death, unless hindered by some preservative. The hydrochloric acids in the stomach also disappear if the stomach has disintegrated and the preservative has disappeared. It disappears like the other fluids and tissues of the body unless hindered by some preservative agent. Sometimes digestion is delayed a good deal even in a normal stomach by insufficient mastication, too much diluting of the juices, or anything that hinders the operation of the mechanical effect. Insufficient mastication is one of the commonest causes, also the taking of too much liquid. Fatigue occasioned by extensive walking would hinder it. If the walking was not too extensive to produce fatigue, it would help digestion in a normal stomach. Insufficient mastication is the worst cause of delayed digestion. My estimate was that the cabbage was found an hour after the process of digestion had begun. I did not undertake to say when the digestion began. You can't tell by looking at food in a bottle how much the failure to masticate it delayed digestion in hours and minutes. It would be just an estimate.

The physical appearance of that cabbage (Defendant's Exhibit 88) shows indigestion by the layer, character and size, and area of separation between, and the character and arrangement of the layers below. The mere fact that it was vomited up would be proof positive that no scientific opinion could be made about it. To make a scientific test I would have to test the mechanism of the stomach, the time it was in there and the degree and presence of the different acids. The chocolate milk would not naturally stay in a normal stomach five or six hours. The cabbage would stay in a normal empty stomach where there was a tomato also three or four hours. I never made any test of Mary Phagan's stomach and examined the contents of it.

RE-DIRECT EXAMINATION.

160 cubic cc. of liquid in the stomach taken out nine days afterwards would be a little in excess of what I would consider normal under the conditions already named.

DR. GEORGE M. NILES, sworn for the State in rebuttal.

I confine my work to diseases of digestion. Every healthy stomach has a certain definite and orderly relation to every other healthy stomach. Assuming a young lady between thirteen and fourteen years of age at 11:30 April 26, 1913, eats a meal of cabbage and bread, that the next morning about three o'clock her dead body is found. That there are indentations in her neck where a cord had been around her throat, indicating that she died of strangulation, her nails blue, her face blue, a slight injury on the back of the head, a contused bruise on one of her eyes, the body is found with the face down, rigor mortis had been on from sixteen to twenty hours, that the blood in the body has settled in the part where gravity would naturally carry it, that the body is embalmed immediately with a fluid consisting chiefly of formaldehyde, which is injected in the veins and cavities of the body; that she is disinterred nine days thereafter; that cabbage of this texture (State's Exhibit G) is found in her stomach; that the position of the stomach is normal; that no inflammation of the stomach is found by microscopic investigation; that no mucous is found, and that the glands found under this microscope are found to be normal, that there is no obstruction to the flow of the contents of the stomach to the small intestine; that the pylorus is closed; that there is every indication that digestion was progressing favorably; that in the gastric juices there is found starch granules that are shown by the color test to have been undigested, and that in that stomach you also find thirty-two degrees of hydrochloric acid, no maltose, no dextrin, no free hydrochloric acid (there would be more or less free hydrochloric acid in the course of an hour or more in the orderly progress of digestion of a healthy stomach where the contents are carbohydrates), I would say that indicated that digestion had been progressing less than an hour.

The starch digestion should have progressed beyond the state erythrodextrin in course of an hour. There should have been enough free acid to have stimulated the pylorus to relax to a certain extent, and there should have been some contents in the duodenum. I am assuming, of course, that it is a healthy stomach and that the digestion was not disturbed by any psychic cause which would disturb the mind or any severe physical exercise. I am not going so much on the physical appearance of the cabbage. Any severe physical exercise or mental stress has quite an influence on digestion. Death does not change the composition of the gastric juices when combined with hydrochloric acid for quite awhile. The gastric juices combined with the hydrochloric acid are an antiseptic or preservative. There is a wide variation in diseased stomachs as to digestion.

CROSS EXAMINATION

There are idiosyncracies in a normal stomach, but where they are too marked I would not consider that a normal stomach. I wouldn't say that there is a mechanical rule where you can measure the digestive power of every stomach for every kind of food. There is a set time for every stomach to digest every kind of food within fairly regular limits, that is, a healthy stomach. There is a fairly mixed standard. There is no great amount of variation

between healthy stomachs. I can't answer for how long it takes cabbage to digest. I have taken cabbage out of a cancerous stomach that had been in there twenty-four hours, but there was no obstruction. The longest time that I have taken cabbage out of a fairly normal stomach was between four and five hours. That was where it was in the stomach along with another meal. I found the cabbage among the remains of the meal four or five hours after it had been eaten.

Mastication is a very important function of digestion. Failure to masticate delays the starch digestion. Starch and cabbage are both carbohydrates. I would say that if cabbage went into a healthy stomach not well masticated, the starch digestion would not get on so well, but the stomach would get busy at once. Of course, it would not be prepared as well. The digestion would be delayed, of course. That cabbage is not as well digested as it should have been (State's exhibit G), but the very fact of your anticipating a good meal, smelling it, starts your saliva going and forms the first stage of digestion, and digestion is begun right there in the mouth, even if you haven't chewed it a single time. Any deviation from good mastication retards digestion.

I couldn't presume to say how long that cabbage lay in Mary Phagan's stomach. I believe if it had been a live, healthy stomach and the process of digestion was going on orderly, it would be pulverized in four or five hours. It would be more broken up and triticated than it is. I wouldn't consider that a wild guess. I think it would have been fairly well pulverized in three hours. Chewing amounts to a great deal, but there should be an amount of saliva in her stomach even if she hadn't masticated it thoroughly. Chewing is a temperamental matter to a great extent. One man chews his meal quicker than another. If it isn't chewed at all, the stomach gets busy and helps out all it can and digests it after awhile. It takes more effort, of course, but not necessarily more time. What the teeth fail to do the stomach does to a great extent. The stomach has an extra amount of work if it is not masticated. You can't tell by looking at the cabbage how long it had been undergoing the process of digestion. If that was a healthy stomach with combined acid of 32 degrees, and nothing happened either physical or mental to interfere with digestion, those laboratory findings indicated that digestion had been progressing less than an hour. I never made an autopsy or examination of the contents of Mary Phagan's stomach.

RE-DIRECT EXAMINATION.

The first stage of digestion is starch digestion. This progresses in the stomach until the contents become acid in all its parts. Then the starch digestion stops until the contents get out in the intestines and become alkaline in reaction; then the starch digestion is continued on beyond. The olfactories act as a stimulant to the salivary glands.

DR. JOHN FUNK, sworn for the State in rebuttal.

I am professor of pathology and bacteriologist. I was shown by Dr. Harris sections from the vaginal wall of Mary Phagan, sections taken near the skin surface. I didn't see sections from the stomach or the contents. These sections showed that the epithelium

wall was torn off at points immediately beneath that covering in the tissues below, and there was infiltrated pressure of blood. They were, you might say, engorged, and the white blood cells in those blood vessels were more numerous than you will find in a normal blood vessel. The blood vessels at some distance from the torn point were not so engorged to the same extent as those blood vessels immediately in the vicinity of the hemorrhage. Those blood vessels were larger than they should be under normal circumstances, as compared with the blood vessels in the vicinity of the tear. You couldn't tell about any discoloration, but there was blood there. It is reasonable to suppose that there was swelling there because of the infiltrated pressure of the blood in the tissues. Those conditions must have been produced prior to death, because the blood could not invade the tissues after death.

If a young lady, between thirteen and fourteen years old eats at eleven thirty a. m. a normal meal of bread and cabbage on a Saturday and at three a. m. Sunday morning she is found with a cord around her neck, the skin indented, the nails and flesh cyanotic, the tongue out and swollen, blue nails, everything indicating that she had been strangled to death, that rigor mortis had set in, and according to the best authorities had probably progressed from sixteen to twenty hours, and she was laying face down when found, and gravity had forced the blood into that part of the body next to the ground, that it had discolored her features, that immediately thereafter, between ten and two o'clock she was embalmed with a fluid containing usual amount of formaldehyde, this being injected into the veins in the large cavities, she is interred thereafter and in about a week or ten days she is disinterred, and you find in her stomach cabbage like that (State's Exhibit G) and you find granules of starch undigested, and those starch granules are developed by the usual color tests, and you also find in that stomach thirty-two degrees of combined hydrochloric acid, the pylorus closed, and the duodenum, and six feet of the small intestines empty, no free hydrochloric acid being present at all, nor dextrin, or erythro-dextrin being found in any degree, and the uterus was somewhat enlarged, and the walls of the vagina show dilation and swelling, *I would say that under those conditions that the epithelium was torn off before death*, because of the changes in the blood vessels and tissues below the epithelium covering, and because of the presence of blood.

I would not express an opinion as to how long cabbage had been in the stomach, from the appearance of the cabbage itself, taking into consideration the combined hydrochloric acid of thirty-two degrees, the emptiness of the small intestine, the presence of starch granules, and the absence of free hydrochloric acid, one can't say positively, but it is reasonable to assume that the digestion had progressed probably an hour, maybe a little more, maybe a little less.

CROSS EXAMINATION.

Dr. Dorsey asked me to examine the sections of the vaginal wall last Saturday. The sections I examined were about a quarter of an inch wide and three-quarters of an inch long. It was about nine twenty-five thousandths of an inch thick, that is, much thinner than tissue paper. I examined thirty or forty little strips. That was after this trial began. I was not present at the autopsy. As soon as a tissue receives an injury, it reacts in a very

short time. The reaction shows up in the changes of the blood vessels. You can tell by the appearance of the blood vessels whether the injury was before death or not, and you can give an approximate idea as to the length of time before death. I do not know from what body the sections were taken. I know that it was from a human vagina.

THE STATE CLOSES.

EVIDENCE FOR DEFENDANT IN SUR-REBUTTAL.

T. Y. BRENT, sworn for the Defendant in sur-rebuttal.

I have heard George Kendley on several occasions express himself very bitterly towards Leo Frank. He said he felt in this case just as he did about a couple of negroes hung down in Decatur; that he didn't know whether they had been guilty or not, but somebody had to be hung for killing those street car men and it was just as good to hang one nigger as another, and that Frank was nothing but an old Jew and they ought to take him out and hang him anyhow.

CROSS EXAMINATION.

I have been employed by the defense to assist in subpoenaing witnesses. I took the part of Jim Conley in the experiment conducted by Dr. Win. Owens at the factory on Sunday.

M. E. STAHL, sworn for the Defendant, in sur-rebuttal.

I have heard George Kendley, the conductor, express his feelings toward Leo Frank. I was standing on the rear platform, and he said that Frank was as guilty as a snake, and should be hung, and that if the court didn't convict him that he would be one of five or seven that would get him.

MISS C. S. HAAS, sworn for the Defendant, in sur-rebuttal.

I heard Kendley two weeks ago talk about the Frank case so loud that the entire street car heard it. He said that circumstantial evidence was the best kind of evidence to convict a man on and if there was any doubt, the State should be given the benefit of it, and that 90 per cent. of the best people in the city, including himself, thought that Frank was guilty and ought to hang.

N. SINKOVITZ, sworn for the Defendant, in sur-rebuttal.

I am a pawnbroker. I know M.E. McCoy. He has pawned his watch to me lately. The last time was January 11, 1913. It was in my place of business on the 26th of April, 1913. He paid up his loan on August 16th, last Saturday, during this trial. This is the same watch I have been handling for him during the last two years.

CROSS EXAMINATION.

My records here show that he took it out Saturday.

S. L. ASHER, sworn for the Defendant in sur-rebuttal.

About two weeks ago I was coming to town between 5 and 10 minutes to 1 on the car and there was a man who was talking very loud about the Frank case, and all of a sudden he said: "They ought to take that damn Jew out and hang him anyway." I took his number down to report him.

CROSS EXAMINATION.

I have not had a chance to report since it happened.

It is most interesting that a single man, expressing his opinion that Leo Frank was a "damn Jew" and ought to hang, *was something that a public-spirited citizen in 1913 Atlanta thought he ought to report to the authorities.* This hardly corresponds with the atmosphere of "pervasive Southern anti-Semitism" that modern Frank supporters say existed. On the contrary, it speaks of an atmosphere in which such sentiments were strongly deplored, and even considered beyond the pale of socially acceptable behavior and expression.



In this rare photograph from his days at Cornell University, Leo Frank stares wide-eyed at the camera, a characteristic expression for him.

During the final moments of the trial itself, and before closing arguments were made, Leo Max Frank asked to address the court once again. He was permitted to do so. As before, he was unsworn and not under oath and not subject to cross-examination, just as

in his initial statement. No matter what Frank told the jury, Dorsey was forbidden to question him about it, or make it the basis for questioning anyone else.

ADDITIONAL STATEMENT MADE BY DEFENDANT, LEO M. FRANK.

In reply to the statement of the boy that he saw me talking to Mary Phagan when she backed away from me, that is absolutely false, that never occurred. In reply to the two girls, Robinson and Hewel, that they saw me talking to Mary Phagan and that I called her "Mary," I wish to say that they are mistaken. It is very possible that I have talked to the little girl in going through the factory and examining the work, but I never knew her name, either to call her "Mary Phagan," "Miss Phagan," or "Mary."

In reference to the statements of the two women who say that they saw me going into the dressing room with Miss Rebecca Carson, I wish to state that that is utterly false. It is a slander on the young lady, and I wish to state that as far as my knowledge of Miss Rebecca Carson goes, she is a lady of unblemished character.

DEFENDANT CLOSES.

So to the very end, Leo Frank maintained that *all* the witnesses who heard him calling Mary Phagan by name were liars — or mistaken. Interestingly, he did not take even a moment at the end of the trial to repeat his claim that he never made lascivious advances toward the young ladies under his supervision — as several of them had so recently testified. Most likely he was warned off the topic by his counsel.

In our next article, we will present the powerful, yet completely contradictory, closing arguments of both the prosecution and defense in the trial of Leo M. Frank.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

For further study we recommend the following resources:

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia's Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

The *American Mercury* is following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan, in capsule form on a regular basis through August 26, the 100th anniversary of the reading of the verdict. Follow along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

Read also the Mercury's coverage of [Week One of the Leo Frank trial](#), [Week Two](#), and [Week Three](#) and my exclusive [summary of the evidence against Frank](#).

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).

State's Prosecutor Frank Arthur Hooper for the State of Georgia vs. Leo M. Frank

The Final Speech to the Jury by Mr. Frank Arthur Hooper for the State of Georgia delivered on August 21, 1913 in the Fulton County Superior Court.



Frank A. Hooper

Mr. Frank Arthur Hooper:

Gentlemen of the Jury, the object of this trial, as well as all other trials, is the ascertainment of truth and the attainment of justice. In the beginning, I want to have it understood that we are not seeking a verdict of guilty against the defendant unless he is guilty. The burden of guilt is upon our shoulders- we confront the undertaking-of putting it upon his. We recognize that it must be done beyond a reasonable doubt, and that it must be done purely by the evidence which we have produced before you. We have cheerfully assumed this burden. We have cheerfully undertaken the task, but, there is not a single man on the prosecution who would harm a hair of the defendant's head wrongfully. We want him given the same measure of justice that should be meted to all classes of defendants. He is entitled, though, to the same degree of law as any other prisoner. But, he is not entitled to any more because of his wealth or social position. The arm of the law is strong enough to reach to the highest pinnacle of position and drag down the guilty, and strong enough to probe into the gutter and drag up the lowest. There is not a case in the history of Georgia that has been as long and as important as this. With this importance, there arises a great degree of responsibility that rests upon your shoulders. I call your attention to the facts and law as they will be given you in the charge-your only instructions, the orders by which you will be guided in the end. There is one thing I want to say, and that is this: This man should not be convicted purely because the law is seeking a victim. The law doesn't demand it. It demands only that you seek the truth, the absolute truth, the showing of which is required by us, the prosecution.

We are not looking for blood indiscriminately. We are only seeking the slayer of Mary Phagan, and in seeking him, I try as much as possible to feel as though I were one of you twelve. Now, let's see what was the situation on April 26 in the pencil factory. This factory was being run by Sig Montag as its boss, Frank as its superintendent, assisted by the handsome Mr. Darley and the able Mr. Schiff.

As a citizen of Atlanta, I am not proud of conditions that existed in that factory! What was its moral atmosphere? The character of it appeals wonderfully to us as we seek the truth. The defense has produced numbers of girl workers who told us of his character. They say it is good. That is only negative because he has never harmed them. They do not know him. But, while we are considering their stories, there are the stories of others-girls who left his factory because of his character and his conduct toward them. They say his character is bad. You have from the two your choice of either. Those who still are there-those who have never been harmed-and those who have left because of him and his character.

The law is a peculiar thing.

We named over our plans with the first witnesses put on the stand. We showed at first just exactly what we had in view, exposed our hand, so to speak, and even went so far as to put the stories before you in so far as they were allowed to be told. They could have gone into detail were we permitted to have allowed them. They could have told of incidents that would have been convincing. We have adopted the only legal manner in which the matter could be sifted. It's on this principle: If fifty men were asked of the character of a certain place or man, and twenty-five or more say it is good, while as few as ten say it's bad, what is the character of this place or person, considering, of course, that all have an equal opportunity to observe? Would you say it was good? This question of character was one into which we were not permitted to go. But the defense, on the other hand, were allowed to let down the bars and walk in. That pencil factory was a great place for a man without a conscience. It was a great place for Frank, his handsome assistant, Mr. Darley, and the able Mr. Schiff.

We find that Frank had coupled himself up for nightly meeting with Dalton, who now has, it seems, turned respectable. My friends, no doubt, will argue that it was strange a man of such business and social position should consort with such a character. It will be a good argument, likely, but probe a little deeper and see if Dalton was not the kind of man required by a dual personality such as possessed by Frank! We all have dual personalities. There is not a man so good without evil, and no man so bad without good. But when the evil is predominant the man is bad. Vice versa with the good. A man may mingle with his varnished class by day, but when the shades of night are falling and the evil dominate, he doesn't go and get good men who can tell of his good character. He goes for his Dalton.

We all are Dr. Jekylls and Mr. Hydes.

There are two sides to each of us. Dalton seems to have overcome this evil. He is apparently making good, as many substantial folks have told us on the witness stand. You can't blame Dalton so much. This factory was under the control of this man [Leo] Frank. It is a house of bad reputation. You find other acts of this sort committed therein. It is unsavory. [Leo] Frank is its head. He contends he did not know Mary Phagan. Why, every day as he – walked through the floor on which his office was situated, he passed by her at her machine. You find, gentlemen, that he often stopped at her place of duty to show her this or to show her that, to help her in her work. Not only that, but he followed her out of her beaten path-following like some wild animal, telling her of his superiority, coaxing, persuading, all the while she strove to return to her work at her machine. You will notice on this diagram that every time he crossed the floor he passed this beautiful girl, looking upon her with the eye of lust. The first indication of his attitude toward his victim is in the tall, good-natured Jim Gantt, friend of Mary [Phagan]. [Leo] Frank asks Gantt: "You're pretty thick with Mary, aren't you?" It shows that he knew her and that he had his eye on her.

What next? He wants to get rid of Gantt. How does he go about it? You have seen that previously he was bragging on Gantt, on Gantt's ability as a workman. But, just as soon as his eye is set upon the pretty little friend of Gantt, he sets plans to get rid of him. And, it comes up about a dollar. He says it was something about money, hoping to lead you, gentlemen, to believe that Gantt was a thief. He would not let Gantt go into the building because he was a thief. Didn't he know that this long-legged mountaineer was coming back at him? Sure, he knew it. And, they parted company at once. Gantt was fired. What was he accomplishing by this? He was getting rid of the only man on either floor-in the whole factory-who knew Mary Phagan, and who would raise a hand to protect her. Then he sets about laying plans. And those plans! You will notice that the defense has pitched its every effort entirely on [James] Jim Conley. I don't blame them. He was like Stone Mountain is to some highways in its vicinity. They couldn't get by him. We could have left him out and have had an excellent chain of circumstantial evidence.

Without Jim [Conley], though, the defense couldn't move-they couldn't budge. You have sat and seen the biggest legal battle ever fought in a court house between skillful intellect and a witness negro. You have seen brainy eloquence pitted against the slow, incomprehensible dialect of a negro. You have seen a trained and speedy mind battling with blunt ignorance. And, what was the result? At the end of three and a half days it came. That negro was asked questions about everything Rosser could conceive. His answers were hurried from the stenographer's notes and transcribed on typewriter. Then, they were hurled back into Conley's face. But, it was like water poured onto a mill wheel. They received the same answers, the same story. It was because, gentlemen, the negro was telling the truth. Truth is stronger than all the brains and ingenuity that can be collected in this whole town-this state, the world.

How they did hate to give up the fight.

They lost, and with the loss went the loss of their theory in whole.

When all was through, they were forced to sit and leave Jim's truth unscathed. How unfortunate!

All they could say was that Jim had been a big liar. That is true. In his first two stories, he lied. But, if I had any comment on Jim Conley, it would be that if they had bored me as they bored him at police headquarters, they could have muddled me even more.

Suppose Frank's conduct in this case is shown as it has been. He is a smart man. There is no disputing that fact. He needn't have told you all the details on the stand of the amount of work he did that day. You can tell that he is smart, clever, ingenious.

Now, Jim [Conley], he comes back that Saturday morning by order of the brilliant [Leo] Frank, his boss. There's no denial of this, so far. Other people tell you they have seen women enter the factory with men at suspicious hours. Jim [Conley] tells you of watching for these folks. And there is this to reckon with: Providence has a way of revealing the truth at the final minute. At the eleventh hour we found two men yesterday who had been to the pencil factory at the noon Mary Phagan was murdered. They saw Jim Conley just as he tells you, sitting on the first floor, near the door where he watched for [Leo] Frank. Mrs. White saw him, although she doesn't identify him perfectly. One thing true, she saw a negro in the position Jim tells us he was in. Now, for what purpose was he there? Waiting to do the same thing he had done before-to watch for his boss. They say he was drunk. Very well. But, did you notice how clearly he recited incidents and told the names of people he saw at the times they claim he was so drunk? We are brought up to the time of the tragedy. Jim Conley is still there. Everybody has gone, leaving him and Frank in the building. Frank knew that Mary Phagan was coming that day, and he knew the hour. On the previous afternoon little Helen Ferguson, Mary's chum, had called for Mary's pay, and Frank had told her that Mary Phagan should come and get her own pay, breaking a rule of the plant in doing so. He arranges with Jim to hang around and make himself convenient. Jim [Conley] takes his accustomed seat in the hallway.

Parties come and go.

Jim observes all that happens, he says nothing.

Finally, Mary Phagan arrives, beautiful, innocent, coming in her blue frock and new hat and a ribbon around her hair. Without any thought of evil or foreboding of tragedy, she tripped into the building and up the stairs, going for \$1.20.

No explanation can come from Mary.

The dead have no stories to tell.

She went in a little after 12. She found Frank. He tells us that much from his own lips. He was there from 12:00 to 1:00. It's his own statement. What a statement!

There was Mary [Phagan].

Then, there was another little girl, Monteen Stover. He [Leo Frank] never knew Monteen [Stover] was there, and he said he stayed in his office from 12:00 until after 1:00 – never left.

Monteen [Stover] waited around for five minutes. Then she left. The result?

(Here Frank Arthur Hooper sums up Leo Frank's virtual murder confession in one sentence)

There comes for the first time from the lips of [Leo] Frank, the defendant, the admission that he might have gone to some other part of the building during this time-he didn't remember clearly.

Jim Conley, sitting faithfully downstairs, heard footsteps going toward the metal room. Then there came the sound of other footsteps, footsteps that pursued. There was no return of the first footsteps, and the footsteps that pursued tiptoed back from the metal room.

Then Leo stamped a signal on the office floor.

I will be fair with [Leo] Frank. When he followed the child back into the metal room, he didn't know that it would necessitate force to accomplish his purpose. I don't believe he originally had murder in his heart.

There was a scream.

Jim Conley heard it.

Just for the sake of knowing how harrowing it was, I wish you jurymen could hear a similar scream.

It was poorly described by the negro. He said it sounded as if a laugh was broken off into a shriek. He heard it break through the stillness of the hushed building. It was uncanny, but he sat faithfully on. He was under orders. He was to come on signal. That scream was no signal.

Later, Frank would stamp on the the office floor. This negro tells you that the white man killed the little girl. But, no! Frank was in his office, busy with his wonderful financial sheet. I will show you how he could have sat at his desk and heard this negro attack the, little child who had come to draw her pay.

[Mr. Hooper turned to the diagram, showing the jury the nearness of the metal room to Frank's office, explaining his theory that nothing could have happened on the floor without being heard or seen by Frank.]

Mr. Frank, I will give you the benefit of all you deserve. ‘When all is summed up, you were sitting only a few feet from the spot ‘where a murder was committed, and you never raised a finger. Let me show you something else. When this thing was over there were two men and a woman upstairs who had to get out the building before the body was moved. It would be dangerous to leave it lying back in the metal room, staring hideously from unseeing eyes.

Frank went upstairs and told the trio up there that if they were going, it was time for them to leave, as he was going to lock up the factory. He [Leo Frank] was in a hurry and told them so. Mrs. Arthur White, perceiving his evident hurry, hastened downstairs. When she reached the office, Frank, the man-in-a-hurry, was in his shirt sleeves, writing at his desk.

Why should I hang? What does that show?

In the first place, his appreciation of a little girl of 14. Did it hurt him to knot the rope of cord around her neck, did it hurt him as he drew it tighter and tighter around the tender throat until the dim spark of life was choked extinct?

To the contrary.

It only excited him enough to ask himself the question “Why should I hang?” There come times when we all speak our true thoughts and sentiments. That was such a time. Now, which is the more probable—that Jim heard this expression, or that he imagined the story?

Did Jim know Frank had relatives in Brooklyn? Did Jim know there was such a thing as Brooklyn? Did he know they were rich? And Jim says, with the typical soul of Africa: “What’s goin’ to become of me?”

Frank says, “I’ll take care of you, for I’ll write my mother a letter, so that she can help you.” He asks Jim if he can write, and Jim tells him a little bit. He wasn’t on his guard. He should have detected Frank’s purpose. Frank was smart, Jim was dull. Frank dictated, Jim wrote.

Now, gentlemen, I suppose most of you are southern men, men who know the characteristics of the negro. Will you please tell me what idea this negro would have had to write these notes accusing a negro, and, just the same as saying, this was done by a negro who is a fool and who cannot write? It was foolish enough for the mighty brain of Frank to put the notes beside the body. The truth of the business is, that this looks like the only time the brainy Frank ever lost his head.

Then, next comes the money. Frank pulls out his roll of bills, and says, “Jim, here’s that \$200.” Jim is so overwhelmed that he doesn’t notice the amount, but puts the roll in his pocket. Frank reflects. He need not waste the \$200. Jim is as deep in the mire as he is in the mud. He recovers the money.

“Let’s see, Jim, if everything comes out all right, I’ll return this money.”

He tells Jim that Jim has the goods to deliver. The body must be disposed of. That will be left to Jim. He depends on Jim’s lust for the \$200 to bring him back to the factory to burn the corpse of little Mary, the victim! Nobody else was expected by him that afternoon but Jim Conley and Newt Lee.

It makes no difference to me about how long it took Frank to go to lunch, the minute he put in here and the minute he put in there, about which there has been such a squabble in the evidence. That is aside from the point.

The fact remains that at or about 3 o’clock he came back to the pencil factory to await the arrival of Jim Conley to burn that body! He was expecting Jim Conley, and he also knew that Newt Lee was coming. Aye, there was the rub! He expected them both, and it depended upon which one arrived first as to how things would go. If Jim got there first and disposed of that body, all right; but suppose Newt Lee got there first! Then was the defendant in the position of Napoleon at the battle of Waterloo, when he wondered which army would arrive first, and knew that upon this question depended victory or defeat. The wrong army arrived, and Napoleon went down! Newt Lee arrived at the pencil factory that afternoon, but where was Jim Conley? Yes, that’s what the defendant asked himself, “Where is Jim Conley?” Jim Conley was getting that much-needed sleep after the exciting events he had gone through with. That’s where Jim Conley was.

Then was the defendant lost.

He [Leo] sent Newt Lee away, with the last hope that Jim might yet turn up and burn the body as had been agreed upon.

“Go out and have a good time, Newt,”

that’s what the defendant told good old honest Newt Lee. He said, “It is not Newt Lee I want, it is Jim Conley. Go away, Newt, and stay until 6 o’clock. Give me two hours more.” Two hours passed, and Jim Conley did not show up. He was taking that much-needed nap.

Newt came back, and the game was up. He talked to Newt Lee about the night’s work and started home.

Now, gentlemen of the jury, I want to call your attention to a very peculiar thing: As the defendant passed out of the factory door, he met Gantt, old long-legged Gantt, who was looking for his shoes.

Witnesses testified that the defendant jumped back startled.

Why? Think why? He wasn’t afraid of Gantt. Gantt wouldn’t hurt a flea. That wasn’t the reason. He knew that Gantt knew Mary Phagan and had lived close to the family, and

Frank thought that Gantt was looking for little Mary, who was missing from home and should have been back long ago. That's why he jumped back when he saw Gantt. He had called Gantt down about "setting up" to Mary, and had fired him over an argument about who was going to pay a dollar or so. He didn't think that Gantt stole that paltry dollar. He expected him to ask where Mary Phagan was. That, gentlemen of the jury, is why he jumped back when he saw Gantt. But Gantt spoke to the defendant. He just said, "Howdy, Mr. Frank," The defendant felt relieved then. Gantt told him that he had left a pair of shoes in the factory and wanted to get them. But it won't do to let him go in that building now, thought the defendant. Suppose he should find out? He must not go in there.

So the defendant said that he thought he had seen a nigger sweeping Gantt's shoes out of the building. Then Gantt said he had two pairs of shoes in there, and that maybe the other pair -wasn't swept out. This was the last hope. 'What could he say to that? He had said that he saw the nigger sweeping out only one pair.

In a few days this murder must be out, anyway. To keep Gantt out would arouse his suspicions. And this is what went on in the defendant's mind: "I'll let him in, but I'll guard him like a thief." And he said, "Newt, go With him." Strange to say, Gantt found both pairs of shoes, just where he said he had left them.

Gentlemen, does that look like the defendant had seen a nigger sweeping them out? Does that look like the truth? After he had let Gantt in the factory, what did he do? He called up the factory by phone, a thing that he never had done before. Why? Why did he do that thing? Gantt! Gantt! That's why! He wanted to know if Gantt had gone, and whether he was any the wiser. He couldn't rest until he knew this. This Banquo's ghost of a Gantt was haunting him. But when he knew that Gantt was safely gone and everything was all right, he was in a fine humor then. He could laugh and talk He could sit down in the house with his wife and read baseball in the newspaper. He could laugh and try playfully to break up a card game. He felt fine and relieved. As glad and free as a school boy! Old long-legged Gantt was gone, and everything was all right!

Now, about Newt Lee. I don't want to thresh out all the details in this respect. You remember the evidence about honest old Newt Lee's finding the body. That's all we need to know about him.

No suspicion attaches to Newt. He notified the police, and tried to notify Frank.

The police came and took the body of little Mary Phagan to the undertakers. The police called up Frank then and told him they wanted him. Detective Starnes got mixed up when he told about this on the stand, but he never forgot that when he called Frank up, Frank did not ask him what the trouble was. He didn't ask him whether anybody had been killed at the factory. He didn't ask them if everything at the factory was all right. They took Frank to the undertaker's. He was nervous then. But have you seen a quiver of a muscle since he has been these weeks in the court room'? He is facing the fight now, and his nerves are set. But that morning he was as nervous as a cat.

He said, "I think it's a girl I paid off yesterday. I'll have to look at my books and see." That's what he said about the body of the girl he saw every day and talked to. He offered no consolation, or anything. He got away from there. Another thing, when they carried him to the basement and brought him back upstairs, what was going on in his mind then? He thought he must look at that time slip. So he got the key and unlocked the clock and took out the slip. He examined it while others were looking over his shoulder, and said it was correctly punched, that it was all right, and others agreed to it. "Here's the slip." He said, "That's all right. That clears you, Newt." – What next occurred to him? He saw he was getting into a fix, and he had better take a shot at Newt. What happens? Another slip turns up. He says he was mistaken at first. There were lapses in the punches on the slip, showing time enough unaccounted for to allow Newt to go home.

Policeman Black had suspicions. He goes to Newt Lee's home. He unlocks the door with his keys, and looks in the house and on the trash pile, and in the bottom of the barrel, with a lot of things piled on top of it, he found a bloody shirt! How did it get there? Newt Lee accounts for his time Sunday. No suspicion attaches to Newt Lee. He is a free man. How did that bloody shirt get there? It had to be planted. Gentlemen, it was planted!

Here are the two propositions, gentlemen. If Newt Lee was to be made the scapegoat, suspicion had to be directed to him. Somebody had to plant that suspicion. He [Leo Frank] would sacrifice Newt Lee that he might live! The Bible says, "What will not a man give for his life?" He was willing to give the life of Newt Lee that his own life might be spared. He was willing to give the life of Gantt that he might live. Was not Gantt arrested a few days after? But not once at that time did he think of giving the life of Jim Conley. But somebody found Jim Conley washing a shirt to go to the trial, and there was where Jim got into trouble. But Frank didn't try to fix it on Jim then. He waited until Newt had failed, and all else had failed, except the suspicion which rested upon himself. Then he turned on Jim Conley.

I call your attention, gentlemen of the jury, to another peculiar thing: Weeks after the murder, and after the factory had been searched, a big, bloody stick was found by shrewd Pinkerton detectives, who can find anything-even an elephant, if it gets in the way. They also found a piece of envelope. But, fortunately, they showed this to Mr. Coleman, who said that Mary had received but \$1.20 and that the figure "5" on the envelope had no business there. And so, it was rubbed out. Besides the shirt, then, we find the club and the pay envelope.

Another very peculiar thing is about this man named Mincey. Conley was asked, "Didn't you confess to Mincey that you were the man that killed the girl?" Conley said, "No." That question was asked, gentlemen, as a foundation upon which to introduce Mincey. Where is Mincey? He is the man who could clear it all up. He is the man about whom it appeared that the whole fight would center. If he could convince you that Jim confessed the murder to him, that would let Frank out! Yet where is Mincey?

Gentlemen, this has been a long testimony which you have had to sit through, and I do not wish to take up any more of your time than necessary. Gentlemen, the only belief

required of you is the same sort of belief that you would have upon the street, at your places of business, or in your homes, and on this belief you are to act.

Simply use your common sense in the jury box.

I thank you.

MR. ARNOLD, FOR THE PRISONER.



Reuben Arnold

Mr. Arnold:

Gentlemen of the Jury: We are all to be congratulated that this case is drawing to a close. We have all suffered here from trying a long and complicated case at the heated term of the year. It has been a case that has taken so much effort and so much concentration and so much time, and the quarters here are so poor, that it has been particularly hard on you members of the jury who are practically in custody while the case is going on. I know it's hard on a jury, to be kept confined this way, but it is necessary that they be segregated and set apart where they will get no impression at home nor on the street. The members of the jury are in a sense set apart on a mountain, where, far removed from the passion and heat of the plain, calmness roles them and they can judge a case on its merits.

My friend Hooper said a funny thing here a while ago. I don't think he meant what he said, however. Mr. Hooper said that the men in the jury box are not different from the men on the street. Your Honor, I'm learning something every day, and I certainly learned something today, if that's true. Mr. Hooper. Mr. Arnold evidently mistakes my meaning, which I thought I made clear. I stated that the men in the jury box were like they would be on the street in the fact that in making up their minds about the guilt or innocence of the accused they must use the same common sense that they would if they were not part of the court.

[Mr. Arnold next described the horrible crime that had been committed that afternoon or night in the National Pencil Company's dark basement. He dwelt on the effect of the crime upon the people of Atlanta and of how high feeling ran and still runs, and of the omnipresent desire for the death of the man who committed the crime.]

There are fellows like that street car man, Kendley, the one who vilified this defendant here and cried for him to be lynched, and shouted that he was guilty until he made himself a nuisance on the cars he ran. Why, I can hardly realize that a man holding a position as responsible as that of a motorman and a man with certain police powers and the discretion necessary to guide a car through the crowded city streets would give way to passion and prejudice like that. It was a type of man like Kendley who said he did not know for sure whether those negroes hanged in Decatur for the shooting of the street car men were guilty, but he was glad they were hung, as some negroes ought to be hanged for the crime. He's the same sort of a man who believes that there ought to be a hanging because that innocent little girl was murdered, and who would like to see this Jew here hang because somebody ought to hang for it. I'll tell you right now, if Frank hadn't been a Jew there would never have been any prosecution against him.

I'm asking my own people to turn him loose, asking them to do justice to a Jew, and I'm not a Jew, but I would rather die before doing injustice to a Jew. This case has just been built up by degrees; they have a monstrous perjurer here in the form of this Jim Conley against Frank. You know what sort of a man Conley is, and you know that up to the time the murder was committed no one ever heard a word against Frank. Villainy like this charged to him does not crop out in a day. There are long mutterings of it for years before. There are only a few who have ever said anything against Frank. I want to call your attention later to the class of their witnesses and the class of ours.

A few floaters around the factory, out of the hundreds who have worked there in the plant three or four years, have been induced to come up here and swear that Frank has not a good character, but the decent employees down there have sworn to his good character. Look at the jail birds they brought up here, the very dregs of humanity, men and women who have disgraced themselves and who now have come and tried to swear away the life of an innocent man. I know that you members of the jury are impartial. That's the only reason why you are here, and I'm going to strip the state's case bare for you, if I have the strength to last to do it. They have got to show Frank guilty of one thing before you can convict him; they've got to show that he is guilty of the murder, no

matter what else they show about him. You are trying him solely for the murder, and there must be no chance that anyone else could just as likely be guilty.

If the jury sees that there is just as good a chance that Conley can be guilty, then they must turn Frank loose. Now, you can see how in this case the detectives were put to it to lay the crime on somebody. First, it was Lee, and then it was Gantt, and various people came in and declared they had seen the girl alive late Saturday night and at other times, and no one knew what to do. Well, suspicion turned away from Gantt, and in a little while it turned away from Lee.

Now, I don't believe that Lee is guilty of the crime, but I do believe that he knows a lot more about the crime than he told. He knows about those letters and he found that body a lot sooner than he said he did. Oh, well, the whole case is a mystery, a deep mystery, but there is one thing pretty plain, and that is that whoever wrote those notes committed the crime. Those notes certainly had some connection with the murder, and whoever wrote those notes committed the crime. Well, they put Newt Lee through the third degree and the fourth degree, and maybe a few others. That's the way, you know, they got this affidavit from the poor negro woman, Minola McKnight.

Why, just the other day the supreme court handed down a decision in which it referred to the third degree methods of the police and detectives in words that burned. Well, they used those methods with Jim Conley. My friend, Hooper, said nothing held Conley to the witness chair here but the truth, but I tell you that the fear of a broken neck held him there. I think this decision about the third degree was handed down with Conley's case in mind. I'm going to show this Conley business up before I get through. I'm going to show that this entire case is the greatest frameup in the history of the state.

My friend Hooper remarked something about circumstantial evidence, and how powerful it frequently was. He forgot to say that the circumstances, in every case, must invariably be proved by witnesses. History contains a long record of circumstantial evidence, and I once had a book on the subject which dwelt on such cases, most all of which sickens the man who reads them. Horrible mistakes have been made by circumstantial evidence—more so than by any other kind.

[1 Here Mr. Arnold cited the Durant case in San Francisco, the Hampton case in England, and the Dreyfus case in France as instances of mistakes of circumstantial evidence. In the Dreyfus case he declared it was purely persecution of the Jew. The hideousness of the murder itself was not as savage, he asserted, as the feeling to convict this man. But the savagery and venom is there just the same, and it is a case very much on the order of Dreyfus.]

Hooper says, "Suppose Frank didn't kill the girl, and Jim Conley did, wasn't it Frank's duty to protect her." He was taking the position that if Jim went back there and killed her, Frank could not help but know about the murder. Which position, I think, is quite absurd. Take this hypothesis, then, of Mr. Hooper's. If Jim saw the girl go up and went back and killed her, would he have taken the body down the elevator at that time? Wouldn't he

have waited until Frank and White and Denham, and Mrs. White and all others were out of the building? I think so. But there's not a possibility of the girl having been killed on the second floor. Hooper smells a plot, and says Frank has his eye on the little girl who was killed.

The crime isn't an act of a civilized man—it's the crime of a cannibal, a man-eater. Hooper is hard-pressed and wants to get up a plot—he sees he has to get tip something. He forms his plot from Jim Conley's story. They say that on Friday, Frank knew he was going to make an attack of some sort on Mary Phagan. The plot thickens. Of all the wild things I have ever heard, that is the wildest. It is ridiculous. Mary Phagan worked in the pencil factory for months, and all the evidence they have produced that Frank ever associated with her—ever knew her—is the story of weasley little Willie Turner, who can't even describe the little girl who was killed. A little further on in his story, Jim is beginning the plot. They used him to corroborate everything as they advised. Jim is laying the foundation for the plot. What is it—this plot? Only that on Friday Frank was planning to commit some kind of assault upon Mary Phagan.

Jim was their tool. Even Scott swears that when he told Jim that Jim's story didn't fit, Jim very obligingly adapted it to suit his defense. He was scrupulous about things like that. He was quite considerate. Certainly. He had his own neck to save. Jim undertook to show that Frank had an engagement with some woman at the pencil factory that Saturday morning. There is no pretense that another woman is mixed up in the case. No one would argue that he planned to meet and assault this innocent little girl who was killed. Who but God would know whether she was coming for her pay that Friday afternoon or the next Saturday? Are we stark idiots? Can't we divine some things?

They've got a girl named Ferguson, who says she went for Mary Phagan's pay on the Friday before she was killed, and that Frank wouldn't give it to her. It is the wildest theory on earth, and it fits nothing. It is a strained conspiracy. Frank, to show you I am correct, had nothing whatever to do with paying off on Friday. Schiff did it all. And little Magnolia Kennedy, Helen Ferguson's best friend, says she was with Helen when Helen went to draw her pay, and that Helen never said a word about Mary's envelope. There's your conspiracy, with Jim Conley's story as its foundation. It's too thin. It 's preposterous.

Then my friend Hooper says Frank discharged Gantt because he saw Gantt talking to Mary Phagan. If you convict men on such distorted evidence as this, why you'd be hanging men perpetually. Gantt, in the first place, doesn't come into this case in any good light. It is ridiculously absurd to bring his discharge into this plot of the defense. Why, even Grace Hicks, who worked with Mary Phagan, and who is a sister-in-law of Boots Rogers, says that Frank did not know the little girl. Hooper also says that bad things are going on in the pencil factory, and that it is natural for men to cast about for girls in such environments. We are not trying this case on whether you or I or Frank had been perfect in the past. This is a case of murder. Let him who is without sin cast the first stone.

I say this much, and that is that there has been as little evidence of such conditions in this plant as any other of its kind you can find in the city. They have produced some, of course, but it is an easy matter to locate some ten or twelve disgruntled ex-employees who are vengeful enough to swear against their former superintendent, even though they don't know him except by sight. I want to ask this much : Could Frank have remained at the head of this concern if he had been as loose morally as the state has striven to show? If he had carried on with the girls of the place as my friend alleged, wouldn't the entire working force have been demoralized, ruined? He may have looked into this dressing room, as the little Jackson girl says, but, if he did, it was done to see that the girls weren't loitering. There were no lavatories, no toilets, no baths in these dressing rooms. The girls only changed their top garments. He wouldn't have seen much if he had peered into the place. You can go to Piedmont park any day and see girls and women with a whole lot less on their persons. And to the shows any night you can see the actresses with almost nothing on.

Everything brought against Frank was some act he did openly and in broad daylight, and an act against which no kick was made. The trouble with Hooper is that he sees a bear in every bush. He sees a plot in this because Frank told Jim Conley to come back Saturday morning. The office that day was filled with persons throughout the day. How could he know when Mary Phagan was coming or how many persons would be in the place when she arrived?

This crime is the hideous act of a negro who would ravish a ten-year-old girl the same as he would ravish a woman of years. It isn't a white man's crime. It's the crime of a beast—a low, savage beast!

Now, back to the case. There is an explorer in the pencil factory by the name of Barrett—I call him Christopher Columbus Barrett purely for his penchant for finding things. Mr. Barrett discovered the blood spots in the place where Chief Beavers, Chief Lanford and Mr. Black and Mr. Starnes had searched on the Sunday of the discovery. They found nothing of the sort. Barrett discovered the stains after he had proclaimed to the whole second floor that he was going to get the \$4,000 reward if Mr. Frank was convicted. Now, you talk about plants! If this doesn't look mighty funny that a man expecting a reward would find blood spots in a place that has been scoured by detectives, I don't know what does. Four chips of this flooring were chiseled from this flooring where these spots were found. The floor was an inch deep in dirt and grease. Victims of accidents had passed by the spot with bleeding fingers and hands. If a drop of blood had ever fallen there, a chemist could find it four years later. Their contention is that all the big spots were undiluted blood. Yet, let's see how much blood Dr. Claude Smith found on the chips. Probably five corpuscles, that's all, and that's what he testified here at the trial. My recollection is that one single drop of blood contains 8,000 corpuscles. And, he found these corpuscles on only one chip. I say that half of the blood had been on the floor two or three years.

The stain on all chips but one were not blood. Dorsey's own doctors have put him where he can't wriggle—his own evidence hampers him! They found blood spots on a certain

spot and then had Jim adapt his story accordingly. They had him put the finding of the body near the blood spots, and had him drop it right where the spots were found. It stands to reason that if a girl had been wounded on the lathing machine, there would have been blood in the vicinity of the machine. Yet, there was no blood in that place, and neither was there any where the body was said to have been found by Conley. The case doesn't fit. It's flimsy. And, this white machine oil that they've raised such a rumpus over. It was put on the floor as a cheap, common plant to make it appear as though someone had put it there in an effort to hide the blood spots. The two spots of blood and the strands of hair are the only evidence that the prosecution has that the girl was killed on the second floor.

Now, about these strands of hair. Barrett, the explorer, says he found four or five strands on the lathing machine. I don't know whether he did or not. They've never been produced. I've never seen them. But, it's probable, for just beyond the lathing machine, right in the path of a draft that blows in from the window, is a gas jet used by the girls in curling and primping their hair. It's very probable that strands of hair have been blown from this jet to the lathing machine.

The detectives say that Frank is a crafty, cunning criminal, when deep down in their heart of hearts they know good and well that their case is built against him purely because he was honest enough to admit having seen her that day. Had he been a criminal, he never would have told about seeing her and would have replaced her envelope in the desk, saying she had never called for her pay.

I believe that a majority of women are good. The state jumped on poor Daisy Hopkins. I don't contend, now, mind you, that she is a paragon of virtue. But there are men who were put up by the state who are no better than she. For instance, this Dalton, who says openly that he went into the basement with Daisy. I don't believe he ever did, but, in such a case, he slipped in. There are some fallen women who can tell the truth. They have characteristics like all other types. We put her on the stand to prove Dalton a liar, and she did it.

Now, gentlemen, don't you think the prosecution is hard pressed when they put up such a character as Dalton? They say he has reformed. A man with thievery in his soul never reforms. Drunkards do, and men with bad habits, but thieves! No. Would you convict a man like Frank on the word of a perjurer like Dalton?

Now, I'm coming back to Jim Conley. The whole case centers around him. Mr. Hooper argues well on that part. At the outset of the case, the suspicion pointed to Frank merely because he was the only man in the building. It never cropped out for weeks that anyone else was on the first floor. The detectives put their efforts on Frank because he admitted having seen the girl. They have let their zeal run away with them in this case, and it is tragic. They are proud whenever they get a prisoner who will tell something. The humbler the victim the worse is the case. Such evidence comes with the stamp of untruth on its face.

Jim Conley was telling his story to save his neck, and the detectives were happy listeners. If there is one thing for which a negro is capable it is for telling a story in detail. It is the same with children. Both have vivid imaginations. And a negro is also the best mimic in the world. He can imitate anybody. Jim Conley, as he lay in his cell and read the papers and talked with the detectives, conjured up his wonderful story, and laid the crime on Frank, because the detectives had laid it there and were helping him do the same.

Now, Brother Hooper waves the bloody shirt in our face. It was found, Monday or Tuesday, in Newt Lee's house, while Detectives Black and Scott were giving Cain to poor old man Newt Lee. I don't doubt for a minute that they knew it was out there when they started out after it. I can't say they planted it, but it does look suspicious. Don't ask us about a planted shirt. Ask Scott and Black.

The first thing that points to Conley's guilt is his original denial that he could write. Why did he deny it? Why? I don't suppose much was thought of it when Jim said he couldn't write, because there are plenty of negroes who are in the same fix. But later, when they found he could, and found that his script compared perfectly with the murder notes, they went right on accusing Frank. Not in criminal annals was there a better chance to lay at the door of another man a crime than Jim Conley had. You see, there is a reason to all things. The detective department had many reasons to push the case against Frank. He was a man of position and culture. They were afraid that someone, unless they pushed the case to the jumping off place, would accuse them of trying to shield him. They are afraid of public and sentiment, and do not want to combat it, so, in such cases, they invariably follow the line of least resistance.

[Reading Conley's statement, Mr. Arnold pointed out the use of words, which he declared no negro would naturally have used.] These were long words with many syllables in them. They said that Conley used so much detail in his statements that he could not have been lying! [He then read parts of statements which Conley had repudiated as willful lies and pointed out the wealth of detail with which they were filled.] And yet they say he couldn't fabricate so much detail! Oh, he is smart! [He then read the statement of May 24, in which Conley admitted writing the notes. In this he shows three different times at which Conley stated he wrote the notes, these being early in the morning, at 12:04 and at 3 p.m.] The statements were not genuinely Conley's. Take the word "negro." The first word that a nigger learns to spell correctly is negro, and he always takes particular pains to spell it n-e-g-r-o. He knows how to spell it. Listen to the statement. He says that at first he spelled the word "negros," but that Frank did not want the "s" on it and told him to rub it out, which he did. Then he says that he wrote the word over.

Look at the notes. He was treed about those notes, and he had to tell a lie and put upon someone the burden of instructing him to write them. The first statement about them was a blunt lie—a lie in its incipiency. He said he wrote the notes on Friday. This was untrue, and unreasonable and he saw it. Frank could not have known anything of an intended murder on Friday from any viewpoint you might take, and therefore he could not have made Conley write them on Friday.

Ah, gentlemen of the jury, I tell you these people had a great find when they got this admission from Conley ! If Conley had stayed over there in the Tower with Uncle Wheeler Mangum he would have told the truth long ago. There's where he should have stayed, with Wheeler Mangum. My good friend, Dorsey, is all right. I like him. But he should not have walked hand in glove with the detectives. There's where he went wrong. My good old friend, Charlie Hill would not have done that. He would have let the nigger stay in the jail with Uncle Wheeler.

I like Dorsey. He simply made a mistake by joining in the hunt, in becoming a part of the chase. The solicitor should be little short of as fair as the judge himself. But he's young and lacks the experience. He will probably know better in the future. Dorsey did this : He went to the judge and got the nigger moved from the jail to the police station. The judge simply said, "Whatever you say is all right."

Now, I'm going to show you how John Black got the statement of Conley changed. I am going to give you a demonstration. I have learned some things in this case about getting evidence . They say that Frank cut Conley loose and he decided to tell the truth. Conley is a wretch with a long criminal record. Gentlemen, how can they expect what he says to be believed against the statement of Leo M. Frank? They say Conley can't lie about detail. Here are four pages, all of which he himself admits are lies. They are about every saloon on Peters Street, saloons to which he went, his shooting craps, his buying beer and all the ways in which he spent a morning. There is detail enough, and he admits that they are lies. Now, in his third statement, that of May 28, he changes the time of writing the letters from Friday to Saturday. Here are two pages of what he said, all of which he afterwards said were lies. He says that he made the statement that he wrote the notes on Friday in order to divert suspicion from his being connected with the murder which happened on Saturday. He also says that this is his final and true statement. God only knows how many statements he will make. He said he made the statement voluntarily and truthfully without promise of reward, and that he is telling the truth and the whole truth. He said in his statement that he never went to the building on Saturday. Yet we know that he was lurking in the building all the morning on the day of the murder. We know that he watched every girl that walked into that building so closely that he could tell you the spots on their dresses. We know that he was drunk, or had enough liquor in him to fire his blood. I know why he wouldn't admit being in that building on Saturday. He had guilt on his soul, and he didn't want it to be known that he was here on Saturday.

That's why when they pinned him down, what did he do? He says that he was watching for Frank. My God, wasn't he a watchman! He said that he heard Frank and Mary Phagan walking upstairs, and that he heard Mary Phagan scream, and that immediately after hearing the scream he let Monteen Stover into the building. Why, they even have him saying that he watched for Frank, when another concern was using the very floor space in which Frank's office was located, and you know they wouldn't submit to anything like that.

Look again! He says that Mr. Frank said, "Jim, can you write?" What a lie ! He admitted that he had been writing for Frank for two years. It's awful to have to argue about a thing

like this, gentlemen ! You will remember Hooper said, “How foolish of Conley to write these notes ! ” How much more foolish, I say, of Frank to do it!

I don’t think that Newt killed the girl, but I believe he discovered the body some time before he notified the police. Newt’s a good nigger. Scott said that it took Conley six minutes to write a part of one note. Conley said that he wrote the notes three times.

They say that nigger couldn’t lie. Gentlemen, if there is any one thing that nigger can do, it is to lie. As my good old friend, Charlie Hill, would say, “Put him in a hopper and hell drip lye!”

He was trying to prove an alibi for himself when he said that he was not in the factory on Saturday and told all the things that he did elsewhere on that day. But we know that the wretch was lurking in the factory all of Saturday morning. Further, he swore that while he was in Frank’s office he heard someone approaching, and Mr. Frank cried out, “Gee! Here come Corinthia Hall and Emma Clarke!” and that Frank shut him up in a wardrobe until they left. According to Conley, they came into the factory between 12 and 1 o’clock, when as a matter of fact, we know that they came between 11 and 12.

And as for his being able to fabricate the details of his statement—why, he knew every inch of that building from top to bottom! Hadn’t he been sweeping and cleaning it for a long time? With this knowledge of the building, he naturally had no trouble in his pantomime after he had formed his story. The miserable wretch has Frank hiding him in the wardrobe when Emma Clarke came in after the murder, when it has been proved that she came there and left before Mary Phagan ever entered the building on that day. They saw where they were wrong in that statement, and they made Conley change it on the stand. They made him say, “I thought it was them.” They knew that that story wouldn’t fit.

Do you remember, how eagerly Conley took the papers from the girls at the factory? And do you remember how for four or five days the papers were full of the fact that Frank’s home was in Brooklyn, and that his relatives were reported to be wealthy? Conley didn’t have to go far to get material for that statement he put in Frank’s mouth. It so happened, though, that Frank really did not have rich relatives in Brooklyn. His mother testified that his father was in ill health, and had but moderate means and that his sister worked in New York for her living.

Gentlemen, am I living or dreaming, that I have to argue such points as these? This is what you’ve got to do: You’ve got to swallow every word that Conley has said—feathers and all, or you’ve got to believe none of it. How are you going to pick out of such a pack of lies as these what you will believe and what you will not? Yet, this is what the prosecution has based the case upon. If this fails, all fails. And do you remember about the watch, where Conley said that Frank asked him, “Why do you want to buy a watch for your wife? My big, fat wife wanted me to buy her an automobile, but I wouldn’t do it!” Do you believe that, gentlemen of the jury? I tell you that they have mistreated this poor woman terribly. They have insinuated that she would not come to the tower to see

Frank—had deserted him. When we know that she stayed away from the jail at Frank's own request because he did not want to submit her to the humiliation of seeing him locked up and to the vulgar gaze of the morbid and to the cameras of the newspaper men. The most awful thing in the whole case is the way this family has been mistreated!

The way they invaded Frank's home and manipulated his servants. I deny that the people who did this are representative of the 175,000 people of Fulton county. We are a fair people, and we are a chivalrous people. Such acts as these are not in our natures.

Conley next changes the time of the writing of the notes to Saturday, but denies knowledge of the murder. That, of course, did not satisfy these gentlemen, and they went back to him. They knew he was dodging incrimination. So they had him to change the statement again. Scott and other detectives spent six hours at the time with Conley on occasions and used profanity and worried him to get a confession. Hooper thinks that we have to break down Conley's testimony on the stand, but there is no such ruling. You can't tell when to believe him, he has lied so much. Scott says the detectives went over the testimony with Dorsey. There is where my friend got into it. They grilled Conley for six hours, trying to impress on him the fact that Frank would not have written the notes on Friday. They wanted another statement. He insisted that he had no other statement to make, but he did change the time of the writing of the notes from Friday to Saturday. This shows, gentlemen, as clearly as anything can show, how they got Conley's statements.

In the statement of May 29, they had nothing from Jim Conley about his knowledge of the killing of the little girl, and the negro merely said that Frank had told him something about the girl having received a fall and about his helping Frank to hide the body. Oh, Conley, we are going to have you tell enough to have you convict Frank and yet keep yourself clear. That's a smart negro, that Conley. And you notice how the state bragged on him because he stood up under the cross-examination of Colonel Rosser. Well, that negro's been well versed in law. Scott and Black and Starnes drilled him; they gave him the broad hints.

We came here to go to trial, and knew nothing of the negro's claim to seeing the cord around the little girl's neck, or of his claim of seeing Lemmie Quinn go into the factory, or of a score of other things. Yet, Conley was then telling the truth, he said, and he had thrown Frank aside. Oh, he was no longer shielding Frank, and yet he didn't tell it all when he said he was telling the whole truth. Well, Conley had a revelation, you know. My friend Dorsey visited with him seven times. And my friend, Jim Starnes, and my Irish friend, Patrick Campbell, they visited him, and on each visit Conley saw new light. Well, I guess they showed him things and other things. Does Jim tell a thing because it's the truth, gentlemen of the jury, or because it fits into something that another witness has told?

Scott says they told him thing that fitted. And Conley changed things every time he had a visit from Dorsey and the detectives. Are you going to hang a man on that?

Gentlemen, it's foolish for me to have to argue such a thing. The man that wrote those murder notes is the man who killed that girl. Prove that man was there and that he wrote the notes and you know who killed the girl. Well, Conley acknowledges he wrote the notes and witnesses have proved he was there and he admits that, too. That negro was in the building near the elevator shaft; it took but two steps for him to grab that little girl's mesh bag. She probably held on to it and struggled with him. A moment later he had struck her in the eye and she had fallen. It is the work of a moment for Conley to throw her down the elevator shaft. Isn't it more probable that the story I have outlined is true than the one that Conley tells on Frank?

Suppose Conley were now under indictment and Frank out, how long would such a story against Frank stand the pressure? In the statement of May 29 there are any number of things that are not told of which later were told on the stand. In the May 29 statement Conley never told of seeing Mary Phagan enter; he never told of seeing Monteen Stover enter, nor of seeing Lemmie Quinn enter; now he tells of having seen all of them enter. Don't you see how they just made it to fit witnesses and what the witnesses would swear? It was, "Here, Conley, swear that Quinn came up, swear that the dead girl came up, and swear that Miss Stover came up ; they all did, and it's true, swear to it !" And Conley would say, "All right, boss, Ah reckon they did." And it was "Conley, how did you fail to hear that girl go into the metal room? We know she went there, because by our blood and hair we have proved she was killed there," and the poor negro thought a minute, and then he said, "Yes, boss, I heard her go in." The state's representatives had put it into the negro's head to swear he heard Frank go in with her, and that he heard Frank come tiptoeing out later, and that by that method they made Conley swear that Frank was a moral pervert.

Now, I don't know that they told Conley to swear to this and to swear to that, but they made the suggestions, and Conley knew whom he had to please. He knew that when he pleased the detectives that the rope knot around his neck grew looser. In the same way they made Conley swear about Dalton, and in the same way about Daisy Hopkins. They didn't ask him about the mesh bag. They forgot that until Conley got on the stand. That mesh bag and that pay envelope furnish the true motive for this crime, too, and if the girl was ravished, Conley did it after he had robbed her and thrown her body into the basement.

Well, they got Conley on the stand, and my friend Dorsey here asked Conley about the mesh bag, and he said, yes, Frank had put it in his safe. That was the crowning lie of all! Well, they've gone on this way, adding one thing and another, thing. They wouldn't let Conley out of jail; they had their own reasons for that, and yet I never heard that old man over there (pointing to the sheriff) called dishonest. He runs his jail in a way to protect the innocent and not to convict them in this jail.

Gentlemen, right here a little girl was murdered, and it's a terrible crime. The Phagan tragedy, the crime that stirred Atlanta as none other ever did. We have already got in court the man who wrote those notes, and the man who by his own confession was there;

the man who robbed her, and, gentlemen, why go further in seeking the murderer than the black brute who sat there by the elevator shaft?

The man who sat by that elevator shaft is the man who committed the crime. He was full of passion and lust ; he had drunk of mean whiskey, and he wanted money at first to buy more whiskey. [Mr. Arnold asked the sheriff to unwrap a chart which had previously been brought into court. It proved to be a chronological chart of Frank's alleged movements on Saturday, April 26, the day of the crime, and Mr. Arnold announced to the jury that he would prove by the chart that it was a physical impossibility for Frank to have committed the crime.]

Every word on that chart is taken from the evidence, and it will show you that Frank did not have time to commit the crime charged to him. The state has wriggled a lot in this affair; they put up little George Epps, and he swore that he and Mary Phagan got to town about seven after twelve, and then they used other witnesses, and my friend Dorsey tried to boot the Epps boy's evidence aside as though it were nothing. The two street car men, Hollis and Mathews, say that Mary Phagan got to Forsyth and Marietta at five or six minutes after twelve, and they stuck to it, despite every attempt to bulldoze them, and then Mathews, who rode on the car to Whitehall and Mitchell, says that Mary Phagan rode around with him to Broad and Hunter streets before she got off.

Well, the state put up McCoy, the man who never got his watch out of soak until about the time he was called as a witness, and they had him swear that he looked at his watch at Walton and Forsyth (and he never had any watch), and it was 12 o'clock exactly, and then he walked down the street and saw Mary Phagan on her way to the factory. Now, I don't believe McCoy ever saw Mary Phagan. Epps may have seen her, but the State apparently calls him a liar, when they introduce other testimony to show a change of time to what he swore to. It's certain those two street car men who knew the girl, saw her, but the state comes in with the watchless McCoy and Kendley, the Jew-hater, and try to advance new theories about the time and different ones from what their own witness had sworn to. Well, we have enough to prove the time, all right; we have the street car schedule, the statement of Hollis and Mathews and of George Epps, the state's own witness.

The next thing is, how long did it take Conley to go through with what he claims happened from the time he went into Frank's office and was told to get the body until he left the factory. According to Conley's own statement, he started at four minutes to 1 o'clock and got through at 1:30 o'clock, making 34 minutes in all Harlee Branch says that he was there when the detectives made Conley go through with what he claimed took place, and that he started then at 12 :17, and by Mr. Branch's figures, it took Conley 50 minutes to complete the motions. Well, the state has attacked nearly everybody we have brought into this case, but they didn't attack Dr. William Owen, and he showed by his experiments that Conley could not have gone through those motions in 34 minutes. Jim Conley declared that he started at 4 minutes to 1 o'clock to get the body, and that he and Frank left at 1 :30. If we ever pinned the negro down to anything, we did to that, and we have shown that he could not have done all that in 34 minutes.

Away with your filth and your dirty, shameful evidence of perversion; your low street gossip, and come back to the time—the time-element in the case. Now, I don't believe the little Stover girl ever went into the inner office. She was a sweet, innocent, timid little girl, and she just peeped into the office from the outer one, and if Frank was in there, the safe door hid him from her view, or if he was not there, he might have stepped out for just a moment. Oh, my friend, Dorsey, he stops clocks and he changes schedules, and he even changes a man's whole physical make-up, and he's almost changed the course of time in an effort to get Frank convicted. Oh, I hate to think of little Mary Phagan in this. I hate to think that such a sweet, pure, good little girl as she was, with never a breath of anything wrong whispered against her, should have her memory polluted with such rotten evidence against an innocent man.

Well, Mary Phagan entered the factory at approximately 12 minutes after 12, and did you ever stop to think that it was Frank who told them that the girl entered the office when she entered it? If he had killed her he would have just slipped her pay envelope back in the safe and declared that he never saw her that day at all, and then no one could have ever explained how she got into that basement. But Frank couldn't know that there was hatred enough left in this country against his race to bring such a hideous charge against him.

Well, the little girl entered, and she got her pay and asked about the metal and then she left, but, there was a black spider waiting down there near the elevator shaft, a great passionate, lustful animal, full of mean whiskey and wanting money with which to buy more whiskey. *He was as full of vile lust as he was of the passion for more whiskey, and the negro (and there are a thousand of them in Atlanta who would assault a white woman if they had the chance and knew they wouldn't get caught) robbed her and struck her and threw her body down the shaft, and later he carried it back, and maybe, if she was alive, when he came back, he committed a worse crime, and then he put the cord around her neck and left the body there.*

Do you suppose Frank would have gone out at 1 :20 o'clock and left that body in the basement and those two men, White and Denham, at work upstairs? Do you suppose an intelligent man like Frank would have risked running that elevator, like Conley says he did, with the rest of the machinery of the factory shut off and nothing to prevent those men up there hearing him? Well, Frank says he left the factory at 1 o'clock, and Conley says he left there at 1 :30. Now, there's a little girl, who tried the week before to get a job as stenographer in Frank's office, who was standing at Whitehall and Alabama streets, and saw Frank at ten minutes after 1. Did she lie? Well, Dorsey didn't try to show it, and according to Dorsey, everybody lied except Conley and Dalton and Albert McKnight. This little girl says she knows it was Frank, because Professor Briscoe had introduced her to him the week before, and she knows the time of day because she had looked at a clock, as she had an engagement to meet another little girl. *That stamps your Conley story a lie blacker than hell!*

Then, Mrs. Levy, she's a Jew, but she's telling the truth; she was looking for her son to come home, and she saw Frank get off the car at his home corner, and she looked at her

clock and saw it was 1 :20. Then, Mrs. Selig and Mr. Selig swore on the stand that they knew he came in at 1 :20. Oh, of course, Dorsey says they are Frank's parents and wretched liars when they say they saw him come in at 1 :20. There's no one in this case that can tell the truth but Conley, Dalton and Albert McKnight. They are the lowest dregs and jail-birds, and all that, but they are the only ones who know how to tell the truth! Well, now Albert says he was there at the Selig home when Frank came in; of course he is lying, for his wife and the Seligs prove that, but he's the state's witness and he says Frank got there at 1 :30, and thus he brands Conley's story about Frank's leaving the factory at 1:30 a lie. Well, along the same lines, Albert says Frank didn't eat and that he was nervous, and Albert says he learned all this by looking into a mirror in the dining room, and seeing Frank's reflection. Then Albert caps the climax to his series of lies by having Frank board the car for town at Pulliam street and Glenn.

Now as to the affidavit signed by Minola McKnight, the cook for Mr. and Mrs. Emil Selig. How would you feel, gentlemen of the jury, if your cook, who had done no wrong and for whom no warrant had been issued, and from whom the solicitor had already got a statement, was to be locked up? Well, they got that wretched husband of Minola 's by means of Graven and Pickett, two men seeking a reward, and then they got Minola, and they said to her, "Oh, Minola, why don't you tell the truth like Albert's telling it?" They had no warrant when they locked this woman up. Starnes was guilty of a crime when he locked that woman up without a warrant, and Dorsey was, too, if he had anything to do with it. Now, George Gordon, Minola's lawyer, says that he asked Dorsey about getting the woman out, and Dorsey replied, "I'm afraid to give my consent to turning her loose; I might get in bad with the detective department." That's the way you men got evidence, was it?

Miss Rebecca Carson, a forewoman of the National Pencil factory, swore Frank had a good character. The state had introduced witnesses who swore that the woman and Frank had gone into the woman's dressing room when no one was around. I brand it a culmination of all lies when this woman was attacked. Frank had declared her to be a perfect lady with no shadow of suspicion against her. Well, Frank went on back to the factory that afternoon when he had eaten his lunch, and he started in and made out the financial sheet. I don't reckon he could have done that if he had just committed a murder, particularly when the state says he was so nervous the next morning that he shook and trembled. Then, the state says Frank wouldn't look at the corpse. But who said he didn't t Nobody. Why, Gheesling and Black didn't swear to that. Now, gentlemen, I've about finished this chapter, and I know it's been long and hard on you and I know it's been hard on me, too; I'm almost broken down, but it means a lot to that man over there. It means a lot to him, and don't forget that.

This case has been made up of just two things — prejudice and perjury. I've never seen such malice, such personal hatred in all my life, and I don't think anyone ever has. The crime itself is dreadful, too horrible to talk about, and God grant that the murderer may be found out, and I think he has. I think we can point to Jim Gonley and say there is the man. But, above all, gentlemen, let's follow the law in this matter. In circumstantial cases you can't convict a man as long as there's any other possible theory for the crime

of which he is accused, *and you can't find Frank guilty if there's a chance that Conley is the murderer*. The state has nothing on which to base their case but Conley, and we've shown Conley a liar. Write your verdict of not guilty and your consciences will give your approval.

MR. ROSSER, FOR THE PRISONER.



Luther Rosser

Mr. Rosser:

Gentlemen of the jury. All things come to an end. With the end of this case has almost come the end of the speakers, and but for the masterly effort of my brother, Arnold, I almost wish it had ended with no speaking. My condition is such that I can say but little ; my voice is husky and my throat almost gone. But for my interest in this case and my profound conviction of the innocence of this man, I would not undertake to speak at all. I want to repeat what my friend, Arnold, said so simply. He said this jury is no mob. The attitude of the juror's mind is not that of the mind of the man who carelessly walks the streets. My friend, Hooper, must have brought that doctrine with him when he came to Atlanta. We walk the street carelessly and we meet our friends and do not recognize them; we are too much absorbed in our own interests. Our minds wander in flights of

fancy or in fits of reverence ; we may mean no harm to ourselves, nor to our friends, but we are careless. No oath binds us when we walk the streets.

Men, you are different; you are set aside; you ceased when you took your juror's oath to be one of the rollicking men of the streets; you were purged by your oath. In old pagan Rome the women laughed and chattered on the streets as they went to and fro, but there were a few — the Vestal Virgins — they cared not for the gladiatorial games, nor the strife of the day. So it is with you men, set apart; you care not for the chatter and laughter of the rabble; you are unprejudiced and it is your duty to pass on a man's life with no passion and no cruelty, but as men purged by an oath from the careless people of the streets. You are to decide from the evidence, with no fear of a hostile mob and no thought of favor to anyone.

What suggestion comes into a man's mind when he thinks of a crime like this? And what crime could be more horrible than this one? What punishment too great for the brute in human form who committed it and who excited this community to a high pitch? Since 1908 the National Pencil factory has employed hundreds of girls and women, and also men, and not all of the girls and women, not all of the men have been perfect, but you can find good men and women in all strata of life, and yet the detectives, working with microscopes and with the aid of my friend, Dorsey, excited almost beyond peradventure, found only two to swear against Frank. They found Dalton and they found Conley.

Well, I'll take up Conley at a more fitting time, but Dalton, who is Dalton? God Almighty writes on a man's face and he don't always write a pretty hand, but he writes a legible one. When you see Dalton you put your hand on your pocketbook. When Dalton took the stand Mr. Arnold and I had never had the pleasure of seeing his sweet countenance before, but Mr. Arnold leaned over and whispered in my ear, "There's a thief if there ever was one." I smelt about him the odor of the chain gang, and I began to feel him out. I asked him if he had ever been away from home for any length of time, and he knew at once what I meant and he began to dodge and to wriggle, and before he left the stand I was sure he was a thief. Dalton was on, three times in Walton county and then in another county where he probably went to escape further trouble in Walton, he got into trouble again. It wasn't just the going wrong of a young man who falls once and tries to get over it, but it was the steady thievery of a man at heart a thief. Of course, Dalton comes here to Atlanta and reforms. Yes, he joined a Godly congregation and persuaded them that he had quit his evil ways. That's an old trick of thieves and they use it to help their trade along. I believe in the divine power of regeneration; I believe that you can reform, that there's always time to turn back and do right, but there's one kind of man whom I don't believe can ever reform. Once a thief, always a thief.

Our Master knew it. He recognized the qualities of a thief. You remember when they crucified Him and He hung on the cross there on the hill. Well, He had a thief hanging beside Him, and He said to that thief, "This day thou shalt be with Me in Paradise." He didn't dare say tomorrow. He knew He'd better say today, because by tomorrow that thief would be stealing again in Jerusalem.

Dalton disgraced the name of his race, and he was a thief and worse, if there can be, and yet he joined the church. He joined the church and he's now a decent, believable man. Well, you remember how brazenly he sat here on the stand and bragged of his "peach," how indecently he bragged of his fall; how he gloated over his vice. He was asked if he ever went to that miserable, dirty factory basement with a woman for immoral purposes, and he was proud to say that he had. Gentlemen, it was the first time Dalton had ever been in the limelight; it was the first time decent, respectable white men and women had ever listened to him with respect, let alone attention. When he was asked about that, if he was guilty, if he had fallen, he might have declined to answer, he might have hung his head in shame, as any decent, respectable man would have done, but instead, he bragged and boasted of it.

When Dalton was asked what sort of a woman Frank had, he brazenly and braggingly said he did not know, that he himself had such a peach there that he could not take his eyes off her to look at Frank's woman. Well, you have seen Dalton 's peach; you all have seen Daisy. Conley tells a different story. He says Frank took the peach (that lemon) for himself and that Dalton had to get him another woman. I'm not saying that we are all free of passion, that we are all moral and perfect, but at least the decent man don't brag of having a peach.

Well, if you believe Dalton 's story, and let's presume it true now. If you believe it he went into that scuttle hole there at the factory with Daisy. Dalton took that woman into the factory, into a dirty, nasty, fetid hole where the slime oozed and where no decent dog or cat would go, and there he satisfied his passion. That's what he told us. Well, Dalton told us he went there about 2 o'clock one Saturday afternoon last year, and of course, at that time the Clarke Wooden Ware company occupied the lower floor and used the same entrance that the National Pencil Company did, and Frank was at lunch and knew nothing of Dalton's visit. Of course, Dalton left an oozy trail behind him; wherever he went he did that. You can still feel it in this court room. Of course, too, Dalton may have gone into the pencil factory that day and left his oozy, slimy trail there, but otherwise there's nothing against the factory, and you know there's not, for our great quartet — Starnes and Campbell and Black (oh, how I love Black ; I always want to put my arms around him whenever I think of him), and Scott, for he was with that crowd; they tried their very best to find something that would show that factory up as a vile hole.

Well, there's another reason that proves conclusively that it was not the assignation place Dalton and Conley name it. It has always been wrong for men and women to commit fornication and adultery, but it's always been done and the world, as long as it was done decently and quietly and not bragged about and blazoned forth in public places, has rather allowed it to go unchecked, but it's not so now. You know, I know the working people of this state and this city. I've always worked with my head and it's never been my good fortune to be one of the working people, but there are no silken ladies in my ancestry, nor are there any dudish men. I know the working men and the working women, because that blood runs in my veins, and if any man in Atlanta knows them I do, and I tell you that there are no 100 working girls and women in Atlanta who could be got together by raking with a fine-tooth comb who'd stay there at that factory with

conditions as bad as they have been painted, and there are no 100 working men here so thin blooded as to allow such conditions there.

Frank's statement to the jury, it was Frank's handiwork only, and neither he nor Mr. Arnold knew what Frank was going to say when he got on the stand. Look at the statement this man made to you, and it was his statement, not mine. I can prove that by the simple reason that I haven't got brains enough to have made it up, and Mr. Arnold (though he's got far more brains than I), he could not have made it. Mr. Arnold might have given it the same weight and thickness, but not the living ring of truth. Now, another thing. We didn't have to put Frank's character up. If we hadn't the judge would have told you Frank must be presumed to have a good character, and that you did not have the right to ask that question about him, but we thought you were, and we put it up and see what a character the man has. There's not a man in the sound of my voice who could prove a better character. Of course, I mean from the credible evidence, not that stuff of Conley's and Dalton's.

But you say, some people, some former employes swore he had a bad character. You know that when you want to, you can always get someone to swear against anybody's character. Put me in his place and let my friend, Arnold, be foolish enough to put my character up and there 'd be plenty of those I have maybe hurt or offended as I have gone through life, would swear it was wrong, and I believe I've got an ordinarily good character. Why, you could bring twenty men here in Fulton county to swear that Judge Roan, there on the bench, has a bad character. You know that he's had to judge men and sometimes to be what they thought was severe on them, and he's naturally made men hate him and they'd gladly come and swear his character away. But if the men and women who live near him, the good and decent men and women, who lived near him and knew, came up and said his character was good, you'd believe them, wouldn't you?

Well, gentlemen, the older I get the gentler I get and I wouldn't think or say anything wrong about those misleading little girls who swore Frank was a bad man. I guess they thought they were telling the truth. Well, did Miss Maggie Griffin really think Frank was a vicious man and yet work there three years with him! Don't you think she heard things against him after the crime was committed and that when she got up here and looked through the heated atmosphere of this trial, she did not see the real truth! And Miss Maggie Griffin, she was there two months. I wonder what she could know about Frank in that time. There was Mrs. Donegan and Miss Johnson and another girl there about two months, and Nellie Potts, who never worked there at all, and Mary Wallace, there three days, and Estelle Wallace, there a week and Carrie Smith, who like Miss Cato, worked there three years. These are the only ones in the hundreds who have worked there since 1908 who will say that Frank has a bad character. Why, you could find more people to say that the Bishop of Atlanta, I believe, had a bad character, than have been brought against Frank.

You noticed they were not able to get any men to come from the factory and swear against Frank. Men are harder to wheedle than are little girls. Does anybody doubt that if that factory had been the bed of vice that they call it, that the long-legged Gantt would

have know of it? They had Gantt on the stand twice, and, well, you know Gantt was discharged from the factory, of course you weren't told why in plain words, but you all know why. Well, Frank is not liked by Gantt and Gantt would have loved to tell something against his former employer, but he couldn't. If they have any further suspicions against this man, they haven't given them, either because they are afraid or are unable to prove their suspicions, if they have such suspicions, though, and are doing you a worse injustice.

What are these suspicions that they have advanced thus far? First, Miss Robinson is said to have said that she saw Frank teaching Mary Phagan how to work. Dorsey reached for it on the instant, scenting something improper as is quite characteristic of him. But Miss Robinson denies it. There's nothing in it, absolutely nothing. Then they say he called her Mary. Well, what about it? What if he did! We all have bad memories. If you met me on the street six months ago, can you recall right now whether you called me Luther or Rosser?

The next is Willie Turner — poor little Willie! I have nothing against Willie. He seems to be a right clever sort of a boy. But just think of the methods the detectives used against him — think of the way they handled him, and think of the way Dorsey treated him on the witness stand. He says — Willie does — that he saw Frank talking to Mary Phagan in the metal room. What does it show if he did see such a scene? I can't see for the life of me where it indicates any sign of lascivious lust. Does what Willie Turner saw, taking for granted he saw it, show that Frank was planning to ruin little Mary Phagan? Does it uphold this plot my friend Hooper had so much to say about? Even with that, considering Willie Turner did see such a thing, there's one fact that takes the sting out of it. He saw it in broad daylight. Frank was with the little girl right in front of Lemmie Quinn's office in an open factory where there were a lot of people and where the girls were quitting their work and getting ready to go home to dinner. It wasn't so, though, and Frank never made any improper advances to this little girl. Let me tell you why. Mary Phagan was a good girl, as pure as God makes them and as innocent. She was all that, and more. But, she would have known a lascivious advance or an ogling eye the minute she saw it, and the minute this man made any sort of a move to her, she would have fled instantly to home to tell this good father and mother of hers.

Then next, they bring Dewey Hewell, who says she saw Frank with his hand on Mary's shoulder. That's all right, but there is Grace Hix and Helen Ferguson and Magnolia Kennedy who contradict her and say Frank never knew Mary Phagan. You can say all you please about such as that, but there is one fact that stands out indisputable. If that little girl had ever received mistreatment at the pencil factory, no deer would have bounded more quickly from the brush at the bay of dogs than she would have fled home to tell her father and mother.

Now, my friend from the Wiregrass says Gantt was a victim of his "plot" by Frank against Mary Phagan. I don't doubt that this "plot" has been framed in the hearing of every detective in the sound of my voice. Hooper says Frank plotted to get the girl there on the Saturday she was killed — says he plotted with Jim Conley. Jim says Frank told

him at four o'clock Friday afternoon to return on the next morning. How could Frank have known she was coming back Saturday? He couldn't have known. He's no seer, no mind-reader, although he's a mighty bright man. It is true that some of the pay envelopes were left over on Friday, but he didn't know whose they were.

Helen Ferguson says that on Friday she asked for Mary Phagan's pay and that Frank refused to give it to her, saying Mary would come next day and get it herself. Magnolia Kennedy swears to the contrary. You have one or the other to believe. Consider, though, that this be true! How would Frank know who would be in the factory when Mary Phagan came? How did he know she was coming Saturday! Some envelopes went over to Monday and Tuesday. How would he know whether she would come on Saturday or either of these latter days?

Now, what else have they put up against this man! They say he was nervous. We admit he was. Black says it, Darley says it, Sig. Montag says it — others say it! The handsome Mr. Darley was nervous and our friend Schiff was nervous. Why not hang them if you're hanging men for nervousness! Isaac Haas — old man Isaac — openly admits he was nervous. The girls — why don't you hang them, these sweet little girls in the factory — all of whom were so nervous they couldn't work on the following day! If you had seen this little child, crushed, mangled, mutilated, with the sawdust crumbled in her eyes and her tongue protruding; staring up from that stinking, smelling basement, you'd have been nervous, too, every mother's son of you. Gentlemen, I don't profess to be chicken-hearted. I can see grown men hurt and suffering and I can stand a lot of things without growing hysterical, but I never walked along the street and heard the pitiful cry of a girl or woman without becoming nervous. God grant I will always be so. Frank looked at the mangled form and crushed virginity of Mary Phagan and his nerves fluttered. Hang him! Hang him!

Another suspicious circumstance. He didn't wake up when they telephoned him that morning the body was found. That might depend on what he ate that night; it might depend on a lot of other things. Some of us wake with the birds, while others slumber even through the tempting call of the breakfast bell. Would you hang us for that!

Then, they say he hired a lawyer, and they call it suspicious — mighty suspicious. They wouldn't have kicked if he had hired Rube Arnold, because Rube has a good character. But they hired me and they kicked and yelled "suspicious" so loudly you could hear it all the way from here to Jesup's cut. I don't know that I had ever met Frank before that morning, but I had represented the pencil factory previously. And as to their employing me, it's this way: There's no telling what was floating around in John Black's head that morning. They sent men after Frank and there was no telling what was likely to happen to him. They were forced to do something in his own defense. And, as a result, the state's worst suspicion is the fact that they employed me and Herbert Haas. Now, gentlemen, let's see what there is in it; I have told you that twice on that Sunday he had been to police headquarters without counsel, without friends. The next day they adopted new methods of getting him there and sent two detectives for him. Black had said he had been watching Frank, and woe to him who is haunted by the eagle eye of dear old John. They

took him to police station Monday — took him I say. The police idea was to show their fangs. He was under arrest, that's an undisputed fact. They had him at police station, Lanford, in his wonted dignity, sitting around doing nothing, letting Frank soak. Beavers, the handsome one, was doing the same. Frank didn't call for friends or lawyer. He didn't call for anything. If he had known what he was up against, though, in this police department of ours, he'd probably have called for two lawyers — or even more. But old man Sig Montag, who has been here a long time, knew this old police crowd and he knew their tactics. He was well on to their curves. He knew what danger there was to Frank. He called up Haas. Haas didn't want to come to the police station — he had a good reason. Sig went to the police station and was refused permission to see Frank.

Now, I want you to get that in your mind. A citizen — not under arrest, as they say — held without the privilege of seeing friends, relatives or counsel. It was a deplorable state of affairs. What happened? Haas went to the phone and called an older and more experienced head to battle with this police iniquity; Why shouldn't he? Dorsey sees in this harmless message a chance. He snaps at it like a snake. Dorsey is a good man — in his way. He'll be a better man, though, when he gets older and loses some of his present spirit and venom. There are things he has done in this trial that will never be done again. Gentlemen, I assure you of that.

Did Frank do anything else suspicious? Just two others, according to Hooper from the Wiregrass. One of which was the employment of a detective agency to ferret out this horrible murder that had been committed in his factory building. Why? Under what circumstances? I'll tell you. Frank had been to the police station and had given his statement. Haas was the man who telephoned me and who employed me — not Frank. I went to police headquarters and was very much unwelcomed. There was a frigid atmosphere as I walked in. I saw Frank for the first time in my life. I said: "What's the matter, boys?" Somebody answered that Mr. Frank was under arrest. Black was there, Lanford was there. Neither took the pains to deny that he was under arrest. Somebody said they wanted Mr. Frank to make a statement, and I advised him to go ahead and make it. When he went into the office, I followed. They said: "We don't want you." I replied that whether they wanted me or not, I was coming, anyhow. I had a good reason, too, for coming. I wanted to hear what he said so they couldn't distort his words.

While we were in the room a peculiar thing happened. Frank exposed his person. There were no marks. I said that it was preposterous to think that a man could commit such a crime and not bear some marks. Lanford's face fell. Why didn't Lanford get on the stand and deny it? Was it because he didn't want to get into a loving conflict with me? Or did he want to keep from reopening the dark and nasty history of the Conley story and the Minola McKnight story that are hidden in the still darker recesses of police headquarters? Frank makes his statement and is released. He goes back to the pencil factory, assuming that suspicion has been diverted from him. He thinks of the horrible murder that has been committed in his plant. He telephones Sig Montag about hiring a detective agency to solve the crime. Sig advises him to do it. I don't believe there is any detective living who can consort with crooks and criminals and felons, scheme with them, mingle with them and spy on the homes of good people and bad who can then exalt his character as a result.

He absorbs some of the atmosphere and the traits. It is logical that he should. But, even at that they've got some good men in the detective and police department.

Old man Sig Montag said hire a detective and Frank hired the Pinkertons. Scott came and took Frank's statement and said: "We work in co-operation with the city police department." Now, isn't that a horrible situation — going hand in glove with the police department? But, it's a fact. Just as soon as Scott left Frank, he walked down, arm in arm with John Black, to the nasty, smelly basement of the pencil factory. What did that mean? It meant a complete line-up with the police. It meant if the police turn you loose, I turn you loose. If the police hang you, I hang you! Gentlemen, take a look at this spectacle, if you can. Here is a Jewish boy from the north. He is unacquainted with the south. He came here alone and without friends and he stood alone. This murder happened in his place of business. He told the Pinkertons to find the man, trusting to them entirely, no matter where or what they found might strike. He is defenseless and helpless. He knows his innocence and is willing to find the murderer. They try to place the murder on him. God, all merciful and all powerful, look upon a scene like this!

Anything else? Yes. Look at this. I do not believe my friend who preceded me intended to do this. I refer to the incident about the time slip. I have to use harsh words here, but I don't want to. This seems to me the most unkindest exit of all. They say that that time slip was planted. They say the shirt was planted. Gentlemen, is there any evidence of this? Let's see about this statement. Black and somebody else, I believe, went out to Newt's house on Tuesday morning and found the shirt in the bottom of a barrel. They brought the shirt back to the police station and Newt said the shirt was his — or it looked like his shirt. Newt Lee had been hired at the factory but three weeks, yet they want you to believe that they found a shirt like the old man had and went out to his house and put it in a barrel.

One thing is wrong. The newspapers and others, I am afraid, think this is a contest between lawyers. It is not. God forbid that I should let any such thing enter into this case when this boy's life is at stake.

There are several things I don't understand about this case, and never will. Why old man Lee didn't find the body sooner; why he found it lying on its face ; how he saw it from a place he could not have seen it from.

I was raised with niggers and know something about them. I do not know them as well as the police, perhaps, for they know them like no one else. But I know something about them. There must have been a nigger in the crime who knew about it before Newt or anyone else. I am afraid Newt knew.

Yet, if he did, he is one of the most remarkable niggers I ever saw and I wish I had his nerve. There were things you detectives did to him for which you will never be forgiven. You persecuted the old nigger, and all you got was "Fo' God I don't know." I don't believe he killed her, but I believe he knows more than he told.

But they say now that he jumped back. Suppose he did jump back. Look at the boy (Frank). If you put a girl the size of Mary Phagan in a room with him she could make him jump out of the window. Suddenly this boy stepped out in front of this giant of a Gantt, and he jumped back. Dorsey would have done the same thing; Newt Lee would; Jim Conley would, and I would, as big as I am.

Here is another suspicious thing. Newt Lee came to the factory at four o'clock and Frank sent the old man away. It was suggested that he was afraid the nigger would find the body, yet when he came back at six, Frank let him stay at the factory when he knew that in 30 minutes Newt was on the job he must go into the basement where they say Frank knew the body was.

They say he was laughing at his home. If he had known of the crime of which he would be accused, that laugh would have been the laugh of a maniac to be ended by the discovery of the body.

Another suspicious thing. You know that he was in the factory, but it turns out that he was not the only one. If the corpse was found in the basement and he was the only one in the building, then there might be some basis. But he was in an open room and there were workmen upstairs. My friend tried to dispute that. That wasn't all. Conley was also there, and it came out yesterday that there was also another nigger — a lighter nigger than Conley — there. What scoundrels in white skin were in the building and had opportunity to commit the crime, God only knows.

The thing that arises in this case to fatigue my indignation is that men born of such parents should believe the statement of Conley against the statement of Frank. *Who is Conley? Who was Conley as he used to be and as you have seen him? He was a dirty, filthy, black, drunken, lying nigger. Black knows that. Starnes knows that. Chief Beavers knows it.*

Who was it that made this dirty nigger come up here looking so slick? Why didn't they let you see him as he was? They shaved him, washed him and dressed him up.

Gentlemen of the jury, the charge of moral perversion against a man is a terrible thing for him, but it is even more so when that man has a wife and mother to be affected by it. Dalton, even Dalton did not say this against Frank. It was just Conley. Dalton, you remember, did not even say that Frank was guilty of wrong-doing as far as he knew. There never was any proof of Frank's alleged moral perversion, unless you call Jim Conley proof.

None of these niggers ever came up and said Conley was there and that they were with him. Starnes — and Starnes could find a needle in a haystack, but the Lord only knows what he'd do in an acre — he could not find any of these niggers.

Then there was that old negro drayman, old McCrary, the old peg-leg negro drayman, and thank God he was an oldtimer, 'fo de war nigger.

You know Conley, wishing to add a few finishing trimmings to his lines, said that old McCrary sent him down in the basement that Saturday morning and when the old darkey was put on the stand he said simply, "No, boss, I never sent him down thar." Everywhere you go you find that Conley lied. He says he watched there one Saturday last year between 2 and 3 o'clock. Well, Schiff says he didn't and so does Darley and Holloway, the latter guaranteed by the state, and the little office boys, nice looking little chaps from nice families, they all say he didn't. Cut out Conley and you strip the case to nothing. Did you hear the way Conley told his story? Have you ever heard an actor, who knew his Shakespearean plays, his "Merchant of Venice" or his "Hamlet"? He can wake up at any time of the night and say those lines, but he can't say any lines of a play he has never learned. So it was with Conley. He could tell the story of the disposition of the girl's body, and he knew it so well he could reel it off backward or forward, any old way, but when you got to asking him about other things, he always had one phrase, "Boss, ah can't 'member dat."

They say Conley could not have made up that story. Well, I don't know about that. There is something queer in the whole thing, you know. I couldn't climb that post over there, gentlemen. I mean I couldn't go very far up it, but if I had Professor Starnes, and Professor Black, and Professor Campbell, and Professor Rosser, and then Dean Lanford to help me, I'd go quite a way up. Well, they took a notion Mrs. White had seen the negro, and they carried Mrs. White there to see him, and he twisted up his features so that she couldn't recognize him. Next, they learned Conley could write. Frank told them that, you know. Well, I don't mean to be severe, but they took that negro and they gave him the third degree. Black and Scott cursed him. "You black scoundrel," they yelled at him. "You know that man never had you come there and write those notes on Friday!" And the poor negro, understanding and trying to please, said, "Yes, boss, zat's right, ah was dere on Saturday."

And so they went on and got first one affidavit and then another out of him. Well, Scott and Black had him there, and Conley was only in high school. I don't know whether to call Scott and Black "professors" or not. Scott says, "We told him what would fit and what would not." And it was "stand up, James Conley and recite, when did you fix those notes, James?" and James would answer that he fixed them on Friday, and then the teachers would tell James it was surely wrong, that he must have fixed them on Saturday, and James would know what was wanted and would acknowledge his error. Then it would be, "That's a good lesson, James, you are excused, James." I'm not guessing in this thing. Scott told it on the stand, only in not so plain words. So it was that when this negro had told the whole truth they had another recitation.

Was it fair for two skilled white men to train that negro by the hour and by the day and to teach him and then get a statement from him and call it the truth? Well, Professors Black and Scott finished with him, and they thought Conley's education was through, but that nigger had to have a university course!

Scott, you and Black milked him dry; you thought you did, anyhow, but you got no moral perversion and no watching. In the university they gave a slightly different course.

It was given by Professors Starnes and Campbell. Oh, I wish I could look as pious as Starnes does. And Professor Dorsey helped out, I suppose. I don't know what Professor Dorsey did, only he gave him several lessons, and they must have been just sort of finishing touches before he got his degree. Well, in the university course they didn't dare put the steps in writing, as they had done in the high school; it would have been too easy to trace from step to step, the suggestions made, the additions and subtractions here and there. Professor Dorsey had him seven times, I know that, but God alone knows how many times the detectives had him.

Was it fair to take this weak, pliable negro and have these white men teach him, one after another? Who knows what is the final story that Conley will tell? He added the mesh bag when he was on the stand.

Mary Phagan had reached the factory at approximately twelve minutes after 12, and it must have been after Monteen Stover had gone. See the statements of W. M. Mathews and W. T. Hollis, street car men called by the defense, and George Epps, the little newsie, called by the state, and also the street car schedule. But, supposing that she was there at 12:05, as I believe the state claims, then Monteen Stover must have seen her. I don't see how they could have helped meeting. But suppose she got there a moment after Monteen Stover left, then Lemmie Quinn was there at 12:20, and he found Frank at work. Could Frank have murdered a girl and hid her body and then got back to work with no blood stains on him in less than fifteen minutes? If Frank is guilty, he must have, according to Conley, disposed of the body in the time between four minutes to 1 and 1 :30. There can be no dispute about this; it's Conley 's last revelation. If Frank is guilty, he was at his office between four minutes to 1 and 1:30, but who believes that story? Little Miss Kerns saw him at Alabama and Whitehall at 1 :10, and at 1 :20 Mrs. Levy, honest woman that she is, saw him get off the car at his home corner, and his wife's parents saw, and they all swear he was there at 1 :20, and then, if you are going to call them all perjurers and believe Jim Conley, think what you must do; think what a horrible thing you must do—you must make Minola's husband a perjurer, and that would be terrible.

You know about that Minola McKnight affair. It is the blackest of all. A negro woman locked up from the solicitor's office, not because she wouldn't talk — she's given a statement — but because she would not talk to suit Starnes and Campbell, and two white men, and shame to them, got her into it. Where was Chief Beavers? What was he doing that he became a party to this crime? Beavers, who would enforce the law; Beavers, the immaculate!

Believe Frank was in the factory if you can at 1 :30 ; throw aside all the respectable people and swear by Conley. Well, I know the American jury is supreme, that it is the sovereign over lives; that sometimes you can sway it by passion and prejudice, but you can't make it believe anything like this. Neither prejudice, nor passion, wrought by monsters so vile they ought not to be in the court room, could make them believe it. They said that there was a certain man, named Mincey, whom we called as a witness but did not use. Well, the only use we would have had for Mincey was to contradict Conley, and as soon as Conley got on the stand he contradicted himself enough without our having to

go to the trouble of calling on witnesses to do it. If we had put Mincey up there would have been a day's row about his probity, and what would have been the use — Conley said time and again that he had lied time and again.

Gentlemen, I want only the straight truth here, and I have yet to believe that the truth has to be watched and cultivated by these detectives and by seven visits of the solicitor general I don't believe any man, no matter what his rate, ought to be tried under such testimony. If I was raising sheep and feared for my lambs, I might hang a yellow dog on it. I might do it in the daytime, but when things got quiet at night and I got to thinking, I'd be ashamed of myself. You have been overly kind to me, gentlemen. True, you have been up against a situation like that old Sol Russell used to describe when he would say, "Well, I've lectured off and on for forty years, and the benches always stuck it out, but they was screwed to the floor." You gentlemen have been practically in that fix, but I feel, nevertheless, that you have been peculiarly kind, and I thank you.

* * *

In our next article in this series, we will present the closing argument of Solicitor Hugh Dorsey, for the prosecution. As always, paragraph divisions and emphasis are mine.

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

For further study we recommend the following resources:

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia's Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

The *American Mercury* is following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan, in capsule form on a

The Leo Frank Trial: Closing Arguments of Hooper, Arnold, and Rosser

regular basis on this, the 100th anniversary of the case. Follow along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

Read also the Mercury's coverage of [Week One of the Leo Frank trial](#), [Week Two](#), [Week Three](#) and [Week Four](#) and my exclusive [summary of the evidence against Frank](#).

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

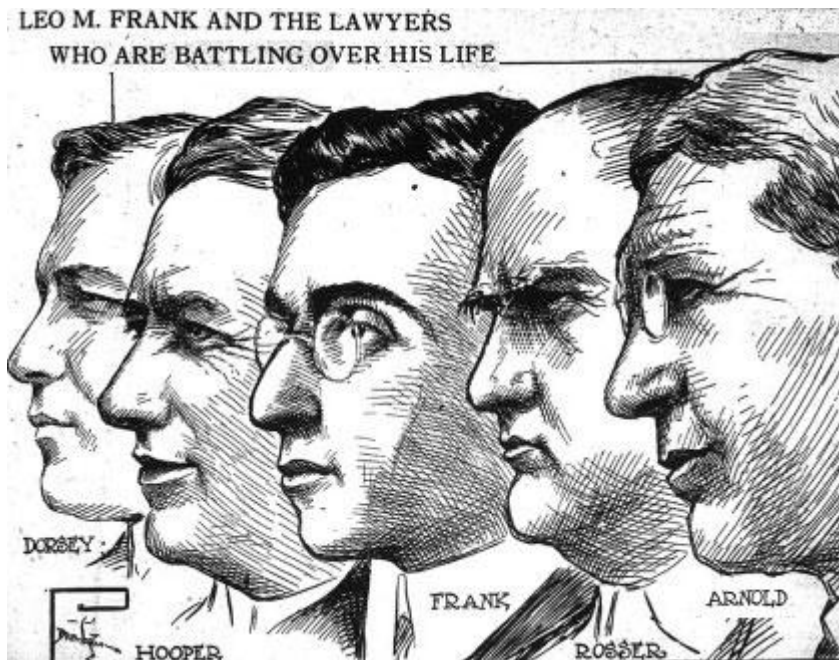
<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).

The Leo Frank Trial: Closing Arguments, Solicitor Dorsey

Gentlemen of the Jury: This case is not only, as His Honor has told you, important, but it is extraordinary. It is extraordinary as a crime — a most heinous crime, a crime of a demoniac, a crime that has demanded vigorous, earnest and conscientious effort on the part of your detectives, and which demands honest, earnest, conscientious consideration on your part. It is extraordinary because of the prominence, learning, ability, standing of counsel pitted against me. It is extraordinary because of the defendant — it is extraordinary in the manner in which the gentlemen argue it, in the methods they have pursued in its management.

They have had two of the ablest lawyers in the country. They have had Rosser, the rider of the winds and the stirrer of the storm, and Arnold (and I can say it because I love him), as mild a man as ever cut a throat or scuttled a ship. They have abused me; they have abused the detective department; they have heaped so much calumny on me that the mother of the defendant was constrained to arise in their presence and denounce me as a dog. Well, there's an old adage, and it's true, that says, "When did any thief ever feel the halter draw with any good opinion of the law?"



Oh, prejudice and perjury! They say that is what this case is built on, and they use that stereotyped phrase until it fatigues the mind to think about it. Don't let this purchased indignation disturb you. Oh, they ought to have been indignant; they were paid to play the part. Gentlemen, do you think that these detectives and I were controlled by prejudice in this case? Would we, the sworn officers of the law, have sought to hang this man on account of his race and pass over the negro, Jim Conley? Was it prejudice when we arrested Gantt, when we arrested Lee, when we arrested others? No, the prejudice came when we arrested this man, and never until he was arrested was there a cry of prejudice.

The Leo Frank Trial: Closing Arguments, Solicitor Dorsey

Those gentlemen over there were disappointed when we did not pitch our case along that line, but not a word emanated from this side, showing any prejudice on our part, showing any feeling against Jew or Gentile. We would not have dared to come into this presence and ask the conviction of a man because he was a Gentile, a Jew or a negro. Oh, no two men ever had any greater pleasure shown on their faces than did Mr. Arnold and Mr. Rosser when they started to question Kendley and began to get before the court something about prejudice against the Jews. They seized with avidity the suggestion that Frank was a Jew. Remember, they put it before this court, and we did not; the word Jew never escaped our lips.



Leo Frank

I say that the race this man comes from is as good as ours; his forefathers were civilized and living in cities and following laws when ours were roaming at large in the forest and eating human flesh. I say his race is just as good as ours, but no better. I honor the race that produced Disraeli, the greatest of British statesmen; that produced Judah P. Benjamin, as great a lawyer as England or America ever saw; I honor the Strauss brothers; I roomed with one of his race at college; one of my partners is of his race. I served on the board of trustees of Grady hospital with Mr. Hirsch, and I know others, too many to count, but when Lieutenant Becker wished to make away with his enemies, he sought men of this man's race.

Then, you will recall Abe Hummell, the rascally lawyer, and Reuff, another scoundrel, and Schwartz, who killed a little girl in New York, and scores of others, and you will

find that this great race is as amenable to the same laws as any others of the white race or as the black race is. They rise to heights sublime, but they also sink to the lowest depths of degradation!

We don't ask a conviction of this man except in conformity with the law which His Honor will give you in charge, His Honor will charge you that you should not convict this man unless you think he is guilty beyond a reasonable doubt. A great many jurors, gentlemen, and the people generally get an idea that there is something mysterious and unfathomable about this reasonable doubt proposition. It's as plain as the nose on your face. The text writers and lawyers and judges go around in a circle when they undertake to define it ; it's a thing that speaks for itself, and every man of common sense knows what it is, and it isn't susceptible of any definition. One text writer says a man who undertakes to define it uses tautology — the same words over again. Just remember, gentlemen of the jury, that it is no abstruse proposition, it is not a proposition way over and above your head — it's just a common sense, an ordinary, everyday practical question.

In the 83rd Georgia, one of our judges defines it thus: "A reasonable doubt is one that is opposed to an unreasonable doubt; it is one for which a reason can be given, and it is one that is based on reason, and it is such a doubt that leaves the mind in an uncertain and wavering condition, where it is impossible to say with reason nor certainty that the accused is guilty." If you have a doubt, it must be such a doubt as to control and decide your conduct in the highest and most important affairs of life. It isn't, gentlemen, as is said in the case of John vs. State, in 33d Georgia, "a vague, conjectural doubt or a mere guess that possibly the accused may not be guilty"; it isn't that; "it must be such a doubt as a sensible, honest-minded man would reasonably entertain in an honest investigation after truth." It must not be, as they say, in the case of Butler vs. State, 92 Georgia, "A doubt conjured up"; or as they say in the 83 Georgia, "A doubt which might be conjured up to acquit a friend." "It must not be," as they say in the 63 Georgia, "a fanciful doubt, a trivial supposition, a bare possibility of innocence," — that won't do, that won't do; "it doesn't mean the doubt," they say in 90 Georgia, "of a crank or a man with an over-sensitive nature, but practical, common sense is the standard."



The jury

Conviction can be established as well upon circumstantial evidence as upon direct evidence. Eminent authority shows that in many cases circumstantial evidence is more certain than direct evidence. Conviction can be established better by a large number of witnesses giving circumstantial evidence and incidents pointing to guilt than by the testimony of a few witnesses who may have been eye-witnesses to the actual deed. In this case, we have both circumstantial evidence and admission. Hence, with reasonable doubt as a basis, the evidence shows such a consistency that a reasonable conclusion is all that is needed. This thing of a reasonable doubt originated long ago, when the accused was not allowed to be represented by counsel to defend him. In time the reasonable doubt will drop out. Our people are getting better and better about this all the time. The state is handicapped in all sorts of ways by this reasonable doubt proposition, and has to do more than prove a man's guilt often before a conviction can result.

You can't get at a verdict by mathematics, but you can get at it by a moral certainty. People sometimes say that they will not convict on circumstantial evidence. That is the merest bosh. Authorities show that circumstantial evidence is the best evidence. People are improving about this. Yet juries are often reticent upon this point. But juries should not hesitate at lack of positive evidence. The almost unerring indication of circumstantial evidence should control. Otherwise society is exposed to freedom in the commission of all sorts of the most horrible crimes.

Circumstances which would warrant a mere conjecture of guilt are not warranted as the basis for a conviction, but when the evidence is consistent with all the facts in the case only a conviction can result.

[Mr. Dorsey there told the graphic story of how W. H. T. Durrant, upon circumstantial evidence, was convicted of the murder of Blanche Lamont in Emmanuel Baptist church in San Francisco.]

Now, let's examine this question of good character. I grant you, good character spells a whole lot, but first, let's establish good character. It is presumed — had he not put his character in issue, it would have been presumed — and the State would have been absolutely helpless — that this man was as good a man as lived in the City of Atlanta. It's a mighty easy thing, if a man is worth anything, if a man attains to any degree of respectability, it's a mighty easy thing to get someone to sustain his character but it's the hardest thing known to a lawyer to get people to impeach the character of another. In the Durant case, his character was unimpeached. The defendant here put his character in issue and we accepted the challenge, and we met it, I submit to you. Now, if we concede that this defendant in this case was a man of good character — a thing we don't concede — still, under your oath and under the law that His Honor will give you in charge, as is laid down in the 88 Georgia, page 92, "Proof of good character will not hinder conviction, if the guilt of the defendant is plainly proved to the satisfaction of the jury."

First, you have got to have the good character, before it weighs a feather in the balance, and remember, that the hardest burden, so far as proof is concerned, that ever rests on anybody, is to break down the character of a man who really has character and I ask you if this defendant stands before you a man of good character? Mr. Arnold, as though he had not realized the force of the evidence here against the man who, on April 26th, snuffed out the life of little Mary Phagan, in his desperation stood up in this presence and called nineteen or twenty of these reputable, high-toned girls, though they be working girls, "crack-brain fanatics and liars," and they have hurled that word around here a good deal, too, they have hurled that word around here a good deal. If that's an attribute of great men and great lawyers, I here and now proclaim to you I have no aspirations to attain them.

Not once will I say that anybody has lied, but I'll put it up to you as twelve honest, conscientious men by your verdict to say where the truth lies and who has lied. I'm going to be satisfied with your verdict, too — I know this case and I know the conscience that abides in the breast of honest, courageous men. Now, the book says that if a man has good character, nevertheless it will not hinder conviction, if the guilt of the defendant is plainly proved to the satisfaction of the jury as it was in the Durant case, and I submit that, character or no character, this evidence demands a conviction. And I'm not asking you for it either because of prejudice — I'm coming to the perjury after a bit.

Have I so forgotten myself that I would ask you to convict that man if the evidence demanded that Jim Conley 's neck be broken? Now, Mr. Arnold said yesterday, and I noticed it, though it wasn't in evidence, that Jim Conley wasn't indicted. No, he will never be, for this crime, because there is no evidence — he's an accessory after the fact, according to his own admission, and he's guilty of that and nothing more. *And I'm here to tell you that, unless there's some other evidence besides that which has been shown here or heretofore, you've got to get you another Solicitor General before I'll ask any*

jury to hang him, lousy negro though he may be; and if that be treason, make the most of it. I have got my own conscience to keep, and I wouldn't rest quite so well to feel that I had been instrumental in putting a rope around the neck of Jim Conley for a crime that Leo M. Frank committed. You'd do it, too.

I want you to bear in mind, now, we haven't touched the body of this case, we have been just clearing up the underbrush — we'll get to the big timber after awhile.

"Where character is put in issue" — and the State can't do it, it rests with him — "Where character is put in issue, the direct examination must relate to the general reputation, good or bad," that is, whoever puts character in issue, can ask the question with reference to the general reputation, good or bad, as the case may be, "but on cross-examination particular transactions or statements of single individuals may be brought into the inquiry in testing the extent and foundation of the witnesses' knowledge, and the correctness of his testimony on direct examination." We did exercise that right in the examination of one witness, but knowing that we couldn't put specific instances in unless they drew it out, I didn't want even to do this man the injustice, so we suspended, and we put it before this jury in this kind of position — you put his character in, we put up witnesses to disprove it, you could cross examine every one of them and ask them what they knew and what they had heard and what they had seen; we had already given them enough instances, but they didn't dare, they didn't dare to do it.

Mark you, now, here's the law: "Where character is put in issue, the direct examination must relate to the general reputation;" we couldn't go further, but on cross examination, when we put up these little girls, sweet and tender, ah, but "particular instances or statements of single individuals, you could have brought into the inquiry," but you dared not do it.

You tell me that the testimony of these good people living out on Washington Street, the good people connected with the Hebrew Orphans' Home, Doctor Marx, Doctor Sonn, you tell me that they know the character of Leo M. Frank as these girls do, who have worked there but are not now under the influence of the National Pencil Company and its employees? Do you tell me that if you are accused of a crime, or I am accused of a crime, and your character or my character is put in issue, that if I were mean enough to do it, or if Messrs. Starnes and Campbell were corrupt enough to do it, that you could get others who would do your bidding? I tell you, in principle and common sense, it is a dastardly suggestion. You know it, and I know you know it, and you listen to your conscience and it will tell you you know it, and you have got no doubt about it.

The trouble about this business is, throughout the length and breadth of our land, there's too much shenanigans and too little honest, plain dealings; let's be fair, let's be honest, let's be courageous! Tell me that old Pat Campbell or John Starnes or Mr. Rosser — in whose veins, he says, there flows the same blood as flows in the attorney's veins — that they could go and get nineteen or twenty of them, through prejudice and passion to come up here and swear that that man's character is bad and it not be true! I tell you it can't be done, and you know it.

Ah, but, on the other hand, Doctor Marx, Doctor Sonn, all these other people, as Mr. Hooper said, who run with Doctor Jekyll, don't know the character of Mr. Hyde. And he didn't call Doctor Marx down to the factory on Saturday evenings to show what he was going to do with those girls, but the girls know.

Now, gentlemen, put yourself in this man's place. If you are a man of good character, and twenty people come in here and state that you are of bad character, your counsel have got the right to ask them who they ever heard talking about you and what they ever heard said and what they ever saw. Is it possible, I'll ask you in the name of common sense, that you would permit your counsel to sit mute? You wouldn't do it, would you? If a man says that I am a person of bad character, I want to know, curiosity makes me want to know, and if it's proclaimed, published to the world and it's a lie, I want to nail the lie — to show that he never saw it, and never heard it and knows nothing about it. And yet, three able counsel and an innocent man, and twenty or more girls all of whom had worked in the factory but none of whom work there at this time, except one on the fourth floor, tell you that that man had a bad character, and had a bad character for lasciviousness — the uncontrolled and uncontrollable passion that led him on to kill poor Mary Phagan.

This book says it is allowable to cross-examine a witness, to see and find out what he knows, who told him those things — and I'm here to tell you that this thing of itself is pregnant, pregnant, pregnant with significance, and does not comport with innocence on the part of any man. We furnished him the names of some. Well, even by their own witnesses, it looks to me there was a leak, and little Miss Jackson dropped it out just as easy.

Now, what business did this man have going in up there, peering in on those little girls — the head of the factory, the man that wanted flirting forbidden! What business did he have going up into those dressing rooms? To tell me to go up there to the girls 'dressing room, shove open the door and walk in is a part of his duty, when he has foreladies to stop it? No, indeed. And old Jim Conley may not have been so far wrong as you may think. He says that somebody went up there that worked on the fourth floor, he didn't know who. This man, according to the evidence of people that I submit you will believe, notwithstanding the fact that Mr. Reuben B. Arnold said it was a lie and called them hare-brained fanatics — according to the testimony even of a lady who works there now and yet is brave enough and courageous enough to come down here and tell you that that man had been in a room with a lady that works on the fourth floor; and it may have been that he was then, when he went in there on this little Jackson girl and the Mayfield girl and Miss Kitchens, looking out to see if the way was clear to take her in again — and Miss Jackson, their witness, says she heard about his going in there three or four times more than she ever saw it, and they complained to the foreladies — it may have been right then and there he went to see some woman on the fourth floor that old Jim Conley says he saw go up there to meet him Saturday evening, when all these good people were out on Washington Street and Montags, and the pencil factory employees, even, didn't know of the occurrence of these things.

August 23. Mr. Dorsey:

I was just about concluding, yesterday, what I had to say in reference to the matter of character, and I think that I demonstrated by the law, to any fair-minded man, that this defendant has not a good character. The conduct of counsel in this case, as I stated, in failing to cross-examine, in refusing to cross-examine these twenty young ladies, refutes effectively and absolutely the claims of this defendant that he has good character. As I said, if this man had had a good character, no power on earth could have kept him and his counsel from asking those girls where they got their information, and why it was they said that this defendant was a man of bad character.

I have already shown you that under the law, they had the right to go into that character, and you saw that on cross-examination they dared not do it. I have here an authority that puts it right squarely, that “whenever any one has evidence (83 Ga., 581) in their possession, and they fail to produce it, the strongest presumption arises that it would be hurtful if they had, and their failure to produce evidence is a circumstance against them.” You don’t need any law book to make you know that that’s true, because your common sense tells you that whenever a man can bring evidence, and you know that he has got it and don’t do it, the strongest presumption arises against him.

And you know, as twelve honest men seeking to get at the truth, that the reason these able counsel didn’t ask those “hare-brained fanatics,” as Mr. Arnold called them, before they had ever gone on the stand — girls whose appearance is as good as any they brought, girls that you know by their manner on the stand spoke the truth, girls who are unimpeached and unimpeachable, *was because they dared not do it*. You know it ; if it had never been put in a law book you’d know it.

And then you tell me that because these good people from Washington Street come down here and say that they never heard anything, that he is a man of good character. Many a man has gone through life and even his wife and his best friends never knew his character; and some one has said that it takes the valet to really know the character of a man. And I had rather believe that these poor, unprotected working girls, who have no interest in this case and are not under the influence of the pencil company or Montag or anybody else, know that man, as many a man has been heretofore, is of bad character, than to believe the Rabbi of his church and the members of the Hebrew Orphans’ Home.

Sometimes, you know, a man of bad character uses charitable and religious organizations to cover up the defects, and sometimes a consciousness in the heart of a man will make him over-active in some other line, in order to cover up and mislead the public generally. Many a man has been a wolf in sheep’s clothing; many a man has walked in high society and appeared on the outside as a whited sepulcher, who was as rotten on the inside as it was possible to be. So he has got no good character, I submit, never had it ; he has got a reputation — that’s what people say and think about you — and he has got a reputation for good conduct only among those people that don’t know his character.

But suppose that he had a good character; that would amount to nothing. David of old was a great character until he put old Uriah in the forefront of battle in order that he might be killed — that Uriah might be killed, and David take his wife. Judas Iscariot was a good character, and one of the Twelve, until he took the thirty pieces of silver and betrayed our Lord Jesus Christ. Benedict Arnold was brave, enjoyed the confidence of all the people and those in charge of the management of the Revolutionary War until he betrayed his country. Since that day his name has been a synonym for infamy. Oscar Wilde, an Irish Knight, a literary man, brilliant, the author of works that will go down the ages — *Lady Windemere's Fan*, *De Profundis* — which he wrote while confined in jail; a man who had the effrontery and the boldness, when the Marquis of Queensbury saw that there was something wrong between this intellectual giant and his son, sought to break up their companionship, he sued the Marquis for damages, which brought retaliation on the part of the Marquis for criminal practices on the part of Wilde, this intellectual giant; and wherever the English language is read, the effrontery, the boldness, the coolness of this man, Oscar Wilde, as he stood the cross-examination of the ablest lawyers of England — an effrontery that is characteristic of the man of his type — that examination will remain the subject matter of study for lawyers and for people who are interested in the type of pervert like this man. Not even Oscar Wilde's wife — for he was married and had two children — suspected that he was guilty of such immoral practices, and, as I say, it never would have been brought to light probably, because committed in secret, had not this man had the effrontery and the boldness and the impudence himself to start the proceeding which culminated in sending him to prison for three long years. He's the man who led the aesthetic movement; he was a scholar, a literary man, cool, calm and cultured, and as I say, his cross examination is a thing to be read with admiration by all lawyers, but he was convicted, and in his old age, went tottering to the grave, a confessed pervert. Good character? Why, he came to America, after having launched what is known as the "Aesthetic Movement," in England, and throughout this country lectured to large audiences, and it is he who raised the sunflower from a weed to the dignity of a flower. Handsome, not lacking in physical or moral courage, and yet a pervert, but a man of previous good character.

Abe Reuf, of San Francisco, a man of his race and religion, was the boss of the town, respected and honored, but he corrupted Schmitt, and he corrupted everything that he put his hands on, and just as a life of immorality, a life of sin, a life in which he fooled the good people when debauching the poor girls with whom he came in contact has brought this man before this jury, so did eventually Reuf's career terminate in the penitentiary.

I have already referred to Durant. Look at McCue, the mayor of Charlottesville; a man of such reputation that the people elevated him to the head of that municipality, but notwithstanding that good reputation, he didn't have rock bed character, and, becoming tired of his wife, he shot her in the bath tub, and the jury of gallant and noble and courageous Virginia gentlemen, notwithstanding his good character, sent him to a felon's grave.

Richardson, of Boston, was a preacher, who enjoyed the confidence of his flock. He was engaged to one of the wealthiest and most fascinating women in Boston, but an

entanglement with a poor little girl, of whom he wished to rid himself, caused this man Richardson to so far forget his character and reputation and his career as to put her to death.

And all these are cases of circumstantial evidence. And after conviction, after he had fought, he at last admitted it, in the hope that the Governor would at least save his life, but he didn't do it ; and the Massachusetts jury and the Massachusetts Governor were courageous enough to let that man who had taken that poor girl's life to save his reputation as the pastor of his flock, go, and it is an illustration that will encourage and stimulate every right-thinking man to do his duty.

Then, there's Beattie. Henry Clay Beattie, of Richmond, of splendid family, a wealthy family, proved good character, though he didn't possess it, took his wife, the mother of a twelve-months-old baby, out automobiling, and shot her; yet that man, looking at the blood in the automobile, joked! joked! joked! He was cool and calm, but he joked too much ; and although the detectives were abused and maligned, and slush funds to save him from the gallows were used, in his defense, a courageous jury, an honest jury, a Virginia jury measured up to the requirements of the hour and sent him to his death; thus putting old Virginia and her citizenship on a high plane. And he never did confess, but left a note to be read after he was dead, saying that he was guilty.

Crippen, of England, a doctor, a man of high standing, recognized ability and good reputation, killed his wife because of infatuation for another woman, and put her remains away where he thought, as this man thought, that it would never be discovered ; but murder will out, and he was discovered, and he was tried, and be it said to the glory of old England, he was executed.

But you say, you've got an alibi. Now, let's examine that proposition a little bit. An alibi—Section 1018 defines what an alibi is. "An alibi, as a defense, involves the impossibility" — mark that — "of the prisoner's presence at the scene of the offense at the time of its commission." "An alibi involves the impossibility, and the range of evidence must be such as reasonably to exclude the possibility of guilt" — and the burden of carrying that alibi is on this defendant. "It involves the impossibility" — they must show to you that it was impossible for this man to have been at the scene of that crime. The burden is on them; an alibi, gentlemen of the jury, while the very best kind of defense if properly sustained, is absolutely worthless — I'm going to show you in a minute that this alibi is worse than no defense at all.

I want to read you a definition that an old darkey gave of an alibi, which I think illustrates the idea. Rastus asked his companion, "What's this here alibi yon hear so much talk about?" And old Sam says, "An alibi is proving that you was at the prayer meeting, where you wasn't, to show that you wasn't at the crap game, where you was."

Now, right here, let me interpolate, this man never made an admission, from the beginning until the end of this case, except he knew that some one could fasten it on him — wherever he knew that people knew he was in the factory, he admitted it All right; but

you prove an alibi by that little Kerens girl, do you? She swore that she saw you at Alabama and Broad at 1 :10, and yet here is the paper containing your admission made in the presence of your attorney, Monday morning, April 28, that you didn't leave the factory until 1 :10.

Gentlemen, talk to me about sad spectacles, but of all the sad spectacles that I have witnessed throughout this case — I don't know who did it, I don't know who's responsible, and I hope that I'll go to my grave in ignorance of who it was that brought this little Kerens girl, the daughter of a man that works for Montag, into this case, to prove this alibi for this red-handed murderer, who killed that little girl to protect his reputation among the people of his own race and religion.

Jurors are sworn, and His Honor will charge you, you have got the right to take into consideration the deportment, the manner, the bearing, the reasonableness of what any witness swears to, and if any man in this court house, any honest man, seeking to get at the truth, looked at that little girl, her manner, her bearing, her attitude, her actions, her connections with Montag, and don't know that she, like that little Bauer boy, had been riding in Montag's automobile, I am at a loss to understand your mental operations.

But if Frank locked the factory door at ten minutes past one, if that be true, how in the name of goodness did she ever see him at Alabama and Broad at 1 :10? Mark you, she had never seen him but one time ; had never seen him but one time, and with the people up there on the street, to see the parade, waiting for her companions, this daughter of an employee of Montag comes into this presence and tells you the unreasonable, absurd story, the story that's in contradiction to the story made by Frank, which has been introduced in evidence and will be out with you, that she saw that fellow up there at Jacobs'.

On this time proposition, I want to read you this — it made a wonderful impression on me when I read it — it's the wonderful speech of a wonderful man, a lawyer to whom even such men as Messrs. Arnold and Rosser, as good as the country affords, as good men and as good lawyers as they are, had they stood in his presence, would have pulled off their hats in admiration for his intellect and his character — I refer to Daniel Webster, and I quote from Webster's great speech in the Knapp case: "Time is identical, its subdivisions are all alike, no man knows one day from another, or one hour from another, but by some fact, connected with it. Days and hours are not visible to the senses, nor to be apprehended and distinguished by understanding. He who speaks of the date, the minute and the hour of occurrences with nothing to guide his recollection, speaks at random."

That's put better than I could have put it. That's put tersely, concisely, logically, and it's the truth. Now, what else about this alibi, this chronological table here, moved up and down to save a few minutes? The evidence, as old Sig Montag warned me not to do, twisted, yea, I'll say contorted, warped, in order to sustain this man in his claim of an alibi. For instance, they got it down here Frank arrived at the factory, according to Holloway, Alonzo Mann, Roy Irby, at 8:25. That's getting it down some, ain't it? Frank

says he arrived at 8 :30. Old Jim Conley, perjured, lousy and dirty, says that he arrived there at 8 :30, and he arrived, carrying a rain coat. And they tried mightily to make it appear that Frank didn't have a rain coat, that he borrowed one from his brother-in-law, but Mrs. Ursenbach says that Frank had one; and if the truth were known, I venture the assertion that the reason Frank borrowed Ursenbach 's rain coat on Sunday was because, after the murder of this girl on Saturday, he forgot to get the rain coat that old Jim saw him have.

Miss Mattie Smith leaves building, you say, at 9 :20 A.M. She said — or Frank says — at 9 :15. You have it on this chart here that's turned to the wall that Frank telephoned Schiff to come to his office at 10 o'clock, and yet this man Frank, coolly, composedly, with his great capacity for figures and data, in his own statement says that he gets to Montag's at that hour. And you've got the records, trot them out, if I'm wrong. At 11 A. M. Frank returns to the pencil factory; Holloway and Mann come to the office; Frank dictates mail and acknowledges letters. Frank, in his statement, says 11 :05.

Any way, oh Lord, any hour, any minute, move them up and move them down, we've got to have the alibi — like old Uncle Remus' rabbit, we're just obliged to climb. "12:12, approximate time Mary Phagan arrives." Frank says that Mary Phagan arrived ten or fifteen minutes after Miss Hall left; and with mathematical accuracy, you've got Miss Hall leaving the factory at 12:03. Why, I never saw so many watches, so many clocks or so many people who seem to have had their minds centered on time as in this case. Why, if people in real life were really as accurate as you gentlemen seek to have us believe, I tell you this would be a glorious old world, and no person and no train would ever be behind time. It doesn't happen that way, though.

But to crown it all, in this table which is now turned to the wall, you have Lemmie Quinn arriving, not on the minute, but, to serve your purposes, from 12 :20 to 12 :22 ; but that, gentlemen, conflicts with the evidence of Freeman and the other young lady, who placed Quinn by their evidence, in the factory before that time.

Mr. Arnold:

There isn't a word of evidence to that effect; those ladies were there at 11:35 and left at 11:45, Corinthia Hall and Miss Freeman, they left there at 11:45, and it was after they had eaten lunch and about to pay their fare before they ever saw Quinn, at the little cafe, the Busy Bee. He says that they saw Quinn over at the factory before 12, as I understood it.

Mr. Dorsey:

Yes, sir, by his evidence.

Mr. Arnold:

That's absolutely incorrect, they never saw Quinn there then and never swore they did.

Mr. Dorsey:

No, they didn't see him there, I doubt if anybody else saw him there either.

Mr. Arnold:

If a crowd of people here laugh every time we say anything, how are we to hear the Court? He has made a whole lot of little misstatements, but I let those pass, but I'm going to interrupt him on every substantial one he makes.

Mr. Dorsey:

He says those ladies saw Quinn — says they "saw Quinn was there before 12, and before I left there at 1 o'clock." "You saw him at that, did you?" "Yes, sir." "Now, you are sure he did that?" "Yes, sir." "You are positive he did that?" "Yes, sir"; and then Mr. Arnold comes in with his suggestion, and she takes the bait and runs under the bank — he saw how it cut.

Then I came back at her again — now, just to show how she turned turtle, "You did see Frank working Saturday morning on the financial sheet?" "No, he didn't work on the financial sheet." "Why did you state a moment ago you saw him working on it?" "No, sir, I didn't." My Lord! Gentlemen, are you going to take that kind of stuff? I know she is a woman, and I'd hesitate except I had the paper here in my hand, to make this charge, but if you, as honest men, are going to let the people of Georgia and Fulton County and of Atlanta suffer one of its innocent girls to go to her death at the hands of a man like this and then turn him loose on such evidence as this, then I say, it's time to quit going through the farce of summoning a jury to try him.

If I had the standing, the ability and the power of either Messrs. Arnold or Rosser, to ring that into your ears and drive it home, you would almost write a verdict of guilty before you left your box.

Perjury! Perjury! When did old John Starnes and Pat Campbell, from the Emerald Isle, or Rosser ever fall so low that, when they could convict a negro — easy, because he wouldn't have Arnold and Rosser, but just my friend Bill Smith. And for what reason do they want to let Jim go and go after this man Frank? Why didn't they take Newt Lee? Why didn't they take Gantt? The best reason in the world is that they had only cob-webs, cob-webs, weak and flimsy circumstances against those men, and the circumstances were inconsistent with the theory of guilt and consistent with some other hypothesis.

But as to this man, you have got cables, strong, so strong that even the ability, the combined ability of the erudite Arnold and the dynamic Rosser couldn't break them or disturb them. Circumstantial evidence is just as good as any other kind, when it's the right kind. It's a poor case of circumstantial evidence against Newt Lee; it's no case against that long-legged Gantt from the hills of Cobb. But against this man, oh, a perfect, a perfect case.

And you stood up here and dealt in generalities as to perjury and corruption; it isn't worth a cent unless you put your finger on the specific instances, and here it is in black and white, committed in the presence of this jury, after he had already said that he wrote the financial sheet Saturday morning, and at your suggestion, he turned around and swore to the contrary. Yet my friend Schiff says — no, I take that back — Schiff says, with the stenographer gone, with Frank behind in his work, that he went home and slept all day, and didn't get up what he called the “dahta” — well, he's a Joe Darter, that's what Schiff is. It never happened, it never happened, with that financial sheet that Saturday morning, but if it did, it wouldn't prove anything.

He may have the nerve of an Oscar Wilde, he may have been cool, when nobody was there to accuse him, and it isn't at all improbable, if he didn't have the “dahta” in the morning, for him to have sat there and deliberately written that financial sheet. Do you tell me that Frank, when the factory closed at twelve o'clock Saturdays, with as charming a wife as he possesses, with baseball — the college graduate, the head of the B'nai Brith, the man who loved to play cards and mix with friends, would spend his Saturday afternoons using this “data” that Schiff got up for him, when he could do it Saturday morning! No, sir. Miss Fleming told the truth up until that time — “I didn't stay there very often on Saturday afternoon,” Miss Fleming didn't stay there all afternoon. Now, gentlemen, I submit this man made that financial sheet Saturday morning. He could have fixed up that financial sheet Saturday afternoon, but he wouldn't have done it without Schiff having furnished the data if he hadn't been suspecting an accusation of murdering that little girl.

A man of Frank's type could easily have fixed that financial sheet — a thing he did fifty-two times a year for five or six years — and could have betrayed no nervousness, he might easily — as he did when he wrote for the police — in the handwriting, a thing that he was accustomed to do — even in the presence of the police — you'll have it out with you — he may have written so as not to betray his nervousness.

And speaking about perjury: There's a writing that his mother said anybody who knew his writing ought to be able to identify and yet, that man you put up there to prove Frank's writing, was so afraid that he would do this man some injury, that he wouldn't identify the writing that his mother says that anybody that knows it at all, could recognize. I grant you that he didn't betray nervousness, probably, in the bosom of his family; I grant you that he could fix up a financial sheet that he had been fixing up fifty-two times a year for five or six years and not betray nervousness; I grant you that he could unlock the safe, a thing that he did every day for three hundred and sixty-five days in the year, without betraying nervousness; but when he went to run the elevator, when he went to nail up the door, when he talked to the police, when he rode to the station, then he showed nervousness.

And he could sit in a hall and read and joke about the baseball umpire, but his frivolity, that annoyed the people Saturday night that they had the card game, was the same kind of frivolity that Beattie betrayed when he stood at the automobile that contained the blood of his wife that he had shot. And certainly it is before this jury that he went in

laughing and joking and trying to read a story that resulted only in annoyance to the people that were in that card game. But whether or not he made out that financial sheet, I'll tell you something that he did do Saturday afternoon, when he was waiting up there for old Jim to come back to burn that body, I'll tell you something that he did do — and don't forget the envelope and don't forget the way that that paper was folded, either, don't forget it. Listen to this: "I trust this finds you and dear tont (that's the German for aunt) well after arriving safe in New York. I hope you found all the dear ones well, in Brooklyn." Didn't have any wealthy people in Brooklyn, eh! This uncle of his was mighty near Brooklyn, the very time old Jim says he looked up and said, "I have wealthy people in Brooklyn."

And I would really like to know, I would like to see how much that brother-in-law that runs that cigar business has invested in that store, and how much he has got. The very letter that you wrote on Saturday, the 26th, shows that you anticipated that this old gentleman, whom everybody says has got money, was then, you supposed, in Brooklyn, because here you say that "I hope you have found all the dear ones well" — but I'm coming back to what Frank said to old Jim — "and I await a letter from you telling me how you found things there in Brooklyn. Lucille and I are well." Now, here is a sentence that is pregnant with significance, which bears the earmarks of the guilty conscience; tremulous as he wrote it.

No, he could shut his eyes and write and make up a financial sheet — he's capable and smart, wonderfully endowed intellectually, but here's a sentence that, if I know human nature and know the conduct of the guilty conscience, and whatever you may say about whether or not he prepared the financial sheet on Saturday morning, here's a document I'll concede was written when he knew that the body of little Mary Phagan, who died for virtue's sake, lay in the dark recesses of that basement. "It is too short a time," he says, "since you left for anything startling to have developed down here." Too short! Too short! Startling! But "Too short a time," and that itself shows that the dastardly deed was done in an incredibly short time. And do you tell me, honest men, fair men, courageous men, true Georgians, seeking to do your duty, that that phrase, penned by that man to his uncle on Saturday afternoon, didn't come from a conscience that was its own accuser! "It is too short a time since you left for anything startling to have developed down here." What do you think of that?

And then listen at this — as if that old gentleman, his uncle, cared anything for this proposition, this old millionaire traveling abroad to Germany for his health, this man from Brooklyn — an eminent authority says that unusual, unnecessary, unexpected and extravagant expressions are always earmarks of fraud ; and do you tell me that this old gentleman, expecting to sail for Europe, the man who wanted the price list and financial sheet, cared anything for those old heroes in gray! And isn't this sentence itself significant: "Today was yontiff (holiday) here, and the thin gray lines of veterans here braved the rather chilly weather to do honor to their fallen comrades"; and this from Leo M. Frank, the statistician, to the old man, the millionaire , or nearly so, who cared so little about the thin gray line of veterans, but who cared all for how much money had been gotten in by the pencil factory. "Too short a time for anything startling to have

happened down here since you left”; but there was something startling, and it happened within the space of thirty minutes. “There is nothing new in the factory to report.” Ah ! there was something new, and there was something startling, and the time was not too short.

You can take that letter and read it for yourself. You tell me that letter was written in the morning, do you believe it? I tell you that that letter shows on its face that something startling had happened, and that there was something new in the factory, and I tell you that that rich uncle, then supposed to be with his kindred in Brooklyn, didn’t care a flip of his finger about the thin gray line of veterans. His people lived in Brooklyn, that’s one thing dead sure and certain, and old Jim never would have known it except Leo M. Frank had told him, and they had at least \$20,000 in cold cash out on interest, and the brother-in-law, the owner of a store employing two or three people, and we don’t know how many more; and if the uncle wasn’t in Brooklyn, he was so near thereto that even Frank himself thought he was at the very moment he claimed he was there, because he says, “you have seen or are with the people in Brooklyn.”

All right; let’s go a step further. On April 28th, he wired Adolph Montag in care of the Imperial Hotel — listen, now, to what he says — “You may have read in Atlanta papers of factory girl found dead Sunday morning.” In factory! In factory? No, “in cellar.” Cellar where? “Cellar of pencil factory.” There’s where he placed her, there’s where he expected her to be found; and the thing welled up in his mind to such an extent that, Monday morning, April 28th, before he had ever been arrested, he wires Montag forestalling what he knew would surely and certainly come unless the Atlanta detectives were corrupted and should suppress it. “You have read in Atlanta papers of factory girl found dead Sunday morning in cellar of pencil factory. Police will eventually solve it,” — he didn’t have any doubt about it — “Police will eventually solve it” — and be it said to their credit, they did, — “Assure my uncle” — he says, Monday morning — “I am all right in case he asks. Our company has case well in hand.” “Girl found dead in pencil factory cellar,” he says in the telegram, “the police will eventually solve it,” he says, before he was arrested, “I am all right, in case my uncle asks,” and “our company has the case well in hand.”

Well, maybe he did think that when he got that fellow Scott, that he had it well in hand. I’ll tell you, there’s an honest man. If there was a slush fund in this case — these witnesses here say they don’t know anything about it, but if there was a slush fund in this case, Scott could have got it, because, at first, he never heard any words that sounded better to him than when Scott said “we travel arm in arm with the police,” that’s exactly what Frank wanted them to do at that time, he wanted somebody that would run with Black and Starnes and Rosser, and it sounded good to him, and he said all right. He didn’t want him to run anywhere else, because he wanted him to work hand in glove with these men, and he wanted to know what they did and what they said and what they thought. But Haas — and he’s nobody’s fool — when he saw that they were getting hot on the trail, opened up the conversation with the suggestion that “now you let us have what you get, first,” and if Scott had fallen for that suggestion, then there would have

been something else. You know it. You tell me that letter and that telegram are not significant!

I tell you that this evidence shows, notwithstanding what “Joe Darter” Schiff swore, when he saw the necessity to meet this evidence of Miss Fleming, which Mr. Arnold tried so hard, because he saw the force of it, to turn into another channel, that Frank didn’t fix that financial sheet Saturday morning. I say that, with the stenographer gone and Frank behind (and Schiff had never done such a thing before, he had always stuck to him in getting it up before), that what Gantt told you is the truth. This man, expert, brilliant — talk about this expert accountant, Joel Hunter! Why, he isn’t near as smart as this man Frank, to begin on, and besides, the idea of his going up there and taking up those things and trying to institute a comparison as to how long it would take him, even if he had the capacity of Frank — he hasn’t got it — to go up there and do those things — why, it’s worse than ridiculous. And Frank himself wasn’t satisfied with all this showing about what he had done, he got up on the stand — he saw the weakness of his case, and he’s as smart as either one of his lawyers, too, let me tell you, and I’ll bet you he wrote that statement, too, they may have read it, but he wrote it. Frank realized that he must go over and beyond what the evidence was, and through his statement he sought to lug into this case something that they didn’t have any evidence for. Why? Because he knew in his heart that all this talk about the length of time it took to fix that financial sheet was mere buncombe. Then he seeks to put in here through that statement — and if we hadn’t stopped him he would have done it — a whole raft of other stuff that Schiff, as willing as he was, as anxious as he was, couldn’t stultify himself to such an extent as to tell you that Frank did that work Saturday morning. But if he did write that financial sheet Saturday afternoon, a thing I submit he didn’t do — I’m willing to admit he wrote that letter — I ask you, as fair men and honest men and disinterested jurors representing the people of this community in seeing that justice is done and that the man who committed that dastardly deed has meted out to him that which he meted out to this poor little girl, if this documentary evidence, these papers, don’t have the impress of a guilty man!

You know it. All right; but you say there’s perjury. Where is it? I’ll tell you another case — I have already referred to it — it’s when that man, put up there to identify Frank’s writing, failed to identify a writing that Frank’s own mother swore that anybody that knew anything about his writing could have identified. There’s perjury there when Roy Bauer swore with such minute particularity as to his visits to that factory. There’s perjury when this man Lee says that Duffy held his finger out and just let that blood spurt. But that ain’t all. Here’s the evidence of Mrs. Carson. Mrs. Carson says she has worked in that factory three years; and Mr. Arnold, in that suave manner of his, without any evidence to support it, not under oath, says “Mrs. Carson, I’ll ask you a question I wouldn’t ask a younger woman, have you ever at any time around the ladies’ dressing room seen any blood spots?” and she said “I certainly have.” That’s a ridiculous proposition on its face. “Have you seen that on several occasions or not?” “I seen it three or four times” — not in three years; but now, “Did you ever have any conversation with Jim Conley?” and she says, “Yes, on Tuesday he came around to sweep around my table” — that’s exactly where Jim says he was Tuesday morning before this man was

arrested; “What floor do you work on?” “Fourth.” “What floor do your daughters work on?” “On the fourth.” “Did you see him up there Monday morning?” “No sir” — that’s Frank. “Tuesday morning?” “I saw him Tuesday morning” — he was up there on the fourth floor after the murder, on Tuesday, “sometime between nine and eleven o’clock.” I said, “between nine and eleven, somewhere along there?” “Sometime between nine and eleven thirty.” “Now, Jim Conley and Leo M. Frank were both on your floor between the same hours?” “I saw Mr. Frank and I saw Jim Conley.” “You know it because you had a conversation with Mr. Frank, and you had a conversation with Jim Conley?” “Yes, I saw them both.” And Conley says — and surely Conley couldn’t have been put up to it by these men, even if they had wanted to suborn perjury — that when Frank came up there Tuesday morning before he was arrested, it was then that he came to him and leaned over and said “Jim, be a good boy,” and then Jim, remembering the money and remembering the wealthy people in Brooklyn and the promises that Frank made, says, “Yes, I is.”

Tuesday morning, says Mrs. Carson, your witness, Jim Conley and Frank both were on that floor, and Jim was doing exactly what he said he was doing, sweeping. Now, let’s see. This old lady was very much interested. “Now, did you go on the office floor to see that blood?” — listen at this “What blood?” “The blood right there by the dressing room?” “What dressing room, what blood are you talking about?” She had seen it three or four times all over the factory. “On the second floor?” “No sir,” she says, “I never did see that spot.” “Never saw it at all?” “No, I didn’t care to look at nothing like that.” “You don’t care to look at nothing like that?” “No sir, I don’t.” Now, that’s Mrs. Carson, the mother of Miss Rebecca, that’s what she told you under oath when she was on the stand. Now, let’s see about perjury. Now, mark you, I’m not getting up here and saying this generally, without putting my finger on the specific instances, and I’m not nearly exhausting the record — you can follow it up — but I am just picking out a few instances.

Here’s what Mrs. Small says about Jim Conley reading the newspapers. Well, if Jim had committed that crime and he hadn’t felt that he had the power and influence of Leo Frank back of him to protect him, he never would have gone back there to that factory or sat around and read newspapers, and you know it, if you know anything about the character of the negro. Why was he so anxious to get the newspapers? It was because Jim knew some of the facts that he wanted to see, negro-like — that’s what made him so anxious about it.

Here Mr. Arnold comes,—“You are a lady that works on the fourth floor, and I’m going to ask you a question that we are going to ask every lady that works on that fourth floor;” and we caught them out on that proposition, too, didn’t we? And you don’t know right now how many women that worked on that floor were put up and how many weren’t. You’ve got the books and the records and you could have called the names, and you didn’t dare do it, and after you had gone ahead and four-flushed before this jury as to what you were going to do, we picked out Miss Kitchens and brought her here and she corroborated your own witness, Miss Jackson, as to the misconduct of this superintendent, Frank.

Now, let's see what Mrs. Small says—Mrs. Small is the lady that got the raise, you remember, and couldn't tell what date it was, thought it had been about four months ago, she got a five cent raise; about four months ago would make it since this murder, and when I got to quizzing her about it she didn't know when she got the raise, and she's not the only one that got the raise, and it wasn't only in the factory that they raised them, either.

Even Minola McKnight got some raise, and after she saw the import of it, "You don't remember the exact date." "No sir, I don't," when she had already placed the date subsequent to this murder; and this woman, Mrs. Small, also corroborates Jim Conley about being up there Tuesday. "Did you see Mr. Frank up there any of those days?" "I saw Mr. Frank up there Tuesday after that time." "What time Tuesday!" "I couldn't tell you, I guess it was between eight and nine o'clock." The other one saw him somewhere between nine and eleven or eleven thirty. This lady, their witness, says that he was up there between eight and nine. Why was Frank so anxious to go up there on that floor? Why? It was because he wanted to see this man Jim Conley that he thought was going to protect him.

Mr. Rosser characterized my suggestion that this man Frank called upon and expected Jim Conley to conceal the crime as a dirty suggestion, and I accept it as absolutely true, and I go a step further, and say it was not only dirty, it was infamous. And he would today sit here in this court house and see a jury of honest men put a rope around Jim Conley 's neck, the man that was brought into it by him; and he didn't mean to bring Jim Conley in unless he had to—and he had to.

Jim says the first question he asked him when he saw him down there after this dastardly crime had been committed was, "Have you seen anybody go up?" "Yes," says Jim, "I have seen two girls go up but I haven't seen but one come down." And then it was that this man saw the absolute necessity of taking Jim into his confidence, because he knew that Jim was on the lookout for him, and Starnes and Campbell and Black, combined, together, and even if you make a composite intellect and add the brilliance of Messrs. Rosser and Arnold to that of these detectives, could never have fitted that piece of mosaic into the situation; it isn't to be done.

"Jim, have you seen anybody go up!" "Yes," said Jim, "I see two girls go up but only one came down." And you told Jim to protect you, and Jim tried to do it, and the suggestion was dirty, and worse than that, it is infamous, to be willing to see Jim Conley hung for a crime that Leo Frank committed. But I'm coming to that after a while, I haven't got to the State's case yet, I'm just cutting away some of the underbrush that you have tried to plant in this forest of gigantic oaks to smother up their growth, but you can't do it, the facts are too firmly and too deeply rooted.

Oh, yes, says Mrs. Small, I saw Frank up there on that fourth floor between eight and nine o'clock Tuesday morning, and the other lady saw him up there between nine and eleven, she wouldn't be sure the day he was arrested — I say arrested, according to Frank's own statement himself, they got him and just detained him, and even then,

red-handed murderer as he was, his standing and influence, and the standing and influence of his attorney, somehow or other — and that's the only thing to the discredit of the police department throughout the whole thing, say what you may — they were intimidated and afraid because of the influence that was back of him, to consign him to a cell like they did Lee and Conley, and it took them a little time to arrive at the point where they had the nerve and courage to face the situation and put him where he ought to be.

Now, I'll tell you another thing, too, if old John Black — and Mr. Rosser didn't get such a great triumph out of him as he would have us believe, either. Black's methods are somewhat like Rosser's methods, and if Black had Rosser where Rosser had Black, or if Black had Rosser down at police station, Black would get Rosser; and if Black had been given an opportunity to go after this man, Leo M. Frank, like he went after that poor defenseless negro, Newt Lee, towards whom you would have directed suspicion, this trial might have been obviated, and a confession might have been obtained. You didn't get your lawyer to sustain you and support you a moment too soon. You called for Darley, and you called for Haas, and you called for Rosser, and you called for Arnold, and it took the combined efforts of all of them to keep up your nerve.

And I don't want to misquote and I won't misquote, but I want to drive it home with all the power that I possibly can or that I possess. The only thing in this case that can be said to the discredit of the police department of the City of Atlanta is that you treated this man, who snuffed out that little girl's life on the second floor of that pencil factory, with too much consideration, and you let able counsel and the glamour that surrounds wealth and influence, deter you. I honor—but I honor the way they went after Minola McKnight I don't know whether they want me to apologize for them or not, but if you think that finding the red-handed murderer of a little girl like this is a ladies' tea party, and that the detectives should have the manners of a dancing master and apologize and palaver, you don't know anything about the business. You have seen these dogs that hunt the 'possum bark up a tree or in a stump, and when they once get the scent of the 'possum, you can do what you like but they'll bark up that tree and they'll bark in that stump until they run him out, and so with old John Starnes and Campbell. They knew and you know that Albert McKnight would never have told Craven this tale about what he saw and what his wife had told him except for the fact that it be true, and if you had been Starnes, you would have been barking up that tree or barking in that stump until you ran out what you knew was in there. That's all there is to it.

You have got the writ of habeas corpus that's guaranteed to you, go and get it ; and if Mr. Haas had come to me Tuesday morning and said "You direct the police"—on Monday morning, when Frank was taken down into custody, and said to me, "You direct the police to turn this man Frank loose, he's innocent," I would have said "It's none of my business, I run my office, they run their office," and the next time the police department, in an effort to serve the people of this community, take a negro that they know and you know and lock her up or what not, I'll not usurp the functions of the judge of these courts, who can turn her loose on a habeas corpus, and direct them to turn her loose or interfere in any way in their business; I don't run the police department of the City of Atlanta, I

run the office of Solicitor General for the term that the people have elected me, and I'm taken to task because I went in at the beginning of this thing and didn't stand back.

I honor Mr. Hill. I am as proud of having succeeded him as I am that I was elected to the position by the people of this community, to the office of Solicitor General, but I have never yet seen the man that I would take as my model or pattern; I follow the dictates of my own conscience. And if there is one act since I have been Solicitor General of which I am proud, it is the fact that I joined hand and glove with the detectives in the effort to seek the murderer of Mary Phagan, and when your influence poured letters in to the Grand Jury, in an effort to hang an innocent man, negro though he be, that I stood firmly up against it. If that be treason, make the best of it. And if you don't want me to do it, then get somebody else to fill the job, and the quicker you do it the better it will suit me.

I will not pattern myself after anybody or anybody's method, not even Mr. Hill, and, bless his old soul, he was grand and great, and I have wished a hundred times that he was here today to make the speech that I'm now making. There wouldn't be hair or hide left on you,—he was as noble as any Roman that ever lived, as courageous as Julius Caesar, and as eloquent as Demosthenes. Such talk as that don't scare me, don't terrify me, don't disturb the serenity of my conscience, which approves of everything that I have done in the prosecution of this man.

Now, let's come back here and discuss this thing of perjury, let's talk about that a little, let's not get up here and say that everybody is a liar without citing any instances and that they are crack-brain fanatics, let's knuckle down and get specific instances.

So this Mrs. Small says she saw Jim Conley,—”Did you see Mr. Frank up there on any of those days?” “I saw Mr. Frank after that crime on Tuesday.” “What time Tuesday?” “I couldn't tell you, I guess between eight and nine o'clock, he and Miss Carson were coming up from the back end of the factory (Miss Rebecca, I presume).” “He and Mrs. Carson were coming up from the back end of the factory, and I stepped up in front of him and I said ‘Here, Mr. Frank, wait a moment, OK this ticket,’ he says ‘are you going to put me to work as soon as I get here!’ and I says ‘Yes it's good for your health.’ He okayed the ticket and I went on with my work.”

So Frank was up there Tuesday morning. “Now, speaking about Mrs. Carson, how far towards the elevator did Mrs. Carson go with Frank?”—”Mrs. Carson wasn't up there, it was Miss Carson, Miss Rebecca. The old lady says she was; I said, “Oh, the old lady wasn't up there at all!” No, sir; she wasn't there Tuesday at all.” “You saw Miss Rebecca Carson walking up towards the elevator!” “Yes sir.” “What was Conley doing?” “Standing there by the elevator.” And yet Jim has lied about Frank! Frank was up there twice, Jim was sweeping, Jim was there by the elevator.

“At the time you saw Frank, the negro was standing there at the elevator!” “Yes, sir; he wasn't sweeping, he was standing there with his hand on the truck looking around.” “Did he see you and Frank!” “I guess he must have seen us.” “Where was Conley when he went down the steps!” “Standing in front of the elevator.” “How close did Frank pass

Conley!” “As dose as from here to that table, about four feet.” “Conley was still standing there with his hand on that thing, is that true!” “Yes sir.” “That’s exactly like Conley says.”

And here’s another thing: This woman, Mrs. Small, testifies about that elevator,— it shakes the whole building, I said, anybody in the world could tell it if the machinery wasn’t running! She says, “No, anybody in the world could tell it if the machinery wasn’t running, but you can’t notice it unless you are close to the elevator.” I asked “If there was hammering and knocking, would you still hear the elevator!” She said, “You could if you get close to it.” Well, of course, you could, nobody disputes that. “If the elevator was up here, and you were back in the rear and there was hammering and knocking going on, you couldn’t!” “No sir.” And that disposes of that point, that’s the truth on that.

Now, Mrs. Carson had already sworn here positively that she didn’t go down to see that blood, hasn’t she! There were too many of these people over there at the factory who had seen that blood,—that blood that at first wasn’t blood, it was paint, and then wasn’t paint but was cat’s blood or blood from somebody that was injured, and then wasn’t fresh blood but was stale blood—too many of them had seen it. “On Wednesday I had no business back there, I was there one day but can’t remember.” “What did you go back there for?” “A crowd of us went at noon to see if we could see any blood spots.” “Were you successful!” “No sir.” “Who went with you?” And lo and behold, Mrs. Carson, the mother of Rebecca, had already stated that she didn’t go about it, the very first person that this Mrs. Small refers to— “Well, Mrs. Carson.” “Mrs. Carson went with you,” I said. “Yes sir, she saw the places where the blood was said to be.”

“You know she was there, you are pretty sure she was there?” Mrs. Small said “Yes sir.” “It looked like what!” “Looked like powder.” “How much of it down there?” “A small amount, just a little, looked like some of the girls had been powdering their face and spilled powder.” You know better than that. I came back to the subject, “What makes you say Mrs. Carson went down there with you?” Answer —”Because curiosity sent us down there.” “Did curiosity send her down there too?” “We went back afterwards.”

Now, gentlemen, somebody swore,—and I put it up to you, too,—somebody committed perjury! “You were going back yourself and went to get her?” “Yes sir.” “She didn’t make any objection to going down, did she?” “No sir.” “Don’t you know she didn’t go?” “I know,” she says, “that she did.” All right; if this case is founded on perjury, it’s the kettle calling the pot black, and I haven’t dealt in glittering generalities, I have set forth specific cases. But that isn’t intended to be exhaustive, that’s a mere summary of a few of these instances, they are too numerous to mention. The truth is that there is no phase of this case, where evidence was needed to bolster it up that somebody hasn’t come in, you say, willingly and without pay, because, you say there is no slush fund back of this case.

Now, let’s pass on here a little bit. They tried mighty hard to break down this man Albert McKnight with Minola—and I believe I’ll leave that for a little later and come now to

this statement of Frank's. Gentlemen, I wish I could travel faster over this. I'm doing the very best I can, I have a difficult task and I wish I didn't have it to do it all.

Now, gentlemen, I want to discuss briefly right here these letters, and if these letters weren't "the order of an all-ruling Providence I should agree with my friends that they are the silliest pieces of stuff ever practiced; but these letters have intrinsic marks of a knowledge of this transaction," these pads, that pad,—things usually found in his office,—this man Frank, by the language of these notes, in attempting to fasten the crime upon another, "has indelibly fixed it upon himself." I repeat it, these notes, which were intended to fix the crime upon another, "have indelibly fixed it upon this defendant," Leo M. Frank. The pad, the paper, the fact that he wanted a note,—you tell me that ever a negro lived on the face of the earth who, after having killed and robbed, or ravished and murdered a girl down in that dark basement, or down there in that area, would have taken up the time to have written these notes, and written them on a scratch pad which is a thing that usually stays in the office, or written them on paper like this, found right outside of the office of Frank, as shown on that diagram, which is introduced in evidence and which you will have out with you?

You tell me that that man, Jim Conley, sober, as Tillander and Graham tell you, when they went there, would have ravished this girl with a knowledge of the fact that Frank was in that house? I tell you no. Do you tell me that this man, Jim Conley, "drunk as a fiddler's bitch," if you want it that way, would, or could have taken time to have written these notes to put beside the body of that dead girl? I tell you no, and you don't need me to tell you, you know it. The fact, gentlemen of the jury, that these notes were written—ah, but you say that it's foolish. You say it's foolish. It's ridiculous. It was a silly piece of business, it was a great folly; but murder will out, and Providence directs things in a mysterious way, and not only that, as Judge Bleckley says, "Crime, whenever committed, is a mistake in itself; and what kind of logic is it that will say that a man committed a crime, which is a great big mistake and then in an effort to cover it up, won't make a smaller mistake!" There's no logic in that position.

The man who commits a crime makes a mistake, and the man who seeks to cover it up nearly always makes also a little mistake. And this man here, by these notes, purporting to have been written by little Mary Phagan, by the verbiage and the language and the context, in trying to fasten it on another, as sure as you are sitting in this jury box "has indelibly fastened it on himself."

These gentlemen saw the significance of the difference between Scott's evidence, when he was before the Coroner,—and he wasn't quizzed there particularly about it,—"I told her no," and "I told her I didn't know;" to tell that little girl "No," would have given her no excuse, according to their way of thinking, to go back to see whether that metal had come or not, but to tell her "I didn't know," would lure her back into the snare where she met her death. And your own detective, Scott, says, after he gave the thing mature deliberation, that this man on the Monday evening,—and he was so anxious about getting a detective that he had that man Schiff telephone three times, three times, three times, three times,—remember that,—so anxious was he. Scott says, after thinking over

the matter, that Leo M. Frank told that girl that he didn't know whether the metal had come or not, and she went back there to see about the metal, and he followed her back there.

Ill tell you another thing, that old Starnes and Campbell and Rosser, and even Newport Lanford, if he had been called in, and even if I had been called in, to save my life, could not have known that the very word that Leo M. Frank used, according to Jim Conley when Conley says Frank told him "I'm going to chat with a girl," would have been used exactly four times, as I'll show you when I come to read this statement by Leo M. Frank, for he chatted, and he chatted, and he chatted, and he chatted, according to his own statement.

This letter that I hold in my hand says that this negro "did it." Old Jim Conley in his statement here, which I hold in my hand, every time he opened his mouth says "I done it." Old Jim Conley, if he had written these notes, never would have said "this negro did it by his self" but Frank wanted it understood that the man that did do it, "did it by his self." Jim Conley says that Frank says he wanted to chat, and four times in this statement before they suspended to go out and let you refresh yourself, this man Frank had said that somebody came in the office "to chat," and Mr. Arnold, in making his argument to the jury, realized, because he is as keen and as smart as they ever get to be, the force of that word and endeavored to parry the blow which I now seek to give this defendant.

And you tell me that old Jim Conley, after he had robbed and murdered, or after he had ravished and murdered this girl, when he would have had no occasion in the world to have cared whether her dead body was found right there at that chute, was such a fool as to take the time to take her body way back there in the basement and hide it behind the corner of that room! I tell you that it never occurred. That body was taken down there and put in the place where it was. Why! Because she was murdered on the second floor, where the blood spots are found, and because Leo M. Frank, the superintendent of the plant, saw and felt the necessity that that girl's body should not be found on the second floor of the pencil factory, but, to use the language which he put in the letter or telegram which he sent to Adolph Montag in New York, "in the cellar." My! My! "That negro fireman down here did this."



Jim Conley

Now, let's see how many times Jim says "done it": "I locked the door like he done told me, I remembers that because the man what was with the baby looked at me like he thought I done it" That's when they ran into the man that Jim says looked at him like he thought "I done it" It's the difference between ignorance and education, and these notes that you had that man prepare in your office on this paper that stayed on that floor and on that pad that came from your office, bear the marks of your diction, and Starnes and Campbell, with all their ingenuity, couldn't

have anticipated that old Jim would get up here and state that “this man looked at me when he ran into that baby, like I done it” and couldn’t have made him say “I locked the door like he done told me;” and couldn’t have said “I went on and walked up to Mr. Frank and told him that girl was done dead, he done just like this and said sh-h-h.” I could go on with other instances.

And there’s your word “chat,” “chat,” “chat,” “chat,” four times, I’m going to read it to you, it’s here in black and white, and you can’t get around it.

This girl went down there in that scuttle hole? Listen at this,—you didn’t want to say that she went back there to see about the metal, but you knew that the ladies’ water closet was back there, and you make this poor girl say “I went to make water,” “I went to make water, he pushed me down that hole, a long, tall, black negro”—“long, slim, tall, negro, I write while he play with me.” And this note says “that long, tall, black negro did it by his self.”

Make water? Where did she go to make water? Right back there in the same direction that she would have gone to see about the metal. You tell me, except providentially, that that would have crept in here? You tell me that old Jim Conley, negro, after he had struck that girl with that big stick,—which is a plant as sure as you are living here and as sure as Newt Lee’s shirt was a plant,—you tell me that negro felt any inducement or necessity for leaving that girl’s form anywhere except where he hit her and knocked her down! You tell me that he had the ingenuity, —and mark you, Starnes and these other men weren’t there then to dictate and map out,—you tell me that he would write a note that she went back to make water when there’s no place and her usual place was up there on the second floor?

I tell you, gentlemen of the jury, that a smarter man than Starnes, or a smarter man than Campbell, a smarter man than Black, a smarter man than Rosser, in the person of Leo M. Frank, felt impelled to put there these letters, which he thought would exculpate him, but which incriminate and damn him in the minds of every man seeking to get at the truth. Yet you tell me there’s nothing in circumstantial evidence, when here’s a pad and there’s the pad and there’s the notes, which you must admit, or which you don’t deny, old Jim Conley wrote, because you say in your statement you had got numerous notes from him, and yet, the very day, at the police station, according to your own statement, when you wrote that, you saw the original of these, and you didn’t open your mouth, you didn’t say a word, you didn’t direct the finger of suspicion against this man Jim Conley, who had been infamously directed to keep quiet to protect you. Things don’t happen that way, gentlemen, and you know it. There isn’t an honest man on that jury, unbiased, unprejudiced, seeking to get at the truth, but what knows that these letters,—silly? Yes, silly, except you see the hand of Providence in it all—that don’t know that the language and the context and the material out of which they are written were written for the protection of Leo M. Frank, the superintendent of this factory, who wired Montag to tell his uncle “if my uncle inquires about me state that I am all right, the police have the thing well in hand and will eventually solve the problem,” and the girl was found dead, not in the factory, but in the cellar. The man who wrote the note, “nothing startling has

happened in so short a time,” wrote it with a knowledge and conscious of the fact that this poor girl’s life had been snuffed out even at the time he penned the words. You’ll have this out with you, you look at them, if you can get anything else out of them you do it, and as honest men, I don’t want you to convict this man unless you are satisfied of his guilt beyond a reasonable doubt, but don’t let that doubt be the doubt of a crank, don’t let it be the doubt of a man who has conjured it up simply to acquit a friend, or a man that has been the friend of a friend; let it be the doubt of an honest, conscientious, upright juror, the noblest work of Almighty God.

Now this statement. I tell you, gentlemen of the jury, that when this statement you heard Frank make is scanned, it is susceptible of but one construction, and that is, that it is the statement of a guilty man, made to fit in these general circumstances, as they would have you believe—these gentlemen here harped a great deal, gentlemen of the jury, “are you going to convict him on this, are you going to convict him on that.” It isn’t the law that circumstantial evidence is inferior to direct and positive evidence, and it is correct to instruct the jury that there is nothing in the nature of circumstantial evidence that renders it less reliable than other classes of evidence. The illustration that they would seek, gentlemen of the jury, not by direct language did they do it in their argument to you, because we had already read them this authority, but they would bring up this isolated fact and that isolated fact and they would say “are you going to convict him on that?” I don’t ask your conviction on that.

Two illustrations, first, each of the incidental facts surrounding the main fact in issue, is a link in a chain, and that the chain is not stronger than its weakest link, this authority says is generally rejected as an incorrect metaphor and liable to misconstruction. The second illustration and the one that is approved is, each of the incidental facts surrounding the main facts in issue are compared to the strands in a rope, where none of them may be sufficient in itself, but all taken together may be strong enough to establish the guilt of the accused beyond a reasonable doubt. And so they took isolated instance after isolated instance and then said “are you going to convict him on that?” I say no. But I do say that these instances each constitute a chain, or a cord,—a strand in a cable, and that, when you get them all, all together, you have a cable that ought to hang anybody. That’s the proposition. Not on this isolated instance or that one, but upon all, taken together and bound together, which make a cable as strong as it is possible for the ingenuity of man to weave around anybody.

Now, listen at this statement and let’s analyze that as we go on a little. I don’t know whether this man’s statement to the jury will rank along with the cross-examination of that celebrated pervert, Oscar Wilde, or not, but it was a brilliant statement, when unanalyzed, and if you just simply shut your eyes and mind to reason and take this statement, then, of course, you are not going to convict. But listen to what our Courts say about these statements—I have already read it to you, but I want to read it again. “Evidence given by a witness has inherent strength which even a jury cannot under all circumstances disregard; a statement has none.” No cross-examination, no oath, merely a statement adroitly prepared to meet the exigencies of the case.

Now, listen at this. This man Frank says “I sat in my office checking over the amount of money which had been left over”—not the cash, not cash, but the amount of money which had been left over—”from the pay-roll”—from the \$1,100.00 that they had drawn Friday, and to this day, we don’t know how much was left over, and we don’t know whether what was left over coupled with the cash left on hand would make this bundle of bills that old Jim says was shown to him and taken back, when Frank wanted to get him to go down into the dark cellar and burn that body by himself, and old Jim says “I’ll go if you go, but if I go down there and burn that body, somebody might come along and catch me and then what kind of a fix will I be in?” And I’ll tell you right now, if Jim Conley had gone down in that cellar and had undertaken to have burned that body, as sure as the smoke would have curled upward out of that funnel towards Heaven, just so certain would Leo M. Frank have been down there with these same detectives, and Jim Conley would have been without a shadow of a defense. But old Jim, drunk or sober, ignorant or smart, vile or pure, had too much sense, and while he was willing to write the notes to be put by the dead body, and was willing to help this man take the body from the second floor, where the blood was found, into the basement and keep his mouth shut and to protect him, until the combined efforts of Scott and Black and Starnes and all these detectives beat him down and made him admit a little now and a little then, he wasn’t willing, and he had too much sense, to go down into that basement to do that dirty job by himself and cremate the remains of this little girl that that man in his passionate lust had put to death.

You don’t show that he didn’t have the money, and the truth of the business is, I expect, that out of that \$1,100.00 for the pay-roll, and \$30.00 in cash which you had, if the truth were known, you offered old Jim Conley and bought him with that \$200.00 just as surely as Judas Iscariot implanted the kiss for the thirty shekels. He says that “No one came into my office who asked for a pay envelope or for the pay envelope of another.” This running-mate and friend of the dead girl tells you under oath that she went there on Friday evening when they were paid, with the knowledge that little Mary wasn’t there, and as she had done on previous occasions, sought to get the money to take to her. And I’ll show you when I get to the State’s case later on that this diabolical plot, of which you have made so much fun, is founded in reason and really did exist, and that this man really, goaded on by passion, had been expecting some time before to ultimately, not murder this little girl, but cause her to yield to his blandishments and deflower her without her resistance.

Let me do it right now. Way back yonder in March, as far back as March, little Willie Turner, an ignorant country boy, saw Frank trying to force his attentions on this little girl in the metal room; he is unimpeached, he is unimpeachable.

She backed off and told him she must go to her work, and Frank said “I am superintendent of this factory,”—a species of coercion—”and I want to talk to you.”

You tell me that that little girl that worked up there and upon the same floor with you in the metal department, and you had passed right by her machine, this pretty, attractive little girl, twelve months, and a man of your brilliant parts didn’t even know her, and do

you tell me that you had made up the pay-roll with Schiff fifty-two times during the year that Mary Phagan was there and still you didn't know her name or number? You tell me that this little country boy who comes from Oak Grove, near Sandy Springs in the northern part of this county, was lying when he got on that stand? I'll tell you no. Do you tell me that little Dewey Hewell, a little girl now from the Home of the Good Shepherd in Cincinnati, who used to work at the National Pencil Company, who probably has lost her virtue though she is of such tender years, was lying when she tells you that she heard him talking to her frequently,—talked to Mary frequently, placed his hands on her shoulder and called her Mary?

You tell me that that long-legged man, Gantt, the man you tried to direct suspicion towards, the man Schiff was so anxious to have arrested that he accompanied the police, that you said in your telegram to your uncle, had the case in hand and would eventually solve the mystery,—do you tell me that Gantt has lied when he tells you that this man Frank noticed that he knew little Mary and said to him, "I see that you know Mary pretty well?"

I am prepared to believe, knowing this man's character as shown by this evidence, that way back yonder in March, old passion had seized him. Yesterday Mr. Rosser quoted from Burns, and said it's human to err; and I quote you from the same poem, in which old Burns says that "there's no telling what a man will do when he has the lassie, when convenience snug, and he has a treacherous, passionate inclination." There's no telling what he will do when he's normal, there's no telling what he will do when he's like other men, but oh! gentlemen, there's no telling what a pervert will do when he's goaded on by the unusual, extraordinary passion that goaded on this man, Leo M. Frank, when he saw his opportunity with this little girl in that pencil factory, when she went back to find out if the metal had come.

You tell me that all of these people have lied,—Willie Turer has lied? Dewey Hewell has lied! That Gantt has lied? That Miss Ruth Robinson has lied? And even Frank, in his statement, admits that he knew Mary well enough to know that Gantt was familiar with her, because Chief Detective Harry Scott was told on Monday, April 28th, that this man Gantt was familiar with little Mary. And yet you expect an honest jury of twelve men—although out of your own mouth you told these detectives, whom you wired your uncle would eventually solve the problem, you told them that this man Gantt was so familiar with her that you directed suspicion towards him. How did you know it if you didn't know little Mary?

And in addition, as I have stated, you tell me that this brilliant man had helped to make out the pay-roll for fifty-two times and seen little Mary's name there, and he didn't even know her name and had to go and get his book to tell whether she worked there or not? And I wouldn't be at all surprised, gentlemen of the jury—it's your man Frank's own statement,—that shortages occurred in the cash even after this man Gantt left,—I wouldn't be at all surprised if the truth of the business is that this man coveted that little girl away back yonder in March, I wouldn't be at all surprised, gentlemen, and, indeed, I submit that it's the truth, that every one of these girls has told the truth when they swore

to you on the stand that back yonder in March, after this little girl had come down to work on the office floor in the metal department, that they observed this man, Leo M. Frank, making advances towards her and using his position as superintendent to force her to talk with him. I wouldn't be at all surprised if he didn't hang around, I wouldn't be at all surprised if he didn't try to get little Mary to yield. I wouldn't be surprised if he didn't look upon this man Gantt, who was raised on an adjoining farm in Cobb County, as an obstacle to the accomplishment of the evil purpose which he had in hand, and I wouldn't be at all surprised if, instead of discharging Gantt for a one dollar shortage, which Gantt says "I'll give up my job rather than pay," that you put him out of that factory because you thought he stood in the way of the consummation of your diabolical and evil plans.

And you say that you and Schiff made up the pay-roll Friday, and I wouldn't be at all surprised that, after little Mary had gone and while you and Schiff were making up the payroll Friday afternoon, you saw little Mary's name and you knew that she hadn't been notified to come there and get her money Friday afternoon at six o'clock, and then, as early as three o'clock,—yes, as early as three,—knowing that this little girl would probably come there Saturday at twelve, at the usual hour, to get her pay, you went up and arranged with this man Jim Conley to look out for you,—this man Jim Conley, who had looked out for you on other occasions, who had locked the door and unlocked it while you carried on your immoral practices in that factory,—yes, at three o'clock, when you and Schiff were so busy working on the pay-roll, I dare say you went up there and told Jim that you wanted him to come back Saturday but you didn't want Darley to know that he was there.

And I wouldn't be at all surprised if it were not true that this little Helen Ferguson, the friend of Mary Phagan, who had often gotten Mary's pay envelope before, when she went in and asked you to let her have that pay envelope, if you didn't refuse because you had already arranged with Jim to be there, and you expected to make the final onslaught on this girl, in order to deflower and ruin her and make her, this poor little factory girl, subservient to your purposes.

Ah, gentlemen, then Saturday comes, Saturday comes, and it's a reasonable tale that old Jim tells you, and old Jim says "I done it,"—not "I did it," but "I done it" just exactly like this brilliant factory superintendent told him. There's your plot.

I'll tell you, you know this thing passion is like fraud,—it's subtle, it moves in mysterious ways; people don't know what lurks in the mind of a libertine, or how anxious they are, or how far ahead they look, and it isn't at all improbable, indeed, I submit to you as honest men seeking to get at the truth, that this man, whose character was put in issue and torn down, who refused to go into specific instances on cross-examination, if he didn't contemplate this little girl's ruin and damnation it was because he was infatuated with her and didn't have the power to control that ungovernable passion.

There's your plot; and it fits right in and jams right up, and you can twist and turn and wobble as much as you want to, but out of your own mouth, when you told your

detective, Scott, that this man Gantt was familiar with that little girl, notwithstanding at other places in this statement you tried to lead this jury of honest men to believe you didn't know her—I tell you that he did know her, and you know that he knew her. What are you going to believe? Has this little Ferguson girl lied? Is this little factory girl a hare-brained fanatic suborned to come up here and perjure herself, by John Starnes or Black or Campbell or any of the detectives? Do you tell me that such a thing can be done, when the State of Georgia, under the law, hasn't a nickel that this girl could get? I tell you, gentlemen, you know that's a charge that can't stand one instant.

Now, he says right here in his statement that he kept the key to his cash box right there in his desk. Well, he makes a very beautiful statement about these slips—but I'll pass that and come to that later. He explains why they were put on there April 28th, and so forth. Now, here's the first reference that he makes to "chatting": "I stopped that work that I was doing that day and went to the outer office and chatted with Mr. Darley and Mr. Campbell." "I should figure about 9 :15, or a quarter to nine, Miss Mattie Smith came in and asked for her pay envelope." Jim is corroborated there, he identified Miss Mattie Smith and told with particularity what she did. He says, "I kept my cash box in the lower drawer of the left hand side of my desk." Jim says that's where he got some cash. This man also shows he took a drink at Cruickshank's soda fount and two or three times during this statement he showed that he was doing at the soda fount exactly as Jim says he was doing as they came on back from the factory.

Again he says, "but I know there was several of them and I went on chatting with Mr. Montag." I told you I was going to read you this, and I just wanted you to know we were going to have this out with you. Another thing he says, "I moved the papers I brought back from Montag's in the folder"; old Jim says he had the folder and put the folder away; "I would look and see how far along the reports were which I used in getting my financial statement up every Saturday afternoon, and, to my surprise, I found the sheet which contains the record of pencils packed for the week didn't include the report for Thursday, the day the fiscal week ended, that's the only part of the data that Schiff hadn't got up." "A short time after they left my office, two gentlemen came in, one of them Mr. Graham"—Mr. Graham says that he talked to this negro down stairs; the negro told him the way to the office, and they tried to get around it on the idea there's some difference in color. Well, being in jail, gentlemen, changes the complexion of anybody. That man was there, Graham says, Tillander says, and he was there for what purpose? By whose request? And he wasn't drunk, either. And then he says, "I gave the required pay envelope to the two fathers," this man Frank says, "I gave the pay envelope and chatted with them at some length."

Mr. Arnold says these darkeys pick up the language and manners of the men by whom they are employed. I tell you that, if Frank didn't come in contact with the people that worked in that factory more than he would lead you to believe, old Jim Conley never had the opportunity to pick up words that he uses ; and yet here old Jim says, and even in his statement, even in his statement, this man uses the very language that Jim puts in his mouth. I just picked out four of them, in a very few pages, I don't know how many others there are. "Miss Hall finished her work and started to leave when the twelve

o'clock whistle blew." Whistle blowing on a holiday? Well, maybe it did, I'll leave that for you to say. Another place he says "I chatted with them:" "Entering, I found quite a number of people, among them Darley," etc. "I chatted with them a few minutes"—using the same words Jim said he used with reference to this girl: "Miss Hall left my office on her way home; there were in the building at the time, Arthur White and Harry Denham and Arthur White's wife, on the top floor; to the best of my knowledge, it must have been ten or fifteen minutes after Miss Hall left my office when this little girl, whom I afterwards found to be Mary Phagan, entered my office and asked for her pay envelope."

"This little girl whom I afterwards found"—why didn't you give her her money? No, he didn't give her her money; he knew her all right. That child never got her money, she never got her money, and this man Frank, when Mrs. White came down there at 12 :35, and when he jumped and when Jim Conley was still sitting downstairs,—the one fact in this case that must make you see that Jim Conley didn't do the deed,—this man Frank was at that safe then, when he jumped and Mrs. White came up, getting out the pay envelope of this little girl, who had gone back to the rear to see whether the metal had come or not—not to make water, as he stated in that note. At the time Frank was at that safe and Mrs. White came in, she says he jumped. Remember that. As she went down the stairs at 12 :35 she saw Jim Conley, or a negro who resembled him, and that's the one incident in this case that shows that old Jim Conley didn't do the deed. Then it was after this man had tipped up and tipped back, —then it was, he had to let Mrs. White go up. Previously he had sent up had them to come down, but this time he lets Mrs. White go up, and then after Mrs. White had been up there a little while, and in order not to get caught in the act of moving that body, because he knew Mrs. White might come down, he knew that these men had their lunches and would work and stay up on that floor; at 12:50, Mrs. White says when she went down she saw Conley there, at 12:50, and Frank was anxious to get Mrs. White out of the building, in order that he might call Jim Conley, if Jim had seen, and his saying that he had seen would have given him away; then it was that he wanted to get her out of the building, and he sent her upstairs and then went upstairs to get her out and pretended to be in a big hurry to get out, but according to her evidence, instead of going out, he didn't have on his coat and went back in his office and sat down at his desk. Anxious to get out, — going to close up right now! Now, that wasn't the purpose. Talk about no blood being found back down there! Talk about no blood being found! Well, there's two reasons why there wasn't any found: This lick the girl got on the back of the head down there wasn't sufficient to have caused any great amount of blood, and if old Jim Conley hadn't dropped that girl as he went by the dressing room and the thing hadn't gone out like a sunburst all around there, like these men describe it, there wouldn't have been any blood. When you assaulted her and you hit her and she fell and she was unconscious, you gagged her with that, and then quickly you tipped up to the front, where you knew there was a cord, and you got the cord and in order to save this reputation which you had among the members of the B'nai B'rith, in order to save, not your character because you never had it, but in order to save the reputation with the Haases and the Montags and the members of Doctor Marx's church and the members of the B'nai B'rith and your kinfolks in Brooklyn, rich and poor, and in Athens, then it was that you got the cord and fixed the little girl whom you had assaulted, who wouldn't

yield to your proposals, to save your reputation, because dead people tell no tales, dead people can't talk.

And you talk about George Kendley saying that he would be one to lead a riot, and you talk about your ability to run George Kendley with a fan or a corn shuck. I tell you Frank knew and you know that there would have been men who would have sprung up in this town, had that little girl lived to tell the tale of that brutal assault, that would have run over ten thousand men like you, would have stormed the jail or done anything. It oughtn't to be, because that thing ought to be left to be threshed out before an upright Court and an honest jury. But this man Frank knew,—he didn't expect her to turn him down, he paved the way, he had set the snare and he thought that this poor little girl would yield to his importunities, but, ah! thank God, she was made of that kind of stuff to which you are a stranger, and she resisted, she wouldn't yield, you couldn't control your passion and you struck her and you ravished her, she was unconscious, you gagged her and you choked her.

Then you got Mrs. White out, the woman that saw you jump at 12 :35 when you were there fixing to see about little Mary's pay envelope, which you never did give the poor child. And you fussed a good deal about that pocket book, that mesh bag; I wouldn't be at all surprised if old Jim's statement that Frank had that mesh bag, didn't keep that mesh bag from turning up in this trial, just exactly like that plant of old Newt Lee's shirt and just exactly like that club and just exactly like these spots these men found on May 15th around that scuttle hole. It worried you too much, it worried you too much, it disconcerted your plans. The thing had already been done when Mrs. White got back there at 12 :35 and old Jim Conley was still sitting down there waiting patiently for the signal that had been agreed upon, waiting patiently for the signals that you had used when some other women from the fourth floor and other people had been down there to meet you Saturdays and holidays.

And the first thing he did after he had gagged her with a piece of her underskirt, torn from her own underskirt, was to tip up to the front, where he knew the cords hung, and come back down there and choke that poor little child to death. You tell me that she wasn't ravished? I ask you to look at the blood—you tell me that that little child wasn't ravished! I ask you to look at the drawers, that were torn, I ask you to look at the blood on the drawers, I ask you to look at the thing that held up the stockings.

And I say that as sure as you are born, that man is not like other men. He saw this girl, he coveted her; others without her stamina and her character had yielded to his lust, but she denied him, and when she did, not being like other men, he struck her, he gagged her, he choked her; and then able counsel go through the farce of showing that he had no marks on his person! Durant didn't have any marks on his person, either. He didn't give her time to put marks on his person, but in his shirt sleeves, goaded on by an uncontrollable passion, this little girl gave up her life in defense of that which is dearer than life, and you know it.

Why this man says he had an impression of a female voice saying something. How unjust! This little girl had *evidently*—listen at that, gentleman, this little girl whose name had appeared on the pay-roll, had *evidently* worked in the metal department, and never was such a farce enacted in the courthouse as this effort on the part of able counsel to make it appear that that wasn't blood up there on that floor. Absurd! Not satisfied with the absurdity of the contention that it's paint, that it's cat blood, rat's blood, varnish, they bring in this fellow Lee, who perjures himself to say that that man stood there just letting the blood drip. Old man Starnes tells you that they saw the blood there and chipped it up, and saw the blood right along on the route towards the elevator; Jim Conley tells you that right there is where he dropped the head so hard, and where Frank came and took hold and caught the feet. Every person that described that blood and its appearance bears it out that it was caused by dropping, because it was spattered,—one big spot here and other little ones around it,—and if human testimony is to be believed, you know that was blood—that that was blood and not paint, you know that it was the blood of Mary Phagan and not the blood of Duffy. Duffy says so. You know that it was the blood of Mary Phagan because it corresponds with the manner in which Jim Conley says he dropped the body. You know it's blood because Chief Beavers saw blood there. It spattered towards the dressing room; you know it was blood because Starnes says he saw it was blood and he saw that the haskoline had been put over it,—and I'm going to read you this man's statement, too, unless I give out physically, about this haskoline, it's the purest subterfuge that ever a man sought to palm off on an honest jury.

Starnes tells you that “I found more blood fifty feet nearer the elevator on a nail.” Barrett,—Christopher Columbus Barrett, if you will, that discovered the hair that was identified, I believe, by Magnolia Kennedy, Monday morning, as soon as they began work, before anybody ever had had time to write a reward,—Barrett, who was not caught in a single lie, Barrett, who though he works for the National Pencil Company, had the manhood to stand up— I trust him and put him up against this man Holloway, who says that Jim Conley was his nigger.

This man Holloway, who made a statement to me in my office, when he didn't see the purpose and the import and the force of the suggestion that this elevator key, after the elevator box was locked, was always put in Frank's office, but when it became apparent that too many people saw this man Frank Sunday morning go there and turn the lever in the power box, without going to his office to get the key, then it was that this man Holloway, who we put up and for whose veracity we vouched and who betrayed us and entrapped us, after he saw the force of the suggestion, after he had told us that always, without exception, he had locked this elevator box himself and put the key in Frank's office, throws us down and by his own affidavit as read in your presence here, made at a time when he didn't see the importance of the proposition, changed his evidence and perjured himself either to have this jury acquit this guilty defendant, his boss and employer, or to get the reward for the conviction of “his nigger,” Jim Conley. Contrast him with Barrett,—Barrett, the man who discovered the hair on his machine early in the morning and whose attention was called to this blood there by the dressing room at a time when no reward is shown to have been offered and indeed, when you *know* that no reward was offered because no executive of this State or of this city offered any reward

during Sunday or as early as 7 or 8 o'clock Monday morning. I say to you that this man Barrett stands an oasis in a mighty desert, standing up for truth and right and telling it, though his own job is at stake, and you know it. And you may fling your charges of perjury just as far as you want to, but I tell you right now, gentlemen, that Barrett, when he swore that he found blood there at the place where Conley said he dropped the body, told the truth; and when he said he found that hair on that machine, I tell you Barrett told the truth, and if there be a man in this town that rightly deserves and who ought to receive the rewards, if there are any, it's this poor employe of the National Pencil Company, who had the manhood and the courage to tell the truth, and I hope if there be such a thing as a reward to be given to anybody, that this man Barrett gets it.

But not a single thing did Barrett swear but that either didn't occur before any rewards were offered, or that weren't substantiated by four and five of the most reputable witnesses that could be found. And Barrett didn't make his discoveries May 15th, either, Barrett made them Monday morning, April 28th, and they haven't any resemblance to a plant. They come so clean and so natural that the most warped and the most biased must recognize the fact that Barrett has told the truth, the whole truth and nothing but the truth.

But you can wipe Barrett out of this case and still you have got an abundance of firm ground upon which to stand. Barrett isn't shown to have lied, dodged or equivocated. Mrs. Jefferson,—and I'm only going to give you a few of the people that saw blood there—Mrs. Jefferson saw a dark red spot about as large as a fan, and in her opinion, it was blood, and it was blood. Mel Stanford says he saw the blood at the dressing room Monday, dark spots that looked exactly like blood and this white stuff, hasoline, had been smeared over it. "It was not there Friday, I know," said Mel Stanford, "because I swept the floor Friday at that place. The white substance appeared to have been swept over with a coarse broom; we have such a broom, but the one used by me Friday in sweeping over that identical spot was of finer straw; the spots were dry and the dark led right up here within five feet of where the smear was." Blood and hasoline.

Jim Conley saw her go up and didn't see her go down. Necessary, absolutely necessary, that this man should put her where he said in his telegram or letter the body was found. The discovery made Monday by Barrett and Jefferson and Mel Stanford and seen by Beavers and Starnes, but not only that, but reinforced by Darley, for Darley says "I saw what appeared to be blood spots at the dressing room, a white substance had been smeared over it, as if to hide it." And Quinn says "The spots I saw at or near the dressing room looked like blood to me."

Sometimes you have got to go into the enemy's camp to get ammunition. It's a mighty dangerous proposition, — Doctor Connally knows what a dangerous proposition it is to go into the enemy's camp to get ammunition, he has been an old soldier and he will tell you that there is no more dangerous proposition,—I expect Mr. Mangum knows something about it, this going into the enemy's camp to get ammunition; and yet in this case, conscious of the fact that we were right, having Darley tied up with an affidavit, we dared to go right into the enemy's camp, and there we got the best evidence of the fact

that Frank was more nervous than he had ever been known to be except on two occasions, one when he had seen a little child killed, and the other when he and his boss had had a falling out—this man Montag, who was so afraid something was going to be twisted in this case—and also Darley saw the blood. It was a mighty hard pill for Darley, it was an awful hard situation for him, but we drove it up to him and he dared not go back on the affidavit which he had signed, though he did modify his statements. All right; I'm not going to call over all these other people,—Mrs. Small and others,—though Mrs. Carson denied it, she went there,—who claimed to have seen that blood. But to cap it all, Mel Stanford says "I swept the floor,"—he's an employee and he's an honest man,—"it wasn't there Friday." Why? Because old Jim, when he went to move that body, put it there Saturday.

To cap it all, Doctor Claude Smith, the City Bacteriologist, says "I analyzed it and I tell you that I found blood corpuscles." And now you come in with the proposition that that blood had been there ever since that machinist Lee saw that fellow Duffy stand there with his finger cut and let it spout out at the end,—a thing Duffy says never happened, and you know never happened, and we called on you to produce the paper this man Lee said he signed and you can't do it, because he never signed one. Not only that, but your own employe, your own witness, Mary Pirk, your own witness, Julia Puss, your own witness, Magnolia Kennedy, your own witness, Wade Campbell, and your own witness Schiff and others whose names are too numerous to take up your valuable time to mention, all say that they saw this great big spot there covered over with something white, which we know to have been hasoline. Now, Harry Scott didn't manipulate exactly right, so they got them some new Richmonds and put them in the field, and this fellow Pierce,—and where is Pierce? Echo answers where? And where, oh, where, is Whitfield? And echo answers where? The only man you bring in here is this man McWorth. Starnes denies, Black denies, Scott denies, every witness put on the stand denies, that around that scuttle hole anything was seen immediately after that murder.

Don't you know that Frank, who went through that factory,—that Schiff, Darley, Holloway, don't you know that they would have been only too glad to have reported to Frank that blood spots had been found around that scuttle hole, and don't you know that Frank would have rushed to get his detective Scott to put the police in charge of the information that blood had been found here! But long after Jim Conley had been arrested, after this man Holloway had arrested him, after this man Holloway had said that Jim was "his nigger," realizing the desperation of the situation, realizing that something had to be forthcoming to bolster up the charge that Conley did it, *then it was and not until then* that this man McWorth, after he had gone looking through the factory for a whole day, at about 3 :30 o'clock saw seven large stains, found the envelope and stick right there in the corner.

Now, he found too much, didn't he! Wasn't that a little too much! Is there a man on this jury that believes that all these officers looking as they did there, through that factory, going down in this basement there through that very scuttle hole, would have overlooked seven large stains which were not found there until May 15th? Scott said "I looked there just after the murder, made search at the scuttle hole, didn't see blood spots there."

Starnes says the same, Rosser says the same, and these men Mel Stanford and Darley both say they had been cleaning up all that very area May 3rd, and yet the men who cleaned up and all these men never saw them and never even found the envelope or the stick. Why it's just in keeping with that plant of the shirt at Newt Lee's house.

I don't care how much you mix up this man Black. Boots Rogers says, Darley says, that Sunday morning, when suspicion pointed towards this man Newt Lee, that this man Frank, the brilliant Cornell graduate and the man who was so capable at making figures that certain parts of his work have never been fixed since he left that factory, when he knew a girl had been murdered downstairs, when he knew that suspicion pointed towards Newt Lee, took that slip out of the clock and stood there, looked at it, told those men, in answer to a question, if Newt Lee would have had time to have left and gone home after he killed that girl and changed his clothing, that old Newt didn't have the time. Why did he say it then? Because he knew that Lanford and Black and the other detectives who were there would have examined that slip for themselves, then and there, and would have seen that these punches were regular or irregular. But he stood there, and because he knew he would be detected if he tried to palm off a fraud at that time and place, this man of keen perception, this man who is quick at figures, this Cornell graduate of high standing, looked over those figures which register the punches for simply twelve hours,—not quite twelve hours,—in that presence, surrounded by those men, told them that Newt Lee wouldn't have had the time, but, ah! Monday afternoon, when he sees that there isn't enough evidence against Newt Lee, and that the thing ain't working quite as nicely against this man Gantt, who he told was familiar with this little girl, Mary Phagan, and then he suddenly proposes, after a conference with his astute counsel, Mr. Haas, that "you go out to my house and make a search," and then, in the same breath and at the same time, he shrewdly and adroitly suggests to Black that Newt Lee, he has suddenly discovered, had time to go out to his house, and forthwith, early Tuesday morning, John Black, not having been there before because Leo M. Frank told him that Newt Lee didn't have time to go out to his house, but after the information comes in then Tuesday morning, John Black puts out and goes to old Newt's house and finds a shirt; that's a plant as sure as the envelope is a plant, as the stick is a plant, as the spots around the scuttle hole. And the man that did his job, did it too well; he gets a shirt that has the odor of blood, but one that has none of the scent of the negro Newt Lee in the armpit. He puts it, not on one side, as any man moving a body would necessarily have done, but he smears it on both sides, and this carries with it, as you as honest men must know, unmistakable evidence of the fact that somebody planted that shirt sometime Monday, at whose instance and suggestion we don't know.

And that club business: Doctor Harris says that that wound could not have been done with that club, and Doctor Hurt says it could not have been done with that club, and not a doctor of all the numerous doctors, good men and good doctors as they are for some purposes, ever denies it. A physical examination of that shirt shows you that it wasn't on the person when that blood got on it,—there is as much blood on the inside or the under side that didn't come through to the outside. Lee didn't deny the shirt, but he never did say that it was his shirt. Cornered up as he was, not a negro, one negro in a thousand, that wouldn't have denied the ownership of that shirt, but old Lee was too honest to say that

it wasn't his shirt,—he didn't remember it; and you don't know whether it was his or not. Now this envelope and this stick is found at the radiator, at the scuttle hole, May 15th, after the place had been cleaned up, according to Darley and other witnesses, including Mel Stanford, and after, as I said, it had been thoroughly searched by Scott, Campbell, Rosser, Starnes and I don't know how many others; and then you say that these things weren't a part and parcel of the same scheme that caused this man to have Conley write those notes planted by the body to draw attention away from him.

Gentlemen, you can't get away from the fact that blood was there, you can't do it; now, can you? Just as honest men, now, honest men can you get away from that? If human testimony is to be believed, you've got to recognize the fact that blood was on the second floor, and that there was no blood at the scuttle hole ; that the shirt and the club and the spots were plants.

“She had left the plant five minutes when Lemmie Quinn, the foreman of that plant, came in and told me I couldn't keep him away from the factory even though it was a holiday, at which time I smiled and kept on working.” Smiled and kept on working! “I wanted to know when they would have lunch, I got my house and Minola answered the phone and she answered me back that she would have lunch immediately and for me to come right away. I then gathered my papers together and went upstairs to see the boys on the top floor; this must have been, since I just looked at my watch, ten minutes to one. Mrs. White states that it was 12:35, that she passed by and saw me, that's possibly true, I have no recollection about it, perhaps her recollection is better than mine.” She remembered it very well.

Now, this Minola McKnight business. Isn't it strange that this man Albert, her husband, would go up there and tell that kind of a tale if there wasn't some truth in it? Isn't it strange that Minola herself, in the tale that they seek to have you believe was a lie, should have been sustained by Mrs. Selig, when she tells you “Yes, I gave her \$5.00 to go get some change,” and Mrs. Frank gave her a hat? Do you believe that this husband of hers didn't see that man Frank when, after this murder, he went home and was anxious to see how he looked in the glass, but as the people had gone to the opera, anxious to get back to keep his engagement with Jim Conley? And all this talk about Mrs. Selig, about this thing not having been changed. Gentlemen, are you just going to swallow that kind of stuff without using your knowledge of human nature?

And you tried to mix old Albert up, and right here, I'm going to read you a little bit about Albert's evidence: “Yes sir, he came in close to 1:30, I guess, something like that.” “Did he or not eat anything?” “No sir, not at that time, he didn't, he came in and went to the sideboard in the dining room and stood there a few minutes, then he goes out ‘and catches the car.’” “How long did he stay at the house?” “I suppose he stayed there five or ten minutes.” “About five or ten minutes?” “About five or ten minutes.” “What did he do at the sideboard?” “I didn't see him do anything at the sideboard.” “Isn't there a door between the cook room and the dining room?”

These gentlemen asked him, and Albert said, “Yes, this here dining room was open;” yes, they didn’t keep it shut all the time, said Albert. “And you know he didn’t eat anything in that dining room?” “Yes, I know he didn’t eat.” And this is the tale that had been told Craven by the husband of Minola McKnight, and Minola went down there and in the presence of her counsel, stated these things to these officers and she never would have done it if it hadn’t been the truth. Gordon was down there, and he could have said—and if he hadn’t said it then he’s unworthy of the name of lawyer—”Minola, if these things aren’t true, don’t you put your name to it, if you do you are liable to go to the penitentiary for false swearing; if you don’t, the writ of habeas corpus is guaranteed to every man, and in less than two hours, by an order of a judge of the Superior Court I’ll have you out of here.” And yet, George Gordon, with his knowledge of the law, with his knowledge of his client’s rights, sits there and lets Minola McKnight, the cook, who is sustained in the statement that she then made, but which here in this presence she repudiated, corroborated by her husband and sustained in many particulars by the Seligs themselves,—George Gordon sat there and let her put her fist to that paper, swearing to a lie that might send her to the penitentiary, and he was her lawyer and could have released her from that prison by a writ of habeas corpus as quick as he could have gotten to a judge, because any judge that fails to hear a writ of habeas corpus immediately is subject to damages and impeachment.

But Craven was there and Albert was there and this woman, McKnight, sitting there in the presence of her lawyer, this man that was so eager to inject into this case something that these men wanted in here all the time, but never could get until he got on that stand and swore that I had said a thing that you saw by the questions that I asked him never did occur, that I was afraid that I would get in bad with the detectives—I would get in bad with them if I would try to run their business, and I never will get in bad with them because I never expect to undertake to run their business; I’ve got as much as I can say grace over to attend to my own business.

And you go out there, now, and bring in Julius Fisher and a photographer, and all these people, and try to prove this negro Albert McKnight lied, and by the mere movement of that sideboard, which Mrs. Selig in her evidence says, even, every time they swept it was put just exactly back in the same place, —then you try to break down Albert McKnight’s evidence with that. Why, gentlemen, Albert says that that sideboard had been moved, and you know it had been moved, and Albert McKnight stood, not where these gentlemen sought to put him, but at a place where he could see this man Frank, who came home, there sometimes, as Albert says, between one and two o’clock, after he had murdered the girl, and didn’t eat his dinner, but hurried back to the factory to keep his engagement with Jim Conley, who had promised to come back and burn her body in the furnace. You tell me that Albert would have told that lie! You tell me that Albert’s wife, in the presence of Albert and Craven and Pickett, honorable, upright men, who worked for the Beck & Gregg Company, the same firm that Albert McKnight works at,—and do you tell me that George Gordon, a man who poses as an attorney, who wants to protect the rights of his client, as he would have you see, sat there in that presence and allowed this woman, for her husband, to put her fist to a paper and swear to it which would consign her to the penitentiary t I tell you that that thing never happened, and the reason

Minola McKnight made that affidavit, corroborating this man, her husband, Albert, sustained as she is by the Seligs, biased and prejudiced and willing to protect their son-in-law as they were, is because it was the embodiment of the truth and nothing but the truth; and as honest, unprejudiced, unbiased men, you know it.

And you know he didn't eat anything in that dining room, yes, I know he didn't eat. "Don't you know you can't sit in that dining room," says Mr. Arnold, "and don't you know you can't see from the kitchen into the dining room, you know that, don't you I?" "Yes sir, you certainly can see;" and the very evidence of the photographs and Julius Fischer and others who came here, after that sideboard had been moved, sustains Albert McKnight, and shows that once that sideboard is adjusted, you could see, as Albert says, and he did see because he would have never told that tale unless he had been there and seen it. "You can see in there?" "Yes sir, you can see; look in the mirror in the corner and see all over that dining room;" that's what Albert swore. And if there's anybody in the world that knows how to get up a plan to see from the kitchen into the dining room or to hear what's going on among the white folks in the dining room, it's a negro. And Albert told too straight a tale, he told too reasonable a tale. "Don't you know that you can't look in the mirror in the corner and see it?" Albert says "I did do it, I stayed there about five or ten minutes while he was there and looked in that mirror at him, Mr. Frank." "You stayed there in that kitchen on that occasion and looked in the mirror at him that five or ten minutes he stayed there?" "Yes sir." "By looking in that mirror you can see what's going on in that room?" "You can see if they are eating at the table." "Don't you know that you can't see in that room by looking into that mirror?" "Yes sir, you can see in there." "You can see all over the room?"—tried to make him say that—"No, not all over it exactly." "But you can see even when they are eating at the table?" "You can look in that mirror and see in the sitting room and through that dining room," said Albert, "to a certain extent." And he says he never was in the dining room in his life. That's reasonable. "You were right side of the back door of the kitchen?" "Yes, sir." "Let me give you a little drawing; now were you sitting right in front of that little hallway between the two rooms, in front of it?" Says Albert, "Not exactly." "You were sitting right here against the wall, weren't you?" And he said "Yes sir." "I don't know whether it's fair or not,—that's a fair statement."

And Albert says, "I don't know whether it's fair or not, but I know I saw Leo M. Frank come in there some time between one and two o'clock Saturday, April 26th, and I know he didn't stay but about ten minutes and left to go to town." And he tells you the way in which he left, and Frank in his statement says that, while he didn't get on that car, he went in such a direction as Albert McKnight might have naturally supposed he went down there. "Minola she went in there but stayed only a minute or two in the dining room, I never looked at the clock." "You don't know exactly what time?" "No, but I know it was obliged to have been something after one when Mr. Frank came there and he came in and went before the sideboard and then went back to town." And he says "I don't know exactly whether he did or not because I have never been in the house no further than the cook room."

Then he says ““Who did you tell?” “I told Mr. Craven.” “Who is Craven?” “He is the boss at the plow department at the Beck & Gregg Hardware Company;” and that’s the way the detectives got hold of it, and try all you will to break old Albert down, I submit to you, gentlemen, that he has told the absolute truth and stands unimpeached.

August 25.

Mr. Dorsey:

I regretted more than you the necessity for your being carried over another week or, rather, another Sunday. I was even more exhausted than I anticipated, and this morning my throat and voice are in such shape that I fear I will not be able to do the case the justice it demands. I thought myself, had we not had the adjournment that I might have been able to finish my speech and His Honor charge you Saturday afternoon, but I am sure such would not have been the case.

When we closed on Saturday, I was just completing a brief analysis of the statement made by this defendant. I’m not going into any exhaustive analysis of that statement, because it is not necessary to further inconvenience you and I haven’t the physical strength, but there is certain language and certain statements and assertions made in this statement by this defendant which merit some consideration.

This defendant stated to you, after His Honor had excluded our evidence and properly, I think, that his wife visited him at the police station. He says that she was there almost in hysterics, having been brought there by her father and two brothers-in-law and Rabbi Marx—no, “Rabbi Marx was with me, I consulted with him as to the advisability of allowing my dear wife to come up to the top floor to see those surroundings, city detectives, reporters and snapshotters.” He doesn’t prove that by a living soul and relies merely upon his own statement. If they could have proven it by Rabbi Marx, who was there and advised him, why didn’t they do it? Do you tell me that there lives a true wife, conscious of her husband’s innocence, that wouldn’t have gone through snap-shotters, reporters and everything else, to have seen him—

Mr. Arnold:

I must object to as unfair and outrageous an argument as that, that his wife didn’t go there through any consciousness of guilt on his part. I have sat here and heard the unfairest argument I have ever heard, and I can’t object to it, but I do object to his making any allusion to the failure of the wife to go and see him; it’s unfair, it isn’t the way to treat a man on trial for his life.

The Court:

Is there any evidence to that effect?

Mr. Dorsey:

Here is the statement I have read.

Mr. Arnold:

I object to his drawing any conclusions from his wife going or not going, one way or the other, it's an outrage upon law and decency and fairness.

The Court:

Whatever was in the evidence or the statement I must allow it.

Mr. Dorsey:

"Let the galled jade wince"—

Mr. Arnold:

I object to that, I'm not a "galled jade," and I've got a right to object. I'm not galled at all, and that statement is entirely uncalled for.

Mr. Dorsey:

Frank said that his wife never went back there because she was afraid that the snapshotters would get her picture—because she didn't want to go through the line of snapshotters. I tell you, gentlemen of the jury, that there never lived a woman, conscious of the rectitude and innocence of her husband, who wouldn't have gone to him through snapshotters, reporters and over the advice of any Rabbi under the sun. And you know it.

Frank says in his statement, with reference to these notes written by Conley, "I said I know he can write." How long did it take him to say it, if he ever said it. "I received many notes from him asking me to loan him money, I have received too many notes from him not to know that he can write." In other words, says Frank, in his statement, I have received notes signed with his name, purporting to have been written by him, and he says they were written by a pencil. Frank says he said "I told them if you will look in the drawer in the safe you will find the card of a jeweler from whom Conley bought a watch on the installment plan." He corroborates Conley there, with reference to the watch incident and what occurred there in his office when Conley told him not to take any more money out. "Now, perhaps if you go to that jeweler you may find some sort of receipt that Conley had to give and be able to prove that Conley can write."

Scott says that no such thing ever happened. But if Frank knew so well that this man Conley could write, in the name of fairness why didn't Frank, when he saw those notes at the police station, found beside this dead body, then and there say "this is the writing of James Conley?" Why didn't he do it? Scott denies that any such thing happened, or that they came into possession of any information from Frank that led to knowledge on their part that this man Conley could write. And up to the time that they discovered this

man Conley could write, this man had kept his mouth sealed and it was only the knowledge on the part of the detectives and the knowledge on the part of Conley that the detectives knew he was lying about his ability to write, that forced him to make the first admission that he was connected with this crime.

He says he knew that Conley could write. Why, then, did he keep his mouth shut until the detectives discovered it, when he knew that the notes found beside that poor girl's body was the one key that . was going to unlock the Phagan mystery? You know why.

Ah, you did know that Conley could write. You knew it, not only because he wrote the notes for you, through which you sought to place the responsibility for this crime on another man, but you knew it because he checked up the boxes of pencils, and he had written you numerous notes to get money from you, just like he borrowed money from those other people in that factory. You knew that the most powerful fact that could be brought to light showing who committed this dastardly crime was to find who penned the notes placed with the body; and yet, although you saw them, according to your own statement, at police headquarters and saw them there the very Sunday morning that the crime was committed, not a word, not a word, although the notes themselves said that the crime was done by a negro. It is not necessary to discuss that further.

Frank says, with reference to this visit of Conley to the factory, after Conley had gone through over yonder and demonstrated in detail, as told you by Branch, and in the same length of time and almost to the minute that Conley himself says it took, too, though Conley only knows the clock registered four minutes to one and don't know anything about the balance of the time.

He says, with reference to the visit of Conley to the jail, when Conley wanted to confront him, "I told them if they got the permission, I told them through my friend Mr. Klein, that if they got the permission of Mr. Rosser to come, I would speak to them, would speak to Conley and face him or anything they wanted, if they got the permission of Mr. Rosser. Mr. Rosser was on that day up at Tallulah Falls trying a case." But Mr. Rosser got back, didn't he? Mr. Rosser didn't remain at Tallulah Falls. I tell you, gentlemen of the jury, measuring my words as I utter them, and if you have sense enough to get out of a shower of rain you know it's true, that never in the history of the Anglo-Saxon race, never in the history of the African race in America, never in the history of any other race, did an ignorant, filthy negro, accuse a white man of a crime and that man decline to face him. And there never lived within the State of Georgia, a lawyer with one-half the ability of Mr. Luther Rosser, who possessed a consciousness of his client's innocence, that wouldn't have said "Let this ignorant negro confront my innocent client." If there be a negro who accuses me of a crime of which I am innocent I tell you, and you know it's true, I'm going to confront him, even before my attorney, no matter who he is, returns from Tallulah Falls, and if not then, I tell you just as soon as that attorney does return, I'm going to see that that negro is brought into my presence and permitted to set forth his accusations.

You make much here of the fact that you didn't know what this man Conley was going to say when he got on the stand. You could have known it, but you dared not do it.

Mr. Rosser:

May it please the Court, that is an untrue statement; at that time, when he proposed to go through that dirty farce, with a dirty negro, with a crowd of policemen, confronting this man, he made his first statement—his last statement, he said, and these addendas nobody ever dreamed of them, and Frank had no chance to meet them; that's the truth. You ought to tell the truth, if a man is involved for his life; that's the truth.

Mr. Dorsey:

It does not make any difference about your addendas, and I'm going to put it right up to this jury —

Mr. Rosser:

May it please the Court, have I got the right to interrupt him when he mis-states the facts?

The Court:

Whenever he goes outside of the record.

Mr. Rosser:

Has he got the right to comment that I haven't exercised my reasonable rights?

The Court:

No, sir, not if he has done that.

Mr. Rosser:

Nobody has got a right to comment on the fact that I have made a reasonable objection.

Mr. Dorsey:

But I'm inside of the record, and you know it, and the jury knows it. I said, may it please Your Honor, that this man Frank declined to be confronted by this man Conley.

Mr. Rosser:

That isn't what I objected to; he said that at that meeting that was proposed by Conley, as he says, but really proposed by the detectives, when I was out of the city, that if that had

been met, I would have known Conley's statement, and that's not true; I would not have been any wiser about his statement than I was here the other day.

The Court:

You can comment upon the fact that he refused to meet Frank or Frank refused to meet him, and at the time he did it, he was out of the city.

Mr. Arnold:

We did object to that evidence, Your Honor, but Your Honor let that in.

The Court:

I know; go on.

Mr. Dorsey:

They see the force of it.

Mr. Rosser:

Is that a fair comment, Your Honor, if I make a reasonable objection, to say that we see the force of it?

The Court:

I don't think that, in reply to your objection, is a fair statement.

Mr. Dorsey:

Now, may it please Your Honor, if they don't see the force of it, you do —

Mr. Rosser:

I want to know, is Your Honor's ruling to be absolutely disregarded like that?

The Court:

Mr. Dorsey, stay inside of the record, and quit commenting on what they say and do.

Mr. Dorsey:

I am inside of the record, and Your Honor knows that's an entirely proper comment.

Mr. Rosser:

The Leo Frank Trial: Closing Arguments, Solicitor Dorsey

Your Honor rules—he says one thing and then says Your Honor knows better —

Mr. Dorsey:

Your Honor knows I have got a right to comment on the conduct of this defendant.

The Court:

Of course, you have, but when they get up, I don't think you have any right to comment on their objections as they are making them to the Court.

Mr. Dorsey:

I don't.

The Court:

No, I don't think so.

Mr. Dorsey:

Isn't everything that occurs in the presence of the Court the subject matter for comment?

The Court:

No, I don't think you can comment on these things. You can comment on any conduct within the province of this trial, but if he makes an objection that's sustained, why, then, you can't comment on that.

Mr. Dorsey:

Does Your Honor say I'm outside of the record?

The Court:

No, I don't, but I say this, you can comment on the fact that Frank refused to meet this man, if that's in the record, you have a right to do that.

Mr. Dorsey:

This man Frank, a graduate of Cornell, the superintendent of the pencil factory, so anxious to ferret out this murder that he had phoned Schiff three times on Monday, April 28th, to employ the Pinkerton Detective Agency, this white man refused to meet this ignorant negro, Jim Conley. He refused upon the flimsy pretext that his counsel was out of town, but when his counsel returned, when he had the opportunity to know at least

something of the accusations that Conley brought against this man, he dared not let him meet him. It is unnecessary to take up time discussing that.

You tell me that the weakest among you, if you were innocent and a man of black skin charges you with an infamous murder, that any lawyer, Rosser or anybody else, could keep you from confronting him and nailing the lie?

No lawyer on earth, no lawyer that ever lived in any age or any clime could prevent me, if I were innocent, from confronting a man who accused me wrongfully, be he white or black.

And you, Leo Frank, went in and interviewed Newt Lee down yonder at twelve o'clock, Tuesday night, April 29th. And what did you do? Did you act like a man who wanted to get at the truth, who didn't know it and wanted to get at the truth? Ah, no. Instead of going into that room and taking up with this negro Newt Lee, the man towards whom you had directed suspicion infamously to save your own neck, a man that you would have seen hung on the gallows in order to save your reputation with the people on Washington Street and the members of the B'nai B'rith, did you make an earnest, honest, conscientious effort, as an innocent employer would with his employee, to get at the truth? No; according to Lee, you hung your head and quizzed him not, but predicted that both Lee and you would go to hell if Lee continued to tell the story which he tells even until this good day: and then in your statement here, try to make it appear that your detective Scott and old John Black concocted a scheme against you and lied as to what occurred on that Tuesday night.

The reason why Frank didn't put it up to Newt Lee and try to get Newt Lee to tell him how that murder occurred and what he knew about it, was because Frank knew that Lee was innocent, that he was the murderer and that he was adding to the dastardly crime of assault upon the virtue of this girl, was adding to the crime of murder of this girl, another infamous effort to send this negro to the gallows in order to save his reputation and neck. Listen to this—he's smart, and just listen how, in his statement, he qualifies and fixes it up so that, when we come back with rebuttal, the technical law will protect him: "They (meaning the detectives) stress the possibility of couples having been let into the factory at night"—by night watchmen? No,—"by night Watchman Newt Lee." Lee had been there but two or three weeks,—*three weeks*. Frank could have told you that the detectives stressed the fact that couples went in there holidays, Saturdays and at nights, at all times and at any time when other night watchmen were there, but Newt Lee, having been there but three weeks, he effectively shuts off the State from impeaching his statement or contradicting it, and therefore, he tells you that the detectives stressed the fact that couples had been in here while the night watchman *Newt Lee*, was watching,—and Newt had been there but three weeks. That wasn't the period, that wasn't the time.

During that three weeks that old Newt was night watching, there was but one person for whom your passion burned, and that was Mary Phagan. And she wouldn't meet you, and she didn't meet you any time during that period that Newt Lee was night watching. But in the summer previous, when Dalton was seen to go there, if it be not true that couples

were admitted, why didn't you make the bold, emphatic, challenging statement that at no time were couples ever admitted? And then you tell me that that's a good statement and a fair statement and a frank statement?

Now, another thing. Listen to this—I read from the defendant's statement: "Now, with reference to these spots that are claimed to be blood and that Mr. Barrett found, I don't claim they are not blood, they may have been, they were right close to the ladies' dressing room, and we have accidents there, and by the way, in reference to those accidents, the accidents of which we have records are not the only accidents that have happened there. Now, we use paint and varnish around there, a great deal of it, and while I don't say that this is not blood, it may be, but it could also have been paint; I have seen the girls drop bottles of paint and varnish and have them break there on the floor, I have seen that happen right close to that spot. If that had been fresh red paint or if it had been fresh red blood and that hascoline compound, that soap in it which is a great solvent, had been put on there in the liquid state, it wouldn't have shown up white, as it showed up then, but it would have showed up either pink or red."

Now, first, contrast that statement for a moment with this statement with reference to the condition of the floor where Barrett worked. There he says there wasn't a spot, much less a blood spot,—”looked at the machinery and the lathe, looked at the table on which the lathe stands and the lathe bed and the floor underneath the lathe and there wasn't a spot, much less a blood spot underneath.”

All right; you say that that wasn't blood, you say that that hascoline wouldn't turn that color. In the name of goodness, in the name of truth, I ask you, if that hascoline mixed with that blood on the second floor wouldn't have produced the identical result that these witnesses have sworn, if it be true, as Mr. Rosser stated, that you don't attach any importance to the cabbage findings and experiments made in this case, why didn't you devote a little of your time to bringing before this jury a reputable chemist and a man who could sustain you in that statement? You had that evidence in your possession, or if you were able to bring in these medical experts here to tear down the powerful evidence of Dr. Roy Harris, as eminent an authority as lives in the State of Georgia, in the name of truth and fair play, before you men who ought to have every fact that will enable you to get at the truth, why didn't you bring one chemist to sustain you? There's but one answer, and you know what it is. Those spots were blood, they were blood over which had been placed that substance, hascoline, and the color that blood and hascoline would make upon that floor was the identical color found there by the numerous witnesses who saw it. Important? There is no more important fact for you to have shown than that this hascoline, when wiped over blood, would have made a color the like unto which Frank in his statement would have you believe would have been made.

Are you going to accept the statement of this man, with all these circumstances unsupported by chemists or anybody on earth, because they couldn't get them to come in and testify themselves on that point, as against the evidence of all these witnesses who have told you that that was blood, and against the evidence of Doctor Claude Smith, the

City Bacteriologist of the City of Atlanta, who tells you that through a chemical analysis he developed the fact that that was blood?

This defense, gentlemen—they have got no defense, they never have come into close contact in this case, except on the proposition of abuse and vilification. They circle and flutter but never light; they grab at varnish and cat's blood and rat's blood and Duffy's blood, but they never knuckle down and show this jury that it wasn't blood; and in view of the statement of that boy, Mel Stanford, who swept that floor Friday afternoon, in view of the statement of Mrs. Jefferson, in view of the statement of "Christopher Columbus" Barrett, who tells the truth, notwithstanding the fact that he gets his daily bread out of the coffers of the National Pencil Company, you know that that was the blood of this innocent victim of Frank's lustful passion.

The defense is uncertain and indistinct on another proposition, they flutter and flurry but never light when it comes to showing you what hole Jim Conley pushed his victim down. Did he shoot her back of that staircase back there? No. Why? Because the dust was thick over it. Because unimpeached witnesses have shown you it was nailed down; because if he had shot her down that hole, the boxes piled up there to the ceiling would have as effectively concealed her body as if she had been buried in the grave, for some days or weeks. Did he shoot her down this other hole in the Clark Woodenware Company's place of business? Where even if what Schiff says is true, that they kept the shellac there, it would nevertheless have concealed her body a longer time than to put it down there by the dust bin where the fireman and people were coming in through the back door. Did this negro, who they say robbed this girl, even if he had taken the time to write the notes, which, of course, he didn't—even after he had knocked her in the head with that bludgeon, which they tell you had blood on it, and robbed her, even if he had been such a fool and so unlike the other members of his race, by whom brutal murders have been committed, should have taken time to have tied a cord around her neck, a cord seldom found down there in the basement, according to your own statement, except when it's swept down in the trash, but a cord that hangs right up there on the office floor, both back there in the varnish room and up there in the front. If he had done all that,—a thing you know that he didn't do, after he had shot her down in that hole in the Clark Woodenware Company, down there in that wing of the place where they keep this shellac, if they do keep it, why would that negro have gone down there and moved her body, when she was more securely fixed down there? And why was it, will you tell me, if he shot her down that scuttle hole, that he wrote the notes and fixed the cord, and will you tell me how it happens that, when after this man Holloway, on May 1st, had grabbed old Jim Conley, when he saw him washing his shirt and said "he's my nigger,"—fifteen days afterwards, when squad number two of the Pinkerton people had been searching through that factory a whole day and right down in that area, the elevator being run, the detectives, both the Pinkertons and the city force had looked around there immediately after the crime, will you tell me how it happened that, if he shot her down that hole, that there was so much blood not found until the 15th of May, and more blood than that poor girl is ever shown to have lost?

Another thing: This man Frank says that “Mr. Quinn said he would like to take me back to the metal department on the office floor, where the newspapers that morning stated that Mr. Barrett of the metal department had claimed he had found blood spots, and where he had found some hair.” Although he had seen in the morning papers that this man Barrett claimed to have seen blood there, before he went back to see it, although this thing tore him all to pieces, and although he was anxious to employ a detective,—so anxious that he phoned Schiff three times to get the Pinkertons down, according to his own statement, Lemmie Quinn had to come and ask him back to see the blood spots on the second floor, found by this man Barrett. Is that the conduct of a man, the head of a pencil factory, who had employed detectives, anxious to assist the police, — saw it in the newspapers and yet Lemmie Quinn had to go and ask him to go back?

and then he tells you in this statement, which is easy to write, was glibly rattled off, a statement that you might expect from a man that could plot the downfall of a girl of such tender years as little Mary Phagan, that he went back there and examined those blood spots with an electric flashlight, that he made a particular and a minute examination of them, but strange to say, not even Lemmie Quinn comes in to sustain you, and no man on earth, so far as this jury knows, ever saw Leo M. Frank examining what Barrett said and Jefferson said and Mel Stanford said and Beavers said and Starnes said and a host of others said was blood near the dressing room on the second floor. You know why? Because it never happened. If there was a spot on this earth that this man Frank didn’t want to examine, if there was a spot on earth that he didn’t want any blood found at all, it was on the second floor, the floor which, according to his own statement, he was working on when this poor girl met her death.

Schiff, he says, saw those notes down there and at police headquarters. Frank says he visited the morgue not only once but twice. If he went down there and visited that morgue and saw that child and identified her body and it tore him all to pieces, as he tells you it did, let any honest man, I don’t care who he be, on this jury, seeking to fathom the mystery of this thing, tell me why it was, except for the answer that I give you, he went down there to view that body again? Rogers said he didn’t look at it; Black said he didn’t see him look at it.

Mr. Rosser:

He is mis-stating the evidence. Rogers never said that he didn’t look at the body, he said he was behind him and didn’t know whether he did or not; and Black said he didn’t know whether he did or not.

Mr. Dorsey:

Rogers said he never did look at that body.

Mr. Arnold:

I insist that isn't the evidence. Rogers said he didn't know and couldn't answer whether he saw it or not, and Black said the same thing.

Mr. Dorsey:

I'm not going to quibble with you. The truth is, and you know it, that when that man Frank went down there to look at that body of that poor girl, to identify her, he never went in that room, and if he did look at her long enough to identify her, neither John Black nor Rogers nor Gheesling knew it. I tell you, gentlemen of the jury, that the truth of this thing is that Frank never looked at the body of that poor girl, but if he did, it was just a glance, as the electric light was flashed on and he immediately turned and went into another room.

Mr. Rosser:

There isn't a bit of proof that he went into another room. I object again, sir, there isn't a particle of proof of that.

Mr. Dorsey:

If that man Frank ever looked at that girl's face,—I challenge them to produce the record to show it,—it was so brief that if she was dirty and begrimed and her hair was bloody and her features contorted, I tell you that, if he didn't know her any better than he would have you believe he knew her, he never could have identified her as Mary Phagan. Never could. And I say to you, gentlemen of the jury, that the reason why this man revisited that morgue on Sunday afternoon, after he had failed to mention the subject of death in the bosom of his family at the dining table, when he tells you that it tore him all to pieces, there was but one reason for revisiting that morgue, and that was to put his ear to the ground and see if at that hour there was any whisper or suggestion that Leo M. Frank, the guilty man, had committed the dastardly deed.

Black didn't see him, Rogers didn't see him, Gheesling didn't see him. One of the earliest to arrive, the superintendent of the factory (Rogers said he had his eye on him) he turned and stepped aside, and he himself said that the sight tore him all to pieces, and he seeks to have you believe that that automobile ride and the sight of that poor girl's features accounts for the nervousness which he displayed; and yet we find him going, like a dog to his vomit, a sow to her wallow, back to view the remains of this poor little innocent girl. And I ask you, gentlemen of the jury, if you don't know that the reason Leo M. Frank went down to that morgue on Sunday afternoon was to see if he could scent anything in the atmosphere indicating that the police suspected Leo M. Frank?

He admits his nervousness, he admits his nervousness in the presence of the officers; the Seligs say that he wasn't nervous, that he wasn't nervous Saturday night when he telephoned Newt Lee to find out if anything had happened at the factory, that he wasn't nervous when he read this *Saturday Evening Post*. He wanted to get out of the view of any man who represented the majesty and dignity of the law, and he went in behind

curtains or any old thing that would hide his countenance from those men. I come back to the proposition in the bosom of his family, —notwithstanding he read that *Saturday Evening Post* out there in the hall Saturday night, this thing kept welling in his breast to such an extent that he had to make a play of being composed and cool, and he went in there and tried to break up the card game with the laughter that was the laughter of a guilty conscience.

Notwithstanding the fact that he was able, Sunday, at the dining table and in the bosom of his family, when he hadn't discussed this murder, when Mrs. Selig didn't know that it was a murder that concerned her, when the whole Selig household were treating it as a matter of absolute indifference, if he wasn't nervous there, gentlemen of the jury, surely he was, as I am going to show you, nervous when he came face to face and had to discuss the proposition with the minions of the law. He was nervous when he went to run the elevator, when he went to the box to turn on the power, and he says here in his statement, unsupported by any oath, that he left that box open because some member of the fire department had come around and stated that you must leave that box open because the electricity might innocently electrocute some members of the fire department in case of fire.

I ask you, gentlemen of the jury, what was the necessity for leaving the box open when a simple turn of the lever would have shut off the electricity and enabled the key to have been hung up in the office, just exactly like old Holloway swore when he didn't know the importance of the proposition, in the affidavit which I have and which was submitted in evidence to you, that that box was locked and the key was put in Frank's office? Why don't they bring the fireman here who went around and gave such instructions? First, because it wasn't necessary, they could have cut the electricity off and locked the box. And second, they didn't bring him because no such man ever did any such thing, and old Holloway told the truth before he came to the conclusion that old Jim Conley was "his nigger" and he saw the importance of the proposition that when Frank went there Sunday morning the box was unlocked and Frank had the key in his pocket.

Mr. Rosser:

You say Mr. Frank had the key in his pocket? No one mentioned it, that isn't the evidence; I say it was hung up in the office, that's the undisputed evidence.

Mr. Dorsey:

Holloway says when he got back Monday morning it was hung up in the office, but Boots Rogers said this man Frank— and he was sustained by other witnesses—when he came there to run that elevator Sunday morning, found that power box unlocked.

Mr. Rosser:

That's not what you said.

Mr. Dorsey:

Yes it is.

Mr. Rosser:

You said Frank had the key in his pocket next morning, and that isn't the evidence, there's not a line to that effect.

The Court:

Do you still insist that he had it in his pocket?

Mr. Dorsey:

I don't care anything about that; the point of the proposition, the gist of the proposition, the force of the proposition is that old Holloway stated, way back yonder in May, when I interviewed him, that the key was always in Frank's office; this man told you that the power box and the elevator was unlocked Sunday morning and the elevator started without anybody going and getting the key.

Mr. Rosser:

That's not the point he was making, the point he was making, to show how clearly Frank must have been connected with it, he had the key in his pocket. He was willing to say that when he ought to know that's not so.

The Court:

He's drawing a deduction that he claims he's drawing.

Mr. Rosser:

He doesn't claim that. He says the point is it was easily gotten in the office, but that's not what he said.

The Court:

You claim that's a deduction you are drawing?

Mr. Dorsey:

Why, sure.

The Court:

Now, you don't claim the evidence shows that?

Mr. Dorsey:

I claim that the power box was standing open Sunday morning.

The Court:

Do you insist that the evidence shows he had it in his pocket?

Mr. Dorsey:

I say that's my recollection, but I'm willing to waive it; but let them go to the record, and the record will sustain me on that point, just like it sustains me on the evidence of this man Rogers, which I'm now going to read.

Rogers said "Mr. Gheesling caught the face of the dead girl and turned it over towards me; I looked then to see if anybody followed me, and I saw Mr. Frank step from outside of the door into what I thought was a closet, but I afterwards found out where Mr. Gheesling slept, or somebody slept, there was a little single bed in there."

I don't want to misrepresent this testimony, for goodness knows there's enough here without resorting to any such practice as that, and I don't want to mislead this jury and furthermore, I'm not going to do it.

Frank says, after looking at the body, "I identified that little girl as the one that had been up shortly after the noon of the day previous and got her money from me. I then unlocked the safe and took out the pay roll book and found that it was true that a little girl by the name of Mary Phagan did work in the metal plant and that she was due to draw \$1.20, the pay roll book showed that, and as the detective had told me that some one had identified the body of that little girl as that of Mary Phagan, there could be no question but what it was one and the same girl." And he might have added, "as I followed her back into the metal department and proposed to her that she submit to my lascivious demands, I hit her, she fell, she struck her head; to protect my character, I choked her—to protect my reputation I choked her, and called Jim Conley to move her down to the basement, and for all these reasons, because I made out the pay roll for fifty-two weeks during which time Mary had worked there, I know, for these reasons, although I didn't look at her and couldn't have recognized her if she was in the dirty, distorted condition," he tells you in this statement, she really was, "but I know it was Mary Phagan."

And he corroborates in his statement these detectives, he says down at the undertaking establishment, "went down a long dark passageway with Mr. Rogers following, then I came and Black brought up the rear, Gheesling was on the opposite side of the little cooling table, the table between him and me; he took the head in his hands, put his finger exactly where the wound in the left side back of the head was located" and he seeks to

have you believe that he “noticed the hands and arms of the little girl were very dirty, blue and ground with dirt and cinders, nostrils and mouth,—the mouth being open,—nostrils and mouth just full of saw-dust, the face was all puffed out, the right eye was blackened and swollen and there was a deep scratch over the left eye on the forehead.”

He tells in his statement that in that brief glance, if he ever took any glance at all, he saw that the only way in the world to believe him is to say that these men, John Black and Boots Rogers, who have got no interest in this case in God’s world but to tell the truth, perjured themselves to put the rope around the neck of this man. Do you believe it?

Starnes is a perjurer, too. Starnes says “when I called this man up over the telephone I was careful not to mention what had happened” and unless Starnes on that Sunday morning in April was very different from what you would judge him to be by his deportment on the stand here the other day, he did exactly what he said he did. And yet this defendant in his statement said he says “what’s the trouble, has there been a fire?” He says “No, a tragedy, I want you to come down right away;” “I says all right;” “I’ll send an automobile after you,” and Starnes says that he never mentioned the word tragedy, and yet, so conscious, so conscious was this man Frank when Rogers and Black went out there and he nervously twitching at his collar asked “What’s the trouble, has the night watchman reported anything?” and asked them not, “has there been a fire,” but “has there been a tragedy?” But Starnes, the man who first went after Newt Lee, the negro night watchman, because he pointed his finger of suspicion at him,—Starnes, the man who went after Gantt because this defendant pointed the finger of suspicion at him,—Starnes, the man who has been a detective here on the police force for years and years, is a perjurer and a liar; to do what? Simply to gratify his ambition and place a noose around the neck of this man Frank, when he could have gone out after, if the circumstances had warranted it, or if he had been a rascal and wanted to travel along the line of least resistance, Newt Lee or Gantt or Conley.

Another thing: Old Newt Lee says that when this defendant called him Saturday night, a thing that he had never done during the time that he had been there at that pencil factory serving him as night watchman, Newt Lee tells you, although the defendant says that he asked about Gantt, Newt Lee says that Gantt ‘s name was never mentioned, and that the inquiry was “has anything happened at the factory?” You tell me, gentlemen of the jury, that all these circumstances, with all these incriminating circumstances piling up against this man that we have nothing in this case but prejudice and perjury? Newt says he never mentioned Gantt. Frank in his statement says “I succeeded in getting Newt Lee, and asked him if Mr. Gantt had gone.” He instructed this man Newt Lee to go with Gantt, to watch him, to stay with him, and old Newt Lee wouldn’t even let Gantt in that factory unless Frank said that he might go up. He had instructed Lee previous thereto not to let him in for the simple reason he didn’t want Gantt coming down there. Why? Because he didn’t want him to come down and see and talk with little Mary for some reason I know not why; and old Newt Lee stopped this man Gantt on the threshold and refused to let him go up, and this man Frank says “you go up with him and see that he gets what he wants and usher him out.”

And yet, though he had never done any such thing during the time Newt Lee had been up there, he innocently called Newt up to find out, he said, if Gantt had gone and Newt said to find out if everything was all right at the factory; and you know that the reason he called up was to find out if Newt, in making his rounds, had discovered the body of this dead girl.

“Would you convict him on this circumstance or that circumstance?” No. But I would weave them all together, and I would make a rope, no one strand of which sufficiently strong to send this man to the gallows for this poor girl’s death, but I would take them all together and I would say, in conformity with the truth and right, they all make such a rope and such a strand and such a cable that it’s impossible not only to conceive a reasonable doubt, but to conceive any doubt at all.

Frank was in jail, Frank had already stated in his affidavit at police headquarters, which is in evidence, contradicting this statement and this chart which they have made, that he didn’t leave his office between certain hours. Frank didn’t know that his own detective, Harry Scott, had found this little Monteen Stover,—and I quote her evidence, I quote it and I submit it shows that she went in that office and went far enough in that office to see who was in there, and if she didn’t go far enough in, it’s passing strange that anybody in that office,—Frank himself, could have heard that girl and could have made his presence known. Scott, their own Pinkerton detective, gets the statement from Monteen Stover, and he visits Leo M. Frank in his cell at the jail. Frank in order to evade that says, “to the best of my recollection I didn’t stir out of the office, but it’s possible that, in order to answer a call of nature, I may have gone to the toilet, these are things that a man does unconsciously and can’t tell how many times nor when he does it.”

I tell you, gentlemen of the jury, that if this man Frank had remained in his office and was in his office when Monteen Stover went in there, he would have heard her, he would have seen her, he would have talked with her, he would have given her her pay. I tell you, gentlemen of the jury, that if this man Frank had stepped out of his office to answer a call of nature, that he would have remembered it, and if he wouldn’t have remembered it, at least he wouldn’t have stated so repeatedly and unqualifiedly that he never left his office, and only on the stand here, when he faces an honest jury, charged with the murder, and circumstances banked up against him, does he offer the flimsy excuse that these are things that people do unconsciously and without any recollection.

But this man Scott, in company with Black, after they found that little Monteen Stover had been there at exactly the time that old Jim Conley says that that man with this poor little unfortunate girl had gone to the rear, and on May 3rd, the very time that Monteen Stover told them that she had been up there, at that time this Pinkerton detective, Scott, as honest and honorable a man as ever lived, the man who said he was going hand in hand with the police department of the City of Atlanta and who did, notwithstanding the fact that some of the others undertook to leap with the hare and run with the hounds, stood straight up by the city detectives and by the State officials and by the truth, put these questions, on May 3rd, to Leo M. Frank: Says he to Frank: “From the time you got to the factory from Montag Brothers, until you went to the fourth floor to see White and

Denham, were you inside your office the entire time?” Answer: “I was.” Again, says Scott—and Mr. Scott, in jail, when Frank didn’t know the importance of the proposition because he didn’t know that little Monteen Stover had said that she went up there and saw nobody in his office—Scott came at him from another different angle: “From the time you came from Montag Brothers, until Mary Phagan came, were you in your office?” and Frank said “yes.” “From twelve o’clock,” says Scott, “until Mary Phagan entered your office and thereafter until 12:50, when you went upstairs to get Mrs. White out of the building, were you in your office?” Answer: “Yes.” “Then,” says Scott, “from twelve to twelve-thirty, every minute during that half hour, you were in your office?” and Frank said “yes.” And not until he saw the wonderful capacity, the wonderful ability, the wonderful devotion of this man Scott to the truth and right did he ever shut him out from his counsel.

No suggestion then that he might have had to answer a call of nature, but emphatically, without knowing the importance, he told his own detective, in the presence of John Black, that at no time, for no purpose, from a few minutes before this unfortunate girl arrived, until he went upstairs, at 12:50, to ask Mrs. White to leave, had he been out of his office. Then you tell me that an honest jury, with no motive but to do right, would accept the statement of this man Frank, that he might have been, these things occur so frequently that a man can’t remember, and by that statement set aside what he said to his own detective, Harry Scott?

Well, you can do it; you have got the power to do it; no king on the throne, no potentate has the power that is vested in the American jury. In the secret of your consultation room, you can write a verdict that outrages truth and justice, if you want to, and no power on earth can call you to account, but your conscience, but so long as you live, wherever you go, that conscience has got to be with you,—you can’t get away from it; and if you do it, you will lose the peace of mind that goes with a clear conscience of duty done, and never again, so long as you shall last upon this earth, though others not knowing the truth might respect you, will you ever have your own self-esteem.

I have already talked to you about this time element. You made a mighty effort to break down little George Epps. You showed that McCoy didn’t have a watch; have tried to show this man Kendley was a liar because he knew the little girl and felt that he knew in his heart who the murderer was. But there’s one witness for the State against whom not a breath of suspicion has been apparent,—we impeached these men Matthews and Hollis by other witnesses besides George Epps and besides George Kendley and besides McCoy, and as to how that little girl got to that factory, gentlemen, this man Mr. Kelley, who rode on the same car with Hollis, the same car that Hollis claims or Matthews claims that he rode on, knew the girl, knew Matthews, tells you and he’s unimpeached and unimpeachable, and there’s no suggestion here, even if you set the evidence of Epps and McCoy and Kendley aside, upon which an honest jury can predicate a doubt that this man Kelley of the street car company didn’t tell the truth when he says that she wasn’t on that car that this man Matthews says she was and she went around, because “I rode with Matthews and I know her and I know Matthews.”

And Mr. Rosser says that he don't care anything about all this medical evidence,—he don't care anything about cabbage. I'm not going back on my raising here or anywhere, and I tell you, gentlemen, that there is no better, no more wholesome meal, and when the stomach is normal and all right, there is nothing that is more easily digested, because the majority of the substances which you eat takes the same length of time that cabbage requires. And I tell you that cabbage, corn bread and buttermilk is good enough for any man. I tell you, gentlemen of the jury, that Mr. Rosser's statement here, that he don't care anything for that evidence of Doctor Roy Harris about this cabbage which was taken out of that poor girl's stomach, is not borne out by the record in this case. It wouldn't surprise me if these able, astute gentlemen, vigilant as they have shown themselves to be, didn't go out and get some doctors who have been the family physicians and who are well known to some of the members of this jury, for the effect that it might have upon you.

Mr. Arnold:

There is not a word of evidence as to that; it is a grossly improper argument, and I move that that be withdrawn from the jury.

Mr. Dorsey:

I don't state it as a fact, but I am suggesting it.

Mr. Arnold:

He has no right to deduct it or suggest it, I just want Your Honor to reprove it—reprimand him and withdraw it from the jury; I just make the motion and Your Honor can do as you please.

Mr. Dorsey:

I am going to show that there must have been something besides the training of these men, and I'm going to contrast them with our doctors.

Mr. Arnold:

I move to exclude that as grossly improper. He says he is arguing that some physician was brought here because he was the physician of some member of the jury, it's grossly unfair and it's grossly improper and insulting, even, to the jury.

Mr. Dorsey:

I say it is eminently proper and absolutely a legitimate argument.

Mr. Arnold:

I just record my objection, and if Your Honor lets it stay in, you can do it.

Mr. Dorsey:

Yes, sir; that wouldn't scare me, Your Honor.

The Court:

Well, I want to try it right, and I suppose you do. Is there anything to authorize that inference to be drawn?

Mr. Dorsey:

Why sure; the fact that you went out and got general practitioners, that know nothing about the analysis of the stomach, know nothing about pathology.

The Court:

Go on, then.

Mr. Dorsey:

I thought so.

Mr. Arnold:

Does Your Honor hold that is proper—"I thought so"?

The Court:

I hold that he can draw any inference legitimately from the testimony and argue it—I do not know whether or not there is anything to indicate that any of these physicians was the physician of the family.

Mr. Rosser:

Let me make the suggestion, Your Honor ought to know that before you let him testify it.

The Court:

He says he does not know it, he's merely arguing it from an inference he has drawn.

Mr. Dorsey:

I can't see any other reason in God's world for going out and getting these practitioners, who have never had any special training on stomach analysis, and who have not had any

training with the analysis of tissues, like a pathologist has had, except upon that theory. And I am saying to you, gentlemen of the jury, that the number of doctors that these men put up here belie the statement of Mr. Rosser that he doesn't attach any importance to this cabbage proposition, because they knew, as you know, that it is a powerful factor in sustaining the State's case and breaking down the alibi of this defendant. It fastens and fixes and nails down with the accuracy only which a scientific fact can do, that this little girl met her death between the time she entered the office of the superintendent and the time Mrs. White came up the stairs at 12 :35, to see her husband and found this defendant at the safe and saw him jump.

You tell me that this Doctor Childs, this general practitioner, who don't know anything about the action of the gastric juices on foods in the stomach, this man of the short experience of seven years, this gentleman, splendid gentleman though he is, from Michigan, can put his opinion against the eminent Secretary of the Georgia Board of Health, Doctor Roy Harris ? I tell you no.

Now, briefly, let's run over this nervousness proposition. The man indicated nervousness when he talked to old man John Starnes, when Black went out to his house and he sent his wife down to give him nerve, although he was nearly dressed and she wasn't at all dressed, he betrayed his nervousness by the rapidity of his questions, by the form of his questions.

But first, before we get to that, he warned old Newt Lee to come back there Saturday at four o'clock, and dutiful old darkey that he was, old Newt walked in and Frank then was engaged in washing his hands. Jim Conley hadn't come, but he was looking for Conley, and he sent old Newt Lee out, although Newt insisted that he wanted to sleep, and although he might have found a cozy corner on any floor in that factory, with plenty of sacks and cords and other things to make him a pallet, he wanted old man Newt to leave. Why? When Newt said he was sleepy he wanted him to leave so that he could do just exactly what old Jim Conley told you Frank made his promise to do,—he wanted an opportunity to burn that body, so that the City Police of Atlanta wouldn't have the Phagan mystery solved today, and probably it would not even be known that the girl lost her life in that factory. His anxiety about Gantt going back into that building that afternoon, when he hung his head and said to Gantt that he saw a boy sweeping out a pair of shoes, and Gantt says "what were they, tan or black?" And ah, gentlemen, it looked like Providence had foreordained that this did, long-legged Gantt should leave, not only one pair, but two pairs. "What kind were they," he said; he gave him the name of one color, and then, as Providence would have it, old Gantt said, "ah, but I've got two pair," and then it was that he dared not say, because he couldn't then say, that he saw that man also sweeping them out; then it was that he said "all right, Newt, go up with him and let him get them," and lo and behold, the shoes that this man Frank would have him believe were swept out, both tan and black, were there. Gantt tells you how he acted; Newt tells you how he jumped.

Rogers and Black, honest men when they went out there after Mr. Starnes had talked to him, tell you that he was nervous. Why? Why do you say you were nervous; because of

the automobile ride? Because you looked into the face of this little girl and it was such a gruesome sight? I tell you, gentlemen of the jury, and you know it, that this man Frank needed, when he had his wife go down to the door, somebody to sustain him. I tell you that this man Frank, when he had his wife telephone Darley to meet him at the factory, did it because he wanted somebody to sustain him.

I tell you, gentlemen of the jury, that, because he sent for Mr. Rosser,—big of reputation and big of brain, dominating and controlling, so far as he can, everybody with whom he comes in contact, the reason he wanted him at the Police Headquarters, and the reason he wanted Haas, was because his conscience needed somebody to sustain him. And this man Darley! We had to go into the enemy's camp to get the ammunition, but fortunately, I got on the job and sent the subpoena, and fortunately Darley didn't know that he didn't have to come, and fortunately he came and made the affidavit, to which he stood up here as far as he had to because he couldn't get around it, in which Darley says "I noticed his nervousness; I noticed it upstairs, I noticed it downstairs," when they went to nail up the door. "When he sat in my lap going down to the Police Headquarters he shook and he trembled like an aspen leaf." I confronted him with the statement, in which he had said "completely undone." He denied it but said "almost undone." I confronted him with the statement that he had made, and the affidavit to which he had sworn, in which he had used the language, "Completely unstrung" and now he changed it in your presence and said "almost completely unstrung."

You tell me that this man that called for breakfast at home, as Durant called for bromo seltzer in San Francisco, this man who called for coffee at the factory, as Durant called for bromo seltzer in San Francisco, you tell me that this man Frank, the defendant in this case, explains his nervousness by reason of the automobile ride, the view of the body,—as this man Durant, in San Francisco tried to explain his condition by the inhalation of gas,—you tell me, gentlemen of the jury, that these explanations are going to wipe out the nervousness that you know could have been produced by but one cause, and that is, the consciousness of an infamous crime that had been committed.

Old Newt Lee says that when he went back there that afternoon he found that inside door locked,—a thing that never had been found before he got there at four o'clock, a thing that he never had found. Old Newt Lee says that Frank came out of his office and met him out there by the desk, the place where he always went and said "All right, Mr. Frank," and that Frank had always called him in and given him his instructions. But Newt Lee says that night, when he went into the cellar, he found the light, that had always burned brightly turned back so that it was burning just about like a lightning bug. You tell me that old Jim Conley felt the necessity to have turned that light down? I tell you that that light was turned down, gentlemen, by that man, Leo M. Frank, after he went down there Saturday afternoon, when he discovered that Conley wasn't coming back to burn the body, to place the notes by the body, that Conley had written, and he turned it down in the hope that the body wouldn't be discovered by Newt Lee during that night.

Monday evening, Harry Scott is sent for, the Pinkerton man—and it didn't require any affidavit to hold old Scott down to the truth, though after my experience with that man

Darley, I almost trembled in my boots for fear this man Scott, one of the most material witnesses, although the detective of this defendant's company, might also throw me down. Scott says this man Frank, when he went there Monday afternoon, after he had anxiously phoned Schiff to see old man Sig Montag and get Sig Montag's permission, had phoned him three times—Scott says that he squirmed in his chair continually, crossed and uncrossed his legs, rubbed his face with his hand, sighed, twisted and drew long deep breaths.

After going to the station Tuesday morning, just before his arrest—if he ever was arrested—just before his detention, at another time altogether from the time that Darley speaks of,—Darley, the man for whom he sent, Darley the man who is next to him in power, Darley the man that he wanted to sustain his nerve—Scott, your own detective, says that he was nervous and pale, and that when he saw him at the factory, his eyes were large and glaring.

Tuesday morning, Waggoner, sent up there to watch him from across the street, says before the officers came to get him, he could see Frank pacing his office inside, through the windows, and that he came to the office window and looked out at him twelve times in thirty minutes,—that he was agitated and nervous on the way down to the station.

I want to read you here an excerpt from the speech of a man by the name of Hammond, when prosecuting a fellow by the name of Dunbar for the murder of two little children, it explains in language better than I can command, why all this nervousness : “It was because the mighty secret of the feat was in his heart; it was the overwhelming consciousness of guilt striving within him; it was nature over-burdened with a terrible load; it was a conscience striving beneath a tremendous crushing weight; it was fear, remorse and terror—remorse for the past, and terror for the future. Spectral shadows were flitting before him”—the specter of the dead girl, the cord, the blood, arose. “The specter of this trial, of the prison, of the gallows and the grave of infamy. Guilt, gentlemen of the jury, forces itself into speech and conduct, and is its own betrayer.”

Mr. Rosser said that once a thief, always a thief and eternally damned. Holy Writ, in giving the picture of the death of Christ on the Cross, says that, when He suffered that agony, He said to the thief, “This day shalt thou be with Me in Paradise” and unless our religion is a fraud and a farce, if it teaches anything, it is that man, though he may be a thief, may be rehabilitated, and enjoy a good character and the confidence of the people among whom he lives. And this man Dalton, according to the unimpeached testimony of these people who have known him in DeKalb and Fulton since he left that crowd back yonder where he was a boy and probably wild and did things that were wrong, they tell you that today he is a man of integrity, notwithstanding the fact that he is sometimes tempted to step aside with a woman who has fallen so low as Daisy Hopkins. Did we sustain him? By more witnesses by far than you brought here to impeach him, and by witnesses of this community, witnesses that you couldn't impeach to save your life. Did we sustain him? We not only sustained him by proof of general good character, but we sustained him by the evidence of this man, C. T. Maynard, an unimpeached and unimpeachable witness, who tells you, not when Newt Lee was there, during the three

weeks that Newt Lee was there, but that on a Saturday afternoon in June or July, 1912, he saw with his own eyes this man Dalton go into that pencil factory with a woman.

Corroboration of Conley? Of course, it's corroboration. The very fact, gentlemen of the jury, that these gentlemen conducting this case failed absolutely and ingloriously even to attempt to sustain this woman, Daisy Hopkins, is another corroboration of Conley.

But, ah! Mr. Rosser said he would give so much to know who it was that dressed this man Conley up,—this man about whom he fusses, having been put in the custody of the police force of the City of Atlanta. Why, if you had wanted to have known, and if you had used one-half the effort to ascertain that fact that you used when you sent somebody down yonder,—I forget the name of the man,—to Walton County to impeach this man, Dalton, you could have found it out. And I submit that the man that did it, whoever he was, the man who had the charity in his heart to dress that negro up, —the negro that he would dress in a shroud and send to his grave,—the man that did that, to bring him into the presence of this Court deserves not the condemnation, but the thanks of this jury.

Let's see what Mr. William Smith, a man employed to defend this negro Conley, set up in response to the rule issued by His Honor, Judge Roan, and let's see now if they are not all sufficient reasons why Conley should not have been delivered into the custody of the city police of Atlanta, though they are no better, but just as good as the sheriff of this county. "Respondent (Jim Conley, through his attorney) admits that he is now held in custody, under orders of this Court, at the police prison of the City of Atlanta, having been originally held in the prison of Fulton County, also under order of this Court, the cause of said commitment by this Court of respondent being the allegation that respondent is a material witness in the above case,—that of The State against Leo M. Frank—in behalf of The State, and it is desired to insure the presence of respondent at the trial of the above case." So he couldn't get away, in order to hold him. "Respondent admits that he is now at the city police prison at his own request and instance, and through the advice and counsel of his attorney. Respondent shows to the Court that the city police prison is so arranged and so officered that respondent is absolutely safe as to his physical welfare from any attack that might be made upon him; that he is so confined that his cell is a solitary one, there being no one else even located in the cell block with him; that the key to his cell block and the cell of respondent is always in the possession of a sworn, uniformed officer of the law; that under the instruction of Chief of Police Beavers, said sworn officers are not allowed to permit any one to approach."

Judge Roan did it,—no reflection on the sheriff, but with the friends of this man Frank pouring in there at all hours of the night, offering him sandwiches and whiskey and threatening his life, things that this sheriff, who is as good as the chief of police but no better, couldn't guard against because of the physical structure of the jail, Jim Conley asked, and His Honor granted the request, that he be remanded back into the custody of the honorable men who manage the police department of the City of Atlanta.

Mr. Rosser:

No, that's a mistake, that isn't correct, Your Honor discharged him from custody—he said that under that petition Your Honor sent him back to the custody where you had him before, and that isn't true, Your Honor discharged him, vacated the order, that's what you did.

Mr. Dorsey:

Here's an order committing him down there first — you are right about that, I'm glad you are right one time.

Mr. Rosser:

That's more than you have ever been.

Mr. Dorsey:

No matter what the outcome of the order may have been, the effect of the order passed by His Honor, Judge Roan, who presides in this case, was to remand him into the custody of the police of the City of Atlanta.

Mr. Rosser:

I dispute that; that isn't the effect of the order passed by His Honor, the effect of the order passed by His Honor was to turn him out, and they went through the farce of turning him out on the street and carrying him right back. That isn't the effect of Your Honor's judgment. In this sort of case, we ought to have the exact truth.

The Court:

This is what I concede to be the effect of that ruling: I passed this order upon the motion of State's counsel, first, is my recollection, and by consent of Conley's attorney —

Mr. Rosser:

I'm asking only for the effect of the last one.

The Court:

On motion of State's counsel, consented to by Conley's attorney, I passed the first order, that's my recollection. Afterwards, it came up on motion of the Solicitor General, I vacated both orders, committing him to the jail and also the order, don't you understand, transferring him; that left it as though I had never made an order, that's the effect of it.

Mr. Rosser:

Then the effect was that there was no order out at all?

The Court:

No order putting him anywhere.

Mr. Rosser:

Which had the effect of putting him out?

The Court:

Yes, that's the effect, that there was no order at all.

Mr. Dorsey:

First, there was an order committing him to the common jail of Fulton County; second, he was turned over to the custody of the police of the City of Atlanta, by an order of Judge L.S. Roan; third, he was released from anybody's custody, and except for the determination of the police force of the City of Atlanta, he would have been a liberated man, when he stepped into this Court to swear, or he would have been spirited out of the State of Georgia so his damaging evidence couldn't have been adduced against this man.

But yet you say Conley is impeached? You went thoroughly into this man Conley 's previous life. You found out every person for whom he had worked, and yet this lousy, disreputable negro is unimpeached by any man except somebody that's got a hand in the till of the National Pencil Company, unimpeached as to general bad character, except by the hirelings of the National Pencil Company. And yet you would have this jury, in order to turn this man loose, over-ride the facts of this case and say that Conley committed this murder, when all you have ever been able to dig up against him is disorderly conduct in the Police Court.

Is Conley sustained? Abundantly. Our proof of general bad character, the existence of such character as can reasonably be supposed to cause one to commit an act like we charge, our proof of general bad character, I say, sustains Jim Conley. Our proof of general bad character as to lasciviousness not even denied by a single witness, sustains Jim Conley. Your failure to cross-examine and develop the source of information of these girls put upon the stand by the State,—these “hare-brained fanatics,” as Mr. Arnold called them, without rhyme or reason, sustains Jim Conley. Your failure to cross-examine our character witnesses with reference to this man's character for lasciviousness sustains Jim Conley. His relations with Miss Rebecca Carson, the lady on the fourth floor, going into the ladies' dressing room even in broad daylight and during working hours, as sustained by Miss Kitchens. His relations with Miss Rebecca Carson, who is shown to have gone into the ladies' dressing room, even in broad daylight and during work hours, by witnesses whose names I can't call right now, sustains Jim Conley. Your own witness, Miss Jackson, who says that this libertine and rake came, when these girls were in there reclining and lounging after they had finished their piece work, and tells of the sardonic grin that lit his countenance, sustains Jim Conley. Miss Kitchens, the

lady from the fourth floor, that, in spite of the repeated assertion made by Mr. Arnold, you didn't produce, and her account of this man's conduct when he came in there on these girls, whom he should have protected and when he should have been the last man to go in that room, sustains Jim Conley; and Miss Jackson's assertion that she heard of three or four other instances and that complaint was made to the foreladies in charge, sustains Jim Conley. Darley and Mattie Smith, as to what they did even on the morning of Saturday, April 26th, even going into the minutest details, sustain Jim Conley. McCrary, the old negro that you praised so highly, the man that keeps his till filled by money paid by the National Pencil Company, as to where he put his stack of hay and the time of day he drew his pay, sustains Jim Conley. Monteen Stover, as to the easy-walking shoes she wore when she went up into this man's Frank's room, at the very minute he was back there in the metal department with this poor little unfortunate girl, sustains Jim Conley. Monteen Stover, when she tells you that she found nobody in that office, sustains Jim Conley, when he says that he heard little Mary Phagan go into the office, heard the footsteps of the two as they went to the rear, he heard the scream and he saw the dead body because Monteen says there was nobody in the office, and Jim says she went up immediately after Mary had gone to the rear. Lemmie Quinn, your own dear Lemmie,— as to the time he went up and went down into the streets with the evidence of Mrs. Freeman and Hall, sustains Jim Conley. Frank's statement that he would consult his attorneys about Quinn's statement that he had visited him in his office sustains Jim Conley. Dalton, sustained as to his life for the last ten years, here in this community and in DeKalb, when he stated that he had seen Jim watching before on Saturdays and holidays, sustains Jim Conley. Daisy Hopkins' awful reputation and the statement of Jim, that he had seen her go into that factory with Dalton, and down that scuttle hole to the place where that cot is shown to have been, sustains Jim Conley. The blood on the second floor, testified to by numerous witnesses, sustains Jim Conley. The appearance of the blood, the physical conditions of the floor when the blood was found Monday morning, sustains Jim Conley. The testimony of Holloway, which he gave in the affidavit before he appreciated the importance, coupled with the statement of Boots Rogers that that elevator box was unlocked, sustains Jim Conley. Ivey Jones, the man who says he met him in close proximity to the pencil factory on the day this murder was committed, the time he says he left that place, sustains Jim Conley. Albert McKnight, who testified as to the length of time that this man Frank remained at home, and the fact that he hurried back to the factory, sustains Jim Conley. The repudiated affidavit, made to the police, in the presence of Craven and Pickett, of Minola McKnight, the affidavit which George Gordon, the lawyer, with the knowledge that he could get a habeas corpus and take her within thirty minutes out of the custody of the police, but which he sat there and allowed her to make,. sustains Jim Conley. The use of that cord, found in abundance, to choke this girl to death, sustains Jim Conley. The existence of the notes alone sustains Jim Conley, because no negro ever in the history of the race, after having perpetrated rape or robbery, ever wrote a note to cover up the crime. The note paper on which it is written, paper found in abundance on the office floor and near the office of this man Frank, sustains Jim Conley. The diction of the notes, "this negro did this," and old Jim throughout his statement says "I done," sustains Jim Conley.

Mr. Rosser:

I have looked the record up, and Jim Conley says. "I did it" time and time again. He said "I disremember whether I did or didn't," he says "I did it"—

Mr. Dorsey:

They would have to prove that record before I would believe it.

Mr. Rosser:

He says time and time again "I disremember whether I did or not"; he says "I did it," page after page, sometimes three times on a page. I've got the record, too. Of course, if the Almighty God was to say it you would deny it.

Mr. Dorsey:

Who reported it?

Mr. Rosser:

Pages 496, (Mr. Rosser here read a list of page numbers containing the statement referred to.)

Mr. Arnold:

I want to read the first one before he caught himself, on page 946, I want to read the statement —

Mr. Dorsey:

Who reported it, that's what I want to know.

Mr. Arnold:

This is the official report and it's the correct report, taken down by the official stenographer, and he said, "Now when the lady comes I'll stamp like I did before," "I says all right, I'll do just as you say and I did."

Mr. Dorsey:

He's quoting Frank here, "and he says now when the lady comes I'll stamp like I did."

Mr. Arnold:

"I says all right, I'll do just as you say, and I did as he said." He has got it both ways, "I did it," and "I done it," you can find it both ways.

Mr. Dorsey:

The jury heard that examination and the cross-examination of Jim Conley, and every time it was put to him he says "I done it."

Mr. Rosser:

And I assert that's not true, the stenographer took it down and he took it down correctly.

Mr. Dorsey:

I'm not bound by his stenographer.

Mr. Rosser:

I know, you are not bound by any rule of right in the universe.

The Court:

If there's any dispute about the correctness of this report, I will have the stenographer to come here.

Mr. Parry:

I reported 1 to 31 myself, and I think I can make a statement that will satisfy Mr. Dorsey: The shorthand character for "did" is very different from "done," there's no reason for a reporter confusing those two. Now, at the bottom of this page—I see I reported it myself, and that was what he said, quoting "All right, I'll do just as you say and I did as he said." Now, as I say, my characters for "did" and "done" are very different and shouldn't be confused—no reason for their being confused.

The Court:

Well, is that reported or not correctly?

Mr. Parry:

That was taken as he said it and written out as he said it.

Mr. Dorsey:

Let it go, then, I'll trust the jury on it.

Maybe he did, in certain instances, say that he did so and so, but you said in your argument that if there is anything in the world a negro will do, it is to pick up the language of the man for whom he works; and while I'll assert that there are some

instances you can pick out in which he used that word, that there are other instances you might pick showing that he used that word "I done" and they know it. All right, leave the language, take the context.

These notes say, as I suggested the other day, that she was assaulted as she went to make water. And the only closet known to Mary, and the only one that she would ever have used is the closet on the office floor, where Conley says he found the body, and her body was found right on the route that Frank would pursue from his office to that closet, right on back also to the metal room. The fact that this note states that a negro did it by himself, shows a conscious effort on the part of somebody to exclude and limit the crime to one man, and this fact sustains Conley. Frank even, in his statement sustains him, as to his time of arrival Saturday morning at the factory, as to the time of the visit to Montags, as to the folder which Conley says Frank had in his hands, and Frank in his statement says that he had the folder.

Conley is sustained by another thing: This man Harry White, according to your statement got \$2.00. Where is the paper, where is the entry on any book showing that Frank ever entered it up on that Saturday afternoon when he waited for Conley and his mind was occupied with the consideration of the problem as to what he should do with the body. Schiff waited until the next week and would have you believe there was some little slip that was put in a cash box showing that this \$2.00 was given White, and that slip was destroyed. Listen to this: "Arthur White borrowed \$2.00 from me in advance on his wages. When we spend, of course, we credit it; there was a time, when we paid out money we would write it down on the book and we found it was much better for us to keep a little voucher book and let each and every person sign for money they got." "Let each and every person sign for money they got," says Frank in his statement, "and we have not only this record, but this record on the receipt book." And notwithstanding that you kept a book and you found it better to keep this little voucher book and let each and every person sign for money they got, notwithstanding the fact that you say that you kept a book for express and kerosene and every other conceivable purpose for which money was appropriated, you fail and refuse, because you can't, produce the signature of White, or the entry in any book made by Frank showing that this man White ever got that money, except the entry made by this man Schiff some time during the week thereafter.

I tell you, gentlemen of the jury, that the reason that Frank didn't enter up, or didn't take the receipt from White about the payment of that money, was because his mind and conscience were on the crime that he had committed. This expert in bookkeeping, this Cornell graduate, this man who checks and re-checks the cash, you tell me that if things were normal that he would have given out to that man White this \$2.00 and not have taken a receipt, or not have made an entry himself on some book, going to show it? I tell you there's only one reason why he didn't do it.

He is sustained by the evidence in this case and the statement of Frank that he had relatives in Brooklyn. The time that Frank says that he left that factory sustains old Jim. When old Jim Conley was on the stand, Mr. Rosser put him through a good deal of questioning with reference to some fellow by the name of Mincey. Where is Mincey?

Echo answers “Where?” Either Mincey was a myth, or Mincey was such a diabolical perjurer that this man knew that it would nauseate the stomach of a decent jury to have him produced. Where is Mincey? And if you weren’t going to produce Mincey, why did you parade it here before this jury! The absence of Mincey is a powerful fact that goes to sustain Jim Conley, because if Mincey could have contradicted Jim Conley, or could have successfully fastened an admission on old Jim that he was connected in any way with this crime, depend upon it, you would have produced him if you had to comb the State of Georgia with a fine-tooth comb, from Rabun Gap to Tybee Light.

Gentlemen, every act of that defendant proclaims him guilty. Gentlemen, every word of that defendant proclaims him responsible for the death of this little factory girl. Gentlemen, every circumstances in this case proves him guilty of this crime. Extraordinary? Yes, but nevertheless true, just as true as Mary Phagan is dead.

She died a noble death, not a blot on her name. She died because she wouldn’t yield her virtue to the demands of her Superintendent. I have no purpose and have never had from the beginning in this case that you oughtn’t to have, as an honest, upright citizen of this community. In the language of Daniel Webster, I desire to remind you “that when a jury, through whimsical and unfounded scruples, suffers the guilty to escape, they make themselves answerable for the augmented danger to the innocent.”

Your Honor, I have done my duty. I have no apology to make. Your Honor, so far as the State is concerned, may now charge this jury,—this jury who have sworn that they were impartial and unbiased, this jury who, in this presence, have taken the oath that they would well and truly try the issue formed on this bill of indictment between the State of Georgia and Leo M. Frank, charged with the murder of Mary Phagan; and I predict, may it please Your Honor, that under the law that you give in charge and under the honest opinion of the jury of the evidence produced, there can be but one verdict, and that is: *We the jury find the defendant, Leo M. Frank, guilty! guilty! guilty!*

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

For further study we recommend the following resources:

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia’s Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

The *American Mercury* is following these events of 100 years ago, the month-long trial of Leo M. Frank for the brutal murder of Miss Mary Phagan, in capsule form on a regular basis on this, the 100th anniversary of the case. Follow along with us and experience the trial as Atlantans of a century ago did, and come to your own conclusions.

Read also the Mercury's coverage of [Week One of the Leo Frank trial](#), [Week Two](#), [Week Three](#) and [Week Four](#) and my exclusive [summary of the evidence against Frank](#).

A fearless scholar, dedicated to the truth about this case, has obtained, scanned, and uploaded every single relevant issue of the major Atlanta daily newspapers and they now can be accessed through archive.org as follows:

Atlanta Constitution Newspaper:

<http://archive.org/details/LeoFrankCaseInTheAtlantaConstitutionNewspaper1913To1915>

Atlanta Georgian Newspaper:

<http://archive.org/details/AtlantaGeorgianNewspaperAprilToAugust1913>

Atlanta Journal Newspaper:

<http://archive.org/details/AtlantaJournalApril281913toAugust311913>

More background on the case may be found in my article here at the *Mercury*, [100 Reasons Leo Frank Is Guilty](#).



Leo M. Frank

Leo Frank, who was the head of Atlanta's B'nai B'rith, a Jewish fraternal order, was [eventually convicted of the murder](#) and sentenced to hang. After a concerted and lavishly financed campaign by the American Jewish community, Frank's death sentence was commuted to life in prison by an outgoing governor. But he was snatched from his prison cell and hung by a lynching party consisting, in large part, of leading citizens outraged by the commutation order — and none of the lynchers were ever prosecuted or even indicted for their crime. One result of Frank's trial and death was the founding of the still-powerful Anti-Defamation League.

Today [Leo Frank's innocence](#), and his status as a victim of anti-Semitism, are almost taken for granted. But are these current attitudes based on the facts of the case, or are they based on a propaganda campaign that began 100 years ago? Let's look at the facts.

It has been proved beyond any shadow of doubt that [either Leo Frank or National Pencil Company sweeper Jim Conley](#) was the killer of Mary Phagan. Every other person who was in the building at the time has been fully accounted for. Those who believe Frank to be innocent say, without exception, that Jim Conley must have been the killer.



Jim Conley

On the 100th anniversary of the inexpressibly tragic death of this sweet and lovely girl, let us examine 100 reasons why the jury that tried him believed (and why we ought to believe, once we see the evidence) that Leo Max Frank strangled Mary Phagan to death — 100 reasons proving that Frank's supporters have used [multiple frauds and hoaxes](#) and have tampered with the evidence on a massive scale — 100 reasons proving that the main idea that Frank's modern defenders put forth, that Leo Frank was a victim of anti-Semitism, is the greatest hoax of all.

1. Only Leo Frank had the opportunity to be

alone with Mary Phagan, and he [admits he was alone with her](#) in his office when she came to get her pay — and in fact he was completely alone with her on the second floor. Had Jim Conley been the killer, he would have had to attack her practically right at the entrance to the building where he sat almost all day, where people were constantly coming and going and where several witnesses noticed Conley, with no assurance of even a moment of privacy.

2. Leo Frank had told Newt Lee, the pencil factory's night watchman, to come earlier than usual, at 4 PM, on the day of the murder. But Frank was extremely nervous when Lee arrived (the killing of Mary Phagan had occurred between three and four hours before and her body was still in the building) and [insisted that Lee leave](#) and come back in two hours.

3. When Lee then suggested he could sleep for a couple of hours on the premises — and there was a cot in the basement near the place where Lee would ultimately find the body — Frank refused to let him. Lee could also have slept in the packing room adjacent to Leo Frank's office. [But Frank insisted](#) that Lee had to leave and “have a good time” instead. This violated the corporate rule that once the night watchman entered the building, he could not leave until he handed over the keys to the day watchman. Newt Lee, though strongly suspected at first, was manifestly innocent and had no reason to lie, and had had good relations with Frank and no motive to hurt him.

4. When Lee returned at six, Frank was [even more nervous and agitated](#) than two hours earlier, according to Lee. He was so nervous, he could not operate the time clock properly, something he had done hundreds of times before. (Leo Frank officially started to work at the National Pencil Company on Monday morning, August 10, 1908. Twenty-two days later, on September 1, 1908, he was elevated to the position of superintendent of the company, and served in this capacity until he was arrested on Tuesday morning, April 29, 1913.)



Newt Lee

5. When Leo Frank came out of the building around six, he met not only Lee but [John Milton Gantt](#), a former employee who was a friend of Mary Phagan. Lee says that when Frank saw Gantt, he visibly “jumped back” and appeared very nervous when Gantt asked to go into the building to retrieve some shoes that he had left there. According to E.F. Holloway, J.M. Gantt had known Mary for a long time and was one of the only employees Mary Phagan spoke with at the factory. Gantt was the former paymaster of the firm. Frank had fired him three weeks earlier, allegedly because the payroll was short about \$1. Was Gantt's firing a case of the dragon getting rid of the prince to get the princess? Was

Frank jealous of Gantt's closeness with Mary Phagan? Unlike Frank, Gantt was tall with bright blue eyes and handsome features.



J.M. Gantt

6. After Frank returned home in the evening after the murder, he called Newt Lee on the telephone and asked him if everything was “all right” at the factory, [something he had never done before](#). A few hours later Lee would discover the mutilated body of Mary Phagan in the pencil factory basement.

7. When police finally reached Frank after the body of Mary Phagan had been found, Frank *emphatically* [denied knowing the murdered girl by name](#), even though he had seen her probably hundreds of times — he had to pass by her work station, where she had worked for a year, every time he inspected the workers’ area on the second floor and every time he went to the bathroom — and he had filled out her pay slip personally on approximately 52 occasions, marking it with her initials “M. P.” Witnesses also testified that Frank had spoken to Mary Phagan on

multiple occasions, even getting a little too close for comfort at times, putting his hand on her shoulder and calling her “Mary.”

8. When police accompanied Frank to the factory on the morning after the murder, Frank [was so nervous](#) and shaking so badly he could not even perform simple tasks like unlocking a door.

9. Early in the investigation, Leo Frank told police that he knew that J.M. Gantt had been “intimate” with Mary Phagan, immediately making Gantt a suspect. [Gantt was arrested and interrogated](#). But how could Frank have known such a thing about a girl *he didn’t even know by name*?

10. Also early in the investigation, while both Leo Frank and Newt Lee were being held and some suspicion was still directed at Lee, a [bloody shirt](#) was “discovered” in a barrel at Lee’s home. Investigators became suspicious when it was proved that the blood marks on the shirt had been made by wiping it, unworn, in the liquid. The shirt had no trace of body odor and the blood had fully soaked even the armpit area, even though only a small

quantity of blood was found at the crime scene. This was the first sign that money was being used to procure illegal acts and interfere in the case in such a way as to direct suspicion away from Leo M. Frank. This became a virtual certainty when Lee was definitely cleared.



A few members of Mary Phagan's family; originally published in the Atlanta Georgian

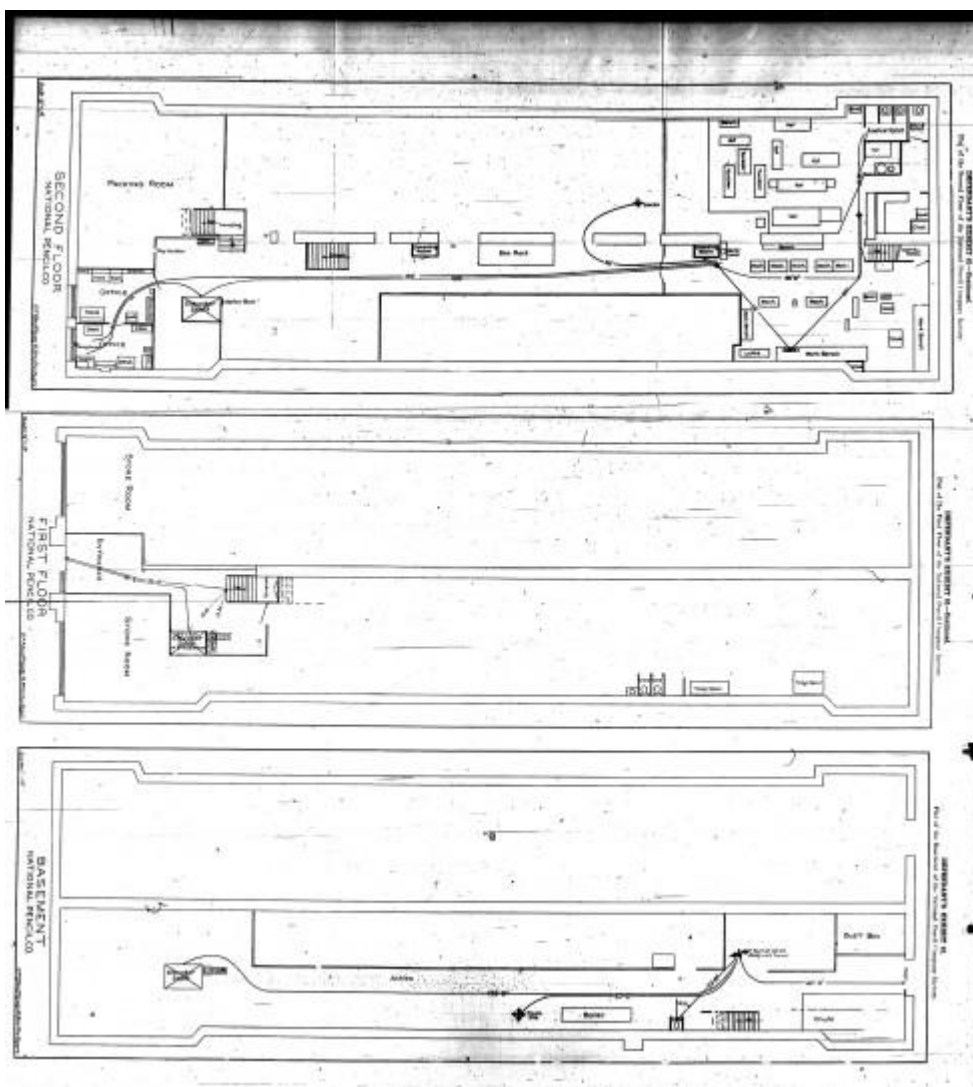


Mary Phagan and her aunt, Mattie Phagan

100 Reasons Leo Frank Is Guilty

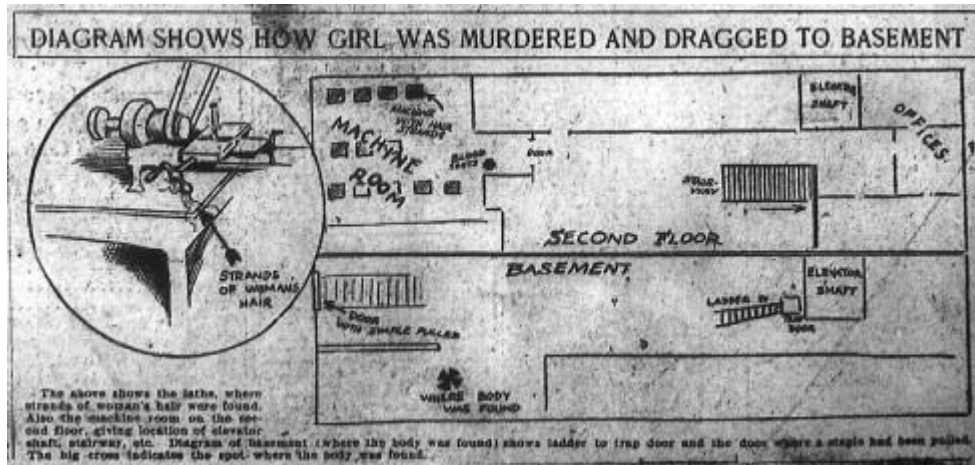
11. Leo Frank claimed that he was in his office continuously from noon to 12:35 on the day of the murder, but a witness friendly to Frank, 14-year-old Monteen Stover, said Frank's office was totally empty from 12:05 to 12:10 while she waited for him there before giving up and leaving. This was approximately the same time as Mary Phagan's visit to Frank's office and the time she was murdered. On Sunday, April 27, 1913, Leo Frank told police that Mary Phagan came into his office at 12:03 PM. The next day, Frank made a deposition to the police, with his lawyers present, in which he said he was alone with Mary Phagan in his office [between 12:05 and 12:10](#). Frank would later change his story again, stating on the stand that Mary Phagan came into his office a full five minutes later than that.

12. Leo Frank contradicted his own testimony when he finally admitted on the stand that he had [possibly "unconsciously" gone to the Metal Room bathroom](#) between 12:05 and 12:10 PM on the day of the murder.

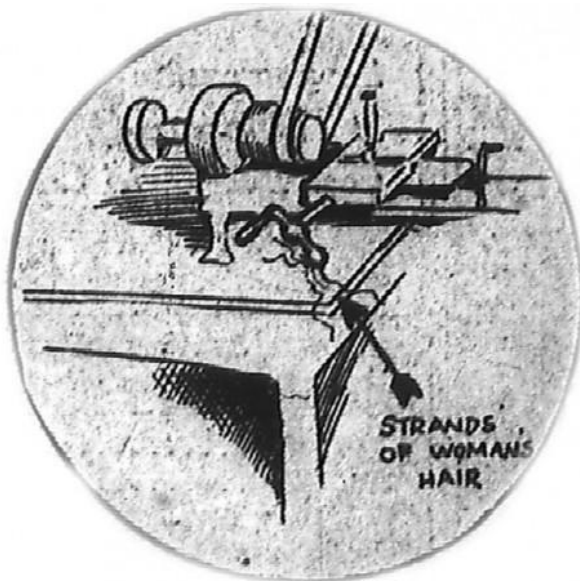


Floor plan of the National Pencil Company – click for high resolution

13. The Metal Room, which Frank finally admitted at trial he might have “unconsciously” visited at the approximate time of the killing (and where no one else except Mary Phagan could be placed by investigators), was the room in which the prosecution said the murder occurred. It was also where investigators had found spots of blood, and some [blondish hair twisted on a lathe handle](#) — where there had definitely been no hair the day before. (When R.P. Barret left work on Friday evening at 6:00 PM, he had left a piece of work in his machine that he intended to finish on Monday morning at 6:30 AM. It was then he found the hair — with dried blood on it — on his lathe. How did it get there over the weekend, if the factory was closed for the holiday? Several co-workers testified the hair resembled Mary Phagan’s. Nearby, on the floor adjacent to the Metal Room’s bathroom door, was a five-inch-wide fan-shaped blood stain.)



The Metal Room, where the blood spots and hair were found; and the basement of the National Pencil Company, where Mary Phagan's strangled and dragged body was found

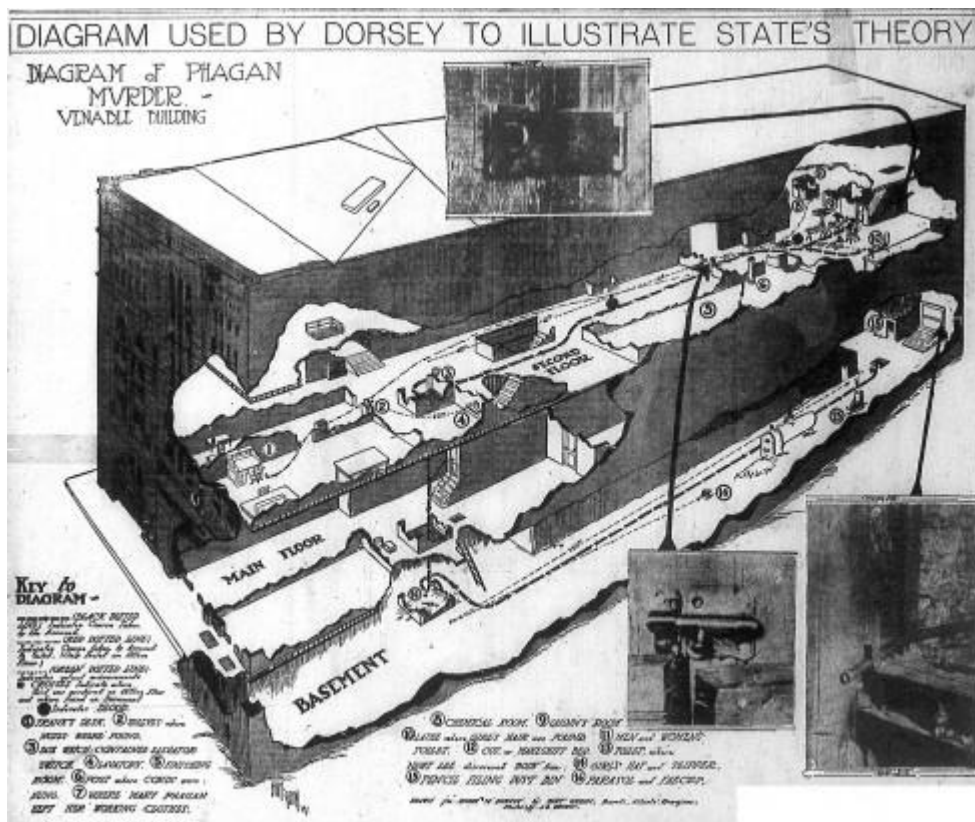


Closeup of the artist's representation of the hair found on the lathe handle

100 Reasons Leo Frank Is Guilty

14. In his [initial statement to authorities](#), Leo Frank stated that after Mary Phagan picked up her pay in his office, “She went out through the outer office and I heard her talking with another girl.” This “other girl” never existed. Every person known to be in the building was extensively investigated and interviewed, and no girl spoke to Mary Phagan nor met her at that time. Monteen Stover was the only other girl there, and she saw only an empty office. Stover was friendly with Leo Frank, and in fact was a positive character witness for him. She had no reason to lie. But Leo Frank evidently did. (*Atlanta Georgian*, April 28, 1913)

15. In an interview shortly after the discovery of the murder, [Leo Frank stated](#) “I have been in the habit of calling up the night watchman to keep a check on him, and at 7 o’clock called Newt.” But Newt Lee, who had no motive to hurt his boss (in fact quite the opposite) firmly maintained that in his three weeks of working as the factory’s night watchman, Frank had never before made such a call. (*Atlanta Georgian*, April 28, 1913)



and crime scene — who was fully aware that evidence might thereby be destroyed — and who allowed it to happen. (*Atlanta Georgian*, April 29, 1913)

17. Although Leo Frank made a public show of support for Newt Lee, stating Lee was not guilty of the murder, behind the scenes he was saying quite different things. In its issue of April 29, 1913, the *Atlanta Georgian* published an article titled “[Suspicion Lifts from Frank](#),” in which it was stated that the police were increasingly of the opinion that Newt Lee was the murderer, and that “additional clues furnished by the head of the pencil factory [Frank] were responsible for closing the net around the negro watchman.” The discovery that the bloody shirt found at Lee’s home was planted, along with other factors such as Lee’s unshakable testimony, would soon change their views, however.

18. One of the “clues” provided by Frank was his claim that Newt Lee [had not punched the company’s time clock properly](#), evidently missing several of his rounds and giving him time to kill Mary Phagan and return home to hide the bloody shirt. But that directly contradicted Frank’s initial statement the morning after the murder that Lee’s time slip was complete and proper in every way. Why the change? The attempt to frame Lee would eventually crumble, especially after it was discovered that Mary Phagan died shortly after noon, four hours before Newt Lee’s first arrival at the factory.

19. Almost immediately after the murder, pro-Frank partisans with the National Pencil Company hired the Pinkerton detective agency to investigate the crime. But even the Pinkertons, being paid by Frank’s supporters, eventually were [forced to come to the conclusion](#) that Frank was the guilty man. (The Pinkertons were hired by Sigmund Montag of the National Company at the behest of Leo Frank, with the understanding that they were to “ferret out the murderer, no matter who he was.” After Leo Frank was convicted, Harry Scott and the Pinkertons were stiffed out of an investigation bill totaling some \$1300 for their investigative work that had indeed helped to “ferret out the murderer, no matter who he was.” The Pinkertons had to sue to win their wages and expenses in court, but were never able to fully collect. Mary Phagan’s mother also took the National Pencil Company to court for wrongful death, and the case settled out of court. She also was never able to fully collect the settlement. These are some of the unwritten injustices of the Leo Frank case, in which hard-working and incorruptible detectives were stiffed out of their money for *being* incorruptible, and a mother was cheated of her daughter’s life and then cheated out of her rightful settlement as well.) (*Atlanta Georgian*, May 26, 1913, “Pinkerton Man says Frank Is Guilty – Pencil Factory Owners Told Him Not to Shield Superintendent, Scott Declares”)

20. That is not to say that there were not factions within the Pinkertons, though. One faction was not averse to planting false evidence. A Pinkerton agent named W.D. McWorth — three weeks after the entire factory had been meticulously examined by police and Pinkerton men — [miraculously “discovered” a bloody club](#), a piece of cord like that used to strangle Mary Phagan, and an alleged piece of Mary Phagan’s pay envelope on the first floor of the factory, near where the factory’s Black sweeper, Jim Conley, had been sitting on the fatal day. This was the beginning of the attempt to place guilt for the killing on Conley, an effort which still continues 100 years later. The “discovery” was so

obviously and patently false that it was greeted with disbelief by almost everyone, and McWorth was pulled off the investigation and eventually discharged by the Pinkerton agency.

PINKERTON MAN WHO TESTIFIES FOR FRANK

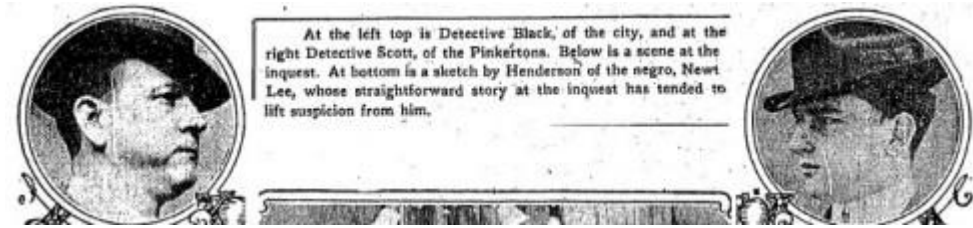


W. D. McWorth, Pinkerton man, who will testify to finding bludgeon and part of a pay envelope behind radiator on first floor of factory. The defense will offer the "finds" to the jury without making any great claims for their importance or genuineness.

W.D. McWorth

21. It also came out that McWorth had made his "finds" while chief Pinkerton investigator Harry Scott was out of town. Most interestingly, and contrary to Scott's direct orders, McWorth's "discoveries" were reported immediately to Frank's defense team, *but not at all to the police*. A year later, [McWorth surfaced once more](#), now as a Burns agency operative, a firm which was by then openly working in the interests of Frank. One must ask: Who would pay for such obstruction of justice? — and why? (Frey, *The Silent and the Damned*, page 46; *Indianapolis Star*, May 28, 1914; *The Frank Case*, Atlanta Publishing Co., p. 65)

100 Reasons Leo Frank Is Guilty



City Detective Black, left; and Pinkerton investigator Harry Scott, right

22. Jim Conley told police two obviously false narratives before finally [breaking down and admitting](#) that he was an accessory to Leo Frank in moving of the body of Mary Phagan and in authoring, at Frank's direction, the "death notes" found near the body in the basement. These notes, ostensibly from Mary Phagan but written in semi-literate Southern black dialect, seemed to point to the night watchman as the killer. To a rapt audience of investigators and factory officials, Conley re-enacted his and Frank's conversations and movements on the day of the killing. Investigators, and even some observers who were very skeptical at first, felt that Conley's detailed narrative had the ring of truth.

23. At trial, the leading — and most expensive — criminal defense lawyers in the state of Georgia could not trip up Jim Conley or [shake him from his story](#).

24. Conley stated that Leo Frank sometimes employed him to watch the entrance to the factory while Frank "chatted" with teenage girl employees upstairs. Conley said that Frank admitted that he had accidentally killed Mary Phagan when she resisted his advances, and sought his help in the hiding of the body and in writing the black-dialect "death notes" that attempted to [throw suspicion on the night watchman](#). Conley said he was supposed to come back later to burn Mary Phagan's body in return for \$200, but fell asleep and did not return.

25. [Blood spots were found](#) exactly where Conley said that Mary Phagan's lifeless body was found by him in the second floor metal room.

26. Hair that looked like Mary Phagan's was [found on a Metal Room lathe](#) immediately next to where Conley said he found her body, where she had apparently fallen after her altercation with Leo Frank.

27. Blood spots were found *exactly* where Conley says [he dropped Mary Phagan's body](#) while trying to move it. Conley could not have known this. If he was making up his story, this is a coincidence too fantastic to be accepted.

28. A piece of Mary Phagan's lacy underwear was looped around her neck, apparently in a clumsy attempt to hide the [deeply indented marks of the rope](#) which was used to strangle her. *No murderer could possibly believe that detectives would be fooled for an instant by such a deception.* But a murderer who needed another man's help for a few

minutes in disposing of a body might indeed believe it would serve to briefly conceal the real nature of the crime from his assistant, perhaps being mistaken for a lace collar.



Mary Phagan autopsy photograph

29. If Conley was the killer — and it [had to be Conley or Frank](#) — he moved the body of Mary Phagan by himself. The lacy loop around Mary Phagan's neck would serve absolutely no purpose in such a scenario.

30. The [dragging marks on the basement floor](#), leading to where Mary Phagan's body was dumped near the furnace, began at the elevator — exactly matching Jim Conley's version of events.

31. Much has been made of Conley's admission that he defecated in the elevator shaft on Saturday morning, and the idea that, because the detectives crushed the feces for the first time when they rode down in the elevator the next day, Conley's story that he and Frank used the elevator to bring Mary Phagan's body to the basement on Saturday afternoon could not be true — thus bringing Conley's entire story into question. But how could anyone determine with certainty that the "crushing" was the "first crushing"? And nowhere in the voluminous records of the case — including [Governor Slaton's commutation order](#) in which he details his supposed tests of the elevator — can we find evidence that anyone made even the most elementary inquiry into whether or not the bottom surface of the elevator car was uniformly flat.

32. Furthermore, the so-called "shit in the shaft" theory of Frank's innocence also breaks down when we consider the fact that detectives inspected the floor of the elevator shaft *before* riding down in the elevator, and found in it Mary Phagan's parasol and a [large](#)

[quantity of trash and debris](#). Detective R.M. Lassiter stated at the inquest into Mary Phagan's death, in answer to the question "Is the bottom of the elevator shaft of concrete or wood, or what?" that "I don't know. It was full of trash and I couldn't see." There was so much trash there, the investigator *couldn't even tell what the floor of the shaft was made of*! There may well have been enough trash, and arranged in such a way, to have prevented the crushing of the waste material when Frank and Conley used the elevator to transport Mary Phagan's body to the basement. In digging through this trash, detectives could easily have moved it enough to permit the crushing of the feces the next time the elevator was run down.

33. The defense's theory of Conley's guilt involves Conley alone bringing Mary Phagan's body to the basement down the scuttle hole ladder, not the elevator. [But Lassiter was insistent](#) that the dragging marks did not begin at the ladder, stating at the inquest: "No, sir; the dragging signs went past the foot of the ladder. I saw them between the elevator and the ladder." Why would Conley pointlessly drag the body backwards toward the elevator, when his goal was the furnace? Why were there no signs of his turning around if he had done so? If Mary Phagan's body could leave dragging marks on the irregular and dirty surface of the basement, why were there no marks of a heavy body being dumped down the scuttle hole as the defense alleged Conley to have done? Why did Mary Phagan's body not have the multiple bruises it would have to have incurred from being hurled 14 feet down the scuttle hole to the basement floor below?

34. Leo Frank [changed the time](#) at which he said Mary Phagan came to collect her pay. He initially said that it was 12:03, then said that it might have been "12:05 to 12:10, maybe 12:07." But at the inquest he moved his estimates a full five minutes later: "Q: What time did she come in? A: I don't know exactly; it was 12:10 or 12:15. Q: How do you fix the time that she came in as 12:10 or 12:15? A: Because the other people left at 12 and I judged it to be ten or fifteen minutes later when she came in." He seems to have no solid basis for his new estimate, so why change it by five minutes, or at all?

35. Pinkerton detective Harry Scott, who was employed by Leo Frank to investigate the murder, testified that he was asked by Frank's defense team to [withhold from the police](#) any evidence his agency might find until after giving it to Frank's lawyers. Scott refused.

36. Newt Lee, who was proved absolutely innocent, and who never tried to implicate anyone including Leo Frank, says Frank reacted with horror when Lee suggested that Mary Phagan might have been killed during the day, and not at night as was commonly believed early in the investigation. The daytime was exactly when Frank was at the factory, and Lee wasn't. Here Detective Harry Scott testifies as to part of the conversation that ensued when Leo Frank and Newt Lee were [purposely brought together](#): "Q: What did Lee say? A: Lee says that Frank didn't want to talk about the murder. Lee says he told Frank he knew the murder was committed in daytime, and Frank hung his head and said 'Let's don't talk about that!'" (*Atlanta Georgian*, May 8, 1913, "Lee Repeats His Private Conversation With Frank")

37. When Newt Lee was questioned at the inquest about this [arranged conversation](#), he confirms that Frank didn't want to continue the conversation when Lee stated that the killing couldn't possibly have happened during his evening and nighttime watch: "Q: Tell the jury of your conversation with Frank in private. A: I was in the room and he came in. I said, Mr. Frank, it is mighty hard to be sitting here handcuffed. He said he thought I was innocent, and I said I didn't know anything except finding the body. 'Yes,' Mr. Frank said, 'and you keep that up we will both go to hell!' I told him that if she had been killed in the basement I would have known it, and he said, 'Don't let's talk about that — let that go!'" (*Atlanta Georgian*, May 8, 1913, "Lee Repeats His Private Conversation With Frank")

38. Former County Policeman Boots Rogers, who drove the officers to Frank's home and then took them all, including Frank, back to the factory on the morning of April 27, said Frank was so nervous that he was hoarse — even [before being told of the murder](#). (*Atlanta Georgian*, May 8, 1913, "Rogers Tells What Police Found at the Factory")



Boots Rogers

39. Rogers also states that he personally inspected Newt Lee's time slip — the one that Leo Frank at first said had no misses, but later claimed the reverse. The [Atlanta Georgian on May 8](#) reported what Rogers saw: "Rogers said he looked at the slip and the first punch was at 6:30 and last at 2:30. There were no misses, he said." Frank, unfortunately, was allowed to take the slip and put it in his desk. Later a slip with several punches missing would turn up. How can this be reconciled with the behavior of an innocent man?

40. The curious series of events surrounding Lee's time slip is totally inconsistent with theory of a police "frame-up" of Leo Frank. At the time these events occurred, suspicion was [strongly directed at Lee](#), and not at Frank.

41. When [Leo Frank accompanied the officers to the police station](#) later on during the day after the murder, Rogers stated that Leo Frank was literally so nervous that his hands were visibly shaking.

42. Factory Foreman Lemmie Quinn would eventually testify for the defense that Leo Frank was calmly sitting in his office at 12:20, a few minutes after the murder probably occurred. As to [whether this visit really happened](#), there is some question. Quinn says he came to visit Schiff, Frank's personal assistant, who wasn't there — was he even expected to be there on a Saturday and holiday? — and stayed only two minutes or so talking to Frank in the office. Frank at first said there was no such visit, and only remembered it days later when Quinn "refreshed his memory."

43. As reported by the [Atlanta Georgian](#), City detective John Black said *even Quinn* initially denied that there was such a visit! "Q: What did Mr. Quinn say to you about his trip to the factory Saturday? A: Mr. Quinn said he was not at the factory on the day of the murder. Q: How many times did he say it? A: Two or three times. I heard him tell Detective Starnes that he had not been there." (*Atlanta Georgian*, May 8, 1913, "Black Testifies Quinn Denied Visiting Factory")

44. [Several young women and girls testified](#) at the inquest that Frank had made improper advances toward them, in one instance touching a girl's breast and in another appearing to offer money for compliance with his desires. The *Atlanta Georgian* reported: "Girls and women were called to the stand to testify that they had been employed at the factory or had had occasion to go there, and that Frank had attempted familiarities with them. Nellie Pettis, of 9 Oliver Street, declared that Frank had made improper advances to her. She was asked if she had ever been employed at the pencil factory. No, she answered. Q: Do you know Leo Frank? A: I have seen him once or twice. Q: When and where did you see him? A: In his office at the factory whenever I went to draw my sister-in-law's pay. Q: What did he say to you that might have been improper on any of these visits? A: He didn't exactly say — he made gestures. I went to get sister's pay about four weeks ago and when I went into the office of Mr. Frank I asked for her. He told me I couldn't see her unless 'I saw him first.' I told him I didn't want to 'see him.' He pulled a box from his desk. It had a lot of money in it. He looked at it significantly and then looked at me. When he looked at me, he winked. As he winked he said: 'How about it?' I instantly told

him I was a nice girl. Here the witness stopped her statement. Coroner Donehoo asked her sharply: ‘Didn’t you say anything else?’ ‘Yes, I did! I told him to go to h—l! and walked out of his office.’” (*Atlanta Georgian*, May 9, 1913, “Phagan Case to be Rushed to Grand Jury by Dorsey”)

45. In the same article, another young girl testified to [Frank’s pattern of improper familiarities](#): “Nellie Wood, a young girl, testified as follows: Q: Do you know Leo Frank? A: I worked for him two days. Q: Did you observe any misconduct on his part? A: Well, his actions didn’t suit me. He’d come around and put his hands on me when such conduct was entirely uncalled for. Q: Is that all he did? A: No. He asked me one day to come into his office, saying that he wanted to talk to me. He tried to close the door but I wouldn’t let him. He got too familiar by getting so close to me. He also put his hands on me. Q: Where did he put his hands? He barely touched my breast. He was subtle in his approaches, and tried to pretend that he was joking. But I was too wary for such as that. Q: Did he try further familiarities? A: Yes.”

46. In May, around the time of disgraced Pinkerton detective McWorth’s attempt to plant fake evidence — which caused McWorth’s dismissal from the Pinkerton agency — attorney [Thomas Felder made his loud but mysterious appearance](#). “Colonel” Felder, as he was known, was soliciting donations to bring yet another private detective agency into the case — Pinkerton’s great rival, the William Burns agency. Felder claimed to be representing neighbors, friends, and family members of Mary Phagan. But Mary Phagan’s stepfather, J.W. Coleman, was so angered by this misrepresentation that he made an affidavit denying there was any connection between him and Felder. It was widely believed that Felder and Burns were secretly retained by Frank supporters. The most logical interpretation of these events is that, having largely failed in getting the Pinkerton agency to perform corrupt acts on behalf of Frank, Frank’s supporters decided to covertly bring another, and hopefully more “cooperative,” agency into the case. Felder and his “unselfish” efforts were their cover. Felder’s representations were seen as deception by many, which led more and more people to question Frank’s innocence. (*Atlanta Georgian*, May 15, 1913, “Burns Investigator Will Probe Slaying”)



“Colonel” Thomas Felder

47. [Felder’s efforts collapsed](#) when A.S. Colyar, a secret agent of the police, used a dictograph to secretly record Felder offering to pay \$1,000 for the original Coleman affidavit and for copies of the confidential police files on the Mary Phagan case. C.W. Tobie, the Burns detective brought into the case by Felder, was reportedly present. Colyar stated that after this meeting “I left the Piedmont Hotel at 10:55 a.m. and Tobie went from thence to Felder’s office, as he informed me, to meet a committee of citizens, among whom were Mr. Hirsch, Mr. Myers, Mr. Greenstein and several other prominent Jews in this city.” (*Atlanta Georgian*, May 21, 1913, “T.B. Felder Repudiates Report of Activity for Frank”)

48. Felder then [lashed out wildly](#), vehemently denied working for Frank’s friends, and declared that he thought Frank guilty. He even made the bizarre

claim, impossible for anyone to believe, that *the police were shielding Frank*. It was observed of Felder that “when one’s reputation is near zero, one might want to attach oneself to the side one wants to harm in an effort to drag them down as you fall.” (*Atlanta Georgian*, May 21, 1913, “T.B. Felder Repudiates Report of Activity for Frank”)

49. Interestingly, C.W. Tobie, the Burns man, also made a statement shortly afterward — when his firm initially withdrew from the case — that he had [come to believe in Frank’s guilt also](#): “It is being insinuated by certain forces that we are striving to shield Frank. That is absurd. From what I developed in my investigation I am convinced that Frank is the guilty man.” (*Atlanta Constitution*, May 27, 1913, “Burns Agency Quits the Phagan case”)

50. As [his efforts crashed to Earth](#), Felder made this statement to an *Atlanta Constitution* reporter: “Is it not passing strange that the city detective department, whose wages are paid by the taxpayers of this city, should ‘hob-nob’ daily with the Pinkerton Detective Agency, an agency confessedly employed in this investigation to work in behalf of Leo Frank; that they would take this agency into their daily and hourly conference and repose in it their confidence, and co-operate with it in every way possible, and withhold their co-operation from W.J. Burns and his able assistants, who are engaged by the public and

for the public in ferreting out this crime.” But what Felder failed to mention was that the Pinkertons’ main agent in Atlanta, Harry Scott, had proved that he could not be corrupted by the National Pencil Company’s money, so it is reasonable to conclude that the well-heeled pro-Frank forces would search elsewhere for help. The famous William Burns agency was really the only logical choice. To think that Felder and “Mary Phagan’s neighbors” were selflessly employing Burns is naive in the extreme: It means that Frank’s wealthy friends would just sit on their money and stick with the not at all helpful Pinkertons, who had just fired the only agent who tried to “help” Frank. (*Atlanta Constitution*, May 25, 1913, “Thomas Felder Brands the Charges of Bribery Diabolical Conspiracy”)

51. Colyar, the man who exposed Felder, also stated that [Frank’s friends were spreading money around](#) to get witnesses to leave town or make false affidavits. The *Atlanta Georgian* commented on Felder’s antics as he exited the stage: “It is regarded as certain that Felder is eliminated entirely from the Phagan case. It had been believed that he really was in the employ of the Frank defense up to the time that he began to bombard the public with statements against Frank and went on record in saying he believed in the guilt of Frank.” (*Atlanta Georgian*, May 26, 1913, “Lay Bribery Effort to Frank’s Friends”)

52. When Jim Conley [finally admitted he wrote the death notes](#) found near Mary Phagan’s body, Leo Frank’s reaction was powerful: “Leo M. Frank was confronted in his cell by the startling confession of the negro sweeper, James Connally [sic]. ‘What have you to say to this?’ demanded a *Georgian* reporter. Frank, as soon as he had gained the import of what the negro had told, jumped back in his cell and refused to say a word. His hands moved nervously and his face twitched as though he were on the verge of a breakdown, but he absolutely declined to deny the truth of the negro’s statement or make any sort of comment upon it. His only answer to the repeated questions that were shot at him was a negative shaking of the head, or the simple, ‘I have nothing to say.’” (*Atlanta Georgian*, May 26, 1913, “Negro Sweeper Says He Wrote Phagan Notes”)

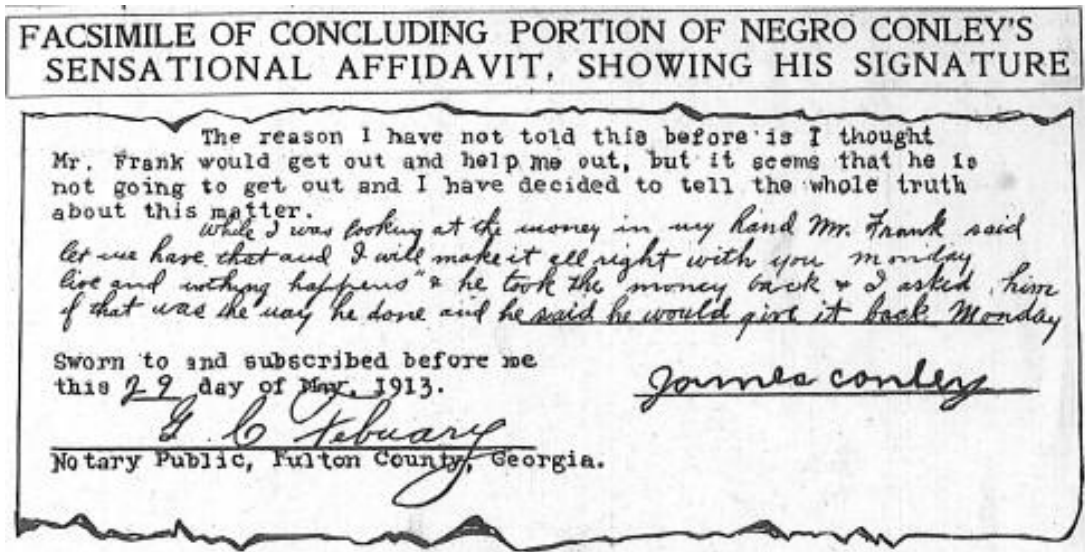
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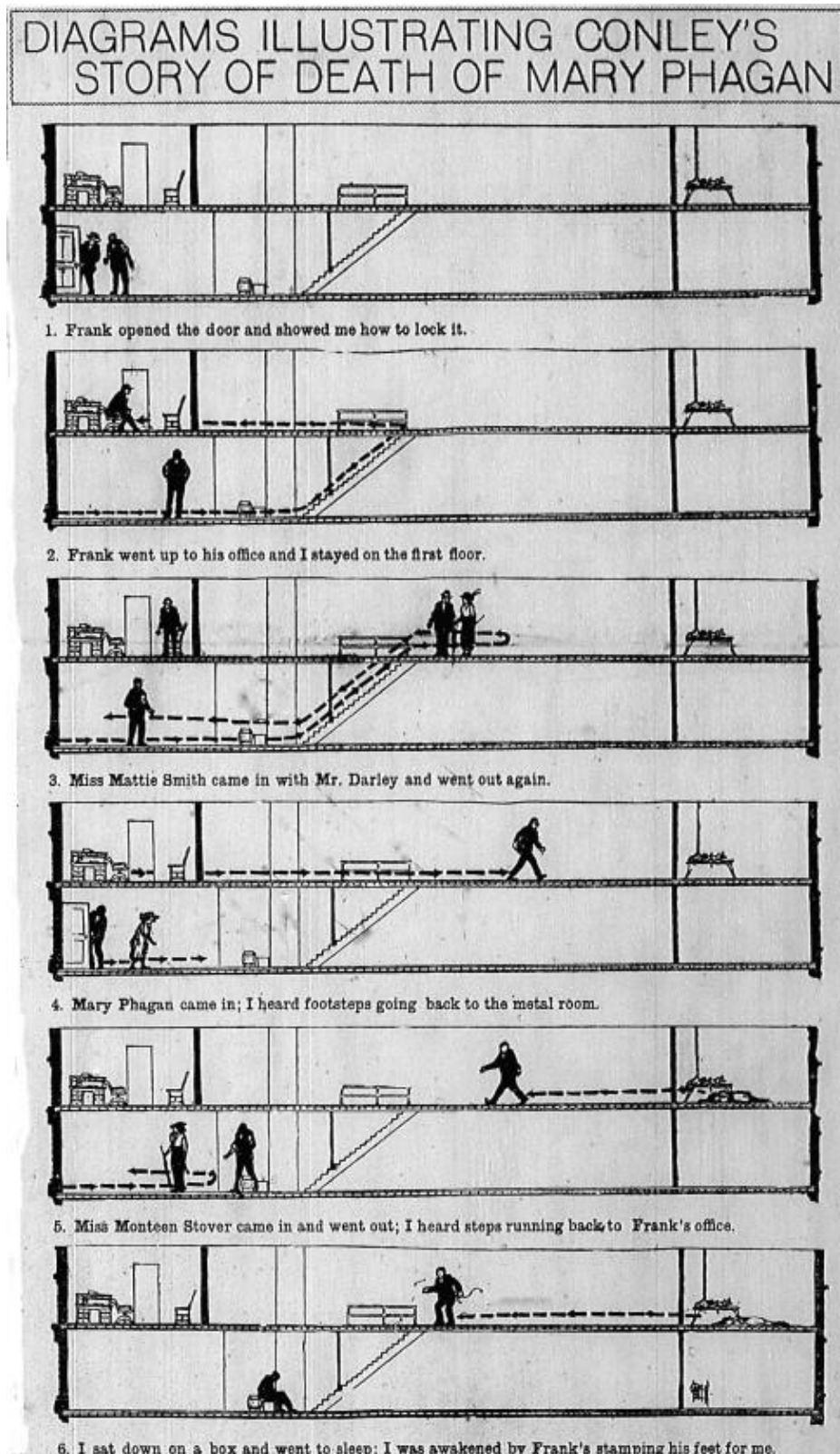
he said he would have me
land down play like the
night witch did it
but that long tall black
negro did by his self

The mysterious death notes – [click for high resolution](#)

53. When Jim Conley [re-enacted, step by step](#), the sequence of events as he experienced them on the day of the murder, including the exact positions in which the body was found and detailing his assisting Leo Frank in moving Mary Phagan's body and writing the death notes, Harry Scott of the Pinkerton Detective Agency stated: "'There is not a doubt but that the negro is telling the truth and it would be foolish to doubt it. The negro couldn't go through the actions like he did unless he had done this just like he said,' said Harry Scott. 'We believe that we have at last gotten to the bottom of the Phagan mystery.' (Atlanta Georgian, May 29, 1913 Extra, "Conley Re-enacts in Plant Part He Says He Took in Slaying")



The last section of Jim Conley's startling affidavit



Conley's story diagrammed in the Atlanta Georgian – [click for high resolution](#)

54. In early June, Felder's name popped up in the press again. This time he was claiming that his nemesis A.S. Colyar had in his possession [an affidavit from Jim Conley confessing to the murder](#) of Mary Phagan, and that Colyar was withholding it from the police. The police immediately "sweated" Conley to see if there was any truth in this, but Conley vigorously denied the entire story, and stated that he had never even met Colyar. Chief of Police Lanford said this confirmed his belief that Felder had been secretly working for Frank all along: "'I attribute this report to Colonel Felder's work,' said the chief. 'It merely shows again that Felder is in league with the defense of Frank; that the attorney is trying to muddy the waters of this investigation to shield Frank and throw the blame on another. This first became noticeable when Felder endeavored to secure the release of Conley. His ulterior motive, I am sure, was the protection of Frank. He had been informed that the negro had this damaging evidence against Frank, and Felder did all in his power to secure the negro's release. He declared that it was a shame that the police should hold Conley, an innocent negro. He protested strenuously against it. Yet not one time did Felder attempt to secure the release of Newt Lee or Gordon Bailey on the same grounds, even though both of these negroes had been held longer than Conley. This to me is significant of Felder's ulterior motive in getting Conley away from the police.'" Are such underhanded shenanigans on the part of Frank's team the actions of a truly innocent man? (*Atlanta Georgian*, June 6, 1913, "Conley, Grilled by Police Again, Denies Confessing Killing")

55. Much is made by Frank partisans of Georgia [Governor Slaton's 1915 decision](#) to commute Frank's sentence from death by hanging to life imprisonment. But when Slaton issued his commutation order, he specifically stated that he was sustaining Frank's conviction and the guilty verdict of the judge and jury: "In my judgement, by granting a commutation in this case, I am sustaining the jury, the judge, and the appellate tribunals, and at the same time am discharging that duty which is placed on me by the Constitution of the State." He also added, of Jim Conley's testimony that Frank had admitted to killing Mary Phagan and enlisted Conley's help in moving the body: "It is hard to conceive that any man's power of fabrication of minute details could reach that which Conley showed, unless it be the truth."

56. On May 8, 1913, the Coroner's Inquest jury, a panel of six sworn men, [voted with the Coroner seven to zero](#) to bind Leo Frank over to the grand jury on the charge of murder after hearing the testimony of 160 witnesses.

57. On May 24, 1913, after hearing evidence from prosecutor Hugh Dorsey and his witnesses, [the grand jury charged Leo M. Frank with the murder of Mary Phagan](#). Four Jews were on the grand jury of 21 persons. Although only twelve votes were needed, the vote was unanimous against Frank. An historian specializing in the history of anti-Semitism, Albert Lindemann, [denies that prejudice against Jews was a factor](#) and states that the jurors "were persuaded by the concrete evidence that Dorsey presented." And this indictment was handed down even without hearing any of Jim Conley's testimony, which had not yet come out. (Lindemann, *The Jew Accused: Three Anti-Semitic Affairs*, Cambridge, 1993, p. 251)

100 Reasons Leo Frank Is Guilty

58. On August 25, 1913, after more than 29 days of the longest and most costly trial in Southern history up to that time, and after two of South's most talented and expensive attorneys and a veritable army of detectives and agents in their employ gave their all in defense of Leo M. Frank, and after four hours of jury deliberation, Frank was [unanimously convicted of the murder of Mary Phagan](#) by a vote of twelve to zero.



The jurors in the Leo Frank case



Luther Rosser and Reuben Arnold headed Frank's defense team.

59. The trial judge, Leonard Strickland Roan, had the power to set aside the guilty verdict of Leo Frank if he believed that the defendant had not [received a fair trial](#). He did not do so, effectively making the vote 13 to zero.

60. Judge Roan also had the power to sentence Frank to the lesser sentence of life imprisonment, even though the jury had not recommended mercy. On August 26, 1913, Judge Roan affirmed the verdict of guilt, and [sentenced Leo Frank](#) to death by hanging.

ES CLOSELY WHO ARE TO ARE PICKED

Page 1.

n the second floor waiting to be called.

First Talesman Too Old.

After the venire had been sifted and many excused, W. S. Copeland was the first talesman examined. He was excused when he said that he had

passed the 60-year mark. Solicitor Dorsey put the questions, using the formal ones ask in murder trials.

Being conscientiously opposed to capital punishment or conviction by circumstantial evidence was held not to disqualify a juror by Judge Roan. This was in connection with O. T. Camp, the second talesman.

"I am conscientiously opposed to capital punishment on certain grounds," said Camp.

"What are those grounds," asked Solicitor Dorsey.

"Circumstantial evidence," he replied.

Judge Sustains Defense.

"That disqualifies him, then," said Solicitor Dorsey.

Attorney Rosser objected, saying that such belief did not disqualify the juror. Judge Roan sustained the defense, but Solicitor Dorsey struck him.

A. W. Brewerton was disqualified because he was opposed to capital punishment.

W. H. Winn was struck, Solicitor Dorsey taking this action after looking over his record.

R. G. Elliott was struck by the defense.

L. A. Smith was struck for cause.

C. T. Hopkins, Jr., struck by State.

Not One Is Obtained.

W. E. Cates, disqualified because opposed to capital punishment.

T. G. Young, struck by defense.

D. D. Hewey, struck because he did not believe in capital punishment.

That ended the first panel of talesmen and not a single juror was obtained. The State struck three and the defense two. Seven were disqualified for cause.

Four Jurymen Obtained.

Four jurors were obtained from the second panel. They are:

A. H. Henslee, No. 74 Oak street, a salesman.

F. V. L. Smith, No. 481 Cherokee

JUDGE PRESIDING IN TRIAL OF LEO FRANK

Judge L. S.
Roan,
of Stone Mountain
Circuit.



Judge
Roan
has presided
in nearly all of
Atlanta's
celebrated
murder trials
in the past
ten years.
He is
distinguished
for his
knowledge
of criminal
law and
procedure.

Judge Leonard Strickland Roan

61. On October 31, 1913, the court [rejected a request for a new trial](#) by the Leo Frank defense team, and re-sentenced Frank to die. The sentence handed down by Judge Benjamin H Hill was set to be carried out on Frank's 30th birthday, April 17, 1914.

62. Supported by a huge fundraising campaign launched by the American Jewish community, and supported by a public relations campaign carried out by innumerable newspapers and publishing companies nationwide, Leo Frank [continued to mount a prodigious defense](#) even after his conviction, employing some of the most prominent lawyers in the United States. From August 27, 1913, to April 22, 1915 they filed a long series of appeals to every possible level of the United States court system, beginning with an application to the Georgia Superior Court. That court rejected Frank's appeal as groundless.

63. The next appeal by Frank's "dream team" of world-renowned attorneys was to the [Georgia Supreme Court](#). It was rejected.

64. A second appeal was then made by Frank's lawyers to the [Georgia Supreme Court](#), which was also rejected as groundless.

65. The [next appeal by Frank's phalanx of attorneys](#) was to the United States Federal District Court, which also found Frank's arguments unpersuasive and turned down the appeal, affirming that the guilty verdict of the jury should stand.

66. Next, the Frank legal team appealed to the highest court in the land, the United States Supreme Court, which [rejected Frank's arguments](#) and turned down his appeal.

67. Finally, Frank's army of counselors made a second appeal to the U.S. Supreme Court — which was also rejected, allowing Leo Frank's original guilty verdict and sentence of death for the murder by strangulation of Mary Phagan to stand. Every single level of the United States legal system — after carefully and meticulously reviewing the trial testimony and evidence — voted in majority decisions to reject all of Leo Frank's appeals, and to preserve the unanimous verdict of guilt given to Frank by Judge Leonard Strickland Roan and by the twelve-man jury at his trial, and to [affirm the fairness](#) of the legal process which began with Frank's binding over and indictment by the seven-man coroner's jury and 21-man grand jury.

68. It is preposterous to claim that these men, and all these institutions, North and South — the coroner's jury, the grand jury, the trial jury, and the judges of the trial court, the Georgia Superior Court, the Georgia Supreme Court, the U.S. Federal District Court, and the United States Supreme Court — [were motivated by anti-Semitism](#) in reaching their conclusions.

69. Even in deciding to commute Frank's sentence to life imprisonment, [Governor John Slaton explicitly affirmed](#) Frank's guilty verdict. He explained that only the jury was the proper judge of the meaning of the evidence and the veracity of the witnesses placed before it. He said in the commutation order itself: "Many newspapers and non-residents

have declared that Frank was convicted without any evidence to sustain the verdict. In large measure, those giving expression to this utterance have not read the evidence and are not acquainted with the facts. The same may be said regarding many of those who are demanding his execution. In my judgement, no one has a right to an opinion who is not acquainted with the evidence in the case, and it must be conceded that those who saw the witnesses and beheld their demeanor upon the stand are in the best position as a general rule to reach the truth.”

70. In May of 1915, the [Georgia State Prison Board](#) voted two to one against a clemency petition — which, even if successful, would not have changed the guilty verdict of Leo M. Frank.

71. In 1982 Alonzo Mann, who in 1913 at 13 years old had been the office boy for the National Pencil Company, made a sensation in the press by denying the sworn testimony he had made at the Leo Frank trial, and stating his belief that Jim Conley was the real killer of Mary Phagan. In 1913, Mann had testified that he left the office on the day of the murder at 11:30 AM. In 1982, he changed the time and told a quite different story, as follows:

Mann said that he left the factory at noon, half an hour later than in his testimony. It was Confederate Memorial Day and a parade and other festivities were scheduled. Mann was to meet his mother, he says, but could not find her and “returned to work” shortly after noon. When he entered the building, he says, he saw Jim Conley carrying the limp body of a girl on the first floor: “He wheeled on me and in a voice that was low but threatening he said ‘If you ever mention this I’ll kill you.’”

Mann claims he then left the building and ran home, telling his mother what he’d seen. Mann says that his parents advised him to keep silent to avoid publicity. And he did keep silent for many, many years. (Jim Conley is reported to have died in 1957 — another report says 1962 — and presumably his death threat did not survive his demise.)

[There are several problems with Mann’s story.](#) First, if true, it proves only that at some point Conley was carrying Phagan’s body by himself, without Frank’s help. Conley already admits this — though he says that he found the body too heavy for himself alone while still on the second floor, and that the elevator brought them directly to the basement. So Mann’s story really doesn’t address anything except two minor details of Conley’s testimony, neither of which are determinative of guilt. (Mann was poor, suffering with a heart condition, and facing considerable medical expenses when he “went public” with his claims.)

72. Why would a 13-year-old [Alonzo Mann](#) “return to work” on a holiday if he didn’t have to? And why “return to work” if he apparently wasn’t even scheduled to do so? Were office boys permitted to make their own hours in 1913? When other workers — such as Mary Phagan, for example — hadn’t sufficient supplies in their department, they were immediately laid off until the supplies came in. Surely such economy would dictate that office boys would only come in when authorized and asked to do so.



Alonzo Mann in 1913

73. If [Alonzo Mann](#) had such a definite appointment to meet his mother in town — so definite as to cause him to return to work after just a few minutes when he failed to immediately find her — why, then, was she waiting at home just a few minutes after that?

74. Why would [white parents, like Alonzo Mann's](#), in the racially conscious and segregated Atlanta, Georgia of 1913, tell their white son not to tell the police about a

guilty black murderer, when the result of not telling the police would ultimately result in an innocent, clean cut, white man, Leo Frank — the man who gave their son a highly prized job — going to gallows as an innocent man?

75. And why would Alonzo Mann's parents then allow their 13-year-old son to report to work at the huge and cavernous National Pencil Company factory on Monday morning, April 28, 1913 — *two days after he was threatened with death by a murderer carrying a dead or dying white girl on his shoulder* — knowing that the murderer would still be there, and knowing that there were many dark and secluded places in said factory where [their son might come to harm](#)? Jim Conley reported back to work that Monday, as did Alonzo Mann and the approximately 170 other employees, who were naturally expected to be back at work after the holiday weekend. Jim Conley was not arrested until the first day of May.

76. If Alonzo Mann really walked in on Jim Conley carrying Mary Phagan's body a few minutes after noon, and then turned around and left the building, [why didn't he see Monteen Stover](#)?

77. If Jim Conley really attacked Mary Phagan at the foot of the stairs [as Alonzo Mann suggests](#), why didn't Leo Frank hear her scream or any sounds of a struggle? He was only 40 feet away.

78. [Several witnesses](#) — for both the prosecution and the defense — testified that they saw Jim Conley sitting, doing nothing, in the dark recesses of the lobby of the National Pencil Company on the morning of the murder. Does this fit the contention of the prosecution that Frank requested Conley's presence on that day, as he had on others, so Conley could be a lookout while Frank was "chatting" with a teenage girl? Or does it make more sense to believe that Conley really believed he could get away with loafing on company property without permission all morning? Did black janitors in 1913 also have the right to make their own working hours, even on a holiday when there would have been little call for their services — and then, after showing up for "work," not work at all?

79. Does it really make sense that the somewhat literate and fairly intelligent Jim Conley, a black man in the extremely race-conscious and white-dominated Atlanta of 1913, where lynch law often reigned supreme, actually thought he could [get away with attacking and killing a white girl](#) just a few feet away from the unlocked front door of the factory where he worked, in the highest-traffic area of the building? And does it make sense that he would do so for \$1.20 — Mary Phagan's entire pay — as the defense alleged? If Conley was plotting to rob someone, does it make sense that he would choose such a place to do so — or choose from a pool of potential victims considerably poorer than he was?

80. The fatal Saturday was a holiday. Jim Conley had been paid his \$6.05 salary the evening before. By his standards, he had plenty of money — and it would have been very hard to drink it down very much on Friday, at a nickel a pint in those days. Conley

was a man who liked his beer and billiards, and the town was wide open for that kind of fun all day. Why was he there at the factory, then? He certainly wouldn't have *wanted* to be there, doing apparently nothing for hours on end. He also ran the risk of being disciplined if he was loafing there without permission. He was [manifestly not sweeping](#), his ostensible job, on that day — he was just sitting, watching. The only reasonable explanation is that his boss, Leo Frank, had *asked him to be there* for that very purpose.

81. The relationship of Leo Frank and the National Pencil Company to Jim Conley was a strange one. Why was [Jim Conley's sweeper's salary](#) much higher — \$6.05 versus \$4.05 — than the average of the white employees, many of whom were skilled machine operators? Could it be that Conley served a very important but secret purpose for Leo Frank, exactly as the prosecution alleged? Could he have had knowledge that could potentially hurt Leo Frank, justifying Frank granting him special privileges?

82. According to a female National Pencil Company employee, Jim Conley was once caught “sprinkling” (urinating) on the pencils, surely a very serious offense. [But Conley was never fired](#). (Trial Testimony of Herbert George Schiff, Brief of Evidence, Leo Frank Trial, August, 1913) Again, could it be that James Conley served a very important but secret purpose for Leo Frank, and could he have possessed knowledge that could damage Frank?

83. According to fellow employee Gordon Bailey (Leo Frank trial, Brief of Evidence, August, 1913) Jim Conley was [not always required](#) to punch the time clock. Why would the “Negro sweeper,” as they called him, surely the lowest-ranking employee in the pencil factory hierarchy, be given such an unprecedented privilege by Leo M. Frank? Why was Jim Conley the only person out of the 170 factory employees who didn't have to punch the time clock — unless Jim Conley was more than meets the eye?

84. In 1983, the Anti-Defamation League of B'nai B'rith (ADL), along with other Jewish groups, [spearheaded a campaign](#) to get the Georgia State Board of Pardons and Paroles to issue a posthumous pardon to Leo Frank, basing their case largely on the 1982 statement of Alonzo Mann. The Board found that Mann's statement added no new evidence to the case. They also noted that Governor Slaton in his 1915 commutation decision had already considered that the elevator may not have been used to move Mary Phagan's body, but nevertheless he upheld Frank's conviction. The ADL's petition was denied and Leo Frank's guilty verdict was affirmed.

85. The ADL and other Jewish groups filed again in 1986 for Leo Frank to be pardoned by the Georgia State Board of Pardons and Paroles. [This time](#) the Jewish groups claimed that, because the state of Georgia had failed to prevent the lynching of Leo Frank after his sentence was commuted by Governor Slaton, Leo Frank's rights had been violated and he should be pardoned on that basis alone. A great deal of pressure was applied to the Board via sensational stories, editorials, and even fictionalized accounts in the media. With this far more limited claim — that Frank was not protected from lynching as he ought to have been — the Board was compelled to agree. But the Board would not and

did not exonerate Leo Frank of his guilt for the strangulation death of Mary Anne Phagan on April 26, 1913. His conviction for her murder still stands.

86. [Lucille Selig Frank](#), Leo Frank's wife, is known as a fiercely loyal spouse who passionately defended her husband against charges both criminal and moral, and stood by his side during his trial and appeals. There are some indications, however, that she may have early on during the Mary Phagan case believed that her husband had not been entirely faithful and had in fact killed Mary Phagan, probably believing it to be accidental. Long after her husband's death, she may have returned to those views.



Mrs. Leo Frank in 1913: Is it conceivable that her 29-year-old husband, surrounded every working day by over 150 young women and teenage girls over which he had absolute authority, was unfaithful?

State's Exhibit J at Leo Frank's trial consisted of [an affidavit by Minola McKnight](#), the Frank's black cook. Mrs. McKnight first came to the attention of the authorities when her husband told police that his wife had heard some startling revelations while working at the Frank residence the evening of the murder — namely, that Leo Frank had drunkenly and remorsefully admitted to his wife that he and a girl "had been caught" at the factory, that he "didn't know why he would murder" her, and that he asked his wife Lucille to get him a pistol so he could kill himself.

These are Minola McKnight's own words from the affidavit: "Sunday, Miss Lucille said to Mrs. Selig that Mr. Frank didn't rest so good Saturday night; she said he was drunk and wouldn't let her sleep with him... Miss Lucille said Sunday that Mr. Frank told her Saturday

night that he was in trouble, and that he didn't know the reason why he would murder, and he told his wife to get his pistol and let him kill himself... When I left home to go to the solicitor general's office, they told me to mind how I talked. They pay me \$3.50 a week, but last week they paid me \$4.00, and one week she paid me \$6.50. Up to the time of the murder I was getting \$3.50 a week and the week right after the murder I don't remember how much she paid me, and the next week they paid me \$3.50, and the next

week they paid me \$6.50, and the next week they paid me \$4.00 and the next week they paid me \$4.00. One week, I don't remember which one, Mrs. Selig gave me \$5, but it wasn't for my work, and they didn't tell me what it was for, she just said, 'Here is \$5, Minola.' I understood that it was a tip for me to keep quiet. They would tell me to mind how I talked and Miss Lucille gave me a hat."

(Leo Frank admitted that he bought a box of chocolates for his wife on the way home on the evening of the day of the murder.) Minola McKnight would tell a different story after she was back in the Frank household, however. She then repudiated her affidavit and said police had coerced it from her. *But neither she nor anyone else has given a credible motive for Minola's husband to have lied.*

After Leo Frank's arrest, Lucille did not visit her husband for some thirteen days, after which she began her loyal and indomitable defense of him. What made her wait? Leo Frank's explanation was that Lucille had to be "physically restrained" because she wanted so badly to be locked up with him in jail. Judge for yourself the credibility of this explanation against that offered in State's Exhibit J.

Lucille Frank died in 1957, and in her will she specifically directed that she be cremated and thus *not* buried next to, or with, her first and only husband, Leo Frank — even though a plot had already been provided for her next to him.

87. [Leonard Dinnerstein](#) is an author who has made almost his entire career writing about anti-Semitism, with a special concentration on proving that Leo Frank was a victim of anti-Semitism. His book, *The Leo Frank Case*, is promoted as a canonical work — and is one of the main sources for the claims that 1) anti-Semitism was pervasive in 1913 Georgia and 2) that anti-Semitism was the major factor in the prosecution and conviction of Frank.

Both of these claims are hoaxes, as shown by Elliot Dashfield writing in *The American Mercury*: "Dinnerstein makes his now-famous claim that mobs of anti-Semitic Southerners, outside the courtroom where Frank was on trial, were shouting into the open windows 'Crack the Jew's neck!' and 'Lynch him!' and that members of the crowd were making open death threats against the jury, saying that the jurors would be lynched if they didn't vote to hang 'the damn sheeny.'"

"But not one of the three major Atlanta newspapers, who had teams of journalists documenting feint-by-feint all the events in the courtroom, large and small, and who also had teams of reporters with the crowds outside, ever reported these alleged vociferous death threats. And certainly such a newsworthy event could not be ignored by highly competitive newsmen eager to sell papers and advance their careers. Do you actually believe that the reporters who gave us such meticulously detailed accounts of this Trial of the Century, even writing about the seating arrangements in the courtroom, the songs sung outside the building by folk singers, and the changeover of court stenographers in relays, would leave out all mention or notice of a murderous mob making death threats to the jury?"

“During the two years of Leo Frank’s appeals, none of these alleged anti-Semitic death threats were ever reported by Frank’s own defense team. There is not a word of them in the 3,000 pages of official Leo Frank trial and appeal records – and all this despite the fact that Reuben Arnold [Frank’s attorney] made the claim during his closing arguments that Leo Frank was tried only because he was a Jew... Yet, thanks to Leonard Dinnerstein, this fictional episode has entered the consciousness of Americans of all stations as ‘history’ – as one of the pivotal facts of the Frank case.”

88. In his book attempting to exonerate Frank, Leonard Dinnerstein knowingly repeats the preposterous 1964 hoax perpetrated by “hack writer and self-promoter [Pierre van Paassen](#)” (Dashfield, *The American Mercury*, October 2012):

“Van Paassen claimed that there were in existence in 1922 X-ray photographs at the Fulton County Courthouse, taken in 1913, of Leo Frank’s teeth, and also X-ray photographs of bite marks on Mary Phagan’s neck and shoulder – and that anti-Semites had suppressed this evidence. Van Paassen further alleged – and Dinnerstein repeated – that the dimensions of Frank’s teeth did not match the ‘bite marks,’ thereby exonerating Frank... Since Dinnerstein is such a lofty academic scholar and professor, perhaps he simply forgot to ask a current freshman in medical school if it was even possible to X-ray bite marks on skin in 1913 – or necessary in 2012, for that matter – because it’s not. In 1913, X-ray technology was in its infancy and never used in any criminal case until many years after Leo Frank was hanged.” Furthermore, there is no hint anywhere in the massive official records of the Leo Frank trial and appeals of any “bite marks.” If Leo Frank is manifestly and truly innocent, why do his supporters have to engage in such outrages against truth?

89. Far from being a region [rife with hatred for Jews](#), the South in general and Atlanta in particular were regarded by Jews as a haven and as a place nearly free from the anti-Semitism they suffered in other parts of the nation and the world. Even today, and even after Jewish-gentile relations there were strained by the Frank case and by Jewish support for the civil rights revolution, the Christians who form most of the population of the South are stoutly pro-Jewish. The South is the center of Christian Zionism and American support for the Jewish state of Israel.

90. Harry Golden wrote in the American Jewish Committee’s magazine *Commentary* that early “Bonds for Israel” salesmen would [purposely seek out Southern Christians](#), since they were almost all passionately pro-Jewish and pro-Israel. When Southerners were asked about their reasons for supporting Zionism, Golden said that a typical Southerner’s response was “It’s in the book!” — meaning, of course, the Bible. This attitude had deep roots and certainly did not materialize in 1948.

91. The writer Scott Aaron gives insight into [Southern attitudes toward Jews](#) when he says: “In the race-conscious South of 1913, Jews were considered white. In fact, in the newspapers of Atlanta before, during, and after the trial of Leo Frank for the murder of Mary Phagan, Frank was referred to as a ‘white man’ on innumerable occasions by reporters, witnesses, African-Americans, fellow Jews, pro-Frank partisans, and

anti-Frank polemicists. Jews, furthermore, were not known for violent acts or crimes, nor feared as violators of white women. If anything, they were seen as an unusually industrious, intelligent, and law-abiding segment of society, even if they were a bit peculiar in their religious views.

“Marriage between Jews and Christians might have raised a few eyebrows in both communities – just as did intermarriage between members of widely different Christian denominations – but it was far from unknown, and such couples were not ostracized. In fact, Leo Frank’s own brother-in-law, Mr. Ursenbach, with whom he canceled an appointment to see a baseball game on the day Mary Phagan was killed, was a Christian.

“If there was prejudice against Leo Frank in 1913 Atlanta, it was almost certainly not because he was a Jew. He was, however, a capitalist, a business owner, a manager, an employer of child labor, and a Northerner with an Ivy League education. He also came to be known during the course of the trial as sexually profligate. These facts probably did count against him.”

92. Aaron also cites a study funded and published by a Jewish group: “John Higham, in his ‘Social Discrimination Against Jews 1830 – 1930,’ a work commissioned by the American Jewish Committee, called the South ‘historically the section least inclined to ostracize Jews,’ and drew attention to the ‘striking Southern situation’ of almost no discrimination against Jews there. True, Jewish-Gentile relations had somewhat declined there by the mid-twentieth century, and the massive campaign during the Frank appeals to paint his prosecution, and the South generally, as anti-Semitic — and the eventual creation of the Anti-Defamation League in the wake of Frank’s death — played their part in this change...”

“But the aftermath of the Frank trial had no part, of course, in the attitudes of the people of Atlanta on the day Mary Phagan was murdered. All things considered, the South in general and Atlanta in particular seem to have been, if anything, [safe havens for Jews](#) where they might escape from the anti-Semitism that was rampant around the beginning of the last century.”

93. [Southern attitudes toward Jews](#) can be further gauged by the fact that, during the Civil War, Southerners made a Jew their Secretary of the Treasury: Judah P. Benjamin was the first Jewish appointee to any Cabinet position in any North American government. Benjamin also served as Attorney General, Secretary of State, and Secretary of War for the Confederate States of America. He was so highly regarded that his portrait graced the paper money of the South. Meanwhile, around the same time, Northern general Ulysses S. Grant issued an order physically expelling all Jews from the parts of the South under his control, even demanding that they leave a huge multi-state area “within 24 hours.”

The claim that a pervasive and vicious anti-Semitism was the real reason for the prosecution and conviction of Leo Frank is an absurd lie and a fantastic misrepresentation of history. Nevertheless, it is now the stuff of innumerable works of

alleged scholarship, drama, and fiction, and is viewed by naive students who are exposed to such works as the central “truth” of the case. If Leo Frank were innocent, why would his supporters have to fabricate such blatant impostures and engage in emotional blackmail on a colossal scale?

94. Researcher [Allen Koenigsberg](#) states that some of the most intriguing and important parts of Minola McKnight’s sworn affidavits have, for some reason or other, been completely omitted from the current literature on the Frank case:

“One of the most intriguing circumstances in the pre-trial development of this case involved a document signed by the black cook in the Frank/Selig household (Minola McKnight). Frank’s attorneys would long argue that it was coerced by the police as a result of ‘third degree methods.’ Since 1913, it has never been shown in its entirety, and we are glad to present it here [<http://www.leofrankcase.com/>]. Also unmentioned in the last nine decades is the sequence of events that led up to its appearance. Minola would make three affidavits in all (May 3rd, June 2nd and 3rd), but her overnight incarceration was specifically caused by her husband Albert’s statement made on May 26, and notarized on June 2nd [also at <http://www.leofrankcase.com/>]. This description of events has never been cited, with only an oblique reference in the Samuels’ *Night Fell on Georgia* (1956).

100 Reasons Leo Frank Is Guilty

The "Affidavit" Monday, May 26, 1913, and attested before a Notary, June 2, 1913.

I, Albert McKnight, was at Mr. Leo Frank's home on _____ Saturday the girl was murdered at the Penick factory on Forsyth St. My wife Minola is looking for Mr. Frank and has been for about two years. I was in the kitchen about 1 - 2 o'clock the same Saturday that they say the girl was murdered. The door bell rang and my wife Minola went to the door. When she come back to me, I asked her who was at the door and she said Mr. Frank. I told her if she must find him now and he did not want any of it. I did not go upstairs to see his wife as she asked what I had to say with Mr. Frank. I told him that some girl was dead now. Mr. Frank left the house in about five minutes. I saw him get in the house and catch the Georgia Avenue car. I was at the house from 9 A.M. Saturday until about 3 P.M. I went back to Mr. Frank's house the next morning Sunday. When I went to the kitchen, my wife said, what do you think Mr. Frank said? Mr. Frank said he killed some body and he was in a bad way all night and said he was looking at him to give him his damn pistol and let him shoot his damn head off. What I told him to do it, a man like me, I must be crazy. Mrs. Frank asked her father and mother if she thought he really killed some one. He had been drinking, he made me out of my mind and sleep on the rug by the bed. This was at the breakfast table Sunday morning. I was listening from the kitchen. Then Mrs. Frank was only paying my wife \$7.50 per week up to the Saturday of the murder and they told her if she would not talk they would pay her \$7.00 per week and she would not have to work as late as she had been doing. And for her to say nothing at court but what they told her to say. They gave her \$5.00 extra the _____ to court. They are paying my wife _____ as she is buying lots of dresses and has money all the time. I can tell Mr. Frank has done something as they act strange. Mrs. Frank tells Magnolia [sic] every day not to forget to say if they come for her to go to court again. Mrs. Frank had a quarrel with Mr. Frank the _____ morning of the murder she asked Mr. Frank to kiss her good bye and she [sic] said he was saving his kisses for _____ and would not kiss her. Magnolia [sic] also heard Mrs. Frank say she would never live with him again for she knew he had killed that girl and that they had the right man and ought to break his neck.

Signed: Albert McKnight & witnessed by R. L. Craven & A. Morrison

The Albert McKnight affidavit

"The most striking sentence (and odd omission) is shown here for the first time: 'Mrs. Frank had a quarrel with Mr. Frank the Saturday morning of the murder she asked Mr. Frank to kiss her good bye and she said he was saving his kisses for _____ and would not kiss her.' Readers may wish to consider its authenticity, as new light is shed on why Leo Frank 'so thoughtfully' bought his wife a box of chocolates from Jacobs' Pharmacy just before returning home at 6:30 PM on April 26th." (LeoFrankCase.Com, Retrieved 2012).

95. Much has been made of the fact that Jim Conley's attorney, William M. Smith, eventually believing his own client to be guilty, [made an analysis](#) of the language used by Conley on the stand and, comparing it to the language used in the death notes, concluded that the real author of the notes was Conley. Therefore, Smith's theory went, the notes had not been dictated by Leo Frank as Conley had testified. Many greeted this "revelation" with well-deserved derision. Few believed that Frank would have insisted

that Conley copy his language exactly, word for word (though Hugh Dorsey made the mistake of suggesting this was so in his closing arguments). In fact, the death notes would serve their intended purpose — to place blame for the murder on a black man — much more effectively by being written in the natural language of an authentic speaker of Southern black dialect, and surely that is a fact that no intelligent murderer would fail to see and act upon.

96. In his book, *A Little Girl Is Dead*, writer [Harry Golden](#), though not incapable of objective journalism (for example, he once reported that Southerners had unusually favorable attitudes to Jews), may have perpetrated the most outrageous hoax in the Frank case. Golden claimed that Jim Conley had made a deathbed confession to the murder of Mary Phagan. But famed pro-Frank researcher and author Steve Oney (very charitably) says of Golden that this was “wishful thinking.”



Harry Golden

[Oney went to great lengths](#) to follow up on Golden’s claim: “Over the last few years legal aides have rifled through microfilm files in libraries across the South searching for news of Conley’s confession. They have found nothing.” (Oney, “The Lynching of Leo Frank,” *Esquire*, September 1985)

97. It seems unlikely that [Hugh Dorsey](#) was motivated by anti-Semitism in his prosecution of Leo Frank, considering that a partner in his law firm was Jewish. It’s preposterous to even have to ask the question, but if Dorsey hated Jews enough to send one to the gallows as an innocent man, why would he tolerate — and proudly claim, as he did at trial — such a close association with a Jewish man? And, if Dorsey was guilty of such vicious malice against Jews, why would

his partner continue the association himself? (Closing arguments of Hugh Dorsey, Leo Frank trial)

98. Why did the Leo Frank defense team, consisting of some of the most skilled attorneys in the state, [refuse to cross-examine](#) 20 young women and girls who testified that Frank had a bad moral character? Under Georgia law, the prosecution was only allowed to use these witnesses’ testimony to enter the general fact that Frank’s character was bad. Under cross-examination, though, the defense could have forced the girls and women to give specific reasons and relate specific incidents that supported their opinion,

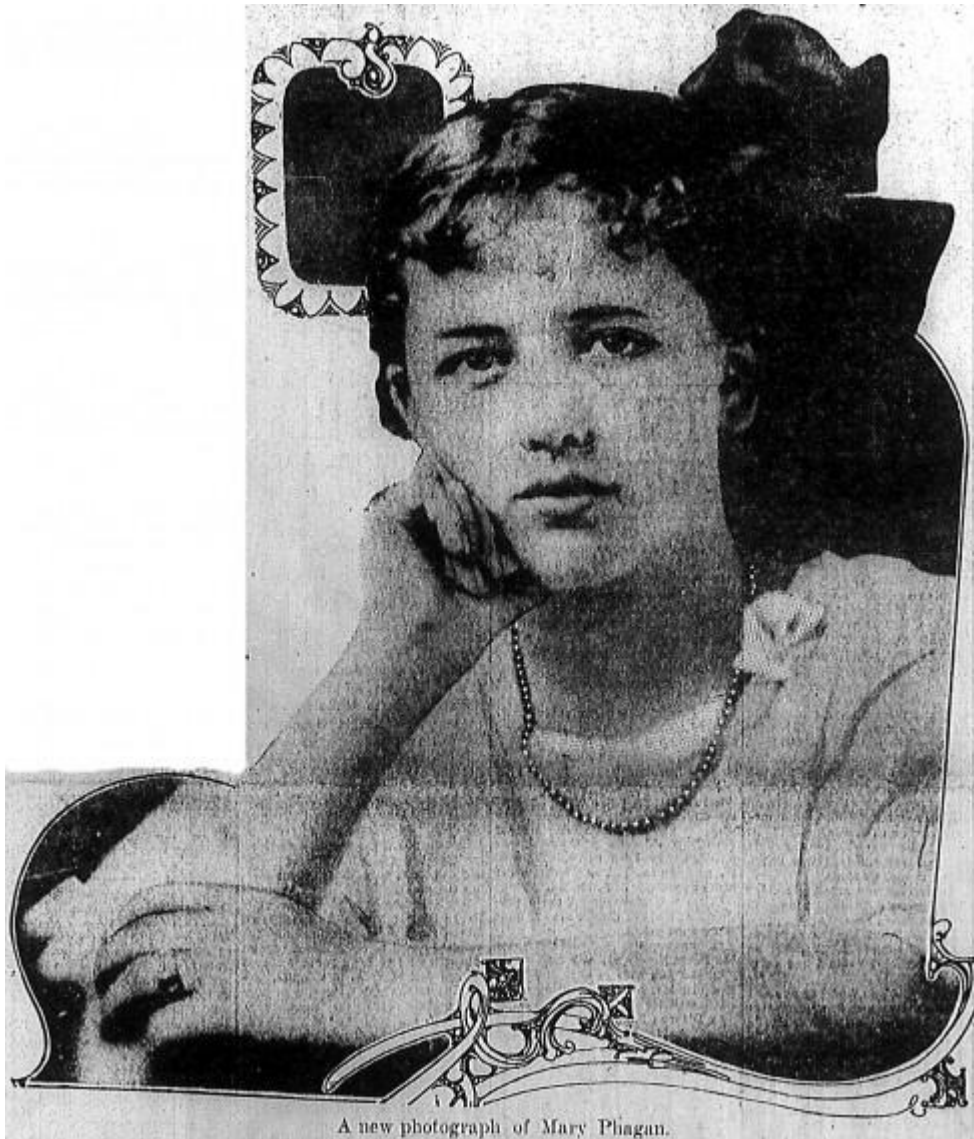
and trip them up if they could. Why, then, did they not do so? The only reasonable answer: They knew Leo Frank's character, and they *did not dare* allow any specifics to go before the jury.

99. One of the [most bizarre hoaxes](#) in the Phagan case was that surrounding insurance salesman W.H. Mincey. On the afternoon of the murder, Mincey claimed that Jim Conley, on the public streets of Atlanta and with no prompting — and for no apparent reason whatever — confessed to murdering a girl that very day.

According to the contemporary book *The Frank Case*, p. 66: “Mincey asserted that late in the afternoon he was at the corner of Electric avenue and Carter streets, near the home of Conley, when he approached the black, asking that he take an insurance policy. The negro told him, he said, to go along, that he was in trouble. Asked what his trouble was, Mincey swore that Conley replied he had killed a girl. ‘You are Jack the ripper, are you?’ said Mincey. ‘No,’ he says Conley replied, ‘I killed a white girl and you better go along or I will kill you.’”

That this tale could be accepted by any man in possession of his reason is doubtful, but nevertheless the Frank defense team seriously asserted in court their intention to call Mincey as a witness. They withdrew him, however, after the prosecution was said to have discovered Mincey's problematic relationship with the truth and had 25 witnesses prepared to impeach him — and furthermore intended to produce copies of several books Mincey had written on the subject of “mind reading.”

100. Mary Phagan's grand-niece, [Mary Phagan Kean](#), relates in her book *The Murder of Little Mary Phagan* that her grandfather William Joshua Phagan, Jr. (Mary Phagan's brother) confronted Jim Conley in private in 1934, and was ultimately convinced that the former factory sweeper was telling the truth. At times so emotionally moved that he could barely hold back tears, William Phagan finally told Conley that he believed him — and said that, if he had thought he was lying, “I'd kill you myself.” After the intense meeting was over, Jim Conley and Mary Phagan's brother went out for a drink.



A new photograph of Mary Phagan.

Mary Phagan

In truth, there are more — far more — than 100 reasons to believe that Leo Frank was guilty of murdering Mary Phagan. There are far more than 100 reasons to believe that the claim of widespread “Southern anti-Semitism,” virtually promoted as gospel today, is a complete and malicious fraud. There are far more than 100 reasons to believe that Frank’s defenders have used perjury, fraud, and outright hoaxes to impose their view of the case on an unsuspecting public.

I urge each and every one of you to read the original source materials I have catalogued in the Appendix which follows this article. Only by seeing what the jury saw — by reading what the people of Atlanta read as events unfolded — uncensored and without the nuance and spin of modern authors who are, with but a very few exceptions,

uniformly dedicated to one side — can you truly understand the tragedy of little Mary Phagan and the whirlwind her death unleashed.

In my opinion, the most horrible imposture, the real injustice, in the Frank case as it stands today is that millions of trusting men and women, children and students, all across the world have been forcefully imprinted, by a relentless multimillion-dollar media campaign, with the idea that Leo Frank — the monster who almost certainly abused and strangled bright and beautiful Mary Anne Phagan to death — is the “real victim” in this case.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

APPENDIX

[Full archive of Atlanta Georgian newspapers relating to the murder and subsequent trial](#)

[The Leo Frank case as reported in the Atlanta Constitution](#)

[The Leo Frank Case \(Mary Phagan\) Inside Story of Georgia's Greatest Murder Mystery 1913](#)

[The Murder of Little Mary Phagan by Mary Phagan Kean](#)

[American State Trials, volume X \(1918\) by John Lawson](#)

[Argument of Hugh M. Dorsey in the Trial of Leo Frank](#)

[Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913, Brief of Evidence](#)

politicians, writers, dissidents, activists, publishers, bloggers, and even unaffiliated private citizens so that — should any of these people “get out of line,” in the opinion of the ADL — they can be threatened, “exposed,” blackmailed, and thus silenced with maximum effectiveness.



Roy Bullock

In 1993, an ADL operative, [Roy Bullock](#), was caught corrupting police officials and illegally obtaining police files to add to the ADL’s dossiers on “thought criminals” Left and Right. Despite this, the ADL audaciously uses its money and influence to “educate” law enforcement officials through a subsidiary called the “Law Enforcement Agency Resource Network” (LEARN), which uses persuasive techniques to convince

police authorities that individuals and groups that the ADL dislikes are dangerous criminals — and that the ADL and its allies are public-spirited, beneficial groups.

Ironically, considering its name, one of the main techniques used by the ADL, and for which its massive intelligence archive is most useful, is public *defamation* of those who the ADL has declared are its enemies.

The ADL is headquartered in New York City and has 29 offices in major cities in the United States, one in Israel, and two known offices in other countries. Abraham Foxman has been “national director” of the group since 1987. It has an admitted annual U.S. budget of \$55 million, with listed assets in 2011 of \$171 million.

The Bullock Case

In 1993, an ADL agent named Roy Bullock, a San Francisco art dealer and fairly well-known in the homosexual community there, whose specialty was the infiltration of patriotic, Arab-American, and other organizations on behalf of the League, was found to have in his possession illegally obtained and highly private and personal data on his targets — data which could only have been obtained from police and other confidential government files; data *that was also discovered in the files of the ADL* itself when police raided ADL headquarters in San Francisco and Los Angeles as result of Bullock’s exposure.

According to the *Los Angeles Times* of 9th April, 1993, “Police on Thursday served search warrants on the Anti-Defamation League here and in Los Angeles, seizing

ADL: 100 Years of Hate

evidence of a nationwide intelligence network accused of keeping files on more than 950 political groups, newspapers, and labor unions and as many as 12,000 people.

“Describing the spy operations in great detail, San Francisco authorities simultaneously released voluminous documents telling how operatives of the Anti-Defamation League searched through trash and infiltrated organizations to gather intelligence on Arab-American, right-wing, and what they called “pinko” organizations....

“...Police allege that the organization maintains undercover operatives to gather political intelligence in at least seven cities, including Los Angeles and San Francisco.

“Groups that were the focus of the spy operation span the political spectrum, including such groups as the Ku Klux Klan, the White Aryan Resistance, Greenpeace, the National Association for the Advancement of Colored People, the United Farm Workers, and the Jewish Defense League. Also on the list were Mills College, the board of directors of San Francisco public television station KQED, and the San Francisco Bay Guardian newspaper.

“People who were subjects of the spy operation included former Republican Representative Pete McCloskey, jailed political extremist Lyndon LaRouche and *Los Angeles Times* correspondent Scott Kraft, who is based in South Africa....

“...In addition to allegations of obtaining confidential information from police, the Anti-Defamation League could face a total of 48 felony counts for not properly reporting the employment of its chief West Coast spy, Roy Bullock, according to the affidavit filed to justify the search warrant.” (“[ADL Vows to Cooperate With Spy Investigation](#),” *Los Angeles Times*, 9 April, 1993)

I’ll interrupt the article to inform you that those 48 felony counts were somehow suppressed and the ADL was never prosecuted. A sweetheart deal was worked out in 2000 under which the ADL admitted no wrongdoing, paid an out-of-court settlement — of under \$200,000 — part of it for legal fees and the rest to “charitable groups” which “fight hate” (in other words, the kind of groups the ADL would support anyway — one such group was the “Hate Crimes Reward Fund”), issued a weak apology for dealing with “fact finders” who had violated the law, supposedly without the knowledge of the ADL, and then had the unbelievable audacity to reaffirm their “right” to spy on any group and anyone just as they always have!

Continuing:

“The Anti-Defamation League disguised payments to Bullock for more than 25 years by funneling \$550 a week to Beverly Hills attorney Bruce I. Hochman, who then paid Bullock, according to the documents released in San Francisco. Hochman, a former president of the Jewish Federation Council of Greater Los Angeles and one of the state’s leading tax attorneys, will be out of the city until late next week and could not be reached for comment, his office said.

“Until 1990, Hochman, a former U.S. prosecutor, also was a member of a panel appointed by then-Senator Pete Wilson to secretly make initial recommendations on new federal judges in California. Hochman is a former regional president of the Anti-Defamation League....

“David Lehrer, executive director of the Los Angeles ADL office, said the organization has not violated the law....

“...But in an affidavit filed to obtain warrants for Thursday’s searches, San Francisco police allege that ‘ADL employees were apparently less than truthful’ in providing information in an earlier search conducted without a warrant....

“...The police affidavit contends that Lehrer had sole control of a secret fund used to pay for ‘fact-finding operations.’ Lehrer, according to the documents, signed checks from the account under the name ‘L. Patterson.’...

“...League officials will not confirm or deny whether Bullock was an employee and have said they simply traded information with police departments about people who might be involved in hate crimes.”

I’ll add here that the category of crime called “hate crimes” was virtually invented by the ADL. The purpose of such laws is to add extra penalties for acts which are already crimes under existing statutes — like murder, assault, etc. — *if* the perpetrator can be shown to have held prejudiced or “hateful” views which might have motivated his actions. Under “hate crime” laws, American citizens would receive *different* sentences for the *same* crime, depending on whether or not their thoughts are “Politically Correct” on issues relating to homosexuality, race, nationality, and politics. That such laws might have a chilling effect on free speech — for a thoughtful person would now realize that his every utterance on “sensitive” topics might someday be used against him in a court of law, should he be required to defend himself with force someday or even have an argument with a member of a “protected class” — was probably the ADL’s intention all along.

Enter Tom Gerard

From the *Los Angeles Times*, 13th April, 1993:

” To the outside world, Roy Bullock was a small-time art dealer who operated from his house in the Castro District. In reality, he was an undercover spy who picked through garbage and amassed secret files for the Anti-Defamation League for nearly 40 years.

“His code name at the prominent Jewish organization was Cal, and he was so successful at infiltrating political groups that he was once chosen to head an Arab-American delegation that visited Representative Nancy Pelosi (D-San Francisco) in her Washington, D.C. office.

ADL: 100 Years of Hate

“For a time, ‘Cal’ tapped into the phone message system of White Aryan Resistance... ..From police sources, he obtained privileged, personal information on at least 1,394 people. And he met surreptitiously with agents of the South African government to trade his knowledge for crisp, new \$100 bills.

“These are among the secrets that Bullock and David Gurvitz, a former Los Angeles-based [ADL] operative, divulged in extensive interviews with police and the FBI in a growing scandal over the nationwide intelligence network operated by the Anti-Defamation League....

“Transcripts of the interviews — among nearly 700 pages of documents released by San Francisco prosecutors last week — offer new details of the private spy operation that authorities allege crossed the line into illegal territory.

“At times, the intelligence activities took on a cloak-and-dagger air with laundered payments, shredded documents, hotel rendezvous with foreign agents and code names....

“On one occasion, Gurvitz recounts, he received a tip that a pro-Palestinian activist was about to board a plane bound for Haifa, Israel. Although the Anti-Defamation League publicly denies any ties to Israel, Gurvitz phoned an Israeli consular official to warn them. Shortly thereafter, another [Israeli government] official called Gurvitz back and debriefed him.

“The court papers also added to the mystery of Tom Gerard, a former CIA agent and San Francisco police officer accused of providing confidential material from police files to the Anti-Defamation League... ..Bullock said it was Gerard who sold official police intelligence. Bullock said he split about \$16,000... evenly with Gerard, telling him at one point, ‘I may be gay, but I’m a straight arrow.’...

“Gerard fled to the Philippines last fall after he was interviewed by the FBI, but left behind a briefcase in his police locker. Its contents included passports, driver’s licenses, and identification cards in 10 different names; identification cards in his own name for four different embassies in Central America; and a collection of blank birth certificates, Army discharge papers, and official stationery from various agencies.

“Also in the briefcase were extensive information on death squads, a black hood, apparently for use in interrogations, and photos of blindfolded and chained men.

“Investigators suspect that Gerard and other police sources gave the ADL confidential driver’s license or vehicle registration information on a vast number of people, including as many as 4,500 members of one target group, the Arab-American Anti-Discrimination Committee.

“Each case of obtaining such data from a law enforcement officer could constitute a felony, San Francisco Police Inspector Ron Roth noted in an affidavit for a search

warrant.” ([“New Details of Extensive ADL Spy Operation Emerge,”](#) *Los Angeles Times*, 13 April, 1993)

Now we’re up to 4,500 felonies. Was the ADL brought to justice for even one of them? No. And what was revealed in the Gerard case was just the work of *one* ADL operative — and *one* group which the ADL had targeted! Evidence seized from Bullock’s computer indicate that the ADL was using him to compile data on individuals belonging to *over 950 groups* — and Bullock is just *one* agent. The rest of that iceberg must be most impressive.

As for Gerard himself — whom the ADL had sent on an all-expenses-paid trip to Israel two years before his arrest — he pleaded no contest to a *misdemeanor charge of unauthorized use of a police computer* and was sentenced to three years’ probation, 45 days in jail, and a \$2,500 fine.

The *New York Daily News* for 9th April, 1993 informs us that these were no “rogue” agents — the illegal spying was controlled directly from the ADL’s central office in New York City:

“Police in San Francisco and Los Angeles yesterday seized documents from a prominent Jewish-American organization accused of amassing confidential information — sometimes illegally — on thousands of people in the United States.

“The alleged operation was directed from the New York City offices of the Anti-Defamation League of B’nai B’rith, ABC News reported last night.

“The ADL has long been one of the most respected civil rights organizations in the country, tracking hate crimes and exposing prejudice.

“But ABC said that for several decades the spying operation has snooped into the records and activities of more than 10,000 people in the United States, including many who simply opposed the policies of Israel and South Africa....

“The report identified the leader of the intelligence ring as Irwin Suall.

“Sources told the *Daily News* that Suall is one of about 15 people in the ADL’s research department in Manhattan. Neither Suall or other ADL officials could be reached for comment.

““We’re talking about the use of information from Department of Motor Vehicles files, other confidential files of state and local agencies, illegally furnished and illegally received by private agencies,’ San Francisco District Attorney Arlo Smith told ABC.” (Mark Mooney, *New York Daily News*, 9 April, 1993)

Irwin Suall, the former National Secretary of the Socialist Party of America, was the chief of the “fact-finding” (that is, espionage) division of the ADL from 1967 to 1997.

According to the *Baltimore Sentinel* for September, 1993 “In a memo dated July, 1992, Suall praised Roy Bullock as “our number one investigator” — just months before Bullock’s illegal activities were exposed. (“Is the Anti-Defamation League of B’nai B’rith Spying on You?”, Bill Hughes, *Baltimore Sentinel*, September 1993)

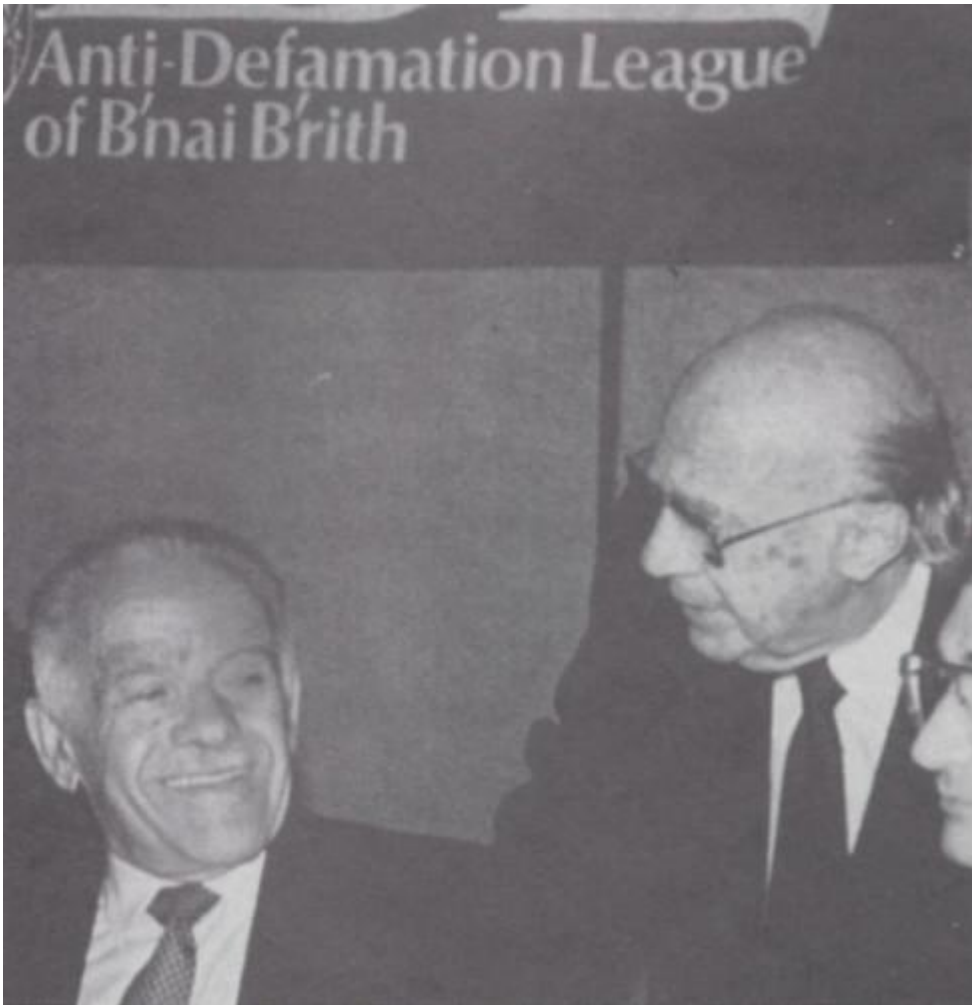
According to the *Washington Report on Middle East Affairs*, the ADL offered money to corrupt law enforcement officers and officials in return for illegally-obtained personal information that was supposed to have been destroyed. How many of these corrupt officials were never prosecuted, and how many were recruited during the “educational” conferences, and trips to Israel, arranged for them by the ADL’s law enforcement liaison division? The *Report* states:

“After COINTELPRO, a still-controversial FBI operation to destabilize black nationalist and other groups in the ’60s and ’70s, the FBI, state and local law enforcement authorities were ordered out of the business of gathering information about legitimate political activity by American citizens. But in some major American cities, law enforcement files relating to legitimate and Constitutionally protected political activities that had been ordered destroyed *instead found their way to the offices of the ADL*, which quickly became a clearinghouse for such illegally obtained and illegally retained information.

“The absence of the FBI, state, and local police investigators in the field therefore created a void the ADL rushed to fill, with remarkable success, by increasing its in-house ‘fact-finding’ assets and capabilities and developing enhanced working relationships with ‘official friends’ — government officials, investigators, and intelligence officers. Some of these were the officials who had not destroyed files of illegally obtained materials, or had made private copies of the official files before they were destroyed in compliance with the court order.

“The ADL favored many of its ‘official friends’ with expense-paid trips to Israel, where they met with and were entertained by friendly officers of Israel’s espionage and counter-intelligence organizations, Mossad and Shin Bet, thus creating a major conduit for the flow of sensitive and useful U.S. domestic political intelligence to Israel’s spymasters in Tel Aviv.” (“[Los Angeles Court Hands Down Final Judgment in Anti-Defamation League Illegal Surveillance Case](#),” *Washington Report on Middle East Affairs*, December 1999)

Despite its obvious — and admitted — ties with the state of Israel, and its agenda of advancing Israel’s policy objectives, and gaining power to blackmail or otherwise intimidate perceived enemies of Israel, the ADL has never been required to register as a foreign agent as other, far more benign, organizations have been required to do.



Arnold Forster, right, with Yitzhak Shamir

ADL's former National Director Benjamin Epstein, in an internal letter disclosed during discovery proceedings in a lawsuit against the ADL in 1970, spoke with pride about the close cooperation that existed between the ADL and Israel's intelligence apparatus. In his 1988 autobiography, ADL general counsel Arnold Forster specifically named the Mossad as as having a close connection with the League . The Mossad routinely engages in political assassinations of those it deems to be "Israel's enemies" around the world. (*Square One*, Arnold Forster. New York: Donald I. Fine, 1988)

More Than Just Spying?

According to investigator William Norman Grigg, Bullock did much more than spy for his ADL bosses: "In 1993, it was discovered that Roy Bullock had been attempting to arrange a political marriage between the [Institute for Historical Review](#), a holocaust revisionist organization, and the American-Arab Anti-Discrimination Committee (AADC) so the ADL could 'out' [AADC] members as neo-Nazis." (William Norman Grigg, "ADL Campaign Against Tolerance," *New American*, September 19, 1994)

But it wasn't just Bullock, and it wasn't just setting victims up for bigger and better smears. One ADL *agent provocateur* had a role as a leader and speaker for groups targeted by the ADL — doubtlessly steering the clueless radicals in directions helpful to the ADL agenda and against their own interests. And he also staged completely phony “extremist incidents” for the media to inflame fears of “racism” and “anti-Semitic” violence.

Investigative journalist Laird Wilcox tells us: “James Mitchell Rosenberg, a career infiltrator for the Anti-Defamation League, regularly attended and was a speaker at Ku Klux Klan rallies and meetings of the Mountain Church in Cohoctah, MI, considered a gathering place for neo-Nazis of all kinds. For the benefit of television reporters, Rosenberg also posed as a leader of a para-military group called the ‘Christian Patriot’s Defense League’ which was the subject of a breathless exposé entitled ‘Armies of the Right.’ In 1981, Rosenberg and an associate were arrested on a New York City rooftop and charged with carrying an unregistered rifle. The two were posing as paramilitary extremists for a photographic fabrication exaggerating the threat from the far right. The charges were subsequently dropped at the request [of] the ADL’s Irwin Suall, Rosenberg’s direct supervisor.” (*The Watchdogs*, Laird Wilcox, Editorial Research Service, Olathe, Kansas, 1998)

And these are just the ADL agents who have come to public attention and been exposed in the newspapers. Do you really believe that they were rare, exceptional cases? Or were they part of a much, much larger coordinated operation? With its multimillion-dollar budget and cozy relationship with corrupt law enforcement officials — and with murderous intelligence agencies and their unfathomably deep pockets — how many undiscovered agents does the ADL employ, and what might their functions be?

Seeing Anti-Semitism Where There Is None

In Denver, Colorado in 1994, an argument over pets and garden plants between two couples — next door neighbors — became the focus of ADL public relations and legal action because of the alleged “anti-Semitism” of one of the couples toward the other, who were Jewish.

Candace and Mitchell Aronson were the Jewish neighbors of William and Dorothy Quigley.

The Aronsons used a VHF scanner radio to listen in on the cordless telephone conversations of the Quigleys. They heard Mrs. Quigley discuss with a friend — it turns out, in joking tones — a possible campaign to drive the Aronsons from the neighborhood by frightening them with “pictures of ovens” and throwing gas at one of the Aronson’s children. Mrs. Quigley was also heard “wishing that the Aronsons would be killed in a suicide bombing.” Although the conversations were obviously facetious, and at one point Mrs. Quigley even said she was saying some “sick” things, the Aronsons decided to contact the Denver office of the ADL.

Upon the advice of the ADL, the Aronsons began recording the Quigleys' private telephone conversations — an illegal act. Astoundingly, ADL attorneys then advised the Aronsons to use the illegal recordings as the basis for a federal civil lawsuit against the Quigleys for “ethnic intimidation.” Meanwhile, the ADL defamation and PR machine geared up to “expose” yet another “anti-Semitic incident” and, not coincidentally, totally ruin the Quigleys' lives.

Saul Rosenthal, Regional Director of the ADL, appeared at a news conference describing the Quigleys as engaging in “a vicious anti-Semitic campaign.” Rosenthal also appeared in local media making the same claims, and successfully urged local prosecutors to use the tape recordings in filing *criminal charges* against the Quigleys.

The Quigleys became pariahs in their own community, receiving so many threats that they felt compelled to hire security guards. Animal feces was sent to their home. Mr. Quigley's lost his job at United Artists. The family had to drive long distances to shop in stores where they would not be recognized.

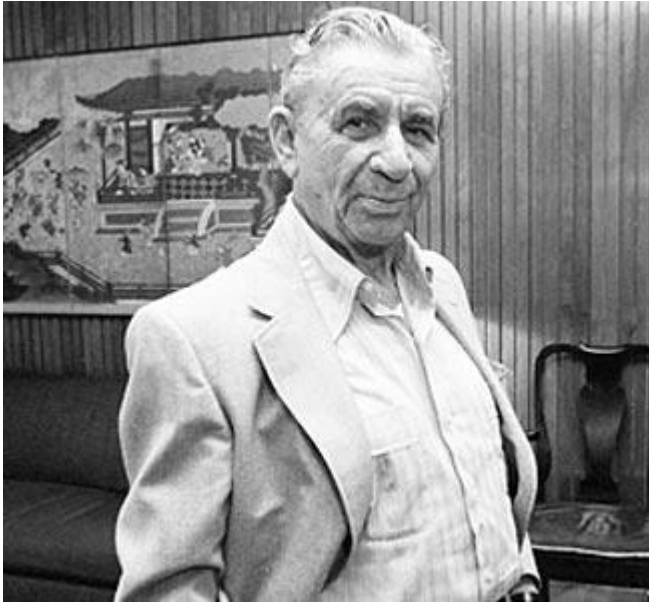
However, the cases against them quickly began to fall apart. The local prosecutor dropped the charges upon hearing the obviously non-threatening nature of the conversations. He even apologized to the Quigleys and publicly stated that the accusations against them were untrue. The federal case was dead because the recordings were themselves illegal and therefore inadmissible,

The Quigleys countersued the ADL, Rosenthal, the Aronsons, and two ADL volunteer attorneys. Ultimately the Quigleys received a judgement of some \$12 million, including interest, in their favor for the devastation that the Aronsons and the ADL had caused in their lives. (By the way, the Quigleys employed a Jewish lawyer, Jay Horowitz, to argue their case.)

The ADL probably lost this one case only because they were not fully conversant with wiretap law. Had they not tripped up on that technicality, they, their well-funded attorneys, and their massive PR machine (aided by an ADL-friendly media) would have prevailed and the Quigleys would have been forgotten, impoverished, possibly imprisoned, and without recourse. How many other cases have there been? — how many unsung victims of the ADL have suffered that fate — or worse?

Crime Connections

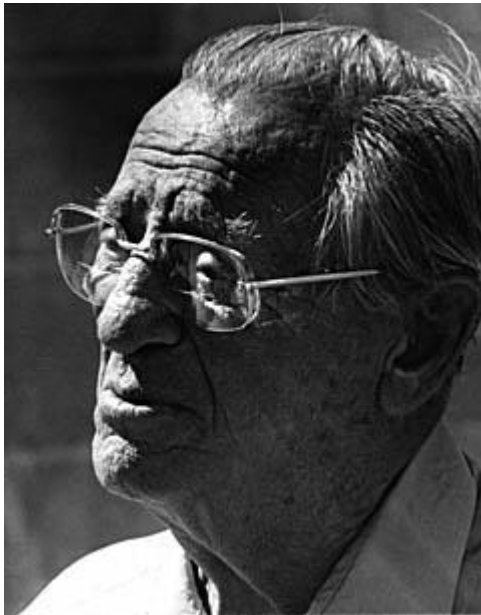
The ADL operates much like an organized crime gang, as their intimidation and in-your-face life-ruining tactics make clear. And that's not just a result of “overzealousness” or an unreasoning fear of persecution. The ADL has direct connections to numerous notorious crime figures:



Meyer Lansky

[Meyer Lansky](#), one of the **architects of modern organized crime** in the United States and connected with “Murder, Incorporated,” was a strong supporter of and donor to the ADL. His granddaughter, Mira Lansky Boland, was an ADL official — ironically, her position is listed as “liaison to law enforcement.” She arranged expense-paid luxury tours to Israel, the world capital of sex trafficking, for certain key law enforcement officials who had “something to offer” the ADL in

return — among them Tom Gerard.

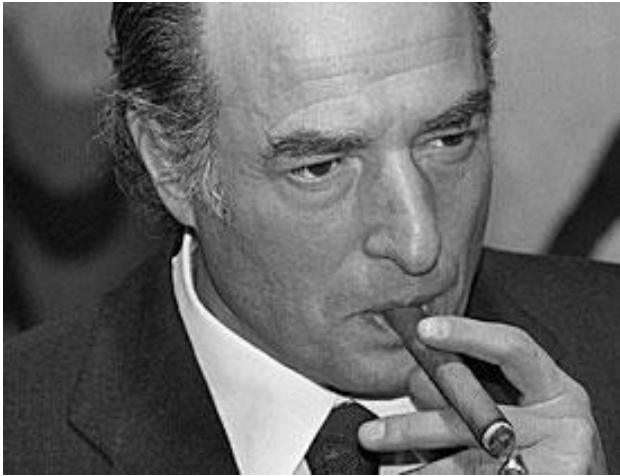


Moe Dalitz

[Moe Dalitz](#), **organized crime boss of Las Vegas**, was a long-time supporter of the ADL and a close friend of Meyer Lansky. In 1982, Dalitz received the “Torch of Liberty” award from the ADL.

Theodore Silbert, mafia front man worked simultaneously for the ADL and the Sterling National Bank (a mafia operation controlled by the Lansky syndicate).

[Michael Milken](#), **convicted financial criminal** of “junk bond” fame, was a major contributor to the ADL.



Marc Rich

[Marc Rich](#), **international fugitive and financial criminal** was hiding out in Switzerland to avoid prosecution for his crimes when he wrote a check for \$100,000 to the ADL, who then proceeded to pull the necessary strings. He was then pardoned by President Bill Clinton on his last day in office. Rich later admitted he had worked with the ADL-linked Mossad for years, and Israeli officials also intervened on

his behalf with Clinton.

Jewish Critiques

The ADL routinely smears those who have criticized its goals and methods by calling them “anti-Semites” — an amazing, invented word, by the way: No other ethnicity, so far as I know, has created a comparable neologism to demonize, isolate, and ostracize its critics. But so outrageous has been the behavior of the ADL that it has garnered much criticism from Jewish writers, activists, and dissenters from the “mainstream” Jewish establishment.

Noam Chomsky, leftist Jewish activist and Professor of Linguistics at MIT on the ADL: “[O]ne of the ugliest, most powerful pressure groups in the U.S... Its primary commitment is to use any technique, however dishonest and disgraceful, in order to defame and silence and destroy anybody who dares to criticize the Holy State (‘Israel’)...” “[The ADL is] engaged in surveillance, blacklisting, compilation of FBI-style files circulated to adherents for the purpose of defamation, angry public responses to criticism of Israeli actions, and so on. These efforts, buttressed by insinuations of anti-Semitism or direct accusations, are intended to deflect or undermine opposition to Israeli policies...”

Robert Friedman, liberal Jewish journalist, says of the ADL: “[T]he largest private spy agency in America... Through its 31 offices across the country, the ADL monitors school curricula, library acquisition lists, and public conferences and symposiums, working behind the scenes to stifle intellectual freedom.” (Robert I. Friedman, “The Jewish Thought Police”, *Village Voice*, July 27, 1993)

Norman Finkelstein, Jewish author and academic, says of the ADL’s long-time director Abraham Foxman that he is “a hoodlum and a thug.” (*Defamation*, video documentary, 1999 — see link in references)

Monty Warner, conservative Jewish writer and director of the Center for the Study of Popular Culture, says that “the ADL has devolved into an opportunistic, intolerant,

grief-grubbing stench” and says of ADL boss Abraham Foxman that he is “a disgrace to my religion.”

Rabbi Daniel Lapin, president of Toward Tradition, a Jewish religious group called ADL leader Abraham Foxman “Our own worst enemy.” Toward Tradition said it picked Foxman “from among other representatives of the Anti-Semitism industry” because of his pivotal role in former president Clinton’s pardon of fugitive Jewish financial criminal Marc Rich: “After the ADL received a \$100,000 check from the Rich Foundation, Foxman wrote to Bill Clinton urging the pardon.”

Midge Decter, Dennis Prager, and 75 prominent Jewish writers and leaders issued a public statement in 1994 charging the ADL with “engaging in defamation” in the ADL’s attacks on rightists and Christians, routinely using “such discreditable techniques as insinuation and guilt by association” by finding and publicizing “links” between its targets and allegedly more radical (read: already smeared) figures in its voluminous dossiers of personal information obtained largely through espionage.

Steve Zeltzer, Jewish labor activist and himself a victim of ADL spying, states of the ADL: “They have always had enemies lists, and they have always wanted to control the flow of information.”

The ADL and the post-9/11 National Security State

Post-9/11 hysteria led Americans into illegal and unjustified wars in the Middle East and has brought us such unconstitutional erosions of our rights as the misnamed Patriot Act and its secret laws, secret courts, secret trials, and secret prisons; the massive illegal spying operations of the NSA and other agencies; and the maintenance of a “kill list” under which anyone on Earth can be marked for death by the President. Within months after the attacks, the ADL had already organized conferences to “help” the secret police take advantage of their new ill-gotten powers — as this ADL press release makes clear:

ADL Press Release – June 6, 2002

More than 500 representatives of federal, state and local law enforcement agencies were briefed on extremist and terrorist threats during a daylong conference co-sponsored by the Anti-Defamation League (ADL) and the Federal Bureau of Investigation.

The May 31 program, held at the FBI Academy in Quantico, VA, was an outgrowth of ADL’s longtime involvement in providing information and training to law enforcement on threats posed by extremists. The conference, “Extremist and Terrorist Threats: Protecting America After 9/11?” included presentations from ADL, FBI and other nationally recognized experts on extremist groups, investigative techniques, counterterrorism strategies, domestic security and threat assessment.

“Now more than ever, law enforcement must have the resources and know-how to prevent future acts of terrorism,” said Abraham H. Foxman, ADL National Director. “In

order to assess threats against the United States, law enforcement must have credible information about domestic and foreign extremists whose rhetoric promotes violence. Through our network of regional offices and our experts in the field, ADL is uniquely suited to aid in the war against terrorism. This conference was an opportunity for law enforcement and extremism watchdogs to compare notes and forge alliances.”

Somehow I doubt that Roy Bullock’s name was brought up at the meeting.

Rabbi Spitz’s Vision



Rabbi Spitz

It seems that the “Anti-Defamation League” has taken to heart the words of Rabbi Leon Spitz, writing in *The American Hebrew* of March 1, 1946: “American Jews too must come to grips with our contemporary anti-Semites. We must fill our jails with anti-Semitic gangsters, we must fill our insane asylums with anti-Semitic lunatics, we must combat every alien Jew-hater, we must harass and prosecute our Jew baiters to the extreme limits of the laws, we must humble and shame our anti-Semitic hoodlums to such an extent that none will wish to dare to become ‘fellow-travelers’.” (“Glamorous Purim Formula,” Rabbi Leon Spitz, *The American Hebrew*, March 1, 1946)

Spitz is speaking in coded language, but the veil is rather thin. He’s not talking about prosecuting criminals *per se*, for the whole force of law enforcement was already doing that when he spoke.

He’s calling for especially intense scrutiny of perceived “anti-Semites” by law enforcement, and the use of any and all technical violations that might be discovered to prosecute them. In our law-happy society, it’s doubtful that anyone could escape such close scrutiny unscathed — Google the Internet meme “three felonies a day” if you don’t believe me.

He doesn’t actually believe that gangsters are disproportionately “anti-Semitic” — in fact, no one has ever alleged that. What he’s saying is that the perceived enemies of the Jewish people should be criminalized in the public mind and in the minds of law enforcement officers so that they will be treated like gangsters. And that, in fact, is what

the ADL has done, with their close liaisons with police (and secret police) authorities, alerting them to the “dangers” of patriot militia “hate groups,” traditionalist religious groups, alleged “neo-Nazis,” and the like — those whom the ADL sees as vociferous critics of Israel or Jewish power. In fact, few of these groups have any desire to harm Jews in any way, though they may criticize the ADL, Israel, or other parts of the Jewish establishment.

Criticism of Jews *as* Jews, or public doubt of their tales of suffering in World War 2, is a prosecutable offense in some countries today, in part due to the lobbying activities of the ADL and its allies.

Spitz doesn’t actually believe that his perceived enemies are insane, and therefore belong in asylums. (Elsewhere in his article he credits them with only with avarice, jealousy, and hatred.) He is intimating, though, that they will by some means be redefined as insane and literally fill the asylums. The mass media, heavily influenced by the ADL and disproportionately staffed with Jews, do present caricatured portraits of “conspiracy theorists” and “racists” who dislike Jews, and it is often implied that they are lunatics, “evil geniuses,” or some dangerous mix of the two. Critics of Jewish power today are never, to my knowledge, ever presented in a sympathetic manner by the media.

When Rabbi Spitz tells his fellows that “we must harass and prosecute our Jew baiters to the extreme limits of the laws, we must humble and shame our anti-Semitic hoodlums to such an extent that none will wish to dare to become ‘fellow-travelers’,” he is telling us that the laws must be stretched to their “extreme limits” to prosecute — and harass! — those who criticize Jews in order to “humble” them and shame them — that is, ruin their reputations — so that *no one* will dare to join them, publicly share their opinions, or value their friendship. This has nothing to do with enforcing the laws equally for all — and everything to do with destroying lives and suppressing the freedom to speak and organize through pure intimidation. Though *The American Hebrew* was not an ADL publication, and I don’t know if the good rabbi supported the ADL, I think it’s fair to say that his view represented a significant and influential strain in American Jewish thought in the aftermath of World War 2, a strain eagerly taken up by the ADL. Spitz’s hatefully poetic words are in the League’s spirit, and, considering the League’s ongoing, lavishly-funded, and largely successful defamation of those they label “anti-Semites,” perhaps Rabbi Spitz should be regarded as a kind of latter-day prophet, with the ADL his Heavenly Host of Hate.

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MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here.](#)

Resources

[Annual Report of the ADL](#)

[“Defamation”: A Jewish filmmaker’s interesting study of “anti-Semitism” and the ADL \(video, 90 minutes\)](#)

The Leo Frank Case: A Pseudo-History

Examining Dinnerstein's 1966 PhD dissertation, I discovered the probable explanation. Dinnerstein's central thesis – and his motivation for a half century of work – is his belief that “widespread anti-Semitism” in the South was the reason Leo Frank was indicted and convicted. Dinnerstein takes this as his position – and makes it his mission to convince us of its truth – despite the consensus, among Jewish and Gentile historians alike, that anti-Semitism was virtually unknown in the South, and despite the fact *every level of the United States legal system from 1913 to 1986* let stand the verdict of the 1913 Leo Frank jury trial that unanimously convicted Leo Frank of murder – and despite the fact that the Fulton County Grand Jury that unanimously indicted Leo Frank had three Jewish members.

The question that naturally arises in the mind of any unbiased reader is: What compelled these men to vote unanimously to indict and convict Frank, and what compelled our leading jurists to let his conviction stand after the most intensely argued and well researched appeals? Was it the facts, testimony, and evidence presented to them? Or was it anti-Semitism?

Was the Georgia Supreme Court anti-Semitic when it stated affirmatively that the evidence presented at the Leo Frank trial sustained his conviction? Was the United States Supreme Court anti-Semitic when its decision went against Leo Frank?

The answer can be found in the official unabridged *Leo Frank Trial Brief of Evidence*, 1913 – a legal record which Leonard Dinnerstein went to great lengths to obfuscate and distort. And Dinnerstein did *not even bother* telling the reader what the Georgia Supreme Court records revealed about how Leo Frank's legal defense fund was utilized.

This is what makes every edition of Dinnerstein's *The Leo Frank Case* so disappointing: In order to maintain his position of “anti-Semitism was behind it all,” he had to omit or misrepresent the most relevant facts, evidence, and testimony from the trial.

Dinnerstein's myopic view of Jewish-Gentile relations first revealed itself in his 1966 PhD thesis. Ironically, his lack of objectivity itself seemed to propel him upward in the politically-charged worlds of academia and the mass media. That Leo Frank was innocent – and that Southern, white, anti-Semitic haters were exclusively to blame for his conviction – fit the narrative that the leaders in these fields had internalized and wished to propagate as “history.” Dinnerstein's book was perfect for its intended market – the new intelligentsia that has come to dominate the academy. His book was also seminal in shaping the popular perception of the Leo Frank case. It helped to transform a well-documented true crime case into a semi-fictionalized myth of a stoic Jewish martyr who was framed by a vast anti-Semitic conspiracy.

Leonard Dinnerstein vs. Every Level of the United States System of Justice

Leonard Dinnerstein writes in his 2008 preface, “I have no doubts: Frank was innocent.” This statement, which sets the dominant tone of his book, goes against the majority decisions of every single level of the United States legal system. More than *a dozen*

experienced judges – incomparably more qualified than Dinnerstein to sift the evidence – reviewed the evidence and arguments put forth by Frank’s own legal team, along with the Leo Frank trial testimony, affidavits, facts, and law pertaining to the case – and *all* came to the same conclusion: They sustained the guilty verdict of the jury.

If a person was subpoenaed to testify at a criminal trial involving a 29-year-old man accused of bludgeoning, raping, and strangling a 13-year-old girl, and this witness knowingly falsified and withheld evidence about the defendant – that’s called perjury. If the witness provided perjured testimony and this was later proven beyond a reasonable doubt by a trial jury, that witness would likely find himself in prison for a number of years. But when an academic spends 40 years of his life muddling facts, withholding evidence, fraudulently manipulating the official legal records and testimony of a real criminal case, we call him not perjurer, but “historian.”

I have read nearly everything written by Leonard Dinnerstein – not just his books, but his numerous magazine and journal articles. I purchased *every* edition of Leonard Dinnerstein’s books. I took the time to read, cross reference, and compare his works against the sources he cites in his bibliographies. The only conclusion I am able to come to is that Leonard Dinnerstein shows an unrelenting pattern of inventing facts, misquoting, dramatizing, befogging, embellishing, overstating, and oversimplifying incidents in his books. Dinnerstein’s books – supposedly non-fiction – are filled with a fairly skillful, though flat and boring, simulation of academic analysis and research. They can be, and are indeed designed to be, persuasive to those who don’t bother to read the original sources or do any fact-checking.

For those who have carefully studied the three major Atlanta dailies (*Georgian*, *Constitution* and *Journal*) through the years 1913 to 1915, learning about the Leo Frank case through their day-by-day accounts – and then cross-referencing them with the official legal records of the Leo Frank trial and appeals – Leonard Dinnerstein’s book is a colossal letdown, a failure, and a disgrace.

Evidence of Dishonesty

In his article in the *American Jewish Archive Journal* (1968) Volume 20, Number 2, Dinnerstein makes his now-famous claim that mobs of anti-Semitic Southerners, outside the courtroom where Frank was on trial, were shouting into the open windows “Crack the Jew’s neck!” and “Lynch him!” and that members of the crowd were making open death threats against the jury, saying that the jurors would be lynched if they didn’t vote to hang “the damn sheeny.”

But *not one* of the three major Atlanta newspapers, who had teams of journalists documenting feint-by-feint all the events in the courtroom, large and small, and who also had teams of reporters with the crowds outside, *ever* reported these alleged vociferous death threats. And certainly such a newsworthy event could not be ignored by highly competitive newsmen eager to sell papers and advance their careers. Do you *actually* believe that the reporters who gave us such meticulously detailed accounts of this Trial

of the Century, even writing about the seating arrangements in the courtroom, the songs sung outside the building by folk singers. and the changeover of court stenographers in relays, would leave out all mention or notice of a murderous mob making death threats to the jury? During the *two years* of Leo Frank's appeals, *none* of these alleged anti-Semitic death threats were ever reported by Frank's own defense team. There is not a word of them in the 3,000 pages of official Leo Frank trial and appeal records – and all this despite the fact that Reuben Arnold made the claim during his closing arguments that Leo Frank was tried only because he was a Jew.

The patently false accusation that European-American Southerners used death threats to terrorize the jury into convicting Leo Frank is a racist blood libel, pure and simple. Yet, thanks to Leonard Dinnerstein, this fictional episode has entered the consciousness of Americans of all stations as “history” – as one of the pivotal facts of the Frank case. It has been repeated countless times, in popular articles and academic essays, on stage and on film and television, and, as the 100th anniversary of the case approaches, it will be repeated as many times again – until there is not a single man, woman, or child who is unaware of it. That is anti-history, not history. I would say shame on Leonard Dinnerstein – if I thought him a being capable of shame.

Dinnerstein, who supported himself almost his entire life by writing about anti-Semitism, would surely know better than anyone else that if such an incident had actually happened, it would have been the stuff of lurid headlines long before 1918, to say nothing of 1968. His contempt for us – his firm belief that we will not check any of his claims – is palpable.

More Deception

Leonard Dinnerstein was interviewed for the video documentary [The People vs. Leo Frank \(2009\)](#). In that interview, he makes statements that he must *know* to be untrue about the death notes found on Mary Phagan's body.

The documentary shows us a dramatization of the interrogation of Jim Conley by the Atlanta Police in May, 1913 – and Dinnerstein then states:

“They [the Atlanta police] asked him [Jim Conley] about the notes. He said ‘I can’t read and write.’ That happened to come up in a conversation between the police and Frank, and Frank said, ‘Of course he can write; I know he can write, he used to borrow money from me and sign promissory notes.’ So Conley had not been completely honest with the police.” (*The People vs. Leo Frank*, 2009).

This Dinnerstein segment has been posted on YouTube and the documentary is commercially available. Notice that Dinnerstein's clear implication is that Leo Frank blew the whistle on Jim Conley's false claim of being illiterate, and that Frank was the instrument of this discovery. But that is a bald-faced lie.

The Leo Frank Case: A Pseudo-History

Leo Frank was arrested on April 29, 1913 and Jim Conley was arrested two days later, on May 1. Leo Frank never admitted to the police that he knew Jim Conley could write until *weeks* after that fact was already known to investigators. Pinkerton detective Harry Scott was informed that Jim Conley could write by an operative who spoke to a pawnbroker – not by Leo Frank. On May 18, 1913, after two and a half weeks of interrogation, Atlanta police finally got Conley to admit he wrote the Mary Phagan death notes — but Conley revealed he did so at the behest of Leo Frank. After several successive interrogations, the approximate chain of events became clear.



Leo Frank

Leo Frank kept completely quiet about the fact that Jim Conley could read and write *for more than two weeks*, even though Jim Conley – working as a roustabout at the factory – had done written inventory work for Frank. Leo Frank also allowed Jim Conley to run a side business out of the National Pencil Company, wheeling and dealing pocket watches under questionable circumstances. In one of these deals, Conley was said to have defrauded Mr. Arthur Pride, who testified about it at the Leo Frank trial. Frank himself vetted and managed Conley's pocket watch contracts, keeping them locked in his office safe. Leo Frank would take out small payments from Conley's weekly wages and pay down the pawnshop owner's loans. Leo Frank didn't tell investigators he was overseeing

Conley's watch contracts until it was far too late, after the police had found out about it independently.

I encourage people to read the official Leo Frank trial *Brief of Evidence*, 1913, to see for themselves whether or not Leo Frank informed the police about Jim Conley's literacy immediately after he was arrested – or if he only admitted to that fact after the police had found out about it through other means weeks later. This is something that Leonard Dinnerstein, familiar as he has been – for decades – with the primary sources in the case, *must have known for a very long time*. Yet in this very recent interview, he tries to make us believe the precise opposite of the truth – tries to make us believe that Frank was the one who exposed this important fact. There's a word for what Dinnerstein is, and it's not "historian."

One of the Biggest Frauds in the Case

Dinnerstein knowingly references claims that do not stand up to even minimal scrutiny. For example, he uncritically accepts the 1964 hoax by hack writer and self-promoter Pierre van Paassen, who claimed that there were in existence in 1922 X-ray photographs at the Fulton County Courthouse, taken in 1913, of Leo Frank's teeth, and also X-ray photographs of bite marks on Mary Phagan's neck and shoulder – and that anti-Semites had suppressed this evidence.. Van Paassen further alleged – and Dinnerstein repeated – that the dimensions of Frank's teeth did not match the “bite marks,” thereby exonerating Frank.

Here's the excerpt from [van Paassen's 1964 book To Number Our Days](#) (pages 237 and 238) that Dinnerstein endorses:

“The Jewish community of Atlanta at that time seemed to live under a cloud. Several years previously one of its members, Leo Frank, had been lynched as he was being transferred from the Fulton Tower Prison in Atlanta to Milledgeville for trial on a charge of having raped and murdered a little girl in his warehouse which stood right opposite the Constitution building. Many Jewish citizens who recalled the lynching were unanimous in assuring me that Frank was innocent of the crime.

“I took to reading all the evidence pro and con in the record department at the courthouse. Before long I came upon an envelope containing a sheaf of papers and a number of X-ray photographs showing teeth indentures. The murdered girl had been bitten on the left shoulder and neck before being strangled. But the X-ray photos of the teeth marks on her body did not correspond with Leo Frank's set of teeth of which several photos were included. If those photos had been published at the time of the murder, as they should have been, the lynching would probably not have taken place.

“Though, as I said, the man died several years before, it was not too late, I thought, to rehabilitate his memory and perhaps restore the good name of his family. I showed Clark Howell the evidence establishing Frank's innocence and asked permission to run a series of articles dealing with the case and especially with the evidence just uncovered. Mr. Howell immediately concurred, but the most prominent Jewish lawyer in the city, Mr. Harry Alexander, whom I consulted with a view to have him present the evidence to the grand jury, demurred. He said Frank had not even been tried. Hence no new trial could be requested. Moreover, the Jewish community in its entirety still felt nervous about the incident. If I wrote the articles old resentments might be stirred up and, who knows, some of the unknown lynchers might recognize themselves as participants in my description of the lynching. It was better, Mr. Alexander thought, to leave sleeping lions alone. Some local rabbis were drawn into the discussion and they actually pleaded with Clark Howell to stop me from reviving interest in the Frank case as this was bound to have evil repercussions on the Jewish community.

“That someone had blabbed out of school became quite evident when I received a printed warning saying: ‘Lay off the Frank case if you want to keep healthy.’ The unsigned

warning was reinforced one night or, rather, early one morning when I was driving home. A large automobile drove up alongside of me and forced me into the track of a fast-moving streetcar coming from the opposite direction. My car was demolished, but I escaped without a scratch....”

Dinnerstein references these pages in his book (page 158 of the 2008 edition), saying “In 1923, at the height of the Ku Klux Klan’s power, a foreign journalist, working for *The Atlanta Constitution*, became interested in Leo Frank and went back to study the records of the case. He came across some x-rays showing teeth indentations in Mary Phagan’s left shoulder and compared them with x-rays of Frank’s teeth; but the two sets did not correspond. On the basis of this, and other insights garnered from his investigation, the newspaperman wanted to write a series ‘proving’ Frank’s innocence. One anonymous correspondent sent him a printed note: ‘Lay off the Frank case if you want to keep healthy,’ but this did not deter him.”

Since Dinnerstein is such a lofty academic scholar and professor, perhaps he simply forgot to ask a current freshman in medical school if it was even possible to X-ray bite marks on skin in 1913 – or necessary in 2012, for that matter – because it’s not. In 1913, X-ray technology was in its infancy and never used in any criminal case until many years after Leo Frank was hanged. Was Leo Frank’s lawyer named “Harry Alexander” or Henry Alexander? Why would the famous attorney who represented Leo Frank during his most high-profile appeals say *he didn’t have his trial yet?! Leo Frank was not lynched on his way to trial in Milledgeville – he wasn’t on his way to anywhere, and it happened in Marietta, 170 miles away. And it defies the laws of physics, and all logic and reason, to believe that any person driving a motor vehicle in 1922 – when there were virtually no safety features in automobiles – could suffer a direct collision with a “fast-moving streetcar” and survive “without a scratch.”* Oddly, Dinnerstein says van Paassen “was not deterred” from writing the supposed series of articles, though even the hoaxer himself clearly implies that he was indeed deterred. (Even the most basic online research would also have shown that van Paassen is a far from credible source who once publicly claimed to have seen supernatural “ghost dogs” which could appear and disappear at will.)

Not only did Dinnerstein completely fail to point out the obviously preposterous nature of van Paassen’s account, but he blandly presents his claims as established historical fact.

Surely Leonard Dinnerstein has had, and continues to have, access to the primary sources in this case. Certainly he can read the official legal documents online at the State of Georgia’s online archive known as the Virtual Vault, as I have done without difficulty.

It is hard to fathom the deep contempt that Leonard Dinnerstein must have for his readers. Did he think that these official legal records, once buried in dusty government vaults, would never make their way online? Did he think that Georgia’s three major newspapers from 1913 to 1915, the *Atlanta Constitution*, *Atlanta Journal*, and *Atlanta Georgian*, would never make their way online? Or does his contempt run even deeper – did he think that, online or not, none of us would ever check up on his claims?

Covering Up the Racial Strategy of the Defense

What one can most charitably call Leonard Dinnerstein's lack of candor is apparent not only in sins of commission, but also of omission. In his book, Dinnerstein completely fails to mention the well-known strategy of Leo Frank's defense team to play on the racial conflicts present in 1913 Georgia and pin the murder of Mary Phagan on, successively, two different African-American men.

The first victim was Newt Lee, the National Pencil Company's night watchman. After that intrigue fell apart, Frank's team abruptly changed course and tried to implicate the firm's janitor – and, according to his own testimony, Frank's accomplice-after-the-fact – James “Jim” Conley. Leo Frank's defense team played every white racist card they could muster against Jim Conley at the trial, and continued doing so through two years of appeals. Frank's own lawyer, addressing the jury, said “Who is Conley? Who was Conley as he used to be and as you have seen him? He was a dirty, filthy, black, drunken, lying nigger...Who was it that made this dirty nigger come up here looking so slick? Why didn't they let you see him as he was?” Had this been said at trial by *anyone* other than Leo Frank's defense attorney, it would have been thoroughly denounced by any academic with even half the normal quota of flaming outrage against white racism. But as for Dinnerstein.... Well, with only 40 years to study the case, I suppose he just overlooked it.

A Mockery

Leonard Dinnerstein's *The Leo Frank Case* is a mockery of legal history. Dinnerstein intentionally leaves out volumes of damaging evidence, testimony, and facts about the case. His glaring omissions are documented in, among many other sources, the Georgia Supreme Court's Leo Frank case file. Leonard Dinnerstein misleads the reader, rewriting the case almost at will, and incorporating long-discredited and nonsensical half-truths that would never stand up to even the most elementary scrutiny.

Dinnerstein has created a book that will be remembered by history as a shameless, over-the-top attempt to create a mythology of Leo Frank as a “martyr to anti-Semitism.” In doing that, he seems to care not at all that he may be rehabilitating the image of a serial pedophile, rapist, and strangler. To Dinnerstein, the fact that Leo Frank is Jewish, and his belief that Southern whites were anti-Jewish, are all-important realities – far more important than the facts of the case, which he presents very selectively to persuade us that his ethnocentric view is the only correct one. Leonard Dinnerstein's partisanship borders on the pathological, and his integrity is, like Pierre van Paassen's, essentially nonexistent.

The definitive, comprehensive, objective book on the Leo Frank case has, unfortunately, never been written. But as an antidote to Dinnerstein's myth-making, you might want to read *The Murder of Little Mary Phagan* by Mary Phagan Kean. Although her book is amateurishly written, she did make a refreshingly honest effort to present both sides of the case in an unbiased manner.

The Leo Frank Case: A Pseudo-History

This doesn't mean I haven't found errors in Kean's book – I have – but compared to all the major Leo Frank authors (Oney, Dinnerstein, Alphin, Melnick, the Freys, and Golden) who have written about the case in the last 99 years, Mary Phagan Kean made the best and most honest attempt to be fair, balanced, and neutral, despite her belief in Leo Frank's guilt. The same cannot be said for Leonard Dinnerstein.

I have closely studied the *several thousand* pages of the Leo Frank trial and appeal records (1913 – 1915), read every book (1913 – 2010) on the subject, and reviewed, more than once, the three primary Atlanta newspapers, the *Journal*, *Constitution*, and *Georgian* (1913 – 1915), concerning their coverage of the Leo Frank case. I believe the jury made the correct decision in the summer of 1913.

But regardless of my opinion on any matter, with which reasonable men and women may well disagree, there is *no doubt whatever* that the accusations of anti-Jewish shenanigans, threats, and jury intimidation at the Leo Frank trial, promoted by Leonard Dinnerstein and repeated by many others, are flat-out lies. His creation and perpetuation of such tales amounts to perjury. And his is an especially vile kind of perjury, made by one who is pathologically obsessed with anti-Semitism and who imagines persecution where none exists. His is a perjury that creates injustice not just for *one* victim and *one* perpetrator, but, by twisting and distorting our view of the past, for our entire society.

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

REFERENCES:

[Leonard Dinnerstein's original dissertation](#)

[The People v. Leo Frank](#)

[To Number Our Days by Pierre van Paassen](#)

Who Really Solved the Mary Phagan Murder Case?

At the trial of Leo Frank for the murder of Mary Phagan, a 14-year-old girl named Monteen Stover who formerly worked at the National Pencil Company testified she went there to collect her pay envelope inside Leo Frank's office on Saturday, April 26, 1913, at 12:05 p.m. and found Leo Frank's office completely empty. Monteen Stover described waiting inside the office for five minutes, until 12:10 pm when she left because she thought the factory might have been deserted. If Monteen Stover was telling the truth, she had inadvertently broken Leo Frank's alibi concerning his whereabouts on that fateful day. What was ironic about Monteen Stover's testimony is that she was a positive character defense witness for Leo Frank, unlike 19 of his other employees and associates whose testimony suggested Leo Frank was a lecherous, licentious, lascivious, and libertine boss.

Leo Frank specifically mentioned, on August 18, 1913, the issue of Monteen Stover finding his office empty on Saturday, April 26, 1913 between 12:05pm and 12:10pm — and in doing so, *Leo Frank himself* solved the Mary Phagan murder mystery.

Leo Frank mounted the witness stand at 2:15 pm to make an unsworn courtroom speech to the judge and jury on the record. During Leo Frank's four-hour trial statement, he refused to be examined or cross examined by defense and prosecution counselors, but he answered the question everyone wanted to know by directly responding to the testimony of Monteen Stover about why his office was empty on April 26, 1913 between 12:05 pm and 12:10 pm. Leo Frank contradicted his earlier statement to the police and explained this five minute absence with a never before heard admission that, during those crucial moments, *he might have "unconsciously" gone to the bathroom in the Metal Room.*

It was an astonishing, jaw dropping, and spine-tingling admission by Leo M. Frank that left everyone in the courtroom perplexed, because there was only one bathroom on the second floor and it was located inside the Metal Room — *the real scene of the crime.* Leo Frank not only put himself in the Metal Room where all the forensic evidence suggested Mary Phagan had been murdered, but he put himself in the specific location at which Jim Conley testified he found the dead body of Mary Phagan.

The newfangled explanation delivered by Leo Frank on August 18, 1913 at 2:45 pm to the judge and jury was considered the equivalent of a murder confession, because the state's prosecution team spent the entire duration of the four-week-long trial proving Leo Frank murdered Mary Phagan in the Metal Room on April 26, 1913 between 12:05 pm and 12:10 pm.

The Metal Room was down the hall from Leo Frank's office, and was the place Mary Phagan had toiled for more than a year at a wage of 7 and 4/11th cents an hour. The Metal Room was where Leo Frank went to use the bathroom each and every day, as he worked down the hall in his second floor office at the front section of the National Pencil Company. When Leo Frank went to the bathroom each day in the year's time between the Springs of 1912 and 1913 that Mary Phagan was employed, he had to immediately pass by her work station within a matter of feet — but Leo Frank denied *even knowing* Mary Phagan at the trial, and it became an incriminating point of contention against him.

Who Really Solved the Mary Phagan Murder Case?

At the trial Jim Conley reported that he discovered the dead body of Phagan in the metal department (Metal Room) bathroom at the behest of Leo Frank. Conley stated that Leo Frank asked him to move her body to the basement furnace where garbage was normally placed before being incinerated. In the aftermath of Jim Conley's refusing to complete the job of stuffing Mary Phagan into the furnace for \$200 (and thereby destroying the evidence), Conley instead agreed to write the "death notes" pinning the bludgeoning, rape and strangulation of Mary Phagan on a tall, dark, and slim black man named Newt Lee, the factory night watchman and security guard who had worked at the factory for less than three weeks. The "death notes" were found next to the body of Mary Phagan, and they describe her going to "make water" in the only place she could "make water," which was the bathroom in the Metal Room on the second floor. There was no bathroom accessible on the first floor and the one in the dark, dingy basement was for "Negroes Only."

On Monday morning, April 28, 1913, a factory employee named Robert P. Barret discovered a bloody tress of hair tangled on the steel handle of his lathe in the Metal Room, and moments later a 5-inch-wide fan-shaped blood stain on the floor of the Metal Room in front of the girls' dressing room next to the bathroom. Barret testified about the forensic evidence he found, and it pointed to the same conclusion: the Metal Room had been the scene of a heinous crime of violence followed by a very poor clean-up job. All of the evidence presented at the trial pointed to the Metal Room as the real scene of the crime.

Jim Conley saying he found Mary Phagan dead in the Metal Room bathroom at the behest of Leo Frank and Leo Frank saying he might have "unconsciously" gone to the bathroom in the Metal Room at the same time he originally told the police that Mary Phagan was in his office (State's Exhibit B), and at the same time Monteen Stover said Leo Frank's office was empty, resulted in the case coming together at the murder trial with absolute precision.

Leo Frank entrapped himself beyond escape at his trial on August 18, 1913, at 2:45 pm.

Many have asked how many times in the annals of United States legal history has the accused made an admission that amounted to an unmistakable murder confession at his or her own trial?

If there are any doubts about Leo Frank's August 18, 1913 murder trial confession, consider reading the March 9, 1914, *Atlanta Constitution* jailhouse interview of Leo Frank, in which he reconfirms his trial testimony about a Metal Room bathroom visit, specifically responding to Monteen Stover's testimony about his office being empty between 12:05 p.m. and 12:10 p.m. on Saturday, April 26, 1913.

The solving of the Mary Phagan murder mystery is found in the fact that Leo Frank made the equivalent of a public murder confession at his trial. This is documented in the official *Leo Frank Trial Brief of Evidence*, 1913, and the Georgia Supreme Court Case File on Leo Frank, 1913, 1914. No appellate tribunal called to review the Leo Frank trial

Who Really Solved the Mary Phagan Murder Case?

brief of evidence from 1913 to 1915, and from 1982 to 1986 disturbed the unanimous verdict of the judge and jury originally made in August of 1913. One may also read between the lines of appeasement concerning the Anti-Defamation League (ADL) sponsored Leo M. Frank posthumous pardon — without exoneration — issued on March 11, 1986.

Steve Oney weaves together a fantastic collage of unsubstantiated Leo Frank hoaxes throughout his entire book *And the Dead Shall Rise* (2003), as part of his shameless efforts to rewrite history, exonerate Leo Frank of the Mary Phagan murder, and ultimately rehabilitate the image of Leo Frank from that of a perverted and violent pedophile, rapist, and strangler — toward that of a kind, gentle, almost mythic stoic-martyr who was unjustly scapegoated in a vast conspiracy.

By cherry-picking and misrepresenting large parts of the case, a subtext is inserted in Oney's book — that an innocent and well-educated Ivy League Jew named Leo Frank was ensnared by the real culprit, a semi-literate and drunken stumble-bum, the African-American factory sweeper Jim Conley.

Oney downplays the fact that Leo Frank and Jim Conley had a personal relationship that was a bit too close for comfort. Leo Frank would often goose and jolly with James “Jim” Conley at the factory. Leo Frank also managed Jim's contracts as Conley had a side business selling watches at the factory and even ripped off Mr. Arthur Pride who testified about it at the trial. In 1912, even though Jim Conley had just served a one month sentence for drunk and disorderly behavior, Leo Frank took him back at the National Pencil Company in mid-October.

Leo Frank knew for a fact Jim Conley could write, but kept this information in confidence until it was too late. Leo Frank never said a single word about Conley to the police during the early days of the Mary Phagan murder investigation, even though the “death notes” were clearly written in Ebonics, and there were only eight African-American employees, out of 170 employees in total, working at the National Pencil Company factory. Jim Conley worked at the National Pencil Company in various capacities for two years and had even done some written inventory work for Leo Frank.

Steve Oney never addresses why Leo Frank knowingly refused to tell the police Jim Conley could write.

What Steve Oney fails to elaborate fully for the reader is the most grotesque subplot of the bludgeoning, rape and strangulation of Mary Phagan: its pinning on the African-American night watchman Newton “Newt” Lee. Lee was ordered by Leo Frank on Friday, April 25 to arrive at work an hour early, 4:00 pm, on the infamous day of April 26, 1913 — so Leo Frank could go to a ball game with his brother-in-law, Mr. Ursenbach.

Oney points out in his book that weeks after Leo Frank and Jim Conley were arrested, the police arranged for them to confront each other face-to-face over the murder. Jim

Who Really Solved the Mary Phagan Murder Case?

agreed, but Leo refused. Oney never answers the question why an “innocent White man” would refuse to confront an African-American man, accusing him of strangling a 13-year old White girl in the context of the White racial separatist south of 1913, where the word of a Black man would almost never be taken over the word of a White man.

Though Steve Oney claims he spent 17 years of his life traveling the country to research and write this colorful and thesaurus-enriched book, his analysis is shallow and myopic at best. Oney tends to wear blinders and drives with the emergency brakes on during his epic 700+ page journey, and, as a result, he does not plumb the depths of the case, leaving the reader truly frustrated, unsatisfied, and unfulfilled. No real modern forensic analysis is applied to this case by Oney despite the hundreds of documents surviving into the 21st century, including crime scene and autopsy descriptions by police, detectives, undertakers, and physicians. Oney does, however, fill his book with every crackpot theory ever advanced on behalf of Leo Frank’s defense, regardless of whether or not the inclusions stand up to even minimal scrutiny.



Pierre van Paassen, who, in addition to penning some rather incredible tales about the Leo Frank case, also [claimed to have seen ghostly black dogs which could appear and disappear at will](#)

One of the biggest frauds Oney perpetuates was originally fabricated by the tabloid-style journalist Pierre van Paassen in his book *To Number Our Days*, published in 1964. In this 404-page work, van Paassen spends less than two pages (pp. 237-8) recalling an incident that happened in 1922, at a time when he was in Atlanta, Georgia, working as a journalist for the *Atlanta Constitution*, and investigating the then almost decade-old Leo Frank Case.

To Number Our Days, by Pierre van Paassen, chapter: “Short Stand in Dixieland,” page 237, line 27:

“The Jewish community of Atlanta at that time seemed to live under a cloud. Several years previously one of its members, Leo Frank, had been lynched as he was being transferred from the Fulton Tower Prison in Atlanta to Milledgeville for trial on a charge of having raped and murdered a little girl in his warehouse which stood right opposite the *Constitution* building. Many Jewish citizens who recalled the lynching were unanimous in assuring me that Frank was innocent of the crime.

“I took to reading all the evidence pro and con in the record department at the courthouse. Before long I came upon an envelope containing a sheaf of papers and a number of X-ray photographs showing teeth indentures. The murdered girl had been bitten on the left shoulder and neck before being strangled. But the X-ray photos of the teeth marks on her body did not correspond with Leo Frank’s set of teeth of which several photos were

Who Really Solved the Mary Phagan Murder Case?

included. If those photos had been published at the time of the murder, as they should have been, the lynching would probably not have taken place.

“Though, as I said, the man died several years before, it was too late, I thought, to rehabilitate his memory and perhaps restore the good name of his family. I showed Clark Howell the evidence establishing Frank’s innocence and asked permission to run a series of articles dealing with the case and especially with the evidence just uncovered. Mr. Howell immediately concurred, but the most prominent Jewish lawyer in the city, Mr. Harry Alexander, whom I consulted with a view to have him present the evidence to the grand jury, demurred. He said Frank had not even been tried. Hence no new trial could be requested. Moreover, the Jewish community in its entirety still felt nervous about the incident. If I wrote the articles, old resentments might be stirred up and, who knows some of the unknown lynchers might recognize themselves as participants in my description of the lynching. It was better, Mr. Alexander thought, to leave sleeping lions alone. Some local rabbis were drawn into the discussion and they actually pleaded with Clark Howell to stop me from reviving interest in the Frank case as this was bound to have evil repercussions on the Jewish community.

“That someone had blabbed out of school became quite evident when I received a printed warning saying: ‘Lay off the Frank case if you want to keep healthy.’ The unsigned warning was reinforced one night, or rather, early one morning when I was driving home. A large automobile drove up alongside of me and forced me into the track of a fast-moving streetcar coming from the opposite direction. My car was demolished, but I escaped without a scratch....”

Van Paassen’s account of these events that allegedly happened more than four decades before is faulty in several particulars. Dental X-ray forensics were in their infancy in 1913, and never used in Georgia for any murder case until countless years after Leo Frank was hanged. Is it “Mr. Harry Alexander” or *Henry* Alexander? And why would the attorney who represented Leo Frank during his numerous appeals say Leo Frank *didn’t have his murder trial yet*? Leo Frank was not lynched on his way to trial or prison in late June 1915; he was lynched 170 miles away in Marietta on August 17, 1915. Bite marks on Mary Phagan’s left shoulder and neck? None of the numerous examinations or autopsies of Mary Phagan conducted by the undertaker, police, detectives, and physicians reported in the official record and newspapers mention any bite marks on Mary Phagan’s shoulder, neck or anywhere else on her body. Van Paassen also claims an attempt was made on his life by forcing him into a head-on collision *with a streetcar* in which his car was demolished, but he escaped *without a scratch* — all this in 1922 when there were virtually no safety features to speak of in automobiles.

The definitive book on the [Leo Frank case](#) has yet to be written. Perhaps it’s time for Steve Oney to re-read and carefully study the 1,800-page Georgia Supreme Court file on Leo M. Frank, and put out a new edition of his book without all the easily-verified misrepresentations, fabrications, half-truths, omissions, and sloppy research.

* * *

Who Really Solved the Mary Phagan Murder Case?

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Did Leo Frank Confess?



Leo Frank

In addition to being an executive of Atlanta's National Pencil Company, Leo Frank was also a B'nai B'rith official — president of the 500-member Gate City Lodge in 1912 — and even after his conviction and incarceration Frank was elected lodge president again in 1913. As a direct result of the Leo Frank conviction, the B'nai B'rith founded their well-known and politically powerful "Anti-Defamation League," or ADL.

At the climax of the Leo Frank trial, an admission was made by the defendant that amounted to a confession during trial. How many times in the annals of US legal history has this happened? Something very unusual happened during the month-long *People v. Leo M. Frank* murder trial, held within Georgia's Fulton County Superior Courthouse in the

Summer of 1913. I'm going to show you evidence that Mr. Leo Max Frank inadvertently revealed the solution to the Mary Phagan murder mystery.

When Leo Frank mounted the witness stand on Monday afternoon, August 18, 1913, at 2:15 pm, he orally delivered an unsworn, four-hour, pre-written statement to the 250 people present.

Did Leo Frank Confess?



The Leo Frank trial

Epic Trial of 20th Century Southern History

The audience sat in the grandstand seats of the most spectacular murder trial in the annals of Georgia history. Nestled deep within the pews of the Fulton County Superior Court were the luckiest of public spectators, defense and prosecution witnesses, journalists, officials, and courtroom staff.



Hugh M. Dorsey

Like gladiators in an arena, in the center of it all, with their backs to the audience, seated in ladder-back chairs, were the most important principals. They were the State of Georgia's prosecution team, made up of three members, led by Solicitor General Hugh M. Dorsey and Frank Arthur Hooper. Arrayed against them were eight Leo Frank defense counselors, led by Luther Z. Rosser and Reuben Rose Arnold. The presiding judge, the Honorable Leonard Strickland Roan, sitting in a high-backed leather chair, was separated by the witness stand from the jury of 12 white men who were sworn to justly decide the fate of Leo Frank.

Did Leo Frank Confess?

Crouched and sandwiched between the judge's bench and the witness chair, sitting on the lip of the bench's foot rail, was a stenographer capturing the examinations. Stenographers clicked away throughout the trial and were changed regularly in relays.



Reuben R. Arnold

Surrounding the four major defense and prosecution counselors were an entourage of uniformed police, plainclothes detectives, undercover armed security men, government staff, and magistrates.

The first day of the Leo Frank trial began on Monday morning, July 28, 1913, and led to many days of successively more horrifying revelations. But the most interesting day of the trial occurred three weeks later when Leo Frank sat down in the witness stand on Monday afternoon, August 18, 1913.

The Moment Everyone Was Waiting For

What Leo Frank had to say to the court became the spine-tingling climax of the most notorious criminal trial in US history, and it was the moment everyone in all of Georgia, especially Atlanta, had waited for.



Leo Frank posing for Collier's Weekly. The photo would later become the front cover for the book [The Truth About the Frank Case](#) by C.P. Connolly. In the picture, the fingertips of Leo Frank's left hand are firmly clasped around the base of a cigar, vertically projecting upward from his groin region. The significance of Leo Frank's left fist would be revealed when the [Mary Phagan autopsy](#), conducted on Monday, May 5, 1913, by Dr. H. F. Harris, was reported during the Leo Frank trial.

Judge Roan explained to the jury the unique circumstances and rules concerning the unsworn statement Leo M. Frank was to make. Then, at 2:14 pm, Leo Frank was called to speak. When he mounted the stand, a hush fell as 250 spellbound people closed ranks and leaned forward expectantly. They were more

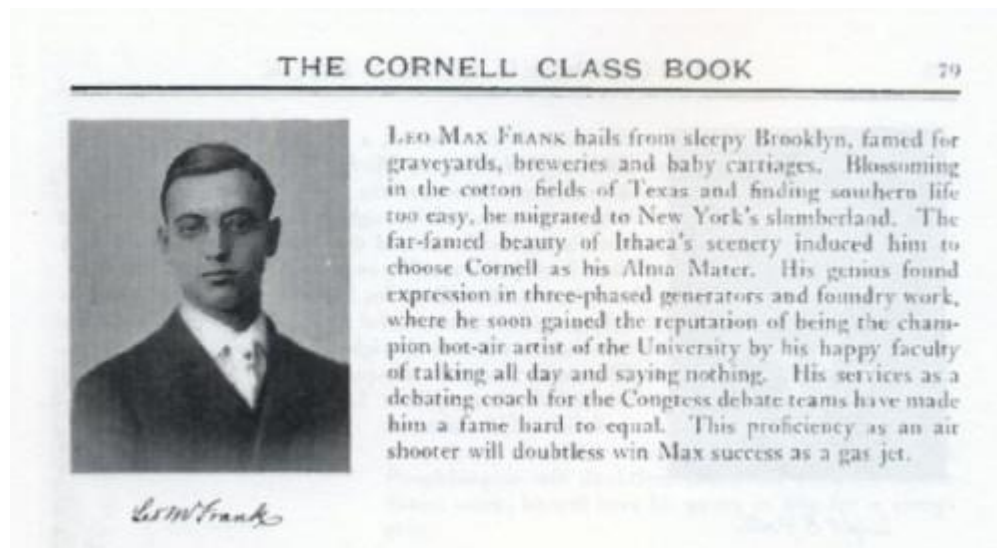
Did Leo Frank Confess?

than just speechless: They were literally breathless, transfixed, sitting on the edges of their seats, waiting with great anticipation for every sentence, every word, that came forth from the mouth of Leo Frank.

But listening to his long speech became challenging at times. He had a reputation as a “gas jet” from his college days (see his college yearbook entry), and he lived up to it now with dense, mind-numbing verbiage.

Three Out of Nearly Four Hours: Distractions and Endless Pencil Calculations

To bring his major points home during his almost four-hour speech, Leo Frank presented original pages of his accounting books to the jury. For three hours he went over, in detail, the accounting computations he had made on the afternoon of April 26, 1913. This was meant to show the court that he had been far too busy to have murdered Mary Phagan on that day nearly 15 weeks before.



Leo Frank's reputation as a "hot air artist" — and service as a debating coach — shown in his college yearbook entry

One point emphasized by the defense was how long it took Frank to do the accounting books: Was it an hour and a half as some said, or three hours? Can either answer ever be definitive, though? No matter how quickly one accountant works, is it beyond belief that another could be twice as fast?

The Ultimate Question Waiting to be Answered

Did Leo Frank Confess?



Monteen Stover

The most important unanswered question in the minds of everyone at the trial was this: *Where had Leo Frank gone between 12:05 pm and 12:10 pm on Saturday, April 26, 1913?* This was the crucial question because Monteen Stover had testified she found Leo Frank's office empty during this five-minute time segment – and Leo Frank had told police he never left his office during that time. And the evidence had already shown that Mary Phagan was murdered sometime between 12:05 and 12:15 pm in the Metal Room of the same factory where Leo Frank was present.

There weren't a plethora of suspects in the building: April 26, 1913, was a state holiday in Georgia — Confederate Memorial Day — and the factory and offices were closed down, except for a few employees coming in to collect their pay and two men doing construction work on an upper floor.

Two investigators had testified that Leo Frank gave them the alibi that he had *never* left his office from noon until after 12:45. If Leo Frank's alibi held up, then he couldn't have killed Mary Phagan.

Everyone wanted to know how Leo Frank would respond to the contradictory testimony clashing with his alibi. And, after rambling about near-irrelevancies for hours, he did: Frank stated — in complete contradiction to his numerous earlier statements that he'd never left his office — that he might have “unconsciously” gone to the bathroom during that time — *placing him in the only bathroom on that floor of the building, the Metal Room bathroom, which is where Jim Conley stated he had first found the lifeless body of little Mary Phagan, and immediately adjacent to the Metal Room proper, where Mary Phagan's blood was found, and where the prosecution had spent weeks proving that the murder had actually taken place.*

Did Leo Frank Confess?

CORONER. PAUL DONE-
HOO, who has vigorous-
ly prosecuted inquiry into the
Phagan case, and is making
every effort to solve mystery.



Paul Donehoo

This was doubly amazing because weeks earlier Leo Frank had emphatically told the seven-man panel led by Coroner Paul Donehoo at the Coroners Inquest, that he (Leo Frank) *did not use the bathroom all day long* — not that he (Leo Frank) had forgotten, but that *he had not gone to the bathroom at all*. The visually-blind but prodigious savant Coroner Paul Donehoo — with his highly-refined “B.S. detector” was incredulous as might be expected. Who doesn’t use the bathroom all day long? It was as if Leo Frank was mentally and physically, albeit crudely and unbelievably, trying to distance himself from the bathroom where Jim Conley said he found the body.

Furthermore, Leo Frank had told detective Harry Scott — witnessed by a police officer named Black — that he (Leo Frank) was in his office *every minute from noon to half past noon*, and in State’s Exhibit B (Frank’s stenographed statement to the police), Leo Frank never mentions a bathroom visit all day.

And now he had reversed himself!

Why would Leo Max Frank make such a startling admission, after spending months trying to distance himself from that part of the building at that precise time? That is a difficult question to answer, but there are clues. 1) The testimony of Monteen Stover (who liked Frank and who was actually a supportive character witness for him) that Frank was missing from his office for those crucial five minutes was convincing. Few could believe that Stover — looking to pick up her paycheck, and waiting five minutes in the office for an opportunity to do so — would have been satisfied with a cursory glance at the room and therefore somehow missed Frank behind the open safe door as he had alleged. 2) The evidence suggests that Frank did not always make rational decisions when under stress: Under questioning from investigators, he repeatedly changed the time at which Mary Phagan supposedly came to see him in his office (and State’s Exhibit B shows that Frank, in the presence of his lawyers, told police that Mary Phagan *was in his office with him alone* between 12:05 and 12:10 pm); he reportedly confessed his guilt to his wife the day of the murder; he, if guilty, reacted out of all proportion and reason to being spurned by his teenage employee; and he maintained the utterly unbelievable position throughout the case that he did not know Mary Phagan by name, despite indisputably knowing her initials (he wrote them on the company books by hand) and interacting with her hundreds of times.

Did Leo Frank Confess?



Mary Phagan

Frank had also said (to paraphrase his statement before the racial angle had been brought forward by his defense team) that to the best of his recollection when he was in his second floor office from 12:00 to 12:45 pm, aside from temporary visitors, the only other people continuously in the building he was aware of were Mr. White and Mr. Denham on the fourth floor, banging away and doing construction as they tore down a partition. That's it, three people. One can understand investigators, after hearing Frank's statement that there were only three people in the building, asking the question: *If there are three people in the factory, and two of them didn't do it, who is left?*

Even if only *one* of these lapses is true as described, it is enough to show a pronounced lack of judgement on Frank's part. A man with such impaired judgement may actually have been unable to see that by explaining away his previous untenable (and now exposed as false) position of "never leaving the office" with an "unconscious" bathroom visit, he was placing himself at the *scene* of the murder at the *precise time* of the murder. Thus are men who tell tales undone, even as they fall back upon a partial truth.

Georgia: Right to Refuse Oaths and Examination

Under the Georgia Code, Section 1036, the accused has the right to make an unsworn statement and, furthermore, to refuse to be examined or cross-examined at his trial. Leo Frank made the decision to make an unsworn statement and not allow examination or cross examination.

The law also did not permit Solicitor General Hugh M. Dorsey or his legal team to orally interpret or comment on the fact that Leo Frank was not making a statement sworn under oath at his own murder trial. The prosecution respected this rule.

The jury knew that Leo Frank had had months to carefully prepare his statement. But what was perhaps most damaging to Leo Frank's credibility was the fact that *every* witness at the trial, regardless of whether they were testifying for the defense or prosecution, had been sworn, and therefore spoke under oath, and had been subject to cross-examination by the other side — *except for Leo Frank*. Thus it didn't matter if the law prevented the prosecution from commenting on the fact Leo Frank had refused cross

Did Leo Frank Confess?

examination, opting instead to make an unsworn statement, because the jury could see that anyway. Making an unsworn statement and refusing to be examined does not prove that one is guilty, but it certainly raises eyebrows of doubt.



Leo Frank takes the stand

The South an “Honor Bound” Society

Could a sworn jury upholding its sacred duty question Leo Frank’s honor and integrity as a result of what Southerners likely perceived as his cowardly decision under Georgia Code, Section 1036? If so, greater weight would naturally be given to those witnesses who *were* sworn under oath and who contradicted Leo Frank’s unsworn alibis, allegations, and claims. It put the case under a new lens of the sworn versus the unsworn.

The average Southerner in 1913 was naturally asking the question: *What white man would make an unsworn statement and not allow himself to be cross-examined at his own murder trial if he were truly innocent?* Especially in light of the fact that the South was culturally white separatist — and two of the major material witnesses who spoke against Leo Frank were African-Americans, one claiming to be an accomplice after the fact turned accuser. In the Atlanta of 1913,

African-Americans were perceived as second class citizens and less reliable than whites in terms of their capacity for telling the truth.

Today, we might ask: Why wouldn’t Leo Frank allow himself to be cross examined when he was trained in the art and science of debating during his high school senior year and all through his years in college, where he earned the rank of Cornell Congress Debate Team coach? (*Pratt Institute Monthly*, June, 1902; *Cornellian*, 1902 through 1906; *Cornell Senior Class Book*, 1906; Cornell University Alumni Dossier File on Leo Frank, retrieved 2012)

Odd Discrepancies

Did Leo Frank Confess?



Newt Lee

Most Leo Frank partisan authors omit significant parts of the trial testimony of Newt Lee and Jim Conley from their retelling of the Leo Frank Case. Both of these black men, former National Pencil Company employees, made clearly damaging statements against Frank.

The evidence Newt Lee brought forward was circumstantial, but intriguing — and never quite adequately explained by Leo Frank then, or by his defenders now.

He stated that on Friday Evening, April 25, 1913, Frank made a request to him, Lee, that he report to work an hour early at 4:00 pm on Confederate Memorial Day, the next day. The stated reason was that Leo Frank had made a baseball game appointment with his brother-in-law, Mr. Ursenbach, a Gentile who was married to one of Frank's wife Lucille's older sisters. Leo Frank would eventually give two different reasons at different times as to why he canceled that appointment: 1) he had too much work to do, and 2) he was afraid of catching a cold.

Newt Lee's normal expected time at the National Pencil Company factory on Saturdays was 5:00 pm sharp. Lee stated that when he arrived an hour early that fateful Saturday, Leo Frank had forgotten the change because he was in an excited state. Frank, he said, was unlike his normal calm, cool and collected "boss-man" self. Normally, if anything was out of order, Frank would command him, saying "Newt, step in here a minute" or the like. Instead, Frank burst out of his office, bustling frenetically towards Lee, who had arrived at the second floor lobby at 3:56 pm. Upon greeting each other, Frank requested that Lee go out on the town and "have a good time" for two hours and come back at 6:00 pm.

Because Leo Frank asked Newt Lee to come to work one hour early, Lee had lost that last nourishing hour of sleep one needs before waking up fully rejuvenated, so Lee requested of Frank that he allow him to take a nap in the Packing Room (adjacent to Leo Frank's front office). But Frank re-asserted that Lee needed to go out and have a good time. Finally, Newt Lee acquiesced and left for two hours.

At trial, Frank would state that he sent Newt Lee out for two hours because he had work to do. When Lee came back, the double doors halfway up the staircase were locked — very unusual, as they had never had been locked before on Saturday afternoons. When Newt Lee unlocked the doors and went into Leo Frank's office he witnessed his boss bungling and nearly fumbling the time sheet when trying to put a new one in the punch clock for the night watchman — Lee — to register.



The National Pencil Company building around 1913

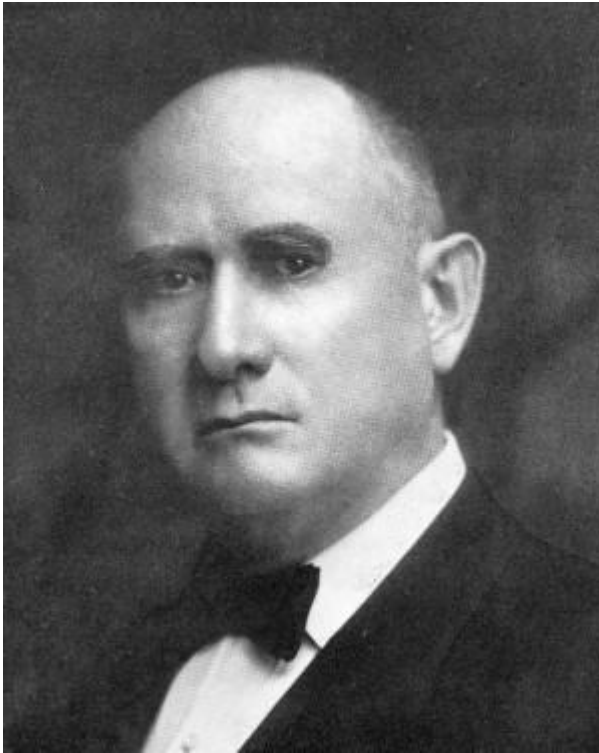
It came out before the trial that Newt Lee had earlier been told by Leo Frank that it was a National Pencil Company policy that once the night watchman arrived at the factory – as Lee had the day of the murder at 4:00 pm – he was not permitted to leave the building under any circumstances until he handed over the reigns of security to the day watchman. Company security necessitated being cautious – poverty, and therefore theft, was rife in the South; there were fire risk hazards; and the critical factory machinery was worth a small fortune. Security was a matter of survival.

The two hour timetable rescheduling – the canceled ball game – the inexplicable sudden security rule waiver – the bumbling with a new time sheet – the locked double doors – and Frank’s suspiciously excited behavior: All were highlighted as suspicious by the prosecution, especially in light of the fact that the “murder notes” – found next to Mary Phagan’s head – physically described Newt Lee, even calling him “the night witch.” And, the prosecutor asked, why did Leo Frank later telephone Newt Lee, not once but two or more times, that evening at the factory?

A “Racist” Subplot?

The substance of what happened between Newt Lee (and janitor James “Jim” Conley – see below) and Leo Frank from April 26, 1913 onward is most often downplayed, censored, or distorted by partisans of Leo Frank.

From the testimony of these two African-American witnesses, we learn of an almost diabolic intrigue calculated to entrap the innocent night watchman Newt Lee. It would have been easy to convict a black man in the white separatist South of that time, where the ultimate crime was a black man having interracial sex with a white woman — to say nothing of committing battery, rape, strangulation, and mutilation upon her in a scenario right out of [Psychopathia Sexualis](#).



Luther Z. Rosser, for the defense

The plot was exquisitely formulated for its intended audience, the twelve white men who would decide Leo Frank's fate. It created two layers of African-Americans between Frank and the murder of Mary Phagan. It wouldn't take the police long to realize Newt Lee didn't commit the murder, and, since the death notes were written in dialect, it would leave the police hunting for another black murderer. As long as Jim Conley kept his mouth shut, he wouldn't hang. So the whole plot rested on Jim Conley – and it took the police three weeks to crack him.

The ugly racial element of this defense ploy is rarely mentioned today. The fact that it was Leo Frank, a Jew (and

generally considered white in the racial separatist Old South), who first tried to pin the rape and murder of Mary Phagan on the elderly, balding, and married African-American Newt Lee (who had no criminal record to boot) is not something that Frank partisans want to highlight. The Leo Frank cheering section also downplays the racial considerations that made Frank, when his first racially-tinged defense move failed and was abandoned, change course for the last time and formulate a new subplot to pin the crime on Jim Conley, the “accomplice after the fact.”

If events had played out as intended, there would have likely been one or two dead black men in the wake of the defense team's intrigue.

Jim Conley knew too much. He admitted he had helped the real murderer, Leo Frank, clean up after the fact. To prevent Conley, through extreme fear, from revealing any more about the real solution to the crime, and to discredit him no matter what he did, a new theory was needed. Jim Conley certainly was scared beyond comprehension, knowing what white society did to black men who beat, raped, and strangled white girls.

The Accuser Becomes the Accused

Did Leo Frank Confess?



Jim Conley

The new murder theory posited by the Leo Frank defense was that Jim Conley assaulted Mary Phagan as she walked down the stairs from Leo Frank's office. Once Phagan descended to the first floor lobby, they said, she was robbed, then thrown down 14 feet to the basement through the two-foot by two-foot scuttle hole at the side of the elevator. Conley then supposedly went through the scuttle hole himself, climbing down the ladder, dragged the unconscious Mary Phagan to the garbage dumping ground in front of the cellar incinerator (known as the "furnace"), where he then raped and strangled her.

But this grotesque racially-tinged framing was to fail in the end — in part because because physicians noticed that

the scratch marks on Mary Phagan's face — she had been dragged face down in the basement — *did not bleed*, strongly suggesting she was already quite dead when the dragging took place.

Investigators arranged for a conversation to take place between Leo Frank and Newt Lee, who were intentionally put alone together in a police interrogation room at the Atlanta Police Station. The experiment was to see how Frank would interact with Lee and determine if any new information could be obtained.

Once they thought they were alone, Leo Frank scolded Newt Lee for trying to talk about the murder of Mary Phagan, and said that if Lee kept up that kind of talk, Frank and he would go straight to hell.



Leo Frank in the courtroom; his wife Lucille Frank behind him

Star Witnesses

The Jewish community has crystallized around the notion that Jim Conley was the star witness at the trial, and not 14-year-old Monteen Stover who defended Leo Frank's character — and then inadvertently broke his alibi.

Leo Frank partisans downplay the significance of Monteen Stover's trial testimony and Leo Frank's attempted rebuttal of her testimony on August 18, 1913. Governor John M. Slaton also ignored the Stover-Frank incident in his 29-page commutation order of June 21, 1915.

Many Frank partisans have chosen to obscure the significance of Monteen Stover by putting all the focus on Jim Conley, and then claiming that without Jim Conley there would have been no conviction of Leo Frank.

Could they be right? Or could Leo Frank have been convicted on the testimony of Monteen Stover, without the testimony of Jim Conley?

It is a question left for speculation only, because no one ever anticipated the significance of Jim Conley telling the jury that he had found Mary Phagan dead in the Metal Room bathroom.

It was not until Leo Frank gave his response to Monteen Stover's testimony — his explanation of why his second floor business office was empty on April 26, 1913 between 12:05 pm and 12:10 pm — that everything came together *tight and narrow*.

Tom Watson resolved the "no conviction without Conley" controversy in the September 1915 number of his *Watson's Magazine*, but perhaps it is time for a 21st century explanation to make it clear why even the Georgia Supreme Court ruled that the evidence and testimony of the trial sustained Frank's conviction.

August 18, 1913: You Are the Jury

The four-hour-long unsworn statement of Leo Frank was the crescendo of the trial. (Later, just before closing arguments, Frank himself was allowed the last word. He spoke

Did Leo Frank Confess?

once more on his own behalf, unsworn this time also, for five minutes, denying the testimony of others that he had known Mary Phagan by name and that he had gone into the dressing room for presumably immoral purposes with one of the company's other employees.)



The jury that convicted Leo Frank

Three Confessions

It is important to understand that Leo Frank's startling admission of his presence in the death room at the critical moment did not stand alone in the jury's eyes. Conclusive as it was, *it was not Frank's only confession.*

The official record shows Leo Frank confessed to murdering Mary Phagan three times, though he would deny all three.



James Conley

- **Confession Number One — April 26, 1913:** Leo Frank's murder confession number one was made to Jim Conley when Leo Frank told him he had tried to "be with her" (have sexual intercourse with Mary Phagan) and she refused him. According to Conley, Frank then stated he had hit her, knocking her down, then adding "I guess I struck her too hard and she fell and hit her head against something." Some of Mary Phagan's bloody hair was discovered on Monday, April 28, 1913, by Robert P. Barret on the handle of a lathe in the second floor Metal Room.

- **Confession Number Two — April 26, 1913:**

Did Leo Frank Confess?

According to the McKnight family, Leo Frank confessed to murdering Mary Phagan to his wife Lucille Selig Frank on the evening of April 26, 1913, at around 10:30 pm, saying to his wife that he didn't know why he would murder — and asking his wife for his pistol so he could shoot himself. Lucille reportedly told her family, and her household cook and cleaning lady Minola McKnight, about what happened that evening. Minola McKnight told her husband Albert McKnight, and full documentation can be found in State's Exhibit J (see the Appendix to this article). Decades later, Lucille Selig Frank refused to be buried in the Frank family plot next to her husband, leaving explicit instructions to the contrary.



Lucille Frank, circa 1950
(WBJHMA)

• **Leo Frank Murder Confession Number Three — August 18, 1913:** This is the “unconscious bathroom visit” statement delivered by Frank to the court in his unsworn statement, placing him unequivocally at the murder scene at the critical time. Frank would also reaffirm this admission in a newspaper interview published by the *Atlanta Journal-Constitution* on March 9th, 1914.

With Mercy — or Without?

Judge Leonard Strickland Roan gave the jury two options if they found Leo Frank guilty of the crime of murder: ‘With Mercy’ or ‘Without Mercy.’ If there was any doubt of Leo M. Frank’s guilt, the judge and jury could have sentenced him to life in prison instead of sentencing him to death by hanging. When the jury unanimously sentenced Leo Frank to death by hanging after deciding on a verdict of guilt, Judge Roan had the legal option to downgrade the jury’s death sentence, and only give Leo Frank life in prison – that is, if Roan disagreed with the judgement. But Judge Roan agreed with their collective verdict and recommendation.



Judge Leonard Strickland Roan

Many in the Jewish community, and other Leo Frank partisans, have suggested that Judge Roan doubted the verdict because of one of his apparently appeasing comments made orally to his former law partner, Luther Rosser. But if Roan actually doubted the verdict, he could have exercised his power many times to prevent Frank’s execution, and even given him a new trial if that would have served the cause of justice. But he did none of these things.

You are Hereby Sentenced to Hang on April 17, 1914; Happy Birthday

Did Leo Frank Confess?

Certainty of Leo Frank's guilt was so strong that — after reviewing his trial testimony for months, and after the Georgia Supreme Court's majority decision upheld Leo Frank's conviction and the fairness of his trial — Judge Benjamin Hill, on March 7, 1914, *sentenced him to die on his 30th birthday*: April 17, 1914.

Only absolute mathematical certainty of guilt warrants such a cruel sentencing date by a judge.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Appendix: Essential Reading

To gain a full understanding of the Leo Frank case, and the tissue-thin “anti-Semitic conspiracy” theories advanced by the media today, it is necessary to read the official record without censorship or selective editing by partisans. Here are the resources which will enable you to do just that.

- [Leo M. Frank Brief of Evidence, Murder Trial Testimony and Affidavits, 1913](#)
- Leo M. Frank unsworn trial statement ([BOE, Leo Frank Trial Statement, August 18, 1913](#))
- Leo Frank trial, [State's Exhibit B](#)

Original State's Exhibit B:

Part 1 – <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0061.jpg>

Part 2 – <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0062.jpg>

Complete Analysis of State's Exhibit B (required reading): [The full review of State's Exhibit B](#)

- Leo Frank Case files from the Georgia Supreme Court, Adobe PDF format: <http://www.leofrank.org/library/georgia-archives/>
- *Atlanta Constitution* issue of March 9, 1914 ([Leo Frank Answers List of Questions Bearing on Points Made Against Him, March 9, 1914](#))
- Compare the analysis of the bathroom statement by reading: [Argument of Hugh M. Dorsey](#), followed by [Argument of Mr. Frank Hooper](#) — also compare with [Tom Watson's](#) version

Did Leo Frank Confess?

- Minola McKnight statement ([Minola Mcknight, State's Exhibit J, June 3, 1913](#)) and cremation request in the 1954 Notarized Last Will and Testament of [Lucille Selig Frank](#)
- 2D and 3D [National Pencil Company](#) floor diagrams

The National Pencil Company in 3 Dimensions

3-Dimensional Floor Plan of the [National Pencil Company](#) in 1913: <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0060.jpg>.

The Defendant Leo Frank's Factory Diagrams Made on His Behalf:

2-Dimensional Floor Plan of the [National Pencil Company](#) in 1913. Defendants Exhibit 61, Ground Floor and Second Floor 2D Birds Eye View Maps of the National Pencil Company: <http://www.leofrank.org/images/georgia-supreme-court-case-files/2/0125.jpg>. [Plat of the First and Second Floor of the National Pencil Company](#).

1. [State's Exhibit A \(Small Image\)](#) or [State's Exhibit A \(Large Image\)](#).
 2. [Different Version: Side view of the factory diagram showing the front half of the factory](#)
 3. [Bert Green Diagram of the National Pencil Company](#)
- James "Jim" Conley's testimony ([James Conley, Brief of Evidence, August, 4, 5, 6, 1913](#))
 - Staged late [defense version of events](#)
 - The [Jeffersonian Newspaper](#) 1914-1917 and *Watson's Magazine* ([August](#) and [September](#), 1915) series on the case
 - Defense and prosecution both ratify the original Brief of Evidence: [Leo M. Frank, Plaintiff in Error, vs. State of Georgia, Defendant in Error. In Error from Fulton Superior Court at the July Term 1913. Brief of Evidence](#)
 - [John Davison Lawson's American State Trials 1918, Volume X](#)
 - Mary Phagan Kean's analysis of the Leo Frank Case: [The Murder of Little Mary Phagan](#)
 - [State's Exhibit A](#)

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L'Origan Extract, \$2.75, \$5.00; an oz., \$2.30
Jacqueminot Rose Extract, \$2.50, \$5.00; an oz., \$2.30
Gloria de Paris Extract, oz., \$1.75
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MUSIC BY DONIZETTI

Lucia	FRIEDA HEMPEL
Alisa	MARIE MATTFELD
Edgardo	UMBERTO MACNEZ
Lord Enrico Ashton	PASQUALE AMATO
Raimondo	BASIL RUYSDAEL
Arturo	ANGELO BADA
Normanno	PIETRO AUDISIO

Conductor, GIUSEPPI STURANI
Stage Manager, JULES SPECK
Chorus Master, GIULIO SETTI
Technical Director, EDWARD SIEDLE

SYNOPSIS OF SCENES

ACT I. SCENE 1. Grounds Near Ravenswood Castle. SCENE 2. The Ruined Tower of Wolf's Crag

ACT II. A Hall in Ravenswood Castle.

ACT III. A Room in Ravenswood Castle.

ACT IV. The Cemetery.

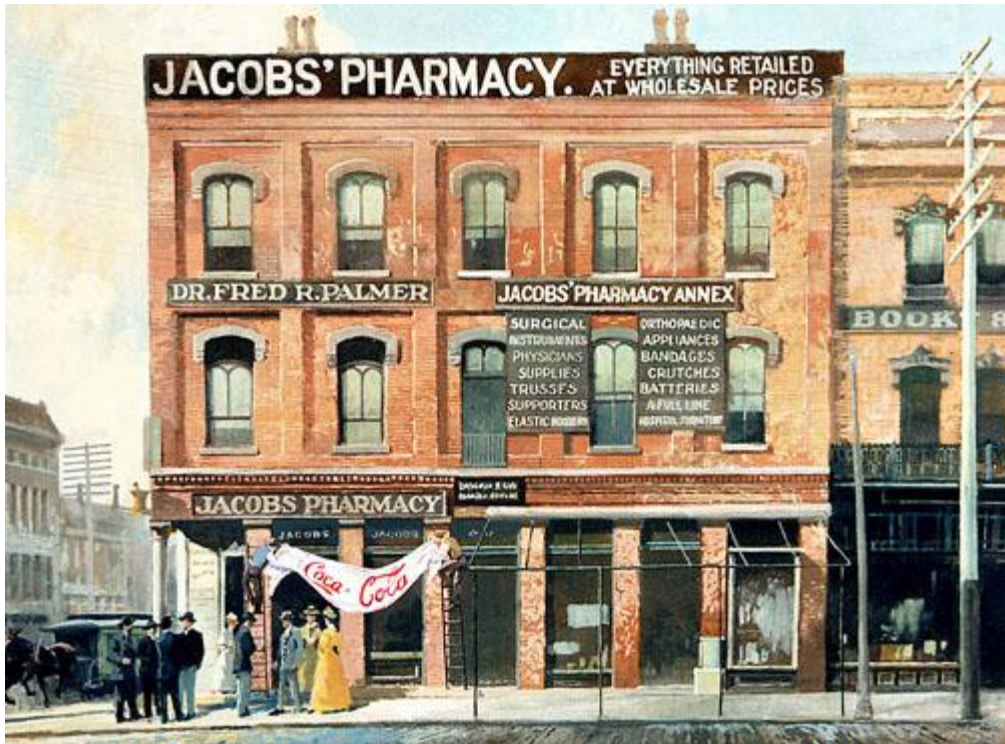
ACT I. Harp Solo, Cadenza, Composed and Played by Carlos Salzedo.

As [Professor Allen Koenigsberg](#) puts it:

On Confederate Memorial Day, Saturday, April 26th, 1913, inside the palatial auditorium where the fourth annual season of the visiting New York City Metropolitan

The Amazing Story of Mrs. Leo Frank

Grand Opera Company was coming to a close ([NYC Metropolitan Grand Opera Programme, Atlanta, Georgia, April, 21 to 26, 1913](#)), it was then and there, that fateful afternoon, at the last matinée of *Lucia Di Lammermoor*, where Frieda Hempel's soulful voice was climbing hauntingly skyward, and while tears were showering down the eyes of Lucille Selig Frank, another script was playing out at a dingy four-story shuttered factory in the heart of downtown Atlanta. It was an event that would forever become an indelible part of U.S. legal history and mainstream popular culture. ([The Leo Frank Case – open or closed?](#), 2013)



Jacobs' Pharmacy, Atlanta, Georgia

That evening, hours after the girl — Mary Phagan — was dead, Leo, in fact, stopped by that very same Jacob's Pharmacy and so thoughtfully bought his wife a box of these “French” chocolates (see [State's Exhibit B, April 28th 1913](#)). Was it a mere coincidence, and an act of loving affection? Did Leo Frank actually have a jealous quarrel with his wife on the morning of the murder, as later alleged by Albert McKnight? Was Leo Frank attempting to assuage his guilt for what might have happened at his National Pencil Company beginning at 12:02 PM?

April 26 and its Aftermath:

The affidavits by Minola McKnight, the Franks' Negro servant, and Albert McKnight (Minola's husband), leave us asking: What really happened at the Selig residence (the Franks lived with Lucille's parents) on the morning, afternoon, and evening of Confederate Memorial Day, Saturday, April 26, 1913? (See [Albert McKnight Affidavit](#),

The Amazing Story of Mrs. Leo Frank

1913 and [State's Exhibit J, June 3rd 1913](#).) Did Leo Frank buy those chocolates to help renew the favor of his wife in a troubled marriage — a wife whose support he would soon need? Did the Franks offer money and gifts to Minola in return for silence on certain matters? Did Leo Frank ask for a gun in order to shoot himself because he had just killed a girl? Did Lucille say to her husband that she “would never live with him again”?

The "-----" Affidavit Monday, May 26, 1913, and attested before a Notary, June 2, 1913.

I, Albert McKnight, was at Mr Leo Frank's home on ----- Saturday the girl was murdered at the Pencil factory on Forsyth St. My wife Minola is looking for Mr Frank and has been for about two years. I was in the kitchen about 1 - 2 o'clock the same Saturday that they say the girl was murdered. The door bell rung and my wife Minola went to the door. When she come back in ----- I asked her ----- was at the door and she said Mr Fr. ----- him if she must find her now and he ----- did not want any. He did not go upstairs to see his wife as she asked what ----- with Mr Frank ----- that him that come just now(?) Mr Frank left the house in about five minutes. I saw him ----- of the house and catch the Georgia Avenue car. I was at the house from ----- 1 P.M. Saturday on until about 3 P.M. I went back to Mr Frank's home the next morning ----- day. When I went to the kitchen, my wife said, what do you think Mrs. ----- said Mr Frank said he killed some body and he ----- and tumbled all night and said he ----- it looking at him ----- to give him his damn pistol and let him shoot his damn head off. What ----- me do it, a man like me, I must be crazy. Mrs Frank asked her father and mother if she thought ----- really killed some one. He had been drinking, he made me ----- and sleep on the rug by his bed. This was ----- at the breakfast table Sunday ----- was listening from the kitchen. Then Mrs Frank was only paying my wife \$3.50 per week up to the Saturday of the murder and they told her if she would not talk they would pay her \$7.00 per week and she would not have to work as late as she had been doing. And for her to say nothing at court but what they told her to say. They gave her \$5.00 extra the ----- to court. They are paying my wife ----- long as she is buying lots of dresses and hat ----- all the time. I can tell Mr Frank has done something as they act strange. Mrs Frank tells Magnolia (sic) every day not to for ----- to say if they come for her to go to court against Mrs Frank had ----- with Mr Frank. ----- morning of the murder she asked Mr Frank to kiss her good night and she (sic) said he was saving his kisses for ----- and would not kiss her. Magnolia (sic) also heard Mrs Frank say she would never live with him again for she knew he ----- killed that girl and that they had the right man and ought to break his neck."

Signed: Albert McKnight & witnessed by R. L. Craven & A. Morris

What remains of the affidavit of Albert McKnight

Before answering these questions, let's take a closer look at the *dramatis personae* of this case:

Meet the Parents of Lucille Selig (Mrs. Leo M. Frank): a “Match Made in Heaven”?

Emil Selig and Josephine Cohen: In a coincidence of fate, both of Lucille’s parents were born on the same day and month, June 10th, but 13 years apart. Emil and Josephine had three daughters, Sarah Selig Marcus (1883 – 1957), Rosalind Selig Ursenbach (1884 – 1938), and Lucille Selig Frank (1888 – 1957).



Lucille Selig Frank

Lucille Selig, an Atlanta native, was born in February of 1888, the youngest of three daughters, and her eldest sister was the only member of her immediate family bearing children. Sarah Selig Marcus and her [German-Jewish immigrant husband Alexander E. Marcus \(1873 – 1926\)](#) had two children, Harold and Alan, who, interestingly enough, years later revealed that Lucille wanted to be cremated and have her ashes spread at a park in Atlanta. Rosalind, who was married to Charles Ursenbach, a Christian Gentile, had a date with Leo Frank to see the baseball game on Confederate Memorial Day, Saturday, April 26, 1913, in the early afternoon — but Leo Frank canceled the get-together at about 1:30 PM, before the game started, while seated in the dining room of the Selig residence. Leo Frank would later give two different reasons, at two separate times, as to why he canceled the appointment: 1) because he had too much work to do; and 2) because he was afraid of catching a cold due to the inclement weather.

Lucille’s Father: Emil

Lucille’s father [Emil Selig \(June 10, 1849 – March 30, 1914\)](#) was the oldest of the four sons of Samsohn Selig and Sara Loeb. Emil worked as a salesman for the West Disinfecting Co., a maker of soaps and industrial cleaning supplies. Before that, he was a liquor salesman. The modest two-story-plus-basement Selig residence, at 68 East Georgia Avenue, was not owned by Emil and Josephine, but rented. Emil died on March 30, 1914 without leaving a will, according to the records office in Atlanta (Koenigsberg, 2013). His widow and three married daughters were thus his heirs in the normal course of events. Emil Selig’s final resting place is in the Jewish section of historic [Oakland Cemetery in Atlanta](#), Block 279, Lot 58, Grave 3. From the perspective of the viewer, his grave is located at the right-hand side of Josephine Cohen Selig, his beloved wife.

Lucille's Mother: Josephine Cohen

Lucille's mother was [Mrs. Josephine Cohen Selig \(June 10, 1862 – January 27, 1933\)](#), daughter of Jonas Loeb Cohen (1823 – 1885) and Regina Abraham Cohen (1839 – 1918). Lucille's maternal grandfather, Levi Cohen, was a religious pioneer who helped found the first synagogue in Georgia. Josephine was like most married women of privilege from good families in the South; she was a pampered housewife with an African-American servant to help with the duties of the home. The Selig family home benefited from the employment of 20-year-old Magnolia "Minola" McKnight, who served as their daytime cook and maid for two years, from 1911 to 1913. Minola took care of the laundry, housecleaning, and cooking for the Seligs during her work days that usually began at 6:30 AM and ended at 6:30 PM, allowing Josephine and Lucille more time for family matters, socializing, playing cards, attending cultural events, and enjoying Jewish society life. After her death in 1933, Josephine was buried next to her beloved husband Emil.

Marian J. Frank and Otto Stern Marry in Brooklyn

In New York City in January, 1910, Leo Frank's little sister Marian J. Frank became Marian J. Stern, after marrying Otto Stern. Stern was a Jewish immigrant who had come from Germany in 1898 and became successful in the cigar business. Leo Frank, being older by a couple of years than his sister, naturally felt the underlying social pressures of the time — and knew he was long overdue to marry. But Leo already had his own marriage plans underway by 1910: He was fortunate enough to have been introduced to Miss Lucille Selig shortly after he had relocated to Atlanta in August of 1908; he began seriously courting Lucille in 1909 and by 1910 they were engaged to be married.

Marriage for Life: In 1910, the Cultural Norm

Marriage was a completely different concept in the early 20th century compared to what it is today. Life expectancy was shorter, and longstanding traditions from antiquity established deeply-ingrained social norms that ensured that most people remained married for life — even if the marriages were unhappy or simply failed. Marital problems were often either "worked through" or swept under the rug — but rarely did people officially end their marriages. The stigma of embarrassment and shame attached to divorce was all too real. There were divorces in the early 20th century, but they were very few and far between in comparison to recent years.



Happier times: 25-year-old Leo Frank, courting the 21-year-old Lucille Selig at Grant Park, Atlanta, Ga., July 17th, 1909. Exactly six years later to the day, while sleeping soundly on a prison dormitory cot at the State Penitentiary in Milledgeville, Georgia, Leo Frank would be “shanked” (one knife-thrust to his jugular) just before midnight. The weapon was a seven-inch butcher knife wielded by a fellow inmate, William Creen. Leo Frank barely survived the assault. One month later he was dead at the hands of a lynching party.

“Opposites Attract”: Miss Lucille Selig and Mr. Leo M. Frank

The marriage between Leo and Lucille appears to be more political and arranged than anything else. The marriage enabled an ambitious Leo Frank to position himself for ascending

up through the ranks of Jewish social status and power in the New South.

If even a few of the allegations involving Frank’s sexual impropriety (that would come out at his trial and again afterward during appeals) — about what Frank was doing at the factory behind Lucille’s back — were true, then their marriage could not be described as happy by any stretch of the imagination. There was a veneer of happiness and proper social appearances, but under that veneer things were likely very different. Lucille was living inside the facade of a “fairytale marriage” with a husband who took her — and their marital vows — for granted, if the allegations of philandering turned out to be even partly true. But there are some clear indications she might have come to terms with these facts by 1954 — and perhaps years earlier. At least three years before she passed away.

Meet the Bride: Miss Lucille Selig

Lucille Selig Frank (February, 1888 – April 23, 1957) was very much different from Leo Max Frank (1884 – 1915). Lucille “Lucy” Selig was part of the socially active and highly assimilated German-Jewish community of Georgia. Somewhat overweight, what she lacked in looks she made up for in personality. She was considered very much Southern and “sassy.” Despite being from a well-to-do and prominent Jewish family, she was very provincial compared to Leo Frank. In fact, as any New Yorker will tell you, and Leo Frank was a New Yorker, everyone from outside of “the city” is to some extent provincial and unsophisticated.



Lucille on her way to her husband's trial in the summer of 1913

Leo Frank: an Atypical Man

On April 27th, 1913, at 29 years of age, Leo Frank was not the typical boring engineer or gruff, intellectual manager one might have expected of a man who worked long days and 60-hour weeks, tabulating accounting sheets and wearing the many hats required to successfully operate a factory.

Despite his spidery appearance, he was reasonably physically fit after years of tennis and basketball at Cornell (1902-1906). To assert that he needed help carrying a dead body, as Jim Conley stated, is reasonable. But to claim that he hadn't the strength to strangle an unconscious thirteen-year-old girl with a rope, as some polemicists have argued, is absurd.

In September, 1912, Leo Frank became the president of the elite 500-member Gate City Lodge of the Jewish fraternal order B'nai B'rith. Leo Frank was not the "nebbish" or "Nervous Nelly" often conjured up in descriptions of him by his partisans and critics alike. He was an odd-looking man, but was not especially petite or weak.

Leo Frank was a confident leader and active socialite at college, afterwards serving in high-ranking positions in Southern Jewish society life. Moreover, Frank was quite the "man's man": one who drank, smoked, partied, and, if the allegations are true, enjoyed a bit of philandering on the side whenever he so desired — even on the Sabbath.

Leo Frank was cosmopolitan, well traveled, and, in addition to English, could speak basic German, Hebrew, and Yiddish. To top it all off, Frank was educated to be part of the elite of industrial leaders: the well educated Ivy-Leaguer of privilege who had more than just the opportunity to study at Cornell, one of the best schools in the United States — but who also, after college, took an educational "sabbatical" overseas, being trained in Germany for his future work as factory head and part-owner.



Lucille Frank, circa 1950
(WBJHMA)

The Odd Couple: Leo and Lucille

After her marriage, Lucille appeared to gain significant weight, perhaps due in no small part to the traditional Southern cooking of her family's personal cook, Minola. Lucille was what the Yiddish-speakers of New York would call *zaftig* and what young people today might call "extra thick." But she was said to wear her weight well for the most part, though her adoption of a very short haircut created an androgynous look. Her contemporary photos show a rather unflattering evolution before and during the Leo Frank trial, though in her much later years, long after Leo Frank's death, she shed much of that weight — while, understandably, acquiring a hard, worn expression.

Some contemporary observers allege that Leo Frank got bored with Lucille early in the marriage. Frank's factory was flooded with an ever-changing lineup of svelte former farm girls, working-class teenage child laborers who were blossoming much faster than their upper-class counterparts. These working class girls often matured physically ahead of their time, unlike the daughters of middle class and wealthy families, whose patriarchs could ensure their daughters wouldn't have to give up school to work long hours in dingy mills and factories for a number of pennies an hour. Child laborers generally earned less than ten cents an hour during the early decades of the 20th century, some as little as one penny an hour.

Is Power the Ultimate Aphrodisiac?

Leo Frank's critics emphasize his wily behavior and his attempts to sexually lure the young girls in his employ. But the reality was probably less one-sided than that, as any man in a position of status and rank can tell you: The law of power and attraction applies at all times and in all places — thus there was likely no shortage of willing participants in whatever sexual endeavors Leo Max Frank was inclined to explore.

Child Prostitution

And it was more than just the endless stream of poverty-stricken and blossoming, hormonal teenage girls funneling into the factory each day that provided inspiration. A simple phone call to Leo's favorite madam, Nina Formby, could bring any number of illicit delights. Formby was a *mamasan* running a child brothel in Atlanta's Red Light

District on Mechanic Street, which was conveniently located only a few blocks north of Frank's National Pencil Company factory. It is a sad fact of life that Frank, seated at the helm of his company, could order the new "catch of the day" whenever he so desired and have young teen and even pre-teen prostitutes delivered by foot to his office for lunch, or after work, or on Saturdays, and no one would notice any difference, since the factory was always brimming with young girls coming to and fro. Many of the girls who ended up in the child brothels of Atlanta had been former child laborers ground down in the industrial factories and mills of which the National Pencil Company was one. Some of these girls — like Daisy Hopkins, who was a former National Pencil Company employee — might have made that lifestyle decision by choice alone, but we may be sure a large number were entirely victims, and at a tragically early age. Prostitution of all kinds, including the White slave trade was an unfortunate part of the growing pains of late 19th century and early 20th century Atlanta, with politicians on the take, often looking the other way. Cosmetic efforts were often made to stem the tide of this illicit trade and its decline would not come until severe criminal penalties were put in place by the government.

Pioneering Family

The Selig family was active in Atlanta's Jewish society life, philanthropy, and the Reform Synagogue of the Rabbi Dr. David Marx who often held temple services for the Hebrew Benevolent Congregation *on Sunday* (Koenigsberg, 2013) for the highly assimilated German-Jewish Community of the South, who identified as whites and embraced the white racial separatist cultural norms of the time. Indeed there was much intermarriage between Jews and White Gentiles during the Southern progressive era, and though Jews often employed Negroes, they considered interracial relationships abominable.

The Seligs were a notable family that had historically helped to establish religious culture for Southern Jewry. A pioneering member of the family created a successful chemical company (see below).

The Amazing Story of Mrs. Leo Frank



By 1913, the Selig clan were amongst the most prominent and respected Jewish families in Atlanta, Georgia, not only because two generations earlier, in the middle to late 19th century, Levi Cohen, had participated in creating the first permanent synagogue in Atlanta, but because the Selig family was very devoted to Jewish cultural life on a spiritual level.

Mr. Simon Selig was the nephew of Emil and founded the Selig Chemical Company that later became one of the premier businesses in Atlanta involved in the “manufacture and sale of home-cleaning products (soaps, dispensers, disinfectants, and other cleaning agents), insecticides, and other consumer goods” ([Pioneer Neon Supply Co.](#), Artery web site, accessed 2012).

A Southern Belle Named Lucille Selig

Lucille was educated in Atlanta’s public school system. Lucille did not attend college once her education ended with the completion of high school (c. 1906), which was quite normal for both men and women of the period, especially women. It was not until the latter half of the 20th century that female enrollment at the university level surged upward.



Lucille was known to be quite clever, had a sharp and witty tongue, and was thought to be well-read. However, the most striking feature of Lucille Selig was the undivided loyalty she gave her husband during his complex two-year legal odyssey that came to its conclusion at the end of a rope on August 17, 1915.

Leo Frank's Defenders On the Image of Lucille Selig:

Leo Frank partisans sometimes paint a two-dimensional picture of Lucille, portraying her as a woman who believed in the innocence of her husband from the inception of his travails — and until the end of her life. Lucille did become vocally indignant — throwing a tantrum and bursting into tears — when the prosecutor, Hugh Dorsey, insinuated at trial that her husband was philandering at the factory. At least publicly she refused to believe it. But something very unusual happened later to suggest she may have known the uncomfortable truth and wasn't the oblivious housewife after all. Lucille was, without dispute, a fiercely loyal wife when all is said and done; and she might have been provincial — but she was not a naive Stepford wife.

There may have been a time, early on, when Lucille entirely refused to believe the accusations concerning Leo Frank's marital unfaithfulness, although even that is far from certain: Her loyalty may have been more tribally- and practically-based than it was founded on a personal conviction of the heart. Whatever her former beliefs, 21st-century research has uncovered indications of her true attitude in her will of 1954, indicating her wish to be cremated, and her subsequent verbal instructions for the dispersal of her ashes — which specified that her remains *not* be interred next to Leo Frank's.

The Notarized Last Will and Testament of Lucille Selig Frank Acquired

In 1954, three years before Lucille passed away, something very profound and emotionally liberating occurred that would forever be remembered as a defining moment in the life of this martyred figure. An unofficial document in the hands of Lucille was made legal and official. It was signed ‘Lucille S. Frank’, witnessed, notarized, and registered with the local government of Atlanta, Georgia — and that document from 1954 has survived to the early 21st century.

Unmistakable Implications

In Lucille’s short ‘Last Will and Testament’ notarized, registered, and currently present (2013) within the local government registry office of Atlanta, Lucille disbursed a number of her personal items — a few of which seem conspicuously absent from the list — to friends and family, but more importantly she specifically requested cremation. (Mrs. Lucille S. Frank, Signatory, The Last Will and Testament of Lucille Selig Frank, 1954, accessed 2012). What happened to Lucille and Leo’s wedding album? What happened to Leo’s wedding ring that he bequeathed to her during the last moments of his life?

From the perspective of the Jewish community, Lucille’s quiet yet controversial 1957 cremation was rather unusual. For a faithful, proud, and practicing Jewish woman from a prominent and historically significant Jewish family to go against the traditional practice of burial next to one’s deceased spouse — or at the very least requesting to have her ashes buried or spread near her husband — was distinctly odd.

Were her wishes, thus expressed, an honest and candid verdict against the innocence of Leo Frank? The very clear living request she gave to her family before she died (see statement of A. Marcus, Features, Oney, 2004), *specifically asking them to spread her ashes in a local Atlanta park*, meant clearly that Lucille did *not* want her ashes spread at the Mount Carmel Cemetery near her husband, hundreds of miles away, or buried there next to him. Did Lucille’s wishes speak volumes? Is Lucille even today speaking to us as the only jurywoman worthy enough to pass judgment, in a not-so-silent ballot?

The End of the Dog and Pony Show:

Widowed in 1915, Lucille Selig Frank was no ordinary “jurist peer” called to pass impartial judgment. She was much more intimate than that: She was the truly loyal wife of Leo Frank, a woman who stood by her husband unshakably and without absence through the whole humiliating ordeal, beginning two weeks after his arrest, including all his court appearances, and through every twist and turn of the defense’s strategy from 1913 to 1915 and beyond. That *she* could wish her remains to be placed far, far away from those of her late husband is a powerfully moving act. (It took Lucille two weeks to begin her stalwart defense of Leo, during which time she refused to even visit him in jail. Could this be a sign of the deep emotional turmoil his acts of infidelity and violence had caused?)

Lucille might not have known all the details about what happened at the National Pencil Company after twelve noon on April 26, 1913, but — if the June 3, 1913 affidavit of Magnolia McKnight, known as [State's Exhibit J](#), and the corroborating affidavit of Minola's husband Albert, can be believed — she probably knew that Leo Frank had tried to seduce young Mary Phagan and had then killed her to protect his status and reputation. Imagine the magnitude of suppressed pain, grief, and suffering Lucille endured after learning from Leo's own lips what really happened that fateful noon hour while she was at the Opera House. Imagine what it was like for the rest of her life having to publicly pretend otherwise. It's certainly not a burden most people could fathom, much less endure.

Lucille was also very much involved in Leo Frank's appeals. After his trial ended with a guilty verdict, another little girl came forward who claimed that Leo Frank had raped her, causing her to become pregnant; this little girl reported that after Leo Frank seduced her, he descended between her legs and sadistically plunged his teeth into the tenderest tissues adjacent to her vagina (Leo Frank Georgia Supreme Court Records, 1913, 1914). The child was permanently scarified, not just physically, but mentally. She and Leo's alleged child were whisked away to a Christian home in Ohio for unwed teen mothers, which was the normal course of events in those times and circumstances. There can be no denying that such revelations were impossible for Lucille to miss or ignore: She acted as stenographer and secretary for her husband, managing and organizing his appeals petitions between 1913 and 1915.

One Theory: Leo Frank's Guilt Does Not Require Mary Phagan's Innocence

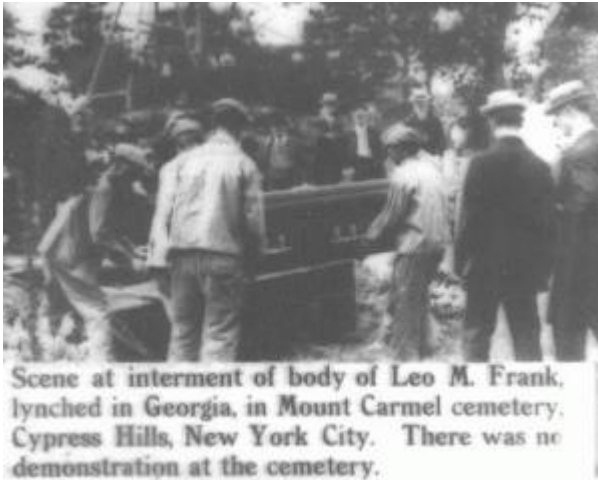
Recently, some researchers have entertained the hitherto unthinkable possibility that Mary Phagan was willingly engaging in a tryst or series of trysts with Leo Frank before she was killed. Could this idea have occurred to Lucille and her circle of friends, and could it have figured in her attitude toward her husband and his defense?

If we accept Leo Frank's guilt, as an increasing number of 21st century scholars do, Frank either coaxed Mary Phagan into the factory's metal room — or together Leo and Mary had established a pre-planned meeting in the metal room at noon. Was there an affair between them? In 1913, both the prosecution and defense closed off *that* possible permutation. Such a controversial theory was culturally unthinkable for most people in 1913 Atlanta: a church-going 13-year-old girl in a Christian conservative society having an affair with a married Jewish man; even though, back in those days, girls were permitted to marry at 15, and such was not uncommon — as census records reveal (see: www.ancestry.com).

Though not proven, we can now finally entertain the theory that Mary Phagan had planned to meet for a tryst with Leo Frank — one that took a turn for the worse in the metal room. But why? It seems unlikely that Leo Frank had a prearranged meeting with a completely different girl that day (Jim Conley says Leo asked him to be a lookout) and would then assault Mary Phagan, when Frank was expected to go to lunch and then a ball game that day in the afternoon with his brother-in-law Charles Ursenbach.

The Amazing Story of Mrs. Leo Frank

In the prosecution's 1913 theory of the case, it is obvious why Leo Frank had to kill Mary Phagan — to silence her and prevent her from telling the authorities and her family members what happened in the metal room. But why would Leo Frank kill Mary Phagan if they had a prearranged assignation? According to researcher Gail Gleason's sub-variation of the prearranged assignation permutation, Mary Phagan might have backed out or changed her mind — causing Leo Frank, a man who could not take no for an answer, to possibly lash out violently (Gail Gleason, Leo Frank Case Yahoo Discussion Group, 2012). Or, I might ask, did Leo Frank insist on sex, when Mary's interests had not gone so far? In Frank case scholar Allen Koenigsberg's variation of the prearranged meeting theory there is a wide array of speculation: Was Mary pregnant? Did she want out of the relationship? Did she extort money or favors from Leo Frank? Had she threatened to tell his wife Lucille? (Koenigsberg, 2013). As we travel back down the time web of the imagination to 1913 Atlanta, we must be fearless. We must not quail at the idea that Frank is guilty, as do some Jewish interest groups — nor at the idea that Mary Phagan may have had an interest in her boss, as many Christian conservatives and Southerners consider unthinkable. What seems certain to me is that Lucille Frank considered all these possibilities.



Lucille Buries Leo Frank

After his death, Leo Frank was embalmed and returned in a pine box by train to Manhattan's Penn Station and then by hearse to his family home at 152 Underhill Avenue, Brooklyn, NY, for a final open black casket service. His grave may be found at Mount Carmel Cemetery, Section 1, 83-45 Cypress Hills Street, Glendale NY 11385.

Lucille returned to Atlanta after her painful and cathartic sojourn to Brooklyn. In Georgia she was for a time part-owner of a dress shop and became sporadically active in the work of the Temple and other Jewish philanthropic institutions. Lucille Frank, perhaps in part due to her harrowing involvement in this grisly case, never remarried. She died at the age of 69 of heart disease, which one observer called "a metaphor for a broken heart, the heart of a woman who once genuinely loved her husband and may have still felt love for him when she died." In the later years of her life, her weight management issues seemed to disappear, as one photo clearly shows. Perhaps her weight problems were related to a painfully dysfunctional marriage and, under the surface, Lucille had always been a beautiful woman in spirit.



Lucille Selig in mourning, Brooklyn, August 20, 1915

Difficult Choices

Minola's incredulous retraction of State's Exhibit J at the Leo Frank trial suggests that Lucille knew the hardest imaginable truths about her husband. What could Lucille really do? The course she eventually took — after two weeks' painful consideration — was likely the only option she really had, given the public loss of face, the destruction of her honor and the honor of her family and the Jewish community, that she confronted. Lucille did what any committed, loyal wife would do in this situation: stand by her husband, *right or wrong, guilty or innocent* — even if it meant a lifetime of cognitive dissonance and double-think.

Wives and Mothers

We can not hold a “black or white,” right or wrong, lens up to loyal mothers and wives who stand by their sons and husbands; we cannot judge them as though in a court of law. We must see what Lucille S. Frank did in the context of familial and Jewish group loyalty — and that is a context of subtle shades and variations of gray. The Leo Frank Case is very much about *reading between the lines*. Even if, deep down, such women know of their loved one's guilt, their acts cannot be condemned. Lucille did what she had to do.

Even though cosmetically she had to put on the mask of pretense and appearance — pretending publicly her husband Leo Frank was not guilty of the murder, or of any infidelities — on some level it was probably difficult for Lucille to trick herself into not believing the *nineteen employees* who came forward and suggested Frank was a sexual predator and pedophile who engaged in numerous illicit assignations and who tacitly facilitated the assignations of others. Some witnesses stated Leo Frank was regularly whoring on the Sabbath and trying to “turnout” many young girls at the factory. If Lucille and Leo had an unsatisfying or almost nonexistent sex life, she knew of it, even if no one else did — and, if so, she probably suspected what happened on those days when her husband was “working late” at his factory or “working late on the weekends”.

Leo and Lucille Frank never had children and, except for one unsubstantiated rumor, there was no hint of any pregnancy. As 21st century dispassionate explorers we might

The Amazing Story of Mrs. Leo Frank

speculate: Was she naturally sterile, or was Leo no longer interested, or both? If the rumors were true about Leo Frank seeking out dalliances with Atlanta's prostitutes, in an age where there were no antibiotics, could he have given his once-virgin wife one of the many commonly known STDs or the silent sterilizer Chlamydia? And surely what was most shaming is that there was evidence discovered in 1914, during Frank's appeals, that he inseminated one of his former factory child laborers, a naive young teen who became pregnant and was shipped off to a home for unwed mothers in Ohio, something that — no matter how much she repressed it — would have mortified Lucille.



The Bijou Theater, Atlanta, Georgia — ironically, adjacent to where Leo Frank Trial was held

Atmosphere of Permissiveness?

When a distraught Mr. Coleman went to the Bijou Theater on the fateful evening of April 26, 1913, desperately looking for his missing 13-year-old stepdaughter Mary Phagan, he stumbled upon National Pencil Company foreman Mr. N.V. Darley with Opie Dickerson, a

teenage girl who worked at the factory. Their presence suggests an important question: *What was an older married man with children, a high official at the factory and Leo Frank's friend and associate, doing entertaining a young girl at the movies on a Saturday night?* It added to the sense that there was a culture of social and sexual permissiveness at the National Pencil Company that by 1913 standards — and even by our own — was highly unacceptable.

An Unbearably Heavy Burden

What made Lucille a truly amazing wife is that she still stood by her husband during the whole ordeal, despite the embarrassing scandal and collateral damage to the National Pencil Company, the Selig Family, her friends, the B'nai B'rith, the Hebrew Benevolent Congregation, and the Jewish community as a whole. An intense focal point of shame caused by the notoriety of such a heinous murder was put indirectly upon Lucille. The accusation that a pattern of sexual harassment, and finally rape, preceded the strangulation of thirteen-year-old Mary Phagan must have affected Lucille deeply, whatever she believed in her heart about it, as did the evidence presented at the trial portraying Frank as a sexually aggressive rake “testing the waters” to see which girls in his employ might potentially be willing to engage in “extracurricular activities.” Also no doubt hurtful were the reports from the factory's roustabout, Jim Conley, that Leo Frank was regularly cheating on his wife at the factory with Atlantan prostitutes on various Saturdays — and Conley's recounting of two incidents in which he accidentally walked in on Leo Frank engaging in oral sex with two different Atlanta prostitutes at two different times.

All of this was a great deal to bear for Lucille — it would have been impossible for a lesser woman — despite the support she received from her family, friends, and associates.

The 1913 Pregnancy and Miscarriage of Lucille Selig Frank

Both Steve Oney (October 7, 2003) and Elaine Marie Alpin (March, 2010) suggest Lucille Frank was pregnant in 1913 and later miscarried. Oney (2003), in an oblique reference, claims:

“Seven decades later, Katie Butler, a former factory employee in her 80s, would tell her physician that she and Lucille were both pregnant during the early winter of 1913, but that Lucille had suffered a miscarriage.” (p. 85).

Presuming conjugal visits were *not* permitted, Oney’s inclusion suggests Lucille miscarried about *seven to eight months* into her pregnancy, since we must presume Leo inseminated Lucy before he was arrested at 11:30 AM on Tuesday, April 29, 1913.

Presuming conjugal visits *were* permitted — a vanishingly unlikely presumption for those times — and regardless of how far Lucille was along, there is no real evidence to suggest the pregnancy claim is true. It cannot be independently verified by any reliable sources and none of the voluminous surviving correspondence between Lucille and Leo, or their associates, makes even the slightest hints or subtle suggestions of a pregnancy, or condolences over a miscarriage. The surviving correspondence between Leo Frank and others during his imprisonment until Monday, August 16, 1915, is a massive series of letters that spans more than two years, the bulk of which is archived and preserved at several different university and public Jewish historical collections from Ohio (the American Jewish Archives), Massachusetts (Brandeis University), to Georgia (several institutions).

The Amazing Story of Mrs. Leo Frank



Mrs. Frank

The Two Week Gap

After Leo Frank's arrest on Tuesday morning, April 29, 1913, at 11:30 AM — his last day of freedom — his wife Lucille delayed an inordinate amount of time before visiting him. Lucille Selig Frank did not visit him in jail until Monday, May 12, 1913 (*The Frank Case*, Atlanta Publishing Company, 1913). Leo Frank's detractors cited this 13-day visitation lapse as proof that his wife knew he was less than totally innocent. After the controversial [June 3rd, 1913, Minola McKnight affair](#) unfolded, in which the Selig's cook and maid, dropped an insider's bombshell at the Atlanta police station — saying Frank confessed to Lucille and asked her for a gun with which to commit suicide — that suspicion approached higher certainty. (see: [Brief of Evidence](#),

[Minola McKnight's, State's Exhibit J, June 3 1913](#) and Albert McKnight's Affidavit in the Leo Frank Georgia Supreme Court records, 1913, 1914).

On August 18, 1913, between 2:15 PM and 6:00 PM, during Leo Frank's statement to the Fulton County Superior Court, he would respond to this "dastardly" charge about why his wife did not visit him in the early weeks after the Mary Phagan murder investigation began. To paraphrase Frank, Lucille had to be physically restrained because she wanted so eagerly to be locked up with him in jail — but was ultimately deterred by Frank because he didn't want her to be subjected to professional newspaper paparazzi. ([Leo Frank's Unsworn Trial Statement, Brief of Evidence, 1913](#)). Leo Frank's questionable response was borderline melodramatic and unconvincing, to his detractors, incredulous. For neutral observers Frank's explanation was doubtful and cause for skepticism, it likely chipped away at Frank's already waning credibility — because then or now, no determined couple in such circumstances, would be deterred by any phalanx of media photographers, no matter how galling, especially considering that Lucille showed no evidence of being camera-shy at any other time before or after his arrest.

The Amazing Story of Mrs. Leo Frank



Lucille's remains are buried here in an unmarked spot between her parents' headstones.

The Stoic Wife was Human After All

In 2004, for a University of Georgia feature, author Steve Oney recollects an astonishing meeting he had in St. Petersburg on the west coast of Florida

during the early 1990s, when he had the intriguing opportunity of meeting with the nephew of Lucille Selig Frank. Alan Marcus recalls being bounced on Lucille's knee when he was a young boy. The importance of the meeting was that it finally revealed the unknown events in the aftermath of Lucille Selig Frank's death in 1957.

Steve Oney Interviews Alan Marcus, Nephew of Lucille Selig

"I spent several hours up the road in St. Petersburg with Alan [Marcus] and Fanny Marcus, two Atlantans who'd retired to Florida. Alan was Lucille Frank's nephew. He'd grown up at her knee and borne witness to the devastation that the lynching had wrought on her life and in the life of Atlanta's Jewish community.

"Following Lucille's death in 1957, her body was cremated. *She wanted her ashes scattered in a public park, but an Atlanta ordinance forbade it.* For the next six years, the ashes sat in a box at Patterson's Funeral Home. One day, Alan received what for him was an upsetting call. The ashes needed to be disposed of. Alan didn't know what to do.

"In the years since Lucille passed away, the Temple, the city's reform synagogue, had been bombed [(October 12, 1958)]. This event had set Atlanta's Jews on edge. It was no wonder that Alan [Marcus] didn't want to attract scrutiny by conducting a public burial. For months, he carried Lucille's remains around Atlanta in the trunk of his red Corvair. Early one morning in 1964, he and his brother drove downtown to Oakland Cemetery. There, under the cover of the gray dawn light, the two men buried this martyred figure in an unmarked plot between the headstones of her parents." [emphasis added]

(Source: *Georgia Upfront Features*, 'And the Dead Shall Rise' by Steven Oney, (March 2004: Vol. 83, No. 2):

<https://archive.org/details/georgia-magazine-2004-and-the-dead-shall-rise-steve-oney>

The Amazing Story of Mrs. Leo Frank



The Frank-Stern family plot where Leo Frank is buried in Mount Carmel Cemetery in New York City. The grave set aside there for Lucille Frank is empty.

In New York City, there is an empty grave site — number one in the Frank-Stern family plot, next to Leo Frank's grave — that was set aside for Lucille Frank (confirmed by Mount Carmel Cemetery records, 2013), but she chose not to be buried there. This

has been a subject quietly avoided by most Leo Frank partisans. The empty grave site reserved for Lucille speaks to us in lonely whispers — and the silence from most writers on this subject is deafening. To account for the empty grave, there was a ghoulishly undocumented rumor proposed that the reason Lucille's ashes were not buried or spread next to Leo Frank's remains is because the stillborn baby of Marian Frank was buried there circa 1911 — but the state law of New York and the rules of Mount Carmel Cemetery require documentation of all burials of any kind with no exceptions. It is doubtful these rules were waived. Furthermore, there is no known reference to this alleged burial in all the prolific correspondence and records of Leo or Lucille.

In 2013, when this author asked the staff of the Mount Carmel Cemetery if there was any documentation, proof, or knowledge of a child — or anyone at all — buried in grave site number one, located to the left of Leo Frank's grave site (number two), they reported that *there is no one buried there, not even a stillborn baby* (Live interview, Mount Carmel Cemetery staff and review of cemetery records, 2013).

Is empty grave site number one a time-traveling echo of truth about Leo Frank from the unfortunate woman, who, by a tragic twist of destiny's many paths, submitted to matrimony with a book-smart and intelligent man, but lacking in common sense, one possessed with a penchant for sexual immorality and pedophilia? Are we to presume that Lucille Selig, who helped Leo Frank prepare his appeals petitions, overlooked the document from a former teenage factory employee who, the girl said, Leo Frank seduced one year before he murdered Mary Phagan — a document which also stated that Leo Frank traumatized the girl after he plunged his teeth deep into the innermost flesh adjacent to her vagina? Did she overlook the testimony that Leo Frank was caught with another little girl in the woods by a police officer Mr. House? Did she believe the bribed retractions of numerous witnesses to his profligacy? If the retractions were in fact procured with money as these witnesses deposed, did she know of it? (see: Leo Frank Georgia Supreme Court Documents, 1913, 1914)

Did Lucille Selig Die of a Broken Heart?

Lucille Selig Frank died in 1957, just three short days before the 44th anniversary of the April 26, 1913 Mary Phagan bludgeoning, rape and strangulation — and Leo Frank's likely murder confession to her on that night so long ago. There were certainly other dates equally significant, if not more so, for Lucille. One can imagine her wedding anniversary (November 30) likely elicited happy memories — and deep-seated emotional distress. Given the public notoriety and traumatic depths of the whole 120-week ordeal between the date of the arrest of her husband days after the murder and Friday, August 20, 1915 — the burial of Leo in Queens, NY — it was likely numerous anniversary dates every year were constant and painful reminders during the more than four decades of quiet suffering this unfortunate woman experienced. Let us hope that, when she made the decision not to be buried beside her husband, the spirit of Lucille Frank finally became free — free of the lies and legal wrangling, free of the deception and tricks, and free of the torment she so stoically endured for decades.

* * *

APPENDIX

References and further reading:

Information and background on the Leo Frank case:

[The Leo Frank Case – open or closed?](#) Professor Koenigsberg's Leo Frank Discussion Group.

[Thomas Watson's historical analysis of the case](#)

[The American Mercury's Bradford Huie analyzes the Leo Frank case](#)

[100 Reasons Leo Frank Is Guilty](#)

[The Aborted Apotheosis of Leo Frank, part 1](#)

[The Aborted Apotheosis of Leo Frank, part 2](#)

References:

[Atlanta Journal Wedding Announcement of Leo Frank and Lucille Selig, December 1, 1910.](#) Atlanta Journal, Thursday, December 1, 1910, Wedding Announcements Society Pages:
<http://leofrank.org/library/wedding-announcement/wedding-announcement-society-pages-atlanta-journal-thursday-december-1-1910.pdf>

The Amazing Story of Mrs. Leo Frank

Professor Allen Koenigsberg, PhD, Brooklyn College, The Leo Frank Case Discussion Group, 2008+ <http://groups.yahoo.com/group/LeoFrankCase/> (sign up required).

The Temple, Atlanta, Georgia. <http://www.the-temple.org/>

National Park Service of Atlanta, <http://www.nps.gov/nr/travel/atlanta/text.htm>. Accessed March 3, 2012.

Mount Carmel Cemetery (MCC), Grave Spot #1 (Official Real Estate location ID: 1-E-41-1035-01), Reserved for Lucille Selig Frank is empty, it is left of Leo M. Frank's occupied Grave Spot #2 (Official Real Estate location ID: 1-E-41-1035-02). Staff office and records of the Mount Carmel Cemetery. Rachel Frank purchased the plot in 1911. No record of Marians still born child buried in the Frank-Stern plot, but the bench located at plot 7 is thought to be in remembrance for the deceased child. According to the administrator at MCC: Section 1, Block E, Path 41, Lot #1035, Grave #1 is empty based on official legal cemetery interment records, documented in writing on Cemetery letterhead.

The Notarized Last Will and Testament of Lucille Selig Frank (Signed Lucille S. Frank), Atlanta, GA, 1954, Records Archive.

And the Dead Shall Rise, by Steve Oney (recommended by the Leo Frank Research Library and Archive despite its errors, purchase on www.Amazon.com)

Georgia Upfront Features, 'And the Dead Shall Rise' by Steven Oney, (March 2004: Vol. 83, No. 2):

<https://archive.org/details/georgia-magazine-2004-and-the-dead-shall-rise-steve-oney>

Emil Selig Memorial at "Find a Grave":

<http://www.findagrave.com/cgi-bin/fg.cgi?page=gr&GRid=32045801>

Leo Frank Research Library and Archive Memorial for Lucille Selig Every Year:

Please light a candle every April 23, to remember Lucille Selig, this martyred figure, as Steven Oney described her.

The Amazing Story of Mrs. Leo Frank



Lucille was very much like the little angel statue between her parents' tombstones (above) at the Oakland Cemetery in Atlanta — the one resting over her buried ashes.

Sleep dear Lucille Selig, sleep well, you will never be forgotten. Rest in Peace, dear soul...

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here.](#)

Further Reading:

Pioneer Neon Company: <http://www.artery.org/Selig-PioneerNeon.htm>

The Selig Company Building – Pioneer Neon Company

National Register listed: 1996

Location: 330-346 Marietta Street, Atlanta, Fulton County, GA 30303

Georgia Upfront Features, 'And the Dead Shall Rise' by Steven Oney, (March 2004: Vol. 83, No. 2):

<https://archive.org/details/georgia-magazine-2004-and-the-dead-shall-rise-steve-oney>

The Astounding Alonzo Mann Hoax

There is no reason to doubt that Alonzo Mann's affidavit is accurate. Had he ignored his mother's advice and gone to the police with his information right away, Conley would surely have been arrested, the police and district attorney would not have concentrated their efforts on finding Frank guilty, and the crime would most likely have been quickly solved. But by the time the trial began, in July 1913, Mann's testimony might hardly have even seemed important.

What really happened in 1913? First, let's look at Mann's testimony at trial in 1913, from the *Official Brief of Evidence*:

Alonzo Mann: I am office boy at the National Pencil Company. I began working there [Tuesday] April 1, 1913. I sit sometimes in the outer office and stand around in the outer hall. I left the factory at half past eleven on April 26th. When I left there, Miss Hall, the stenographer from Montag's, was in the office with Mr. Frank. Mr. Frank told me to phone to Mr. Schiff and tell him to come down. I telephoned him, but the girl answered the phone and said he hadn't got up yet. I telephoned once. I worked there two Saturday afternoons of the weeks previous to the murder and stayed there until half past three or four. Frank was always working during that time. I never saw him bring any women into the factory and drink with them. I have never seen Dalton there. On April 26th, I saw Holloway, Irby, McCrary and Darley at the factory. I didn't see Quinn. I don't remember seeing Corinthia Hall, Mrs. Freeman, Mrs. White, Graham, Tillander, or Wade Campbell, I left there 11:30 [AM].

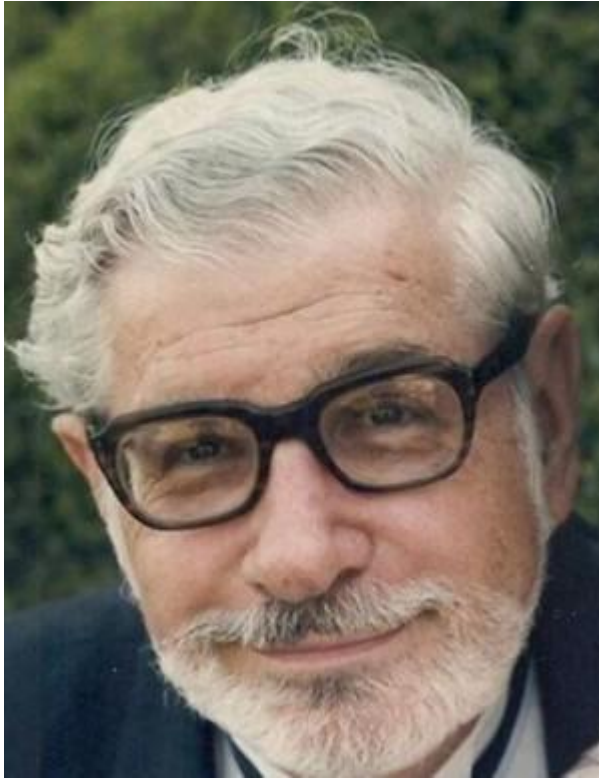
CROSS EXAMINATION:

When Mr. Frank came that morning, he went right on into the office, and was at work there and stayed there. He went out once. Don't know how long he stayed out.

Now, fast forward to the 1980s. Alonzo Mann, one of the last surviving Leo Frank defense witnesses, came forward some sixty-nine years later, in 1982, and provided some sensational testimony.

According to a typical media account of the affidavit, this one from [Georgia Public Radio](#), "Alonzo Mann, Frank's former office boy, claimed he saw Jim Conley carrying the body of Mary Phagan into the lobby of the National Pencil Company. Mann, who was only fourteen at the time, said Conley threatened to kill him if he revealed what he saw. Terrified, Mann kept the secret for sixty-nine years." That's quite a terror, to last sixty-nine years — to continue while Conley was imprisoned as an accessory after the fact to the murder — and even to endure for some twenty years after Conley's death. Quite a terror indeed. Georgia Public Broadcasting continues: "This new evidence encouraged members of Atlanta's Jewish community to petition for a posthumous pardon for Frank. Attorneys at the [Anti-Defamation League](#) initiated the process which finally ended in a diluted victory in 1986. The Board of Pardons and Paroles did not address the question of guilt or innocence, but rather a pardon was issued based on the State's failure to protect Frank from the hands of his assailants."

The ADL and the Highly Political Posthumous Pardon



Charles Wittenstein

Alonzo Mann's affidavit became the basis of an attempt to obtain a "posthumous pardon with exoneration" for Leo Frank from the Georgia State Board of Pardons and Paroles. The effort was led by Charles Wittenstein, southern counsel for the Anti-Defamation League, and Dale Schwartz, an Atlanta lawyer.

What do reason and common sense tell us?

The further away in time a memory is from the original event, the more likely it becomes distorted and easily manipulated. How would a 21st century State Supreme Court or United States Supreme Court weigh testimony that comes sixty-nine years after the fact?

An even more salient question is: Could such a revelation as Alonzo Mann's in 1982, even if true, be sufficient to exonerate Leo Frank? *You decide.*

Background: On April 1, 1913, thirteen-year-old Alonzo Mann was given a highly coveted job as Leo Frank's personal office boy at the National Pencil Company. Given Mann only worked at the company for a total of three and a half weeks before the murder was committed, one is not inclined to believe he had known Leo Frank long enough to make an accurate character assessment. Moreover, one may suspect that the young office boy was a bit star struck and naive back then. A tenure of a little over three weeks is hardly enough to give him the right to pontificate on the "extracurricular activities" — or lack thereof — going on in the factory under Leo M. Frank for the previous five years.

Fast forward 69 years from 1913 to 1982, when the story broke.

In 1982 Alonzo Mann was in the twilight of his life, frail, and in terrible physical condition. Mann was perched on a cane and had a pacemaker, was on a cocktail of pharmaceuticals — and truly lonely. The WWI veteran had, sadly, outlived his wife and only son. His virtual "death-bed" revelation in the years before he died had all the flair of a fictionalized Hollywood or Broadway drama — and the markings of another backroom bribery deal, which has been the [central strategy of Leo Frank's defenders](#) for a century. The Georgia Supreme Court records containing Leo Frank's appeals reveal the birth of this ugly strategy.

The Astounding Alonzo Mann Hoax



Dale Schwartz

In 1982, Alonzo Mann changed his story and alleged that he really left the National Pencil Company factory at noon, instead of 11:30 am (as he had testified in 1913). He then went on to say that at 12:05 — five minutes after he left the factory — he came back and saw the 27-year old African-American janitor, Jim Conley, carrying the limp body of Mary Phagan on his shoulder, positioned as if getting ready to dump her down the two-foot-by-two-foot scuttle hole next to the elevator. Jim Conley then allegedly reached out for Alonzo Mann and said to the young boy, “if you tell anyone I will kill you.” Alonzo Mann claimed that he ran home and told his family, and alleges that his parents then told him not to tell anyone or get involved.

Does that seem logical? — or does that set off your highly refined nonsense detector?

Alonzo Mann’s 1982 statement does not pass multiple common sense tests, especially for those who know the history and culture of the South.

First: Why would white parents in the white racial separatist Atlanta, Georgia of 1913, tell their son *not* to tell the police about a *murdering* and *guilty* black janitor — especially when the result of not telling the police would ultimately result in an innocent, clean cut, and white boss, Leo Frank — a man who gave their son a highly prized job — going to the gallows? In the Old South, African-Americans were seen as prone to violent outbursts and were regarded as third class citizens with child-like mental and emotional maturity; and they were often not afforded the same legal protections as whites when accused of crime — and were usually easily convicted.

Second: Why would these white parents, in a white separatist South, allow their son to report back to work on Monday morning, April 28, 1913 — two days after that son was *threatened with death* by a black man carrying a dead white girl on his shoulder, knowing that that same black man would be there too? Jim Conley reported back to work that Monday, April 28, 1913, as did the 170 other employees, who were naturally expected to be back at work after the holiday weekend. *Jim Conley was not arrested until Thursday, May 1st, 1913.*

Third: If Alonzo Mann admitted to lying under oath at the Leo Frank trial in 1913 — “withholding information” and saying he left at 11:30 am instead of noon as he contended 69 years later — who’s not to say he wasn’t lying again in 1982 and beyond?

Fourth: If Alonzo Mann walked in on Jim Conley at 12:05 PM while Conley was getting ready to throw Mary Phagan’s body down the scuttle hole, why did Monteen Stover — who testified she came down the stairs near the front entrance and scuttle hole

The Astounding Alonzo Mann Hoax

at exactly that time — not witness this scene also? Why didn't Leo Frank — who was just 40 feet away — not hear Mary Phagan scream or any sounds of a struggle at all?

Fifth: If Alonzo Mann or his parents kept quiet because they were afraid of retribution from Jim Conley, why did they not tell the authorities what Alonzo had seen once Jim Conley was arrested? Conley was arrested on May 1, 1913, convicted of being an accessory after the fact in the murder of Mary Phagan, and remained imprisoned throughout the entire year of 1914.

Sixth: If Alonzo Mann was “terrified” into silence by Jim Conley, why did that terror not end in 1962, when Conley is reported to have died?



Jim Conley

Let's take a closer look

If we are to believe Alonzo Mann that he saw Jim Conley carrying the unconscious body of Mary Phagan, isn't it rather odd that in the white racial separatist South of 1913 — given the likelihood of unrelenting and possibly prejudiced law enforcement, if not an extremely violent lynching — a Southern black man would assault, rob, and then possibly murder a teenage white girl in the highest traffic area in the factory, almost next to the unlocked glass-paneled front door? — and then, in the aftermath of the crime, carry her body across the same area without even bothering to lock the door?

During the trial, Leo Frank's defense team changed its theory of how the attack against Mary Phagan transpired. According to one theory, Mary Phagan was crowded back into the empty Clarke Woodenware Company space on the first floor, assaulted, and thrown down a back chute at the rear of the building. But that theory encountered a problem: It was determined well before the trial that the owner of the building had locked the door to that area four months earlier, and the door was still locked when the police came to the premises on Sunday, April 27 — the day after Mary Phagan was killed. Later during the trial, the Leo Frank defense team said that Mary Phagan's body was thrown 14 feet down into the basement via the two-foot wide scuttle hole near the elevator at the front of the building, which had a ladder diagonally going downward. In other theories, Jim Conley murdered Mary Phagan in the basement. The defense theories kept — and keep — changing.

The Astounding Alonzo Mann Hoax

Wouldn't there have been forensic evidence on the body of a 4'11" 107-pound girl if she had fallen 14 feet? Mary Phagan had numerous autopsies performed on her by doctors in late April and early May of 1913, and none of the reports mention any broken bones or indications on her body that she had fallen 14 feet to a hard dirt floor. In fact the forensic evidence shows that the scratches on her face caused by her being dragged 150 feet across the basement floor — from the elevator to the rear of the cellar — had no blood coming from them, indicating she was already quite dead when she reached the basement.



Mary Phagan: autopsy photograph

The autopsy reports revealed Mary had died of strangulation and the black eye suggested a left-handed man had punched her in the face. What percentage of people are left-handed? According to Wikipedia.org, “A variety of studies suggest that 70–90% of the world population is right-handed.” ([Wikipedia, “Lefthandedness, “2013”](#)). Since Leo Frank was left-handed and Jim Conley right-handed, who was more likely to have punched her in the right eye with a left fist?

And none of the defense theories give us any explanation at all of the hair which, along with dried blood, was found on the lathe in the metal room upstairs, nor for the blood stains found nearby on the metal room floor.

Another throwaway detail?

The most interesting piece of evidence Alonzo Mann provided to the public in 1982 was that concerning the location of the “loafing sweeper” Jim Conley. Mann said Conley was idly squatting on a box in the first floor lobby of the National Pencil Company for the entire morning of Saturday, April 26, 1913. That's a very interesting piece of evidence because, in 1913, Alonzo Mann and several of Leo Frank's other defense witnesses claimed they *didn't* see Jim Conley that day. It would mean that Hattie Hall, Leo Frank's stenographer, had committed perjury and lied under oath — as well as N.V. Darley, Alonzo Mann himself, and everyone else who was a defense witness for Leo Frank that had claimed to be in the factory that morning.

This “new” evidence provided by Alonzo Mann was not actually new, and did not actually help Leo Frank, but tended to corroborate all the other eyewitness testimony from others who were there at the factory that morning, who said that a black man (some specified him as Conley, some didn't) was idly loafing about in the lobby. The eyewitness testimony tended to suggest that Jim Conley had indeed spent the morning

The Astounding Alonzo Mann Hoax

and afternoon in the factory lobby and Leo Frank not only knew about it, but had indeed requested his African-American assistant to come to work on that infamous day — but it was a very curious kind of work, as we shall see.



Three views of Mary Phagan during her brief life; far right, her aunt Mattie Phagan

Did Jim Conley's testimony sustain itself?

Jim Conley alleged he was waiting in the lobby all morning long because Leo Frank had asked him to wait there as a watchdog for him during an anticipated afternoon tryst. Is there an unwritten subtext here? Jim Conley claimed to have served as Leo's watchdog on numerous other Saturdays while Frank "entertained" other girls. Did Leo Frank have a pre-planned tryst arranged with Mary Phagan? If so, it adds a new dimension to the case never before explored. For the purposes of history, if we consider the Konigsberg variation of the murder — that Mary Phagan had a pre-arranged tryst with Leo Frank — then it opens up the possibility that this case is even more bizarre than we might have ever thought. And if the Konigsberg variation is true, why then did Leo Frank murder Mary?

Did Leo Frank lie about not knowing Jim Conley was at the factory that day?

If Alonzo Mann was indeed telling the truth about Jim Conley sitting near the factory entrance all morning long doing nothing on the morning of the murder, it definitely suggests that Leo Frank might have lied to the court when he gave his unsworn statement to the jury: Frank said he did not even know Jim Conley was in the factory at all on the day of the murder. (Leo Frank Trial Statement, *Brief of Evidence*, August 18, 1913)

How could Leo Frank not know Jim Conley was there, when Leo Frank admitted at the trial that during the morning he left the building and came back after running morning errands, including a brief trip to Sigmund Montag's office down the block to get the mail? (Leo Frank, *Brief of Evidence*, August 18, 1913). How could Leo Frank miss seeing someone sitting next to the staircase he would have traversed at least twice, coming and going?

The common sense test

If Leo Frank did *not* know Jim Conley was there, a logical question follows: What was an employee of the factory, Jim Conley, who was not required to work on this Saturday — a state holiday — doing, sitting on a crate next to the staircase on the first floor lobby all morning long, wasting time watching people come and go? Why would a sweeper like Jim Conley go to work on a Saturday, a state holiday and day off — *unless he was required to do so by his boss*? This an especially pertinent question in light of the fact Jim Conley had been paid his weekly salary — \$6.05 — the evening before, on Friday, April 25, 1913 by Leo M. Frank. At five cents a beer and three cents a whiskey, it's hard to imagine Jim Conley would have spent *all* of his salary on liquor the night before and still come to work bright and early the next day. And it certainly doesn't seem realistic that Jim Conley could have drunk *120 beers* the night before and would therefore need to rob, rape, and strangle a White girl for her \$1.20 pay — especially at the highest traffic point of the National Pencil Company factory, right next to an unlocked, half-glass, entrance door. Wouldn't he rather have spent his time drinking five cent pints at any agreeable saloon?

Jim Conley coming to work on his day off just doesn't fit or make sense, *unless he was asked to come to work by his boss, Leo Frank*. And, if he was asked to come to work, *why wasn't he working*, at least in any visible way? Could it be that by just sitting and watching the comings and goings at the factory entrance, he was doing exactly what Leo Frank had asked him to do?

Concerning Jim Conley's unheard-of salary

When it was revealed, Jim Conley's unusually high salary for his menial position left many people asking why this African-American floor sweeper — who'd been demoted from elevator operator — was making 50% more (\$6.05 vs \$4.05) than the white children day laborers. Perhaps Jim Conley was more than just a floor sweeper. Perhaps this fact sustains all the testimony which confirmed Jim Conley was Leo Frank's "watchdog," keeping a careful eye on the entrance when Leo would order call-in prostitutes from Nina Formby on Saturdays or arrange trysts with his quite-possibly-willing girl-child laborers who were living on the edge of poverty. Furthermore, given that one female employee reported at the Frank trial that she told assistant superintendent Herbert George Schiff (Trial Testimony of Herbert George Schiff, *Brief of Evidence*, August, 1913) that Jim Conley was "sprinkling" (urinating) on the pencils, why was he never fired? Could it be that Jim Conley served a very important purpose for Leo Frank? Could it also be that he knew too much to be fired?

Schiff would claim at the trial that the reason why Jim Conley wasn't fired was because "he knows the business too well" — a very strange statement indeed to make of a sweeper! (*Brief of Evidence*, 1913).

According to another Black employee, "Snow Ball" (Gordon Bailey, *Brief of Evidence*, August, 1913), Jim Conley was — unlike every other worker except executives — not always required to punch the time clock. Why would a sweeper like Jim Conley — who'd been "busted" down to the lowest job in the factory — be extended such unique liberties by Leo M. Frank? Why was Jim Conley the only person out of the 170 hourly factory employees — most of whom were white and some eight of whom were African-Americans — *not* to have to punch the time clock?

A scream in broad daylight

The defense and Leo Frank partisans contend that Jim Conley was waiting in the lobby all morning until a little after noon in order to rob a fellow employee, Mary Phagan. But they forgot about the scream.

Where Jim Conley sat on the first floor was no more than 30 to 40 feet from where Leo Frank sat in his inner office on the second floor. And the first floor lobby of the National Pencil Company was the highest traffic point in the entire building: It was where people would come and go all day long during the work week, and all morning long on Saturdays.

On Saturday, April 26, 1913, people were coming to collect their pay envelopes and several employees were present in the morning for a half-day's work. Leo Frank was on the second floor, in his office, on April 26, 1913, as he was on most Saturdays. He surely could have heard a scream from 30 to 40 feet away, had there been one. Jim Conley, in fact, claimed he heard a scream after Leo and Mary went to the metal room, a considerably greater distance than Frank's office. Leo Frank did not mention a scream at all.

If Jim Conley had attacked Mary Phagan in the lobby, Leo Frank would almost certainly have heard a scream directly below him. He could then have easily called the police, as the telephone was inside Frank's office on the wall. (See Defense diagrams of the second floor).

The theory of Jim Conley beating, robbing, and "possibly raping" a white girl in the place where Monteen Stover would likely have walked in on him doing it, would almost surely guarantee Monteen's backing up into a street filled with white men — and then, for Jim Conley, a castration without anesthesia, or worse, would ensue. This is how men of color accused of raping white girls were generally treated in 1913 Atlanta — that is, just before they were lynched from a tree or riddled with bullets. Imagine how it would have fared for one such not merely accused — but caught in the act!

The Astounding Alonzo Mann Hoax

Was Jim Conley telling the truth when he said Leo Frank asked him on the previous evening — Friday, April 25, 1913 — to come to work on the morning of April 26 to act as a watchdog as he had in the past? This was something Leo M. Frank had done many times before on Saturdays, according to Jim. Naturally, given the obvious implications, Leo Frank denied it. What man, guilty or innocent, would not deny callously arranging sexual trysts with women (sometimes even little girls) other than his wife? Which brings us back full circle to the question: Why was Jim Conley sitting on that crate all morning long in the factory lobby on his day off?

Jim Conley's sitting on that crate next to the stairs was corroborated by Mrs. White at the trial in 1913, and later by Alonzo Mann in 1982 — though not in 1913.

Common sense tells us that usually no one goes to work on a state holiday or day off unless asked to do so, or for some other really compelling reason. So the question is: Who asked Jim Conley to spend the day waiting and sitting on a box on the first floor lobby area of the National Pencil Company? If someone didn't ask him, what was he doing there all day? Waiting to rob someone at high noon, right by the glass-windowed front door and while the streets were filled with people? Jim Conley says Leo Frank did ask him, as he had many times before, to act as a lookout while he "chatted" with girls in his office — and numerous witnesses other than Alonzo Mann sustained the fact Jim Conley was actually sitting there all morning long.

Alonzo Mann never mentioned seeing Tillander, Corrie, or Emma — thus sustaining his original statement he left the Factory at 11:30 AM on April 26, 1913 — not the supposed noon he claimed 69 years later. Another interesting statement at trial was that of Hattie Hall, Frank's stenographer: She did not mention seeing Alonzo Mann when she left at noon, supporting therefore the idea that Alonzo Mann did leave the factory at 11:30 and not at noon.

Alonzo Mann claimed he came back to the factory at 12:05 pm — almost immediately after supposedly leaving at noon — because he wanted to speak to Herbert George Schiff. But evidence suggests that Schiff was never expected to be at work on this holiday and, in fact, he never showed up — a fact which no one disputes. This casts further doubt on Alonzo Mann's story about coming back and seeing Conley in the act of carrying Mary Phagan's body.

Isn't it rather odd that Herbert G. Schiff — who prided himself at the trial concerning the fact he never missed a day of work for five years — would have said he supposedly "missed work" on Saturday, April 26, 1913, a state holiday — when he was almost certainly not expected to come to work at all? (see: Trial testimony of Herbert G. Schiff, *Brief of Evidence*, August, 1913). Alonzo Mann claimed he called Herbert Schiff one time that morning, but the Schiff's maid alleged Alonzo Mann had called twice. Did he even call at all? What caused the mix-up? The cacophony was even bigger than described here: Others claimed to have called Herbert George Schiff at different times that morning, but there's no real reason to believe Schiff was expected to come in that day by anyone.

It turns out that Schiff was indeed called during the morning of April 26, 1913 — but not to report to work: He was called to inform him his suit had come from the dry cleaners.



Lemmie Quinn

Lemmie Quinn: The metal room foreman's story

The other problem Leo Frank had to contend with was the issue of Lemmie Quinn, who allegedly came to the factory at 12:20 PM on April 26, 1913, supposedly for two minutes, looking for Herbert George Schiff in order to talk about a baseball bet with him. Why was Lemmie Quinn looking for an employee at 12:20 PM on Saturday, April 26, 1913, who was never supposed to come to work on a holiday?

Leo Frank said he had forgotten for a full week to mention Lemmie Quinn's afternoon arrival at the factory at 12:20 PM and Coroner Paul Donehoo, at the Coroner's Inquest, asked why he didn't mention this important information to the police once he remembered it a week later. Leo Frank responded by saying he wanted to ask for permission from his lawyers first before revealing it to police. Donehoo was incredulous, as might be expected.

Donehoo and others doubtlessly reasoned that someone accused of murdering a little girl would make every effort to bring forward exonerating evidence and alibi witnesses as soon as humanly possible — and not withhold such evidence for more than a week. The result of Leo Frank waiting more than a week to tell anyone made the new evidence appear as if it was manufactured, especially in light of the fact that an affidavit was made by Lemmie Quinn a week *before* the Coroner's inquest, stating he had left the factory at 11:45 AM to go home and then head to a billiards hall on the other side of town.

Lemmie Quinn's "reappearance" at the factory at 12:20 PM on April 26, 1913, was seen as a physical impossibility given that Lemmie admitted leaving the National Pencil Company at 11:45 AM, going home and then making a 25 minute trip to the billiards hall. This would not have given Lemmie Quinn enough time to get back to the factory at

12:20 PM, even if Lemmie Quinn only played one quick game and then made the 25 minute trip back to the factory.

Lemmie Quinn backfired

Lemmie Quinn got caught in a lie and it was likely that none of the 12 jury members nor Judge Leonard Strickland Roan believed him. Quinn gave testimony that came off as fabricated after the murder for the purpose of shrinking the amount of time available for Leo Frank to kill Mary Phagan — from noon to 12:35, down to the range of noon to 12:19.

Quinn's claims boxed in Leo Frank

The notable thing about Lemmie Quinn's supposed appearance at the factory at 12:20 PM is not only that our highly refined fraud detectors tell us that his story might have been a fabrication to help Leo Frank, but more importantly that it makes the defense's "first floor attack" on Mary Phagan even more difficult to believe. If Alonzo Mann really saw Jim Conley carrying the unconscious body of Mary Phagan in the lobby at 12:05, where was Monteen Stover? And since Leo Frank changed the time he claimed Mary came to his office to 12:12 to 12:17, and further claimed he spoke to her for two or three minutes, why didn't she bump into Lemmie Quinn upon exiting? Both Stover and Quinn claimed to be at the factory sandwiching the time Leo Frank said Mary Phagan arrived, so wouldn't have Quinn bumped into at least Mary Phagan or Jim Conley at 12:20?



Leo Frank

Leo Frank's ever-changing times of Mary Phagan's arrival

Frank gave several different times for Mary Phagan's arrival at his office: 1) "12:02 to 12:03" (The time he gave police orally on Sunday, April 27, 1913); "12:05 to 12:10, maybe 12:07" (The time he gave in a deposition to police on Monday, April 28, 1913 known as State's Exhibit B, 1913); then it became "12:10 to 12:15" (The time he gave at the Coroner's Inquest, May 5 and 8th, 1913); and finally "12:12 PM to 12:17 PM." (Leo Frank Trial, August 18, 1913).

These ever-latening time claims damaged Frank's credibility beyond repair, and, to make matters worse, all of these times were during a time period he could

not account for, even with Lemmie Quinn's "boxing him in" at 12:20. One thing is obvious: If Frank's later time claims are regarded as true, then Alonzo Mann's 1982 affidavit is false. They are mutually exclusive.

Nothing significant; nothing new

A most salient point is this — as even pro-Frank researcher Steve Oney admits: Alonzo Mann brought absolutely nothing new to the Leo Frank Case with his 1982 affidavit. Jim Conley had already admitted to being an accomplice and admitted that he participated in bringing the dead body of Mary Phagan to the basement — at Leo Frank's request. If he was seen carrying Mary Phagan in the lobby, it only invalidates Conley's claim that he exclusively used the elevator to do so, and the rest of Conley's testimony remains unchallenged.

A dead man's affidavit

However, the ADL of B'nai B'rith, the American Jewish Committee, the Atlanta Jewish Federation, and numerous other Jewish organizations used the affidavit of Alonzo Mann, even after his death, to push for a posthumous pardon with exoneration for Leo M. Frank.

First attempt: failure

Attorneys for these three Jewish organizations petitioned the (Georgia) State Board of Pardons and Paroles to pardon Leo Frank, but the petition was denied on December 22, 1983.

Pardon without exoneration: achieved

A Pyrrhic victory for the Jewish Community resulted, after successful pressure from the ADL and other Jewish organizations, on March 11, 1986. The State Board of Pardons and Paroles pardoned Leo M. Frank due to the failure of the state to protect him from lynching — but they would not exonerate him of the crime of murder. It was an odd appeasement.

In a way, this decision was ultimately another victory for the prosecution team: Leo Frank's murder conviction is still standing today as "black letter" and settled law, with permanent and binding legal precedent. Even after decades of relentless propaganda and behind the scenes wheeling and dealing by Jewish groups, the ultimate result was that the jury had the last word.

The Jewish community — and the media — present the pardon at face value as a vindication of Leo Frank. But consider another view: In order to pardon someone of a crime, that person has to be guilty — you can't pardon someone unless you first acknowledge his guilt. Therefore, the guilt of the individual has to be affirmed — and in

The Astounding Alonzo Mann Hoax

Leo Frank's case it was affirmed again and again, at every level of the appellate system. All, including the State Board of Pardons and Paroles, preserved his verdict of guilt.

Further appeals?

The pardon was granted, the Board said, because the state failed to protect Leo Frank and because his lynching prevented him from launching further appeals. But there is one little problem with that.

The Board members were patently in error when they alleged that the lynching prevented Frank from making any further appeals within the appellate court system, *because Leo M. Frank had fully and totally exhausted all of his court appeal options at every level of the State, District, and Federal Appellate Courts, with the Supreme Court unanimously overruling any further review of the case, thus closing the door forever at all levels of the appellate court system.* When there were no more options left in the court system, the State Board of 100 years ago refused a recommendation of clemency — and even the likely-bribed Governor John M. Slaton, refused to pardon Leo Frank and actually stated in his commutation letter he was *not* disturbing the guilty verdict. Not a single legal body in the last century has overturned the guilty verdict of Leo Frank, but attempts to spin the truth have endlessly been made.

Conclusion

Far from being the “bombshell” that “broke the Leo Frank case” and “proved Leo Frank to be innocent,” Alonzo Mann's 1982 affidavit is a very doubtful document that, even if true, provides essentially nothing new to the objective student of the case. What it has provided, though, is an emotion-laden propaganda weapon for those who have been deceiving the public about this case for a century now.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here.](#)

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APPENDIX: Articles and Images

from the Dubuque *Telegraph-Herald*, March 8, 1982:

Man breaks 69-year silence on sensational murder case

The Astounding Alonzo Mann Hoax



Alonzo Mann, 83, stands outside an Atlanta department store at the site where 14-year-old Mary Phagan was murdered in 1913. After nearly 70 years, Mann now says he is convinced a Jewish factory superintendent, who was imprisoned and later lynched in a wave of anti-Semitism, was innocent of the crime. (UPI photo)

NASHVILLE, Tenn. (UPI) — For almost 70 years Alonzo Mann kept secret his information that could have saved a Jewish factory superintendent from being lynched for killing a 14-year-old girl in Georgia.

As a 13-year-old boy he was afraid to testify at the trial of Leo Frank because the prosecution's star witness — who Mann says was the real murderer — threatened to kill him. Mann said he later kept quiet because his mother told him not to get involved.

After he was convicted Frank was taken from prison and lynched in the sensational case that sparked waves of anti-Semitism and led to the rebirth of the Ku Klux Klan and the creation of the Anti-Defamation League of B'nai B'rith.

"At last I am able to get this off my heart," Mann, 83, said in a copyrighted interview in Sunday's *Tennessean* newspaper.

There will be some people who will be angry at me because I kept all this silent until it was too late to save Leo Frank's life," said Mann, who passed both a lie detector test and a psychological stress evaluation test on the truth of his statement.

The Astounding Alonzo Mann Hoax

“When my time comes, I hope that God understands me better for having told it. That is what matters most.”

Frank was tried and convicted for the murder of Mary Phagan who worked at the pencil factory where he was the superintendent.

Mann’s account, contained in a sworn affidavit, claimed he saw the state’s star witness, Jim Conley, carrying the limp body of the victim on the day of the murder. Conley died in 1962.

Mann, who now lives in Bristol, Va., said he remained silent at first because Conley threatened to kill him and later because his parents told him not get involved.

“I believe in the sight of God that Jim Conley killed Mary Phagan to get her money to buy beer,” said Mann. “Leo Frank was innocent.”

Mann, who has a heart condition and fears his life is drawing to its end, was Frank’s office boy in April 1913 at the National Pencil Co. factory in Atlanta. Mary Phagan was killed at the factory when she went to collect the \$1.20 she was owed for 10 hours work.

After the slaying, authorities arrested Frank. Conley, a janitor at the factory, became the star witness.

Mann said when he saw Conley carrying the girl’s body, she was apparently still alive. He told the *Tennessean* he believes that if he had cried out, he might have saved the girl’s life.

But he did not, and Conley told him, “If you ever mention this, I’ll kill you,” Mann said.

Frightened, Mann ran away and later told his mother what happened, he said. She told him to remain silent.

Georgia Gov. John Slaton commuted Frank’s sentence in 1915 from death to life in prison, an act that touched off a wave of outrage and mob violence. Armed mobs roamed Atlanta streets for days, forcing Jewish businessmen to close their doors.

Later, a group of 75 men calling themselves “Knights of Mary Phagan,” met at the girl’s grave and vowed to avenge her death. A couple of weeks later, they stormed the prison where Frank was being held, held guards at bay with rifles and took Frank away in handcuffs.

He was hanged from an oak tree near the house where Phagan was born. No one was ever charged with lynching Frank.

Two months after the lynching, the Knights of Mary Phagan reorganized and burned a cross on top of Stone Mountain in Georgia — an event that marked the rebirth of the Ku Klux Klan.

The Astounding Alonzo Mann Hoax

“I wish I had told what I knew,” said Mann “But I never thought Mr. Frank would be convicted. And once he was convicted, I was sure he would eventually get out of it.”

from the Nashville *Tennessean*, March 7, 1982 (front page):

AN INNOCENT MAN WAS LYNCHED



“The players” from the front page of the Nashville Tennessean

by Frank Ritter, Jerry Thompson and Robert Sherborne

Leo Frank, convicted in 1913 and lynched in 1915 in one of the most notorious murder cases in American history, was innocent, according to a sworn statement given by a witness in the case.

The testimony used to convict Frank was perjured, and the real killer of 14-year-old Mary Phagan was the man who gave that false testimony, the witness has disclosed to *The Tennessean*.

ALONZO MANN OF Bristol, Va., is the witness. Now 83 and ailing with a heart condition, he was Frank’s office boy in 1913 at the National Pencil Co. factory in Atlanta. It was there on Confederate Memorial Day in April that little Mary Phagan was slain when she went to collect the \$1.20 she was owed for 10 hours of work the previous Monday.

“Leo Frank did not kill Mary Phagan,” Mann said, “She was murdered instead by Jim Conley.”

The Astounding Alonzo Mann Hoax

Mann's memory is not perfect when he is recalling people, places and events of nearly 70 years ago. But he remembers vividly the confrontation with Jim Conley, who had the limp form of Mary Phagan in his arms.

Mary's battered body was found face down on a pile of sawdust shavings in the factory basement. A cord was knotted around her neck and there was massive bleeding from a deep wound to her head. Cinders were found under her fingernails, showing she had clawed the ground in her struggles. Her underclothing was ripped but there was no evidence indicating she had been raped.

THE SLAYING shocked Atlanta and, after an investigation, police arrested Frank, the Jewish superintendent of the factory. The prosecution's star witness was Jim Conley, who worked at the factory as a sweeper. He said Frank committed the murder.

But Mann has told *The Tennessean* that he saw Conley on the day of the murder with the limp body of Mary Phagan in his arms. He believes he saw this only moments after Mary had been knocked unconscious, but apparently before she was murdered. And he believes that if he had yelled out, he might have saved Mary's life.

But Mann says he did not yell out, and that Conley told him:

"IF YOU EVER MENTION this, I'll kill you."

He was frightened and ran out, Mann says. After riding a trolley home, he told his mother what had happened. She directed him to remain silent and told him not to get involved. He obeyed her.

Mann's statement puts him in direct conflict with the testimony to which Conley swore during the trial. Conley testified he was ordered by Frank to dispose of Mary Phagan's body by burning it in the basement's furnace. He said he and Frank were together the whole time they took the body from the second floor of the factory directly to the basement, using the elevator. He said he was not on the first floor with the body.

MANN, HOWEVER, says he saw Conley alone with Mary Phagan on the first floor of the building, standing near the trapdoor that led to the basement. It later became apparent — after the trial — that the elevator did not go to the basement that day. This fact was cited as crucial by Georgia Gov. John Slaton when he commuted Frank's sentence in 1915 to life imprisonment.

There is no way that what Mann says today can be reconciled with the version of events which Conley related in court in 1913. Either Conley lied then, or Mann is lying now.

Because of the historical significance of what Mann is saying, *The Tennessean* asked him to submit to both a lie detector test and a psychological stress evaluation examination — procedures designed to determine if someone is lying. The tests were given by the Ball Investigation Agency here, and investigator Jeffery S. Ball provided

The Astounding Alonzo Mann Hoax

the newspaper with a formal statement saying Mann responded truthfully to every question he was asked.

THE TENNESSEAN, after an extensive investigation which included the examination of files and records in several states and interviews with people knowledgeable about the case, concluded that Mann's story needed to be made public.

This is the first time that Mann has spoken publicly about what he knows of the brutal murder which led to the most blatant display of anti-Semitism in the nation's history and to a revival of the Ku Klux Klan — an irony because Conley, the chief witness, was a black man.

Mann says he told relatives and friends about what he knew. Once, while in the Army, he got into a fight with another soldier who disputed his statement that it was Conley and not Frank who killed Mary Phagan. And he tried once to tell his story to an Atlanta reporter.

FOR NEARLY 70 years his story has been a secret, and it has preyed on his mind. Now that he perhaps does not have long to live, it is vitally important that the truth come out, he told *The Tennessean*.

"I want the world to know the truth," Mann explained in a series of interviews with the newspaper, "The testimony which Conley gave at the trial to convict Frank was a lie from beginning to end."

That trial, surrounded by mob hysteria and violent anti-Jewish sentiment, was the most sensational in Atlanta's history. No other trial even comes close, except perhaps that of Wayne Williams, convicted a week ago in the deaths of two young Atlanta blacks and suspected of being the mass murderer who terrorized Atlanta for months.

ALTHOUGH MARY PHAGAN was not raped, Frank was denounced as a sexual pervert; however, Conley was the only witness to suggest that.

The star prosecution witness made four separate statements to police in connection with the case, the first one saying nothing to implicate Frank. However, each of the three statements that followed increasingly involved Frank.

During the trial, it was the fourth and last statement that formed the basis for Conley's court testimony. On cross-examination he repeatedly acknowledged that he had made numerous mistakes in his earlier statements to police, but efforts by the defense to break down his tale were largely unsuccessful.

FRANK WAS FOUND guilty and sentenced to hang, but appeals delayed the execution. Two years later his sentence was commuted to life in prison after the case had created a furor across the nation.

The Astounding Alonzo Mann Hoax

At that point — August 1915 — a group of vigilantes stormed the prison where Frank was being held, abducted him at gunpoint and lynched him.

Four blacks had been lynched in Georgia the month before.

Although he possessed information in 1913 which he believes would have cleared Frank, Alonzo Mann did not tell authorities what he knew. He says he did not speak out because Conley threatened to kill him if he did and because his mother and father convinced him he should keep silent.

NOW, FINALLY, HE has come forward with his story.

“I wish I had done it differently,” he says, “I wish I had told what I knew. But I never thought Mr. Frank would be convicted. And once he was convicted, I was sure he would eventually get out of it. I knew he was not guilty.

“I never fully realized until I was older that if I had told what I knew Leo Frank would have been acquitted and gone free. Instead he was imprisoned. After he was convicted, my mother told me there was nothing we could do to change the jury’s verdict. My father agreed with her. [front page ends here; no further transcription available at this time — Ed.]



An artist's interpretation of the confrontation between Alonzo Mann, then 14, and Jim Conley, holding the limp form of Mary Phagan on the first floor of National Pencil Co.

from the *Tuscaloosa News*, March 8, 1982:

Was innocent man lynched?



NASHVILLE, Tenn. (AP) — An 83-year-old man who says he wants to clear the record before he dies claims the wrong person took the blame for the 1913 death of 14-year-old Mary Phagan in a sensational Atlanta murder case, The Nashville *Tennessean* reported in a copyright story Sunday.

Alonzo Mann of Bristol, Va., told the morning newspaper that he is certain Leo Frank, a Jewish pencil manufacturer, was innocent of Miss Phagan's murder.

Mann, who worked as an office boy at the National Pencil Co., in Atlanta in 1913, said he believed Jim Conley, a black sweeper at the company and the key prosecution witness in the case, killed the young white girl April 26,

1913, for her \$1.20 pay to buy beer.

Conley, who died in 1962, maintained throughout the trial that he and Frank were together the whole time when the body of Mary Phagan was disposed of.

Frank was convicted and was sentenced to death, but his sentence was commuted by Georgia Gov. John Marshall Slaton, the newspaper said. In August 1915, a group of vigilantes who called themselves the Knights of Mary Phagan stormed the Milledgeville, Ga., jail where Frank was held and dragged him out at gunpoint. Frank was lynched about 175 miles away in an oak grove near Marietta, Ga.

The trial was flamed by anti-Semitism and spurred a resurgence of the Ku Klux Klan and the birth of the B'nai B'rith Anti-Defamation League, which opposes anti-Semitism.

Mann told the newspaper that he has thought often in the ensuing decades that he might have saved Mary Phagan's life or that of Leo Frank.

Mann said he worked April 26, 1913, and left briefly to attend the Confederate Memorial Day parade with his mother. When he was unable to find her, he returned to the job and came across Conley, alone, apparently moments after the murder had been committed.

The Astounding Alonzo Mann Hoax

“I had no idea that I was about to witness an important moment in a famous murder case — a moment that has not been made public until now; that I was about to become a witness to tragic history,” Mann told *The Tennessean*.

Mann said he saw Conley holding the limp girl near a trap door leading to the factory’s cellar.

The Virginia man said if Miss Phagan was only unconscious when he saw her with Conley and if he had yelled for help, she might have been spared.

“On the other hand, I might have lost my own life,” he said, “If I had told what I saw that day I might have saved Leo Frank’s life. I didn’t realize it at the time. I was too young to understand.”

Mann said Conley had threatened him.

“He wheeled on me and in a voice that was low but threatening and frightening to me, he said:

“If you ever mention this I’ll kill you.”

“I was young and I was frightened, “ he told the newspaper. “I had no doubt Conley would have tried to kill me if I had told that I had seen him with Mary Phagan that day.”

Mann, who told *The Tennessean* he refused to give Conley a dime for two beers the morning of the murder, said Mary Phagan went to Frank a short time later to get her pay.

“I am convinced that she left the pay window and was coming down the stairs or had reached the first floor when she met Conley ... I am confident that I came in just seconds after Conley had taken the girl’s money and grabbed her. I do not think sex was his motive. I believe it was money. Her pay was never found in the building after she died.”

Mann, who told the newspaper that by telling his story he could at last “get this off my heart,” said he told his late wife about the crime, fought a soldier over the story and tried to tell an Atlanta newspaper reporter about it in the 1950s.

“I believe it will help people to understand that courts and juries can make mistakes. They made a mistake in the Leo Frank case. I think it is good for it all to come out at this date,” Mann said.

“I am making this statement because, finally, I want the record clear. I want the public to understand that Leo Frank did not kill Mary Phagan,” Mann, told *The Tennessean* in a story written by Frank Ritter, Jerry Thompson and Robert Sherborne, “Jim Conley, the chief witness against Leo Frank, lied under oath ... I am convinced that he, not Leo Frank, killed Mary Phagan.”

The Astounding Alonzo Mann Hoax

John Seigenthaler, president and publisher of *The Tennessean*, said Mann passed two lie detector tests administered by Ball Investigative Agency. He said he insisted Mann be given a psychological voice stress test because he has a pacemaker which Seigenthaler was concerned would interfere with the lie detector tests. He said the agency told him the pacemaker would have no effect on the tests and Mann passed the voice analysis.

Mann said that fateful April day he told his mother what he had seen at the factory, but she told him to forget it in hopes of protecting the family and her son from publicity.

“After he was convicted my mother told me there was nothing we could do to change the jury’s verdict,” Mann said “My father agreed with her. I continued to remain silent.”

Mann, who testified at the trial, told *The Tennessean* he was nervous and frightened the day the trial started.

“There were crowds in the street who were angry and who were saying that Leo Frank should die,” he said, “ Some were yelling things like, ‘Kill the Jew!’”

“I never fully realized until I was older that if I had told what I knew Leo Frank would have been acquitted and gone free,” Mann told the newspaper. “Instead, he was imprisoned.”

Mann said neither he nor his father believed Frank would be convicted. Frank, who took the witness stand in his own defense, denied he killed the girl.

“Leo Frank was convicted by lies, heaped on lies,” he told the newspaper. “It wasn’t just Conley who lied. Others said that Leo Frank had women in the office for immoral purposes and that he had liquor there. There was a story that he took women in the basement ... That was all false.”

Mann told the newspaper he believes people will have different reactions to his story.

“There will be some people who will be angry at me because I kept all this silent until it was too late to save Leo Frank’s life,” he said. “They will say that being young is not an excuse. They will blame my mother. The only thing I can say is that she did what she thought was best for me and the family.

“Other people may hate me for telling it. I hope not, but I am prepared for that, too. I know that I haven’t a long time to live. All that I have said is the truth.

“When my time comes, I hope that God understands me better for having told it. That is what matters most,” Mann said.

The 1986 pardon of Leo Frank:

The Astounding Alonzo Mann Hoax

PARDON

On April 26, 1913, Mary Phagan, a thirteen-year-old employee in an Atlanta pencil factory, was murdered. Georgians were shocked and outraged. Charged with the murder was the factory superintendent, Leo M. Frank.

The funeral of Mary Phagan, the police investigation, and the trial of Leo Frank were reported in the overblown newspaper style of the day. Emotions were fanned high.

During the trial a crowd filled the courthouse and surrounded it. While the verdict was read, Frank was kept in jail for protection. He was convicted on August 25, 1913, and subsequently sentenced to death.

After unsuccessful court appeals the case came to Governor John M. Slaton for his consideration. The Governor was under enormous pressure. Many wanted Frank to hang, and the emotions of some were fired by prejudice about Frank being Jewish and a factory superintendent from the North. On June 21, 1915, the Governor, because of doubts about Frank's guilt, commuted the sentence from death to life imprisonment. Thus Frank was saved from the gallows, and his judicial appeals could continue, or so it seemed.

On the night of August 16, 1915, a group of armed men took Frank by force from the State Prison at Milledgeville, transported him to Cobb County, and early the next morning lynched him.

The lynching aborted the legal process, thus foreclosing further efforts to prove Frank's innocence. It resulted from the State of Georgia's failure to protect Frank. Compounding the injustice, the State then failed to prosecute any of the lynchers.

In 1983, the State Board of Pardons and Paroles considered a request for a Pardon implying innocence but did not find "conclusive evidence proving beyond any doubt that Frank was innocent." Such a standard of proof, especially for a 70-year-old case, is almost impossible to satisfy.

Without attempting to address the question of guilt or innocence, and in recognition of the State's failure to protect the person of Leo M. Frank and thereby preserve his opportunity for continued legal appeal of his conviction, and in recognition of the State's failure to bring his killers to justice, and as an effort to heal old wounds, the State Board of Pardons and Paroles, in compliance with its Constitutional and statutory authority, hereby grants to Leo M. Frank a Pardon.

Given under the Hand and Seal of the State Board of Pardons and Paroles, this eleventh day of March, 1986.

STATE BOARD OF PARDONS AND PAROLES

Wayne Snow, Jr., Chairman
Mrs. Mamie B. Reese, Member
James T. Morris, Member
Mobley Howell, Member
Michael H. Wing, Member

FOR THE BOARD


Wayne Snow, Jr., Chairman

New Audio Book: The Murder of Little Mary Phagan

When her family revealed the truth about her blood relation, she immediately became deeply interested in learning about the murder, its investigation, and its aftermath. She has since devoted thousands of hours of her life studying volumes of legal documents, conducting interviews, and reading every surviving newspaper account of the case. This written-from-the-heart book is the result. ([The Murder of Little Mary Phagan](#); Far Hills, NJ, New Horizon Press, 1987, 316 pp.)

[Download the complete audio book as one zip file.](#)

You can also [download the individual chapters.](#)

[Introduction and Chapter 1; “Are You, By Any Chance . . . ?”; 18 minutes.](#)

[Chapter 2; The Legacy; 1 hour 10 minutes.](#)

[Chapter 3; My Search Begins; 42 minutes.](#)

[Chapter 4; The Case for the Prosecution; 1 hour 20 minutes.](#)

[Chapter 5; The Case for the Defense; 1 hour 30 minutes.](#)

[Chapter 6; Sentencing and Aftermath; 37 minutes.](#)

[Chapter 7; The Commutation; 1 hour 30 minutes.](#)

[Chapter 8; The Lynching; 43 minutes.](#)

[Chapter 9; Reverberations; 13 minutes.](#)

[Chapter 10; Alonzo Mann’s Testimony; 37 minutes.](#)

[Chapter 11; The Phagans Break Their Vow of Silence; 21 minutes.](#)

[Chapter 12; Application for Pardon, 1983; 1 hour 21 minutes.](#)

[Afterword; Pardon, 1986; 11 minutes.](#)

For further information, [check out the full American Mercury series on the Leo Frank case by clicking here.](#)

But Tom Watson has a great deal to say of *immense* value to anyone who wants to fully comprehend the Leo Frank legal case — to anyone who wants to gain deeper insight into the mystery and intrigue surrounding the murder of Mary Phagan — to any honest man or woman who wants to understand how a strain of anti-Jewish feeling took root in the largely philo-Semitic South — and to anyone who cares about the influence of money and media on our justice system.

Nowhere, except in Watson's articles, do we have such a fair and full exposition of the case against Frank, which was enough to convince three juries and the judges of courts all the way to the U.S. Supreme Court. Nowhere, except in these pieces, do we have even an intimation of the underhanded dealings of the Burns detective agency and the Haas Finance Committee in suborning perjury and purchasing false testimony. Nowhere except from Watson's pen do we have such a brilliant analysis of the facts in the Brief of Evidence, even bringing out angles ignored by the able lawyers on both sides of the case. Nowhere except here do we find the story of the ironic tragedy of how a massive Jewish campaign to exonerate Leo Frank and "fight anti-Semitism" had, in the South, the opposite effect of that intended.

It's little known today, but, in the early stages of the case, both the prosecution and defense tried to recruit Watson for their respective legal teams. According to the [Leo Frank Case and Trial Research Library](#), "Ironically, the Leo M. Frank legal defense fund that began growing rapidly after the murder of Mary Phagan was used for the purpose of trying to hire one of the best and most influential criminal lawyers in the South, firebrand Tom E. Watson, to defend Leo M. Frank for \$5,000 — an impressive sum by 1913 standards. The State's prosecution team also attempted to recruit Tom Watson, but for a fraction of the offer made by the Leo M. Frank defense fund. Watson turned down offers from both parties." Watson was later to be a U.S. Senator, and had earlier been a candidate for Vice President of the United States for the Populist Party, sharing the ticket with William Jennings Bryan for President.

One of the most preposterous allegations made by Frank partisans in recent years is that Watson's "inflammatory" writings poisoned the atmosphere of the trial and swayed the jurors — a claim that makes one wonder just how familiar with the case these "expert" writers are after all, since Frank's trial [ended in August 1913](#), and Watson's first public mention of the case wasn't until March 1914.

Herewith, dear reader, with iterated thanks to Miss Lee for her monumental task of hand transcription of this book-length collection, we present the full *Watson's Magazine* series on the murder of Mary Phagan and the trial and lynching of Leo Frank.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

[Tom Watson: The Leo Frank Case](#)

A Mercury Exclusive: Tom Watson on the Leo Frank Case

[Tom Watson: A Full Review of the Leo Frank Case](#)

[Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank](#)

[Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert](#)

[Tom Watson: The Rich Jews Indict a State!](#)

Resources for further research:

Newsreel footage of Tom Watson:

[Hickory Hill, the historic home of Thomas Watson](#)

[More of Watson's writings on the Leo Frank case, from his Jeffersonian newspaper](#)

[Agrarian Rebel, a biography of Watson \(PDF, complete book\)](#)

[The Thomas E. Watson papers digital archive](#)

There is no law against the breaking of ice—so far as I know—and therefore the curses, the imprecations and the idle tears of the independent ice-dealers availed them nothing.

Summer came in due course; and with it came stifling heat in crowded tenements, the struggle for fresh air and the cool drink, and the sickness that pants for a chance to live. Charles W. Morse had the ice. Nobody else had any. Charles W. Morse made new rules for the ice market: he not only raised the price, but refused to sell any quantity of his frozen water for less than ten cents.

It seems a fearful thing that our Christian civilization should have reached a stage at which any one man, withholding a ten-cent block of ice, can condemn a sick child to death, but it is a fact. Unless the daily papers of New York and Jersey were the most arrant liars, the weaker invalids in the sardine-boxes, called tenements, died like flies.

Day after day, the editors pleaded with Morse, begging him to rescind the new rules and to sell to the poor the five-cent piece of ice that they had formerly been able to obtain.

The editorial appeals made to Morse might have softened the heart of the stoniest despot that ever sent human beings to the block, but they did not soften Charles W. Morse.

His relentless car was driven right on, day after day, week after week; and the victims that were crushed under his golden wheels, were pitiful little children.

Later, he made a campaign against the Morgan wolves of Wall Street, and he came to grief. The Morgan wolves turned upon him, and brought him down. His methods were the orthodox Morgan methods, but he was a poacher on the Morgan preserves; and so, he was sent to the penitentiary, not so much because he was a criminal, as because he was a trespasser.

Being in prison, Morse craved a pardon, and Abe Hummel was not at hand to get it for him. Abe was in Europe, for his health. Abe had got Morse a wife by the gentle art of taking her away from an older man. Morse had looked upon the wife of Dodge; and while doing so his memory went back to the time when King David gazed upon the unveiled charms of Bathsheba. Dodge could not be sent the way of Uriah, but the woman could be taken by the modern process of the divorce-court. Abe Hummel found the evidence; Abe managed the case; Abe mildly took a penitentiary sentence which rightly belonged to Morse; Abe spent a short while in prison, and Morse took Mrs. Dodge; Abe got out of jail and went to Europe—afterwards, Morse went to jail, and also went to Europe.

Morse was in the Atlanta penitentiary, and he was a very sick man. His lawyer said so; his doctor said so; the daily papers said so. Morse was suffering from several incurable and necessarily fatal maladies. His lawyer said so; his doctor said so; and the daily papers said so. Morse was a dying man; he had only a few days to live; his will had been made; the funeral arrangements were about complete; the sermon on the virtues of the deceased was in course of preparation; the epitaph was practically written; and all that

Morse wanted was, that Dodge's wife and his own should not have to bear throughout the remainder of her chequered existence, as the ex-wife of both Dodge and Morse, the bitter recollection that the man who took her from Dodge had died in prison.

Therefore, heavens and earth moved mightily for the pardon of Morse, the dying man. President Taft was so afraid that any delay might seem hard-hearted, and that Morse's death in the penitentiary might haunt *him* with reproach the remainder of *his* life, he hurriedly pardoned one of the grandest rascals that ever was caught in the toils of the law.

Of course, the man was shamming all along; and with indecent haste he revealed himself as the robust, impudent, unscrupulous knave that he had been, when he was virtually murdering the destitute sick in New York.

These cases are cited because they are recent, and have been universally discussed. They are examples of what Big Money can do, when it has a fixed purpose to gull the public, influence the authorities, and use the newspapers to defeat Justice.

Let us now consider the undisputed facts in the case of Leo Frank, about whom so much has been said, and in whose interest Big Money has waged such a campaign of vilification against the State of Georgia.

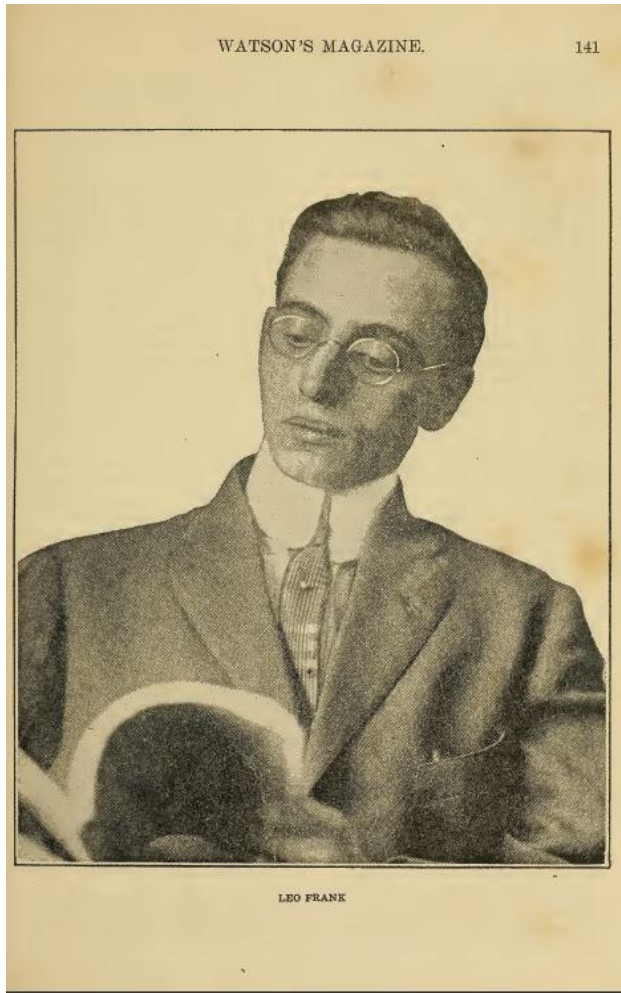
Far and wide, the accusation has been strewn, that we are prejudiced against this young libertine, because he is a Jew. If there is such a racial dislike of the Hebrews among us, why is it that, in the formation of the Southern Confederacy, we placed a Jew in the Cabinet, and kept him there to the last? Why is it, we are constantly electing Jews to the State legislatures, and to Congress?

The law-partner of the best criminal advocate at our bar, is a Jew. I refer to Judge H.D.D. Twiggs of Savannah, and his able associate, Mr. Simon Gazan.

The law-partner of the Governor of Georgia, is a Jew. I refer, of course, to Mr. Benjamin Phillips, the partner of Hon. John M. Slaton.

The daughters of our best people are continually intermarrying with Jews; and Gentiles are associated with Jews in fraternal orders, volunteer military companies, banking and mercantile firms, &c., &c.

The truth of the matter is, that the lawyers and detectives employed to save Leo Frank were themselves the authors of the hue and cry about his being a Jew, and they did it for the sordid purpose of influencing financial supplies. Wealthy Israelites all over the land have been appealed to, and their race pride aroused, in order that the lawyers and the detectives might have the use of unlimited funds. The propaganda in favor of Frank has been even more expensive than that in favor of Morse.



The rich Jews of Athens, Atlanta, Baltimore, New York, Philadelphia, Chicago, &c., have furnished the sinews of war. I dare say the campaign has not cost less than half-a-million dollars. The lawyers have probably been paid at least \$100,000. The Burns Detective Agency has no doubt fingered \$100,000. The publicity bills in the daily papers must be enormous.

Under the law of Georgia, no man can be convicted on the evidence of an accomplice. The testimony in the case, apart from that of the accomplice, must be of such a character as to exclude every other reasonable hypothesis, save that of the defendant's guilt.

Has any civilized State a milder code than that? Could any sane person ask that the law of Georgia should be more favorable to the accused?

The newspapers which sold themselves to the Burns propaganda, have said, and repeated, that Leo Frank was convicted on the evidence of a low-down, drunken negro.

It is not true. Under the law of Georgia, that cannot be done. And in the Frank case, it was *not* done.

Before going into the facts of this most horrible case, let us get our bearings by referring to other celebrated cases. Take, for instance, the case of Eugene Aram, which still possesses a melancholy interest, though the murderer paid his penalty 155 years ago. "The Dream of Eugene Aram" is one of Thomas Hood's fine poems; and Bulwer made the story the basis of one of his best novels.

Eugene Aram, the learned, respected schoolmaster, was convicted upon the evidence of his accomplice. Apart from this, there was almost nothing against the accused. There was not even an identification of the skeleton of the deceased, which for thirteen years had been buried in a cave. For thirteen years the scholarly Aram had been leading a correct, quiet life, when he was arrested. His character, previous to the crime, was unblemished. Without the accomplice, there was no proof of the *corpus delicti*, nor of any motive; nor was there any corroboration that excluded the idea of defendant's innocence.

But there was testimony to the effect that Aram was in company with Clark (the deceased) the last time Clark was seen in life; and Aram (like Frank) did not even try to tell what had become of the deceased.

This was the circumstance that weighed most against Aram—who confessed, after sentence of death!

One of the most celebrated of American cases was the murder of Dr. Parkman, of Boston, by Professor Webster, a man of great eminence and of spotless character, whose friends were numerous and of the highest standing. All New England was profoundly stirred when it was learned that Dr. Parkman had disappeared, and that he had last been seen entering the College where he went for the purpose of seeing Professor Webster on a matter of business.

In this case the controlling factor was, that Dr. Parkman had disappeared into the Professor's rooms, and had never reappeared. *What went with him?* What became of him? *Professor Webster could not answer.*

When Rufus Choate, the greatest criminal lawyer in New England, was applied to by the friends of Professor Webster, he offered to take the case if they would consent for him to plead *manslaughter*. He meant to put the defense on the line, that the two men had had a quarrel in the laboratory; and that, in the heat of passion, the Professor had killed the Doctor. Webster's friends declined this proposition, and Choate refused the case.

Webster was convicted, *and confessed*, after sentence of death!

In the case of Henry Clay Beattie, the testimony was about on a par, in character and convincing power, with that against Frank; yet, Beattie continued to lustily cry out, "I am innocent! They are about to commit judicial murder," and there were numbers of our most intelligent people who believed what he said.

He, also, confessed after he lost hope of reprieve.

The standard books on evidence teach young lawyers that one of the most striking phases of human nature is, *the inclination to believe*.

Trained lawyers, entrusted with the lives of the Beatties, the Patricks, the Beckers, the Woodfolks, and the Franks, realize the value of the constant repetition, "I am innocent. I didn't do it! They are about to commit judicial murder!"

Realizing it, they make use of it. Sometimes, they overdo it!

In the Tom Woodfolk case, a splendid gentleman and first-class lawyer, John Rutherford, actually worked himself to death, for a guilty monster who, among his victims, killed a pretty little girl.

In the Flanigan case, the best criminal lawyer in North Georgia, Hon. Bill Glenn, made himself a nervous wreck, toiling to save a wretched miscreant who was as guilty as hell, and who didn't deserve a day out of the Book of Life of any respectable lawyer.

And I venture to predict that when Frank's attorneys get through with their labors for this detestable Sodomite, they will never again be what they were—in health, standing, or practice.



Leo Frank came down from New York, to take charge of a factory where young Gentile girls worked for Hebrews, at a wage-scale of five or six dollars a week.

Leo Frank was a typical young Jewish man of business who loves pleasure, *and runs after Gentile girls*. Every student of Sociology knows that the black man's lust after the white woman, *is not much fiercer than the lust of the licentious Jew for the Gentile*.

Leo Frank was reared in the environment of "the gentleman friend," whose financial aid is necessary to the \$5-a-week girl. He

lived many years in that atmosphere. He came in contact with the young women who are paid the \$5-a-week, and who are expected to clothe themselves, find decent lodgings, and pay doctor's bills out of the regular wage of five dollars a week.

Leo Frank knew what this system meant to the girls. In fact, we all know what it means, but we don't like to say so. We prefer not to interrupt our bounties to Chinese charities, or check our provisioning of Belgian derelicts.

How gay a life Leo Frank led among the wage-slaves of the North, we do not know; but when he arrived in Atlanta, he seems to have kept the pace, from the very beginning.

To his Rabbi, he was a model young man; to the girls in the factory, he was a cynical libertine. The type is familiar.

If the seducer wore a badge, as the policeman does, he would never seize his prey. If all the immoral men were to appear so, when they go to church, the hopeless minority of the virtuous might have to limit their devotional exercises to family prayer.

With prurient curiosity, Frank used to hover about the private room, where the girls changed their dresses, &c.

A girl from the fourth floor, spent some time, frequently, in this private room, in company with Frank, and they were alone. Neither Frank nor the woman from the 4th floor had any legitimate business alone in the private room of the girls. *One of Frank's own witnesses, a white girl, testified to these facts.*

Such things cannot be done in a factory, without being known to somebody; and that somebody is sure to tell the others.

That is why Mary Phagan detested him and repulsed him. She was a good girl; and, while her poverty forced her to work under Frank, she was determined not to yield to him any dishonorable way. Her resistance had the natural result of whetting his depraved appetite.

The lawyers of the defense put Frank's character in evidence, proving by certain witnesses that it was good. The prosecution had no right to question these witnesses as to details.

Then, the State put up witnesses who swore that Frank's character, *as to lasciviousness, was bad.* Again, the State could not go into details. *But the defense could have done so.* The law allows a defendant, thus attacked, to cross-examine the witnesses, as to the particular facts and circumstances which cause them to swear that the defendant is a man of bad character. In other words, the law of Georgia authorizes Leo Frank to have inquired of each one of these witnesses, —

“What moves you to testify that I am lascivious? What is it that you know against me? What are the facts upon which you base your opinion? Tell me what you saw me do! Tell me what's in your mind, and perhaps I can explain, rebut, and remove the evil effect of your testimony.”

That's the position in which our law places a defendant. It gives *him* the privilege of sifting the witness, and of drawing from him the particular incidents, or circumstances, which have caused him to believe that the defendant *is* bad.

It often happens that, when the defendant cross-examines these witnesses against his character, they give flimsy and absurd reasons, thus bringing ridicule upon themselves, *and vindication to the accused!*

All lawyers know this; and all lawyers, *who feel sure of their client*, never fail to put these character-witnesses through a course of sprouts.

Confident of the integrity of their client, they know that a cross-examination of the character-witnesses will develop the fact, that they have been jaundiced by personal ill-will, and have made mountains out of mole-hills.

But Leo Frank's lawyers did not dare to ask any character-witness *why* she swore that Frank was a man of lascivious character!

Messrs. Rosser and Arnold knew their client, Leo Frank; they did not dare to ask a single witness the simple question, "Why do you swear that Frank's character is bad?"

They did not dare to ask, "*What is it that you know on him?*"

They *KNEW* that the answers would ruin whatever chance Frank had; and that it would be suicidal to ask those white girls to go into the details of Frank's hideous private life.

In this connection, there is another ominously significant fact that should be weighed: Frank and his lawyers did not offer to allow *him* to be cross-examined. Under our law, it is the right of the defendant to make his statement to the jury, and his attorneys may direct his attention to any fact which he omits. But the State cannot ask him a single question, unless he voluntarily makes that proposition.

In this case, where the defendant claimed that the only material evidence against him was that of "a drunken negro," *an innocent man would have joyfully embraced the opportunity to save his life, and clear his name.*

Isn't it so? Can you imagine what objection *you* would have had to being questioned, had *you* been in Frank's place? *You* are innocent; *you* could have accounted for yourself at the time Mary Phagan was being done to death; *you* would have gladly said, "Ask me any question you like. *I* have nothing to hide. I am not afraid of that negro. I *know* that I didn't commit the crime. I *know* that I can tell you where *I* was, when Mary Phagan was killed."

Did Frank do that?

No, indeed! He sat there and heard Jim Conley's story. He sat there, and listened, hour after hour, as Luther Rosser, the giant of the Atlanta bar, cross questioned the negro, and vainly exhausted himself in herculean efforts to shatter the rock of Jim Conley's simple and straightforward account of the crime.

He sat there as Jim Conley fitted the damning facts on *him*, Frank, and he did not dare to do what the negro had done. He did not dare to allow the Solicitor-General to cross-question *him*, as Rosser had cross-questioned Jim.

Innocent? Was that the courage of conscious innocence?

No. Frank prepared a careful statement, and recited it to the jury, and did not offer to answer any question. *He knew that he could not afford it.*

Helen Ferguson had often gotten Mary Phagan's pay-envelope; and had Frank allowed Helen to do this, one more time, he would not now be where he is—and poor Mary Phagan would not be a memory of horror to him, and to us.

Why wouldn't he let Helen Ferguson draw the pay-envelope that time? Ah, he wanted Mary to come back.

The next day was the Memorial Day; the next day is the Jewish Sabbath; the next day, in the morning, Mary Phagan is one of the sweetest flowers of the Sunny South; the next day, in the morning, she is seen of all men, rosy, joyous, pure and full of life and hope; the next day, in the morning, she goes to Frank for the withheld pay-envelope, with its poor one dollar and twenty cents; *and when she is lost to sight, on her way to the den where Frank is waiting for her, SHE IS LOST FOREVER.*

No man or woman ever sees her more, until the lifeless body is found in the basement.

There were scratch-pad notes lying beside her; and Frank says that the "drunken Jim Conley," not only raped and killed the girl while he, Frank, was unconsciously at his usual work in his office, but that Conley alone got the body down to the basement, and then secured the scratch-pad, and composed those four notes.

In those notes, the negro is not only made to say that a negro "did it, by his self," but the negro is described so particularly, that he can be advertised for; and no attempt is made to lay it on the white man who is the only other man in the building!

Marvelous negro, Jim.

Mary Phagan was barely fifteen years old [Actually, she was not quite fourteen. — Ed.], and the evidence is all one way, as to what kind of girl she had been. As far back as the early days of March, 1913, Leo Frank had begun to ogle her, hang about her, and try to lead her in conversation. The little white boy, Willie Turner, swore to it, and no attempt was made to impeach him. He saw Frank endeavor to force his attentions on Mary, in the metal room; and he saw the girl back off, and say to Frank that she must go to her work. He heard Frank when he made the effort to use the job-lash on Mary, saying to her significantly, "*I am the Superintendent of this factory.*"

What did that mean? He had not spoken to her about her work, or about the factory affairs. He was trying to get up a personal "chat," as he had a habit of doing with other women of the place; and when she excused herself and was backing away from the man whom she instinctively dreaded, he used that species of employer's intimidation, "I am the Superintendent of this factory." Meaning what?

Meaning, "It lies in my power to fire you, if you displease me."

Dewey Hewell, a white girl who had worked in the factory under Frank—and who knew him only too well—testified that she had heard Frank talking to Mary frequently, and had seen him place his hands on her shoulders, and call her by her given name.

Gantt testified that Frank noticed that he, Gantt, knew Mary Phagan, and remarked to him, Gantt, “I see that you know Mary, pretty well.”

Yet, Frank afterwards said that he did not know Mary Phagan!

Frank had been monkeying with girls who depended on him for work. Lascivious in character, according to twenty white girl witnesses, *whom Rosser and Arnold dared not cross-examine*. Leo Frank’s lewdness drove him toward Mary Phagan, as two white witnesses declared. She repulsed him, as the evidence of white witnesses showed.

Her work-mate applied for the pay-envelope on Friday, April 25th. Frank refused it, and Mary went for it on the morning of the 26th. She is seen to go up in the elevator towards Frank’s office on the second floor.

He says that she came to him in his office, and got her pay!

No mortal eye ever saw that girl again, until her bruised and ravished body—with the poor under garments all dabbled in her virginal blood—was found in the basement.

Where was Leo Frank?

It was proved by Albert McKnight that Frank went to his home, sometime near 2 o’clock that day [1:30 — Ed.], (his folks were absent) stood at the side-board in the dining room, for five or ten minutes, did not eat a morsel, and went out again, toward the city.

A determined effort was made to break down this evidence, but it failed.

On that same day, Frank wrote to his Brooklyn people, that nothing “startling” had happened in the factory, since his rich uncle had left. He stated that the time had been too short for anything startling to have happened. The tragedy had already occurred.

That night he did something which he had never done before: he called up the night-watchman, Newt Lee, and asked him over the telephone if anything had happened at the factory.

Mary Phagan’s body was lying in the basement; and in his agony of suspense and nervousness, *Frank was trying to learn whether the corpse had been found!*

At three o’clock that same night, Newt Lee found the body, and gave the alarm. Detective Sharpe called Frank over the telephone, asking that he come to the factory at once. Two men were sent for him, and he was found nervously twitching at his collar,

and his questions were, “What’s the trouble? Has the night watchman reported anything? Has there been a tragedy?”

Why did he think there had been a tragedy *at the factory*?

If he had paid off Mary Phagan as he says, and she had gone her way out of the building and into the city—to see the Confederate Vets parade, or for something else—why was he calling up Newt Lee, Saturday night, asking if anything had happened at the *factory*?

NOBODY THEN KNEW THAT ANYTHING TRAGIC HAD HAPPENED TO MARY, ANYWHERE!

He was haunted by the dead girl who lay in the basement. To save his soul, he could not get her off his mind. The gruesome thing possessed him, held him, tortured him. Thundering in his brain, all the time, were the terrific words, “*Be sure your sin will find you out!*”

During the dreadful hours that followed Frank’s return to the factory, his agitated mind cast about for a theory, a scape-goat, that would keep the bloodhounds off his own trail. He insinuatingly directed suspicion toward Newt Lee, the negro who was never there at all during the middle of the days. He not only hinted at Lee, and suggested Lee, but after *somebody* had planted a bloody shirt on Lee’s premises, Frank asked that a search be made at Lee’s house. The bloody shirt was found, *bloody on both sides*. Unless the carrier of the dead body shifted it from one side to the other, there was no way to account for blood on both sides of any shirt. But, worst of all! whoever planted the dirty old shirt, and smeared the blood on it, forgot to saturate it with the sweat of a negro! There was none of the inevitable, and unmistakable African scent on that soiled garment—and yet the armpits of a laboring negro ooze lots of African scent.

Not only did Frank try to fix guilt on Lee, but he hinted suspicion of Gantt, the man who went to the factory on the fatal Saturday, after Mary had been killed, to get two pairs of old shoes which he had left on one of the upper floors.

Frank demurred at Gantt’s going in, and made up a tale about the sweeping out of a pair of old shoes along with the litter and trash. But Gantt caught Frank in the falsehood, by asking him to describe the shoes that had been swept out. Frank “fell to it,” and described *one pair*. “But I left two pairs!” exclaimed Gantt, and Frank was silenced. Gantt went up, got the shoes, and left. Yet Frank tried to fasten suspicion on *him*.

Now, use your mother wit:

Why did Frank never cast a suspicious eye, or a suspicious word, TOWARD JIM CONLEY?

He was ready to put the dogs on the tracks of Newt Lee, the negro who worked there *at night*. He was ready to lead the pack in the direction of Gantt, the white man who came on Saturday to get his old shoes.

But he was *not* ready to breathe the slightest hint toward Jim Conley, *whom all the witnesses placed in the factory, WITH FRANK, during the very time that Mary Phagan must have been ravished.*

Why did he keep the hounds off the trail of Jim Conley? Why did he point the finger of suspicion toward Gantt and toward Lee, *and never toward Conley?*

There is but one answer—and you *know* what that is. *Frank could not put the dogs after Conley, WITHOUT BEING RUN DOWN, HIMSELF!*

In vain did the detectives endeavor to trace evidence against Lee, and against Gantt. In vain, did they labor to get the trail *away from that factory*. It was right there, and no earthly ingenuity could move it.

On Monday, Frank telegraphed to Adolf Montag, who was in New York, that the factory had the case well in hand and that the mystery would be solved. He had employed a Pinkerton detective, and this detective, fortunately, pinned Frank down as to where *he* was, at the crucial hour, that Saturday.

Scott asked Frank—“Were you in your office, from twelve o’clock *until Mary Phagan entered your office*, and thereafter until ten minutes before one o’clock, *when you went to get Mrs. White out of the building?*”

And Frank, answering his own detective, said that he *was*. Thus, his own admission, before his arrest, *placed him near the scene of the crime, AT THE TIME IT WAS COMMITTED*. [Ten to fifteen before one. — Ed.]

Scott again asked—“Then, from 12 o’clock to 12:30, *every minute of that half hour*, you were at your office?”

Frank answered, “Yes.”

But he lied. The unimpeachable white girl, Monteen Stover, testified that *she* went to Frank’s office, *during that half hour, AND NOBODY WAS THERE!*

No wonder the infamous William J. Burns did his utmost, afterwards, to frighten this young woman and to force her to take back what she had sworn. No wonder he sent the Rabbi after her. He himself threatened her, and then entrapped her in the law office of Samuel Boorstein, *and tried to hold her there against her will!*

The brassy, shallow, pretentious scoundrel! He richly deserves to be in the penitentiary himself!

Mind you! When Frank told his detective, Scott, that he was in his office during the half-hour between 12 o'clock and half-past twelve, *he did not know that Monteen Stover had been there*. He had not seen her; he had not heard her. *He was employed at something else, somewhere else*. At what? And where?

In his statement, which he had had months to prepare, he said that he might have gone to the water closet.

In the note that lay beside Mary Phagan's body, she is made to say that *she* was going to the water closet, when the tall negro, all by "his self," assaulted her.

And it was on the passage to *THIS toilet*, (adjoining Frank's own toilet,) that the crime was committed.

The water-closet idea is in those telltale notes—and *where else?* In Leo Frank's final statement to the jury!

Would "a drunken brute of a negro," after raping and killing a white woman within a few steps of a white man's private office, *with the white man inside of it*, linger at the scene of his awful crime to compose four notes? Would *he* need any theory about the water closet?

Would *he* have been in an agony of labor to account for the presence of his victim, *at that place?* Not at all.

He would have left that point to take care of itself, and *he* would have struck a bee line for the distant horizon. Negroes committing rapes on white women, do not tarry. *Never! NEVER!!*

They go, and they keep going, as though all the devils of hell were after them; for they *know* what will happen to them, if the white men get hold of them.

Jim Conley—where was he, at the time when Frank was *not* in his office?

Mrs. Arthur White swore that Jim Conley, or a negro man that looked like him, *was at his place of duty, downstairs*. He was sitting down, and there was nothing whatever to attract any especial attention to him. This was at thirty-five minutes after twelve-and Mary Phagan had already been to Frank's office, *by his own statement*, and had got her pay envelope, and gone away. *Gone where?*

Toward the toilet?

If so, Frank knew it, and Conley didn't, *for Conley was below, on another floor*. Mrs. White puts him there.

Who, then, wrote the note about the water closet, and made Mary say she went to it “to make water?”

Where was Mary, when Monteen Stover looked into Frank’s vacant office? *Where was Frank, THEN?* The note said Mary went toward the toilet “to make water.” Frank’s statement was that he must have been at the toilet, when Monteen looked into his office. *Great God! Then, Frank puts himself at the very place where the note puts Mary Phagan!*

Did you ever know the circumstances to close in on a man, as these do on Frank?

Out of his own mouth, this lascivious criminal is convicted.

The men’s toilet used by Frank, and to which he said he may have unconsciously gone, *was only divided by a partition from the ladies’ room to which the note said Mary had gone.*

THEREFORE, FRANK PLACES HIMSELF WITH MARY, AT THE TIME OF THE CRIME!

Why did he pretend that he did not know Mary by sight? Why did he go to the Morgue *twice*, and shrink away without looking at her; and then afterwards, in his statement, describe her appearance on the cooling table, as fairly and as circumstantially, as though he had been a physician, making an expert examination?

Why was he so completely knocked up by suspense and anxiety, *that he “trembled and shook like an aspen,”* on his way to the police station?

And why, *why* did this white man never flare up with blazing wrath against the negro who accused him of the awful crime, and gladly embrace the opportunity to face the negro and put him to shame?

Where is the innocent white man who is afraid to face a guilty negro?

Where is the white man who would have tamely taken that negro’s fearful accusation, *as Frank took it?* Would *you* have failed to face Conley?

Apart from every word that Jim Conley uttered, we have the following facts.

Frank’s bad character for lasciviousness; his pursuit of Mary Phagan, and her avoidance of him; his withholding her pay-envelope Friday afternoon and thus making it necessary for her to return to his office on Saturday; his presence in his office in the forenoon, and her coming into it at noon, to get the pay-envelope; her failure to reappear down-stairs, or up-stairs, and the absence of both Frank and Mary, from his office, during the half hour that followed Mary’s arrival in the office; the presence of Conley on the lower floor, *at the necessary time of the crime*; the inability of Frank to account for himself, *at the*

necessary time of the crime; the utter failure of Frank to explain what became of Mary; his desperate attempt to place himself in his office at the time of the crime, and the unexpected presence of Monteen Stover there, *and her evidence that he was out*; his incriminating lie on that point, and his nervous hurry to get Mrs. White out of the building; his strange reluctance to allow Gantt to go in for his old shoes, and his falsehood on that subject; his refusal to allow Newt Lee to enter the building at 4 o'clock, P.M., although the night-watchman came at that hour, and begged to be allowed to go in and sleep; his conduct that night, calling up Lee, and asking the officers about the "tragedy," when no tragedy had been brought home to him by any knowledge save his own; his efforts to throw the officers off the scent; *his amazing failure to hint a suspicion of Jim Conley*; his equally guilty fear of calling Daisy Hopkins to the stand—Daisy, the woman who was shown conclusively to have visited Frank at the factory, and who had no business there except in her peculiarly shameful line of business. It was this woman that Conley said he had watched through the keyhole, when Frank was sodomizing with her, *and Frank's lawyers dared not put her up, as a witness.*

The blood marks are found, in the direction of the men's toilet and the metal room; and Mary's bloody drawers and bloody garter-straps show that she bled from her virginal womb, before she died. Around her neck was the cord that choked her to death. On her head was the evidence of a blow.

Frank could not have been off that floor. He could not have been far away. He had been in his office, *with Mary*, just a few minutes before. *He was back in his office*, at 12:35, seen by Mrs. White, and jumping nervously as she saw him. He stated that his temporary absence from his office may have been caused by a call of nature. Such a call would have carried him directly toward the place where the note said Mary went, *for the same purpose!*

Had *you* been on the jury, with all these links of circumstances fastening themselves together in one great iron chain of conviction, what would you have believed, as to Frank's guilt?

Now consider Conley:

He was Frank's employee, and to some extent his trusty. Frank didn't mind Conley's knowing about Daisy Hopkins, and other things of the same kind. Frank did not want Rabbi Marx to know anything of his secret sins, but he did not care if Conley knew. Therefore, Conley was the person to whom he would naturally turn when the Mary Phagan adventure went wrong. Frank needed help to dispose of the body, for Frank had a vast deal at stake. His social position, his business connections, his fellowship in the B'nai B'rith, his standing in the synagogue, his wife and mother and father and uncle—all these imperatively demanded that Frank dispose of *that terrible dead girl!*

Would Conley have cared what became of her body?

Do negroes who violate white women stay to dispose of the bodies? Never in the world. Their first thought is to get away *themselves*, and they do it, whenever they can.

What hindered Jim Conley, if he was the rapist, from being in the woods, *sixty miles away*, by the time Mary's body was found Sunday morning? Nothing!

If he had raped and killed the girl, he could securely have gone out of the building, out of the city, and out of the State, before anybody knew what had become of Mary Phagan.

Frank couldn't afford to run!

He had to stay.

Ask yourself this question:

Was it more natural for a negro to rape a white girl, and stay where he was, *in the belief that he could lay the crime on a white man*; or was it more natural for a white man to do it, remain where he was, *and hope to fix it on a negro*?

It is unnecessary to relate Jim Conley's evidence in detail. He made out a complete case against Frank, and he was corroborated by white witnesses at every point where any of the facts came within the knowledge of others. Of course, there could be no witnesses to what he and Frank did with Mary's corpse, but so far as the physical indications of the crime existed, they contradicted Frank, and corroborated Conley.

According to the allegations made by Conley's lawyer, William M. Smith, the friends of Leo Frank made strenuous efforts to corrupt Conley, then scare him, and perhaps poison him, before the trial came on.

William J. Burns afterwards made a fool of Smith; but Smith did not attempt to escape from the allegations which he had formally, in a legal paper, made against the friends of Frank. According to Smith, Conley's life was in danger, and measures were taken to protect it.

This is the Smith that the New York Times, World, &c., made such a loud noise over, when he went into a deal with Burns, *to play the Nelms case against the case of Frank*.

The indictment against Frank was found by the grand jury, on May 24th, 1913. He had been in jail since the Coroner's jury had committed him May 8th.

His trial commenced on the 28th of July, and more than 200 witnesses were examined.

On the 25th of August the Judge, L.S. [Leonard Strickland] Roan, charged the jury, and they went to their room for deliberation. In a comparatively short time, they returned, saying they had made a verdict, and defendant's attorneys, waiving his personal

attendance, polled the jury. That is, each juror was asked if the verdict of guilty was *his* verdict.

This perfunctory right is the only one that the law allows a defendant at that stage of the trial.

Frank was asked on August 26th what he had to say, as to why the sentence should not be pronounced on him. He had nothing of consequence to say, and he was sentenced to be hanged on October 10th, 1913.

On October 31, Judge Roan denied a motion for new trial, and the case was taken to the Supreme Court, *which reviewed the evidence* and sustained Judge Roan, Feb. 17, 1914.

An extraordinary motion for new trial was made and overruled in April, 1914.

Then, the lawyers of Frank raised the point, that he had not been personally present when the jury rendered their verdict. This was treated as trifling with the law and with the court.

It never was a right, under English and American law, for a defendant to be personally present all the time; and it *is* the law that whatever he can waive, during his trial, his attorneys can waive.

Had Frank been personally present, he could not have done anything more than his lawyers did; to-wit, poll the jury. That is a formal, valueless right which is almost never exercised, *and which never has panned out results in Georgia*.

Jurors do not bring in a verdict until they *are* agreed: the verdict *is* each juror's verdict. Otherwise, there is a dead-lock and a mistrial.

After the best criminal lawyers of the Atlanta bar had exhausted themselves in behalf of Leo Frank, the case was given to that calliope detective, William J. Burns—the fussy charlatan who hunts for evidence with a brass band, and a searchlight.

With an uproarious noise, he invaded Georgia, and breezily assumed that the Frank case had just begun. He began it all over again. He went to the factory to look over the physical indications, just as though the crime had not been committed a year before Burns got to Atlanta.

He raised his voice, in a boastful roar, and invited mankind to watch him, “the Great Detective,” as *he* went sleuthing over the premises of that factory. The way the man talked was something phenomenal, prodigious, cyclonic, cataclysmic. Every morning the papers were full of Burns, the Great Detective. Every day we had to eat, drink and digest Burns. Every night we had to think, talk and dream about Burns. The whole State, and all the papers, got to looking toward Atlanta, as a Mussulman does toward Mecca, for Burns was there.

With inconceivable rapidity, Burns made up his mind, and announced his decision. Nay, he roared it from the castellated battlements, so that the whole human race could hear.

He had discovered that the crime on Mary Phagan had been committed by a moral pervert of the worst type. He had discovered that no one who had been suspected and arrested, was guilty. The miscreant who did the deed was “at large,” and Burns knew where to get him when he wanted him.

Then Burns shot out of Georgia, and went North—presumably to put his hands on that miscreant who had never been suspected, and who in Burns’ own words, “is at large.”

Everywhere that Burns went, the noise was sure to go.

The papers resounded with Burns. The Baltimore Sun, (Abell) the New York Times, (Ochs) the New York World, (Pulitzer) and other Hebrewish organs proclaimed the joyful news, “Burns clears Frank!”

It was airily assumed that Burns was the coroner’s jury, the grand jury, the petit jury, the judge, the witnesses, and the lawyers.

What did it matter to this asinine mountebank that Frank’s case had been given, to the fullest measure, the liberal metes of our statutory law?

Is every man to have two trials, because he wants them? Is any man entitled to exceptional rules, usages and privileges?

Did the gunmen who shot Rosenthal get two trials?

They also were Jews, and they also were vehemently “innocent.” Yet they confessed before execution.

Is the richly connected Jew, Frank, entitled to better treatment *in Georgia*, than those indigent Jews got, in New York?

The Abells, and the Ochses, and the Pulitzers, did not raise much fuss for the Hebrew gunmen.

If Mary Phagan had been a Jewess, and Frank a Gentile, would all this scurrilous crusade against Georgia have been waged in the Jewish papers?

If Frank had killed a Jew, as the New York gunmen did, would these Jewish millionaires be so lavish with their money and their abuse?

Do they imagine that we care nothing for the Mary Phagans that are left alive?

Is no check ever to be put upon the employers of girls, who insolently take it for granted that the girls can be used for lascivious purposes?

Shall the Law trace no deadline around the children of the poor, and say to arrogant wealth, "*Touch them, at your peril?*"

Upon what monstrous theory of shoddy aristocracy, and commercial snobbery, is based on the idea that, in pursuing Mary Phagan, entrapping her, ravishing her, and choking her to death, this lascivious pervert did not foully outrage every decent white man who has a pure daughter, granddaughter, sister or sweet-heart?

Burns rooted around in several Northern cities, endeavoring to discover the criminal who "is at large." Burns failed to find this criminal. Then he returned to Atlanta, and began his virtuous efforts to suppress, and to invent evidence.

For his dastardly campaign against Monteen Stover, he richly deserves to be tarred and feathered in every State where he shows his brassy face.

For his abortive purchase of the affidavits of Rev. Ragsdale and the deacon, Barber, he richly deserves a penal term.

In May 1912, President Taft, upon the recommendation of Attorney-General Wickersham, set aside some verdicts in some Oregon cases, in the U.S. Courts, upon the express grounds that WILLIAM J. BURNS AND HIS AGENTS HAD PACKED THE JURY-BOXES!

No wonder Burns skipped out—the braggart, the faker, the crook, the coward!

His right hand man, Dan Lehon, was expelled from the Chicago police force for being a detected crook; and Lehon is a better man, and a braver man, than the contemptible Burns.

It was on this bought and perjured evidence that Frank endeavored to secure a new trial, by the extraordinary motion.

An effort to suppress evidence is indicative of guilt: Frank did that.

An effort to fabricate testimony is indicative of guilt: Frank did that.

An effort to seduce the attorney of an accessory, and to have that attorney betray his client, is indicative of guilt, especially when the attorney in question is willing, but not able, to shift suspicion to his own client.

Encircling Frank, *and nobody else*, are these convicting circumstances:

Motive; opportunity; unexplainable movements, sayings and conduct; contradictory statements; presence at the time and place of the crime; attempts to inculcate innocent persons; efforts to intimidate witnesses, suppress evidence, and use perjured affidavits; and *lascivious character in dealings with the girls in that factory*.

Frank wanted Mary Phagan, not to kill her, but to enjoy her. His *murder* of the girl was *incidental*.

He did not resolve to choke her to death, until after he realized that if she left there alive, she would raise the town, and he would be lynched by the infuriated people.

Then he called for Conley's help, and his plan was, to make away with the corpse.

And because he had used Conley, and was therefore afraid of what he might say, Frank never once suggested to the policemen, or the detectives, to question Conley. *Question Newt Lee, BUT DON'T QUESTION CONLEY, THE DAY MAN, WHO WAS THERE WHEN MARY WAS!*

Why did Frank ignore *THIS* negro, *at that time*, and try to fasten the guilt on *the other* negro, Newt Lee?

Newt could not implicate Frank; *Jim Conley could*.

There you are; and all the lawyer-sophistry in Christendom cannot get away from it.

"A drunken negro!" That shibboleth, of late adoption, is now the burden of Frank's statements. In his many newspaper articles, in the editorials which the Jewish papers publish, in Burns' various proclamations and war whoops, in the pleas of the lawyers, it all simmers down to Jim Conley, "a drunken brute of a negro."

When did Conley become the black beast of the case?

Burns himself did not make him the scape-goat when he uproariously bore down upon Atlanta, and lifted the floodgates of his jackass talk. At that time, the guilty man "is a pervert of the lowest type; he has never been arrested; he is at large." Burns was going to spring a sensation by pouncing upon somebody that had never even been suspected. He was going to show the Atlanta police and the Pinkerton Detective Agency that they ought all to have gone to school to William J. Burns, *The Great Detective*. *Conley* was not at large; *Conley* had been arrested, investigated, and relegated to his proper position as accessory.

Therefore, *Conley* was not the imaginary man that Burns *THEN* had, in his omniscient optics.

Not until all his turbulent efforts to find a straw man had failed, did he and Lehon bribe the poor old preacher, Ragsdale, and his poorer deacon, Barber, to swear that they had heard Conley tell another negro that he had killed a white woman at the pencil factory. It was the clumsiest, Burnsiest piece of frame-up that I had ever read; and I immediately picked it to pieces, in the weekly *Jeffersonian*.

The papers had barely reached Atlanta for sale on the streets, before Ragsdale broke them down and confessed—and now Burns is afraid to put himself within the jurisdiction of the Georgia courts.

When did Frank discover that Jim Conley was a drunken brute of a negro? Not while employing him, *for two years!* Not while allowing him to remain inside the factory, that Saturday afternoon, when Newt Lee was not permitted to come in and go to sleep. Not while Frank's own detective was probing, here and there, this one and that one, in the effort to find a lead. Not while the Coroner had the case in charge. Not once did Frank aid the police, the Pinkerton Detective, or the City detectives, by so much as a suspicious look toward the drunken brute of a negro.

Why not?

This young, lascivious Jew is a Cornell graduate, is as bright as a new pin, and keen as a needle; but in the tremendous crisis in which he found himself, that Saturday afternoon, his brain was in a turmoil, "a whirling gulf of phantasy and flame." Hence, having made a terribly criminal mistake, he followed it up, *as most criminals do*, by making minor mistakes.

It was a mistake to move that bleeding body. It was a mistake to lie to Gantt about those old shoes. It was a mistake to refuse to let Newt Lee enter. It was a mistake to show so much anxiety to get rid of Mrs. White. It was a mistake to call up Newt Lee and inquire whether anything had happened at the factory. It was a mistake to ask the men, Rogers and Black, whether a tragedy had taken place at the factory. But of course, the crowning mistake was, *to take Jim Conley into his confidence, in the mistaken effort to dispose of the corpse.*

The one mistake in calculation led to the other, and these two led to the third; to-wit, the writing of those four notes, in which he made the dead girl say she had gone to the toilet "to make water."

Are you to be told that a drunken brute of a negro would seize a white girl, inside a house, on a quiet legal holiday, violate her person, choke her to death with a cord, and then sit down to write four notes about it? Are you to be told that a drunken brute of a negro would attempt such a crime, *within a few steps of the white man's office*; and would leave the stunned, unconscious victim on the floor while he searched around to find a cord with which to choke her to death? *The hands* of the drunken brute of a negro would have been as much cord as *he* wanted.

When you put Jim Conley in the place of the murderer of Mary Phagan, you cannot budge an inch. Nothing going before the crime, points at him. Nothing that is shown to have happened at the time and place of the crime, points to him. Nothing that occurred afterwards, points to him. *Against Conley, the only testimony is that of Leo Frank!*

Had the State endeavored to convict Conley, it would have been met at the very threshold by the law which mercifully says the accomplice cannot convict the accomplice.

Frank's evidence against Conley stands alone! It has no corroboration whatsoever. And he is actuated by the irresistible motive to save his own neck.

Therefore, the case against Conley, *is Frank*, and nothing more.

When you put the negro in the place of the rapist and murderer, you confront the following difficulties:

Frank's first intention to shield Conley from suspicion.

Frank's attempts to cast suspicion on Lee and Gantt.

Frank's fixed idea that a tragedy had happened in his place of business.

Frank's haunting the Morgue, yet shrinking from the sight of Mary Phagan's accusing face.

Frank's refusal to face Conley, and to have a talk with him in the presence of witnesses.

Frank's absence from his office, *at the time of the crime*, and his false statement that he was in the office, *at that very time*.

Frank's efforts to "approach" Conley, intimidate him, or come to terms with him, as William M. Smith sets out in his statement to the court; and Frank's attempts to make Monteen Stover perjure herself.

Frank's bribery of Ragsdale, and the deal that was made with William M. Smith, by which he was to help slip the noose over the head of his own client, "the drunken brute of a negro."

Was there ever a fouler attempt than *that*?

Was there ever a completer failure?

You cannot imagine that the intellectual Frank has not kept in the closest communication with his lawyers, his detectives, and his friends, in these almost superhuman efforts to save his guilty life.

It is *not* Jim Conley that has struggled to pull himself out of the meshes. It is *not* Jim Conley that endeavored to corrupt Frank's witnesses, and seduce Frank's lawyers. *It was not Jim Conley that went out to hire a preacher and a deacon to swear away the life of Leo Frank!*

It was not Jim Conley who attempted to use the purchased affidavits, to mislead the Court, befuddle the public, and escape Justice.

It was Frank, whose conduct before the crime points in the direction of guilt. It was Frank who could not be seen, heard, or accounted for at the time of the crime. It was Frank whose actions were suspicious after the crime. It was Frank whose conduct, since the trial, has been that of a desperate criminal, frantically and blunderingly endeavoring to escape the toils.

None of this will fit Jim Conley, or anybody else. *It fits Frank!* It cannot be made to fit anybody but Frank.

Then who is guilty?

Either the white man, or the negro, or both, ravished and killed that little girl.

The bloodmarks say she was killed on Frank's floor, not far from his private office—AND NEAR HIS TOILET, WHERE HE SAYS HE MAY HAVE GONE—*not on Conley's floor, where Mrs. White saw the negro, at that time.*

The note says she was killed on Frank's floor, on her way to the toilet, where she had gone "to make water," *therefore, next to Frank's toilet—not on Conley's floor at all.*

Did Conley leave the lower floor, come up to Frank's floor, and do the deed? Why, *Conley could not have known that Mary was not in Frank's office*, for that was where he had seen her go.

Conley did not know where Mary was at that time. *Leo Frank was the only human being that knew where Mary was, at that identical moment!*

He himself says that she had been in his office and had gone out; and *he* knew that she did not take the elevator up or down, *but went towards the metal room*, to see whether the metal which she was to work with had come.

He followed her, overtook her, solicited her, put his hands on her—and *she screamed!* Then he struck her, knocking her down, fiendishly mistreated her, and then, horror-struck at the sight, and terrified by his consciousness of consequences, he went and got the cord which choked her life out.

Take Jim Conley's story, and *every proved incident dove-tails into it.*

Take Frank's story, and *every proved fact collides with it.*

Then who is guilty?

Ah, who knows a man so well as his wife does? This young married man, who had a young wife, must have been outraging every feminine instinct of her honest nature, for at first, *she would not go about him.*

In your bitter time of trouble if your own wife, near by, holds aloof, there is something hideously wrong with *you!*

"Last at the Cross, and first at the grave," women are true!

It makes terribly against Leo Frank that his young wife held back! What pressure finally conquered her reluctance?

Poor little Mary Phagan! The chiefest of poets has sung of the proud Roman lady who would not survive her honor; but, in the hearts of right thinking men, Cornelia [actually Lucretia. — Ed.], ravished by a King's son, is no better than this daughter of the good old State of Georgia, who lost her life in defense of her chastity.

While the City witnessed the parade of the time-battered remnants of the Confederate armies that had given so many precious lives in defense of those things that men hold dear, only the angels and the Great God witnessed the struggles of Mary Phagan for the priceless jewel that good women hold dear. And there must have been blinding tears of unutterable pity, as those celestial witnesses looked down upon that frightful deed. Among all the horrible crimes that make humanity pale and shudder, there has been no blacker crime than that.

Only "a factory girl!" That's what the papers kept on saying.

Yes; she was only a factory girl; there was no glamour of wealth and fashion about her. She had no millionaire uncle; she had no Athens kinspeople ready to raise fifty thousand dollars for her; she had no mighty connections to wield influence, muzzle newspapers, employ detectives, and manufacture public sentiment.

Only a factory girl; therefore the Solicitor-General has had no outside help, has found his path of duty one of arduous toil, has fought his way at every step in the case against overwhelming odds, and he won simply and solely because he had the Law, and the Evidence on his side.

Honor to Hugh Dorsey!

Just as Whitman of New York bravely met the hell-dogs of organized crime, and lashed them into cowed defeat, Dorsey triumphed over Big lawyers, Big detectives, Big money, and Big newspapers in Georgia.

And because an enthusiastic people caught up this young hero in their arms, *after he had fought the good fight and won it*, we are accused of saturating the court-room with the spirit of mob violence!

It's an outrageous libel, on the State of Georgia!

No man ever had a fairer trial than Leo Frank, and no man was ever more justly convicted.

Never before did any criminal who had exhausted in his own behalf, every known right, privilege and precedent of the law, resort to such a systematic and unprecedented crusade against civilized tribunals, orderly methods, and legally established results.

If Frank's lawyers, detectives and newspapers are to have *their* way, then the Code, the Jury System—proud achievements of the most illustrious lawyers that ever lived—will have suffered a degradation not known since the packing of juries in the New Orleans cases, a decade ago, so infuriated the people, that they rose in their wrath and wreaked vengeance upon those Italian assassins.

During all the stormy times of the Pitt-Eldon regime in England, our jury system rode triumphantly through its waves. One intrepid lawyer, Thomas Erskine, was able to vindicate the noble truth, that the effort of our judicial system is, *to get twelve honest men in the jury box*.

So proud was Erskine of the fact that *our system*, had come out of the terrible ordeal untarnished and with added glory, he took for his motto, to be emblazoned on the panels of his carriage—

“Trial by jury.”

That which the most consummate of English advocates gloried in, *we* are asked to be ashamed of; and we are asked to condemn the verdict of Frank's jury, when Frank himself is utterly unable to show that the law did not give him *the twelve honest men in the box*.

What more could it have given? *What more did it have to give?*

Nobody compelled Frank to become a citizen of Georgia. He came of his own free will. *Has he any more rights than a native?*

If Frank had been living in London at the time he crushed the life out of that human flower, little Mary Phagan, he would have long since gone the swift road that Dr. Crippin travelled to his merited doom.

“Whosoever sheds man’s blood, by man shall his blood be shed.” So reads the sternly just law of the great old indomitable, unconquerable race from which we take so much of our religion, our law, and our democracy.

Is Frank to be an exception to Mosaic law? Is alleged race-prejudice to save him from the just penalties of the Code?

God knows, my sympathy is profound for those who sin through sudden passion, who are drawn astray by some irresistible temptation, who are lured to vice and crime by intense love or burning hate. For the man who kills another openly and who says to Society—“Yes, I did it! I had a right to do it. Here I am, take me, and try me!”—for such a man I have the broadest charity.

But for the man who waylays the road, or who basely stands outside a dwelling at night and murders the inmate—I have no pity whatsoever.

So, in a case like Frank’s, where a married man, a college-bred man, a man of the most creditable connections, deliberately lives a double life, debases himself to unnatural and inordinate lusts, and sets himself to the foul purpose of entrapping the one pure girl who was trying to save herself to be some good man’s wife—I admit, I freely admit, that it is in me to be as stern as the Law of the Twelve Tables.

Somebody *must* resist the dissolvent power of Big Money and a muzzled press, or Society will fall to pieces.

In all the imperial limits of Atlanta, were there not enough purchasable women, or lewd girls, to sate the lusts of Frank? Why was he *so* hell-bent to take this one little girl?

With his command of money and of opportunity, *was he not the man of many flocks and herds?*

Let us turn to The Book, and read the old, old story, ringing yet with the righteous wrath of the Prophet, and moving men’s hearts yet with its infinite pathos:

“And the Lord sent Nathan unto David—

and he came unto him and said unto him—

There were two men in one city—the one

rich—and the other—POOR—The
rich man had EXCEEDING MANY flocks and
herds—but the poor man had NOTHING
—save one—little—ewe lamb—
which he had nourished up—and it grew up
together with him and with HIS CHILDREN—
it did eat of HIS OWN meat—and drink of
HIS OWN cup—and lay in his BOSOM—
and was unto him as a DAUGHTER.

“And there came a traveller unto the rich man
—and he spared to take of his OWN flock
and his OWN herd—to dress for the wayfaring
man that was come unto him—but
took—the POOR MAN’S LAMB and dressed
IT for the man that was come unto him.

“And David’s anger was GREATLY kindled
against the MAN—and he said to Nathan-
‘AS THE LORD LIVETH—the man that hath
done THIS thing shall surely die—and he
shall restore the lamb FOURFOLD—because
he did this thing and because he had no pity’

—And Nathan said to David—“THOU

—art the man!”

Not long ago, a rich Hebrew, most influentially connected, stole two million dollars from the working people of New York, many of whom were Jews.

Henry Siegel stole the money under the familiar disguise of a commercial failure. He was tried and convicted—and sentenced to pay a fine of one thousand dollars, and to serve nine months in prison.

Whereupon, the Pulitzer paper, *The World*, admits that there *does* seem to be in this country one law for the rich and another for the poor.

Now, in the State of Georgia, we are doing our level best to prove that the law treats all men alike, and the Pulitzer paper is doing its best to defeat our aim.

The New York *World* has taken sides with the negroes, against the white people of the South, on all occasions.

It claims that the negroes are as good as we, and that the negroes should enjoy social and political equality.

So extreme has been the Pulitzer paper on this line that it sharply reprovved President Wilson in the matter of the William Monroe Trotter episode.

The New York *World* virtually says that the President deserved the insolence of the negro delegation, in that he had not interfered to prevent the heads of the Departments from requiring that the negroes use separate water closets, &c.

Yet in the Frank case, the great point emphasized by the World and the other Jewish papers is, that a witness against Frank *was a negro!*

It seems that negroes are good enough to fill our ballots, make our laws, hold office, sleep in our beds, eat at our tables, marry our daughters, and mongrelize the Anglo-Saxon race, *but are not good enough to bear testimony against a rich Jew!*

It is all wrong for us to disfranchise the negroes, all wrong for McAdoo, Burleson and Williams to require them to eat in separate restaurants, use separate wash-rooms, and go to separate toilets; all wrong for the President to allow any difference between whites and blacks, *but no negro must be taken as a witness against a Jew who can command unlimited money.*

That sort of logic is a fair sample of all the Leo Frank special pleading. None of it would be tolerated a minute, if there had not been such a systematic propaganda in favor of this worst of deliberate criminals.

From the very necessity of the case, we have to take the evidence of negroes in some cases—else Justice would be defeated.

Criminals do not summon the best men in the community to witness their crimes.

The murder in the brothel must of necessity be proved by bad women. No good woman is there to see it—nor any good man, either.

Time and again, in Georgia, as in all States, it has happened that the only witnesses to the crime were negroes, or bad white men. What is the law to do, in such cases?

Must it let murder go unpunished, for the lack of white men of the best character?

Every case must of necessity stand on its own merits, and be judged by its surroundings. A witness, otherwise objectionable, may become invincible *by reason of the nature of his association with the criminal*, and with the *res gestae* of the crime.

In his proclamations to the public, Leo Frank stresses the point that the reviewing court has never passed upon the question of his guilt, or innocence.

In other words, he asserts positively, in a carefully prepared written statement, that the Supreme Court of Georgia has never reviewed the evidence in the case.

What an arrant falsehood!

Every tyro in the legal profession knows better.

In a first motion for a new trial there are three grounds which are so invariably taken, that even the form-books lay them down, as stereotyped.

The defendant *always* alleges that the verdict was strongly and decidedly against the evidence, against the weight of the evidence, and without evidence to support it.

Therefore, the Supreme Court *had* to pass on the evidence. The Supreme Court *did* pass on the evidence. And the Court *did* say that the evidence was sufficient to sustain the verdict.

There was no “mob” threatening the Supreme Court. There was no military display menacing the Supreme Court.

Those serene, experienced lawyers were *not* twelve terrified jurors, for whom Leo Frank is now so sorry.

On their oaths and their consciences, those superb lawyers, coolly deliberating in private and in the profoundest security, *had to say whether the evidence set forth in the record was sufficient to warrant the verdict of those twelve jurors.*

And those Justices, *upon their oaths and their consciences*, said the evidence was sufficient.

Yet Leo Frank has the brazen effrontery to argue that his case has never been tried, except by twelve men who were scared into a verdict by the Atlanta “mob.”

This attempt at misleading a sympathetic public is on a par with the efforts made to suppress testimony, to frighten those girl witnesses, and to buy up Ragsdale and his deacon.

It is on a par with that pulpit crusade they started in Atlanta. It is on a par with William J. Burns’ “utterly confident” explorations in Cincinnati and New York. It is on a par with Burns’ interviews with Conan Doyle, John Burroughs and whole lot of other people who have never seen the record in this case, *nor been charged with the fearful responsibility of trying this man for his life.*

The State of Georgia and its Judiciary, and the honest jurors who were sworn to try Frank, have been vilified, held up to scorn and made objects of derision and hatred, by irresponsible persons who know nothing of the evidence, except that Jim Conley is a negro.

The public has been gulled, again and again, by the noisy protestations of William J. Burns, and by the assurance that something wonderfully sensational would explode very soon.

But nothing ever comes of it. Every time there is a show down, it is the same old thing. The same old fatal pursuit of the girl by Frank; the same old undisputed and damnable fact of the little victim being lured back to his private office, to get the pitiful balance of her pitiful wage; the same old unexplained disappearance of the girl, *and the same old utter inability of Frank to give an account of himself.*

Let me quote one sentence from a masterful book which has recently been published, and which has been widely read. Its author is Edward A. Ross, Professor of *Sociology* in the University of Wisconsin; the name of the book is, “The Old World and the New.”

This expert in Sociology makes a study of Immigration, the changes brought about by it, the diseases, crimes and vices incident to this foreign flood, &c.

On page 150, he says—

“The fact that the pleasure-loving Jewish business men *spare Jewesses, but PURSUE GENTILE GIRLS* excites bitter comment.”

This bitter comment is made by *the city authorities*, who have had to deal with these pleasure-loving Jewish business men who spare the Jewish girls, and run down the Gentile girls!

If Professor Ross had had the Frank case in his mind, he could not have hit it harder.

Here we have the pleasure-loving Jewish business man.

Here we have the Gentile girl.

Here we have the typical young libertine Jew who is dreaded and detested by the city authorities of the North, for the very reason that Jews of this type have an utter contempt for law, and a ravenous appetite for the forbidden fruit—a *lustful eagerness enhanced by the racial novelty of the girls of the uncircumcised!*

The Frank case is enough to depress the most hopeful student of the times. It has shown us how the capitalists of Big Money regard the poor man's daughter. It has shown us what our daily papers will do in the interest of wealthy criminals. It has shown us how differently the law deals with the rich man and the poor. It has shown us that some of our lawyers, members of the Bar Association, are ready to use crook detectives and crook witnesses to defeat Justice.

It has shown us that these lawyers are eager to have the Federal Courts step into the province of our State Courts, and set a precedent which would mean that whoever can hire the attorneys, can run the gamut of our State Courts, and then run the gamut of the Federal judiciary.

And the end will not even then be reached. If no court will disturb a righteous verdict, political pulls must be tried.

The most insidious, sinister and powerful pressure will be brought to bear upon the Pardon Board, and upon the Governor, *to prevent the law from taking its course*, and to give another depressing instance of "the difference, 'twixt the Rich and the Poor."

It is fair and proper to assume that our State officials will do their duty, "without fear, favor, affection, reward, or the hope thereof."

Collier's, however, has taken it upon itself to announce that Leo Frank will *not* be executed.

Therefore, *Collier's* has been guilty of forestalling the action of the Georgia Pardon Board, and the Georgia governor.

Collier's is publishing a series of articles on the case. They are similar to Connolly's rigmaroles in the Baltimore *Sun*. They repeat the one-sided statements of the *Times* and

the *World*. Burns seems to have won the confidence of Mr. Connolly, and Mr. Connolly's articles sound loudly of William J. Burns.

These newspaper articles of *the propaganda of Big Money against the Law*, are all based on Leo Frank's *ex parte* statement, which he dared not submit to the test of a cross-examination.

Not one of these newspaper articles deals with the undisputed facts which form the chain of circumstantial evidence, solidifying the work of the direct testimony.

These intensely partisan articles are predicated upon the alleged fact, that some men on the streets of Atlanta said, "Hang the d-n Jew!" and upon the baseless assumption that the jury heard these cries, and were controlled by them.

Not once have these hirelings for the defence argued the actual, proved, material, controlling *facts that compelled the verdict*.

What do rich Jews care for Jews who are poor?

Suppose Leo Frank had been a moneyless Hebrew immigrant, recently arrived from Poland, and peddling about from house to house to get a few dollars for the wife and child he left behind in the war-zone, would the wealthy Jews, of Athens, Atlanta, Baltimore, Brooklyn, Philadelphia and New York be spending half-a-million dollars to save him from the legal consequences of premeditated and horrible crime?

Or suppose Mary Phagan had been Jacob Schiff's daughter, or Belmont's daughter, or Pulitzer's daughter, or Och's daughter, or Collier's daughter, would Leo Frank be the subject of a propaganda of libelous misrepresentations of the people of Georgia?

It hasn't been so long ago, since *Collier's* published the slander on Southern white women, in which the editor alleged that *the white women accused negro men of rape, TO HIDE THE SHAME OF CONSENT!*

Having championed the negro rapist against the Southern white woman, *Collier's* now champions an abnormal Sodomite, who comes as near *carrying it on his face*, as any lascivious degenerate ever did.

William J. Burns knows that he has discredited himself, and he is now using C.P. Connolly as his megaphone. C.P. Connolly is flooding the country with literature, finely gotten up on glossy paper, and illustrated by an idealized cut of the horribly sensual face of Leo Frank.

The purpose is to divide public opinion, create mawkish sentiment, and manufacture a sympathy which will influence the authorities. The most outrageous misrepresentations about the Atlanta "mob," and the Atlanta military, and the terrorizing of the jury, are being recklessly circulated, to save as guilty a man as was ever arraigned, and to

besmirch a State whose laws, juries and judges are notoriously inclined to the utmost verge of leniency.

There was no Big Money to push the case against Leo Frank. There were honest Atlanta police-officers, an honest Pinkerton detective, some white girls and white men who could neither be bullied nor bought; twelve honest jurors in the box and a just judge on the bench; an able, fearless and energetic Solicitor-General as the State's representative; and a chain of proved facts and circumstances, which apart from negro evidence, excluded every other reasonable hypothesis, save that of the defendant's guilt.

Above all, towered the Supreme Court of Georgia, which ignored the attempted intimidation of the *Atlanta Journal*—a Georgia paper that prostituted itself to the propaganda of Big Money and declared that the execution of *this* Beattie, *this* McCue, *this* Durant, *this* Leftie Louie, would be “judicial murder.”

Leo Frank and Mary Phagan, the pursuer and the pursued, the hawk and the dove, the wolf and the lamb—there they are! The bones of the little Georgia girl are mouldering in the ground, while Leo Frank poses for another photograph and composes another statement, and his rich, powerful champions declare defiantly that he will not be punished.

May the Almighty source of Justice and of Power, give to the Governor of Georgia the strength to withstand all blandishments, all improper influences, all mawkish appeals, and *to stand firm, BY THE LAW, and do his duty*, as the jurors and the judges have done theirs.

The systematic and hugely expensive campaign of slander that has been waged against the people of Georgia in regard to this case has logically and necessarily created this kind of a situation: to-wit—

If the Pardon Board, or the Governor, intervenes, that intervention will be inevitably understood to be *a condemnation of the jury, of Judge L.S. Roan, of Judge Benjamin H. Hill, and of the Supreme Court.*

The charges made by Frank's lawyers, by Frank himself, by William J. Burns, by the big Jewish newspapers, and by *Collier's*, strike at the integrity of our judicial system, and the racial fairness of our people.

The courts are accused of trying this man by riot and hysteria, instead of by evidence and law. The people are accused of condemning him because he is a Jew, and on the unsupported testimony of a negro!

Are those charges true? If they are, the courts and the people of Georgia *are eternally disgraced.*

The Big Money propagandists say that the charges *are* true.

Alleging them to be true, the propagandists demand that the Pardon Board and the Governor change the sentence of the Law.

Shall this charge be countenanced by the Pardon Board, and the Governor?

Shall wealthy outsiders invade the State of Georgia, and take this case into their own hands? *Shall foreign influences usurp the functions of our courts, and dominate the administration of our laws?*

No other State tries its criminals in the newspapers, in the pulpits, in the banks, or in the back-rooms where politicians juggle.

The daily papers and *Collier's* did not attempt to dictate to Virginia, in the McCue and Beattie cases. Nor did the papers attempt to annul the law, to save the lives of the gunmen who shot the Jew gambler.

Infinitely worse than the Rosenthal case, infinitely worse than the McCue and Beattie cases, is that of Leo Frank, the libertine who kept after this little girl, *and kept after her, AND KEPT AFTER HER*, with the lust of a satyr, and the ruthless determination that she should not escape him.

All over this great Republic lawlessness is raging like the wild waves of a stormy sea. All over this Christian land the crimes against women are taking wider range, vaster proportions, and types more fiendish. The white-slaver stands almost openly in crowded streets, in waiting rooms, and at factory doors, with his net in his hands, ready to cast it over some innocent, unsuspecting girl. The lascivious employer—from the highest to the lowest, from the lawyer and politician who advertise for type-writers and stenographers, down to the department stores, the small factories, the laundries and the sweat-shops—are on the lookout for poor girls and young women who will exchange virtue for “a good time.”

Do not we all know it?

Where the girl is of the age of consent, and consents, it is bad enough, God knows!

But where the girl is good, and wants to stay so, and she is pursued, and importuned, and entrapped, and is not permitted to keep the one jewel that her poverty allows her, but is forcibly robbed of it, and then killed to hush her mouth—O what shall we say of that?

And what are we to think of the men, *and the women*, who can forget the poor, weak, lonely little heroine *who died, for her honor*—amid this magnificent people who rear monuments to regiments of *strong men* who have died for principle?

Tom Watson: The Leo Frank Case

The Creator that made me, best knows how I revere brave and good men that stand the storm, resist temptation, keep to the right path, and go to their graves—martyrs to Faith, and Duty, and Honor—rather than surrender the glorious crown of Manhood.

But the words have never been coined which can express what a true man feels for the woman who is so great, in the divine simplicity of unconquerable innocence, that she, like the snow-white ermine of the frozen Arctic, *will die, rather than soil the vestment that God gave her.*

In this day of fading ideals and disappearing landmarks, little Mary Phagan's heroism is an heirloom, than which there is nothing more precious among the old red hills of Georgia.

Sleep, little girl! Sleep in your humble grave! But if the angels are good to you, in the realms beyond the troubled sunset and the clouded stars, they will let you know that many an aching heart in Georgia beats for you, and many a tear, from eyes unused to weep, has paid you a tribute too sacred for words.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here.](#)

Transcribed by Penelope Lee. Exclusive to the *American Mercury*.

[Introduction](#)

[Tom Watson: The Leo Frank Case](#)

[Tom Watson: A Full Review of the Leo Frank Case](#)

[Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank](#)

[Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert](#)

[Tom Watson: The Rich Jews Indict a State!](#)

is “John Barleycorn’s Master,” and that during the last thirty-five years half-a-million *victims* of the drink appetite have been *cured*.

Therefore, the Strauss magazine is open to contributions from both sides. Those who don’t want the Keely Cure, are told where to get the liquor; while those who have had too much of the liquor, are told where to get the Keely Cure. In either event, the Strauss family continue to do business, and to add diligent shekels to the family pile.

Puck is one of those magazines which indulges in fun, for the entertainment of the human race. You can nearly always tell what sort of a man it is, by the jokes he carries around with him. In parallel column to the ad. of the Sunny Brook Whiskey, *Puck* places a delicate little bit of humor, like this:

“We stand behind the goods we sell!”

The silver-throated salesman said.

“No! No!” cried pretty, blushing Nell,

“You see, I want to buy a bed!”

Another bit of refined fun, which is *so* good that the Strauss family went to the expense of a quarter-page cartoon, represents a portly evangelical bishop, seated in the elegant room of a young mother, who is at the tea-table, close by, pouring “the beverage which cheers but not inebriates.” Her little boy sits on the bishop’s knee, and the kindly gentleman, with one hand on the lad’s plump limb, exclaims, “My! My! What sturdy little legs!” and the boy answers, “O, you ought to see mother’s!” and the mother is in arm’s length of the bishop!

The *tone* of *Puck*, and its sense of responsibility to its readers, when discussing matters of the gravest public concern, is shown by its treatment of the profoundly serious and important subject of Prohibition. I quote what *Puck* says, not to exhibit Richmond Pearson Hobson, or the pros and cons of Congressional legislation on that question, but to exhibit the levity and dishonesty of *Puck*:

Congress was treated to an excellent vaudeville a few days ago as part of the prohibition propaganda engineered by that earnest young white-ribboner, Richard Pearson Hobson. From all press reports of the session, it must have been an inspiring sight.

Mr. Hobson had placed in the “well” of the House—the big space in front of the clerk’s desk—twenty large lettered placards pointing out the alleged evils of the “liquor curse.” Some of those placards were: “Alcoholic Dogs Had More Feeble and Defective Puppies,” “Destructive Effect of Alcohol on Guinea Pigs,” etc.—New York Tribune.

Puck has long pointed out the terrible effects of alcoholic indulgence among our canine friends. It feels, with Mr. Hobson, a heartfelt pity at the picture of a tipsy terrier going home to a boneless doghouse and a hungry litter. But Mr. Hobson’s flapdoodle did not stop here. He rants:

“The national liquor trust in America opened four different headquarters in Alabama and conducted the major part of the great campaign against me, with their one hundred stenographers and eight hundred men on the salaried payroll. I found out also that Wall Street—and I am not guessing—raised a fund which was sent there to defeat me.”—New York Tribune.

Poor old Wall Street! No sooner is it out of the doldrums of an enforced vacation than it is dragged into action to lead that peerless force of “one hundred stenographers and eight hundred salaried men” against Mr. Hobson. It is a heart-rending picture, this spectacle of impoverished financiers passing ’round the hat to collect a fund to be used in behalf of the Demon Rum. Wall Street reeks with whiskey—if we believed the oratory of Prohibition’s Alabama advocate.

But, to continue:

That whiskey is killing daily more men in the United States than the war is taking away in Europe, was one of the statements emphasized by Mr. Hobson.—New York Tribune.

Is it to be wondered that the cause of Prohibition, championed with such rubbish as this, met with a decisive and well-deserved defeat?

The prominent feature of this number of *Puck*, is another full-page cartoon, by Hy Mayer, representing Leo Frank, this time, as an innocent prisoner barred from his freedom by the symbolic columns of “Wisdom, Justice, and Moderation,” as they appear on Georgia’s coat of arms. The Strauss accusation is, that the State has falsified her own motto, and converted her temple into a Bastille, through whose bars the innocent Frank is gazing outward for the liberty of which he has been so unlawfully deprived.

A paragraph on another page runs thus:

IN SAFE HANDS AT LAST.

Perhaps the Georgia mob that hooted its way to fame outside the court-room where Frank was being tried for his life will now pack up its carpet-bags and journey to Washington.

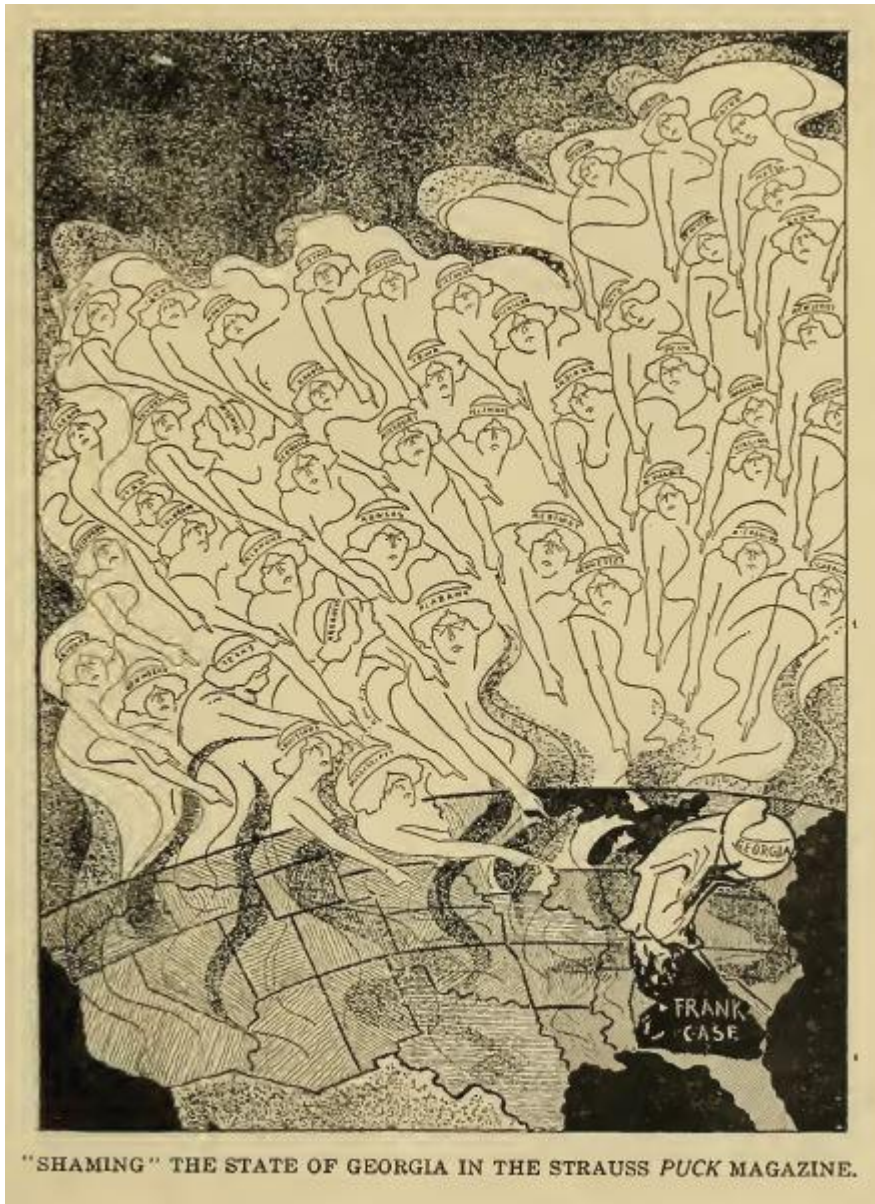
The Supreme Court of the United States would doubtless be tremendously overawed by a demonstration of mob violence on the part of an Atlanta delegation.

What are people to do, when mercenary detectives, and newspapers, and Hessians of the pen, hire themselves to push a propaganda of libel and race prejudice, in the determined effort to hide the evidence of Frank's guilt, nullify the calm decisions of our highest court, and substitute the clamor of Big Money for the stern, impartial mandate of the Law?

In this same issue of the Strauss magazine, is another cartoon, by M. De Zayas, labeled, "ALONE IN HER SHAME!" The subject of odium is the State of Georgia, and she is pictured as being pointed at by the scornful fingers of all the other States.

If this kind of thing could work a mercurial public into hysteria, or hypnotize a governor into blue funk, what rich criminal would ever go to the scaffold? If Big Money can hire Hessians enough to fight Frank's way out of the consequences of his awful crime, what is it that Big Money cannot do?

In the same Strauss magazine for January 30th, there is a still more insulting and defamatory cartoon. We reproduce it, for the information of our readers. It pictures the State of Georgia as a masked ruffian, with a coil of rope in his hand, trying to seize Leo Frank, and lynch him, without a legal trial. The witnesses to the scene are Uncle Sam, and a touring-car full of the other States in the Union! A guide, with a megaphone, is proclaiming the infamy of Georgia.



In all of the months during which William J. Burns has been working these agencies to create sentiment in favor of Frank, not a page of the essential sworn testimony has been given to the public. On the contrary, the wildest rumors, and the most craftily devised falsehoods, have been put into circulation, in the effort to get a favorable verdict from unthinking editors and readers who are slow to suspect that there is a systematic campaign of willful lies.

Excuse me for speaking plainly, the time has come for it.

Let us begin with *Collier's*. This is the weekly paper which has sold books in so many peculiar ways, and made a nation-wide campaign against patent medicines—and then stopped quite suddenly.

It is the paper which editorially accused the white women of the United States of squealing *on their negro paramours*, and thereby causing them to be lynched—to avoid scandal!

The exact language of *Collier's* was—

It is well known that many identifications are mere hysteria, often for crimes that were never committed, and **many charges and identifications are founded on something worse than hysterical invention; they are the easiest escape from scandal.** Now these are not the things to say, no doubt. They altogether lack chivalry and the aristocratic virtues. But perhaps it is time to put justice and truth above “honor,” whatever that may be.

Thus spoke *Collier's* editorially in October 1908.

Is *Collier's* the kind of publication which you would select for the championship of Truth?

Is *Collier's* the weekly that would go to great expense in the Frank case, *for the holy sake of Justice?*

C.P. Connolly had been with William J. Burns in the McNamara cases, and Burns took up Connolly in the Frank case, to blow some bugles through the Baltimore *Sun*, the daily paper of the worthy Abells. After the Abells got through with Connolly, *Collier's* picked him up, and translated him to Atlanta. What did he do there? With whom did he talk? How did he try to get at the facts of the Frank case?

He did not go over the record, with the Solicitor who was familiar with it, *and who proffered his services to Connolly for that very purpose!*

If Connolly came for the truth, why did he not listen to both sides? Why did he not read the record? Or if he read it, why did he so grossly misrepresent it?

Let us examine a few of Connolly's statements—statements which being accepted as true, have poisoned the minds of honest people throughout the Union, *just as they were meant to do!*

Connolly says—“Leo M. Frank is a young man of whose intellectual attainments any community might well be proud. Atlanta has been combed to find something against his moral character....but without success.”

There you have a flat, positive assertion that the city of Atlanta was diligently searched for witnesses who would testify against Frank's moral character, *and that none could be found.*

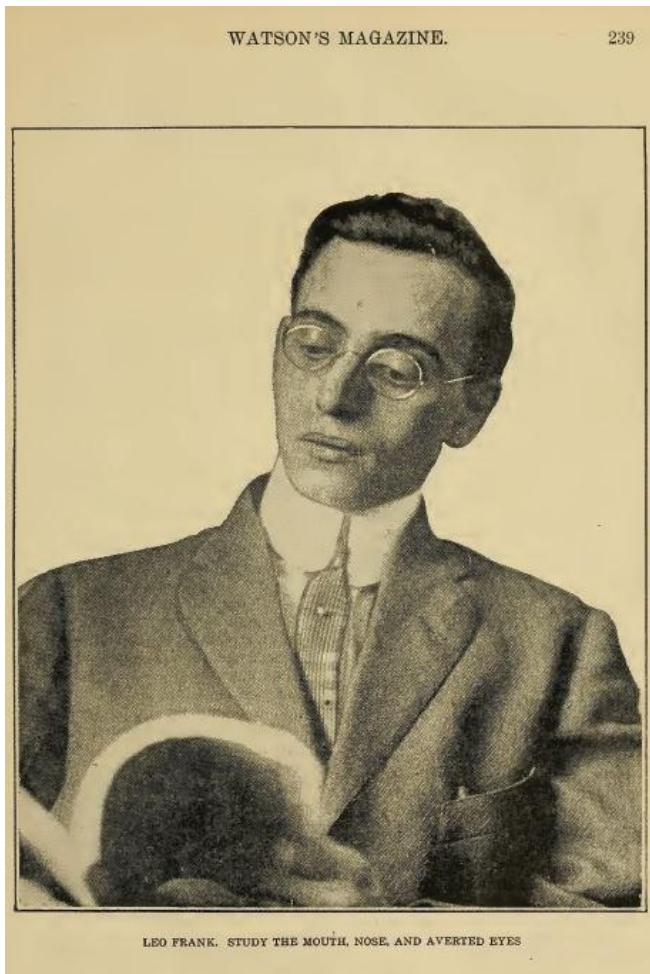
What will be your amazement and indignation, when I tell you that numerous white girls and white women went upon the witness stand, and swore *against* Frank's moral character?

One after another, those white accusers, braved the public ordeal and testified that Frank was lewd, lascivious, immoral!

Frank's lawyers sat there in silence, not daring to ask those witnesses for the details upon which they based their terrible testimony.

Why did Frank's lawyers allow that fearful evidence to have its full effect upon the jury, without asking those white women *what it was they knew on Frank?*

Suppose *you* had been accused in this case, and those same witnesses had testified against *your* character, would *you* have been afraid to cross-examine them?



Only a man *who shrank from what those women could tell on him,* would have let them go, without a single word! The State could not ask them for specific facts. The defendant alone had the legal right to ask for those—and the defense was afraid to do it.

Among those white witnesses were, Miss Marie Karst, Miss Nellie Pettis, Miss Maggie Griffin, Miss Carrie Smith, Mrs. C.D. Donegan, Miss Myrtie Cato, Mrs. Estelle Winkle, Mrs. M.E. Wallace, Mrs. H.R. Johnson, Miss Mary Davis.

Another white girl who did not know enough of Frank's general character for lasciviousness, to swear against it, was offered by the State to prove that she went to work in Frank's factory, *and that Frank made an indecent proposal to her, on the second day!*

Frank's lawyers objected to the evidence, and Judge L.S. Roan ruled it out. But if Connolly was eagerly bent on finding the truth as to Frank's character, he would certainly have heard of Miss Nellie Wood, who doubtless can tell Connolly at any time the exact language that Frank used *in his effort to corrupt her*.

When you pause to consider that here were many white witnesses, *none of whom could be impeached*, who took a solemn oath in open court, and swore to Frank's immoral character—standing ready to bear the brunt of the cross-examination of the crack lawyer of the Atlanta bar—what do you think of Connolly, when he states that no such witnesses could be found? And what *do* you think of Burns, who pulled off the jackass stunt of afterwards offering “a reward” for any such witnesses?

With reference to his said offer of the \$5,000 reward, this impostor, Burns, said on Feb. 3, in the *Kansas City Star*, which is (disinterestedly, no doubt) giving so much space to the campaign of slander against the people and courts of Georgia:

“Let me tell you this—no man has a more remarkable past than Frank. I investigated every act of his life prior to the accusation against him. There was not a scratch on it. Then I offered a reward of \$5,000 to anyone who could prove the slightest immorality against him. No one, not even the Atlanta police, have attempted to claim it.”

Instead of his flamboyant and empty offer of \$5,000, why didn't Burns quietly take Rev. John E. White, or some other respectable witness, with him, *and visit the white ladies who had already publicly testified to Frank's lewd character?*

Those white ladies were right there in Atlanta, while that noisy ass, Burns, was braying to the universe. The record showed him their names. *If he wanted to know WHAT THEY COULD TELL ON FRANK, why didn't he go and ask them?*

He knew very well that nobody would claim his reward, for he knew that there wasn't anybody who was fool enough to believe they could ever see the color of his money.

If he wants to learn the truth about Frank's double life, he can go to those ladies *now!*

WHY DOESN'T HE DO IT? He can save his imaginary \$5,000, and ascertain the truth, at the same time.

The mendacious scoundrel was quick enough to hunt up Miss Monteen Stover, and use his utmost efforts to scare her into changing her evidence. He went so far as to entrap her, in Samuel Boornstein's office, where the attempt was made to hold her by force.

Other girl witnesses, in the case were subjected to persecution and threats, by these infamous Burns detectives, who wanted to change their evidence, as they did change the fearful evidence of Frank's negro cook.

Why was Burns afraid to ask Mrs. Johnson, or Mrs. Winkle, or Mrs. Donegan *what it was*, that caused them to swear that Leo Frank is a libertine? Miserable faker! He didn't want *the truth*.

Do William J. Burns and Luther Rosser mean to say that all these respectable white girls and ladies who swore to Frank's immoral character, *perjured themselves*? If so, what motive did they have? And if Rosser was satisfied those ladies were swearing falsely, *why didn't he cross-examine them*? Why was he afraid to ask them a single question?

Your common sense tells *you* why. *Rosser feared what would COME OUT!*

Another statement made by Connolly is, that the face of the dead girl "was pitted and seamed with indentations and scratches from the cinders, a bank of which stretched along the cellar for a hundred feet or more. There had evidently been a struggle."

Again, Connolly says—

There were cinders and sawdust in the girl's nose and mouth, drawn in, in the act of breathing, and under her finger nails. Her face had been rubbed before death into these cinders, evidently in the attempt to smother her cries.

Here the purpose of Connolly was, to make it appear that Mary Phagan had been killed in the basement, after a struggle, during which her mouth had been held down *in the cinders*, to stifle her screams!

In that event, of course, her tongue, her mouth, her throat, and perhaps her lungs would have shown saw-dust, and cinders.

There is absolutely no evidence in the record to support any such theory.

There was absolutely no evidence of any long "bank of cinders," in the basement. *There was, in fact, no such bank of cinders!*

(See evidence of *Defendant's witness*, I.U. Kauffman, pages 148, 149, 150. Also, evidence of Dobbs, Starnes, Barrett, &c.)

The evidence of all the witnesses is, that the girl's tongue protruded from her mouth, and that the heavy twine cord had cut into the tender flesh of her neck, and that the

blood-settlings showed the stopped circulation—manifest not only in her purple-black face, but under the blue finger nails.

There was no evidence whatever of cinders, ashes, or saw-dust in her mouth, in her throat, or in her lungs.

There was not a scintilla of evidence that she had met her death in the basement!

(See evidence of Dobbs, Starnes and Barrett.)

The sworn testimony in the record is, that, although the girl's face was dirty from having been dragged by the heels through the coal-dust and grime, natural to the basement where the furnace was, the negro who first saw her that night, by the glimmer of a smoky lantern, telephoned to the police *that it was a white girl*. The officers, Anderson and Starnes, so testified!

Sergeant Dobbs swore that the body seemed to have been dragged by the heels, over the dirt and coal-dust, *and that the trail led back from the corpse to the elevator*. His exact words are, "It began immediately in front of the elevator, at the bottom of the (elevator) shaft."

The word, "It," refers to *the trail of the dragged body*; and the witness swore that the thought the condition of the girl's face "*had been made from the dragging*."

There was the unmistakable sign of the dragged body, as legible as the track of a foot on the soft ground; and the weight of the head and the friction, in dragging and bumping, would naturally cause soilure and abrasions. (The distance was 136 feet.)

W.E. Thomson whose booklet of 32 pages has been generously scattered "from the Potomac to the Rio Grande"—in the evident effort to reach all of his blood-relations who, as he tells us, are dissolutely distributed over the entire region between these two watercourses—W.E. Thomson says, on page 18 of his rambling, incoherent pamphlet.—

"There is not a shadow of doubt that she was murdered in this basement, on this dirty floor. The back door had been forced open by drawing the staple. This door opened out on an alley back of the building. There is every reason for believing that the murderer went out that door."

Thomson argues that Jim Conley did the work.

But why did *Jim Conley* have to draw the staple, and leave the building by that door? Conley had the run of the building, was in it that fatal Saturday, was there when the white ladies and girls left, and was gone, in the usual way, when Newt Lee came on duty for the evening, as night watch.

The basement door was not then open. *But the crime had already been committed*, and the dead body lay there in the gloom. Whose interest would it serve to *afterwards* draw the staple, and give the door an appearance of having been forced?

When William J. Burns came to Atlanta, last Spring, and began his campaign of thunder and earthquake, he deafeningly shouted to the public at every step he took. His very first whoop was, that a careful examination of the facts in the case showed that the crime had been committed by “a degenerate of the lowest type.” Burns roared the statement, that the guilty man had never been suspected, and was still “at large.”

Burns yelled that this unsuspected criminal of the lowest type was hiding out, somewhere nearer to the North pole than Atlanta; and, with an ear-splitting noise, Burns set out to find that man. Burns said he was “utterly confident” he would find this man—who was expected to wait calmly, until Burns could nab him.

As everybody who read the papers last summer knows, *that was precisely the theory upon which Burns started to work*. He went on a wild-goose chase, into the Northern States, *and was gone for months*, working the Frank case. Working it how? Hunting for what?

He didn't have to go North to find evidence against Jim Conley. Every bit of evidence against Jim was right there, in Atlanta.

Burns has never produced a single witness from the North. Not a scrap of testimony resulted from all his months of labor in the North! What was he doing there?

From day to day, and week to week, he put out interviews in which he declared he was making “the most gratifying progress.”

“Progress,” at what? “Gratifying,” how?

My own idea was, that Burns spent his time chasing around after opulent Hebrews; and that his gratifying progress consisted of relieving the prosperous Children of Israel of their superfluity of ducats. It takes money to stimulate the activities of such a peculiar concern as the Burns Detective Agency.

In one of his many interviews, published in the papers of Cain and Abel, this great detective, Burns, said, “The private detective is one of the most dangerous criminals that we have to contend with.”

I considered *that* the superb piece of cool effrontery that a Gentile ever uttered, and a Jew ever printed. You couldn't beat it, if you sat up of nights, and drank inspiration from the nectar Jupiter sips.

Week after week, Burns pursued the pleasures of the chase, up North, presumably bringing down many a fat Hebrew. He not only got a magnificent “bag” of rich Jews, but, with the unholy appetite of an Egyptian turning the tables on the Chosen People, he spoiled them to such an extent that it was a “battue.”

Having bled these opulent Hebrews of the North until they were pale about the gills, and mangled in their bankbooks, William J. came roaring back Southward, oozing newspaper interviews at every stop of the cars. Burns said he had his “Report” about ready. That Report was going to create a seismic upheaval. That Report would astound all right-thinking bipeds, and demonstrate what a set of imbeciles were the Atlanta police, the Atlanta detectives, the Pinkerton detectives, the Solicitor-General, the Jury, the Supreme Court, and those prejudiced mortals who had believed Leo Frank to be the murderer of Mary Phagan.

Naturally, the public held its breath, as it waited for the publication of this much-advertised Report. At last, it came, and what was it? To the utter amazement of everybody, it consisted of an argument by Burns *on the facts that were already of record. He did not offer a shred of new evidence.*

His only attempt at new testimony was the bought affidavit of the Rev. C.B. Ragsdale, who swore that he overheard Conley tell another negro that he had killed a girl at the National Pencil Factory.

So, after all his work in the North, and after all his brag about what he would show in his Report, Burns’ bluff came to the pitiful show down of a bribed witness who was paid to put the crime on the negro.

As Burns said, “the private detective is the most dangerous criminal we have to contend with.” “We” have so found.

Commenting upon the Connolly articles, the Houston, Texas, *Chronicle* says, editorially:

Collier’s Weekly has espoused Frank’s cause in its usual intense way, and has put the work of analyzing the facts into the hands of a man who does not mince words; and, while one may not be willing to agree with all of its contentions, **there is one point on which it hits the bullseye—that of the speech of the solicitor general, or prosecuting attorney.**

In what manner had Collier’s hit the bull’s eye?

According to Collier's, the speech was "venomously partisan," and the wish is editorially expressed that all lawyers in the United States could read it and let that paper know what they think of it. So presumably it was stenographically reported, and it may safely be assumed that Collier's quotes correctly. It says the Reuf case, the Rosenthal murder and other crimes in which Jews played a part were dragged into the argument.

Elevating himself to the pinnacle of moral rectitude, the editor of the *Chronicle* says—

In England, where trials are conducted more nearly along proper lines than they are anywhere else in the world, a crown's counsel who would make a denunciatory or emotional appeal to a jury would be adjudged in contempt.

With such a speech, and a crowd which had already prejudged the case filling the court house, **a fair trial in the meaning of the constitution and the law was impossible.**

In England it would have been different, says the *Chronicle*.

Yes, it would. In England, Leo Frank would have long since gone the way of Dr. Crippin, and suffered for his terrible crime.

But was Dorsey's speech such a venomous tirade? Was he in contempt of court in his allusions to Reuf and Hummel and Rosenthal? Did Dorsey bring the race issue into the case?

Solicitor General Hugh M. Dorsey's speech *was* stenographically reported. It makes a booklet of 146 pages. On pages 2, 3, and 4, Mr. Dorsey deals with the race issue and deplores the fact that the "*defense first mentioned race.*"

Mr. Dorsey says, "Not a word emanated from this side, not a word indicating any feeling against.....any human being, black or white, Jew or Gentile.

"But, ah! the first time it was ever brought into this case,—and it was brought in for a purpose, and I have never seen two men manifest more delight or exultation than Messrs, Rosser and Arnold, when they put the question to George Kendley at the eleventh hour.

"A thing which they had expected us to do, and which the State did not do, because we didn't feel it and it wasn't in this case.

"I will never forget how they seized it, seized with avidity the suggestion, and you know how they have harped on it ever since.

“Now, mark you, they are the ones that mentioned it, not us; the word never escaped our mouth.”

There sat Frank’s lawyers, two of the most aggressive fighters, men who rose to their feet, again and again, during the course of Dorsey’s speech, to deny his statements, and interject their own, but they did not utter a word of denial when he charged them to their teeth, in open court, with bringing into the case the evidence that Frank is a Jew. Nor did they challenge his statement that they had “laid for” *him* to do it, and had done it themselves when they saw that he did not mean to give them that string to harp on.

Having made his explanation of how the fact of Frank being a Jew got into the case, Dorsey paid this glowing tribute to the great race from which this degenerate and pervert sprung:

“I say to you here and now, that the race from which that man comes is as good as our race. His ancestors were civilized when ours were cutting each other up and eating human flesh; his race is just as good as ours,—just so good, but no better. I honor the race that has produced D’Israeli,—the greatest Prime Minister that England has ever produced. I honor the race that produced Judah P. Benjamin,—as great a lawyer as ever lived in America or England, because he lived in both places and won renown in both places. I honor the Strauss brothers—Oscar, the diplomat, and the man who went down with his wife by his side on the Titanic. I roomed with one of his race at college; one of his race is my partner. I served with old man Joe Hirsch on the Board of Trustees of the Grady Hospital. I know Rabbi Marx but to honor him, and I know Doctor Sonn, of the Hebrew Orphan’s Home, and I have listened to him with pleasure and pride.

“But, on the other hand, when Becker wished to put to death his bitter enemy, it was men of Frank’s race he selected. Abe Hummel, the lawyer, who went to the penitentiary in New York, and Abe Reuf, who went to the penitentiary in San Francisco, Schwartz, the man accused of stabbing a girl in New York, who committed suicide, and others that I could mention, show that this great people are amendable to the same laws as you and I and the black race. They rise to heights sublime, but they sink to the depths of degradation.”

After Rosser and Arnold had dragged the Jewish name into the case, could Dorsey have handled it more creditably to himself, and to those Jews who believe, with Moses, Abraham, Isaac, and Jacob, *that crime must be punished?*

Read again what Dorsey actually said as stenographically reported, and remember that Connolly pretended to have read it before he wrote his articles, and then sift your mind and see how much respect you have for a writer who tries to deceive the public in that unscrupulous manner.

C.P. Connolly makes two statements about the law of Georgia.

On Dec. 14, 1915, he stated in *Collier's* that, "By a constitutional amendment, adopted in 1906, the Supreme Court of Georgia cannot reverse a case on other than errors of law."

This remarkable statement he varies somewhat, in his article published Dec. 19, 1915.

Under a constitutional amendment adopted in 1906, the Supreme Court of Georgia is not allowed to reverse any capital case where no error of law has been committed in the trial, no matter how weak the evidence may be, and cannot investigate or pass upon the question of guilt or innocence.

Since the days of Magna Charta, it may be doubted whether any State, set up under English principles, could legally deprive reviewing courts of the right to annul a verdict which has no evidence to support it. In such a case, the question of evidence would become a question of law. Without due process of law, no citizen can be robbed of life, liberty, or property; and, while it is the province of the jury to say what has been proved, on issues of *disputed* facts, it is for the court to decide whether the record discloses *jurisdictional* facts.

It necessarily follows that, if a record showed that no crime had been committed, or, if committed, the evidence failed to connect defendant with it, the verdict would have to be set aside, as a *matter of law*.

The constitutional amendment of 1906, to which Connolly refers, had for its main purpose *the creation of a Court of Appeals*, as an auxiliary and a relief to the Supreme Court. In doing this, the legislature had to divide appealed cases between the two courts. The new law provided that the Supreme Court should review and decide those civil cases which went up from the Superior Courts, and from the courts of ordinary, (our chancery courts) and "all cases of conviction of a *capital felony*."

To the Court of Appeals, was assigned those cases going up from city courts, and all convictions in criminal cases less than a capital felony.

The Supreme Court of Georgia in every open case of motion-for-new-trial, is *now* constantly passing upon the sufficiency of the evidence to support the verdict; *and the Court passed upon that very question, in Frank's first motion for new trial.*

I cannot imagine anything that would cause a more universal wave of protest, than an effort to emasculate our Supreme Court, by robbing it of the time-honored authority to review all the evidence in contested cases; and to decide, in the calm atmosphere of the

consulting room,—remote from personalities, passions, and the dust of forensic battle—whether the evidence set out in the record is sufficient to support the verdict.

If Connolly's idea of the change made in 1906 were correct, it would lead to the preposterous proposition, that the Supreme Court might have before it a case of a man condemned to death for rape, when the evidence showed that there had been no penetration. The Court would have to let the man die, because the judge below had committed no error of law! Would it not be the greatest of errors of law, to allow a citizen to be hanged, when there is no proof of a crime? Would it be "due process of law," to kill a man, under legal forms, without evidence of his guilt?

Those men who alleged that Connolly is a lawyer, also allege that Burns is a detective. Both statements cut a large, and weird figure, in the realm of cheap, ephemeral fiction. If being a lawyer were a capital offense, and Connolly, were arraigned for the crime, the jury would not only acquit him without leaving the box, but would find a unanimous verdict of "malicious prosecution."

If being a detective were virulent, confluent small-pox, the wildest advocate of compulsory vaccination would never pester Burns. It is as much as Burns can do, to find an umbrella in a hall hat-rack.

A prodigious noise has been made over the alleged statement of Judge L.S. Roan, who presided at Frank's trial, that *he* did not know whether Frank was guilty or innocent. All of that talk is mere bosh. What Judge Roan said *was exactly what the law contemplates that he shall say!* The law of Georgia, constitutes the trial judge *an impartial arbiter*, whose duty it is to pass on to the jury, in a legal manner, the evidence upon which the jury are to act as *judges*.

They are not only the judges of the evidence, but *the sole judges of it*. The slightest expression of an opinion from the bench, as to what has or has not been proven, works a forfeiture of the entire proceeding.

In no other way, can a defendant be tried constitutionally, *by his peers*, than by clothing the twelve jurors whom he, in part, selects *as his peers*, with full power *to adjudge the facts*.

(I am confident that it is the intention of the law to also make these peers of the accused *the full judges of the law*, to exactly the same extent that they are absolute judges of the facts; but that is a question not germane to the Frank case.)

Now, if Connolly and Collier's had taken the pains to examine our law, they would have realized that the legal intendment of Judge Roan's declaration was no more than this:

“It is not for me to say whether this man is innocent or guilty. That is for the jury. They have said that he is guilty, and I find that the evidence sustains the verdict. Therefore, I refuse to grant the motion for new trial.”

In ninety-nine cases out of a hundred, our judges utter some such words as those, in charging the jury, and in passing upon motions for new trial.

I will say further, that a lack of definite opinion as to the guilt or innocence of the defendant at the bar, *is an ideal state of mind for the presiding judge.*

We are all so human, that if the judge feels *certain* of the guilt, or innocence of the accused, he will “leg” for one side or the other.

So well is this understood, that the trial judge almost invariably takes pains to say to the jury—

“Gentlemen, the court does not mean to say, or to intimate what has, or has not, been proven. That is peculiarly your province. It is for you to say, under the law as I have given it to you, whether the evidence establishes the defendant’s guilt beyond a reasonable doubt, &c.”

There isn’t a lawyer in Georgia who hasn’t heard that kind of thing, times without number.

If Judge L. S. Roan did, indeed, keep his mind so far above the jury-function in this case, that he did not form an opinion, either way, *he maintained that ideal neutrality and impartiality which the Law expects of the perfect judge.*

The St. Louis Post-Dispatch is another paper that has taken jurisdiction of the Frank case. It employs another famous detective for the defense, a New York person, named George Dougherty. Every detective who favors Frank is a famous detective, a scholar, a gentleman, a deep thinker and a model citizen—just as Frank is.

Those detectives and police officers who testify the other way, are bad men, the scum of the earth, crooks, rascallions, liars, and pole-cats.

The famous detective, George Dougherty, appears to have studied the case hurriedly. He says—

And the office in which Frank was charged with having committed immoral attacks was in direct line of possible observation from several people already in the building, whose approach Conley would have known nothing of.

George D. is mistaken. Frank and the other man took the women to a place where they were *not* “in direct line of possible observation,” &c.

The famous detective again says—

Another point: Conley’s statement is that Frank knew in advance that Mary Phagan was to visit the factory that day for the purpose of getting her pay. There is no reasonable cause for believing this to have been true; **no other employee went there that day to be paid.** If Frank did not know that Mary Phagan was to be there, Conley’s entire story falls. And, as a matter of fact, there seems to be more reason to believe that he did not, than there is to believe that he did.

Now, what will you think of this famous detective, when I tell you that page 26 of the official court record of this case shows, that Monteen Stover swore *she* went there to get the wages due her, and was at the office of Frank at the fatal half-hour during which he cannot give an account of himself?

George Dougherty does not even know that Frank, in his statement to the jury, stated that Miss Mattie Smith came for *her* pay envelope, that Saturday morning, and also for the wages due her sister-in-law; and that he gave to the fathers of two boys the pay envelopes for their sons.

This makes five other employees—two in person, and three by proxy—who were there for the wages due them, on the identical day when Mary Phagan went for her pay, and disappeared—the very day when Dougherty asserts, “no other employee went there that day to be paid!”

(See Frank’s statement, page 179.)

Is it any marvel that the public has been bamboozled, and the State of Georgia made the object of condemnation, when famous detectives write such absurdities, and respectable papers publish them?

The State of Georgia has no press agent, no publicity bureau, no regiment of famous detectives, no brigade of journalistic Hessians. The State can only maintain an attitude of dignified endurance, while this mercenary, made-to-order hurricane of fable, misrepresentation and abuse passes over her head.

All she asks of an intelligent, fair-minded public is, to judge her by the official record, as agreed on by the attorneys for both sides. All that she expects from outsiders is, the

reasonable presumption that she is not worse than other States, not worse than Missouri which tried the Boodlers of St. Louis, not worse than California which tried the grafters and the dynamiters; not worse than Virginia, which tried and executed McCue, Beattie and Cluverius, *on less evidence than there is against Frank*.

The New York World, owned by the Pulitzers, said in its report of the case:

May 24—On evidence of Conley, Frank was indicted for murder.

July 28—Trial of Frank began.

Aug. 24—Conley testified Frank entrapped the girl in his office, beat her unconscious, then strangled her.

Aug. 25—Jury found Frank guilty of murder, first degree.

“On evidence of Conley,” Frank was indicted and convicted, according to the Pulitzers. Of course, the general public does not know that Frank could *not* have been convicted upon the evidence of Conley, a confessed accomplice. The general public—which includes such lawyers as Connolly—cannot be supposed to know that the law does not allow *any* defendant to be convicted upon the evidence of his accomplice.

In the St. Louis Post-Dispatch (which I believe is also a Pulitzer paper) there are two recent letters by Wm. Preston Hill, M.D. Ph.D., in which the State of Georgia is violently arraigned.

Wm. Preston Hill, M.D. Ph.D., starts out by stating that “anybody who has carefully read the proceedings in the murder trial of Leo Frank must be convinced...the whole trial was a disgraceful display of prejudice and fanatical unfairness....This whole proceeding is a disgrace to the State of Georgia, and will bring on her the just contempt of the whole civilized world.

“Everywhere thoughtful men will judge Georgia to be filled with semi-barbarous fanatical people of low mentality, and strong, ill-controlled passions, a race to be avoided by anybody who cares for liberty, order or justice.”

Then to show what a thoughtful man is Wm. Preston Hill, M.D. Ph.D., and how carefully *he* has read the record in the case, he proceeds to state that “*Frank was convicted on the unsupported evidence of a dissolute negro of bad character*” who was contradicted in 22 different instances!

Then Wm. Preston Hill, M.D. Ph.D., gives himself away by advising people to study the case—how?

By an examination of the record that went up to the Supreme Court?

Oh no! Study it by the paid columns of C.P. Connolly, who got his ideas of the case from the rascally and mendacious poseur, William J. Burns.

In the Chicago Sunday Tribune of December 27, 1914, appears a full page article beginning, “Will the State of Georgia send an innocent man to the gallows?”

The writer of the article is Burton Rascoe. The entire article proceeds upon the idea that poor little Mary Phagan was a lewd girl; that she had been immorally intimate with two employees of the factory; that Jim Conley, drunk and hard-up, wanted her pay envelope; that he seized her, to rob her, and that he heard some one calling him, and he killed her.

Mr. Rascoe says that, ordinarily, juries are instructed that they are to assume the defendant is innocent, until he is proven guilty, but that in Frank’s case, it was just the opposite.

Mr. Rascoe says that, during the trial, men stood up in the audience and shouted to the jury: “You’d better hang the Jew. If you don’t, we’ll hang him, and get you too.”

The Chicago Tribune claims to be “the world’s greatest newspaper,” with a circulation of 500,000 for the Sunday edition.

It is therefore reasonable to suppose that at least two million people will get their ideas of the case from this special article, in which the public is told that Judge Roan allowed the audience to intimidate the jury by shouting their threats, to the jury, while the trial was in progress.

Of course, any one, who will stop and think a moment, will realize what an arrant falsehood that is.

Had any such thing occurred, the able, watchful, indefatigable lawyers who have been fighting nearly two years to save Frank’s life, would have immediately moved a mistrial, and got it.

No such incident ever has occurred, in a Georgia court-room.

And no white man in Georgia was ever convicted on the evidence of a negro!

As a specimen of the misrepresentations which are misleading so many good people, take this extract from the article in the Chicago Tribune:

It has been declared by Burns, among others, that the circumstantial evidence warranting the retention of Conley as the suspected slayer was dropped and Conley was led to shoulder the blame upon Frank in somewhat the following manner:

“What do you know about this murder?”

“Nothing.”

“Who do you think did it?”

“I don’t know.”

“How about Frank?”

“Yes. I confess. He’s the one who did it.”

“Sure he was. That’s the fellow we want.”

And forthwith Frank was locked up as a suspect.

In fact, the statements of Mr. Rascoe, like those of C.P. Connolly, are re-hashes from Wm. J. Burns.

Does not the Chicago Tribune know that Burns was expelled from the National Association of Police Chiefs?

Does not the Tribune know that Burns’ confidential man in this Frank case, Lehon, was expelled from the Chicago police force, for blackmailing a woman of the town?

Does not the Tribune know that the detectives bribed Ragsdale and Barber, the preacher and the deacon, to swear this crime onto the negro, Jim Conley?

Does not the Tribune know that the official records in the U.S. Department of Justice disclose the fact that Attorney-General Wickersham, and President Taft set aside some convictions in the Oregon land cases, upon the overwhelming evidence that Burns is a crook, and corruptly obtained those convictions?

As already stated in this Magazine, Conley’s evidence is not at all necessary to the conviction of Frank. Eliminate the negro entirely, and you have a dead case against this lewd young man, who had been pursuing the girl for nearly two months, and who, after setting a trap for her, on Memorial Day, 1913, had to use such violence to overcome her struggle for her virtue, that he killed her; and then had the diabolical cruelty to attack her character, after she was dead.

Mr. L.Z. Rosser telegraphed to a Northern newspaper a long statement in which he says—

Leo M. Frank is an educated, intelligent, normal man of a retiring, home making, home loving nature. He has lived a clean, honest, busy, unostentatious life, known by few outside of his own people. In the absence of the testimony of the negro, Jim Conley, a verdict of acquittal would have been inevitable.

If Mr. Rosser believed that Leo Frank was the pure young man and model husband, why did he sit silent while so many white girls and ladies swore to Frank's lascivious character?

Do you suppose that any power on earth could have produced twenty white women of Atlanta who would have sworn that Dr. John E. White's character is lascivious? Or that Judge Beverly Evans' character is lascivious? Or that Governor Slaton's character is lascivious?

The ex-lawyer from Montana—C.P. Connolly—says in *Collier's*:

The State contended that Frank murdered Mary Phagan on the second floor of the pencil factory. There was found four corpuscles of "blood"—a mere iota—on the second floor. The girl was brutally handled and bled freely, not only from the wound in her head, but from other parts of her body.

"Four corpuscles of blood—a mere iota—on the second floor."

That is what Connolly says. But what says the official record?

On page 26, Mr. R. P. Barrett, *the machinist for Frank's factory*, testifies, that on Monday morning, *early*, he discovered the blood spots, which were not there the Friday before! He says—

"The spot was about 4 or 5 inches in diameter, and little spots behind these in the rear—6 or 8 in number. *It was blood.*"

Here we have one of Frank's responsible employees swearing positively to a five-inch splotch of blood, with 6 or 8 smaller spots leading up to the main spot, *as large as the lid*

of the average dinner-pail; and Connolly tells the public that “*four corpuscles*, a mere iota,” were all that were found!

When a man makes public statements of that kind, after having gone to Atlanta ostensibly to study the record, is he honestly trying to inform the public, or is he dishonestly trying to deceive it?

Mell Stanford swore, “These blood spots, were right in front of the ladies’ dressing room,” where Conley said he dropped the body of the girl, after Frank called on him for help.

Mrs. George Jefferson, also a worker in Frank’s place, swore that they found the blood splotch, “*as big as a fan*.”

Mrs. Jefferson had been working there *five years*. She knew paint spots when she saw them, and told of the maroon red, and red lime, and bright red, but she added, in answer to Frank’s attorney, “*That spot I saw was not one of those three paints*.”

She swore that the spot was not there Friday, April 25th. They found it Monday morning at about 6 or 7 o’clock. “We saw blood on the second floor, in front of the girl’s dressing room. *It was about as big as a fan*.”

The foreman of the metal room, Lemmie Quinn, also testified to seeing the blood spots, Monday morning. *Quinn was Frank’s own witness*.

J.N. Starnes, police officer, testified (page 10 of the official record) that he saw the “splotches of blood.” “I should judge the area of these spots to be a foot and a half.”

Capt. Starnes saw the splotches of blood on Monday morning, April 28th, opposite the girl’s dressing room; and they looked as if some white substance had been swept over them, *in the effort to hide them*.

Herbert Schiff, Leo Frank’s assistant superintendent, also swore to the blood spots. He saw them Monday morning.

These witnesses were unimpeachable. Five of them worked under Frank, and were his trusted and experienced employees. They were corroborated by the doctors who examined the chips cut out of the floor. Those blood-stained chips are exhibits “E.,” *in the official record*!

Yet, C.P. Connolly, sent down to Georgia to make an examination into actual facts, *ignores the uncontradicted evidence*, and tells the great American public, that on the second floor, where the State contends the crime was committed, there were found “four corpuscles of blood,” only “a mere iota.”

Upon consulting an approved Encyclopedia and Dictionary, which was constructed for the use of just such semi-barbarians as we Georgians, I find that the word “corpuscle” is synonymous with the word “atom.” Further research in the same Encyclopedia, leads me to the knowledge, that an atom is such a very small thing that it cannot be made any smaller. It is, you may say, the *Ultima Thule* of smallness. The point of a cambric needle is a large sphere of action, compared to a corpuscle. The live animals that live in the water, and sweet milk, which you and I daily drink, are whales, buffaloes, and Montana lawyers, compared to a corpuscle. The germs, microbes, and malignant bacteria, that swim around invisibly in so many harmless-looking liquids, are behemoths, dragons and Burns detectives, compared to a corpuscle.

The smallest conceivable thing—invisible to the naked eye—is what Connolly says they found, on that second floor; and they not only found one of these infinitely invisible things, *but four!*

I want to deal nicely with Connolly, and therefore I will say that, as a lawyer and a journalist, I consider him a fairly good specimen of a corpuscle. What he is, as a teller and seller of “The Truth about the Frank case,” I fear to say freely, lest the best Government the world ever saw arrest me *again*, for publishing disagreeable veracities.

Pardon me for taking your time with one more exposure of the impudent falsehoods that are being published about the evidence on which Frank was convicted. In his elaborate article in the Kansas City *Star*, A.B. Macdonald says—



•
LEO FRANK'S VICTIM, MARY PHAGAN

The ashes and cinders were breathed before she died in the cellar, while she was fighting off Conley. In his drunken desperation lest she be heard and he be discovered he ripped a piece from her underskirt and tried to gag her with it. It was not strong enough. Then he grabbed the cord.

The testimony proved that cords like that were in the cellar. He tied it tightly around her neck. It was proved at the trial that a piece of the strip of underskirt was beneath the cord, and beneath the strip of skirt were cinders. That proves beyond doubt that both were put on in the cellar.

Having strangled her to death and eternal silence the negro had leisure to carry her back and hide her body at (fig. 12) where it was dark as midnight.

Then he sat down to write the notes. Against

the wall opposite the boiler was a small, rude table with paper and pencil. Scattered around in the trash that came down from the floors above to be burned were sheets and pads of paper exactly like those upon which the notes were written. The pad from which one of the notes was torn was found by the body by Police Sergeant L.S. Dobbs, who so testified.

Here we have a graphic, gruesome picture of a fight between the girl and the negro, down in the cellar. He overcomes her, and in her death struggles, she breathes her nose, mouth and lungs full of ashes and cinders. The negro tears off a strip from her clothing, and binds it round her neck. "It was not strong enough. Then he grabbed the cord."

In the next line, Macdonald tells you that the strip of clothing was so strong that it remained underneath the cord, and that, beneath this strip, were cinders. "That proves beyond a doubt that they were both put on in the cellar."

It is sufficient to say that the evidence of Newt Lee, of Sergeant L.S. Dobbs, officer J.N. Starnes, and both the examining physicians, (Doctors Hurt and Harris) totally negatives the statement of Macdonald about the cinders under the girl's nails, the cinders packed into her face, and the cinders breathed into her nose, mouth and lungs. *There was nothing of the kind.* Macdonald made all that up, himself, aided by Connolly's imagination and Burns' imbecility.

(See official record, pages 3, 4, 5, 6, 7, 8, 9, 10, 11, and evidence of the doctors as per Index.)

But let me ask you to fix your attention on the specific statement of Macdonald, that the cord pressed down upon the strip of clothing, one being under the other, and that the cinders were *under* this inner choke-strip. Now, turn to page 48 of the official record, and see what Dr. Harris testified. He swore that she came to her death from "this cord" which had been tied tight around her neck. He did not say a word about any strip of clothing around her neck, under the cord, nor a word about any cinders, ashes or dust, under the cord—*not one word!*

Turn to page 46, and read the testimony of Dr. J.W. Hurt. He said, "There was a cord round her neck, and this cord was imbedded into the skin." Not a word about any strip of cloth under the cord! Not a word about cinders, ashes, or dust under the cord, or on her neck.

Sergeant Dobbs after saying that "the cord was around her neck, *sunk into her flesh,*" added that "she also had a piece of her underclothing around her neck." "The cord was pulled tight and had cut into the flesh and tied just as tight as could be. *The underclothing around her neck was not tight!*"

Sergeant Dobbs, swearing that the cord had cut into the flesh, shows that there was no cushion of cloth to keep it from doing that very thing. Not a word did he say about cinders under her nails, under the cord, under the strip of underclothing, or in her nose, mouth and lungs.

In other words, the official record shows Macdonald's version of the evidence to be a reckless fabrication!

Can you picture to yourself, in the sane recess of your own mind, a Southern negro, raping and killing a white girl, and then dragging her body back to a place "where it was dark as midnight;" and then, after all his terrific struggle with his victim, hunting around in the trash to find a pencil and some pads—two different colors—and seating himself, leisurely, at "a small rude table near the boiler," to scribble a few lines of information to mankind as to how he came to commit the crime?

Can you picture to yourself a common Georgia nigger, killing a white woman in that way, and then seating himself near her corpse, deep down in a dark cellar, to indulge in literary composition?

Jim Conley, you see, had not only murdered the girl down there below the surface, but was writing notes close to where the dead body lay, with the intention of carrying the notes out there to where "it was as dark as midnight," to lay them by the dead girl's head.

Then, he meant to get so scared that he would violently break out of the basement door, into the alley, rather than walk out, as usual, up stairs.

Macdonald doesn't know much about Southern niggers, but he understands us white folks. Just tell us any old ludicrous yarn, and keep on telling it in the papers; and, if nobody denies it, we will all believe it.

There was not a scratch on the nose of the dead girl, and yet all these reckless writers tell the public she was held face downward by her murderer, and that her face was ground into the cinders, to smother her screams. How could the nose escape bruises in such a frightful process, and how could she fail to have cinders and coal-dust in her mouth and nose? *There were none!*

In the Philadelphia *Public Ledger*, there is a copyrighted article by Waldo G. Morse, whose legend runs, "Councillor, American Academy of Jurisprudence." Councillor Morse begins on the Frank case, by asking a question, and quoting himself in reply—

May a mob and a Court scare away your lawyers, a sheriff lock you away from the jury which convicts you, and may the sheriff then hold and hang you? Yes, say the Georgia Courts and so also says the United States District Judge in Georgia. Says the Supreme

Court of the United States: “We will hear arguments as to that, and in the meantime we will defer the hanging.”

The fancy picture of a Georgia mob, putting Rube Arnold, Luther Rosser, the Haas brothers, and the governor’s own law firm to ignominious flight, and of the sheriff ruthlessly locking Frank away from the jury—and all this being done with the hearty approval of Judges Roan and Hill, the State Supreme Court, and Federal-judge William Newman—is certainly a novel picture to adorn the classic walls of the American Academy of Jurisprudence.

Councillor Morse proceeds as follows—

This is no mere question of a single life, but one for every man. Shall you be put on trial for your life or your liberty and shall timid or careless lawyers lose or dishonest lawyers barter away your rights?

We wish for the honor of the bar and the dignity of the Court that the lawyers had stood their ground and had braved the mob and that their client had joined in the defiance, inquiring from every juror, face to face, whether the verdict of guilty was the verdict of that individual juror. Such is due process of law.

Was Rosser “timid,” in Frank’s case? I would like to see Rosser, when one of his timid spells gets hold of him.

Were Rosser and Arnold and the Haas brothers not only timid, but “careless?” Councillor Morse, spokesman for the American Academy of Jurisprudence (whatever that is) accuses these Georgia lawyers of cowardice, or culpable negligence, in their defense of Leo Frank!

What? Is nobody to be spared? Shall no guilty Georgian escape? Must the propagandists of this Frank literature slaughter his own lawyers? Is it a misdemeanor, *per se*, to be Georgian?

“For the honor of the bar.” Waldo Morse wishes that Rosser and Arnold, and Haas, and the governor’s law firm, “had stood their ground.” Then, they did *not* stand their ground, and they dishonored the bar.

That’s terrible. Surely it is a cruel thing to stand Luther Rosser up before the universe, in this tremendous manner, and arraign him for professional cowardice. What say you, Luther? Are you guilty, or not guilty?

But Waldo Morse relentlessly continues—

Might not the result have been different? Jurors have been known to change their verdict when facing the accused. We hope that the Court may declare that no man and no State can leave the issue of life as a bagatelle to be played for, arranged about and jeopardized by Court and counsel in the absence of the man who may suffer.

So, you see, Frank's lawyers are accused, in a copyrighted indictment, of playing with their client's life, "as a bagatelle;" and of jeopardizing that life, with a levity which showed an utter lack of a due sense of professional responsibility.

That's mighty rough on Rosser, and Arnold, and Haas, and Governor Slaton's law firm.

What will be your opinion of Councillor Morse, when I tell you that Frank's lawyers *did* demand a poll of the jury, and each member was asked whether the verdict was *his* verdict, and each juror answered that it *was*.

And each juror, months afterwards, made written affidavit to the same effect, utterly repudiating the charges of mob intimidation.

Councillor Morse proceeds—

Shall a man charged with an infamous crime be faced by a jury of 12 men, each one ready to announce their verdict of his guilt? May he ask each man of the 12 whether the verdict be his? Yes, has answered the common law for centuries. The accused may not even waive or abandon this right.

That's absurd. The accused may waive or abandon "this right," and nearly every other. There are Courts in which the accused is constantly waiving and abandoning *his Constitutional right to be indicted by a grand jury, and tried by a petit jury*. In almost every case, the accused waives his legal right to actual arraignment, oral pleading, and a copy of the indictment. *Almost invariably, he waives the useless and perfunctory right of polling the jury*. If he likes, he can go to trial with eleven jurors, *or less*, and he may waive a legal disqualification of a juror. In fact, the accused, *who can waive and abandon his right to the jury itself*, can of course, waive any lesser right. This may not be good law in the American Academy of Jurisprudence, but it is good law among good lawyers.

Councillor Morse says that “for centuries” it has been the common-law right of the accused to ask each juror “whether the verdict be his.” This cock-sure statement of what the English common-law has been “for centuries,” would have had considerable weight, had the Councillor cited some authorities.

It was in 1765, that Sir William Blackstone published the first volume of his *Commentaries*; and at that time, the accused, in a capital case, did not even have the right to be defended by a lawyer. At that time, there were upwards of 116 violations of law, punishable by death, some of these capital offenses being petty larcenies, and others, trivial trespasses. In all those terrible cases, the accused was denied a lawyer, at common law; and these fearful conditions were not materially changed, until Sir Samuel Romilly began, his noble work of law reform, in 1808. At that time, it was death to pick a pocket, death to cut a tree in a park, death to filch from a bleachfield, death to steal a letter, death to kill a rabbit, death to pilfer five shilling’s worth of stuff out of a store, death to forge a writing, death to steal a pig or a lamb, death to return home from transportation, death to write one’s name on London bridge. Sir Samuel was not able to accomplish a great deal, before his suicide in 1818; but another great lawyer, Sir James Mackintosh, took up the work, Lord Brougham assisting. It was not until near the middle of the last century, that the Draconian code was stripped of most of its horrors, and the prisoner’s counsel was allowed to address the jury. (See McCarthy’s *Epochs of Reform*, pages 144 and 145. Mackenzie’s *The 19th Century*, pages 124 and 125.) Therefore, when any Councillor for an American Academy of Jurisprudence glibly writes about what have been the common-law rights of the accused “for centuries,” he makes himself ridiculous.

As a general rule, a prisoner may waive any legal privilege; and whatever he may waive, his attorney may waive; and this waiver can be made after the trial and will relate back to the time when he was entitled to the privilege. This waiver may be expressed, or it may be implied; it may be in words, and it may be in conduct.

In Blackstone’s *Commentaries*, nothing is said on the point of the prisoner’s presence, when the verdict comes in. Unquestionably, it is the better practice for him to be in court. But if his attorneys are present, and they demand a poll of the jury, expressly waiving the presence of their client, they have done for the accused all that he could do for himself, were he in court—for the prisoner is not allowed to ask the jurors any questions. The judge does that. Hence, Frank lost nothing whatever by his absence; and when he failed to make that point, as he stood in court to be sentenced and was asked by the judge, “*What have you to say why sentence should not be pronounced on you?*” he ratified the waiver his lawyers had made. *He continued that ratification, for a whole year.*

Not until after two motions for new trial had been filed, did Frank raise the point about his absence at the time the verdict came in; and, if he is set free on that point, the world will suspect that Rosser and Arnold, laid a trap for the judge.

Does it seem good law to Councillor Morse, that a man whose guilt is made manifest by the official record, should be turned loose, to go scot free, on a technical point, which involves the repudiation of his own lawyers, and the retraction of his own ratification

which had lasted a year? Is there no such thing as a waiver by one's attorneys and a ratification by one's prolonged acquiescence?

Now before going into close reasoning on the established facts in the case, allow me to call your attention to this point:

Whoever wrote those notes that were found beside the body *seems to say that she had been sexually used*. "Play with me." "Said he would love me." "Laid down." "Play like night witch did it," but that long tall black negro "did (it) by hisself."

Those words are inconsistent with a crime whose main purpose was *murder*. Uppermost in the mind of the man who dictated those notes, was quite another idea. Consistent with that idea, and not with murder alone, are the words "Play with me, said he would love me, laid down," (with me) "and play like the night witch did it."

All have claimed that the words "night witch" meant "night watch." *It may not be so*. For the present, I only ask you to consider that the State's theory all along, has been that Leo Frank was after this girl, to enjoy her sexually, and that the murder was a crime *incident to her resistance*.

The girl worked for Frank, and he knew her well. He had sought to push his attentions on her. She had repulsed him. She had told her friend George Epps that she was afraid of him, on account of the way he had acted toward her.

He had refused, on Friday afternoon, to let Helen Ferguson have Mary's pay-envelope, containing the pitiful sum of *one dollar and twenty cents*. He thus made it necessary for Mary to come *in person* for it, which she was sure to do, next day, since the universal Saturday custom is, to pay for things bought during the preceding week and buy things, for the next.

Why did not Frank give Mary's pay envelope to Helen, when Helen asked for it, on Friday? It had been the habit of Helen to get Mary's envelope, and Frank could hardly have been ignorant of the fact.

Did he refuse to let Helen have Mary's pay, *because* it was not good business?

That hypothesis falls, when we examine Frank's own statement to the jury. On page 179 of the record, he tells the jury that Mattie Smith came for her pay-envelope on Saturday morning, the 26th of April, and she asked for that of her sister-in-law, also, "and I went to the safe....and got out the package...and gave her the required two envelopes."

Therefore, Frank himself was in the habit of letting one employee have another's pay envelope. On that same morning, he gave the pay-envelopes of two of the boys to their fathers, Graham and Burdette. (Page 181.)

Why did Frank make an exception of Mary Phagan, *this one time*? Why did he discriminate against her, and only her, *that week-end*?

Be the answer what it may, the girl, all diked out in her cheap little finery for Memorial Day, comes with her smart fresh lavender dress, the flowers on her hat, the ribbons on her dress, her gay parasol, and her best stockings and silk garters—comes into the heart of the great city, about noon, goes immediately to Frank's office for her one dollar and twenty cents, is traced by evidence, *which Frank dared not deny*, into his office—and, *is never more seen alive*.

Is there any reasonable person, on the face of God's earth, who wouldn't say *Frank must account for that girl*?

When a mountain of evidence piled up, on the fact of the girl's going to him, he *then* admitted that she *did* go to him, somewhere around 12 o'clock that day.

He says that a little girl whom he *afterwards* learned to be Mary Phagan, came to him for her pay-envelope.

He pretended not to know that a girl of her name worked for him, until he consulted the pay-roll! He went through the motion of looking at the pay-roll for the purpose of ascertaining whether such a human being worked in his place! After having found her name on the list, he *then* admitted that a girl named Mary Phagan had been working there.

What sort of impression does this make on you, in view of the fact that four white witnesses swore they had seen Frank talk to her, and that, in doing so, he called her "Mary?"

Why did Frank, when her dead body was found in the basement, feign not to know her, and say that he would have to consult the pay-roll?

The girl, dressed up for a Holiday, was in Frank's office, at about the noon hour of that fatal day—and *those two were alone*!

Frank is driven to that dreadful admission. Inexorable proofs left him no option.

By his own confession, *he is alone with the girl, the last time any mortal eye sees her alive*!

She is in the flush of youthful bloom. She is nearly fourteen years old, buxom, and rather large for her age. She has rosy cheeks, bright blue eyes, and golden hair. She is well-made, in perfect health, as tempting a morsel as ever heated depraved appetite. Did Leo Frank desire to possess the girl? Was he the kind of married man who runs after fresh little girls? Had he given evidence, in that very factory, of his lascivious character?

The white ladies and girls whose names have already been given, swore that Frank was just that kind of a man; and neither Frank nor his battalion of lawyers have ever dared to ask those white women to go into details, *and tell why they swore he was depraved!*

Does it make no impression on your mind, when you consider *that* tremendous fact?

We start out, then, with a depraved young married man whose conduct, *in that very place*, is proved to have been lascivious. *Did he desire Mary Phagan?* Had he “tried” her? Did he want to “try” her, again?

One white girl swore that she had seen Frank with this hand on Mary’s shoulder and his face almost in hers, talking to her. One white boy swore that he had seen Mary shrinking away from Frank’s suspicious advances. Another white boy swore that Mary said she was suspicious and afraid of Frank. Another white girl swore she heard him calling her “Mary,” in close conversation.

How many witnesses are necessary to prove that the licentious young Jew lusted after this Gentile girl?

The record gives you four.

(See the evidence of Ruth Robinson, J.M. Gantt, Dewey Howell and W.E. Turner.)

Why, then, did she continue to work there?

She needed the money, and felt strong in her virtue: she never dreamed of violence.

She kept on working, as many poor girls do, who cannot help themselves. Freedom to choose, is not the luxury of the poor.

But let us pass on. The fatal day comes, and Mary comes, and then her light goes out—the pretty little girl who had dressed up for the Holiday and gone out, radiant with youth and health and beauty, to enjoy it, as other young girls all over the South were doing. She goes into Frank’s own private office, and that’s the last of her.



What became of her? Tell us, Luther Rosser! Tell us, Herbert Haas! Tell us, Nathan Strauss! Tell us, Adolph Ochs! Tell us, Rabbi Marx! Tell us, William Randolph Hearst!

What became of our girl?

YOUR MAN, FRANK, HAD HER LAST: WHAT DID HE DO WITH HER?

So far as I can discover, the only theory advanced by the defenders of Leo Frank, is hung upon Jim Conley. They claim that Jim darted out upon Mary as she stepped aside on the first floor, cut her scalp with a blow, rendered her unconscious, pushed her through the scuttle-hole, and then went down after her, tied the cord around her neck, choked her to death, hid the body, wrote the notes, and broke out by the basement door.

If the defense has any other theory than this, I have been unable to find it. And they *must* have a theory, for the girl *was* killed, in the factory, immediately after she left Frank's private office. There is the undeniable fact of the murdered girl, and no matter what may be the "jungle fury" of the Atlanta "mob," and of the "semi-barbarians" of Georgia, these mobs and barbarians did not kill the girl.

Either the Cornell graduate did it, or Jim Conley did it.

Did Jim Conley do it? If so, *how*, and *why*? What was his motive, and what was his method?

The defense claims that he struck her the blow, splitting the scalp, on the first floor, where he worked, *immediately after she left Frank's office on the second floor.*

They claim that the negro then dragged the unconscious body to the scuttle-hole, and flung her down that ladder.

What sort of hole is it? All the evidence concurs in its being a small opening in the floor, with a trap-door over it, and *only large enough to admit one person at a time.* (It is two-feet square.)

Reaching from the opening of this hole, down to the floor of the basement, *is a ladder*, with open rungs.

Now, when Jim Conley hit the girl in the head, and split her scalp, they claim he pushed her through the trap-door, so that she would fall into the basement below.

But how could the limp and bleeding body fall down that ladder, striking rung after rung, on its way down, without leaving bloodmarks on the ladder, and without the face and head of poor dying Mary being all bunged up, broken and cut open, by the repeated beatings against the "rounds" of the ladder?

How could that bleeding head have lain at the foot of the ladder, without leaving an accusing puddle of blood? How could that bleeding body, still alive, have been choked to death in the cellar, leaving no blood on the basement floor, none on the ladder, none at the trap-door, none on the table where they claim the notes were written, *and none on the pads and the notes?*

Not a particle of the testimony points suspicion toward the negro, *before the crime.* He lived with a kept negro woman, as so many of his race do; but he had never been accused of any offense more grave than the police common-place, "Disorderly." (His fines range from \$1.75 to \$15.00.)

He was at the factory on the day of the crime, and Mrs. Arthur White saw him sitting quietly on the first floor, where it was his business to be. After the crime, there was never any evidence discovered against him. He lied as to his doings at the time of the crime,

but all of these were consistent with the plan of Frank and Conley to shield each other. *Frank was just as careful to keep suspicion from settling on the negro, as the negro was to keep it from settling on Frank.*

You would naturally suppose that the white man, reasoning swiftly, would have realized that the crime lay between himself and the negro; and that, *as he knew himself to be innocent*, he knew the negro must be guilty.

Any white man, under those circumstances, would at once have seen, that only himself or the negro *could* have done the deed, since no others had the opportunity.

Hence, the white man, being conscious of innocence, and bold in it, would have said to the police, to the detectives, to the world—

“No other man could have done this thing, except Jim Conley or myself; and, since I did not do it, Jim Conley *did*. *I demand that you arrest him, at once, and let me face him!*”

Did Frank do that? Did the Cornell graduate break out into a fury of injured innocence, point to Conley as the criminal, and go to him and question him, as to his actions, that fatal day?

No, indeed. Frank never once hinted Conley’s guilt. Frank never once asked to be allowed to face Conley. Frank hung his head when he talked to Newt Lee; trembled and shook and swallowed and drew deep breaths, and kept shuffling his legs and couldn’t sit still; walked nervously to the windows and wrung his hands a dozen times within a few minutes; insinuated that J.M. Gantt might have committed the crime; and suggested that Newt Lee’s house ought to be searched; *but never a single time threw suspicion on Jim Conley, or suggested that Jim’s house ought to be searched.*

Did the negro want to *rob* somebody in the factory? Could he have chosen a worse place? Could he have chosen a poorer victim, and one more likely to make a stout fight?

Mary had not worked that week, except a small fraction of the time, and Jim knew it. Therefore he knew that her pay-envelope held *less than that of any of the girls!*

Did Jim Conley want to assault some woman in the factory? Could he have chosen a worse time and place, if he did it on the first floor at the front, where white people were coming and going; and *where his boss, Mr. Frank, might come down stairs any minute, on his way to his noon meal?*

No negro that ever lived would attempt to outrage a white woman, almost in the presence of a white man.

Between the hour of 12:05 and 12:10 Monteen Stover walked up the stairs from the first floor to Frank’s office on the second, and she walked right through his outer office into his inner office—and *Frank was not there!*

She waited 5 minutes, and left. She saw nobody. She did not see Conley, and she did not see Frank.

Where were they? And where was Mary Phagan?

It is useless to talk about street-car schedules, about the variations in clocks, about the condition of cabbage in the stomach, and about the menstrual blood, and all that sort of secondary matter.

The vital point is this—

Where was Mary, and where was Frank, and where was Conley, during the 25 minutes, *before* Mrs. White saw both Frank, and Conley?

Above all, where was Frank when Monteen Stover went through both his offices, the inner as well as the outer, and couldn't find him?

She wanted to find him, for she needed her money. She wanted to find him, for she lingered 5 minutes.

Where was Frank, while Monteen was in his office, and was waiting for him?

THAT'S THE POINT IN THE CASE: all else is subordinate.

Rosser and Arnold are splendid lawyers; no one doubts that. They were employed on account of their pre-eminent rank at the bar. I have been with them in great cases, and I know that whatever it is possible to do in a forensic battle, they are able to do.

Do you suppose for one moment that Rosser and Arnold did not see *the terrible significance of Monteen's evidence*?

They saw it clearly. And they made frantic efforts to get away from it. *How?*

First, they put up Lemmie Quinn, another employee of Frank, to testify that he had gone to Frank's office, at 12:20, that Saturday, and found Frank there.

But Lemmie Quinn's evidence recoiled on Frank, hurting the case badly. Why? Because two white ladies, *whom the Defendant put up, as his witnesses*, swore positively that they were in the factory just before noon, and that after they left Frank, they went to a café, *where they found Lemmie Quinn; and he told them he had just been up to the office to see Frank.*

Mrs. Freeman, one of the ladies, swore that as she was leaving the factory, *she looked at Frank's own clock*, and it was *a quarter to twelve*.

Mrs. Freeman testified that as she passed on up the stairs in the factory building, she saw Frank talking to two men in his office. One of these men was no doubt Lemmie Quinn. At any rate, after she had talked to the lady on the fourth floor (Mrs. White) and had come down to Frank's office to use his telephone, the men were gone; and when she met Quinn at the café, he told her that he had just been up to Frank's office. Hence the testimony of Mrs. Emma Clarke Freeman, and Miss Corinthia Hall, *smashed the attempted alibi*. And of course the abortive attempt at the alibi, hurt the case *terribly*.

Let me do Mr. Quinn the justice to say, that he merely *estimated* the time of day, by the time it would have taken him to walk from his home; and that he admitted he had *stopped on the way*, at Wolfsheimers, for 10 or 15 minutes—all of which is obvious guess-work. He frankly admitted that when he met Mrs. Freeman and Miss Hall at the Busy Bee Café, he told them he had just been up to Frank's office.

Secondly, the able lawyers for the defense endeavored to meet Monteen Stover's evidence by the statement of Frank himself. This statement is so extraordinary, that I will quote the words from the record:

"Now, gentlemen, to the best of my recollection, from the time the whistle blew for twelve o'clock until after a quarter to one when I went up stairs and spoke to Arthur White and Harry Denham, to the best of my recollection, I did not stir out of the inner office, but it is possible that to answer a call of nature or to urinate I may have gone to the toilet. Those are things that a man does unconsciously and cannot tell how many times nor when he does it."

Here then was the second of the two desperate, but futile, attempts to account for the whereabouts of Frank, at the fatal period of time when *he and Mary are both missing*.

Pray notice this: Frank's first statement made a few hours after Mary's corpse was found, *made no mention of Lemmie Quinn's coming to the office after Hattie Hall left*. The effort to sandwich Quinn between Hattie Hall and Mrs. White, was a bungle, and an afterthought. It showed he felt he *must* try to fill in that interval and the failure showed *his inability* to do it. Hence he is left totally unaccounted for, during the half-hour when the crime was committed.

Frank's final statement—the one he made to the jury—hurt him another way: he said he was continuously in his inner office, after Hattie Hall left, whereas Mrs. Arthur White on her unexpected *return* to the factory *surprised him* in his outer office where he was standing before the safe with his back to the door. He jumped when she spoke to him, and he turned round as he answered.

He did not explain what he was doing at the safe at that time 12:35, and the State's theory is, that he had been putting Mary's mesh bag and pay-envelope in the safe.

The only material thing about it is, that he was out of his inner office at 12:35, and not continuously in it up to nearly 1 o'clock, as he declared he was. And he had never even attempted to explain why he was at the safe at that time.

The fact that Conley may have been missing too, is secondary, and more doubtful. Monteen did not come there to look for *him*. Her mind was not on Jim Conley.

Monteen's mind was on her money and the man who had it. She went there to find Frank. She says—"I went through the first office into the second office. I went to get my money. I went in Mr. Frank's office. He was not there.

I stayed there 5 minutes, and left at 10 minutes after 12."

Mrs. Freeman and Miss Hall had already been there; Lemmie Quinn had already been there; and these visitors, having gone up to Frank, came down again. Next comes pretty Mary Phagan, and she goes up to Frank, and Frank receives her in his private office; and when Monteen comes up into that same office, in her noiseless tennis shoes, at 5 minutes after twelve, neither Mary nor Frank were to be heard or seen. *O! where were they, THEN?*

To the end of time, and the crack of doom, that question will ring in the ears and the souls of right-feeling people.

Frank says he may have unconsciously gone to the toilet. *Then he has unconsciously PUT HIS FEET IN THE MURDERER'S TRACKS!*

The notes make Mary Phagan go to the same place, at the same time; and the blood spots and the hair on the lathe show that she died there!

On page 185 of the official record, Frank says—

"To the best of my knowledge, it must have been 10 or 15 minutes after Miss Hall left my office, when this little girl, whom I afterwards found to be Mary Phagan, entered my office and asked for her pay envelope. I asked for her number and she told me; I went to the cash box and took her envelope out and handed it to her, identifying the envelope by the number.

"She left my office and apparently had gotten as far as the door from my office leading to the outer office, when she evidently stopped, and asked me if the metal had arrived, and I told her no. She continued her way out, &c."

Note his studied effort to make appear that he did not even lift his eyes and look at this rosy, plump and most attractive maid. He does not even know that she stopped at his inner office door, when she spoke to him. She *evidently* stopped, *apparently* at the door; he does not know for certain; he was not looking at her to see. She spoke to him, and he to her, but he does not know positively that she stopped, nor positively where she was, at

the time. He did not recognize her at all. She gave him *her number*, and he found an envelope to match the number, and he gave it to the little girl, whom he afterwards found to be Mary Phagan! “Found,” *how*? By looking at the pay-roll, and seeing that Mary’s name corresponded with the number that was on the pay envelope!

Let me pause here long enough to remind you that J.M. Gantt, Dewey Howell, W.E. Turner and Miss Ruth Robinson, all swore positively that Frank did know Mary Phagan, personally, *by sight and by name*.

But what follows after Mary leaves Frank’s office?

He says—“She had hardly left the plant 5 minutes when Lemmie Quinn came in.”

But Miss Corinthia Hall, and Mrs. Emma Clarke Freeman, *and Quinn himself*, made it plain that Quinn had already been there and gone, before *they* arrived.

When did they arrive? And when did they leave?

They came at 11:35 and left at 11:45! *They were Frank’s own witnesses, and they demolished the Lemmie Quinn alibi and Frank’s own statement!*

What can be said in answer to that? Nothing. It is one of those providential mishaps in a case of circumstantial evidence, that makes the cold chills run up the back of the lawyer for the defense.

I *know*, for I have had them run up *my* back; I know them, of old.

See if you get the full force of the point. Remember that Frank’s lawyers put up Mrs. Freeman and Miss Hall, to account for Frank at the fatal period when he seemed to be missing. Evidently, they were expected to account for Frank up to Lemmie Quinn’s arrival, and after that, Lemmie was to do the rest. But Mrs. Freeman and Miss Hall not only arrived too soon, but got there *after* Lemmie! When they left at 11:45, *by the clock in Frank’s office*, they went to the café, and who should be there but Lemmie, and Lemmie, in the innocence of his heart, said he had just been up to Frank’s office.

Mary Phagan, as all the evidence shows, *was at that time on her way to the fatal trap!*

The evidence of Frank’s three witnesses, Miss Hall, Mrs. Freeman and Lemmie Quinn, proves that he told the jury a deliberate falsehood when he said that Quinn was with him, *after Mary Phagan left*.

That’s the crisis of the case!

Desperately he tries to show where *he* was, after the girl came; and, desperately, he says that Quinn came *after* Mary left, and that Quinn knows he was there in his office, *after Mary had departed*.

Ah no! The great God would not let that lie to prosper!

Mrs. Freeman, Miss Hall, and Quinn put themselves in and out—there and away, come and gone, before Mary came—*and where does that leave Frank?*

The plank he grabbed at, he missed. The straw he caught at, sunk with him. When Lemmie Quinn fails him, he sinks into that fearful unknown of the half hour when the unexpected Monteen Stover softly comes into the outer office, goes right on into Frank's inner office, seeking her money, and cannot find Frank!

The place is silent; the place is deserted; she waits five minutes, hears nothing, and sees nobody. Then she leaves.

Where were you, Leo Frank?

And where was our little girl?

Desperately, he says he may have gone to the closet.

Fatefully, the notes say Mary went to the closet.

Fatally, her golden hair leaves some of its golden strands on the metal lever, where her head struck, as Frank hit her; and her blood splotted the floor at the dressing room, where Conley dropped her.

What broke the hymen? What tore the inner tissues? What caused the dilated blood vessels? What laceration stained the drawers with her vaginal blood? How came the outer vagina bloody?

Who split her drawers all the way up? Who did the violence to the parts that Dr. Harris swore to?

The blow that bruised and blackened, but did not break the skin, was in front, over the eye, which was much swollen when the corpse was found. The blow that cut the scalp to the bone and caused unconsciousness, was on the back of the head.

Who struck her with his fist in the face, and knocked her down, so that, in falling, the crank handle of the machine cut the scalp and tore out some of her hair?

How did *anybody* get a chance to hit her in the back of the head, and not throw her on her face? Would *a negro* go for a cord with which to choke a white woman he had assaulted? Would a negro have remained with the body, or cared what became of it, and taken the awful risks of getting it down two floors to the basement? Would a negro have lingered by the corpse to write a note on yellow paper, and another note on white paper? Would a negro have loafed there to compose notes at all? What negro ever did such a thing, after such a crime?

Place in front of you a square piece of blank paper, longer than it is broad; an old envelope will do. This square piece of paper, longer than it is broad, will represent the floor of the building—the second floor, upon which Mary Phagan was done to death.

Draw a line through the middle of the square, from top to bottom, cutting the long square into two lesser squares. These will sufficiently represent the two large rooms into which the second floor was divided by a partition. Mark a place in the center of the partition, for the door which opens one room into the other.

Where was Frank's office?

It was at the upper right-hand corner of the room, to your right, as the square lies lengthwise before you.

Mark off a small square at that corner, for Frank's office.

Mark off a small square, in the left hand corner of the second room, and run a line through it, to divide this small closet, *into two divisions*. One of these small divisions was the water-closet of the men; the other, of the women! *You cannot crumple a piece of paper in the one, without being heard in the other!*

We naturally turn to Frank, and we naturally ask him—

What did Mary do, after you gave her the pay-envelope? Where did she go?

He cannot answer.

But thereupon we take it up, another way, and we ask him this question—

Where were YOU after Mary left? Did you stay in your office? Did you go anywhere, and do anything?

Now, follow the facts closely:

Frank's own detective, Harry Scott, in his energetic efforts to find the criminal, pinned Frank down, *as to where he was, after 12 o'clock*.

Frank told Harry Scott, in the hearing of John Black, that he was *continuously in his office, during the 45 minutes AFTER MARY HAD COME AND GONE*.

The white lady, Mrs. Arthur White, returned at 12:35, and found Frank in his office, standing before the iron safe. He jumped nervously, when he heard her.

Now, then: Monteen Stover went to Frank's office, *after Mary had gone away from it, AND BEFORE MRS. WHITE CAME BACK, AT 12:35*.

Where was Frank, *then*?

Right there, in that fateful half-hour, lies the crime.

Who is the criminal?

If Frank had been in his office, Monteen would, of course, have seen him when she went to it—and he would have seen *her*.

He did *not* see her, and therefore did not know that she had been there, until *after* he had told Harry Scott, *positively and repeatedly*, that he was in his office, *THEN*.

It was afterwards, when the unimpeachable Monteen told what she knew, that Frank saw how he had boxed himself up.

Then it was, that such a persistent and desperate effort was made to get Monteen's evidence out of the way.

Then it was, that Burns in person tried first to persuade, and then to bulldoze her.

(Why don't some of Frank's paid champions dwell on that ugly phase of his case?)

The enormous weight which Frank's lawyers and detectives (Burns and Lehon) attached to Monteen's evidence, *is the best proof that Monteen's evidence clinches the guilt of Frank*. When Frank told Scott and Black that he was in his office, continuously, after Mary left, he knew the vital necessity of accounting for his whereabouts, *at that particular time*.

He knew it, even then!

His definite, positive placing of himself, *during that particular half-hour*, shows that he knew it.

BUT HOW CAME HE TO KNOW IT?

If some one else made away with the girl, *he did not THEN know when the deed was done*.

If he was as innocent as you and I, he did not then know, any better than you and I then did, the vast materiality of *his* whereabouts, at any one half-hour of that fatal day.

How came he, *at that time*, to be so extremely careful to account for himself, for that special half-hour, and why did he lie about it?

He does not deny what he told Scott and Black; he does not accuse Monteen of a perjury for which she had no motive; he stated to the jury that he might have gone to the

water-closet, on a call of nature, which he curiously said is an act that a person does “without being conscious of it.”

If Frank told Scott and Black a deliberate falsehood as to his whereabouts, that is a powerful circumstance against him.

If he was actually out of his office, *just after Mary left*, that, also, is a powerful circumstance against him, *provided* he cannot tell where he was.

If, in giving the only possible account of himself, *he puts himself at the water-closet*, then the crime gets right up to him, *provided* Mary was ravished and killed, *in that same room*.

Now, where was Mary ravished and killed?

The blood-marks and the hair say, *in that same room!*

And the notes say, *in that same room!*

The blood-marks tell where she was; and if Frank went out of his office, to go to the closet, *he went right there!*

The notes make Mary say that she went to the closet, “to make water,” and, if she did, *she went right there*.

If a negro seized her, raped her and killed her, *he had to be right where Frank says he was*, when absent from his office.

But if Frank was in his office, and Monteen is a liar without motive, how could a negro come up from the lower floor (where Mrs. White saw him,) and commit the crime, without Frank hearing, or seeing a single thing to excite his suspicion?

Where is the negro who would go that close to a white man’s office, *when he knew the white man was there*, to commit such a fiendish crime upon a white girl? And how did the negro, by himself, get the body from the second floor, down to the basement?

Mary’s body was found on the night of Saturday the 26th. It appeared to have been dead a long time. “The body was cold and stiff.” The notes were lying close by.

Newt Lee went on duty for the night, as usual, that Saturday night, and it was he who found the body on that night, at about 3 o’clock.

Therefore, you have a clear case of murder, *on Saturday*, sometime after the noon hour, *and before Newt Lee came on duty as night-watchman, at 6 o’clock*.

Conley was not back in the building that day, after 1 o'clock. *Frank was*. The record shows this.

The circumstances conclusively prove that *somebody* did the deed, during the half-hour following Mary's coming to Frank's office.

Frank admits that he is the last white person with whom she was ever seen. The blood and the notes say she was assaulted on Frank's floor, near the closets, *which she and Frank both used*.

The notes make her go to the closet, to answer a call of nature, *immediately after she left Frank!*

She did not go up stairs; she had no work to do in the factory, that day; and if she went to the toilet at all, *she went there from Frank's office*.

She never again appeared down stairs; or out of doors.

If she had gone up stairs, Mrs. White and others would have known it. If she had gone down stairs, *both Frank and Conley would know it*.

Yet at 12:35, Mrs. White saw Frank, *but did not see the girl*.

She had disappeared, *during the very time that Frank disappears*; and when Frank gets back into his office, at 12:35, that little girl is out there near the toilet, *in the next room*, choking to death.

It was Frank who was close to her; it was the negro who was down stairs.

No wonder Frank "jumped," when Mrs. White came up, behind, and spoke.

No wonder he hurried Mrs. White out of the building, hesitated to allow J.M. Gantt to go in for his shoes, and refused to let Newt Lee enter.

By all the evidence, Frank and Jim were the only living mortals in that part of the house, at that time. Mary undoubtedly was there, at the time, *by Frank's own line of defence*.

There was one short sentence Capt. J.N. Starnes' re-direct examination, that did not rivet my special attention at first. That sentence was—

"Hands folded across the breast."

That simple statement came back, again and again, knocking at the door, as if it were saying, *"Explain me!"*

How did it happen that a girl who had been raped or murdered—or both—was *found with her hands folded over her breast*?

How could a girl who had been knocked in the head, on the first floor, and tumbled down into the basement, through a scuttle-hole, and over a ladder, as Defendant claims, have her hands resting quietly on her bosom?

Frank's theory represents Jim as attacking Mary on the first floor, finishing her in the basement below, then writing the notes, breaking the door, and speeding away.

That theory does not account for those folded hands.

A girl knocked on the head, into unconsciousness, and then choked to death with a cord, *does not fold her own hands across her bosom*. O no!

In the agony of death, her arms will be spread out. And if, hours later, those arms are found across her bosom, the little hands meeting over the pulseless heart, be sure that *somebody* who remembers intuitively how the dead should be treated, *has put those agonized hands together!*

There were the indisputable and undisputed facts: a bloody corpse, with a wound in the head, torn underclothing, privates bloody, a tight cord sunk into the soft flesh of the neck, the face blackened and scratched by dragging across a bare floor of cinders and grit, and yet when turned over and found "cold and stiff," the testimony curtly adds—

"Hands folded across the breast."

How did *that* happen? *Who* folded those little hands across the heart which beat no more?

In vain, I searched the evidence. Nowhere was there an explanation. In fact, nobody had seemed to be struck by that brief, clear statement of Capt. Starnes, which everybody conceded to be strictly true:

"Hands folded across the breast."

Mind you, when she was found in the basement, she was *lying on her face*, not directly on her stomach, but so much so that they had to "*turn her over*," to see her face, and wipe the dust and dirt off, for the purpose of recognition. (See official record, pages 7, 8 and 9.)

Lying on her face! Had to turn her over, and "the body was cold and stiff." But the frozen hands—where were they? "Folded across the breast."

Then, they had become rigid in that position! They had not come off the bosom, even when the body was turned over! They had remained across the breast, *while the body was being dragged*.

Dr. Westmoreland and Dr. Harris would probably agree, for at least one time, and *both* would say, as competent experts, that those hands, (to remain fixed under *those* circumstances,) had been placed across the girl's bosom, *before the stiffness set in*.

Death froze them there!

You may read every line of the evidence on both sides, as I did, and you will not find any explanation of those folded hands—hands folded as no murdered woman's were ever found before, except where somebody, *not the murderer*, instinctively followed universal custom, *and folded them!*

Can you escape that conclusion? No, you can't. At least, I couldn't, and I have been reading and trying murder cases, nearly all my life.

Then, *as a last resort*, in my efforts to satisfy myself about that unparalleled circumstance of the folded hands, I decided to turn to Jim Conley's evidence, saying to myself, as I did so, "If that ignorant nigger explains that fact, *whose importance he cannot possibly have known*, it will be a marvelous thing." So I turned to Conley's evidence, searching *for that one thing*. On page 55, I found it. Here it is:

"She was dead when I got back there, and I came back and told Mr. Frank, and he said 'Sh-sh!'....The girl was lying *flat on her back and her hands were out*, this way. I put both of her hands *down*, easy, and rolled her up in the cloth....I looked back a little way and saw her hat and piece of ribbon and her slippers, and I taken them and put them all in the cloth."

The girl was lying flat on her back, hands out this way—and he illustrated. "I put both of her hands *down*." Then, they were not only out, but *up*—as if the pitiful little victim had been *pushing something, or somebody, off!*

Those dead hands are fearful accusers of the white men who now say that Mary Phagan did not value her virtue.

Only the other day, there was issued by the Neale Publishing Company, a new book of war experiences, written by a Philadelphia surgeon, Dr. John H. Brinton; and he relates some vivid incidents showing the rapid action of the *rigor mortis*—the "instantaneous rigor," following mortal wounds received in battle. He made a special study of the dead, on the field which the North calls Antietam. (Our name for it is, Sharpsburg.)

On page 207, Dr. Brinton speaks of the cornfield and sunken road, so famous to the literature of the War; and he says, "Dead bodies were everywhere.....Many of these were in extraordinary attitudes, some with *their arms raised rigidly in the air*...."

I also noticed the body of a Southern soldier....The body was in a *semi-erect posture*....One arm, extended, *was stretched forward*.....His musket with ramrod halfway down, had dropped from his hand.”

This Southern soldier had been lying in the road, had half risen to load and shoot, had been shot while driving the ramrod home, and the gun had dropped; but the soldier himself remained, face to the foe, *half-erect*, with “one arm extended, *and stretched forward*.”

Brave Southern soldier! Death itself could not rob him of the proofs of his unfailing heroism.

Brave Southern girl! Death itself would not rob Mary Phagan of the proofs, that she fought for her innocence to the very last.

Shame upon those white men who desecrate the murdered child’s grave, *and who add to the torture of the mother that lost her*, by saying Mary was an unclean little wanton.

Jim Conley had no motive to describe her hands as being uplifted; *and he*, an ignorant negro, *could not have realized the stupendous psychological significance of it*.

Providence was against Frank in this case. The stars in their courses fought against him, as they fought against Sisera. *His lawyers must have felt it*.

Providence was against him, in the *time* of Monteen Stover’s unexpected visit to his office.

Providence was against him, in the unexpected *return* of Mrs. White.

Providence was against him, in the fatal break-down of his alibi.

Providence was against him, in the apparently trivial fact that Newt Lee’s call of nature, Saturday night, *did not occur on any of the floors above the basement*—all of which had closets—but occurred in the basement, *where the closet was close to the dead girl*.

Providence was against him, in the fact that Barrett worked that crank handle, *the last thing on Friday evening*, and was thus able to credibly swear that it had no woman’s hair on it, *then*.

Providence was against him, in that Stanford *swept the whole floor Friday*, and was thus able to credibly swear that there was no blood on it, *then*.

Providence was against him, when he was forced into explaining his absence from his office by unwittingly *putting himself at the place of that woman’s hair and those fresh blood spots*.

Providence was against him, when that cold and stiff girl was found in the basement, with “hands folded across the breast,” for that fact—apparently little—*imperiously demands explanation!*

And when you start out to hunt for the explanation which you know *must exist*, you search every nook and cranny in the case without finding it, until you read a line or two which the negro did not understand the meaning of—and which, so far as I can learn—*has never been the subject of comment, on either side.*

It happened to flash across me, that I had recently read something similar, in the book which Walter Neale had sent me for review; and *then* I saw the meaning of Mary’s hands being in such a position upward, that Jim had to put them “*down.*”

No negro could have invented that. *No negro could have known the importance of that.* Apparently, the lawyers did not pay any attention to it. Am *I* mistaken in doing so? Am I wrong in saying that this little fact *absolutely establishes the truth of the State’s theory?*

How, else, do you account for the hands folded across her breast, so rigidly that when her body had been dragged, *and then turned over*, the rigid posture of the hands was maintained, by the frozen muscles?

To save your life, you cannot explain it, except by saying that *somebody*, almost immediately after the girl’s death, *put her hands in that position.* She didn’t do it.

Who was that somebody?

Not the man who killed her, you may be dead sure.

But the nigger says, *he* did it.

Then you may stake your life on the proposition, *that the nigger didn’t kill her.*

Negroes who assault and murder white women, don’t loiter to fold hands, write notes, and pick up hats, ribbons and slippers.

Negroes who assault and murder white women, have never failed to hit the outer rim of the sky-line, just as quick as their heels can do it.

But as it was the nigger who put *down* the girl’s hands, and folded them across her breast, soon after her life went out, who *did* kill her?

THE ONLY OTHER POSSIBLE MAN, IS FRANK.

Was it Frank, and not the nigger, who was “lascivious,” at that factory? Twelve white women swore, “Yes.”

Was it Frank, and not the nigger, who had been after this little girl. Three white witnesses swear, "Yes."

How many more witnesses do you want, than fifteen white ones?

And yet the Burnses, and Connollys, and Pulitzers, and Abells, and Ochses, and Thomsons and Rossers are still telling the outside world that the virtuous Frank was convicted on race prejudice, and the evidence of one besotted negro!

Was any State ever so maligned, as Georgia has been?

Let me call your attention to another little thing in the negro's evidence which there was no need to "make up." It is his statement that he wrote, at Frank's dictation, *four* notes before Frank was satisfied. Why say *four*, when only two were found? The negro in testifying at the trial, knew that only two notes were found, yet he swore to writing four.

At least, I so understand his words, which were—

"He taken his pencil to fix up some notes....and he sat down and I sat down at the table and Mr. Frank dictated the notes to me. Whatever it was, it didn't seem to suit him, and he told me to turn over, and write again, and I turned the paper and wrote again, and when I had done that, he told me to turn over and write again, and I turned over and I wrote on the next page, and he looked at that, and kinder liked it, and he said that was all right. Then he reached over and got another piece of paper, a green piece, and told me what to write. He took it and laid it in his desk."

If that doesn't make four notes, I don't understand the language in the record; and if it means four, when only two were found and introduced into the case, it shows, at least, that the negro was not making up a tale to fit the known facts.

The negro said another thing that he could not have "made up," because he does not even yet realize the meaning of it. The lawyers made no allusions to it. Jim said—"When I heard him whistle (the signal Frank had often used when he had lewd women with him) I went...on up the steps. Mr. Frank was standing up there at the top of the steps, and shivering and trembling, and rubbing his hands like this—

He had a little rope in his hands—a long wide piece of cord. His eyes were large and they looked right funny.....

He asked me, "*Did you see that little girl who passed up here a while ago?*"

Jim told him he had seen *two* go up, and only *one* come down.

Mind you, Frank had not heard Monteen Stover, whose tennis shoes made no noise; and Frank knew nothing of her visit at all. When he asked Jim if he had seen that little girl, Frank *meant*, "Did you see the Phagan girl?"

Frank's purpose was, to learn whether Jim had seen the little girl, who was then lying out there in the metal room, with a piece of that cord around her neck. If the negro had answered, "No, I didn't see any girl," Frank would never have said another word to him about her. It was only after he found out that Jim had seen her go up, but not come down, that he *had to* take Jim into his confidence one more time.

Much has been said about the improbability of Frank making a confidante out of a negro of *low* character. Does an immoral white man make a confidante out of a negro of *high* character? Will a respectable negro act as go-between, procurer, or watch-out man, for a white hypocrite who is one thing to his Rabbi and his Bnai Brith, and quite a different thing to the cyprians of the town?

Suppose I can show you from the official record that Frank's lawyers *knew* that the murder was committed on Frank's floor, back there where the blood and hair were found, won't you be practically certain *that they also knew Frank to be guilty?*

Come along with me, and see if I don't prove it to you:

Leo Frank employed Harry Scott, a detective, to ferret out the criminal, and Scott went into the case with great vigor. In fact, he soon showed altogether too much vigor to suit Frank, and Herbert Haas. Herbert became alarmed—why? And Herbert told Scott to first report to *him*, Herbert, whatever he might discover, before letting any one else know. Herbert Haas was chairman of the Frank Finance Committee, and he was one of the lawyers for the defense.

Scott did not like to be shut off from the police, and confined to a Herbert Haas investigation, and so he remonstrated with the Chairman of the Finance Committee.

But before Scott was fired, he had drawn from Frank two material statements. One was, his alleged continuous presence in his office after Hattie Hall left; and the other was, *his answer to Mary Phagan, when she asked him if the metal had come.*

Frank told Scott that when Mary asked him whether the metal had come, he replied, "*I don't know.*" At that time, Frank was not aware of the fact that Monteen Stover could prove that he was absent from his office *when Mary was being murdered.*

What did Mary's question about the metal prove? *That her mind was on her work.* She had lost nearly the whole week, because the supply of metal had run out. They were expecting more. *If it had come, she could go back to work in that metal room, next Monday.* Therefore, when she asked Frank, "*Has the metal come?*" her thoughts were on her work and she was eager to know whether she could return on Monday *to resume it.* "Has the metal come?" Equivalent to, "*Will there be any work for me next week? Must I lose another week, or can I come back Monday?*"

This was the meaning of the question. What was the meaning of Frank's answer?

If he said, "*I don't know,*" the girl would naturally suggest, *or he would*, that they go back there, to that metal room, *and see*.

Can you escape this conclusion? If he didn't know whether the metal was there or not, *the only way to tell for certain, was to go and look*. If he was doubtful, the girl would want to go and look to see if it was there, *for the girl wanted to resume her work*.

Now, if that answer, "I don't know," were allowed to stand, Rosser realized, quick as lightning, *that it led to the inevitable conclusion that the girl went back to the metal room to see about it, and was assaulted there!*

Consequently, Frank not only changed his answer of, "I don't know," into a positive, "No;" but Rosser went at Scott, hammer and tongs, to badger him into saying that he may have been mistaken, and that Frank may have said, "No," instead of, "I don't know."

But the point is this: If Rosser had not felt certain that the blood and the hair proves that Mary was killed on Frank's floor, near Frank's closet, and at about the time Frank puts himself at the closet, *what would Rosser have cared whether Mary went to the metal room, or not?*

If Jim Conley killed Mary on the first floor, or in the basement, it did not at all matter whether she went to the metal room, either with Frank, or by herself.

The strenuous effort of Rosser to escape from that answer of "I don't know," *proves what he knows*. He knows very well that the girl was killed on the second floor. Otherwise, you cannot understand why Frank was made to change his statement, and why such herculean strength was used to get a change out of Harry Scott.

The difference between "No," and "I don't know," is a difference between tweedledum and tweedledee, *unless Mary was murdered on Frank's floor*.

Rosser knew, *just as you must now see*, that if Frank told the girl, "I don't know," *he might just as well have admitted that he and Mary went back there together, where the blood and hair were found*.

The answer of, "I don't know,"—suggesting as it did, an inspection of the room, to see about the metal—is the only plausible way to account for the girl's being back there, unless indeed the notes speak the truth about her going to the closet.

(See Harry Scott's evidence in record.)

Rosser's desperate struggle to get away from the "I don't know," is wonderfully illuminating *as to what was in Rosser's mind*. If he had placed the slightest reliance on

the theory that the negro killed the girl, he would not have cared a button whether Frank went with Mary to see about the metal. If Rosser had not been absolutely certain that the girl was attacked and killed, *back there*, he would not have struggled so hard to keep her and Frank *away from there*. If Rosser had believed for a moment that Mary went on down stairs, after she left Frank, and was killed by the negro down stairs, he wouldn't have wasted a breath over that question of whether Frank said, "No," or said, "I don't know."

If the girl was killed down stairs, it would not have hurt Frank's case in the least, if he had boldly admitted that, after telling Mary, "I don't know," he had gone back there with her to see. It is to be presumed that *he*, as well as she, wanted the work to go on; and therefore he, also, would be interested in the matter, with a view to her return on Monday.

Suppose he had said, "Yes, Mary came to my office, got her money, and we went back to the metal room to see if the expected metal had come; and, after that, she went on down stairs, and I went back into my office, and saw no more of her."

Where would have been the danger of his saying that? She *was* with him in the office; he admits that, after the evidence forces him to it; but why not go a little farther, and admit that he and she went to the metal room, before she left his floor?

Ask Rosser to tell you the answer to that question. Ask your own intelligence! *What danger*, was to be dreaded, in allowing Frank to say that he and Mary went to the metal room, *even for one single minute?*

If she was killed on the first floor—*no matter who did it*—there was no danger in letting Frank admit that he went to the metal room with her.

If she was killed in the basement—*no matter who did it*—there was no danger in the admission that she and Frank went to the metal room.

But Rosser's desperate drive, to remove the very idea of her going to the metal room with Frank, *proves the immense importance he attached to it*. He could not allow it, he dared not allow it! *Mary and Frank must not for an instant be allowed in the metal room, during that fatal half-hour!*

WHY NOT?

Is there any possible answer, but the one? And that is—*Mary's tress of golden-brown hair is hanging out there in that room, on the crank of Barrett's machine; and Mary's life-blood is out there, on that recently swept floor!*

Rosser said in his heart, "I dare not let Frank go *there!*"

When you test the theory that Conley alone did the deed, you have no evidence to rest it on. Jim never bothered those white girls, did not act like a negro who had committed the unpardonable crime on a white woman, did not try to lay suspicion on anybody, and went about his work as usual, on Monday and Tuesday.

There is absolutely no evidence against the negro, upon which the State could have made the shadow of a case.

When you test in your mind the hypothesis that Frank and Jim *both* committed the crime, you make some slight headway, for Jim and Frank shielded *each other*, until Frank was jailed. But this is not enough to implicate both, *in the actual crime*. It is enough to prove a common *guilty knowledge* of the crime, but it does not shut out the idea of Conley's being accessory to the fact, *after* the deed was done.

It is only when you test in your mind the theory that Frank *alone* committed the crime, that all proved circumstances harmonize, and interlink *to make the chain*.

Twelve white girls swore that Frank had a lascivious character; and they learned what he was, *inside this very factory*.

One of his own witnesses, a white girl, swore to this immoral conduct, *inside this very factory*.

Conley mentioned the names of the white women and the white man who came *into this very factory*, to engage in vice with Frank, and one of these persons corroborated Conley on the witness stand.

White witnesses swore that Frank had been after little Mary, ever since March, *inside this very factory*.

Frank laid a trap for Mary, by forcing her to come back *inside this very factory*, when he might have sent her money by Helen Ferguson.

Mary walks into the trap *inside that factory*, and it closes on her.

God in Heaven! was guilt ever plainer, and more deliberately diabolical?

And are we to be dictated to by mass-meetings in Chicago, and by circular letters from New York and New England, when this awful crime stares us in the face?

Nothing corroborates Frank when he says that Conley *alone* committed the crime; and every undisputed fact is against that hypothesis.

Everything corroborates Conley, when he says that Frank did it, and he himself became mixed up in it, afterwards.

And if there is one feature of the case more convincing than another it is, *that Frank was at least as careful to shield Conley from suspicion, AT FIRST, as Conley was, to shield Frank.*

Until Frank himself was arrested, *he tried to set the dogs on Lee and Gantt, BUT NEVER ONCE ON JIM CONLEY!*

At first, Frank and Conley both acted like a pair who held a guilty secret between themselves.

Ah, it is a heartrending case. Big Money may muzzle most of the papers, hire the best legal talent, and bring remote popular pressure to bear upon our governor, but all the money in the world cannot destroy the facts, nor answer the arguments based on those facts.

Let me refer to the negro's explanation of how it happened—my reference being confined strictly to facts where there is abundant corroboration.

Jim says he heard steps of two persons going back to the metal room; and Frank himself, states that Mary inquired about whether the metal had come, which would give her more work next week. What more natural than that Frank, when the girl asked, "Has the metal come?" should say, "*Let's go back there and see?*"

What more natural than that she should go? And what more in keeping with Frank's proved character, and his proved desire for this girl, than that he should make indecent advances to her, back there, where no one is in sight or hearing?

Jim says Frank called him by their agreed signal of stamping on the floor, and whistling, and that when he went up, Frank, looking wild and excited, told him, in substance, that he had tried the girl, that she had refused, that he had struck her, and he guessed he had hit her too hard; she had fallen, and in falling had hit something; she was unconscious.

Jim says he went back there where the girl lay, at the lathe, *where her hair was found in the handle*; and she was lying motionless with the cord around her neck. "The cloth was also tied around her neck, and part of it was under her head like to catch blood."

All the witnesses swore to the strip of cloth; and the hair on the metal handle of the lathe was as fully identified as Mary's, as hair could be under those circumstances. Frank's own witness, Magnolia Kennedy testified that the hair looked like Mary's; and Miss Magnolia was herself the only other girl there whose hair was at all like the golden brown of Mary Phagan's.

Frank's own machinist found the hair on the metal handle, and swore positively it was not there *when he quit using that very machine—handle and all—Friday night, before the Saturday of the crime.*

Mr. Barrett, the machinist, found the hair on the handle when he went back to the machine Monday morning. He was not at the factory Saturday. No one is shown to have been in that room Saturday. *How did that long, golden-brown, woman's hair get on that metal crank, where Barrett found it?*

No girl or woman could be produced who pretended *she* was in the metal room on Saturday. No girl or woman could be found who could explain about the hair. Why not? Half-a-dozen of Frank's own employees, several of them his own witnesses, swore to finding the hair, soon Monday morning; and they swore that it was not there Friday.

Why couldn't it be accounted for?

The only answer is, Mary in falling, after Frank struck her and gave her that bruise on the eye, hit the metal handle, and it ripped her scalp and tore out some of her hair.

In no other way under the sun can that hair on the machine be explained.

Then the blood on the floor at the dressing room, some 23 feet from where the girl fell: *whose blood?*

All the witnesses say it was not there Friday when they quit work. Mell Stanford had swept the whole 2nd floor, and tidied up, generally; and he swore positively the blood spots were not there Friday. Barrett swore they were not there Friday. But the blood spots were there early Monday morning, seen by numbers of the employees, and denied by none. Schiff, the assistant superintendent, admitted it, Quinn admitted it, the men saw it, the women saw it, chips were cut out of the floor, and the doctors saw it.

Whose was it?

Not there Friday evening, right there Monday morning, *whose was it?*

If not Mary's blood, produce your explanation! If not Mary, *somebody else bled there*. Who bled there, between Friday and Monday, *if not Mary Phagan?*

The question can not be answered, save in one way. You know quite well that if money or skill, or hard work, could have accounted for those guilty stains on that floor, the man or the woman who bled there *would have been produced*.

Conley says he dropped the girl on the floor, and that the blood spattered where those spots were found. Take that explanation, or go without one, for I assure you *the court record offers no other*. Frank in his own statement could only offer the explanation that Duffy or Gilbert when injured in the metal room, *months before*, might have bled there. Gilbert went on the stand and swore to his cut finger, but said none of the blood had dropped anywhere near those spots.

The futile effort to account for the blood, only deepens the significance of the fact that it was there, and adds fearful weight to the evidence of R.P. Barrett and Mell Stanford, that it was *not* there on Friday.

Jim says he and Frank carried the body down, in the elevator, to the basement. He says they had wrapped her up in a cloth which was taken off in the basement. He said that Frank made him promise to return to the plant, that afternoon, to help him dispose of the body, but he did not go back.

I have on purpose left out everything but the barest outline. Conley did go home and did not return, whereas Frank was back—we don't know exactly when—and sent Newt Lee away at 4, when Newt wanted to go in and sleep.

A white man, whose character is not assailed, swears that he wanted permission to go into the factory at 6 o'clock, and that Frank not only first tried to dodge back out of sight into the gloom of the building, but lied to him about the sweeping out of the shoes, *and then sent a negro to watch him.*

Then the negro who was a trusted night-watchman—and whom Frank detailed to watch Gantt—swears that when he went down into the basement at 7 o'clock in the course of his regular rounds of the big building, less than an hour after Frank had gone, the light that had always been kept burning brightly there, *by Frank's own orders*, had been turned down. "It was burning just as low as you could turn it, like a lightning bug. *I left it Saturday morning burning bright.*"

Who turned that light down?

Who went into that basement, *after Newt went off duty early Saturday morning*? Who was there during Saturday? *What was the motive*, in turning the light down and leaving it so? The motive was, *to prevent Newt from seeing that corpse.*

Not a single employee of the plant said that he or she had been in the basement that day. The light could not turn itself down. It was not a case of gas burning dim and low, for it burned brightly again when turned up.

Somebody turned down the light—*who*?

Over the telephone came the inquiry to Newt—"How is everything?" That was an hour or so after Frank had left. *He had never done that before. He does not even claim that he had.* But he explains it by saying he wanted to know whether Gantt had gone! What danger did he apprehend from Gantt?

Why was *Gantt* on Frank's nerves? Newt swears that Frank did not mention Gantt, but simply asked. "How is everything?"

Was it not the jangling nerves and haunting *suspensions*, whose question really meant, “Have you found anything? Have you seen the dead girl? *Is the murder out?*”

Minola McKnight’s repudiated affidavit is in this terrible record, and in those statements which she verified and swore to in the presence of Mr. George Gordon, her attorney, *she* tells of that night of horror at Frank’s home.

You will probably suspect that if Newt Lee had not had occasion to go to the closet in the basement *that night*, Mary Phagan’s body never would have been found, for the going to the closet took him close to the corpse, and he saw it!

Frank did not intend for the corpse to be found; and he meant to creep back into the basement next day, and bury that girl in the dirt floor!

That door worked on a slide. It did not open, as door shutters usually do. It was locked and it was barred, usually. On Saturday night, Newt looked that way, and it was closed. He did not notice the bar, or the staple. On Sunday morning, the door was subjected to close examination. The witnesses say the staple had been drawn, and the bar taken down. *But the door was completely closed!*

Would a frightened, fleeing negro rapist and murderer, have pried out the staple, lifted off the bar, and then carefully, *from the outside*, pushed the door to, on the slide?

Why should Jim Conley break the basement door, when he could walk out, in front, on the first floor where he was sitting when Mrs. White saw him?

And why should any frightened and fleeing negro, *too scared to walk out of the unlocked doors*, break *that door*, and then carefully close it?

To me, it looks like a careful plan for somebody, *to go in*, without being seen. To me, it looks as if somebody, who had the run of the plant, came down there, pried out the staple, and lifted the bar, without opening the door at all. The opening was to be *from the outside*, next day.

Jim Conley could have unlocked that door easier than he could draw the staple. He could have lifted the bar and gone out, without violence, easier than he could go out by a burglarious breaking.

It wasn’t a question of going out; *it was a question of coming in!*

Do you say that Frank could have left the door unlocked, with the bar merely lifted off? The answer to that is, had he done so, he would have had to involve persons *who had the keys!*

To unlock *from the inside*, there must be an unlocker, *on the inside*.

Now, if Frank had unlocked the door, as well as removed the bar, the crime would have come home, *right then*, to one of the men who toted the keys. And a narrowing circle would have brought that search right up to him and Conley—for all the others could easily account for themselves *at the exact half-hour of the crime*.

Frank's defenders claim that Conley broke open the basement door *to get out*.

What will you think of their sincerity and honesty, when I tell you page 21 of the agreed record shows that the negro was sitting near the front door, up stairs *on the 1st floor, at about 1 o'clock*, when Mrs. J.A. White passed him and went out at the front door?

What hindered the negro from walking out of the front door? The crime had been committed; the corpse was in the basement; and there was Jim sitting between the upper stairway and regular entrance door.

What need for *him* to squeeze through that scuttle hole, return to the basement, and break out the back way, in the alley? All he or Frank had to do, *to get out*, was to do what Mrs. White did—walk out. But if somebody wanted to come back around the back way, and glide into the basement unseen, then a sliding door, left in such a manner that it could be pushed back, *from the outside*, was necessary.

Another queer thing is, that Jim said that they left the corpse on the floor in front of the elevator, but that he flung the ribbon, hat and slippers into the trash-heap near the furnace, where Frank wanted body and all burnt that afternoon.

Now, when the body was found, it had been dragged from the elevator back to near the basement door, the ribbon, slippers and hat were at the same place, and only two notes—a white one and a yellow one—were lying near the girl's head. Did Frank, who is a small man, drag that body away from the elevator? Did he gather up all her things and lay them by her? Did he select two of the notes, and destroy the other two? Did the other two notes go with her mesh bag and pay-envelope?

It is certainly a peculiar detail that Newt Lee, when an accident took him to the toilet near the corpse, *saw the leg*, first. In being dragged by the feet, and on the side face, at least one of the legs would be exposed.

Nobody but Frank and Conley are entrapped by that providential clockwork of the fatal half-hour.

Conley admits himself caught, and is being punished for it.

But it catches Frank, also; and where two criminals are involved in a crime against a white girl, the white man is the more apt to be the leader, *the principal*, especially in a

case like this where ten white women swore to Frank's lewd character, and three white witnesses swore that he had been after this very girl.

What is a demonstration of any man's guilt, on circumstantial evidence? It is that degree of moral certainty which arises from the evident fact that, under those circumstances, *no one else could have committed the crime.*

Given a murder, and a state of facts which excludes everybody except the accused, and the accused is the guilty man, *necessarily.*

When it is admitted that *somebody* committed a crime, and the testimony shows that *nobody but the Defendant* could have done it, human Reason is satisfied, and so is the Law.

Let your mind rest upon one other very significant fact.

The ignorant negro who is accused of the crime, stood, a terrific cross-examination, *lasting eight hours.* The strongest criminal lawyer of the Atlanta bar wore himself out on Jim Conley, without damaging Jim's evidence in the least.

On the contrary, the educated white man who is accused of the crime made a statement covering 45 large pages of closely printed matter, and *refused to offer to answer one single question!*

His defenders paint him as a man of intellectual gifts of which any community should be proud, as a man of spotless morals, as a man who is unjustly accused, foully convicted, and eager for vindication.

Why, then, did he shrink from a cross-examination? Why did he fear an ordeal through which the illiterate negro triumphantly passed?

In its tenderness to the accused, our law will not permit an examination of the defendant, unless he voluntarily consents. So just was the horror of our ancestors against that system of *torture to compel confessions* which popery had introduced into Europe, that they swung the pendulum back to the other extreme, and screened the prisoner from any question, whatever.

It is an unwise thing to give to the guilty an immunity from answering fair questions, for no innocent man could ever be hurt by it. But leaving all that out, a defendant can say—and often does say—“Ask me any fair question, and I will answer it.” Such an offer always makes a most favorable impression. The jury and the public at once begin to feel confident of the innocence of an accused, *when he shows confidence in it himself.*

Here was a college graduate, an intellectually superior man, environed by a terrible array of suspicious circumstances, with the whole republic looking on at his trial, with a

mother and father intensely agitated, and the Hebrews of the Union, profoundly concerned.

What a magnificent opportunity for an innocent man to rise before the court and country, panoplied in the armor of conscious rectitude, and say to the State of Georgia—

“I have nothing to conceal. There are no guilty secrets in my soul. The more carefully you open my book of life, the more clearly will my innocence be seen. If I have not spoken to your satisfaction, and given a full account of myself, *ask me about it! Put your questions.* I am not afraid. No answer of mine can uncover a guilt that does not exist. Therefore I do not fear your questions: ask them!”

Wouldn't that have been the attitude and the feeling of Nathan Strauss, for instance, had he been in Frank's place?

What, then, is the net result of all this evidence, direct and circumstantial? It is this:

Leo Frank was a lecherous hypocrite, a moral pervert; a model, to Rabbi Marx, but a rake—and something more—to women would allow it;

He wanted this little girl, and the opportunity came on Saturday, April 26th, 1913;

She goes into *his possession*, and is found in *his possession*—but when she goes in, she is alive and well, and when found, she is cold and stiff, with the dried blood matted in her golden hair, and a tightly tied cord cutting into her soft neck.

Alive and dead, she is that day *in Frank's possession*, and he cannot trace her out of it! To say that the negro shared that possession with him, may be true, but it does not help Frank.

At most, *that* gives him an accomplice, and the negro is even now being punished for *that!*

Mary goes into Frank's house alive; she is soon afterwards found there, dead, cold and stiff; no mortals had the opportunity to assault and kill her, save Frank and Conley.

Say that the negro did the deed without the white man, and you cannot travel at all; no evidence whatever supports the theory.

Say that the white man did it, and then called for the negro's help in getting rid of the body—and all the evidence harmonizes, facts link into facts, to make the iron chain of conviction.

On the great Knapp case, the fame of Daniel Webster, as a criminal lawyer, mainly rests; and in that case of circumstantial evidence the verdict of “Guilty” had no stronger support than was given to the verdict against Frank. In the Knapp case, the prosecution aided the State of Massachusetts by employing the greatest lawyer and forensic orator the American bar could boast. In the Frank case, the young Solicitor stood alone, and fought the strongest team of attorneys that money could enlist. Against Frank’s dozens of lawyers, detectives, press-agents, &c., the State of Georgia has arrayed nobody, save her regular officers of the Law.

In the Knapp case, Mr. Webster indignantly answered the friends of the defendant, who claimed that a popular clamor had been excited against the accused. He turned upon these too-zealous champions of the prisoner and exclaimed—

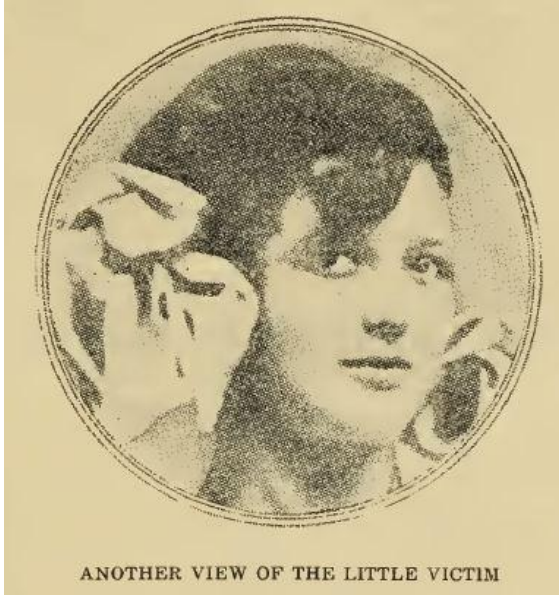
“Much has been said, on this occasion, of the excitement which has existed, and still exists, and of the extraordinary methods taken to discover and punish the guilty. No doubt there has been, and is, much excitement, and strange indeed were it, had it been otherwise. Should not all the peaceable and well-disposed naturally feel concerned, and naturally exert themselves to bring to punishment the authors of this secret assassination? Was it a thing to be slept upon or forgotten? Did you, gentlemen, sleep quite as quietly in your beds after this murder as before? Was it not a case for rewards, for meetings, for committees, for the united efforts of all the good, to find out a band of murderous conspirators, of midnight ruffians, and to bring them to the bar of justice and law? If this be excitement, is it an unnatural or an improper excitement?

“It is said that even a vigilance committee was appointed....They are said to have been laboring for months against the prisoner.

“Gentlemen, what must we do in such a case? Are people to be dumb and still, through fear of overdoing? Is it come to this, that an effort cannot be made, a hand cannot be lifted, to discover the guilty, without its being said, there is a combination to overwhelm innocence?

“Has the community lost all moral sense? Certainly a community that would not be roused to action, upon an occasion such as this was, a community which should not deny sleep to their eyes, and slumber to their eye-lids, till they had exhausted all the means of discovery and detection, must, indeed, be lost to all moral sense, and would scarcely deserve protection from the laws.”

Thus thundered Daniel Webster, rebuking those men of New England who blamed the people of Massachusetts for being aroused over the murder *of an old man*.



Great God! What would Webster have said to those New York preachers, and those Northern papers, who are so fiercely misrepresenting and denouncing the people of Georgia, for being aroused over the murder of *a little girl*?

Nobly expounding the purpose of the penal law, Mr. Webster said—

“The criminal law is not founded on a principle of vengeance. The humanity of the law regrets every pain it causes, every hour of restraint it imposes, and more deeply still, every life it forfeits. But it uses evil as the means of preventing greater evil.

It seeks to deter from crime, by the example of punishment. This is its true, and only true main object. It forfeits the life of the murderer, that other murders may not be committed. When the guilty, therefore, are not punished, the law has, so far, failed of its purpose; the safety of the innocent is, so far, endangered. Every unpunished murder takes away something from the security of every man’s life.”

In pressing the case on Leo Frank, the State of Georgia has been free from any hostility toward a Jew; the State has sternly prosecuted him because he is a murderer.

In pressing the case against Leo Frank, we have felt none of the fury of prejudice and race hatred; we have demanded his punishment *as a protection to other innocent Mary Phagans*, as well as a vindication of the law, *to strike terror into other Leo Franks*.

We respectfully ask the other States of the Union to usurp no further jurisdiction over us than a high court of review would have—and *that* would be to examine the official record, as agreed upon by the attorneys on both sides, *and judge us by that record*.

If the sworn testimony supports the verdict of the jury, *quit abusing us*. If that sworn testimony not only sustains the evidence, but rendered any other verdict humanly impossible, quit talking about the semi-barbarians of Georgia, accusing them of Jew baiting, mob methods and jungle fury.

Unless Frank is entitled to immunity *because* he is a Jew, let the lightnings of Sinai strike him!

A married man, he was false to his young and buxom wife. A member of the Synagogue, he was false to the creed of his church. An educated Hebrew of splendid connections, he was false to the higher standards of his race. A citizen of Georgia, he was false to her Society, a canker and a pest. Subject to her laws, he broke them repeatedly, with shameless effrontery, *in his place of business*; and when one Gentile girl whom he lusted

Tom Watson: A Full Review of the Leo Frank Case

after persisted in repulsing him, he laid in wait for her, assaulted her, killed her, leaving her blood and her corpse *in his place of business*.

O my lords and gentlemen, what must we do to be saved from such men as these? Every race has them. Every State has them. Every nation has them.

Please God, I have written an argument that will vindicate our State, justify her courts, defy refutation, and stand unshaken to the end of time. That my work has been done voluntarily and without reward, or the remotest hope thereof, will not lessen its merit.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Transcribed by Penelope Lee. Exclusive to the *American Mercury*.

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[Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank](#)

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time to procure important testimony, are among the grounds upon which accused persons gain time; and these motions are continually being made for no other purpose than to allow for the passing away of whatever local prejudice may have been aroused by the first rumors and exaggerations incident to most crimes of violence.

If the defense is ready for trial, and makes no motion to change venue, each juror of a legally qualified panel is subjected to a rigid examination, as to his freedom from bias and prejudice in that particular case; and the defendant can put each juror, separately, on trial—the Judge being the trior—and offer against the juror such evidence as will prove that he is not, in the eyes of the law, a fair juror to try that case.

During the trial, the defendant may act, wholly or in part, as his own lawyer; he may interrogate the witnesses, and he may address the Court. If he does not choose to make a statement in his own defense, to the jury, he may remain silent; and *the law does not permit the State's Attorney to comment upon that silence.*

He may write out a statement in his own defense and read it to the jury, or he may tell his story in the usual way of verbal narrative; he can cover almost any ground he pleases, and he can talk as long as he likes; and if he omits any fact, or explanation which his lawyers consider material, they are privileged to direct his attention to his failure to cover that particular point.

After the defendant has finished his statement—of ten minutes, or ten hours—and has been aided by the vigilance of his lawyers, he *can* say to the State's Attorney:

“I am willing for you to ask me about the case.”

But if the defendant does not voluntarily make this offer, the State is not allowed to interrogate him at all.



Nor is the State's Attorney permitted, in his address to the jury, to comment upon the fact that the defendant was unwilling to be cross-examined.

In no event, can the accused be put under oath; but our law makes it the duty of the Judge to instruct the jury, that it is *their* privilege to attach to defendant's statement just such weight as they see fit. They may believe it in part, and disbelieve it in part; they may reject it entirely, or they may accept it entirely; *they may disregard all the sworn testimony in the case, and rest their verdict on the UNSWORN AND UNCORROBORATED STATEMENT OF THE ACCUSED!*

In all the legislation mercifully designed to protect innocence, and to give to a man of good character the golden opportunity to stake his word against the oath of unreliable witnesses, there is nothing which surpasses the Code of Georgia.

Time and again, I have seen a defendant at the bar rise, like a lion from his lair; and make a manly, ringing, indignant statement to the jury, and shake off from himself the evidence of circumstances, or of perjury, as easily as the leonine monarch shakes the dew drops from his mane.

Again and again, during my quarter-of-a-century in the court-house, I have seen my clients, and other lawyers' clients, confound the prosecution, by facing the Court and country, and saying, with the boldness of conscious innocence—

“Cross-examine me to your heart's content; I have nothing to hide, and nothing to fear!”

Such a waiver of *legal screenage*, half wins the battle, the very instant the defendant makes it.

Let me say at this point—in order that you may enter the case properly informed—that the attorneys of Leo Frank were the most experienced and most competent members of the Atlanta bar; thoroughly familiar with local affairs, local prejudices, local politics, local ins and out, of all kinds; and yet they did not move to continue the case, nor did they ask for a change of venue; *consequently, those Atlanta lawyers were not aware of any “mob spirit,” at that time.*

Afterwards, it became necessary to manufacture things which had not existed; and the “mob spirit,” which Frank's able attorneys had been ignorant of, was found somewhere in a small phial; was released, expanded, blown upon the four winds, until it became greater than the Djinn of the “Thousand Nights and a Night.”

Those who continue the cry of “mob spirit,” and “jungle fury,” and “psychic intoxication,” convict Frank's lawyers of not knowing their own business; for if a tithe of what is asserted, *was ever capable of proof*, Rosser and Arnold grossly mismanaged Frank's case.

Let me say further, by the way of preliminary, that the defendant listened during the eight hours' cross-examination of his alleged *accomplice*; that he listened, day after day, and week after week, while his own *trusted employees*, and former friends gave evidence which linked around him the chain of circumstances; that he saw and heard the *eleven white girls* who swore that his character for lewdness was bad; that he listened to the white girls who swore to *his lascivious conduct*, in their dressing-room, and to his taking Rebecca Carson into the ladies' private room, during work hours, and remaining inside, *alone*, with her for fifteen or twenty minutes; and that he sat silent while his negro trusty, of two years' standing, told the jury how he would peep through the key-hole, *and watch Leo Frank commit sodomy with Daisy Hopkins*; yet when this educated young man, this graduate of Cornell, at last took the stand to make a statement in his own defense, he drew around himself the screenage of our most lenient Code, and did not dare to say to Court and country—

“I am willing to answer questions!”

Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank

In all that month of tedious, desperate conflict, Leo Frank was the only person involved who escaped the ordeal of cross-examination, excepting the eleven white girls, whom his lawyers dared not interrogate.

The State cannot go further than to inquire whether the defendant's character is good or bad; but the defendant can go into particulars, and can inquire of the witness, "*What is it, that you know against me?*"

But in *this* case, Leo Frank did not put the white girls to the trouble of pulling the cover off his double life. He and his lawyers were only too glad to let the ladies go, without a word, after they had sworn that he was *bad*.

It should deeply impress you to learn, that eleven unimpeachable and disinterested white witnesses testified to Frank's *double life*; and that what they knew of him was learned by them *in his place of business, where Mary Phagan came to her death*; and Frank was so certain the eleven white witnesses would only *make it worse for him on cross-examination*, that his lawyers were afraid to ask those women *what it was they knew!*

Is that the conduct of innocence?



On Memorial Day, 1913, (April 26th) Mary Phagan left her mother's home, shortly before noon, after having eaten dinner; and she was dressed in such cheap finery as a girl of her humble station in life could afford. She took the street car on her way into the city, and left it at a point some 300 yards from the National Pencil Factory, where she worked. On account of their running out of the metal tips, she had been laid off that week, after Monday; and she was now on her way to the office to get her Monday wages *because* Frank, the Superintendent, had refused to send it to her by her friend, Helen Ferguson, the day before, when Helen asked for it, as she had often done previously.

When last seen, Mary was within two blocks of the factory (to which two or three more minutes' walk would have carried her), but no one saw her when she entered it.

That night, her people gave out the alarm, for they at once suspected foul play. Mary was not quite fourteen years old; and had never been

irregular in her habits, nor ever out of nights; and her failure to return home created the most distressing anxieties and forebodings.

The police were notified, and a search for the missing girl commenced. At first, it was believed that she had overstayed herself with some party of friends, enjoying the holiday; and there were vague reports of her having been seen, first with one companion, and then with another. But none of these rumors proved well-founded; and the dread apprehension of something tragic grew stronger and stronger in the household of the mother, and also among the police.

During all of that evening of the efforts to locate the missing girl, nobody appears to have thought of calling up the Leo Frank house, and asking him had *he* seen her. True, he would not have been found at home; he was spending that particular afternoon *alone in the factory*, but neither Mary's folks, nor the police suspected it.



Let us now turn our attention to Frank, and follow his movements that Memorial Day *morning*. In parting from the night watchman, Newt Lee, who of course went off duty early, Frank asked him to return that afternoon at 4 o'clock. Frank explained that he wanted to get off earlier than usual.

During the morning (Saturday, 26th), several employees, and relatives of employees, came to get wages due, and got them from Frank. Two men, Denham and White, were at work on the fourth floor, tearing down an old partition and putting up a new one. Necessarily, they made a deal of noise at this kind of work; and they were doing it some 200 feet back from the elevator shaft and stair-landing. Consequently, they were the less apt to hear a scream two floors below, or to hear the sound of a fall, or to hear the elevator, if it ran.

The wife of one of these workmen (Mrs. Arthur White) came to the factory to see him at 11:30, and unexpectedly *returned* at 12:30. She was not an employee, and did not know Jim Conley.

But Mrs. White, and two white men (Graham and Tillander) swore that they saw the negro, sitting not far from the foot of the stairs, on the first floor, where Conley worked, and where he generally sat when idle.

Frank's office and place of work was on the floor above; and his desk was in the inner room, while the safe was in the outer. The time-clock was near by, and it was Frank who put in, and took out, the slips of paper on which the punches were registered.

Frank stated, again and again, that he left his office at about 11 o'clock that morning, and went to his Uncle Montag's place of business; and that, after his return to his office, he never left it at all, until he went home to dinner, at about 1 o'clock p.m.



He did go to Montag's, and *a white lady*, of the most unquestionable character, made affidavit to the fact that *she saw him and Jim Conley in close conversation at about 11 o'clock, near Montag's place.*

This bit of testimony is of superlative importance; and the defendant was never able to shake it in the least.

It shows that the Jew was talking in a secretive, confidential manner with the negro, on the sidewalk, where he thought he was unobserved—and this negro had been his trusty for two years! This is the same negro upon whom such a torrent of vituperation was

afterwards poured, when it became necessary to find a scapegoat for Leo Frank.

The story, invented long afterwards, that Conley was drunk, and was "hiding behind some boxes in the gloom," is exploded by two white ladies—Mmes. White and Waits—and by two white men—Messrs. Graham and Tillander.

Taking those four witnesses—who have no interest whatever in the case, and whose characters are entirely above attack—is it not clear to your mind that both Frank and Conley were on the scene of the crime that Saturday morning, *and that each man knew the other was there?*

Besides, if the stenographer did not misunderstand Harry Scott, Frank told *him*, on the Monday following the crime, that Conley was in the factory that Saturday morning.

As the whole argument pivots upon this vital fact, let me quote Harry Scott's exact language, from page 80 of the record:

"I knew on Monday that Mrs. White claimed she saw a darkey at the factory. I gave that information to the police department. *Mr. Frank gave me the information the first time I talked with him.*" (Monday afternoon.)

Bear in mind, that Scott was a Pinkerton detective, whom the Pencil Factory had employed to ferret out the crime; and that Scott was on the job, *as a friend to Frank.*

According to medical testimony, Mary Phagan's death occurred in less than 45 minutes after she ate her dinner. The experts claim that the condition of the stomach proved this.

But waiving all questionable evidence, we come directly to what Leo Frank said—said with careful consideration, knowing that his words were being written down.



After the girl's body had been found inside his place of business, and the rigidity of the remains showed that she must have been killed many hours before she was discovered, necessity compelled Frank to admit that she had come into the building that Saturday afternoon. There was no way out of it; the corpse was there; consequently, the living girl had come.

But, *when*?

The State followed her from her mother's, and onward in the street-cars, to the corner of Marietta and Forsyth Streets; and then traced her within two blocks of the factory, going in that direction, and in less than four minutes' peart walk of its door.

Watches and clocks varied, as they always do, but the time was right around the noon-hour.

With the stiff, cold body in his place of business *that night*, and the girl walking toward the door somewhere near midday, Frank was necessarily compelled to fix a time, at least approximately, for her arrival.

And he did so. He told Chief Lanford that the girl came to him for her money "at from 12:05 to 12:10, maybe 12:07."

His stenographer swore she punched the time-clock, and went away at 12:02; and Frank said that the girl who was killed came next.

He did not know that another girl had come, at that identical time, 12:05, and had remained until 12:10; and had searched both offices for Leo Frank, without seeing him, or hearing him; and without seeing or hearing anything of Mary Phagan.



This girl, whose visit to his vacant office *was unknown to Frank*, proved the most invincible link in the chain of circumstantial evidence against him.

When he afterwards learned *the time* of her visit, he changed the time of Mary's; but he only sunk deeper into the mire, as will be shown you later.

The sum of one dollar and twenty cents was due Mary, and she not only wanted that pitiful sum, but wished to know whether there would be work for her, the following week. Therefore, she came and got her pay envelope, and asked her employer—"Has the new metal come?" This was the same as asking, "*Will there be work for me next week?*"

Frank told his detective that he answered the girl by saying, "*I don't know.*"

The room in which Mary worked, putting the metal tips on the pencils, was on the same floor as Frank's office. It was some 200 feet

away, and a door cut it off from the intervening space.

The toilet for men and women was back there, beyond where Mary worked; and the men's part of the closet was separated from that of the women by a thin partition.

In going to his toilet, Leo Frank had to pass close by Mary Phagan; where she sat at her machine; and he had been doing this, daily, for many months. There were *only four girls* who worked in the metal room, and Mary was one of the four.

Remember this, for after the dead body was found, Frank claimed that he did not know whether a girl named Mary Phagan worked for him or not. He said he would have to consult his books!

Now, let us return to Frank's office, which he claims not to have left at all, after his return from Montag's. He told Harry Scott, in the hearing of John Black, that he was in his office *continuously*, from the time Hattie Hall, the stenographer, left at 12:02, on until Mrs. White saw him in the outer office at 12:30.

Mark you, Frank and Conley are both visible at 12:30, one upstairs, and the other down. Only about thirty feet of space separates them.

For the present, we will not concern ourselves with the question as to where they were after 12:30, but will ask, *Where were they between 12:02 and 12:30?*

Within that brief period of less than half an hour, lies one of the blackest crimes on record. Within that brief and guilty period, *Mary Phagan enters into the possession of Leo Frank*, in his private office, *according to his own statement*.

He does not claim that the girl had ever spoken to the negro, or had anything to do with him, or was in his power that fatal day. He admits that the girl safely passed the negro, as Hattie Hall had done, as Mattie Smith had done, and as Mrs. White had done, that same day, and near the same time.

He admits that the doomed girl arrived unmolested, in his private office, where the two were alone, with no persons nearer to them than the negro servant down stairs, and the two hammering and banging carpenters, two floors above, and 200 feet *back*.

He admitted to Chief Lanford, and *swore* to the Coroner's jury, that Mary Phagan went into his office, power, and possession, at a time that he variously fixed at from 12:05 to 12:15.

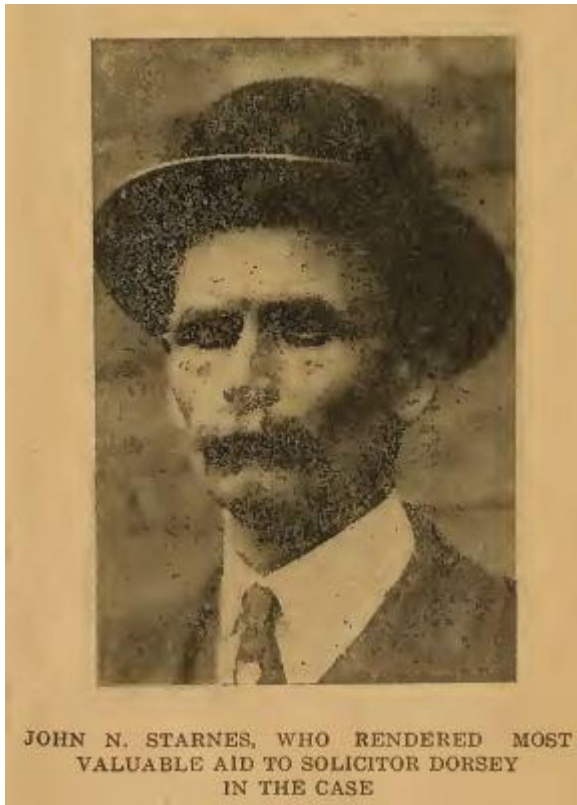
Then, where was Mary, that Monteen Stover could not see her, when Monteen was in the office, from 12:05 to 12:10?

And where was Frank?

The State contends that when Mary inquired, "Has the metal come?" Frank answered, "I don't know," and that he took her back to the metal room, on the pretense of looking to see whether the metal had come. As they passed into the room, Frank closed the door behind them, thus giving them freedom from interruption, for no one was at work on that floor on this legal holiday.

In his statement to the jury, Frank said that, if he was not in his office at the time Monteen Stover *swore* he wasn't, he might have *unconsciously* gone to the toilet.

The adoption of the theory not only gives him an unconscious spell of *five minutes*, but places him in the metal room, where Mary Phagan's blood and hair were found. It not only places him at *the place* where Mary was assaulted, and then killed; but places him there at about *the time* it was done!



In his desperate effort to escape the logical consequences of Monteen's evidence, he runs into a position equally desperate.

To place himself where Mary was attacked, at the time she was attacked, is about equivalent to a confession that he was either the principal or the accessory in that attack.

To arrive at a correct idea of the manner in which Mary was assaulted, we must have recourse to the testimony of Doctors Harris and Hurt.

Taken together, they show that the girl was struck a violent blow, in front, which did not cut the skin, but which gave her a blue-black eye—just such a blow as a clenched fist usually gives. In the back of her head was a cut to the bone, 2 ½

inches long, "ranging from down upward."

These two blows had been inflicted before death, and at practically *the same time*. The blow on the back of the head had rendered the girl unconscious.

There was blood caked in her thick, long hair; there was blood on her drawers, and there was blood on her private parts. There was evidence of violence and some sort of penetration, in the vagina, and this penetration appeared to have been made just before her death. The uterus was that of a virgin, and there was no evidence of pregnancy.

Her drawers were not only bloody, but torn, all the way up; and a strip of her under-garment had been torn off.

This strip had a soft knot tied in it, as if it had been made a sort of pad to catch the blood; and this pad *had* soaked up the blood, and was full of it; *therefore it had been under the cut in the head!*

In the removal of the body, the strip had slipped; and it was found lying *loosely* around the girl's neck, where it served no purpose of the murderer, for the cord did all that was necessary.

For the present, we will continue ourselves to these physical details, and endeavor to ascertain what they mean.

Unless we are ready to believe that this pretty little white girl, dressed for the Memorial Day, was more filthy in her personal habits than the commonest wench, you will reject with disgust the contention of Governor Slaton, that the blood stains came from her monthly sickness. No bandage was on her person, and her under-clothing was violently torn—and she was bloody, and there were signs of violence inside the vagina, do you doubt that some sort of sexual attack was made upon her?

Be that as it may, the wound which ripped her scalp to the bone bled *somewhere*; and the question is, *WHERE?*

To cut the inquiry as short as possible, I will say that the evidence in the record fails to show any blood, anywhere, except on the first floor, at the ladies' dressing room, not far from the metal room door.

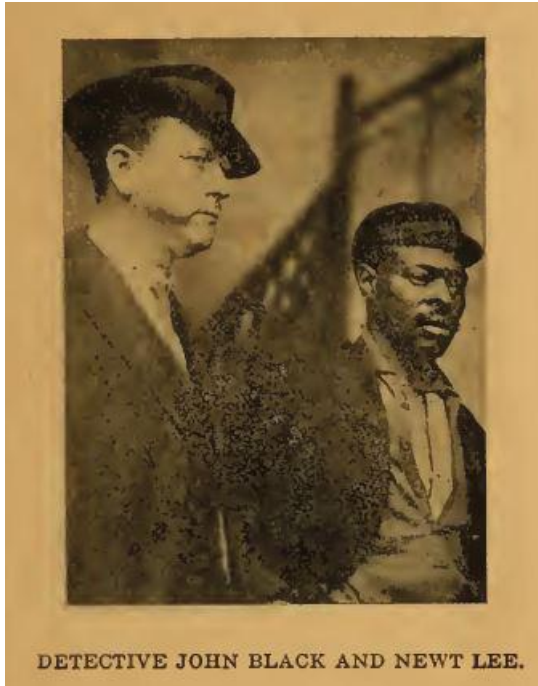
The immense importance of the blood-marks begins to be obvious, when the record discloses the fact that the metal room and first floor had been swept up on Friday evening, preparatory to the legal holiday which would close it until next week.

The men who cleaned up the place swore positively that there were no unusual marks on the floor Friday. Mell Stanford swept the floor, every foot of it, and was emphatic in his testimony. Equally emphatic was R.P. Barrett.

Both these men were satisfied employees of Leo Frank; and when these two white men, early Monday morning, made the outcry about the blood on the floor, *neither one of them had the slightest idea that their discovery would hurt Leo Frank!*

They found the blood, and they immediately made the outcry, but they did not know whom it would implicate in the crime. *Please remember this.*

At that time, Leo Frank had not been suspected, much less accused; and at that time, he was endeavoring to fasten suspicion and evidence of guilt upon Newt Lee, *the night watch.*



These tell-tale marks on the floor caused excitement among the officers and employees of the factory, and every one could see that an effort had been made to hide the blood by smearing a white substance over it—haskoline.

Of course, the attempt to conceal the spots had made them the more conspicuous; and there was absolutely no conflict in the testimony as to some sort of spots on the floor, and some sort of white stuff smeared over them.

To say that the accusing spots *were* on the floor Friday, is to impute willful perjury to two of Frank's friendly and intelligent workmen—a perjury without motive, and against their own interest.

To say that the accusing spots *were not* on the floor, Friday, imputes perjury to no one, for no one swore that the spots were there, Friday.

Following the rules of law, we are forced to accept the positive evidence, that the spots were not on the floor Friday, but were there Monday morning.

Then we come face to face with the question—

How came the spots on the floor?

Say that they were made by paint: *who spilled the paint*, on that floor, *after Friday, and before Monday?*

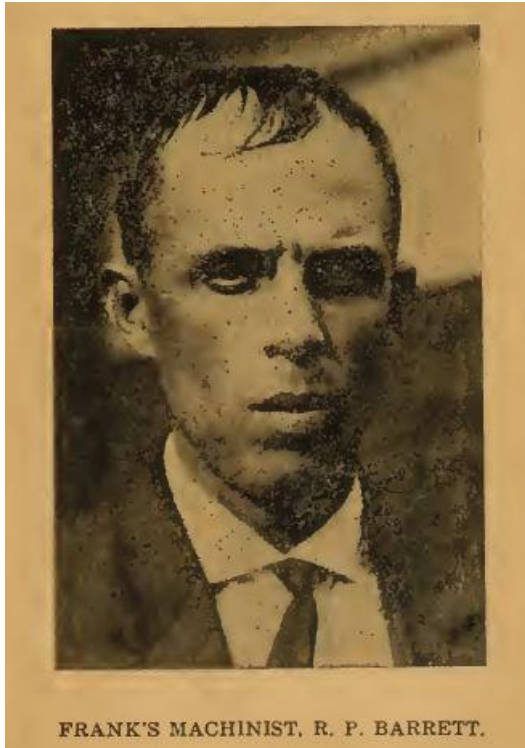
Produce the man, the woman, the boy, or the girl!

The defense could never do it, and cannot now do it.

Say that the spots on the floor were made by blood: *who spilled the blood*, on that floor, *after Friday, and before Monday?*

Produce the person who did it!

The defense was unable, and is now unable, to produce such a person.



What, then, is the conclusion of inexorable logic? *Nobody did it, excepting the one man who does not dare to acknowledge that HE did it!*

That he may have had an accomplice in it, does not alter the state of the case.

Reasoning by the process of exclusion, we will say, quite naturally, that if any person, *innocent of crime*, had spilled that blood (or paint), and had hurriedly tried to cover it with white powder, the innocent person would have come forward, when the hue and cry went forth, and would have said—

“I’m the person who made those marks on the floor, after Friday and before Monday; and I will tell you how I came to do it.”

More especially would an innocent person have done *that*, had he seen another innocent person endangered by the failure to account for those damning spots.

But when no person comes forward to innocently explain what is the inference?

It is, that those spots show somebody’s guilt; and the somebody who is responsible for the spots, is afraid to say, “I made them!”

Where does that process of reasoning take us? It takes us to Leo Frank, as the only person in the building who dares not come forward and tell *how* he came to make them and *why* he tried to hide them.

IT WAS MARY PHAGAN’S HAIR.

Let us go a step farther, and see what was found in the metal room, early Monday morning.

Frank’s machinist, R.P. Barrett, had been at work in the metal room until quitting time Friday evening, and he left a piece of work in his machine. Immediately upon his return, Monday morning, he noticed on the handle of his bench lathe, some strands of hair, swinging down. He at once called attention to it; and the strands of hair were seen and examined by numerous employees of the factory.

The hair was almost immediately recognized as Mary Phagan's, for the only other girl there who had hair like Mary's was Magnolia Kennedy; and Miss Magnolia had not been in the factory, at all, after Barrett quit work Friday.

One of the girls went running to the others, exclaiming, "*They have found Mary Phagan's hair on Barrett's machine!*"

All this was on Monday morning, when the general agitation had taken no definite direction; and when the men and girls in the factory were expressing themselves spontaneously, and truthfully, without a thought of saying a word that would implicate the Superintendent, Leo Frank.

Please bear this in mind!

There was no "frame up" against *anybody*, in the outcry about the blood and the hair, for at that time *nobody* had any idea of *who* was guilty.

As the hair was not on the handle of Barrett's machine, when he took his hands off it, Friday evening; and as the hair *was* on the machine, Monday; and as the hair showed for itself that it was a woman's; and as the girls who knew Mary said it was hers, we must believe it *was* hers, unless some girl, or woman, came forward and said, "*The hair is mine*, and I will tell you how it came to be on the handle of Barrett's machine *after* Friday."

There were 100 girls and women at work in the place, and only one of them had hair like Mary's; and this one girl (Magnolia Kennedy) said on oath that the hair was not hers, but seemed to be Mary's. *What follows?*

Unless some *outside* woman's hair got on Barrett's machine, after Friday, we *must* conclude that the hair was Mary's.

It is impossible to suppose an *outside* woman, for if one had come to meet Frank, or any one else, after Friday, either Frank, or the woman, *or both*, would have given that explanation, and ended this part of the case.



Isn't that perfectly clear to your mind? Let me state it, again:

If Frank had an assignation with some outside woman, and took her to the metal room, where her hair might have dropped on the handle of the machine, is it conceivable that he would fail to thus account for the hair?

If any other man had such an appointment with some outside woman whose hair might have got on the machine, would not that man have come forward to save Frank?

Why did no such man, and no such outside woman pretend to have been the cause of the hair on the machine?

Because no such man, and no such woman

existed.

Then we reason ourselves right back into the factory, and we say, that the long strands of woman's hair, of that peculiar golden-brown color, came from the head of one of the 100 girls who worked there; and that, as not one of these girls can be induced to even pretend that the hair was *hers*, we are under the logical compulsion of saying it was Mary's.

Those who *would* have claimed it, had it been theirs, will not; therefore, the hair didn't belong to any of *them*. But it had belonged to *somebody*, and as that somebody cannot be found by the defendant, or by the defendant's lawyers, or by the defendant's detectives, or by the defendant's partisans, we are driven to the conclusion that this undiscoverable somebody was Mary Phagan.

Did the defense attach importance to this finding of the woman's hair on the handle of the machine? Did the able lawyers of Frank endeavor to account for the accusing strands? *They did*. They struggled to get away from the hair, as hard as they struggled to escape from the blood. What explanation did they offer?

They proved that the girls sometimes combed and did up their hair, not far from Barrett's machine; and they argued that some woman, doing this, might have flung her combed-out hair, in such a manner that it fell on the crank handle!

Very well, *produce the woman with that kind of hair!* The defense is unable to do so.

But the State goes farther, and says to the defendant, *produce ANY GIRL, OR WOMAN, who was in that room after Barrett left his machine Friday!*

Again, the defense is unable to do it.

What follows? Of logical necessity, it follows, that as *some* woman, or girl, was in that room, after Barrett stopped his machine on Friday, and *as no living girl or woman can be produced*, the girl who was there *is not alive!*

Even the sapient Burns realized to the full the enormous weight of those six or eight strands of woman's hair, swaying upon the handle of Barrett's machine, for Burns' man, Lehon, gave out a statement, which was thus reported:

Burns' Detective Declares Hair Was Placed by Reporter to Get "Scoop" in Frank Case.

Special to The Washington Herald.

San Francisco, March 20.—Evidence which it is claimed will clear Leo M. Frank of the charge of murdering little Mary Phagan, in Atlanta, on April 26, 1913, is in possession of Dan Lehon, a New Orleans detective, now in San Francisco.

"One of the most startling bits in the chain of evidence which the State wove about Frank was a strand of hair found on the second floor of the factory," said Lehon today.

"I am prepared to prove that the lock of hair was placed on the handle of a lathe by a newspaper reporter for the sake of a sensational 'scoop.'"

In March, 1915, Burns and Lehon were "*prepared to prove* that the lock of hair was placed on the handle of a lathe by a newspaper reporter."

Prepared to prove it, you see!

The Burns Detective Agency had abandoned in despair the efforts to find a girl who would say that *she* went to that metal room after Friday evening, and that the hair might be *hers*.

To find such a girl, is doubly difficult, for the reason that Mary's hair and the hair on the machine *matched*; and that no other girl *in* the factory had that kind of hair; and it was not only necessary to discover an *outside* girl with hair like Mary's, but a girl who could swear to an arrant falsehood without being caught in it.



Consequently, the noble Detective Agency abandoned that line, discouraged by the exposure of the bungling briberies of Epps, Duffy, Ragsdale, and Barber.

They leave the girls, and discover "a newspaper reporter!"

Well, where is he? Who is he? Why hasn't *he* been produced? The Prison Commission would have been glad to hear the gentleman.



Atlanta man, working for one of the Atlanta papers, *which have been so partial to Leo Frank!*

Apparently, Burns and Lehon give the public no credit for common sense. These brazen rascals have given out statement after statement, audacious falsehoods, told with confidence and repeated with brazen insistence, *because the State of Georgia had no press agency to defend her—and her Governor was a partner of the law firm defending Leo Frank!*

The Governor himself was mightily worried about the hair; and when he signed the 15,000-word mass of incoherences which sought to justify his commutation of the sentence, he gave the public to understand that Dr. H.F. Harris had virtually destroyed the value of that part of the State's case.

What is the truth of the matter, as shown by the official record?

The grave of Mary Phagan was opened, and some of the hair taken from the head, *ten days after her death*. At the morgue, the undertaker, Gheesling, had cleansed the girl's head and hair, by washing it out thoroughly with tar soap.

The Governor would have been overjoyed to welcome such an ally.

The crime was not known to *any* reporter until Sunday morning; the hair was found Monday morning at 6:30 o'clock; how did the reporter get into the room Sunday, without being seen? How did the reporter get the hair? Where did he get it? Did he pull it out of Mary's head in the basement, or did he go to the morgue after it?

Tell us who is the reporter that remained silent during all that prolonged trial of Leo Frank, during all the months of effort to find new testimony, during the year and more that the case has travelled from Judge to Judge, from court to court, from courts to Prison Commission, and from Prison Commission to the Governor!

Hard-hearted newspaper reporter! who *must* necessarily have been an

Now, the Doctor was asked to make a microscopic examination of the two tresses of hair; the one found on the handle of the machine; the other, taken from the exhumed body.

This is what Dr. Harris said—

“Affiant further says that the two specimens (of hair) *were so much alike* that it was impossible for him to form any definite and absolute opinion as to whether they were from the head of the same person or not.”

Were there ever two drops of water, grains of sand, leaves of trees, scales of fish, *or strands of hair*, exactly alike?

Are any two hairs of *your* head precise duplicates? Is there not a slight variation of texture and size in every two hairs out of every person’s head?

When Dr. Harris’ microscope failed to reveal any decided difference in color, size, and texture, between the tress that came from the grave and the one which came from Barrett’s machine, you may feel as certain as you need feel about *anything*, that the two tresses were once a portion of the same head of hair.

That which we do not see, and do not learn from others who *do* see, we must learn from proved facts which convince us to a moral certainty; and when the microscope failed to show any difference that a conscientious examiner could swear to, the jury was bound to believe the hair was the same, *unless* the defendant could offer *some* evidence going to show that *some other person* dropped the hair on the machine.

Until the defendant made *some* effort to identify some other person whose hair got on the machine in some way, after Friday, it would not have helped the defense, even if Dr. Harris had sworn that the hair on the machine was *not* the same as that taken from Mary Phagan’s grave; for the simple reason that the State, and the jury, would immediately have said—

“As *you claim that it is different hair*, there must be *another girl* whom you had in your employ, *and whom you can produce. PRODUCE HER!*”

So, it must be apparent to you that, *if* Dr. Harris had testified as Governor Slaton insinuated, the defendant would not have been relieved, *unless* he could produce *the other girl*. And if he could have produced the other girl, *he did not need the evidence of Dr. Harris*.

Which ever way you take it, you find yourself going round to the same conclusion: the hair was Mary’s, *because* they could not prove it to be anybody else’s; and it had to be *somebody’s*.

Produce the girl who went back there and combed her hair. *It can't be done.* Produce the woman who went back there, and did up her hair. *It can't be done.* Produce the girl, or the woman, who will swear that the hair *might have been hers.* *IT CAN'T BE DONE!*

They could monkey with the cook, and squelch *her*; they could monkey with the keeper of the lewd house, and run her out of Atlanta; they could buy poor old Ragsdale, and E.L. Barber; but they were utterly unable to prevail upon any woman to testify that the hair on Barrett's machine *might have been hers.*

For Heaven's sake, use your common sense! *What is the ONLY solution as to the hair, WHEN NOBODY will claim it?*

The only possible solution is, that *the girl who could have claimed it, IS DEAD!* Dead in her tender youth, in the flower of her maidenhood, in her glory of virginal purity—dead, as *your* little girl, some day, if other Leo Franks escape just punishment, *through the machinations of Big Money.*

Tell us this—O tell us *this!*—If that hair on Barrett's machine came from the tresses of some girl who was still alive at the trial, *why in God's name, shouldn't she have come forward, and claimed it?*

There was nothing to disgrace her. She could have said she went to the toilet. She could have said she stood there, by the machine, doing up her hair. She could have said that she idly let a few strands fall, and that they *might* have caught on the handle of the machine.

There was no disgrace to fear—*why didn't the girl come forward?*

There is but one answer:

The girl was dead!

If, in Mary's uplifted, horrified, frantically opposing little hands, there had been found some hair, from the head of the simian Jew who was assaulting and killing her, the evidence wouldn't be a bit stronger.

Governor John M. Slaton had before him the undisputed testimony of the only possible girl, *excepting Mary*, whose hair it could have been; and this girl swore it was *not* hers, but seemed to be Mary's.

When the only other possible girl swears herself out of it, what does inexorable logic say? *Exclude every other person, and you have Mary Phagan.*

It was Mary who was there, *Saturday*; and she asked Frank a question which suggested a visit *to the metal room!*

Governor Slaton admits that if it was her hair, it furnished the highest and best evidence of Frank's guilt.

Does it? Then Frank's guilt is demonstrated.



Again I repeat, we lose Frank and Mary at 12:05; and we locate Frank again at 12:30, standing in his outer office, at the open safe, and starting nervously when spoken to by Mrs. White; but we do not find Mary any more, until 3 o'clock that night, when the night-watch, Newt Lee, in making his rounds, has a call of nature, while down in the basement, goes to the toilet there, and the light of his lantern happens to fall upon the white legs of the dead girl—her dress having been partially thrown back as she was dragged by the heels, over the dirt floor.

Newt Lee rushed up the ladder, and through the trap door, got the police headquarters over the telephone, and called for the officers to come at once: he told them he had found a dead white woman in the basement.

They rushed to the place, went to the basement, and examined the body. It was lying on the side face, almost on the face; and the face itself was dark with congested blood, and with the dirt over which she had been dragged. Her tongue was out of her mouth, and around her neck was a thick twine cord, tied so tight, that it had sunk into the flesh.

Her arms were in a fixed position, folded across the breast. She was rigid all over. Near the body, lay her hat, shoes, and handkerchief. Near, also, were two notes, which purported to have been written by the girl to her mother, describing how the tall, slim *night watch* had seized her as she went to the closet, and had thrown her down the scuttle-hole into the basement.

Thus, the notes directed suspicion to Newt Lee.

We may dismiss at once the idea that Newt Lee could have been guilty, but we must not forget that *the notes accused him*, positively and circumstantially. If we afterwards learn from the record that Frank caused Lee's arrest for the crime, and fabricated a time slip for Saturday night, which gave Lee a period of the night unaccounted for on the clock—a sufficient period for him to have gone home and changed his shirt; and if we further find

that Frank hinted, and insinuated against Lee, until they searched his premises and found a bloody shirt in Lee's clothes barrel—if we shall hereafter learn all this from the record, *we will be getting close to the man whose active brain dictated those notes.*



When the officers had completed their hasty examination of the body, they went to the telephone, and rang up Leo Frank's house.

Newt Lee had already tried for several minutes to get a response from somebody at Frank's house, but had failed. The officers tried, long and earnestly, and they also failed. No one would answer.

WHAT WAS FRANK'S TRUE CHARACTER?

Before we go further, let us see what the official record proves, as to the moral character of Leo Frank, of whom the veracious Burns recently said—

"And it made them angry when I offered \$5,000 reward for the slightest evidence showing immorality in all of Frank's life. That offer still stands, and has never been sought—and still the stories continue in Georgia that he is a pervert.

"I have never known a cleaner, more honest, more God-fearing man than Leo Frank. Only his abiding faith in his God has, according to my belief, kept him up through the ordeal he has experienced. And that faith will be rewarded, for he will be proven innocent."

Burns' money, the "offered \$5,000," is somewhat more unattainable than the bag of gold that you can get, if you will hasten to the end of the rainbow. If anyone was ever silly enough to become "angry," when Burns "offered \$5,000 reward," I never heard of it. To try to get blood out of a turnip, would be a sensible experiment, compared to an effort to get *that* money out of Burns.

What says the record—leaving Jim Conley out of it—concerning Frank, than whom the garrulous Burns has never known "a cleaner, more honest, more God-fearing man?"

The author of the Governor Slaton document says that 100 witnesses swore to Frank's good character, and less than a dozen testified he was lewd. The world is therefore expected to believe, that the overwhelming weight of the evidence was in favor of the chastity of the accused.

Out of the hundreds of people who are acquainted with young men about town, how many really know their secret sins? How many could swear to anything disgraceful?

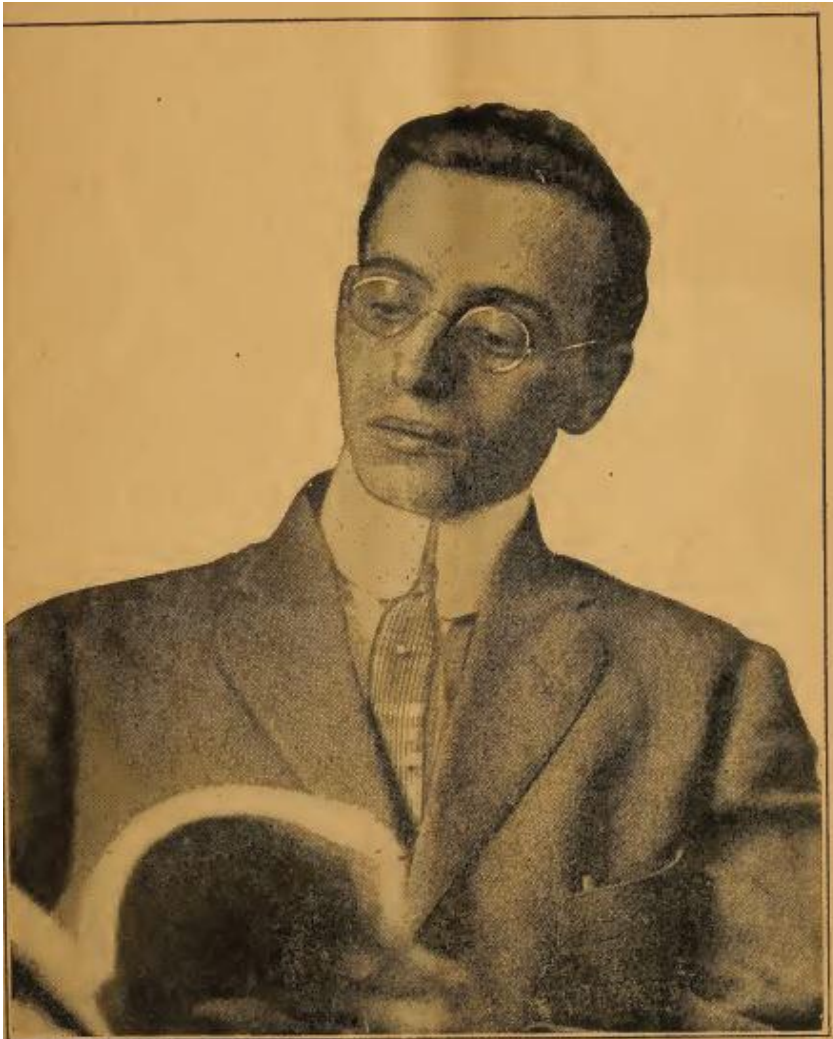
Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank

When 100 Jews go upon the stand, and give Frank a good character, they no doubt are perfectly honest about it; but when ten white Gentile girls swear they had worked at the pencil factory for years, and that Leo Frank's character for lasciviousness was bad, the jury must not disregard this *positive* testimony, and rely upon the 100 *negative* witnesses.

And when the cowering defendant dares not put a single question to those positive witnesses, their evidence against his character, *based on personal knowledge*, must be accepted.

Miss Myrtice Cato and Miss Maggie Griffin *testified to Frank's habit of taking Rebecca Carson into the ladies' dressing room*, on the fourth floor, *during work hours*, and the attorneys of Leo Frank did not dare to ask those white girls a single question.

C.B. Dalton admitted, under oath, *that he and Frank had frequently had a woman of the town in the factory*, and that he had even gone to the basement with her.



ANOTHER VIEW OF FRANK.

The woman from the *outside*, with whom Frank was alleged to have indulged in unnatural vice, was Daisy Hopkins, and the defense *had* to put her up.

Daisy denied it, of course; and on cross-examination she gave the following remarkable testimony:

“I have never been in jail. Mr. W.M. Smith got me out of jail.

“I don’t know what they charged me with. They accused me of fornication.”

However, when Jim Conley peeped through the key hole, and saw the sight which he swore he saw, you might read page 55 of the record, not for evidence of the guilt of Frank, but to obtain an idea of a pervert. If you will read the Old Testament account of the destruction of Sodom and Gomorrah, you will have a clear vision of the darker slime of this case. I do not care to quote the evidence, but merely cite you to the page. (You can find it also on page 285, 141st Georgia Reports)

So much has been said about Frank’s chaste character—a pet of the Rabbi, a favorite of Cornell, a model husband, &c.—that I will give you a little glimpse into Nellie Wood’s evidence:

“Question: Do you know Mr. Frank?

Answer: I worked for him two days.

Q. Did you observe his conduct toward the girls?

A. His conduct didn’t suit me very much.

Q. You say he put his hands on you; is that all he ever did?

A. Well, he asked me, one evening—I went into his office, and got too familiar and too close.

Q. Did he put his hands on you?

A. Well, I did not let him complete what he started. I resisted him.

Q. Did he put his hands on your breast?

A. No, but he tried to.

Q. Well, did he make any attempts on your lower limbs?

A. Yes, sir.

Q. And on your dress?

A. Yes, sir.”

Miss Nellie Wood quit, immediately, and never went back, except to get her pay for the two days.

Miss Nellie Pettis gave testimony equally damaging. She told how Frank had leered at her, winked at her, showed her money, and finally asked, “What about it?”

Miss Nellie’s language was unusually vigorous; she told Frank to go to hell!

In a Good Shepherd house, in Cincinnati, there is a poor girl who worked for Frank, and he ruined her.

In a Florence Crittenden Home, in Georgia, are two poor girls who worked for Frank, and he ruined them.

How many other girls he ruined, he knows; but all that *we* know, is that the State produced eleven more that he wanted to ruin.

Mary Phagan was another.

(In the absence of the jury from the court-room, Judge Roan allowed the girl from Cincinnati to tell how Frank had debauched her; and how unnatural his manner of satisfying his passion was; and she spoke of a scar on her inner thigh made by his teeth.

To understand what sort of creature the evidence in the case proved Frank to be, you would have to read some treatise on moral degeneracy—such a book, for example, as *Psychopathia Sexualis*.)

HAD HE LUSTED AFTER MARY?

Had this sensual beast lusted after Mary Phagan? Did he make indecent overtures?

The record shows that he claimed *not to know her at all*.

The point is immensely important. If he had known her, and shown an inclination for her, it is a damning circumstance, if he positively said—after she was found dead in his place—that he did not know such a girl, *and would have to consult his books*.

DID HE KNOW HER?

Miss Ruth Robinson testified:

“I have seen Leo Frank talking to Mary Phagan.

“I heard him speak to her. He called her Mary.”

Miss Dewey Howell testified:

“I have seen Mr. Frank talk to Mary Phagan *two or three times a day*, in the metal department, *I have seen him hold his hand on her shoulder. He called her Mary.*”

W.E. Turner testified:

“I saw Leo Frank talking to Mary Phagan, on the second floor, about the middle of March. It was just before dinner. There was nobody else in the room. He stopped to talk to her. She said she had to go to work. He told her *he was the Superintendent of that factory*, and that he wanted to talk to her.

“She backed off, and he went towards her, talking to her.”

Gantt also testified that Frank knew Mary, by name.

Had you been a juror in this case, could you have disregarded all that evidence as to Frank’s personal knowledge of the girl?

Believing the witnesses, and believing that he wanted to make her a fresher Rebecca Carson—*whom* would you have suspected of the murder, when Frank brazened it out, all the way through, *that he did not know that such a girl worked for him?*

Now, at this point, there comes an incident so natural in its occurrence, and so peculiar in its suppression, that I give it as a part of what happened.

Frank had a cook named Minola McKnight, and her husband worked for the Beck-Gregg Hardware Company. This man, Albert McKnight, told three white men, who were employed at the same place, of some queer things which his wife, the cook, had told him, concerning what she had overheard in the Frank home. In consequence of what the cook’s husband reported to the three white men, Minola was taken into custody, in the hope of getting valuable testimony out of her. She was detained at the station house two days, during which somebody employed a lawyer to represent her. The upshot of the matter was, that Minola, in the presence of her attorney, made a statement which was reduced to writing, and sworn to by her, before a Magistrate of Fulton County.



In his commutation of the sentence of Frank, the then Governor, Slaton, laid much stress upon Minola McKnight's affidavit, alleging, in effect, that it was entirely false.

You have a right to view that statement of the cook, in the light all the surrounding circumstances, and to say how much moral weight you will give to it—for you are not bound by technical rules, and *you* are entitled *now*, to know all that occurred.

In order that you may have a clear idea of this episode, it is necessary to remind you that Frank had hurried Mrs. White out of factory, at about 1 o'clock; that Conley had gone on to his home; that Frank went out to his, and that Albert

McKnight swears Frank remained only a few minutes, ate nothing, and hurried back toward the city. Albert told this to the white men he worked with, at the Beck, Gregg Hardware Company, *before his wife was arrested*. It seems that this information, given by the cook's husband, was one of the first independent pointers to Frank as the guilty man—independent of the circumstances immediately surrounding the crime.

At the station house, the cook refused to talk to the detectives; but after these black sheep had been ignominiously sent away, the colored lady dried her eyes, composed her rumpled feelings, and spoke as follows:

"Mr. Frank came for dinner, about half-past one, but Mr. Frank did not eat any dinner, and left in about ten minutes after he got there.

"Mr. Frank came back to the house at seven o'clock that night.

"Sunday morning I got there about eight o'clock, and there was an automobile standing in front of the house, but I didn't pay any attention to it. (It was the automobile of the two police officers.)

"I called them down to breakfast about half-past eight, and I found out that Mr. Frank was gone. (The policemen had carried him with them in their car.)

"I did not hear them say anything at the breakfast table. After dinner, I understood them to say that Mr. Frank and a girl were caught at the office Saturday. I don't know who said it. Mrs. Frank, Mr. Selig, Mrs. Selig, and Mr. Frank were standing there talking, after dinner, when they said it. *I understood them to say it was Jew girl.*"

This very remarkable statement of the cook would seem to prove two things; first, that she was not making up a tale, nor repeating one that her husband had made; and, second,

that the family of Frank were bandying, to and fro, the words “Jew” and “Gentile,” and the cook caught the word Jew, and got it wrong.

They were no doubt conversing in low tones, and the colored lady was probably listening at the key hole. The mysterious automobile, the unusual absence of Frank from Sunday breakfast, and the general stir in the family, could not have failed to arouse the colored lady’s curiosity; hence her key-hole endeavors to acquire knowledge.

The cook proceeds: “On Tuesday, Mr. Frank says to me, ‘It’s mighty bad, Minola; I might have to go to jail about this girl, and I don’t know a thing about it.’”

If the cook’s husband invented this, he is a most extraordinary inventor.

The cook proceeds: “Sunday, Miss Lucile (Mrs. Frank) said to Mrs. Selig (her mother), that Mr. Frank didn’t rest so good Saturday night; she said he was drunk, and wouldn’t let her sleep with him.....She slept on a rug on the floor.”

“Miss Lucile said Sunday that Mr. Frank told her Saturday night that he was in trouble, and that he didn’t know the reason why he would murder, and told his wife to get his pistol, and let him kill himself.”

Drinking so heavily that his young wife had to lie on the floor; tormented by recollection of what he had done; unable, now, to comprehend how he could have done that cruel, cruel murder; calling for his pistol, that he might end it all!

Such is the scene which rises before you, as you reflect upon the cook’s story.

Invented? If so, whoever invented it should go to writing novels. A cook with that talent is hiding a big light under a small bushel.

The cook proceeds: “I haven’t heard Miss Lucile say whether she believed it or not.

“I don’t know why Mrs. Frank didn’t come to see her husband (when he was in jail), but it was a pretty long time before she would come to see him, MAYBE TWO WEEKS.”

(It was nearer three weeks, before Mrs. Frank would go to see her husband—a circumstance to which Frank’s partisans never refer.)



In her affidavit, the cook swears that the Seligs paid her money, and told her to be careful how she talked. Before the notary took her oath to her statements, she was asked:

“Has Mr. Pickett, or Mr. Craven, or Mr. Campbell, or myself, influenced you in any way, or threatened you in any way, to make this statement?”

Answer: “No, sir.”

Question: “You make it of your own free will, and in the presence of your attorney, Mr. Gordon?”

Answer: “Yes, sir.”

The cook signed her name, and took the oath, before G.C. February, Notary Public. The date was June 3rd, 1913.

I venture to say that every white man who has an intimate knowledge of the characteristics of negroes, will agree, that a negro cook, who had no grudge against her white folks, could never have been induced to fabricate such a tale as Minola told. It is too circumstantial. It gives away inside facts which no human brain could have invented. *It bears the ear-marks of truth.*

What negro would ever have drawn that gruesome night picture of the young wife, lying on a rug, on the floor; and the young husband, drinking himself into stupefaction, wildly, wondering how he came to murder; and calling for his pistol, that he might kill himself?

The appearance which this distraught young man presented to the police officers, next morning, was in exact accordance with his intoxicated condition the night before!

The evidence of the two white men, John Black and Woods Rogers, tallies precisely with that of the cook; and they had given their description of Frank's appearance and movements, Sunday morning, *before they knew what the cook would swear, about his heavy drinking Saturday night.*

It is one of the most striking corroborations in the case. The cook told the truth in the affidavit; and if she lives until Frank dies, she will tell more.



When the two officers went out to Frank's house, they had no suspicion of his guilt. They wanted him to see the girl, and if possible give them some clue to work on. They found him in the nervous, jerky, rickety state, natural to a man who had been drinking the night before. He asked whether anything had happened at the factory, and was told that Mary Phagan had been found dead in the basement.

He makes no outcry of amazement and horror! He expresses no surprise at the crime. He utters no word of pity for the victim. He offers no information to the policemen. He suggests no possible theory as to the criminal. *He closes like a clam, shakes like an aspen, begs for a cup of coffee, refuses to look on the pallid face of the murdered girl, and denies that he knew Mary Phagan!*

To this climax of the case, we come by a strong, continuous chain of evidence, furnished by white witnesses, not one of whom was impeached, or contradicted, and not one of whom was unfriendly to Frank, if we exclude the girls he had tried to ruin.



Consequently, it is impossible that you do not recognize in Leo Frank the man who had the lewd character needed in the criminal; the man who had shown a desire to possess this little girl; the man whose refusal to *send* her money, made it necessary for her to come for it; the man who had her in his possession and power at the time she disappears; the man—and *the only man*—whom she asked about the metal room, and therefore the man—and *the only man*—who could have led her back there and shut the door, *without arousing her suspicion*.

It is impossible for you not to recognize in Frank the only man who had *the opportunity* which the metal room afforded, when she asked the fatal question—“Has the new metal come?”

After he had accompanied the officers to the morgue, and to the factory, he returned home, and was there the remainder of the day, so far as the State knows. On Monday, he was at the factory, where of course excitement prevailed.

All that day, while Barrett and others were talking of the blood-spots, and the hair, and were casting about for clues, nobody mentioned Frank as the possible criminal. Nobody seems to have realized that he and Conley were the only two men who could have killed the girl. It is highly probable that none of them knew that the doctors, and the undertaker would testify that the body had been lifeless *for so long a time, as to carry the murder back to near the noon hour Saturday*.

These definite conclusions often ripen *slowly*—so slowly that we sometimes wonder at our own blindness in not seeing them at first glance. When the scientific evidence fixed the time of the crime somewhere near the noon hour, and the girl’s stomach corroborated the doctors, the area of the investigation narrowed at once, *the exact time that Monteen Stover was in Frank’s vacant office*.

Taking the time when Mary was seen going toward the building, and only two blocks distant, we are *driven* to the conclusion that she had entered and disappeared *before* Monteen arrived; and that she was in the metal room, unconscious, while Monteen was waiting in the vacant office.

Frank’s partisans have to contend that Mary left him *at that time*, and went down stairs, on her way out.

If so, why was she not seen by Monteen Stover?

But they contend that Conley seized her as she reached the foot of the stairs.

Then, how came the blood, and the hair, up stairs, and not down stairs?

And would not Monteen, entering, have caught Conley in the act?

She would have caught Frank in the act, had it not been for the closed door of the metal room!



THE BLOOD ON THE FLOOR.

Pardon me for dwelling more at length on the blood, *up stairs*, on Frank's floor. What is the official record as to this blood?

J.N. Starnes testified:

"I saw *splotches* that looked like blood...*some* of which I chipped up. I should judge the area around those *splotches* was a foot and a half. It looked like a white substance had been swept over it. There is a lot of that white substance *in the metal department*."

R.P. Barrett swore positively, "*It was blood!*" The spots were not there Friday; the largest was "four or five inches in diameter, with little spots behind these

from the rear, six or eight in number."

Mrs. George W. Jefferson was another worker in the metal department. She swore:

"We saw the blood, Monday. It was about as *big as a fan*, something white was over it.

"I didn't see the blood Friday. *It was not paint.*"

N.V. Darley, manager of a branch of Frank's factory, testified:

"Mr. Quinn called my attention to *the blood spots*. Barrett called Quinn's attention to it. Barrett showed me some hair on a lever of the lathe.

"It looked like an attempt had been made to hide the (blood) spots. The white stuff practically hid the spots."

What made the spots, and who tried to hide them?

We narrow the investigation *to Saturday*, because three white witnesses swear the spots were not there Friday.

Harry Denham and Arthur White did not go to the metal room; and none of Frank's visitors did, on Saturday, *if we leave out Mary Phagan*.

If we except Leo Frank and Mary Phagan, we are absolutely unable to trace anybody to the metal room, *on Saturday*.

Then, if the blood, and the hair, prove that at least two persons were in the metal room, Saturday; and if the evidence excludes the possibility of those two persons being other than Frank and Mary; we are forced to the conclusion that these two went there; and, if one of the two died by violence, we can't escape the conviction that the other did the killing.

Of course, the State's theory is, that when Frank struck the girl, her fall, *backward and downward*, was broken by the metal crank-handle of Barrett's machine; and that his projecting shaft tore out some of her hair, and ripped her scalp to the bone, *inflicting the wound which ranged "from down upward,"* producing unconsciousness.

No other explanation can be given of two wounds simultaneously given, one in the face and the other on the back of the head.

Governor Slaton declared that the body could not have reached the basement by the elevator.

What difference does it make?

The corpse was there; and no signs of a struggle, no signs of blood, no signs of torn-out hair, could be seen.

On the contrary, Sergeant Dobbs testified that he saw the trace of the dragging of the body; and this trace led *from the elevator*, to where he found the girl. Her face was scratched and soiled, in exactly the way it would have been, had she been dragged by the heels.

These surface abrasions of the skin were made after death, the doctors said; and there is no other way to account for them.

So far afield have gone some of the Hessian theorists that they have argued the crime itself into the basement, where Conley, they say, held the girl's nose in a bank of cinders until she was smothered! Yet here is the official record which shows that there was no accumulation of ashes or cinders in the basement, no ashes or cinders in the girl's nostrils or mouth; no ashes and cinders in her hands. The entire floor was just an ordinary dirt floor, gritty, of course, and with ashes and cinders sifted thinly on the surface, and trodden into the earth.

What more did the criminal need, than the cruel cord, tied around her neck in a running noose—a cord large enough, and strong enough to strangle a horse? I have had that

horrible thing in my possession, and I know what powerful twine it is. You could tie and hold a steer with it.

As it was strangling the poor child, her tongue protruded from her mouth, half an inch—and there was no bruise, and no cinders on the tongue.

No rapist, or murderer, could hold a strong girl's face buried in ashes and cinders, and kill her that way, without leaving indelible marks in the ashes and cinders, and without leaving indelible marks on the girl's front face—*and on her neck*, where his ruthless fingers gripped and held her!

Is it not so?

Upon this girl's neck, was no sign of violence, save where the hemp cord buried itself in her flesh.

No crueller mortal was ever instigated of the Devil, than the monster who roped that child's tender throat, and gloated over her as she died!

How did her body get to the basement?

It does not matter; or if she went there while alive, neither Frank nor Conley could have carried her, without the other knowing it; and if she went there *dead*, both were necessary for the work.

There are only two ways of getting into the basement from the floor above: one is the elevator, and the other is the ladder. The foot of the ladder rests on the dirt floor, and it runs up to the hold covered by a trap door.

How large is this hole? *It is two feet square*. The witnesses said that one person, at a time, could pass through this hole in the floor, and descend the ladder, but that it was a difficult matter.

In other words, it was a tight squeeze for a grown man of average size to go down through this two-foot hole in the floor.

That being the size of the opening, and that being its location, you can readily see that it is an awkward, troublesome job for a full-grown person to go to the cellar in that way.

With the elevator, it is altogether different. To use it with ease, nothing more was need than to unlock the power-box—*and it was found unlocked Sunday morning!*

Consequently, whoever wanted to use it, Saturday, could do so; and the fact that it was found in usable condition Sunday, naturally inclines you to believe that it had been in use Saturday.

Is it not so?

At all events, there was the elevator in condition to be use, with no other labor and difficulty than to open the door, step in, and pull the cable; the car would do the rest. But, with the other way of reaching the basement, there was a trap door to be lifted, and a ladder (*not stairs*) to descend; and when you give to any man the task of carrying a corpse weighing 127 pounds down that ladder, you have assigned to him a labor not only most difficult, but decidedly dangerous. The slightest loss of balance would have tumbled him off the ladder, and imperiled his neck.

Between the easy-going elevator and this hard-going ladder, which does your intelligence choose? *Why not take the elevator?*

If my argument about the blood, and the hair, is sound, the elevator *must* be chosen, for you cannot suppose that the criminal toted the dying girl down stairs from the first floor. To have gone with her toward the front door, where a visitor was likely to enter any time, would have been sheer madness.

But the elevator afforded secrecy, celerity, and noiselessness; no one could see what was in it, and no one could hear it, for the two carpenters on the fourth floor were not only engaged in the noisiest work, but were 200 feet back from the elevator shaft.

Even if there was a risk in the easy, swift use of the elevator, it was infinitely less of a peril than to lift the corpse, and carry it down the stairway, and then get it through the trap-door, and down the ladder.

Why should *we* not do what a criminal in such a case would naturally do—follow the line of the least resistance, and adopt the safest, easiest, quickest method?

Governor Slaton did *not* cross-examine Leo Frank, or the accomplice, Jim Conley; but the Governor went to the factory, and travelled up and down in the elevator; and after having done so, declared that Mary Phagan's body could *not* have been taken to the basement by the elevator. Why not?

Because (as he says) on Saturday morning, a soft substance (excrement) had been deposited on the ground, in the shaft, and this excrement was found unmashed, Sunday. Wonderful Governor!

In the first place, the bottom of the shaft is uneven, and the elevator can rest upon the earth at one part, and not touch at others. In the second place, elevators do not always stop exactly at the bottom. In the third place, *the elevator did not mash the excrement when the men first went down it, Sunday morning!*

THE JEWS FIRST ACCUSED FRANK.

Let us go back to the Monday, following the Saturday of the crime.

Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank

The city of Atlanta was seething with excitement; the factory was in a hubbub; the detectives and the police were scouring the earth to find clues. Almost everybody suspected the night-watch to be the criminal. He was put under arrest, and he was manacled.

That's what the Gentiles did, at the instance of Leo Frank, who intimated his belief in Newt Lee's guilt.

What did the Jews do?

They pussy-footed to the strongest team of lawyers in Atlanta, and secretly employed them to defend Leo Frank!

Be it remembered, *always*, that the rich Jews of Frank's immediate family and business connection, were the first to accuse him of this hideous crime.

Before the Gentiles had said one word against him, or taken any action against him, his own people had done what was never done, anywhere, at any time:

They hired the most expensive lawyers, before there was a breath of Gentile accusation against this alleged martyr of "race hatred."

When you reflect upon this fact, your mind will connect it with the story which the cook told her husband. The Seligs (the parents-in-law of Frank), of course, knew how Frank had raved that Saturday night; their daughter would have been unnatural if she had not spoken of the horror which possessed her, when that drunken husband was wildly talking of the murder, and calling for his pistol.

As sure as God made the world, the Seligs communicated with the Montags, and the Haas brothers, *that very day*; (the police had got them on the telephone just after finding the corpse), and they pussy-footed to the law firm of Rosser & Brandon—a firm *soon* to be augmented by *the Governor-elect*, John M. Slaton.

(Keep this detail in mind.)

Consider the phenomenal situation!

There lies Mary Phagan at the morgue; there sits Newt Lee in jail, with handcuffs on; there go Barrett, Standford, Mrs. Fleming, and others, showing the blood, and the hair; there goes Jim Conley, about his work as usual, in the same clothes he wore last Saturday; there goes Leo Frank, *who has changed HIS clothes*, and who tells the police that he doesn't believe that the night-watch has told all he knows; and *there goes somebody to plant a bloody shirt in the night-watchman's clothes barrel*; and *somebody* fixes a time-slip which gives Lee time to have gone to his home during the night of the crime—and this is done after Frank had told the officers the time-slip was regularly

punched; and it is Frank himself who, *after the bloody shirt has been planted on Newt Lee's premises*, urges the police to search those premises!

And during all that time, the best lawyers have been secretly engaged to defend Leo Frank—lawyers who will *soon* take into their firm the man whom the people had recently elected to be their Chief Magistrate!

When the detectives lose faith in the bloody shirt—there was no African odor on it, and the blood was too evidently a recent smear inside and out—Frank has another shot in the locker. He tells the officers that J.M. Gantt had been intimate with Mary Phagan, and hints that he had been *too* intimate. He also informs them of Gantt's visit to the factory, Saturday afternoon, to get two pairs of old shoes he had left there. Consequently, the excited police go and nab J.M. Gantt.

Thus the martyr of race hatred flings the meshes of suspicion around two innocent men, before he himself has been suspected by anybody, excepting the rich Jews who had swiftly, stealthily employed for the martyr the supposedly ablest lawyers in Georgia.

And so thoroughly uneasy are these rich Jews, that the Governor-elect is soon added to the Rosser firm—to the amazement of the political friends of John. M. Slaton.

To be exact, *Rosser took the Governor-elect into his firm in May, 1913.*

Mary Phagan was killed in April.

To fully comprehend the infamous betrayal of the State of Georgia, by *Governor* Slaton, you must keep in your mind the astounding fact that he joined Rosser's firm, after that firm had been employed to defend Frank, and had publicly taken part in his case.

If an angel from Heaven should swear, on a stack of Bibles, that Slaton's partnership with Frank's leading lawyers had nothing to do with his commutation of the sentence, you might possibly believe it.

A Governor cannot practice law *openly*; and in June, 1913, John M. Slaton was to be inaugurated for a term of two years.

Why, then, did he, in May, join a firm with which he could not openly act, until after June, 1915?

And why did Rosser, in May, 1913, take in a partner whom he could not openly use, during the next two years?

Mark this: On Monday, Jim Conley and Frank came and went; Lee and Gantt were in limbo; others were suspected, and temporarily detained; and still, not a word was said against the Jew. His battery of lawyers was masked; nobody knew such a battery had been positioned; his Montags laid low; his Seligs were equally discreet.

Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank

Suddenly, like a scene-shift on the stage, the officers turn to Leo Frank, and say, in substance, "We will have to interrogate *you*, Mr. Frank!"

Then, the legal battery unmask. Frank refuses to answer any questions, until his Rosser comes!

Innocent? When did conscious innocence ever play the game with trump cards up its sleeve?

The crafty Frank knew from the first that the dogs would find his trail, sooner or later; and he had not only prepared for the struggle by retaining crack lawyers, *but he had kept suspicion off Jim Conley*, not even informing his detective, Harry Scott, *that Conley could write*.

Scott would not know the rudiments of his business, if he had not realized, early in his investigations, that if Frank was innocent, Conley was; and if Conley was guilty, Frank was.

The thing is plain enough: put Conley at the foot of the stairs, and Frank at the top, *and the girl going up or down the stairs*, it is impossible for one of the men to seize the girl and do what was done to her, *without the other man knowing it*.

The doors were open between Frank and Conley; the space separating them was inconsiderable; Conley could not strike the girl in the face, and knock her down, without Frank hearing it; whereas Frank could go with her back to the metal room, and close the door.

Because of the certainty that, if Conley committed the crime, Frank knew it, Harry Scott and the police officers made every effort to find the criminal, *in somebody else*. Only as a last resort, did they turn to Conley.

Reluctant to betray his boss, and to get himself in trouble, Conley denied all knowledge of the crime; and went to pouring out lies, in true negro style. But the conviction grew that only he and Frank could be implicated, because only they had had *the opportunity*.

Finally, the negro broke down, confessed, *and asked to be taken to Frank*, so that the two could be heard to talk the matter over.

And the innocent martyr, a graduate of Cornell, shrinks from meeting the ignorant negro, in the presence of witnesses.

Yes! *The white man is afraid to face the black*, who accuses him of the most heinous crime ever perpetrated in the South.

What was Frank's excuse for not facing the negro, and talking with him about how the little girl came to her death, *in his place of business*?

His excuse was, that Rosser was out of town. But *Haas* was not out of town, and Rosser's partners were accessible.

However, the innocent martyr dared not confront a guilty negro—a low-down, drunken brute, they call him—because *Rosser* was not present, to prevent the black brute from getting the better of the educated white gentleman who was President of the Atlanta B'nai B'rith.

And *this* is the same shrinking, cowering culprit who could not look at the dead girl's face, pretended not to know her, feared to ask the eleven white ladies *why* they swore he had a lascivious character, and hid himself behind his legal immunity from cross-examination!

This is the victim of mob spirit, and race hatred—this Jew whose rich kinsmen stealthily hastened to hire lawyers before any Gentile had accused him, *and whose Jewish wife utterly refused to go to him for three weeks after his arrest!*

There are some *actions* that speak like thunder claps; and the secret employment of those lawyers, together with the abhorring avoidance of Frank by his own wife, are just such actions.

How, in the name of God, can any sane man believe him innocent, after weighing those two stupendous facts?

THE JEWS closest to him, CONDEMNED HIM, before the Gentiles even suspected him!

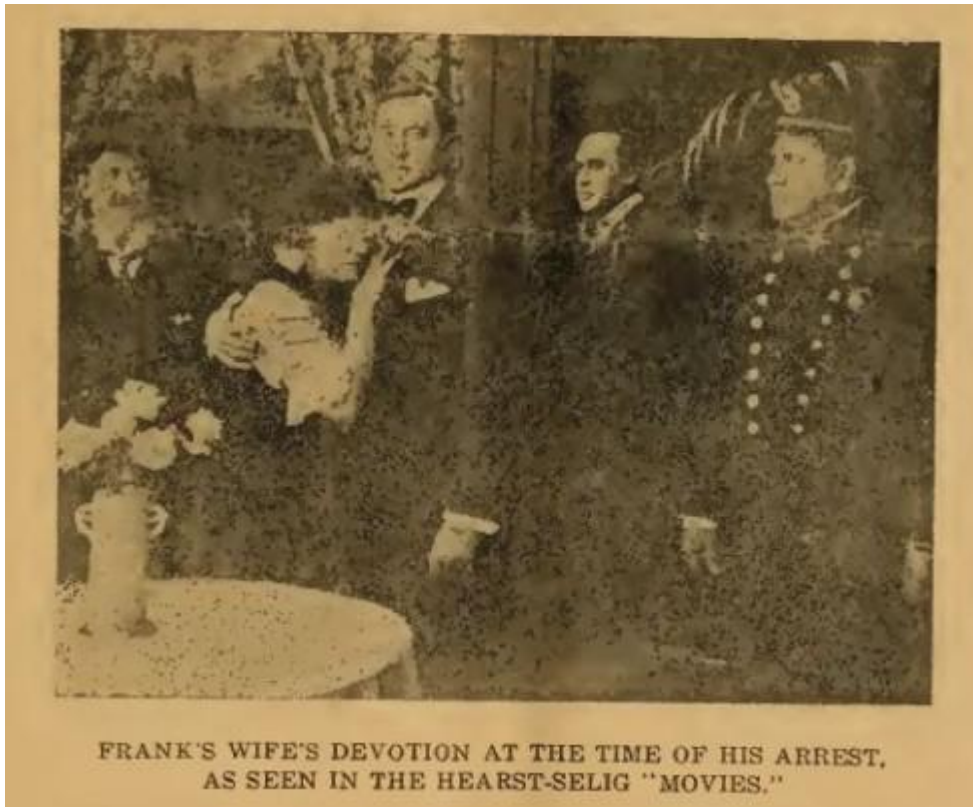
It was not until the 29th of April that Frank was detained at police headquarters, to await the action of the Coroner's Jury. After a careful investigation of the case, Frank and Newt Lee were *both* held. Frank had testified at length under oath, and not one word of suspicion had he dropped on Jim Conley. He did not tell the Coroner that Conley was in the factory on Saturday, nor did he disclose the fact that Conley could write.

He did not utter a word that would clear Newt Lee, and give to that innocent darkey his freedom.

He was perfectly content to screen Jim Conley, and to see the halter close upon the neck of Lee!

On May 24th, Frank was indicted by twenty-three grand-jurors, *four of whom were Jews*. (Not one of those official accusers has ever asked that Frank's sentence of death be commuted.)

On July 28th, 1913, Frank's trial commenced, before Judge L.S. Roan, and a jury, selected jointly by the State and the accused.



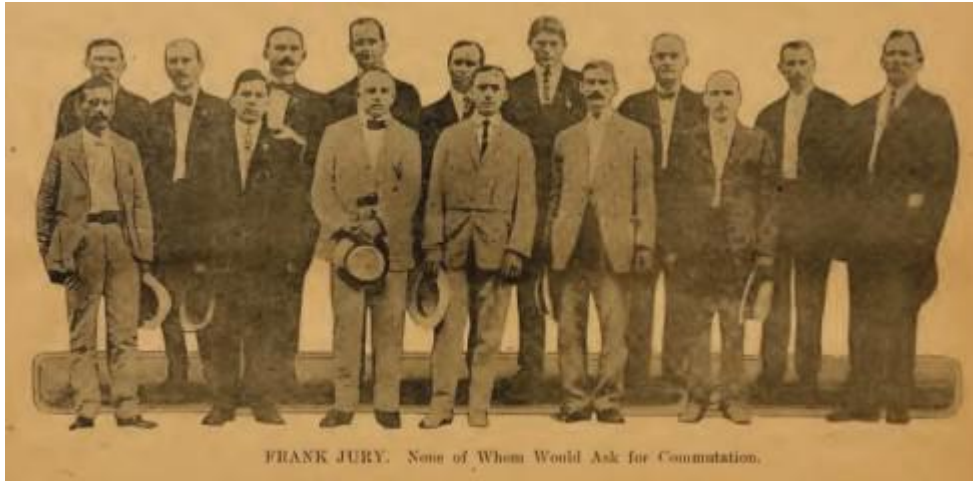
Until August 20th, the Court was hearing the evidence, and on that day the attorneys began their speeches. Five days later, the case went to the jury, and on the same day, a verdict of "Guilty" was returned, without recommendation to mercy. On the next day, Judge Roan sentenced Frank to be hanged on October 10, 1913. His attorneys moved for a new trial, which Judge Roan refused; and the case was appealed to the Supreme Court, which affirmed the Court below.

The Supreme Court reviewed all of the evidence, at great length, and decided that it was sufficient to sustain the verdict. This decision appears in the 141st volume of Georgia Reports, and speaks for itself.

Four of the six Justices held that the trial of Frank had been perfectly fair, and that he had been properly convicted. Two of the Justices differed; and held that Judge Roan should not have permitted Conley, and several white witnesses, to testify *to the independent acts of immorality*, on the part of Frank.

The decision, as published, shows that this was the only question upon which our Supreme Court divided; and you can see that it was a point of minor importance. The real issue in the case was, whether Leo Frank *murdered* Mary Phagan, for the indictment did *not* charge him with rape.

Consequently, Justices Fish and Beck went off on a spur track, and did not jump the rails on the main line.



No matter how immoral the jury believed Frank to be, they were too intelligent to convict him of *murder*, on evidence of sexual *vices*.

It is well for you to know *what* the Supreme Court divided on; because the public has had the fact of the divided court dinned into its ears, for more than a year, without having been told the comparative insignificance of the division.

Neither has the public been told that when Frank's lawyers took the division of the Justices too seriously, and demanded a re-hearing of the case, the Supreme Court *unanimously* refused it. This of itself proves that the dissenting opinions of Justices Fish and Beck left no deep impression even on their own minds.

THE SUPREME COURT REVIEWED THE EVIDENCE.

With an effrontery hard to comprehend and sufficiently condemn, it has been stated, again and again, that the State of Georgia has no court that can review the evidence in a criminal case! Every volume of our Supreme Court decisions (Georgia Reports) proves the audacity and shamelessness of the falsehood, first published by C.P. Connolly, and finally by the Governor who commuted the sentence. So far is the statement from being true, that in practically every motion for a new trial, there are three stereotyped grounds which are argued before the Supreme Court; to wit, that the verdict is against the evidence, that the verdict is against the weight of the evidence, and that the verdict is unsupported by the evidence. While, of course, these three stereotyped grounds are really but *one*, the fact that they are almost always made, *and passed on by the Supreme Court*, shows that this highest of State tribunals is *constantly* reviewing the evidence—weighing it, measuring it—and deciding whether it shows the defendant's guilt beyond a reasonable doubt.

If, in the opinion of the Court, the evidence fails to do this, the judge below is reversed, and a new trial ordered.

When C.P. Connolly stated in *Collier's*, that the Supreme Court of Georgia had no such power as this, it was possible to explain his mendacity upon the assumption of his ignorance; but when Governor John M. Slaton used almost the same words, *in saving the neck of his guilty client*, no such excuse can be made for him. *He lied, with deliberation and moral turpitude.*

On page 247, of the 141st Volume Georgia Reports, you may read the 20th head-note of the Supreme Court's decision in the Frank case:

"20. The evidence supports the verdict, and there was no abuse of discretion in refusing a new trial."

In the body of the decision, page 284, you may find these words:

"20. The record is voluminous....We have given careful consideration to the evidence, and we believe the same to be sufficient to uphold the verdict, and as no substantial error was committed in the trial of the case, the discretion of the Court in refusing a new trial will not be disturbed."

In two other cases, reported in this same volume, the Supreme Court was asked to review the evidence against the defendant, and to decide whether it showed guilt beyond a reasonable doubt. The cases are those of Brown, and Hart, both murder cases; and the Court held that the evidence *must* demonstrate the guilt of defendants beyond a reasonable doubt. That is a maxim, a standing rule, an invariable principle with our Supreme Court; and every Georgia lawyers knows it.

ENTER, BURNS!

The decision of our highest court was supposed to settle the Frank case.

Such a decision has always been taken as final, except in extraordinary cases, where new evidence developed after the trial—evidence which might have caused a different verdict, and which could not have been discovered before the trial, by the use of diligent methods.

Here it was that Burns came roaring into the case, airily assuming that it had never been tried. Burns blotted out the trial judge, the jury, and the Supreme Court. Burns made a calliope of himself, and every resounding note he struck echoed deafeningly through the Atlanta dailies, and through the Northern papers owned by the Jews, and by William Randolph Hearst. Burns ostentatiously visited the pencil factory, just as though he had recently discovered its whereabouts; and he sleuthed over the premises with unearthly skill and subtlety, just as though the crime had been committed the day before. After running up and down the stairs; and poking his nose first in one room, and then in another; and travelling back and forth in the elevator; and cannily boring holes into everybody with his all-knowing eyes, Burns came forth to the reporters and yelled into their eager ears the startling discovery he had made!

He had discovered—the blatant ass had actually discovered, that the crime was the work of a pervert of the lowest type, and this pervert was a man that no one had even suspected! He, Burns, meant to locate that unsuspected man, demonstrate his guilt, and overwhelm the Pinkerton Detective Agency, and the Atlanta police. He, Burns, was “utterly confident,” he would lay his hands on this unsuspected pervert, and, by proving his guilt—Burns felt sure he would confess—he would show what boobies the Pinkertons, and Atlanta police, had been, when they arrested Newt Lee, J.M. Gantt, Jim Conley, and Leo Frank.

Never in my life, have I known *any* man to make as much noise as Burns made; and never have I known the daily papers turn themselves into sounding boards, fog-horns, and megaphones for *anybody*, as willingly as they did for this empty, vociferous, and pestilent scoundrel, William J. Burns.

There is just this much to be said to the credit of this intelligence: he *then* saw the same thing that Harry Scott had seen; to wit, *he couldn't implicate Jim Conley* (at the foot of the stairs) *without implicating the white man*, at the head of the stairs. Burns saw what any sane man ought to have seen, that the crime could not steer clear of both the white man and the negro, *when they were so close together*, and each knew of the other's presence, and each knew of the presence of the girl.

If she left Frank, she went to Jim, almost in Frank's presence; *if she did not go to Jim, she never left Frank!*

Even an asinine pseudo-detective, like Burns, could see *that*.

The only people who do not see it, belong to the class who, having eyes, see not.

Burns knew that Frank—if innocent—would have said, at the very beginning:

“The girl *must* have been assaulted and killed, *almost immediately after she left my office*; and as nobody but Jim was at the foot of the stairs, *Jim did it*. Go and nab Jim! Don't bother with Newt Lee! Don't arrest J.M. Gantt! Don't search Lee's premises for a blood-stained garment.

“Seize Jim! Search *his* premises. Jail the woman he lives with. Question them, separately. Compel Jim to tell what became of Mary, after Mary left my office, for she never reached the door; she was stunned, assaulted, and strangled *inside my place*; Jim and I were the only men in the house *who could have known the girl was there*, and who could have made the attack on her; and, *as I did not do it, JIM DID!*”

Oh, gentlemen, *gentlemen!* use your common sense! Isn't that what *you* would have said, had *you* been where Frank was, and none of that little maiden's blood reddened *your* hands?

What's the use of publishing falsehoods about Georgia laws, Georgia courts, and Georgia people, when one of our children lies in her untimely grave, and the record-evidence so plainly proves the infernal guilt of the man whom Rosser's partner, John M. Slaton, rescued from Biblical punishment?

Burns *knew* that had Frank been innocent, he would have put Harry Scott, and the other officers, *on the trail of Jim Conley*, instead of Newt Lee; and Frank would have told the detectives that *he recognized Conley's writing in those notes*; and that it was Conley who must have grabbed the girl as she reached the bottom of the stairs!

Burns isn't altogether a nin-com-poop; and he therefore knew that the screening of Jim Conley by Leo Frank, meant exactly the same as the screening of Leo Frank by Jim Conley, to wit—*that they were both guilty*.

Consequently, Burns went roaring into the North to find his pervert “who is still at large.”

There is evidence in the record which shows that Burns tried to make a dummy out of a Chicago darkey named Allen. It appears that Burns pretended to be mysteriously turning the earth over, in Cincinnati. From time to time, Burns vigorously smiled, upon mankind, and fog-horned the information that he was making “most gratifying progress” in his sleuthing after that elusive pervert who had never been suspected.

We were told that Burns was compiling a mighty document, as he went along, and this dynamic document—as he vociferously shouted—would clear Leo Frank.

Naturally, Burns got on our nerves. He stayed there. We became obsessed with Burns. He agitated our reflections, disturbed our digestions, and monopolized our dreams. I never saw anything like it. The expense account of the Haas Finance Committee would, in my judgment, be more interesting than any human document that could be found this side of Jerusalem.

But all things must have an end; and even the Burns peregrinations and vociferations had to reach their final show-down; and when Burns' famous report came into view, it was nothing in the world but another argument—and a sorry one—on the evidence in the record!

Whichever way he turned, Burns ran against an impassible wall. It was the resource of desperation, when they fixed upon Conley as the only criminal; they did not do it, until there was nothing else to do! And they could never have “got away with it,” *if Rosser had not had a partner in the executive office*.

WHAT ABOUT THE MOB?

In his very long, and very incoherent defense of himself, Governor Slaton urged the importance of what he called some newly-discovered evidence. That trumped up stuff

was made on the basis of an extraordinary motion for a new trial; and when Judge Benj. H. Hill overruled it, the case *again* went to our Supreme Court, which *unanimously* decided against the defendant.

Not until he had twice gone to the highest State court, with nearly 200 different assignments of error, did Frank raise the point that he was not present, in person, when his lawyers waived his appearance, and received the verdict.

Judge Roan knew of the intense, but repressed feeling in Atlanta; and he feared that this feeling *might* escape control, *if* the defendant was acquitted. Suffering from the cancer which took his life not long afterwards, and worn down by the terrific strain of the trial, Judge Roan was naturally nervous, and apprehensive. But, as a matter of record, it was proved that he had nothing tangible to base his anxiety upon, for the Sheriff—who has, for cause, been Frank's champion—testified that there had never been any disturbance, no mob, no mob threats, &c.—and a score of deputies and other citizens swore to the same thing.

No evidence to the contrary could be obtained.

Remember, in this connection, that ex-Governor Brown, in his statement to Governor Slaton, said that certain gentlemen had brought him *vague rumors of an intended mob*; and that on the strength of these vague rumors, he had requested that some of the officers and soldiers of the National Guard *sleep at the armory that night*.

Ex-Governor Brown further stated that he caused the Mayor to have the city scouted, in automobiles, and that there was absolutely no sign of any mob, anywhere. Not as many as three men could be found bunched together.

Therefore, all the wild talk about mobs, and the holding of the military in readiness, frittered away into "vague rumors," which led the Governor to request that a few soldiers sleep where they could act quickly, *if needed*.

The lawyers of Frank made out a narrative of mob demonstrations, and mob pressure, drawing upon their imagination with prolific liberality. They carried this before Judge William Newman, of the Federal Court, on a writ of *habeas corpus*, which took the defendant out of the custody of the State. Losing before the Atlanta Judge, the lawyers persisted, until they got the case before the Supreme Court of the United States.

On April 19th, 1915, a decision was rendered against Frank, seven of the Justices holding that all the alleged facts as to mob violence had been carried before the Supreme Court of Georgia, and had been considered by that court "at times and places, and under circumstances wholly apart from the atmosphere of the trial, and free from any suggestion of mob domination, or the like; and the facts were examined, not only upon the affidavits and exhibits submitted in behalf of the prisoner...but also upon the rebutting affidavits submitted in behalf of the State, *and which, for reasons not explained, he has not included in his petition.*"

The seven Justices, therefore, held that as Frank's lawyers had failed to include in their pleadings the evidence upon which Judge Hill, and our Supreme Court had based their decisions, the United States Supreme Court must assume that the Georgia courts had reached a righteous decision on the question of mob violence.

The seven Justices of the United States Supreme Court evidently suspected that *the counter-showing*, as to the existence of the alleged mob violence at the trial, must be conclusive, else Frank's attorneys would not have been afraid to let the Court, *and the country*, see how crushingly the State replied to those belated and manufactured charges.

The seven Justices cited numerous cases, in which *our* Supreme Court had *granted new trials because of mob violence*; and one of these was that *Will Myers, THE JEW*, who brutally *murdered Crowley*, near Atlanta, and who made a suspicious escape from the jail. If alive, he is yet roaming the earth, a free man—in consequence of the extreme jealousy of Georgia's highest court in seeing to it, that even the guiltiest wretch shall be given a fair trial.

But it is said that two Justices of the United States Supreme Court dissented. So they did—but upon what?

Justices Holmes, speaking for himself and Justice Hughes, took the entire statement of Frank's lawyers as true—*prima facie*—and taking it to be the truth, those members of the Court held—

“Upon allegations of this gravity, *it* (Frank's petition) *ought to be heard*,” by the Federal Courts, although it had already been heard and decided by the State Courts. Justices Holmes and Hughes held that it was proper to decide against the State, *without seeing the State's side of the case*; and to treat as null and void a State-Court decision, *because of an ex-parte attack upon it!*

I don't think many good lawyers will accept that as good law; and such a principle certainly antagonizes all previous decisions. The seven Justices merely followed precedent; to have ordered the re-trial, in the Federal Courts, of *an issue of fact*, which the State Courts had already tried, and decided adversely to the defendant, would have been revolutionary.

But it is sufficient to remind the unprofessional reader, that Justices Hughes and Holmes went no further than to decide that, taking the allegations of mob violence to be true, Frank had a right to be heard *on that point*. And the professional, as well as the unprofessional reader will be surprised to learn, that Frank had been fully heard on that very point—and that the record *shows* that there wasn't a particle of merit in the point. Why? Because there was no evidence to support it.

THE FACTS ABOUT CONLEY.

You will have noticed that I have discussed the case, upon the testimony of the unimpeached white witnesses, without using Jim Conley at all.

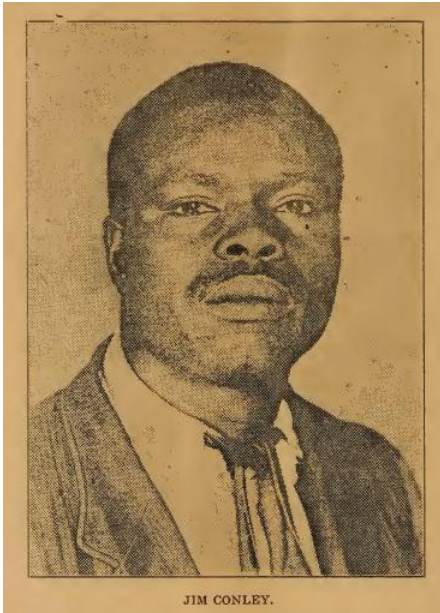
Let us now consider the negro, who has been so widely and violently assailed by the Frank partisans.

What are the facts as shown in this official record? They are, that Conley has been continually at work for white men, in Atlanta, and that he never had any trouble with any white person; nor was he ever a convict, except for thirty days, when he was sentenced in the police court for fighting another negro. In 1904, Jim had a row with a darkey, and was fined \$1.75, which he paid. In 1905, he paid the same fine, for the same luxury. In 1906, they raised the price on him, and fined him \$3.75, which he paid. In 1907, he had two fusses, and paid \$26 for the brace. Finally, in 1912, he was given a sentence of thirty days.

At that time, he was in the employ of Leo Frank.

There is no evidence that he had ever been accused of violating a State law, much less convicted of any crime. The record shows that Conley had been a steady, regular worker at the pencil factory, for two years; and, in that length of time, Frank and his associates had found no serious fault with the negro. He was accused of borrowing nickels and dimes, which he was slow to repay; and one gentleman who had occasion to send Jim for a pot of beer, swore he wouldn't believe Jim on oath: "I have had no confidence in him since he put water in my beer." So, you see, there is really nothing of importance that they could prove against the negro, and you may be sure they left no stone unturned. Then, what is the gist of this evidence?

It is, that he saw two girls go up stairs, and only one come down; Mary went first, and Monteen followed; and Monteen remained up stairs quite a little bit, and then came back down and went away; and that he had already heard steps like two persons walking back to the metal room, just before Monteen came in; and that, after Monteen left, some one came running to the front up stairs on tip-toes; and then he heard the "stomp" that Frank always made when he was signaling Jim about a woman; and that he answered the signal, and found Frank near the head of the stairs, looking wild and excited; and that Frank asked him if he had seen a girl come up stairs, and Jim answered, "I seed two go up, but I ain't seen but one come down."



Then Frank told him that he had tried Mary in the metal room, and that she had resisted, and he had struck her, and “I guess I hit her too hard;” and that she had struck something and fell.

Frank told the negro he must help get the body to the basement; and the negro went to where the girl was lying on her back, with hands and arms *up*.

Frank had torn a strip from her underclothing, had folded it, and had placed it under her head—and that blood-clotted piece of undergarment had its tremendous weight with the jury, for it accounted for there being no blood on the floor beneath the hair on the lever she had struck in falling.

Jim picked up the body, carried it a few steps, and dropped it, near the dressing room, *and the blood spattered*, as her head *again* hit the floor.

Frank had to help Jim with the body, and they carried it to the elevator, the key of which Frank hurried to his office and got. They took her to the basement, and left her right there by the elevator, from which Sergeant Dobbs afterwards saw the signs of dragging commence.

Frank was so excited, that he ran up the ladder, telling Jim he would catch the elevator as it passed him on the floor above. This he did.

Then they were in Frank’s office, and Frank talked excitedly, ramblingly, and, all at once, exclaimed—

“Why should I hang? I have rich people in Brooklyn!”

(At that time, and at the time Jim told the police of this, the negro did not know that Frank had any wealthy kinspeople *anywhere*.)

Then Frank asked Jim to write the notes, and the negro wrote four, two of which seemed to suit Frank; and he put them all in his desk. He gave Jim money, but took it back, saying he would attend to that later. He outlined a scheme by which the negro was to take the crime upon himself, promising to get him out on bond, and spirit him away. He made Jim promise to return that afternoon, and help him to dispose of Mary’s body. Then they left the building, Jim going for a drink of beer in a near-by saloon, and then walking homeward with Ivie Jones. At home, Jim got to thinking about what had happened, and he was afraid to go back to the factory. Nor was he there Sunday, but he turned up as usual Monday morning.

In the two notes found lying beside the dead girl, she was made to tell her mother who it was that attacked her, *and to explain how her body got to the basement*. She said that as she went to the toilet (*Frank's floor toilet!*) the night watchman seized her, and flung her down the scuttle-hole. Notice the wild confusion which raged in the mind of the real author of the notes! He puts *the place* of the deadly assault right where it occurred; but postpones *the time* of the crime until night, when Newt Lee will be on duty. He doesn't realize the difficulty of explaining *how* Mary was kept in the building, from about noon until dark; but he *does* realize that he must try to account for the corpse being in a place the girl had never entered.

So, in one breath, he put the girl at the toilet, *near the blood and the hair*; and in the next, he has her flung down the ladder, into the basement, *where no blood and no hair could be found!*

Now, if you can believe the blood and the hair made their way perversely from the basement to near the toilet, *to which, as Frank told the jury, he might have gone unconsciously*, you may also believe that a negro, having committed the crime, seated himself by the corpse, in a dark cellar, to write notes of explanation to the girl's mother.

Robust animals, like Conley, do not commit the crime of Sodom: *that is the vice of the degenerate, and Leo Frank's face looks the part to perfection!*

Consequently, such a robust and *natural* negro as Conley, would be almost the last man you could imagine as the author of the notes *in which unnatural intercourse with that little white girl is suggested*.

Now, let us put our mother-wit to the work on this negro witness.

When the record discloses that he had worked two years for Leo Frank, we must assume that a certain intimacy and confidence had been established between the two.

When we learn from disinterested white witnesses, that Frank had had women of the town to visit the factory, during business hours, and on Saturday afternoons, we are bound to believe that the negro knew of it, because his place was near the front entrance.

Wouldn't Frank, who was afraid of his Uncle Montag, want someone to keep a watch-out for him, when these lewd women darted in and out? Naturally. Then, who would serve his purpose better than this submissive negro?

But, let us come directly to the question which goes to the bowels of the matter:

What evidence did the State have on Jim Conley, when he at length broke down, and confessed?

The State had *none*—absolutely none—except that three outsiders had seen a negro, whom they did not know, occupying a seat where Jim usually sat.

In other words, the State had no more evidence against Jim than it had against Frank, to wit—that he was in the factory on Saturday.

Therefore, when the negro confessed, he gave evidence which the State had been unable to get; and, if he had kept his mouth shut, Newt Lee might have suffered. After all, the dead body was found where Lee alone had been, for nine-and-a-half hours; and the forged time-slip *did* show a gap of an hour, and his clothes-barrel *did* hold a blood-stained shirt which *might* be his. Therefore, excited minds might suspect his guilt—especially if the person who planted that shirt would also swear he saw Mary Phagan on the streets, Saturday afternoon.

That Frank, and his partisans were dead-set against the innocent Newt Lee, is shown by their desperate effort to prove, by a prostitute, that she passed the pencil factory Saturday afternoon, and heard a woman's scream!

Remember, that all of this horrible work against an innocent negro, was in full progress, at the time Conley made his confession.

In other words, Newt Lee (*accused in the notes*) was being “framed up,” by Frank and his lawyers, *when Conley blocked the hideous scheme by his confession.*

Remember, also, that Haas, the lawyer, and Montag, the principal owner of the factory, *had both been told over the telephone*, by the police, *of the same finding of the corpse*—told at the same time that the policemen were persistently trying to get *Frank*, on the telephone. They could hear the phone buzz and ring at the other end, but no response came from Frank's house.

Now, another thing: Suppose the undenied facts are inconsistent with the theory that *any* negro committed the crime!

Did any black assailant of a white woman ever go looking for a cord with which to strangle her, when his fingers were already on her throat? *Never!*

Did any black assailant of a white woman ever choke her to death, and then reverently fold her hands across her breast? *Never!*

Did a black rapist, and murderer of a white girl ever seat himself near her, to write four notes to her mother? *Never!*

Did such a negro criminal ever return to the scene of his crime, and go about his work as usual? *Never!*

Then, the conclusion which fixes itself in your mind is, that whoever used the cord *was not a negro*; and whoever folded those pulseless hands across the child's bosom, and wrote the notes to her mother, *was not the principal perpetrator of the crime*; and if the

negro afterwards came and went about the premises, as if nothing had occurred, *he* did not assault the girl.

Let us view it from another standpoint:

If there are undisputed facts in the case which cannot be explained *outside* of Jim Conley's testimony, are we not safe in taking his evidence to that extent?

The undisputed facts which cannot be cleared up, without the aid of the negro's story, are these:

1. There was no blood on the floor under the bench-lathe, where the hair was found;
2. There *was* blood, a few steps distant, in the next room;
3. There was a cloth, stained with blood, hanging loosely around the girl's neck;
4. Her hands were decently crossed upon her bosom, and so rigidly fastened there, that they did not fall apart, when the corpse was dragged by the heels, 125 feet over a dirt floor which scarified her face.

The negro told the jury how he found Mary's body, with a piece of cloth under her head, "like to catch the blood." The jury saw the cloth, and the jury knew that no black man ever killed anybody, and then folded a strip of cloth, torn from the dress, to catch the blood. *If not used to soak up the blood, why was the cloth loosely tied around the head?*

The negro explained how he dropped the heavy corpse, in passing the dressing room, and thus spattered the floor with blood.

The negro told the jury, quite simply, *and without knowing the vast psychological value of his statement*, that he "put her hands *down*," and folded them across her bosom. Did any man ever do *that*, for any victim of *his* lust? *Never in God's world!*

Now, when you consult the evidence of other witnesses, and find that the girl's arms remained in that position, as she was being dragged on her face, your intelligence drives you to the conclusion, that her arms became rigid, in that position, *long before she was dragged*.

Then, you are pushed back to the story the negro told—the story of Frank's calling to him for help; the cloth under the bleeding head; the carrying of the corpse to the elevator; the leaving of it, on its back, in front of the elevator shaft, with the arms crossed as Jim had put them, up stairs.

Take Jim's story, *and every kink untangles, every crease smooths out*; reject it, and there are undisputed facts in the record *which no human ingenuity can explain*.

Isn't this itself a most powerful corroboration of Jim's evidence?

Given essential facts which imperatively call for explanation, and which nobody can explain without the negro's help—what follows?

As sane people, we must accept the negro, *to that extent*.

If we accept him as to those unexplained, and otherwise unexplainable facts, we need not bother our heads about other details of his evidence: *we have enough to understand the crime, and to identify the criminal*.

And when you remember that one of these two men, Frank and Conley, successfully withstood a cross-examination of eight hours, *while the other refused to be cross-examined at all*, your mind gravitates to the story of the man who was vainly assailed by the prolonged cross-examination.

No suspicious tactics had to be used in behalf of Jim Conley. No cook swore against him, in the presence of her attorney, and then took it back. No prostitute had to be spirited away from Atlanta on *his* account. No poor old preacher was paid \$200 to make a false affidavit for *him*; and nobody acting in his behalf endeavored to bribe, and to intimidate the State's witnesses.

During the entire two years that have passed since Conley confessed, not a single bit of evidence has been discovered against him, other than that which he voluntarily gave against himself.

And during that whole period, the hirelings of Big Money *have never been able to unearth a scintilla of testimony in favor of Leo Frank*.

Circumstantial evidence is sufficient to convict, *when a crime is proved, and all other possible persons are excluded, save the prisoner at the bar*.

In this case, the guilt of Frank can be shown on *two* lines, independent of each other. The negro's corroboration testimony does it; and the circumstantial evidence, without the negro, does it.

The twenty-three grand jurors thought so, and never changed their opinion. The twelve trial jurors thought so, and never changed their opinion. Judge Roan at least thought, the jury was justified in its opinion, for he refused to disturb the verdict; and he never told *anybody*, or wrote *anybody* to the contrary. And the Supreme Court thought the same way, for it sustained both the judge and the jury.

HOW CAME OTHER STATES TO INTERFERE?

Never before did we have outside influences brought to bear upon us, in our enforcement of law. We have tried Jews and Gentiles; rich men and poor men; white men and negroes;

and we have put many a man to death, after precisely the same sort of procedure that was had in Frank's case.

Why was Frank made an exception? Why was he singled out for a national crusade against the State of Georgia? Why did New York preachers, and laymen get excited in behalf of this particular convict? Why did Chicago people turn their backs upon all the condemned murderers of the West, and come Pullman-carring down to Atlanta for Leo Frank? When, before, did governors, and legislatures of other States assume that they knew more bout our business than we ourselves knew? When, before, did the Jew papers, the L. & N. Railroad papers, and the Hearst papers arrogate to themselves the right to treat a carefully adjudicated case, as if it had never been legally decided?

(The Louisville & Nashville Railroad belongs to the Rothschilds, of whom the New York Jew, August Belmont, is the American agent. It was the baleful influence of this L. & N. system that debauched Kentucky and Tennessee politics, caused the assassination of Geobel and Carmack, and is *now* the power behind the throne in Georgia.)

What is to become of Law and Order, in any State, when outsiders claim the right to dictate to it?

After this case had gone the way of all others, the rich Jews formed a Finance Committee, headed by Haas of Atlanta. Contributions were poured into its treasury; and even the Jewish clerks were assessed on their wages. The Burns Detective Agency spent money like water—its own money, of course; and, in every direction, lawyers, politicians, and hack-writers were enlisted. Frank belonged to the Jewish aristocracy, and it was determined by the rich Jews that no aristocrat of their race should die for the death of a working-class Gentile—“nothing but a factory girl.”

The most outrageous misrepresentations were published broadcast throughout the country; and as none of the Atlanta dailies would allow anybody to defend the State, the repeated and undenied accusations were believed by millions of people whose common sense should have suggested to them that, *no Southern jury has ever convicted a white man on the sole evidence of a negro.*

THEY DARED NOT PUBLISH THE RECORD.

The reason why sentiment in Georgia crystallized against Frank was, that I laid before the people the plain facts as they are preserved in the official record; and the reason why so many honest people in other States have misunderstood the case, and misjudged our Courts is, that the partisan pamphlets were believed to contain the truth.

If the record had agreed with the pamphlets, what was the need of so many pamphlets?

If *the record* failed to disclose any convincing evidence of Frank's guilt, why was it never published?

There is but one reply:

The record *does* show the man's guilt, *and hence they could not print it.*

You may be asked, Why did not the State publish the Brief of Evidence? In the first place, the Governor was a member of the law-firm which was getting the biggest fee for saving Frank's life. But, in any event, it is not to be expected that a sovereign State will appear as defendant at the bar of public opinion when arraigned by a Haas Finance Committee, a rotten Detective Agency, a regiment of feed lawyers, and a pack of nondescript publicists.

A sovereign State may well maintain a dignified silence, conscious of the rectitude of her judicial proceedings, and trusting to the imperishable official record to vindicate her from unofficial and irresponsible assailants.

From the Pittsburg *Leader*, I extract the following, as a fair sample of the editorials in behalf of Frank:

Few individual cases have attracted the attention and drawn the sympathy of the country as that of Leo Frank, under sentence of death in Georgia. No case has become so celebrated for the same reason—**that a man was convicted in advance of his trial, and that the trial itself was a travesty.**

The country has been convinced that Frank is a victim of extraordinary prejudice. It takes unusual prejudice to make a man's life the price of his payment. **This is a point which has remained hidden** in all the reviews of the case since his conviction.

In all the proceedings that have been taken by Frank's attorneys, and in all the reviews of the case, **the evidence upon which he has been sentenced to death has not once been touched.**

Technical points have been passed upon, **but not once before any court was the question of evidence discussed.**

The various courts took up and passed upon **every other point** but the one most vital to Frank—**that the evidence to convict was lacking.**

If you have paid any attention to what I have already written, you know how shamefully false was the statement made in the *Leader*.

The editorial continues:

Except in one little spot in Georgia, Leo Frank is looked upon as a victim of prejudice, **mob law, and perversion of the legal machinery.**

Governor Slaton has taken up the application for executive clemency, and **promises to virtually re-try the case**. He has become impressed by the nation-wide, human protest against **Frank's martyrdom**, no less than the **seriousness of the charges against the name of his State**.

The Governor is receiving an endless string of letters from men and women all over the country asking him to either pardon or commute the sentence; so he may have a chance to establish his innocence later.

The individual letters to Governor Slaton have been strengthened by **chain letters which are rolling across the country. Letter chains have been formed everywhere, and are moving like an avalanche toward the Governor's office in Georgia.**

No better cause than this, the life of a man condemned to die, branded as a criminal **because a mob demanded blood**, ever enlisted the energies and sympathy of the American people.

The only hope for Frank is that the public's attitude make enough impression upon Governor Slaton to convince him that the case should be re-tried or its victim set free.

Governor Slaton is intensely interested **from the first, and never defended, even by the Georgia mob, that there was no evidence to convict any man except one picked out for an application of legal lynch law.**

Let every humane man and woman in American write a letter to Governor Slaton. **Make up chain letters** to convince him that the guilt of Leo Frank is accepted only by **a handful of men in one town in Georgia who want his life in a spirit of blood-lust prejudice.**

Write today, and tomorrow, and every day until Frank is pardoned, his sentence commuted or he goes to death, lynched by a Georgia mob.

Write today.

In addition to these chain-letters, men were hired to stand at car-stations, in Chicago, and other cities, to enroll the name of every passer-by who would sign a petition; similar petitions were carried from house to house, store to store, office to office, until even the school children of other States were telling us how to manage our affairs.

ENTER HEARST AND HIS SHEARN.

Perhaps the most astounding piece of impudence was that of William Randolph Hearst—partner of Frank's people in the moving picture business.

Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank

He sent to Georgia his personal attorney, Clarence Shearn (of Jerusalem), who happens to be—by the grace of Hearst—a member of the Supreme Court of the State of New York.

When William Randolph Hearst whistled for his little Supreme Court Judge, Shearn should have begged permission to remind his master, that although he had responded to his master's voice, it would not look well for one member of the Supreme Court of New York to invade a friendly State, review a decision of her Supreme Court, and overrule it—without notice to that august tribunal, and without allowing it to be heard in its own defense.

However, *this* is what Shearn actually did, as related proudly, by himself:

New York, June 10, 1915.

Dear Mr. Hearst:

I went to Atlanta, as requested by you, for the purpose of making a careful examination into the case of Leo Frank, from the impartial standpoint of a lawyer who previously knew nothing about the facts of the case. Supplementing my full oral report to you, I state herewith, for the purpose of future reference **the result of my investigation.**

In order to arrive at a conclusion based solely upon the evidence, and before discussing the case with any person, I read the printed record containing the evidence introduced upon Frank's trial, and the argument to the jury made by State Solicitor Dorsey; I also read the State's brief on appeal, so as to be fully apprised of everything that the State claimed to have established against Frank.

My deliberate judgment, based solely upon the record, and formed as a judge would reach a conclusion in passing upon it on appeal, is that not only did the prosecution fail to prove Frank to be guilty beyond a reasonable doubt, but that, outside of the incredible and interested testimony of the suspected negro, Conley, an admitted accomplice, **there is no legal evidence whatever in the case upon which even a reasonable hypothesis of Frank's guilt may be based.** The irresistible conclusion to be reached on the evidence in the record is not only that **Frank is innocent, but that the negro is guilty.**

After this examination of the record **I interviewed and cross-examined Frank in the penitentiary for an hour or more.** I then visited the factory where the crime was committed, and carefully examined all parts of the premises involved in the crime which were mentioned or referred to in the testimony. **This resulted in confirming the conclusion that I had reached on reading the record.**

Yours sincerely,

CLARENCE J. SHEARN.

It is safe to say that no State in the Union, and no independent kingdom in the world, was ever before subjected to such an indignity. It is on a small scale, but it is a gross indignity, nevertheless.

Austria demanded of Servia the right to send *her* judges to try the Servian assassin of the Archduke Ferdinand, and Servia's refusal precipitated the European war. Arguing from example, Hearst and Shearn believe that Servia should have granted Austria's demand!

Shearn's opinion bears the same date as Hearst's private appeal to Governor Slaton, which appeal was not published in Georgia at all, and was not given out in the North and West until June 23rd, three days after the sentence was commuted. In that private appeal, Mr. Hearst says:

Frank was convicted **on the testimony of the negro Conley**. There were only two men that could have committed the murder, both of these men being in the building at the time of her death. Either Frank must have committed the murder or the negro must have committed the murder, so that the testimony of the negro, which inculpated Frank, exculpated himself.

Ought any man to be sent to his death **on the testimony of a criminal, an ex-convict, a confessed accomplice, a proven perjurer**, and one who would **himself necessarily be convicted as the murderer, unless he could succeed in fastening the crime upon another?**

Now, then, is there any other evidence in this case which would tend to convict Frank, any sufficient evidence of any kind or character to **corroborate the statements of this criminal, this proven perjurer and this vitally interested negro?**

I have made as careful study of the case as I can as a layman, and I am absolutely convinced that there is no such evidence, but my opinion as a layman on this point may not be of any special value.

However, I have at hand to sustain my opinion on this matter **the opinion of one of the ablest lawyers and jurists in the State of New York.**

This ablest, not only of lawyers, but of jurists, was the little man from Jerusalem—Clarence J. Shearn.

Now, as I have already shown you, the State, at the time of Conley's confession, had no evidence on him, but did seem to have some on Newt Lee. And if Conley had not given away the joint guilt of himself and the Jew, the busy persons who forged the time slip and bloodied the old shirt, would have manufactured additional evidence against a perfectly innocent man.

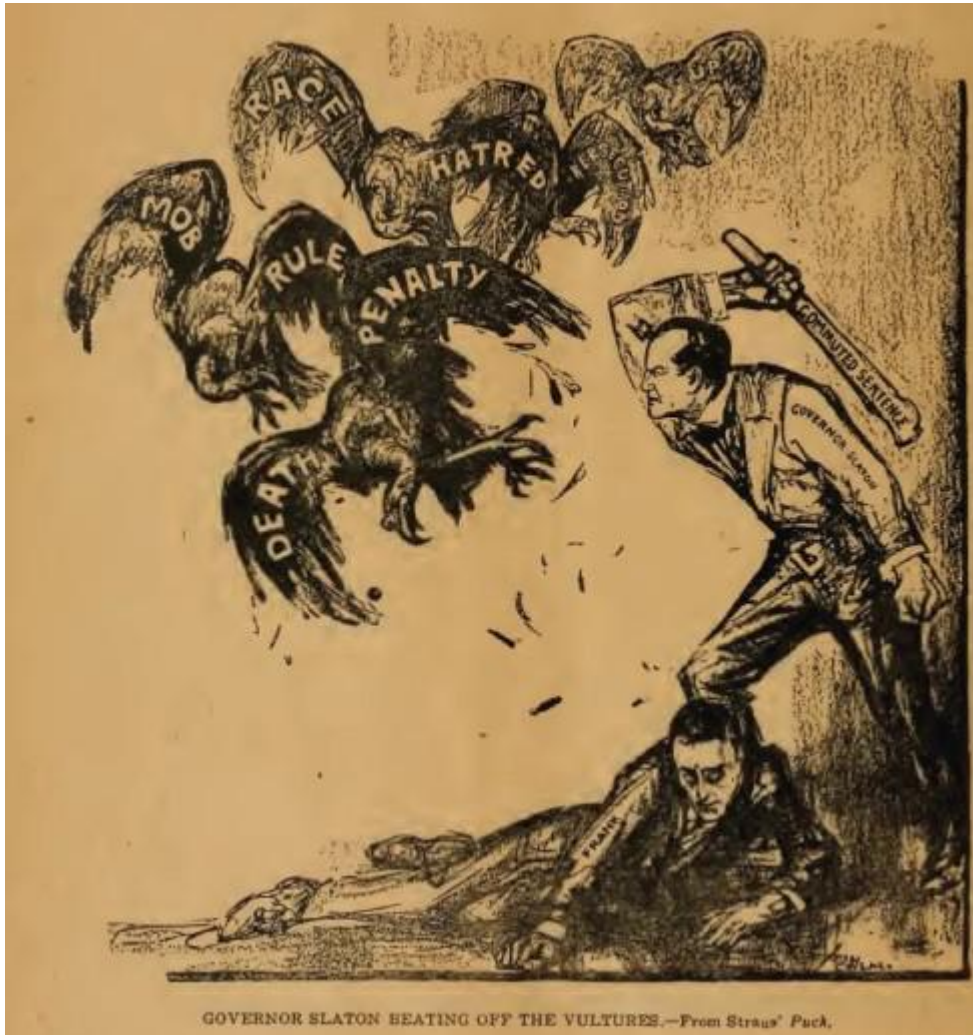
The overshadowing fact in the case is coldly ignored by Shearn and Hearst, to wit—the fact that, *if one of these two men—Frank and Conley—is guilty, the other is.*

If Hearst and Slaton had not both believed Frank to be guilty, they would never have stultified themselves by *coupling innocence with life-imprisonment*. Innocence deserves a pardon. Either this man committed a crime which forfeits his neck, or he is entitled to go unpunished. *There is no middle ground.*

Mr. Hearst is many times a millionaire, and he publishes numerous papers and magazines; if the official record fails to demonstrate Frank's guilt, *Mr. Hearst would have published that record*. To have done so, would have cost less money than to send Messrs. Brisbane and Shearn to Atlanta—and it would have looked better.

WHAT IS THE PARDONING POWER?

As every lawyer knows, our statutes, constitutional clauses, and rules of practice are built upon the broad foundation of the laws of England. Without a study of the jurisprudence of the Mother Country, we cannot understand the true origin, scope and purpose of our own legal system.



Let any member of the profession turn to his Blackstone, Book IV., Chapter XXXI., and refresh his memory as to the pardoning power.

All crimes in England were supposed to be committed against the King—who was assumed to be present, all the time, in his courts. The crime having been committed against the King, it was his royal prerogative *to forgive it*.

The King never re-tried a case! Such a thing was preposterous.

The King never set aside verdicts and overruled his judges. Such a thing was inconceivable.

Blackstone expressly says that it would be against all correct principles to allow the power of *judging and of pardoning to vest in the same person*.

Blackstone quotes the great legist, Montesquieu, who lays down the profoundly wise proposition, that if a magistrate exercised both the power to judge and to pardon, *such a combination of separate powers* “would tend to confound all ideas of right *among the mass of the people*; as they would find it difficult to tell *whether a prisoner was discharged by his innocence, OR OBTAINED PARDON THROUGH FAVOR*.”

Chancellor Kent, in his Commentaries (Vol. I., Part II., par. 283), says, “Policy would sometimes require a remission of punishment for *a crime certainly ascertained*. The very notion of mercy implies the accuracy of the claims of justice.”

In none of the authorities can you find support for the idea that the Executive has power to *retry*, and to pardon, *because*, on this re-trial, he reaches a different conclusion from that reached by the jury, *on the same evidence*. For an Executive to exercise the functions of trial judge and traverse jury, is to confound all principles of separate powers, and to bring administrative anarchy upon the State.

Now, when the pardoning power was written into our Constitution, along with the explicit separation of the right to try (judicial) and the right to extend mercy (executive), such lawyers as Jenkins, Reese, Matthews, Pierce, and Toombs never dreamed that any sane man would contend that the pardoning power in Georgia took a new, radical, and chaotic departure from the Laws of England.

When the Constitution of 1877 gave the pardoning power to the Governor, it also put him upon notice that he must not exercise the power without a reason, which he must communicate to the Legislature.

The two constitutional clauses must be construed together; and when so construed, in the light of English law and practice, they mean, that the Governor’s reasons for executive clemency must be such as the Legislature will approve; and such as will show to the people that he did not act capriciously, did not arrogate to himself the right to set aside the verdict, *and did not usurp the functions of a Supreme Court of review*.

The prohibition of judicial powers to the Governor, meant, that the executive must act upon something which occurred after the courts got through with the case; or upon some mitigating circumstance which tempered justice and softened the punishment of the guilty.

The Constitution never meant that a Governor could say, "*I have re-tried this case, and return a verdict of Not guilty.*"

Nor did the Constitution ever mean, that the Governor should say—

"I have re-tried this case, and find a reasonable doubt."

The Supreme Court has *often* said that; but no Governor ever said it, until Rosser's partner got hold of one end of the Frank case.

HOW DID SLATON ACT IN OTHER CASES?

Consider how differently Governor Slaton acted in the case of Nick Wilburn, of Jones County, *last year*.

Nick Wilburn had grown up in the backwoods, was a mere common clodhopper, never went to Cornell College, and never had girls under him working for five dollars a week. The Devil, in the shape of a woman, tempted him to eat the forbidden fruit, and he did eat. His sin was a grievous one, and grievously he paid for it.

Governor Slaton refused to commute Wilburn's sentence, and in declining to do so, said:

"Twenty-three grand jurors, twelve petit jurors, a judge of the Supreme Court, six judges of the Supreme Court, three Prison Commissioners, all under oath, have declared the guilt of Nick Wilburn, and that the extreme penalty of the law should be imposed.

"I am sworn to uphold the law, and enforce it. I sympathize with the family and friends of the defendant. It is a great pity that punishment cannot be limited to the offender.

"If I commuted the sentence in this case, **it would be equivalent to repealing the section of the Code which provides for capital punishment.** It is not in my province to make laws, but to enforce them.

"The responsibility for the verdict is not upon me, but the responsibility would rest upon me, if I interfered with the decrees of a judicial tribunal without good cause."

What caused the change to come over the spirit of Slaton's dream, between June, 1914, when poor Nick Wilburn swung, and June, 1915, when Leo Frank was slipped away from Atlanta in a Pullman Palace Car?

SLATON HANGED A GEORGIA BOY, AND BOASTS OF IT.

In the Chicago Daily Tribune, the fugitive ex-Governor of Georgia said, on July 10, 1915:

“They said *I am afraid* to allow a man to hang. This is untrue.

“I allowed a boy of only *eighteen years* to go to the gallows.”

The Georgia boy whose death on the scaffold is cited by Slaton as a proof of his courage, had never been in the habit of debauching \$5-a-week work girls, nor had he ever been seen to commit the crime of Sodom, nor did he rape and murder a little girl who ought to have been at school.

Therefore, Mr. Hearst did not send Clarence Shearn to Atlanta, to reverse the Supreme Court of Georgia in that case. Doctors C.B. Wilmer and Jake White did not ascend the Throne of Grace in behalf of just a plain common, unromantic Georgia lad, who had killed *a man*.

It required all the peculiar horror, loathsomeness, and atrocity of the Leo Frank case, to arouse that morbid interest—that weird fascination exerted by the crimes and criminals that are abnormally hideous—to influence the sensational Hearst, to enthuse Mary Delaney Fisher, to capture the Doctors of Divinity, and to set idiots to signing petitions.

In that case, also, the older of the criminals, Jim Cantrell, had been hired by a wicked woman, and he fell into her toils. Bartow Cantrell was a 17-year-old boy. He was wholly under the influence of his elder brother, and he had probably always done as Jim bade him.

At any rate, he took part in the murder, not on his own initiative, and not for his own purposes, but at the instigation of Jim Cantrell and Mrs. Hawkins, the woman in the case.

The Cantrells were brought up in sordid surroundings, and discreditable conditions. In the midst of civilization, they were left untouched by the ennobling influences of Church and State. In the midst of Christianity, *a Bible was never put in their hands, until both the Church and the State said to them, “Prepare to meet your God!”*

THE LAW IN THE CANTRELL CASE.

In refusing to commute, in the Cantrell case, Slaton wrote:

Under my oath I must uphold the law. It is not my province to make laws, but to execute them. If the people do not believe in capital punishment, it is the duty of their representatives to repeal the law which provides for it.

The appeals that have been made for clemency by good men and women are the promptings of kind hearts and sympathetic natures. Oftentimes apparent **severity is really philanthropy**, and the enforcement of the law in this case may **be the protection of many an honest fireside in Georgia**, and may afford security to many an honest husband.

The majesty of the law must be vindicated, and those whose kindly impulses urge them now to request clemency will in their more thoughtful moments recognize **the necessity for law enforcement as a protection to the civilization of our State**.

For the reasons stated, I cannot interfere, **unless at the same time I am willing to make the declaration that, while Governor, the law of capital punishment shall be repealed**. This I am forbidden to do by my oath of office.

This July 30, 1914.

JOHN M. SLATON,

Governor.

SLATON, AND ANOTHER CASE OF "CIRCUMSTANTIAL EVIDENCE."

In September, 1914, there was an effort to save the neck of an old Georgian, made by some people who had little money, and no *organization*, and no subsidized daily papers, no Doctors of Divinity, and no Hearst-Ochs-Pulitzer-Straus combine, and no champions among the snobs who are Slaton's "best people."



The old man was named Umphrey, and he was nothing but a tenant farmer. He was convicted, *on purely circumstantial evidence*, of having killed his landlord. He was sentenced to death; and there were a few generous Georgians, in and around Dalton, who

took pity on the old man—upon whom *a motherless daughter of thirteen years* was dependent for a support.

But Slaton felt no pity; he devoted no anxious days and nights to the study of *that* case; he made no mysterious visits to New York while *that* case was pending; and he had nothing to say against circumstantial evidence, *then*.

His snobbish soul could see nothing to appeal to him in the case of a condemned man who would not look nicely in the parlor of a Peachtree palace, or in the elegant quarters of an Atlanta Locker Club.

In the Umphrey case, there were no unscrupulous lawyers so highly paid that they forged a letter of a dead Judge, to use it before a Governor who must have known it was forged.

Who cared for the old tenant?

He had no money; he had few friends, and these few had no more money than himself.

Hang him! Hang him on circumstantial evidence! Hang him, and leave his little girl to the cold mercies of the world—a world in which she can do what Mary Phagan did, work where Mary Phagan worked, and fall a victim to some rich employer's lusts, as Mary did!

And they hanged him, nine months before Slaton repealed the law of capital punishment, abolished the jury system, obliterated two Supreme Courts, and rode into Fame on a pretended mistake of law, and a forged letter of Judge Roan.

When Slaton told the New Yorkers that he meant to retry Leo Frank, and when he kept his word to those millionaire New Yorkers by going through all the evidence, visiting the factory, experimenting with the elevator, and listening to the most elaborate arguments on the details of the record, he cut loose from the laws of England, cut loose from the established practice of centuries, cut loose from the Constitution he swore to support, cut loose from the anchorage of honor—and flung himself upon the shoreless Sea of Shame.

The maddening thing to the people of Georgia, is, not that one man's life has been spared, but that Jew Money has done for a foul Sodomite and murderer, a thing that shatters all precedents, nullifies the highest law, sinks juries and courts into contempt, brings upon us a sickening consciousness that our public men and our newspapers are for sale, weakens the defenses of every poor man's home, and adds to the perils that beset every poor man's child.

Ah, it is a sad day for Georgia! At last we know that a poor man's home, and a poor man's child, counts for nothing when Big Money starts out to muzzle the papers, libel the State, invent a case which does not exist, hide the case that does exist, and defeat the Law as laid down by the greatest tribunal in the world.

Woe to the State, in which the poor man has just cause to ask—"Where is my protection? Where is the strong arm that should be my sword and shield?

"Where can I put my child to work, and feel that she is safe?

What has become of my rights, my safeguards, my dependence upon Justice?"

Woe to the State! when the poor man has just cause to say—

"I am nothing! They only show me consideration when they want my vote, and when they put a gun in my hand to fight out the rich man's quarrel.

"I am nothing! The laws they make are against me. The burden of life is all mine, and none of the ease and enjoyment.

"I am nothing! If *my* boy—my boy whom the State neglected—commits a crime, he swings for it; *but if some rich man's son lusts after my daughter*, lays in wait for her, leads her into a trap, *assaults her, and kills her*—I am asked to respect the Law, while the Law is hiring automobiles and parlor cars to take her vile destroyer into a fake imprisonment!"

GOVERNOR SLATON HAS A CLANDESTINE MIDNIGHT CONFERENCE WITH HIS PARTNER ROSSER!

It was generally believed that the Frankites had won over two members of the Prison Commission. When it became known that R.E. Davison had disappointed them, and that Paterson alone had voted for commutation, the Frankites were uneasy. They had failed in every court, had failed before the Commission, and were left with a Governor who was known to be a most uncertain quantity. It became an urgent necessity for some strong Frankite to see Slaton at once, and brace him up.

Rosser to the rescue!

The case was on its last legs, and between New York and Atlanta rich Jews wailed lamentably, during the few hours before Rosser got hold of his tricky partner. These two noble men loved the darkness at that time, for reasons that have always been considered sufficient. So, the noble Rosser went up a back street in his automobile, *late at night*, stopped it a block or two away from the Governor's; and footed it through the alley, like an impecunious person who desired to purloin the portable property of an unsuspecting fellow creature.



Rosser went into the home of Slaton, and remained for hours, and until *after midnight*.

What Rosser said to Slaton in this clandestine meeting, will never be known; but it was noticed that next day the lamentations of the Jews were replaced by sly grins, and offers to bet ten to one that Slaton would commute!

Read the following, not as evidence of Frank's guilt, or as proof of Slaton's hypocrisy and perfidy, but as a side-light on events in Atlanta:

Atlanta, June 22.

Mr. Tom Watson:

What I tell you I know to be true as God is light, and it is this: The Jews all gathered at the home of the Seligs, on Washington Street, where Frank's wife and father-in-law live, and from 8 till 12 o'clock, **they had a regular old-time Belshazzar feast. They drank wine, high balls, whiskey and beer, and smoked and sang, and had music;** and there

were not less than a hundred and twenty automobiles full of Jews that came there from the time I say to the late hour.

Now, they all knew Slaton had commuted Frank, and were celebrating it.

And I know a policeman who was on the streets yesterday, to make out like controlling the mob, and he told me he passed the jail every night at 12 'clock for a year, and going on duty, and never saw a light in the office of the Sheriff **till Saturday night**, and he was surprised to **see the Sheriff sitting there like he was waiting for somebody**, and suddenly a Jew came running up and tapped on the window, and the Sheriff raised the window and the Jew whispered to him, and the Sheriff smiled, and then the Jew ran off and the Sheriff closed the window. **Now, that showed conspiracy, and that Slaton was working with the Jews all the time.**

In other words, the Jews knew—some on Friday, and some on Saturday—that Slaton had commuted the sentence.

Defending his action, Slaton published an article said to contain 15,000 words, nearly half of them devoted to an attack on Conley, and the other half to misrepresenting the official testimony of the white witnesses. He pretended not to have reached a decision in the case until 3 o'clock Sunday morning. It was said that he signed the commutation a minute after the midnight of Sunday.

When it became known that the Governor had actually re-tried the case, on the same old evidence that had been so often, and so thoroughly threshed out in the courts, the State seethed with indignation.

It was felt that Slaton had usurped an authority not vested in him by the Constitution, and that he had established the principle of, *One law for the Rich, and another for the Poor*.

In the Wilburn case, he laid down the law correctly; in the Cantrell case, while he was hard as adamant, he was right as to the rigorous letter of the law; in the Frank case he reversed himself at the same time that he reversed all the Courts. Why the difference? There is but one answer: in the cases of Wilburn, Cantrell, and Umphrey, *he was not of counsel for the accused*, AND, *IN THE FRANK CASE, HE WAS*.



Leo Frank is now at the State Farm, an honored guest of the managers, awaiting his triumphant release from even the politely formal fetters of the Law.

His little victim, whose upraised hands—fixed by the *rigor mortis*—proved that she had died fighting for her virtue, lies in Georgia's soil, amid a grief-stricken, and mortified people—a people bowed down by the unutterable humiliation of having been sold out to Jew money.

On the heights from which the immortals look into the lives of human beings, how vast must seem the moral distance between *the little girl*, who died, rather than soil the purity that God gave her, and *the Governor*, who brought this eternal disgrace upon himself and our State!

A child died a heroine's death, and sleeps in a heroine's grave; *the man* is pilloried in eternal infamy.

We gave him a clean commission; and he returned it to us, covered with filth.

The Constitution which he swore to respect, he trampled into the mud.

The great Seal of State went, LIKE A THIEF IN THE NIGHT, to do for an unscrupulous law firm, a deed of darkness which dared not face the sun.

We have been betrayed! The breath of some leprous monster has passed over us, and we feel like crying out, in horror and despair,

“Unclean! UNCLEAN!”

When John M. Slaton tosses on a sleepless bed, in the years to come, he will see a vivid picture of that little Georgia girl, decoyed to the metal room by this satyr-faced Jew; he will see her little hands put out, to keep off the lustful beast; he will hear her cry of sudden terror; he will see her face purpling as the cruel cord chokes her to death—and *John M. Slaton will walk the floor, a wretched, conscience-smitten man, AND HE WILL SWEAT BLOOD!*

Many, many years ago, there was a sermon preached at Thomson, by a man whose life was as pure as crystal, and who, now and then, was lifted into a simple eloquence that moved all who listened. John M. White was his name—peace to his soul, for he is dead, and I loved him well.

He was speaking of Duty, of the higher path, and the old land-marks; of the honor that a man should guard, as a woman guards her virtue.

He told of the little ermine of the far North, the tiny creature of the snows, the unsullied Diana of the silent woods, so true to its instinct for purity, so loyal to the white drapery that God had put upon it—that the hunters, seeking its life for its priceless fur, smeared filth around the burrow where the dainty thing lived; and how this little dumb brute, shrinking from a vile contact which would soil its spotless covering, fell into the hands of its enemies—preferring death to contamination.

Are the old lessons lifeless? Are the old glories gone? Are there no feet that tread the old paths?

Once, there were *men* in Georgia—men who were afraid of nothing, save to do wrong; men who sprang to arms, and went to death, on a bare question of *principle*; men who would no more lie than they would steal; men who flamed into passionate indignation when a legislature was believed to have disgraced the State; men who caught the fire from the heavens to burn a law which outraged Georgia’s sense of honor and justice.

The sons of these men carried the Grey lines, and the tattered Stars and Bars farthest up the heights of Gettysburg; met the first shock of battle at Manassas; led the last charge at Appomattox.

And the songs of these Georgians are today bowed down with unspeakable grief—for they feel that *our grand old Empire State HAS BEEN RAPED!*

Like the Roman wife of old, we feel that something foul, something unutterably loathsome has crept to bed with us, and polluted us during the night; and that, while the morning has come, it can *never* restore our self-respect.

We have been violated, AND WE ARE ASHAMED!

Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank

Note: Wm. J. Burns has stated that he was employed by the State of Georgia, worked on the case a week, and reported that there was no evidence against Leo Frank.

Burns was never connected with the case at all, until after our Supreme Court had carefully reviewed the evidence against Frank, and declared it amply sufficient to show his guilt.

Burns was never employed in any capacity by the State of Georgia.

Second: Governor Slaton has told it all over the North and West, that Judge Roan requested a commutation of Frank's sentence.

This statement is false. Judge Roan continued to say, notably to his pastor and his daughter, that the evidence unquestionably demonstrated Frank's guilt; and not until Judge Roan had been dead more than two months, was a forged letter presented, which stultified Judge Roan's record, and contradicted his judicial declarations, of record in this case.

THE END.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Transcribed by Penelope Lee. Exclusive to the *American Mercury*.

[Introduction](#)

[Tom Watson: The Leo Frank Case](#)

[Tom Watson: A Full Review of the Leo Frank Case](#)

[Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank](#)

[Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert](#)

[Tom Watson: The Rich Jews Indict a State!](#)

White seems to have given money to the girl's mother, and that the mother had, in effect, surrendered the maid to the man—knowing why he wanted her.

Whatever the girl felt as to the manner in which White had accomplished his purpose, she soon afterwards returned to him, and their relations continued for some months. Then Harry Thaw happened to see her, fell in love with her, and desired so ardently to possess her, that he married her.

They went to Europe, and during the tour, the wife told the young husband her terrible story. On their return to New York, the architect had the insane folly to again enter into correspondence with Evelyn—this time knowing that he had an excitable young man to encounter—a husband who might be supposed to have learned his wife's secret. All the world knows how Thaw was inflamed beyond bounds, by seeing White sitting in the eating-room, at the Garden; and how the young husband immediately shot the satyr who had doped and ruined his wife.

The great legal battle that Thaw's devoted mother has waged in her boy's behalf, is a part of the history of the times. For nine long years, that fine old woman has borne her cross, and made her fight, her son behind the bars, all those bitter years.

At last, after nine years of imprisonment, Harry Thaw is a free man—for the court which tried him for murder, pronounced him insane; and the jury which recently tried him for insanity, said that he is sane.

At least *one* of these verdicts was correct, and *both* may have been; but the jurors in the last trial have since declared that Thaw ought to have killed White, anyway; and about three-fourths of the red-blooded men and women of the country are of the same opinion.

But the Jew-owned papers, and the Jew-hired papers, and the *Hearst* papers take a different view. They are outraged. Their feelings are deeply hurt. They lament the failure of the Law to hang this hot-tempered boy who shot the man that had virtually bought Evelyn from her monstrous mother, and had then drugged and forced her. In their wrathful eyes, nine years' imprisonment is no punishment at all. They rail at the influence of Money, and deplore the disgrace which has fallen upon New York—the righteous town where Jacob Schiff, the banker, could give a forty-year sentence to an humble Jew, for entering clandestinely the dwelling of a Jewish millionaire; the righteous town wherein the Roman priests could have the Mayor assassinated without provoking hostile comment from the *Hearst* papers, the Jew-owned papers, or the Jew-hired papers; the righteous town where the priest, Hans Schmidt, can cut his concubine's throat, dismember her body, fling the pieces in the river, and still escape punishment!

Let us regale our minds by reading what the *Hearst* papers say about the case of Harry Thaw:

It is quite true that but for the lavish outpouring of the family fortune, Thaw might have been electrocuted, or would still be confined in a madhouse. It is equally true that **but for the contributions of other rich young men,** whose money cursed them, his fight for liberty would not have been so prolonged or so costly.

Many will moralize over **the power of money** as manifested in the escape of Thaw from paying **the extreme penalty for the murder of Stanford White.**

Fewer will stop to think of the **malign power of money** that pressed this rich young man along the primrose path that ended in the murder on the roof garden, his prolonged imprisonment, and the ineradicable disgrace which rests upon his name.

As it is, about the most the public can say of him is to express the hope that the public mind shall not longer be assailed by the fulminations of spectacular lawyers, the imaginings of alienists, and the bathos of hired pamphleteers. **The world is weary of Thaw.**

The world is *not* weary of Hearst, fortunately; and if he can explain his prolonged hostility to Thaw, and reconcile it with his determined championship of Frank, the world will peruse his statement with interest.

Let us now read what another New York paper—Jew-owned or Jew-hired—published about the two cases, Frank's and Thaw's. Concerning Thaw, the *New Republic* says:

In the case of Harry K. Thaw, it looks as if the State of New York had thoroughly well got its leg pulled. The State deserved it richly, **for it asked a judge and a jury to decide a question which they are simply incapable of deciding. Those laymen could no more pass on Thaw's sanity than upon the condition of his liver. Thus a man may be highly educated, courteous, genial in every relation of life, and still bear within him a murderous disposition, which breaks out only on special occasions.** The voluble jurymen who have been so much interviewed came pretty close to the truth when he said that Thaw would never kill except when a woman was involved.

What freed Thaw was in reality a combination of prejudices. He behaved well in court. The State's alienists behaved badly in court. Thaw fought a long fight, and men admire persistence. He had murdered Stanford White, a man who happened to be a genius, but whose genius was forgotten in the deep moral prejudice against him. **The brutal fact is that an American jury is very ready to flirt with the idea that there are unwritten laws to justify the killing of men who seduce young girls.**

Concerning the Frank case, the same New York paper says:

It is often too foolish to indict a whole people. But in this instance **the guilt of the people is clear.** They wrecked the only trial Frank has had, they believed every lie about him, they terrorized their public officials. **They have made democracy hideous—they, the men and women of the State.** There was a minority that knew better, a minority that

did not wish to make the courts of the State a vile spectacle to the whole nation. But of that minority many were **too cowardly to speak out**. They allowed the mob to stamp its own imprint upon the public character of the State. The Governor who acted, and the opinion which supported him, were **not enough to save Georgia from its degradation**.

A people which cannot preserve its legal fabric from violence is **unfit for self-government. It belongs in the category of communities like Haiti, communities which have to be supervised and protected by more civilized powers. Georgia is in that humiliating position today**. If the Frank case is evidence of Georgia's political development, then **Georgia deserves to be known as the black sheep of the American Union**.

It is a disagreeable discovery of the New Republic, that American juries harbor a perverse sympathy for fathers and brothers who kill the seducers of young girls, and thus rid the earth of the most dangerous vipers that crawl. The New Republic says that it is not only a fact that juries *do* sympathize with the men who give shot-gun protection to womanhood, but that this fact is *brutal*.

When the human race ceases to be capable of brutality of that sort, civilization will be the soup-kettle of molly-coddles; and literature will degenerate into a milk-sop effeminacy that won't be worth hell's room.

Coming to the Frank case, the New Republic condemns, not only the jury and the judges, but the whole State in which the horrible crime was committed. "It is *often* foolish to indict a whole people," says this magazine. Edmund Burke said it was *always* foolish to do so.

The State of Georgia, as a whole, is pronounced guilty. It has had no evidence against Frank; it has been possessed of a Devil of blind hatred; it has relentlessly persecuted; it has tried to lynch an innocent man, under legal forms. Its mobs terrified the witnesses; terrified the jurors; terrified the trial judge; terrified the Supreme Court of Georgia in both of its decisions, the last of which was unanimous. Finally, the Georgia mobs terrified the Supreme Court of the United States, which, under duress, decided that Frank's lawyers—after having had all the time, money and opportunity needed—had utterly failed to show that Georgia had *not* given to Leo Frank every right to which he was entitled.

What do such editors care for the calm decision of the highest court on earth? *Nothing*.

"The guilt of the people is clear."

"They have made democracy hideous." Where? When? And how?

When justice was mocked in San Francisco, some years ago, and William T. Sherman (afterwards the great General) led the "mob," did the riotous tumults of an indignant

democracy make it hideous? When justice was derided and defied in New Orleans, and the outraged democracy flamed into a vengeful conflagration, did it become hideous?

When our Revolutionary Fathers lynched Tories, and drove traitors into hasty flight, did they make democracy hideous?

When the Commons of old England rose in bloody riots against the Lords of Church and State, during the Epoch of Reform, did these insurrectionary Englishmen, battling for human rights, make democracy hideous?

When the Athenians of old furiously fell upon and killed the Greek who advised that Grecian freedom be surrendered to the Persian King, did those rioters make democracy hideous?

Away with milk-sops and molly-coddles! Whenever the human race degenerates to the point where intense indignation is not aroused by enormities of crime, then mankind will be ready for the last Fire; and the sooner this scroll is given to the Flames, as the trump of doom sounds the requiem of a dying world, the less will be the sum total of human depravity.

In Georgia, there was never a mob collected while the Frank case was on trial; never a scene of tumult, never a disorder in the court room. It was not until after the State had patiently waited for two years, while the unlimited Money back of Frank was interposing every obstacle to the Law, travelling from court to court, on first one pretext and then another; offering new affidavits which soon appeared, *confessedly*, to have been falsehoods, paid for with money; resorting to every criminal method to corrupt some of the State's witnesses, and to frighten others into changing their testimony; it was not until the people of Georgia had waited so long, and seen Frank's lawyers defeated at every point, by the sheer strength of the State's case against a most abominable criminal; it was not until, after all this, *when one of Leo Frank's own lawyers* basely betrayed the State, upset all the courts, and violated our highest law; it was not until John M. Slaton, the partner of Leo Frank's leading lawyers, corruptly used the pardoning power *to save his own guilty client*—it was not until *then* that the people broke into a tumult of righteous wrath *against the infamous Governor who had put upon our State this indelible stain*.

And because our indignation took the same direction as that of our Fathers, in the days of '76; the same direction as that of the Frenchmen who stormed the Bastille; the same as that of the Englishmen who sacked the Bishop's palace, and the nobleman's castle; the same as that of the Viennese who rose in fury against the Emperor and his Metternich, forcing that crafty and coldly ferocious old democracy-hater to flee for his life—because of the fact that we Georgians are *just human*, we must be relegated to a San Domingo basis, and treated by other States as though we were woolly-headed worshippers of Vaudoux!

HOW ABOUT BECKER AND NEW YORK?

The Becker case created a profound and painful impression everywhere, because of its contrast to the case of Leo Frank. The Hearst papers, the Jew-owned, and Jew-hired papers, have found this contrast embarrassing to them, and they are endeavoring to “distinguish the cases.”

For example, the New Orleans *Daily States* says:

A patient perusal of all the mass of evidence, considered in the light of the clashing interests of those involved, directly and indirectly, in the Rosenthal tragedy, **has left us unconvinced that the law’s reasonable doubt of Becker’s guilt was removed.** That Becker was a police tyrant and grafter, was amply proved. The fact that he was more or less endangered by Rosenthal’s promised revelations of police corruption furnished a motive which made it easy for others who confessed they were in the murder plot to fasten the crime on him. **But there will always be ground for the suspicion that the Rose-Webber crowd “framed” Becker to insure their own immunity.**

But whereas Frank was denied the safeguards and privileges which the State pledges any person accused of a capital crime, and was convicted in a community rank with prejudice and mob spirit, **on the testimony of a vicious negro criminal,** Becker was robbed of no technical right the law guaranteed him.

Few more deliberate and cold-blooded murderers have been committed in New York than the assassination of Rosenthal, and public sentiment was powerfully exercised against Becker in the face of clear evidence that he was a grafter with a motive for sealing Rosenthal’s lips. But it would be absurd **to liken the atmosphere in New York during the Becker trial to that in Atlanta during the Frank trial,** or to find any points of resemblance between **the orderly conviction of Becker and the utterly disorderly trial of Frank.**

So! Another case of my bull and your ox. Do we not all remember that when Bourke Cockran moved for a continuance in the Becker case, and Judge Samuel Seabury refused it, the great lawyer threw up his brief, and passionately exclaimed, “*This is not a trial; it is an assassination?*”

No lawyer said that to Judge Roan, trying Frank; and there never was the slightest *evidence* that Frank’s trial was “disorderly.”

The *Daily States* asserts that “Becker was robbed of no technical right the law guaranteed him.”

Does the States know that the U.S. Supreme Court used those very words in the case of Frank—used them in a well-considered *decision*, which is the amplest vindication of the Georgia courts?

When the highest court in the world *judicially* affirms that the State which tried and convicted Frank accorded him every right guaranteed to him under the highest law, ought not the decision to be respected?

Before the United States Supreme Court vindicated Georgia, the agencies working for Frank expressed the most exultant confidence in the outcome of the appeal; and declared that, at last, the case had reached a tribunal which would not be influenced by “mob frenzy, psychic intoxication, jungle fury,” and the rest of it.

After the United States Supreme Court patiently heard Frank’s lawyers, and solemnly assured “mankind” that the State of Georgia had not been shown to have denied Frank any legal right, was “mankind” satisfied? By no means. “Mankind” gasped in silence a few days, and then broke out into a more furious roar than ever, just as though the highest of courts had not decided the case in our favor.

It must have cost “mankind” millions of dollars to lynch the Georgia courts, with outside mobs.

Frank “was convicted on the evidence of a vicious negro criminal.” So says the Daily States, saying it, not because it is true, but because all the other Frankites say it. Without the negro, James Marshall, Becker could not have been convicted, and the highest New York court so held. Whether James Marshall is a criminal, I do not know; but the official record in the Frank case shows that Jim Conley was never a criminal until he became the accomplice of his master, Leo Frank.

May I ask the Daily States to take my word for it, that *the law of Georgia does not allow any man to be convicted on the testimony of an accomplice?*

The so-called vicious negro criminal was confessedly the accomplice of Leo Frank; and therefore *the law made it necessary for Solicitor Dorsey to practically make out the whole case against Frank, without relying at all upon the negro’s evidence.*

When that miserable little Jew jackass, Clarence Shearn, of the New York Supreme Court, was sent by his owner, Mr. Hearst, to review the record in the Frank case; and when he wrote an opinion in which he stated that there was no evidence against Frank, save that of the accomplice, he virtually charged our Supreme Court—as well as Judge Roan—with having violated their oaths of office.

Little Shearn does not know enough of Georgia law to be aware of the fact that nobody can be convicted on the evidence of an accomplice; and that, under our Supreme Court decisions, such evidence is almost valueless. *The case must be made out independently of the accomplice, to well-nigh the same extent as though he had not testified.*

This being *the law* in Georgia, how can editors who wish to tell the truth, continue to say that Frank was convicted by his accomplice?

Assuming that the great majority of the American people want to know the truth, and want the law enforced wherever crime is proved, I invited every fair-minded reader to come with me as I go into the official record—a summary of the sworn testimony, agreed on by the lawyers for both sides, and sanctioned by the trial judge.

But before turning to the dry leaves of the Brief of Evidence, let me ask you to look upon the girl herself, as she appeared in life to one who seems to have known her well. Writing to *The Christian Standard*, in protest against an editorial in the *Christian-Evangelist*, A.M. Beatty says:

Mary Phagan was a member of the Adrial class of the First Christian Bible School, and the last act she did on earth was to iron with her own hands her white dress that she might present the next day and help in winning a contest. The Sunday she expected to be at Bible School she was lying on a slab in an undertaker's in the same block as the First Church is located, having met death in a horrible manner.

It is very complete—that little picture, drawn in two sentences. Mary Phagan, not quite 14 years old, ironing the white dress she meant to wear to the Bible school, the next day. The First Christian Church stands near the morgue, and as she day-dreamed of the morrow, and the contest in her class, she saw the temple, and the white-dressed girls who would be her companions: *she did not see the morgue*.

The pity of it! The garment which she washed and ironed became her shroud, after she had been to the morgue, instead of to the church! Surely, fate has seldom been more cruel to a perfectly innocent child.

Mrs. J.W. Coleman was the first witness for the State. She testified:

“I am Mary Phagan's mother. I last saw her alive, on April 26th, 1913. She was getting ready to go to the pencil factory to get her pay envelope. About 11:30 she ate some cabbage and bread. She left home at a quarter to twelve. She would have been fourteen years old on the first day of June. Was fair complected, heavy set, very pretty, and was extra large for her age. She had dimples on her cheeks.”

(Witness described how her daughter was dressed, and identified as Mary's, the articles of clothing shown her—clothing taken from the corpse.)

George Epps, a white boy, was the next witness. He was fourteen years old, and was neighbor to Mary's family. He rode on the street car with Mary as she came into the city. She told him she was going to the pencil factory to get her money, and would then go to the Elkin-Watson place to see the Veterans' parade at 2 o'clock. “She never showed up. I stayed around there until 4 o'clock, and then went to the ball game.

“When I left her at the corner of Forsyth and Marietta Streets...she went over the bridge to the pencil factory, *about two blocks* down Forsyth Street.”

The boy put the time of his separation from the girl at 12:07, but on cross-examination, he said, first, that he knew it by Bryant Kehelye's clock, and then, *by the sun*.

(The immateriality of the variations in time, *except on Leo Frank's own clock*, will be shown directly.)

The next witness for the State was Newt Lee, the negro night-watch at the factory. He had been working there only about three weeks. Leo Frank had taken him over the building, and instructed him in his duties. On every day, except Saturdays, he was to go on duty at 6 o'clock p.m. On Saturdays, at 5 o'clock.

On Friday, the 25th of April, Frank said to Newt, "Tomorrow is holiday, and I want you to come back at 4 o'clock, I want to get off a little earlier than usual."

Newt then went on to say that he got to the factory on Saturday about three or four minutes before four. The front door was not locked; he had never found it locked on Saturday evenings. But there are double doors half way up the steps, which he had always found unlocked before, but which, *this Saturday evening, he found locked*.

He took his keys and unlocked this stair-way door, and went on up-stairs to the second floor, where Frank's office was.

Newt announced his arrival, as he had always done, by calling out, "All right, Mr. Frank!"

"And he come bustling out of his office,...and says, 'Newt, I am sorry I had you come so soon; you could have been at home sleeping. I tell you what you do; you go out in town and have a good time.'"

Newt stated that always before when Frank had anything to say to him, he would say, "Step here a minute, Newt."

This time, Frank came bustling toward the negro, rubbing his hands; and when Newt asked to be allowed to go into the shipping room to get some sleep, Frank answered, "You need to have a good time. You go downtown, stay an hour and a half, and come back your usual time at 6 o'clock. Be sure to come back at 6 o'clock."

Newt did as he was told, returned to the factory at two minutes before six, and found the stair doors unlocked. Frank took the slip out of the time-clock and put in a new one.

"It took him twice as long this time as it did the other times I saw him fix it. He fumbled, putting it in." After the slip had been put in, Newt punched his time, and went on down stairs.

Mr. J.M. Gantt came to the front door and asked Newt for permission to go up stairs after an old pair of shoes he had left there, some time before when he was employed at the factory. Newt answered that he was not allowed to let anyone inside after six o'clock.

"About that time Mr. Frank came bustling out of the door, and ran into Gantt unexpected, and he jumped back frightened."

Gantt asked Frank if he had any objection to his going up stairs after his old shoes.

Frank answered, "I don't think they are up there. I think I saw a boy sweep some up in the trash the other day."

Gantt asked what sort of shoes he saw the boy sweep out, and Frank said they were "tans."

Gantt replied, "Well, I had a pair of black ones, too."

"Frank says, 'Well, I don't know,' and dropped his head down, just so"—illustrating.

"Then, he raised his head, and says, 'Newt, go with him and stay with him, and help him find them.' And I went up there with Mr. Gantt, and found them in the shipping room, two pair, the tans and black ones, too."

That night, after seven o'clock, Frank telephone to Newt, and asked, "How's everything?"

That was the first time he had ever phoned the night watch on a Saturday night. He did not ask about Gantt.

There is a gas jet in the basement at the foot of the ladder, and Frank had told Newt to keep it burning all the time.

"I left it Saturday morning burning bright. When I got there, on making my rounds at 7 o'clock p.m. on the 26th of April, it was burning just as low as you could turn it, *like a lightning bug*. When 3 o'clock came" (after midnight, of course,) "I went down to the basement....I went down to the toilet, and when I got through I looked at the dust bin back to the door" (the back door opening on the alley) "to see how the door was, and it being dark, I picked up my lantern and went there, and I saw something laying there, which I thought some of the boys had put there to scare me; then I walked a little piece towards it, and I saw what it was, and I got out of there."

"I got up the ladder, and called the police station; it was after 3 o'clock."

"I tried to get Mr. Frank, and was still trying when the (police) officers came. I guess I was trying (to get Frank to answer the telephone) about eight minutes."

“I saw Mr. Frank Sunday morning (the same morning), at about 7 or 8 o’clock. He was coming in the office. He looked down on the floor, and never spoke to me. He dropped his head down, right this way”—illustrating.

“Boots Rogers, Chief Lanford, Darley, Frank and I were there when they opened the clock. Mr. Frank opened the clock, and saw the punches were all right. I punched every half hour from 6 o’clock p.m. to 3 o’clock a.m.

“On Tuesday night, April 29th, at about 10 o’clock, I had a conversation at the station house with Mr. Frank. They handcuffed me to a chair.

“The went and got Mr. Frank and brought him in, and he sat down next to the door. He dropped his head and looked down. We were all alone. I said, ‘Mr. Frank, it’s mighty hard on me to handcuffed here for something that I don’t know anything about.’

“He said, ‘What’s the difference? They have got me locked up, and a man guarding me.’

“I said, ‘Mr. Frank, do you believe I committed this crime?’

“He said, ‘No, Newt, I know you didn’t; *but I believe you know something about it.*’

“I said, ‘Mr. Frank, I don’t know a thing about it, more than finding the body.’

“He said, ‘We are not talking about that now; we will let that go. *If you keep that up, we will both go to hell.*’

“Then the officers came in. When Mr. Frank came out of his office that Saturday (evening) he was looking down, and rubbing his hands. I had never seen him rub his hands that way before.”

Newt stated, on cross-examination, that he would not have gone so far back in the basement, and would not have seen the body, if a call of nature down there had not caused him to use the toilet which was near the corpse.

“When I got through, I picked up my lantern; I walked a few steps that way; I seed something over there, about that much of the lady’s leg and dress”—illustrating.

“I think I reported to the police that it was a white woman. When I first got there, I didn’t think it was a white woman, because her face was so dirty, and her hair crinkled.

“When I was in the basement (the morning the body was found), one of the policemen read the note that they found. They read these words, ‘The tall, black, slim negro did this, he will try to lay it on the night’ and when they go to the word ‘night,’ I said, ‘*They must be trying to put it off on me.*’”

(Note that the negro is corroborated on this point by Sergeant Dobbs, the next witness; and bear it in mind because of its extreme importance—as you will soon see.)

Sergeant L.S. Dobbs testified that a call came to the police headquarters at about 3:25, on the morning of April 27th, and he went to the pencil factory, descended to the basement by means of the trap-door and ladder. The negro led the officers back to the body, about 150 feet.

“The girl was *lying on her face*, not directly lying on her stomach, with the left side up just a little. We couldn’t tell by looking at her whether she was white or black, only by her golden hair. *They turned her over*, and her face was full of dirt and dust. They took a piece of paper and rubbed the dirt off her face, and we could tell then that it was a white girl. I pulled up her clothes, and could tell by the skin of the knee that it was white girl. Her face was punctured, full of holes, and *swollen and black*. She had a cut on the left side of her head, as if she had been struck, and there was a little blood there. The cord was around her neck, *sunk into the flesh*. She also had *a piece of her underclothing around her neck*. The cord was still tight around her neck. *The tongue was protruding* just the least bit. The cord was pulled tight, and had cut into the flesh, *and tied just as tight as it could be*. The underclothing around the neck *was not tight*.

“There wasn’t much blood on her head. It was dry on the outside. I stuck my finger under the hair and it was a little moist.

“This scratch pad was lying on the ground, close to the body. I found the notes under the sawdust, lying near the head. The pad was lying near the notes. They were all right close together.

“Newt Lee told us it was a white woman.

“There was a trash pile near the boiler, where this hat was found, and paper and pencils down there, too. The hat and shoe were on the trash pile. Everything was gone off it, ribbons and all.

“It looked like she had been dragged on her face by her feet. I thought the places on her face had been made by dragging. That was a dirt floor, with cinders on it, scattered over the dirt.

“The place where I thought I saw some one dragged *was right in front of the elevator*, directly back. *The little trail* where I thought showed the body was dragged, *went straight on down* (from in front of the elevator) *where the girl was found. It was a continuous trail.*

“The body was cold and stiff. *Hands folded across the breast.*

“I didn’t find any blood on the ground, or on the saw dust, around where we found the body.

“The sign of dragging...started *east of the ladder*. A man going down the ladder to the rear of the basement, *would not go in front of the elevator where the dragging was*.

“A man *couldn't get down that ladder with another person*. It is difficult for one person to get through that scuttle hole. The back door was shut; staple had been pulled.”

“*The lock was locked still*. It was a sliding door, with a bar across the door, but the bar had been taken down. It looked like the staple had been recently drawn.

“I was reading one of the notes to Lee, with the following words, ‘*A tall, black negro did this; he will try to lay it on the night,*’ and when I got to the word ‘night,’ Lee says, ‘*That means the night watchman.*’

“I found the handkerchief on a sawdust pile, about ten feet from the body. It was bloody, just as it is now.

“The trap-door leading up from the basement was closed when we got there.”

City Officer John N. Starnes was the State's next witness. He testified to reaching the factory between 5 and 6 o'clock that Sunday morning. He called up Leo Frank, and asked him to come, right away.

“He said he hadn't had any breakfast. He asked where the night watchman was. I told him it was very necessary for him to come, and if he would come, I would send an automobile for him.

I didn't tell him what had happened, and he didn't ask me.

“When Frank arrived at the factory, a few minutes later, he appeared to be nervous; *he was in a trembling condition*. Lee was composed.

“It takes not over three minutes to walk from Marietta Street, at the corner of Forsyth Street, down to the factory.

“I chipped two places off the back door, *which looked like they had bloody finger prints.*”

(Let me here remind the reader, that Jim Conley, *a State's witness*, could have been required by Leo Frank's lawyers *to make the imprint of his fingers while he was on the stand*, and if these finger marks had resembled those made on the back door, *Frank would have gone free, and the negro would have swung*. The State, however, could not ask Leo Frank to make *his* finger-prints, for to have done so, would have been requiring him to furnish evidence against himself.

My information is that Conley's lawyer, W.M. Smith, *after* he had agreed with the Burns Agency to help them fix the crime on his client, went to the convict camp, where Conley was working out his sentence, *and got his finger-prints, twice*.

Be that as it may, *Frank's attorneys dared not ask the negro to make the prints*, when they had him on the stand.

You can draw your own conclusions.

Burns and Lehon do not amount to anything much as detectives; but even these amateurs know something of the Bertillon system; and if those finger-prints on the back door *had not been Leo Frank's*, Burns and Lehon would most certainly have proven that much, *by actual demonstration*, and thus put the crime on Jim Conley, or upon some other person than their client, Frank.)

The next witness was W.W. Rogers. He and John Black went after Frank, following Starne's telephone communication. Mrs. Frank opened the door, and was asked if Frank was in. He came forward, partly dressed, and asked if anything had happened at the factory. No answer being returned, he inquired, "Did the night-watchman call up and report anything to you?"

Mr. Black asked him to finish dressing, and accompany them to the factory, and see what had happened.

"Frank said that he thought he dreamt in the morning, about 3 o'clock, about hearing the telephone ring."

Witness said Frank appeared extremely nervous, and called for a cup of coffee. He was rubbing his hands. When they had taken their seats in the automobile, one of the officers asked him if he knew a little girl named Mary Phagan.

Frank answered, "Does she work at the factory?"

Rogers said, "I think she does"; and Frank added, "I cannot tell whether she works there or not, until I look at my pay-roll book. I know very few of the girls that work there. I pay them off but I very seldom go back in the factory."

The witness spoke of Frank's conduct at the morgue, and although the purpose of taking him there was to have him view the corpse, the witness never saw Frank look at it, but did see him step away into a side room.

From the morgue, the party went to the pencil factory, where Frank opened the safe, took out his time-book, consulted it, and said: "Yes, Mary Phagan worked here. She was here yesterday to get her pay."

He said: "*I will tell you about the exact time she left here. My stenographer left about 12 o'clock, and a few minutes after she left, the office boy left, and Mary came in and got her pay and left.*"

(Note, later on, that other girls were at Frank's office, the same Saturday morning, and that he nevertheless fixed the exact time of the arrival of *the girl he did not know*. And he fixed it right.)

"He then wanted to see where the girl was found. Mr. Frank went around to the elevator, where there was a switch box on the wall, *and put the switch in. The box was not locked.* As to what Mr. Frank said about the murder, I don't know that I heard him express himself, except down in the basement.

The officers showed him where the body was found, and he made the remark that it was too bad, or something like that."

(Frank was not under arrest at this time, and Newt Lee *was*. Nothing, as yet, had been said about Conley.)

On cross-examination, the witness stated that "we didn't know it was a white girl or not until we rubbed the dirt from the child's face, and pulled down her stocking a little piece. The tongue was not sticking out; it was wedged between her teeth. She had *dirt* in her eye and mouth. The cord around her neck was drawn so tight it was sunk in her flesh, and the piece of underskirt *was loose over her hair.*

"She was lying on her face, with her hands folded up. One of her eyes was blackened. There were several little scratches on her face. A bruise on the left side of her head, some dry blood in her hair.

"There was some excrement in the elevator shaft. When we went down on the elevator, the elevator mashed it. You could smell it all around.

"No one could have seen the body at the morgue unless he was somewhere near me. I was inside, and *Mr. Frank never came into that little room*, where the corpse lay. When the face was turned toward me, Mr. Frank stepped out of my vision in the direction of Mr. Gheesling's (the undertaker's) sleeping room."

Miss Grace Hicks testified that she worked on the second floor at the factory. Mary Phagan's machine was right next to the dressing room, and in going to the closet, the men who worked on that floor passed within two or three feet of Mary. Between the closet of the men and of the women, there was "just a partition."

The witness had identified the body at the morgue early Sunday morning, April 27th. "I knew her by her hair. She was fair-skinned, had light hair, blue eyes, and was heavy built, well developed for her age. She weighed about 115 pounds. *Magnolia Kennedy's hair is nearly the color of Mary Phagan's.*"

John R. Black, the next witness for the State, testified that he went with Rogers to Frank's house. "Mrs. Frank came to the door; she had on a bathrobe. I started that I would like to see Mr. Frank, and about that time Mr. Frank stepped out from behind a

curtain. His voice was hoarse and trembling and nervous and excited. He looked to me like he was pale. He seemed nervous in handling his collar; he could not get his tie tied, and talked very rapid in asking what had happened. *He kept on insisting for a cup of coffee.*

“When we got into the automobile, Mr. Frank wanted to know what had happened at the factory, and *I asked him if he knew Mary Phagan, and told him she had been found dead in the basement. Mr. Frank said he did not know any girl by the name of Mary Phagan, that he knew very few of the employees.*

“In the undertaking establishment, Mr. Frank looked at her; he gave a casual glance at her, and stepped aside; I couldn’t say whether he saw the face of the girl or not. *There was a curtain hanging near the room, and Mr. Frank stepped behind the curtain.*

“Mr. Frank stated, as we left the undertaker’s, that he didn’t know the girl, but he believed he had paid her off on Saturday. *He thought he recognized her being at the factory Saturday by the dress that she wore.*

At the factory, Mr. Frank took the slip out (of the time clock), looked over it, and said it had been punched correctly. (That is, the slip showed that Newt Lee had punched every half-hour during the night before.)

“On Monday and Tuesday following, Mr. Frank stated that the clock had been *mispunched three times.*

“I saw Frank take it out of the clock, *and went with it back toward his office.*

“When Mr. Frank was down at the police station, *on Monday morning* (the next after the corpse was found), *Mr. Rosser and Mr. Haas were there.* Mr. Haas stated, in Frank’s presence, *that he was Frank’s attorney.* This was about 8, or 8:30 Monday morning. *That’s the first time he had counsel with him.”*

(Observe that the Jews employed the best legal talent, *before the Gentiles had even suspected Frank’s guilt.*

Why did his rich Jewish connections feel so sure of his need of eminent lawyers, that they employed Rosser, *evidently on Sunday, since city lawyers do not open their offices before 8 o’clock.*)

“Mr. Frank was nervous Monday; after his release, he seemed very jovial.

“On Tuesday night, Frank said, at the station house, that there was nobody at the factory at 6 o’clock *but Newt Lee, and that Newt Lee ought to know more about it,* as it was his duty to look over the factory every thirty minutes.”

(Note Frank's deliberate direction of suspicion to the "tall, slim night-watch," upon whom *the notes* place the crime. Frank was virtually telling the police the same thing that the notes told, viz., that Newt Lee committed the crime.)

"On Tuesday night, Mr. Scott and myself suggested to Mr. Frank to talk to Newt Lee. They went in a room, and stayed about five or ten minutes, alone. I couldn't hear enough to swear that I understood what was said. *Mr. Frank said that Newt stuck to the story* that he knew nothing about it.

"Mr. Frank stated that Mr. Gantt was there on Saturday evening, and that he told Lee to let him get the shoes, but to watch him, as he knew the surroundings of the office.

"After this conversation Gantt was arrested."

(Observe that Frank's allusion to Gantt could have had no other purpose than to direct suspicion toward him; and that, while Frank was seeking to involve two innocent men, he did not breathe a suspicion of Jim Conley, whom he knew to have been in the factory when Mary Phagan came for her pay.)

After the visit to the morgue, the party went to the factory, where Frank got the book, ran his finger down until he came to the name of Mary Phagan, and said: "Yes, this little girl worked here, and I paid her \$1.20 yesterday."

"We went all over the factory. Nobody saw that blood spot that morning."

Mr. Haas, as Frank's attorney, had told witness to go out to Frank's house, and search for the clothes he had worn the week before, and the laundry, too.

Frank went with them, and showed them the dirty linen.

"I examined Newt Lee's house. I found a bloody shirt at the bottom of a clothes barrel there, on Tuesday morning, about 9 o'clock."

On re-direct examination, the witness stated that Frank said, after looking over the time sheet, and seeing that it had not been punched correctly, that it would have *given Lee an hour to have gone out to his house and back.* "

(Evidently, Frank knew where this negro lived, and how long it required for him to go home that Saturday night, and return to the factory where the girl's body lay. *This new time-slip gave Newt an hour unaccounted for*; and, in connection with the bloody shirt, the new time-slip began to make the case look ugly for Newt, "the tall, slim night-watch," *whom the writer of the notes accused.*)

J.M. Gantt was next put up by the State, and his evidence, in substance, was:

That he had been shipping clerk and time-keeper at the pencil factory, and that Frank had discharged him on April 7th, for an alleged shortage of \$2 in the pay-roll.

He had known Mary Phagan since she was a little girl, and that *Frank knew her, too.*

One Saturday afternoon, she came in the office to have her time corrected, by Gantt, and after Gantt had gotten through with her, Mr. Frank came in and said: "*You seem to know Mary pretty well.*"

After Gantt was discharged, he went back to the factory on two occasions. "*Mr. Frank saw me both times. He made no objections to my going there.*"

One girl used to get the pay envelope for another, with Frank's knowledge. Gantt swore he knew nothing of how the \$2 shortage in the pay roll occurred. Frank discharged him because Gantt refused to make it good.

Gantt described how Frank had behaved at 6 o'clock Saturday evening when he, Gantt, went for his shoes. Standing at the front door, Gantt saw Frank coming down the stairs, and when Frank saw Gantt, "he kind of stepped back, like he was going to go back, but when he looked up and saw I was looking at him, he came on out, and I said, 'Howdy, Mr. Frank,' and he sorter jumped again."

Then Gantt asked permission to go up for his shoes, and Frank hesitated, studied a little, inquired the kind of shoes, was told they were tans, and stated that he thought he had seen a negro sweep them out. But when Gantt said he left a black pair, also, Frank "studied" a little bit, and told Newt to go with Gantt, and stay with him till he got his shoes. Gantt went up, and found both pair, right where he had left them.

"Mr. Frank looked pale, hung his head, and kind of hesitated and stuttered, like he didn't like me in there, somehow or other."

(On the strength of what Frank insinuated against Gantt, he was arrested *before Frank was*, and not released until Thursday night.)

Mrs. J.A. White, sworn for the State, said that she went to the factory to see her husband, who was at work there, on April 26th. She went at 11:30, and stayed till 11:50, when she left. She *returned* about 12:30, and saw Frank standing before the safe, in his outer office. "I asked him if Mr. White had gone back to work; he jumped, like I surprised him, and *turned* and said, 'Yes.'"

She went up stairs to see her husband, and while she was up there, about 1 o'clock, Frank came up and told Mr. White that if she wanted to get out before 3 o'clock, she had better come down, as he was going to leave, and lock the door, *and that she had better be ready by the time he could get his coat and hat.*

Mrs. White testified to this tremendously important fact:

“As I was going on down the steps, *I saw a negro sitting on a box, close to the stairway on the first floor.*

“Mr. Frank did not have his coat or hat on when I passed out.”

On cross-examination, this lady swore: “I saw a negro sitting *between the stairway and the door*, about five or six feet from the foot of the stairway.”

While Mrs. White was talking to her husband, between 11:30 and 11:50, she saw Miss Corinthia Hall and Mrs. Emma Freeman there, *and they left before she did.*

(Mrs. White did not work at the factory, and did not know Jim Conley. The place where she saw a negro sitting, was where Jim sat when he had nothing else to do. Picture to yourself the interior of the factory, as Mrs. White departs at about 1 o'clock that fatal Saturday.

Two carpenters are at work on the fourth floor, tearing out a partition and putting up a new one, and they are 40 feet *back* from the elevator.

Frank is sitting on the second floor, near the head of the stairs; and Jim Conley is seated at the foot of the same stairs, on the floor below, not more than thirty feet from his white boss.

The lady passes on out, leaving these two men *practically together*. According to his own statement to the police officers, *Frank has already had Mary Phagan, in his office, in his possession, between the first departure of Mrs. White at 11:50 and her second coming at 12:30!*

Frank's own admission put the girl *alone with him in his private office, shortly after the noon hour*; and when Mrs. White returns at 30 minutes after the noon hour, *the girl is nowhere to be seen.*

Who can account for Mary between these times? *And who can account for Frank?*

Here is the tragedy, hemmed within the first departure and the *second* arrival of Mrs. White—a space which could not be filled by any two human beings, excepting Jim Conley and Leo Frank.

(We will see, later, how each of the two filled it.)

Harry Scott, the State's next witness, was Superintendent of the local branch of the Pinkerton Detective Agency. He was employed by Frank for the pencil factory.

In Frank's private office, Monday afternoon, April 28th, the detective heard Frank's detailed account of his movements the Saturday before. Frank told of his going to Montag's, and of the coming of Mrs. White.

“He then stated that Mary Phagan came into the factory at 12:10 p.m., to draw her pay; that she had been laid off the Monday previous, and she was paid \$1.20, *and that he paid her off in his inside office*, where he was at his desk, and when she left his office and went into the outer office she had reached the outer office door, leading into the hall, and turned around to Mr. Frank and asked if the metal had come yet. Mr. Frank replied that he didn’t know, and that Mary Phagan, he thought, reached the stairway, and he heard voices, but he couldn’t distinguish whether they were men or girls talking.”

Later, a witness stated that it was *before* Mary came that Frank said he heard voices—before 12 o’clock.

(Let me explain that Mary worked on Frank’s floor, some distance back of his office, and that she placed metal tips on the pencils. The supply of this metal gave out, and more was ordered, but in the meantime Mary was unemployed. Her question, “Has the metal come?” was therefore equivalent to, “Will there be work for me next Monday?”

Note particularly that in his private conference with his own detective, *he did not pretend that he had not known Mary Phagan*. On the contrary, see what Scott says further on.)

“He (Frank) also stated, during our conversation, *that Gantt knew Mary Phagan very well*, and that he was familiar and intimate with her. *He seemed to lay special stress on it, at the time*. He said that Gantt paid a good deal of attention to her.”

(The morning before, he did not know her, and had to consult his book! Although he had passed within three feet of her, every day when he went to the toilet, and had paid her off every week, for about a year, he did not know any girl of that name!)

Mr. Herbert J. Haas (later the Chairman of the Frank Finance Committee) told the detective to report to *him*, first, before letting the public know “what evidence we had gathered. *We told him we would withdraw from the case before we would adopt any practice of that sort.*”

Scott asked Frank to use his influence as employer with Newt Lee, and to try to get him to tell what he knew. Frank consented, and the two were put in a private room, in order that Frank might get something out of the “tall, slim night-watch.”

“When about ten minutes was up, Mr. Black and I entered the room, and Lee hadn’t finished his conversation with Frank, and was saying: ‘Mr. Frank, it is awful hard for me to remain handcuffed to this chair, *and Frank hung his head the entire time the negro was talking to him*, and finally, in about thirty seconds, he said, ‘Well, they have got me, too,’ After that, we asked Mr. Frank if he had gotten anything out of the negro, and he said, ‘*No, Lee still sticks to his original story.*’

“Mr. Frank was extremely nervous at that time. He was very squirmy in his chair, crossing one leg after the other, *and didn’t know where to put his hands; he was moving them up and down his face*, and he hung his head a great deal of the time while the negro

was talking to him. *He breathed very heavily, and took deep swallows, and hesitated somewhat.* His eyes were about the same as they are now.

“That interview between Lee and Frank took place shortly after midnight, Wednesday, April 30. On Monday afternoon, Frank said to me that the first punch on Newt Lee’s slip was 6:33 p.m., and his last punch was 3 a.m. Sunday. *He didn’t say anything at that time about there being any error in Lee’s punches.* Mr. Black and I took Mr. Frank into custody about 11:30 a.m. Tuesday, April 29th.

“His hands were quivering very much, he was very pale. On Sunday, May 3, I went to Frank’s cell at the jail with Black, and I asked Mr. Frank if, from the time he arrived at the factory from Montag Bros.’, up until 12:50 p.m., the time he went upstairs to the fourth floor, was he inside of his office the entire time, and he stated, ‘Yes.’

“Then I asked him if he was inside his office every minute from 12 o’clock until 12:30, and he said, ‘Yes.’

“I made a very thorough search of the area around the elevator and radiator, and back in there. I made a surface search; I found nothing at all. I found no ribbon or purse, or pay envelope, or bludgeon or stick. I spent a great deal of time *around the trap door, and I remember running the light around the doorway, right close to the elevator, looking for splotches of blood, but I found nothing.*”

(No effort was made to impeach Harry Scott, and the whole brunt of Rosser’s cross-examination was to compel the witness to admit that Frank answered the girl’s question about the metal, by saying, “No,” instead of, “*I don’t know.*”

If Frank answered, “No,” her inquiry ended right there, and there was nothing for the girl to linger for; she would go on down stairs. But if her question, “Has the metal come?” was answered by, “I don’t know,” *the girl herself would want to learn, for certain, whether there would be any need for her to return Monday morning.* As the next day was Sunday, there would be no work for her on Monday, unless the metal *were already on hand*, because, if it reached Atlanta Sunday, it would not be delivered at the factory until some time after the work hours began on Monday.

Therefore, when Frank told his own detective, in their first confidential talk, that he gave the girl’s question a reply which necessarily left her in doubt, he stated a fact that leads to the reasonable, if not inevitable conclusion, that either he or she proposed that one or the other—or both—go to the metal room, *and see!*

To make certain whether the new metal *had* come, she would go to the room where she worked, *and look.* If the metal had come, and was ready for use next week, *it was there!*

Now, when you examine page 25 of the official Brief of Evidence, and find that Rosser’s assault on the witness was directed chiefly to this point, you naturally ask, Why did it

make such a difference? Why did Frank's lawyer so strenuously endeavor to make it appear that the girl's inquiry was answered, "No," instead of, "I don't know?"

If she was murdered below, on the first floor, or in the basement, *what did it matter, whether or not she went to the metal room, on the second floor?*

If Jim Conley, sitting at the foot of the stairway, assaulted the girl as she was passing out, and either killed her there, or threw her down into the basement, where he afterwards killed her, what difference did it make, if the white man, *at the head of the stairway*, told the girl he didn't know whether the metal had come?

If the evidence places the crime on any other floor than Frank's own, why battle with the witness as to what was said and done on Frank's floor?

There is but one answer: the physical indications were on Frank's floor, partly in the metal room, and partly in the next, on the way to the elevator. *Rosser wanted to keep Frank and Mary away from that metal room*, where a tress of her hair hung on the projecting crank of a bench-lathe, and where some of her blood had stained the floor.

Rosser dared not leave unassailed the answer of Frank to Mary, which opened the way naturally for a visit to the metal room, at the back end of the building, where he could close the door, and have her securely entrapped.

Let us now take the next witness, Monteen Stover—a girl of about the same age as Mary—and who also worked at the factory. She, too, came for her wages on Memorial Day, April 26th. She testified:

"I was at the factory at 5 minutes after 12 o'clock that day. I stayed there 5 minutes and left at 10 minutes after 12. I went there to get my money.

"I went in Mr. Frank's office; he was not there. I didn't see or hear anybody in the building.

"The door to the metal room was closed.

"I looked at the clock on my way up.

"I went through the first office into the second office."

Pray note that *the crucial minutes* in this terrible case *are fixed by Frank's own clock*. The witnesses are in full view of it, as they go up and down the stairs. Newt Lee, Mrs. J.A. White, Miss Monteen Stover, and all the others who testify as to what happens in the factory, that Saturday, *go by this clock*. Presumably, Frank himself does so, in telling his detective about his movements that morning.

The gubernatorial Benedict Arnold who betrayed his people and became the national hero of rich Jews, declared to the world that Leo Frank must have been in his inner office when Monteen Stover called. I mention the fact, because it proves that *John M. Slaton must be morally certain where his client and his client's victim were, while Monteen was waiting in the vacant offices*. Nothing but *the closed door of that metal room* kept Monteen from *catching Slaton's guilty client in the very act!*

While the one girl was waiting in the empty and silent offices, the other was in the metal room, unconscious, and soon to be dead.

Slaton ravished the official record, by telling an easily duped public that Leo Frank was in his second office at from 12:05 to 12:10. This corrupt traitor *knows* that unless Frank can be stationed in his office, *at that identical time*, he assaulted and murdered the girl. Consequently, *Slaton rapes the record*, and puts his client where he was *not*, in order that the world may not know where he *was*; namely, *behind the closed door of the metal room*, where the crime was being committed, as Monteen Stover waited for the missing Frank.

On page 243 of the official record appears a statement made by Frank to N.A. Lanford, Chief of Detectives, *on Monday morning, April 28th, 1913*:

"The office boy and stenographer were with me in the office until noon. They left about 12, or a little after."

(This was true.) After they left, "this little girl, Mary Phagan, came in, but at the time I did not know that was her name.

"She came in between 12:05 and 12:10, maybe 12:07, to get her pay envelope, her salary. I paid her, and she went out of the office....It was my impression that she just walked away."

This statement, which Frank knew was being reduced to writing, accords with what he told the officers who went to his house Sunday morning. He was accurate in fixing the time when his stenographer left (as you will see later), and he was also accurate in fixing the time of Mary Phagan's arrival.

He did not then know that Monteen Stover had followed so closely upon the heels of Mary, and was in his office at the very time when an innocent Leo Frank would have been there.

Slaton knew that Frank *had to be* in his office from 12:05 to 12:10, else he killed the girl; and of course Frank knew it, too.

Therefore, the murderer tells his detective, and the city officers, that he *was* in his office, at the crucial time; and when an unexpected, and unimpeachable, witness turns up, and swears that he was *not* in his office, at the crucial time, *one of his attorneys issues a*

gubernatorial proclamation which obliterates Monteen Stover's testimony, and restores his guilty client to the place of innocence which the murderer took for himself, before he knew of Monteen's being in his office while he was committing the crime in the metal room.

After an intelligent white girl—of flawless character, and with no conceivable motive for perjury—swears positively that she went to Frank's office to get her money, *and that she looked for him in both rooms—the outer and the inner offices—Governor John M. Slaton argued to the public that his client was in the second office, during the whole five minutes that the girl was looking and waiting for him!*

Could there be moral turpitude blacker than that of a Governor who prostitutes his office to protect blood-guilt, and who endeavors to hide his own baseness by falsifying the official records of his State?

Slaton did, with a spurt of his pen, that which Burns, Rabbi Marx, Frank's wife, and Samuel Boornstein were unable to do by persuasion or by threat—he got rid of the evidence which convicts Leo Frank of the murder of Mary Phagan. The most persistent, unprecedented, and illegal methods were used by the Burns Detective Agency, and by Rabbi Marx to induce this honest young woman, Monteen Stover, to perjure herself; but these outrageous efforts were foiled by *the old-fashioned honesty of this poor daughter of the working class.*

It was the snob Governor, of high society, gilded club-life, and palatial environment, that proved to be the rotten pippin in our barrel. Rich Jews could not buy the work-people whose daily bread is earned by the toil of their hands. Rich Jews were never able to move a single member of the jury which listened for weeks to this damning testimony. Neither could Judge Roan, or our Supreme Court be moved. With splendid integrity, our whole system withstood the attacks of Big Money, until, at length, nothing was left but the perfidy of a Governor who, *in the interest of his client*, betrayed a high office, and a great people.

R.P. Barrett was the next witness for the State.

He testified that he was the machinist at the pencil factory, and that on Monday morning, April 28th, he “found an unusual spot that I had never seen before, at the west end of the dressing room, on the second floor. That spot was not there Friday. It was blood. The spot was four or five inches in diameter, and little spots behind these from the rear—six or eight in number. I discovered these between 6:30 and 7 o'clock. White stuff (potash or askoline) was smeared over the spots.

“I found some hair on the handle of a bench lathe. The handle was in the shape of an L. The hair was hanging on the handle, swinging down. The hair was not there Friday. It was my machine. I know the hair was not there Friday, because I had used *that machine* up to quitting time, Friday, 5:30.

“I could tell it was blood by looking at it. I found the hair some few minutes afterward—about six or eight strands, pretty long. When I left my machine Friday, I left a piece of work in it. When I got back, the piece of work was still there. It had not been disturbed.”

(Bear in mind, that all of this was early Monday morning, *when no Gentile had accused Leo Frank*, for whom rich Jews had already, in secret, employed the best lawyers. When the rascally Burns got into the case, an effort was made to bribe this machinist, but he refused to sell out.)

The State’s next witness, Mell Stanford, had been working for Frank *two years*. He testified that he swept up the whole floor in the metal room Friday, April 25th. “I moved everything, and swept everything. I swept under Mary’s and Barrett’s machines. On Monday thereafter, I found a spot that had some white hasoline over it, on second floor, near dressing room, that wasn’t there Friday when I swept. The spot looked to me like it was blood, with dark spots scattered around.”

The extreme importance of the evidence of Barrett and Stanford is, that the hair and the spots were not there on Friday. As Barrett’s hands had been turning his machine handle, at 5:30 Friday evening, the tress of woman’s hair could not have been on it *then*. How came it there after the men and girls quit work Friday? And whose was it, if not Mary Phagan’s?

As Stanford swept the floor Friday, the blood spots could not have been there *then, for his small broom would certainly have swept the white powder*. Whether paint or blood, how came the spots, and the white powder on the floor, after Stanford swept up, Friday?

Mrs. George W. Jefferson testified that she worked at the pencil factory, and that on Monday, “*we saw blood* on the second floor, in front of the girls’ dressing room. It was about *as big as a fan*, and something white was over it. I didn’t see it there Friday. I have been working there *five years*. The spot I saw was not one of the paints. The white stuff did not hide the red. *You could see it plainly*.”

R.B. Haslett testified that on Monday morning he and Mr. Black went out to Frank’s house, to request him to appear at the station-house about 8:30 or 9 o’clock. Mr. Frank was at the station-house two or three hours.”

E.F. Holloway, sworn for the State: Was day watchman at factory. Forgot to lock the elevator on Saturday, when he left the factory at 11:45. Witness admitted that he had been previously sworn *twice* that he left the elevator locked; once, in the affidavit he gave to Solicitor Dorsey and, again, at the coroner’s inquest.

(In other words, Holloway entrapped the State, which had his sworn testimony, twice given, that he had left the elevator locked at 11:45 Saturday morning. He had not noticed them of his *change*, otherwise the State would not have put him up.)

On cross-examination, Holloway stated that Frank got back from Montag's at about 11 o'clock. That Frank was working on his books in the office. *That Corinthia Hall, and Emma Clark were coming toward the factory (at 11:45), when he, Holloway, was leaving.*

(Remember this: *its importance was not apparent to the witness when he swore it, and he was doing what he could to help his employer.*)

He had often seen blood spots on the floor, but didn't remember having seen those Barrett found.

Witness had never seen Frank speak to Mary Phagan. Cords like that found on Mary's neck are all over the place. They come on the bundles of slats that are tied around the pencils. Barrett found the blood, hair, and pay-envelope.

Witness' explanation of the difference between his former testimony about the elevator, and that which he was giving at the trial, is quite simple and satisfactory: he says that he sawed a plank for the two carpenters on the fourth floor, and forgot about it; and, as soon as he remembered that he had sawed the plank, he recollected that he had forgotten to lock the elevator. Thus doth the little busy bee improve each shining hour; and, by association of ideas, remember that forgetfulness as to sawing one plank, revives the memory to the extent that one can recall what it was he forgot.

N.V. Darley was Manager of a branch of the pencil factory. He testified:

"Mr. Sig Montag is my superior. Mr. Frank and I are of equal dignity in the factory.

"I was there Sunday morning (April 27), about 8:20. I saw Mr. Frank that morning. When I first saw him, I observed nothing unusual. When we started to the basement, I noticed that *his hands were trembling*. I observed that he seemed still nervous when he went to nail up the back door. Frank explained why he was nervous by saying he hadn't had breakfast, and that the sight at the morgue had unnerved him.

"The elevator was unlocked.

"Mr. Frank told me in the basement that he believed the murder had been committed in the basement.

"When we started down the elevator, he was shaking all over. He looked pale. When riding down to the police station, Mr. Frank was on my knee: *he was trembling*. When my attention was called to it, I noticed something that looked like blood, with something white over it, at the ladies' dressing room, Monday morning.

"Barrett showed me some hair on the lever of a lathe: six or eight strands, at the outside.

"Pay-envelopes are found scattered all around.

“The factory is supposed to be locked and unoccupied by any person on Sundays.

“Frank usually started on his balance sheet in the afternoon.

“Frank is a small, thin man, about 125, or 130 pounds. Is easily upset, and nervous. Rubs his hands. Sig Montag had a fuss with Frank on fourth floor, and Montag hollered at him considerably, and he was very nervous the balance of the evening; he shook and trembled. He says, ‘Mr. Darley, I just can’t work,’ and some of the boys told me he took spirits of ammonia for his nerves.

“Scratch pads are scattered all over the building.

“Mr. Frank told me that the slip he took out of the clock Sunday morning had been punched regularly. *I made the same mistake.*”

(Darley, like Frank, wanted to give an innocent negro an hour of the night, so that he might have time to go home and back.)

W.F. Anderson, sworn for the State, said that when the call came from the night-watchman at the factory, Lee phoned that a woman was dead at the factory.

“I asked him if it was a white woman or a negro woman. *He said it was a white woman.*”

Anderson went to the factory, used the ladder to reach the basement, and at about 3:30 he began to use the telephone trying to get Leo Frank. “I heard the telephone rattling and buzzing; I continued to call *for five minutes*; got no answer.

“I called Mr. Haas, and Mr. Montag, too; I got a response from both. I tried to get Frank again at 4 o’clock. Central said she rang, and couldn’t get him.

“There are plenty of pencils and trash in the basement. *The trash was all up next to the boiler.*”

H.L. Parry, and G.C. Febuary, stenographers, swore to their reports of Frank’s statements to Chief Lanford, and to the coroner’s jury.

Albert McKnight, a negro, testified that his wife, Minola, cooks for Mrs. Selig, with whom Frank and wife lived; on Saturday, April 26th, he was at the home of Frank to see Minola. He saw Frank when came home, “close to 1:30. *He did not eat any dinner.* He came in, went to the sideboard of the dining room, stayed there a few minutes, and then he goes out, and catches a car. Stayed there about five or ten minutes.

“I certainly saw Mr. Frank that day, from the kitchen, where I was sitting.”

Cross-examination failed to shake the negro, and he was corroborated later by white men who said he had made the same statements to them, soon after the murder.

Miss Helen Ferguson testified that she worked at the pencil factory.

“I saw Mr. Frank on Friday, April 25, about 7 o’clock in the evening, and asked for Mary Phagan’s money. Mr. Frank said, ‘I can’t let you have it.’”

Witness had got Mary’s money before, but not from Frank.

R.L. Waggoner swore to seeing Frank on Tuesday morning, walk to the window of the pencil factory, a dozen times in half an hour, look down on the sidewalk, and twist his hands. In the automobile, after his arrest, Frank’s leg was shaking.

J.L. Beavers, Chief of Police, swore: “Saw what I took to be a splotch of blood on the floor, near the dressing room door. It looked like blood.”

R.M. Lassiter swore that he found a parasol in the bottom of the elevator shaft, Sunday morning; also a ball of small wrapping twine; also a person’s stool.

“I noticed evidence of dragging from the elevator in the basement. The umbrella was not crushed. There is a whole lot of trash at the bottom” of the elevator shaft.

W.H. Gheesling, funeral director and embalmer, testified:

“I moved the body of Mary Phagan (from the factory) at 10 minutes to 4 o’clock, in the morning, April 27th. This cord was around her neck. There was an impress of an eighth of an inch on her neck. The rag was around her head, and over her face. The tongue was an inch and a quarter out of her mouth, sticking out. The body was rigid...in my opinion, she had been dead ten or fifteen hours, probably longer. The blood was very much congested. The blood had settled in her face, because she was lying on her face.

“I found some dirt and dust under the nails. Some urine and dry blood splotches on the underclothes. The right leg of the drawers was split with a knife, or ripped right up the seam.

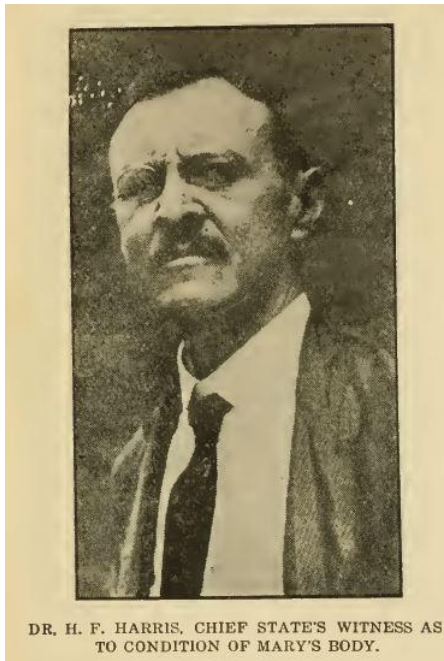
“Her right eye was very dark, and very much swollen, like it was hit before death. If it had been after death, there wouldn’t have been any swelling.

“I found a wound 2 ¼ inches on the back of the head. It was made before death, because it bled a great deal. The hair was matted with blood, and very dry. There is no circulation after death. I didn’t notice any scratches on her nose. I don’t think the little girl lost much blood.”

Dr. Claude Smith testified that on one of the chips brought him, he found three, four, or five corpuscles of blood. Couldn’t say it was human blood. A drop, or half a drop, or even less, would have caused it. Examined the bloody shirt found at Newt Lee’s. It was smeared inside and out. “I got no odor from the armpits that it had been worn. The blood was high up about the waistline.”

Dr. J.W. Hurt, County Physician, testified to the wounds, one back of the head, and the other on the eye. "Black, contused eye. A number of small minor scratches on the face. Tongue protruding. Cord around the neck. She died of strangulation. There was swelling on the neck. The wound on back of head, made by blunt instrument, and the blow from down upward. It was calculated to produce unconsciousness. Scratches on face made after death. Hymen not intact. Blood on the parts. Vagina a little large for her age; enlargement could have been made by penetration before death. Normal virgin uterus. She was not pregnant.

"The body looked as if it had been dragged through the dirt and cinders. It was my impression that she was dragged face forward."



Dr. H.F. Harris, a practicing physician, testified:

"I made an examination of the body of Mary Phagan on May 5th. On removing the skull, found a little hemorrhage under the skull, corresponding with point where blow was received. Blow hard enough to render person unconscious. Injury to eye and scalp made before death. Strangulation by cord, the cause of death. Examined vagina. No spermatozoa. On walls of vagina, evidence of violence of some kind. Epithelium pulled loose, completely detached in some places, blood vessels dilated immediately beneath surface, and a great deal of hemorrhage in surrounding tissues.

"Indications were that *violence had been done to vagina some little time before death*. Perhaps ten or fifteen minutes.

"There was evidence of violence in the neighborhood of the hymen. This violence to the hymen had evidently been done just before death.

"Menses could not have caused any dilation of blood vessels, and discoloration of walls.

"Contents of stomach showed that very little alteration, if any, had taken place in the cabbage and biscuit eaten for dinner. She died in half-an-hour, or three-quarters afterwards.

"The violence to the private parts *might have been produced by the finger or other means, but I found evidence of violence.*"

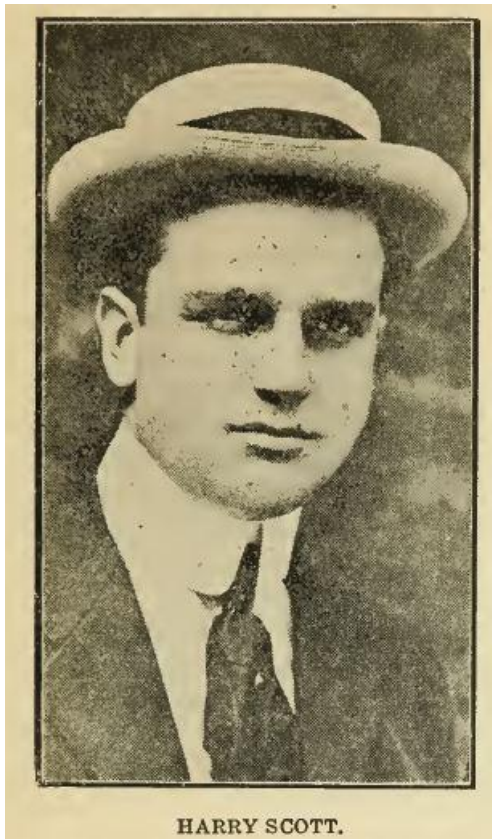
C.B. Dalton, sworn for the State, said that he knew Leo Frank, Daisy Hopkins, and Jim Conley. He had been to the pencil factory several times. Had been in the basement.

“Daisy Hopkins introduced me to Frank. When I went down the ladder (into the basement) *Daisy Hopkins went with me*. We went back to a trash pile in the basement. I saw an old cot, and a stretcher.

“Frank had Coca-Cola, lemon and lime, *and beer*, in his office. I never saw the women in his office doing any writing. The first time I went to Frank’s office, *it was Saturday evening*. I went in there with Daisy Hopkins. There were women in the office. I have been in there several times. Conley was sitting at the front door.”

S.L. Rosser: “I am city policeman. On May 6th or 7th, I knew that Mrs. White claimed she saw a negro at the factory on Saturday morning, April 26th.

“Mrs. White volunteered the information about seeing the negro.”



Harry Scott, recalled:

“I knew on Monday (April 28), that Mrs. White claimed she saw a darkey at the pencil factory. I gave the information to the police department.

“Mr. Frank gave me the information when I first talked to him.”

(Pray observe that Frank not only told the detective whom *he employed*, that he knew Mary Phagan, and that he knew J.M. Gantt was paying considerable attention to her, but that he knew Jim Conley was in the factory on the day of the crime.

Yet he was directing the police to a negro who was *not* there until night-fall, and to a white man who merely went in to get some old shoes!)

“I got information as to Conley writing, through my operations while I was out of town. Personally, *I did not get the information from the*

pencil factory, I got it from outside sources, wholly disconnected with the pencil company.”

Misses Myrtice Cato and Maggie Griffin, both swore that they had seen Frank and Rebecca Carson repeatedly go into the ladies’ private room, on the fourth floor, and remain fifteen or twenty minutes. This was during work hours. Rebecca Carson carried the key to this room.

Let us now give the gist of the evidence of Jim Conley, the accomplice, whose confession blocked Leo Frank's deliberate scheme to hang the innocent negro, Newt Lee.

Jim told how Frank would have private meetings with women in the factory, while he, Jim, kept a watch-out. He told of how another young man (Dalton) visited the factory, and how there would be "a lady for him, and one for Mr. Frank."



He told of how Frank would signal to him, by "stomping" on the floor, when a woman was alone with Frank, and how he, Jim, was then to lock the door. When Frank got through with his woman, he would whistle, and Jim would unlock the door.

Conley told of meeting Frank near Montag's, that Saturday morning, and of their talk; on this point of the meeting, and an apparently confidential talk, the negro was corroborated by Mrs. Hattie Waites.

The negro told of how the Jew instructed him where to sit, and what to do, when they reached the factory after Frank got back from Montag's. Mary Phagan was expected; and Frank was planning to prevent interruption, while he was alone with her.

The negro then told of how he sat where Frank told him to, and he named the several visitors that came to the factory during the morning.

At length, he reaches the doomed girl, and he said—

"The next person I saw, was the lady that is dead.

"After she went upstairs, I heard her footsteps going towards the office; and after she went in the office, I heard two people walking out of the office, and going like they were coming down the steps; but they didn't come down the steps; *they went back toward the metal department.*"

("Has the metal come? Will there be work for me, next week?"

No more work for you, Mary Phagan!

You can die in defense of your virtue, but never more will you turn the dull wheel of Labor!)

“After they went back there, I heard the lady scream, but I didn’t hear no more; and the next person that came was Miss Monteen Stover. She stayed there a pretty good while—it wasn’t so very long, either—she came back down the steps, and left.

“After she came back down the steps, and left, I heard somebody from the metal department come running back there upstairs, on their tip-toes; then I heard somebody tip-toeing back to the metal department.”

Next, he heard the “stomp,” and the whistle, and went upstairs.

“Mr. Frank was standing there at the top of the stairs, shivering and trembling, and rubbing his hands, like this”—illustrating.

“He had a little rope in his hands—a long, wide piece of cord.

“His eyes looked funny. His face was red.

“After I got to the top of the stairs, he asked me:

““Did you see that little girl that passed here just a while ago?”

“I told him I saw one come along there, and she come back again, and then I saw another one come along there, and she hasn’t come back down.

“And he says, ‘Well, the one you say didn’t come back down, she came into my office, and I went back there to see if her work had come, and I wanted to be with the little girl, and she refused me, and I struck her, and I guess I struck her too hard, *and she fell and hit her head against something*, and I don’t know how bad she got hurt.’”

At the time Jim made this statement first to the officers, he did not know that there was a wound in the back of the girl’s head; and, of course, he did not know it ranged “from down upward.”

He did not know that her eye was black and swollen, and that scientific testimony would prove the two wounds to have been given at practically the same time.

Without Jim’s story of the blow in her face, and her fall against *something*, it would be impossible to take the official record and explain those two wounds—front and rear.

One man could not have made the two wounds, simultaneously; *the fall* against the handle of the machine made the rear wound, and explains its peculiar range.

Had Jim been making up a story, *he would have said that she fell against the crank*, against some sharp corner, *naming it*.

In the excitement of the moment, *Frank himself did not know what it was that the girl had struck in falling*, else he would have removed her tress of hair from the crank.

Is it not an evidence of the veracity of the negro's story, that he represents Frank as saying he had hit the girl too hard, and in falling she had hit *something*, and he did not know how bad she was hurt?

The fact is, Frank expected to overcome the girl's resistance without any more violence than rakes usually exert on modest girls who stoutly resist, *and even cry out*, at first.

Her determined fight enraged him; and knowing that he had but a few minutes in which to accomplish his purpose, he struck her, believing she would then yield, through fear.

When she fell on the floor, he may have thought she was shamming unconsciousness; and he therefore ripped her drawer-leg, clear up, and did the violence to the vagina. *HOW?* Not in the natural way.

Then, his passion cooled, he saw that the girl was badly hurt; and that if he allowed her to leave, in her pitiable condition, she would go out into the streets, and make the city ring with what she could *tell*, and what she could *show*.

Having gone that far—*it was death anyway*—he ran for the cord, tied it around her neck, as tight as he could tie it; and left her, to call for help from Jim, *his confidential man, in such matters*.

The strip from her underskirt was probably torn off, and wadded under the girl's head, when he pushed up her clothes, and ripped the leg of her drawers.

Conley continued his testimony, as to what Frank said to him:

“Of course you know *I ain't built like other men*.”

Note, farther on, that Miss Nellie Woods swore that Frank used these identical words to her, when he had her in his office, and was trying to get his hands under her clothes.

Of course, Jim Conley did not know that Frank had ever used those words to a white girl, and the corroboration is powerful.

The negro continued:

“The reason he said that was, I had seen him in a position I haven't seen any other man,” etc.

The language is set forth in the opinion of the two Justices of the Georgia Supreme Court, who dissented from the majority. They considered the evidence improper, and their dissent was based upon *this*, and upon other evidence of Frank's *vices*.

What Jim described, was the crime of Sodom.

“He asked me if I wouldn’t go back there, and bring her up, so that he could put her somewhere; and he said to hurry! that there would be money in it for me.

“When I came back there, I found the lady lying flat of her back, with a rope around her neck. The cloth was also tied around her neck, and part of it *was under her head, like to catch blood*. She was dead when I went back there, and I came back and told Mr. Frank the girl was dead, and he said, ‘Sh, sh.’ He told me to go back there by the cotton box, get a piece of cloth, put it around her, and bring her up. I didn’t hear what Mr. Frank said, and I came on up there to hear what he said. *He was standing on the top of the steps, like he was going down the steps, and while I was back in the metal department*. I didn’t understand what he said, and I came on back there to understand what he did say, and he said to go and get a piece of cloth to put around her, and I went and looked around the cotton box, and got a piece of cloth and went back there.

“The girl was lying flat on her back, and her hands were out this way. I put both of her hands down easily, and rolled her up in the cloth, and taken the cloth and tied her up, and started to pick her up, and I looked back a little distance and saw her hat and piece of ribbon laying down, and her slippers, and I taken them and put them all in the cloth, and I ran my right arm through the cloth and tried to bring it up on my shoulder. The cloth was tied just like a person that was going to give out clothes on Monday; they get the clothes and put them on the inside of a sheet and take each corner and tie the four corners, and I run my right arm through the cloth after I tied it that way and went to put it on my shoulder and I found I couldn’t get it on my shoulder; it was heavy, and I carried it on my arm the best I could and when I got away from the little dressing room that was in the metal department, I let her fall, and I was scared and kind of jumped, and I said, ‘Mr. Frank, you will have to help me with this girl, she is heavy,’ and he come and caught her by the feet, and I laid hold of her by the shoulders, and when we got her that way I was backing and Mr. Frank had her by the feet, and Mr. Frank kind of put her on me; he was nervous and trembling, and after we got up a piece from where we got her at, he let her feet drop, and then he picked her up, and we went on to the elevator, and he pulled down on one of the cords and the elevator wouldn’t go, and he said, ‘Wait, let me go in the office, and get the key; and he went in the office and got the key and come back and unlocked the switchboard, and the elevator went down to the basement, and we carried her out, and I opened the cloth and rolled her out there on the floor, and Mr. Frank turned around and went on up the ladder, and I noticed her hat and slipper and piece of ribbon, and I said, ‘Mr. Frank, what am I going to do with these things?’ and he said, ‘Just leave them right there,’ and I taken the things and pitched them over in front of the boiler, and after Mr. Frank had left, I goes over to the elevator, and he said, ‘Come on up and I will catch you on the first floor,’ and I got on the elevator and started it to the first floor, and Mr. Frank was running up there. He didn’t give me time to stop the elevator, he was so nervous and trembly, and before the elevator got to the top of the first floor, Mr. Frank made the first step onto the elevator, and by the elevator being a little down, like that, he stepped down on it and hit me quite a blow right over my chest, and that jammed me up against the elevator, and when we got near the second floor he tried to

step off it before it got to the floor, and his foot caught on the second floor as he was stepping off, and that made him stumble and he fell back sort of against me, and he goes on and takes the key back to his office and leaves the box unlocked.

“I was willing to do anything to help Mr. Frank because he was a white man and my superintendent, and he sat down and I sat down at the table, *and Mr. Frank dictated the notes to me.* Whatever it was, it didn’t seem to suit him, and he told me to turn over and write again, and I turned the paper and wrote again, and when I done that he told me turn over again, and I turned over again and I wrote out the next page there, and he looked at that and kind of liked it, and he said that was all right. Then he reached over and got another piece of paper, a green piece, and told me what to write. He took it and laid it on his desk, and looked at me smiling and rubbing his hands, and then he pulled out a nice little roll of greenbacks, and he said, ‘Here is \$200,’ and I taken the money and looked at it a little bit, and I said, ‘Mr. Frank, don’t you pay another dollar for that watchman, because I will pay him myself,’ and he said, ‘All right, I don’t see what you want to buy a watch for, either; that big, fat wife of mine wanted me to buy an automobile, and I wouldn’t do it.’ And after awhile Mr. Frank looked at me and said, ‘You go down there in the basement and you take a lot of trash and burn that package that’s in front of the furnace,’ and I told him all right. *But I was afraid to go down there by myself, and Mr. Frank wouldn’t go down there with me.* He said, ‘There’s no need of my going down there,’ and I said, ‘Mr. Frank, you are a white man, and you done it, and I am not going down there and burn that myself,’ *He looked at me then kind of frightened, and he said, ‘Let me see that money,’ and he took the money back and put it back in his pocket, and I said, ‘Is this the way you do things?’ And he said, ‘You keep your mouth shut, that is all right.’ And Mr. Frank turned round in his chair and looked at the money, and he looked back at me and folded his hands and looked up and said, ‘Why should I hang? I have wealthy people in Brooklyn,’ and he looked down when he said that, and I looked up at him, and he was looking up at the ceiling, and I said, ‘Mr. Frank, what about me?’ And he said, ‘That’s all right, don’t you worry about this thing; you just come back to work Monday, like you don’t know anything, and keep your mouth shut; if you get caught, I will get you out on bond and send you away,’ and he said, ‘Can you come back this evening and do it?’ And I said, ‘Yes,’ that I was coming to get my money. He said, ‘Well, I am going home to get dinner, and you come back here in about forty minutes and I will fix the money, and I said, ‘How will I get in?’ And he said, ‘There will be a place for you to get in all right, but if you are not coming back, let me know, and I will take those things and put them down with the body,’ and I said, ‘All right, I will be back in about forty minutes,’ Then I went down over to the beer saloon across the street, and I took the cigarettes out of the box and there was some money in there and I took that out, and there was two paper dollars in there and two silver quarters, and I took a drink, and then I bought me a double-header and drank it, and I looked around at another colored fellow standing there, and I asked him did he want a glass of beer, and he said no, and I looked at the clock and it said twenty minutes to two, and the man in there asked me was I going home, and I said, ‘Yes,’ and I walked south on Forsyth Street to Mitchell and Mitchell to Davis, and I said to the fellow that was with me, ‘I am going back to Peters Street,’ and a Jew across the street that I owed a dime to called me and asked me about it and I paid him that dime. Then I went on over to Peters Street and staid there a while. Then I went*

home and I taken fifteen cents out of my pocket and gave it to a little girl to go and get some sausage, and then I gave her a dime to go and get some wood, and she staid so long that when she came back I said, 'I will cook this sausage and eat it and go back to Mr. Frank,' and I laid down across the bed and went to sleep, and I didn't get up any more until half past six o'clock that night.

"That's the last I saw of Mr. Frank that Saturday, I saw him next time on Tuesday, on the 4th floor, when I was sweeping. He walked up and he said, '*Now, remember, keep your mouth shut,*' and I said, 'All right,' and he said, '*If you'd come back on Saturday and done what I told you to do with it down there, there would have been no trouble.*' This conversation took place between ten and eleven o'clock Tuesday. Mr. Frank knew I could write a little bit, because he always gave me tablets up there at the office so I could write down what kind of boxes we had, and I would give that to Mr. Frank down at his office, and that's the way he knew I could write."

On cross-examination—it lasted 8 hours—the negro stated that he was 27 years old; that before he went to the pencil factory, he worked a year and a half for Dr. Palmer; that he had worked for the Orr Stationery Company, and for S.S. Gordon. Before that, for Adams Woodward and Dr. Howell. Got his first job with S.M. Truitt. Next with W.S. Coates. Went to school one year. Can write a little. Worked for Truitt two years. For Coates, five years.

He admitted he had stooled in the elevator shaft, Friday evening.

"I have never seen the night watch-man, Newt Lee."

(Notice that Lee had only been there three weeks, *and that Conley had never seen him*; and therefore it was *Frank*, not Conley, who knew that the night-watch was a "*tall, slim, black negro.*"

Therefore, it was *Frank*, not Conley, who was able to accurately *describe Lee*, in the notes where he is *twice* described!

This immensely important detail has heretofore been overlooked.)

"I heard them say there was a negro watchman, but I did not know he was a negro.

"The lady that I saw with Mr. Frank was Miss Daisy Hopkins. It would always be between 3 and 3:30 (o'clock p.m.). I was sweeping the second floor; (Frank's office floor). Mr. Frank called me into his office. Miss Daisy was with him."

Then Jim told of how Dalton and another woman came; how Dalton and his went down into the basement, and how Frank and his remained together; and how, after the two men got through, each paid him 25 cents for watching while they were with the women.

Then Jim told of the woman who came down from the fourth floor, to be with Frank in his office, while the negro watched.

(The manner of Frank with these women is set forth in Volume 141 of Georgia Reports, page 287. Anyone can obtain a copy by writing to the State Librarian, Atlanta.)

“I never was drunk at the factory. Yes, I sometimes drank beer in the basement with Snowball”—another negro employee.

Jim admitted that he had told lies about the case, until he decided to confess.

“Mr. Quinn came in, and then went away before Mary Phagan came. Mr. Quinn had already gone out of the factory when Mary Phagan came in. I didn’t see Mr. Barrett, nor Miss Corinthia Hall, or Hattie Hall, or Alonzo Mann, or Emma Clark.

“I never was in jail until April, 1913. I have been down at police barracks several times. I was arrested for fighting black boys. I have never fought a white man, or woman.

“While I was writing the notes, Mr. Frank took the pencil out of my hand, and told me to rub out that ‘a’ in ‘negro.’

“I saw Mary Phagan’s mesh-bag, or pocketbook, in Mr. Frank’s office, after he got back from the basement. It was lying on his desk. *He taken it and put it in the safe.*”

“Mr. Frank told me he would send me away from here if they caught me. He would get me out on bond, and send me away.

“I had orders from Mr. Frank to write down how many boxes we needed.

“Mr. Frank knew for a whole year that I could write. I used to write for him, the name of the pencils we made, ‘Luxury,’ ‘George Washington,’ ‘Thomas Jefferson,’ ‘Magnolia,’ and ‘Uncle Remus.’

“Yes, I wrote him orders to take money out of my wages.”

(See the importance of this—unknown to the negro; Frank, familiar with his writing, sees two specimens of it in the basement. Sunday morning, soon after the corpse is found, and yet *never says a word about the “hand-write” being Conley’s*, nor about his, Frank’s, knowing that Conley could write.)

“The pocket-book was a white-looking pocket-book, with a chain to it. You could take it and fold it up and hold it in one hand.”

(Mary’s mother referred to it as a silver mesh-bag.)

Ivie Jones testified that he met Jim Conley on the street, between 1 and 2 o'clock, Saturday afternoon, of April 26th; and that they walked on together toward Conley's home.

The State here "rested" its case. It had traced Mary into Frank's possession, and had thrown upon him the burden of explaining what became of her, for she was found dead, *in his possession* (in law), and the condition of her stomach and limbs proved that *she was murdered at about the time he got possession of her*.

In the effort to save his life, he pretended that she had gone into Newt Lee's possession, *after nightfall*; but he was foiled in his purpose to hang the innocent negro, by unforeseen circumstances:

- 1) The inability of his friends to prove that *anybody* Mary alive, after she had been traced almost to the factory door;
- 2) The providential visit of Monteen Stover to Frank's office, at the time when he told Harry Scott—and swore at the inquest—that Mary was in his office, and that he himself never left it;
- 3) The call of nature, 3 o'clock after midnight, that same night, which providentially caused the endangered Newt Lee to discover the corpse—which Frank had intended to either drag out into the alley behind, or bury in the dirt floor, *or burn in the furnace, when the fires were started again, Monday*.
- 4) The break-down and confession of Jim Conley.

Thus the circumstances forged a perfect chain around Frank.

Like a shuttle in a weaver's loom, the girl was on the stairs, between Conley and Frank; both knew she was there; each man knew the other was there; and each man knew that if *he* did not kill the child, *the other did!*

If she had left the hands of Frank, she was flung towards the hands of Conley, at the foot of the stairs; and, as Frank knew Conley was there, he knew the negro assaulted and murdered the girl, if he himself did not do so.

There isn't a lawyer living who can get over this point, and explain Frank's screening of Conley, save upon the idea of *their joint guilt*.

The Jew never hinted a suspicion of the negro, until after the negro exonerated Newt Lee, and put the awful crime where it belonged.

And, without the negro's evidence, no man can possibly explain that hair and blood on Frank's floor; the absence of blood or signs of struggle, elsewhere; the loose cloth around the head, which soaked up the blood; the hands folded across the breast, and so

frozen into position that, when the fiendish Jew dragged her by the heels, over a cinder-strewn and gritty dirt floor, those little fingers remained in position across the bosom, which was never to pillow a husband's head, or nourish an honest man's babe.

"I put both of her hands *down*, easy;" and, as the negro had seen people cross the hands of the dead, he crossed hers upon her breast; and so they found them, next morning.

Everlasting honor to the race which produces girls of this heroic mold—girls who will not live, unless they can live purely!

Everlasting honor to the work people, and the common people, who have fought so grandly, for two long years, to avenge that innocent blood!

And honor forever to the brave men of Cobb County who carried out the legal sentence of the courts, after one of Frank's own lawyers had contemptuously upset the legal machinery which had *judicially ascertained* Leo Frank's terrible guilt.

THE CASE OF THE DEFENSE.

The first two witnesses, Matthews and Hollis, merely swore to street-car schedules, and the time Mary Phagan rode into the city.

Herbert Schiff, Assistant Superintendent of the factory, testified to the system of business, manner of paying off, how pencils are made, etc.

He saw the blood spots, and the hair. His most important statement was made on cross-examination:

"I knew on Monday that Mrs. White claimed she saw a negro there."

Then, Mr. Schiff, why didn't you go after *that* negro, instead of Newt Lee, who was at home, asleep?

Answer the question, NOW, Mr. Herbert Schiff!

You knew, on Monday, that the negro whom Mrs. White saw, *must have been Jim Conley*; and you swore that you saw Conley in the shipping room of the factory on Monday, and on Tuesday, following: *you did not ask Conley a single question about the crime*; and yet you knew he must be the guilty man, if Frank wasn't.

How do you explain your failure to catechize Jim Conley?

Explain it NOW, Mr. Schiff!

A detail of Mr. Schiff's evidence was, that *"empty sacks are usually moved a few hours after they are taken off the cotton."*

Frank's gubernatorial attorney argued that there was no use for cloth, or sacks, at a pencil factory.

Miss Hattie Hall, stenographer, swore she finished her work, carried it to Frank, and left at 12:02, Saturday, punching the clock as she went away.

She said Frank did not make up his financial sheet that morning, but admitted she had testified differently at the inquest.

Miss Corinthia Hall, sworn for the defense, stated she was forelady at the factory. Got there Saturday about 25 minutes to 12 o'clock. Mrs. Emma Clark Freeman was with her. They left at about 15 minutes to 12. Frank was in his office.

On cross-examination, witness stated that she and Mrs. Freeman met Lemmie Quinn a few minutes later at the Greek Café, *and Quinn told them he had just been up to see Mr. Frank.*

Mrs. Freeman's evidence was to the same effect.

Miss Eula May Flowers merely testified that she gave Schiff the data for financial reports.

Miss Magnolia Kennedy swore that Helen Ferguson did not ask for Mary Phagan's pay envelope.

On cross-examination, she said:

"Barrett called my attention to the hair. *It looked like Mary's.* My machine was right next to Mary's."

She had never before seen the spots on the floor, but on Monday could see them ten or twelve feet away.

Wade Campbell, another employee:

His sister, Mrs. White, told him, Monday, that she had seen the negro Saturday. "I saw the spots they claim was blood. Have never seen Frank talk to Mary Phagan. I knew that Conley could write."

(Then, Mr. Campbell, why didn't *you* suspect Conley, whom you knew to be the negro your sister saw there, and whom you knew could write?)

Lemmie Quinn came next:

Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert

He is foreman of the metal department. About 100 women work at factory. Couldn't tell color of hair Barrett found. Noticed the blood spots. "I was in the office, and saw Frank between 12:20 and 12:25."

He "reckoned" the time, and did not go by any clock or watch. He admitted that he met Miss Hall, and Mrs. Freeman *after* he had been to see Frank.

(This was the only attempt at alibi; *and two of Frank's own witnesses smashed it, by Frank's own clock.*

Note how they were corroborated by Mrs. White and Holloway, both of whom swore that the ladies, Miss Hall and Mrs. Freeman, were at the factory some 10 to 20 minutes before *noon*.

The attempt to place Quinn in Frank's office at 12:20, shows how they needed help, *there and then*; its break-down, left them without a leg to stand on.)

Harry Denham, one of the carpenters at work on the fourth floor, testified to the hammering, forty feet from the elevator. Was pretty sure elevator did not run that day. He could have seen wheels moving, and heard the noise. Finished and left about 3 p.m. Frank was there.

Minola McKnight:

Testified to Frank's natural and regular conduct on Saturday and Sunday. Swore her husband bulldozed her into making that affidavit about Frank getting drunk Saturday night, confessing to murder, and wanting to kill himself.

"My husband tried to get me to tell lies," she said. "All that affidavit is a lie."

Emil Selig, father-in-law to Frank, testified to his natural conduct, and conversation on Saturday. Flatly contradicted Albert McKnight.

Miss Helen Kerns swore she saw Frank on the street, that Saturday, 10 minutes after 1 p.m., on Alabama Street.

Mrs. A.P. Levy: Saw Frank get off car near his home, between 1 and 2 p.m., that Saturday. Was looking at the clock, and knows it was 1:20.

Mrs. M.G. Michael, of Athens, testified that Mrs. Frank is her niece. She saw Frank at about 2 o'clock Saturday. He greeted her. She saw nothing unusual about him.

Jerome Michael, of Athens, swore that he had his watch in his hand Saturday, and saw Frank that day between 1 and 2 o'clock. Saw nothing unusual about him.

"I practice law. I had my watch in my hand when I saw Frank."

Mrs. Hennie Wolfsheimer swore to about the same thing. She was Frank's aunt. She was corroborated by Julien Loeb, and H.J. Hinchey.

Miss Rebecca Carson testified that she was forelady at the pencil factory; that the elevator is noisy when running, and that Jim Conley told her, on Monday, he was so drunk the previous Saturday he did not know where he was or what he did. She also heard Jim say that Frank was as innocent as an angel.

Mrs. E.M. Carson testified that Conley said that Frank was innocent. She has seen blood spots on floor. Girls would hurt their fingers.

On cross-examination, *she admitted she had seen Frank and Conley, on fourth floor, at the same time, the Tuesday after the murder.*

(This was an important corroboration of Conley's evidence.)

Miss Mary Pirk, another forelady at the factory, swore that on Monday she accused Jim of the murder, and that "he took his broom and walked right out of the office." Miss Mary swore she wouldn't believe Jim on oath. She did not report to Frank that she suspected Jim. "I accused Jim before I saw the blood at the ladies' dressing room."

Miss Dora Small testified that she worked at the factory: saw Jim Conley on fourth floor Tuesday. Didn't see Frank talk to Jim. "I have never seen him talk to that nigger in my life." Miss Dora said that Jim worried her for money to buy newspapers, and that she wouldn't believe him on oath. Every time he heard a newsboy yell "Extra!" Jim would go to Miss Dora and beg to see it, before she had finished with it.

Miss Julia Fuss, who also worked there, testified that Jim said, on Wednesday, after the murder, that Frank was as innocent as the angels in heaven; she added that Jim "was never known to tell the truth."

She testified that Frank came up stairs where Conley was, that Tuesday morning, but she did not see them in conversation.

Annie Hixon, a lady of color, testified that Frank called up the Ursenbach home, about half-past one, April 26th, and told them he would not be able to keep his engagement to go to the ball game.

Alonzo Mann, office boy at the factory, swore he left at about 11:30 on Saturday. Had never seen Frank have any women there. Had never seen Dalton there.

Mr. M.O. Nix identified the financial sheets as being in Frank's handwriting.

Harry Gottheimer travels for the pencil factory. Saw Frank at Montag's that Saturday morning. Said Frank invited him to call at the factory that afternoon.

Mrs. Rae Frank, mother of defendant, identified some writing, especially a letter written by him to his uncle, Moses Frank, who is "supposed to be very wealthy."

Oscar Pappenheimer, stockholder in the pencil factory, swore to receiving report Monday, April 28th.

C.F. Ursenbach, brother-in-law of Frank, said he had an engagement for the ball game with Frank, for Saturday afternoon, and Frank called it off; saw Frank, Sunday; seemed all right.

I. Straus swore he was at Frank's home, Saturday night, and while others played cards, Frank sat in the hall, reading.

Mrs. Emil Selig testified that the contents of the Minola McKnight affidavit were false.

Sig. Montag, Treasurer of the factory, testified to Frank's coming to his house, Sunday morning, after the crime; looked all right; witness went to the factory that morning; sent for Haas and Rosser, Monday; made no trade about fees. Don't know who is paying Frank's lawyers.

Many witnesses for the defense either confined themselves to the good character of Frank, or to the bad character of Conley, and to contradictory statements made by him; and not one of these witnesses swore to any fact of real importance.

The defendant's lawyers carried the character business too far, by putting up Miss Irene Jackson, who, after saying that Frank's "character was very well," swore that he had a habit of leering at the girls in their private room, while they were partially undressed.

Miss Bessie Fleming testified that Frank made out his financial sheets on Saturday *mornings*.

Then came defendant's statement:

It covers forty-five pages of printed matter, and less than five of these touch the merits of the case.

He stated that after Hattie Hall left (12:02), Mary Phagan (he did not know her name, he said) came into his office, ten or fifteen minutes later, and that he did not know where she went after he gave her the pay envelope.

He stated that Quinn came in, afterwards, and that if he (Frank) left his office, after 12 o'clock, before he went upstairs at 12:45, he must have "unconsciously" gone back to the toilet!

(This toilet is back of the metal room, and he had to go to the metal room, and, if he went to it, *then*, he had to go to the metal room where Mary Phagan's hair was, and over the very spot where her blood stained the floor!)

Almost the entire statement of the defendant, as shown in the record, was taken up with a tedious and prolonged explanation of his manner of doing his work at the factory.

One thing Frank did try to do: he attempted to explain why his wife would not come to see him at the jail. He said he did not want her in that crowd of reporters, detectives, and snap-shotters!

Three of Frank's male relatives had virtually dragged her to the police headquarters; but she would go no further; and when she went away, she stayed away *three weeks*.

In the Atlanta papers, Rabbi Marx explained this by saying, she was expecting every day that Frank would be released, although the fact was universally known that he had been bound over for trial, and could not be bailed out.

In rebuttal, the State proved that Frank's character for lasciviousness was bad. The witnesses who swore it, were Myrtie Cato, Maggie Griffin, Mrs. C.D. Donegan, Mrs. H.R. Johnson, Marie Karst, Nellie Pettis, Mary Davis, Mrs. Mary E. Wallace, Estelle Winkle, and Carrie Smith. These white ladies had worked for Frank, and not one of them was impeached, *or cross-examined*, by his lawyers.

By Ruth Robinson, Dewey Hewell, and W.E. Turner (white), it was proved that Frank not only knew Mary Phagan, but talked to her by name, had his hand on her shoulder, tried to push his attentions on her; and that she was holding him off, repulsing his advances.

George Eppes made affidavit that Mary told him, the Saturday morning he saw her last, alive, *that Frank had been trying to flirt with her*.

One of the notes found near the corpse read:

"He said he would love me, laid down play like night witch did it but that long tall black negro did boy hisself."

The other read:

"Mam that negro fire down here did this i went to make water and he push me down a hole a long tall negro black that had it wase long sleam tall negro i wright while play with me."

Note, that unnatural sexual intercourse seems to be suggested; and that Newt Lee is designated by occupation once, and by personal description, twice; and that the place of the crime is placed on the floor above—not in the basement itself.

Excepting a mass of immaterial evidence, as to how long cabbage lies in the stomach undigested, and as to whether the girl's privates had been violated, the defendant had nothing except what I have stated.

How could he have?

The case hinged on the few minutes after Hattie Hall left at 12:02, and before Mrs. White's return at 12:30; and the disappearance of Frank and his victim, during the time that Monteen Stover waited for him in his office, could never be explained.

His conviction rested upon undeniable physical facts, and his own statements, made before he learned how Monteen could disprove them.

The lawyers for the defense took three lines, and three only—each of them leading into what the French call a *cul de sac*; we Americans call it, a blind alley.

A number of witnesses, following one of these paths that didn't go anywhere, testified to a time or times when they had seen varnish and paint spilled, or when they had seen somebody hurt at a machine, and bleeding on the floor. None of these witnesses made the slightest effort to explain away the spots of red, with white powder over them, which were *not* on the floor when it was swept Friday, but was seen there the first thing Monday morning.

Consequently, this line of evidence stopped in a *cul de sac*.

Another lot of witnesses were put up, to prove that Frank had never been seen by them to have had a woman, or women, in the factory on Saturday afternoons.

Even a layman will perceive, that no matter how strong this point was made, it did nothing more than contradict Conley, as to one detail of his testimony. The evidence of these witnesses was consistent with the idea, that Frank was too sly in his secret vices to be caught up with by the ordinary employees of the place. *Jim* was his confidential man, and Jim was just the sort of negro to keep the secret, and to care nothing about the sexual practices of his white boss.

So you see that *this* path of the defense also led to nothing; it did not tend to clear up the mystery of Mary Phagan's death, *in Frank's house*, shortly after she went into his possession.

The third line of defense consisted of scientific testimony as to the cabbage in the girl's stomach, and the blood on her person.

An incredible amount of time was devoted to this point; and the lawyers of Frank really appeared to attach tremendous importance to it.

Doctor after doctor gave the most learned and exhaustive dissertations on the digestibility of cabbage; and doctor after doctor uttered wisdom, on the possibility of ascertaining, from the examination of a woman's corpse, whether she had suffered sexual violence before she died.

Can you not see at a glance how futile all this sort of thing was? There was no dispute about the girl's going into Frank's possession, soon after she ate dinner; there was no dispute that somebody murdered her, in Frank's own house, almost immediately after she entered it; and nobody was being prosecuted for any other crime than *murder!*

Frank was not being tried for rape, nor sodomy, nor adultery. *He was being tried for THE MURDER OF MARY PHAGAN, who was found dead, by violence, IN HIS HOUSE, shortly following her coming into his possession.*

He admitted the possession; fixed the time by his own clock; and made false statements as to his *then* whereabouts; *consequently the scientific testimony concerning the contents of the girl's stomach, and the condition of her vagina, was almost ludicrously unimportant.*

That laborious path led nowhere, for the simple reason that it threw no light on *the* question in the case—that question being, “*Who fastened the cruel cord around the child's neck, and choked her to death?*”

The astounding fact to be learned from this official Brief of Evidence is, *it fails to show that defendant's lawyers had any consistent theory as to who committed the crime, AND WHERE.* I never saw such an instance of water-muddying, and beating about the bush. At no pivotal point did Frank's attorneys grapple with the facts. You search in vain to find how they expected to show the jury that Mary Phagan came out of Frank's possession safely, after she came in, next to Hattie Hall, and was followed so closely by Monteen Stover. The jury could see—as you do—that, had she gone on down stairs, as Frank said she did, “at 12:05, or 12:10, or maybe 12:07,” she would have met Monteen; and that the negro, at the foot of the stairs, could not have done what *was* done to her, *without being taken in the act, by the other white girl.*

When Frank told the jury he must have been at the toilet during the five minutes that Monteen waited, the jury must have felt the cold chills run up their spines, for the jury knew that *Mary* had not “unconsciously” gone to the toilet, *at the same time Frank did!*

What the doomed man, and his bewildered lawyers failed to see was this:

It was just as necessary for him to explain WHERE MARY WAS, while Monteen waited, as to explain HIS OWN DISAPPEARANCE, at that fatal time.

Frank's repeated statements entrapped him beyond escape. He said, again and again, that Mary came next to Hattie Hall, *and he did not mention Monteen's coming at all.* This proved to the jury that he did not know of Monteen's coming. And he would have known

it had he been in his office, when he said he was. Now, as he had (in ignorance of Monteen's visit) placed both Mary and himself in his office—while Monteen waited—he had deliberately and repeatedly lied as to Mary's whereabouts, as well as his own. *He* might have “unconsciously” gone to the toilet. Very well; *but where did Mary go?*

Her hair, and her blood, and the only possible explanation of the wounds—the swollen eye in front, and the scalp cut on the back of the head, *ranging from down upward*—were all back there at the metal department, *where the toilet was*.

Infatuated young degenerate! To escape Monteen's evidence, and to explain his absence from his office, he supposed himself to have gone, “unconsciously,” to the only place in his house *where there were damning evidences of the crime*.

Ask the finest criminal lawyer of your acquaintance, if he ever knew of a great case of circumstantial evidence, where the defendant was not convicted *by something which HE said, or did*. It happens so, almost invariably. Guilt cannot talk, or be mute; move, or stand still, without revealing the difference between the slush and the snow; the crystal fount, and the turbid stream. God so made the world that truths *fit*; lies never do.

No innocent man ever pretended not to know a murdered person with whom he had been in daily contact, for a year; with whom he had familiarly conversed, and upon whom he had put his hands; and no guilty man ever took hold of the upraised arms of his victim, crossed them decently over her bosom, and then bore her way from the scene of the crime.

When the defendant made his extraordinary motion for a new trial (the Supreme Court having unanimously refused to grant a re-hearing on his regular motion for a new trial) there was developed the most amazing series of operations, conducted by the W.J. Burns Agency, and by C.W. Burke, private detective of Governor Slaton's law-firm.

Practically all of the employees of the pencil factory, whose testimony had made out the State's case, were either threatened, or offered money, *to change their evidence*.

Much of this foul work was done in the private office of Governor Slaton. His detective, Burke, using the assumed name of Kelly, tampered with George Eppes, and took him to Birmingham. Albert McKnight was tempted with money, and with offers of employment at high wages. Burns tried to get him to swear, that some injuries he had received in a railroad accident were caused by a beating given Albert by the Atlanta detectives.

The work-girls were offered money to make affidavits contradicting the evidence given at the trial.

Carrie Smith was threatened by Burke with the exposure of alleged misconduct, if she did not come across, and make the statement Burke desired. The girl, being innocent, *defied Governor Slaton's detective!*

Burns kept an Atlanta negro, Aaron Allen, several days in Chicago, talking to him daily, and having Burns' underlings talk to him; and they were assisted by Jacob Jacobs. They wanted the negro to swear that Conley had confessed that he alone committed the murder. One day, in Chicago, Allen was ushered into a room of the Burns suite of offices; where *somebody* had left on the table *a large pile of money*, gold, silver, and greenbacks. The negro was too wary to touch it.

Marie Karst testified that Burke and Lemmie Quinn came out to her home, and "Lemmie set up to drinks," and Burke talked to her. Wanted her to come to the office of Rosser, Brandon, Slaton & Philips. "I didn't go." Then Burke met her on the street, and offered to employ her to work for him. Gave her \$2 a day for working in the *afternoons*. "Burke wanted me to go around and see the girls who had sworn for the State in the Frank trial...*and see if they would not change their evidence.*

"He told me that what I swore to did not bind me, because I was not cross-examined, *and said it was not recorded.*

"I saw several of the girls, and they told me they would not change their evidence, because what they swore to was true.

"Burke wanted me to see Monteen Stover, and talk with her, and see if I couldn't get her to change her evidence.

"He wanted me to go down and live with Monteen, and 'pick' her. My mother refused to let me do it, and would not let me work for Burke any more.

"I met Burke, and talked with him, in THE PRIVATE OFFICE OF GOVERNOR JOHN M. SLATON."

Mrs. Cora Falta testified that she had been working at the factory five years.

"On Monday, April 26, 1913, we were all at work, and Magnolia Kennedy came running into the room, and said: '*We have found some of Mary's hair on the lathe machine!*' We all quit work, and went there and looked at it."

(Remember, that no one, at this time, suspected Leo Frank.)

R.L. Craven swore that he heard J.N. Starnes urge Minola McKnight to tell something favorable to Frank, if she could, because they would rather learn something in his favor than something against him; and, in the presence of Minola's husband, and her lawyer, Starnes told the woman not to swear to her statement unless it was true.

This statement of Minola was in reference to *Frank's being drunk during the night after the crime; his wife sleeping on the rug on the floor; and his calling for his pistol to kill himself.* After these exhortations, the woman swore to the statement, and signed it.

Mrs. Carrie Smith swore that she was offered \$20 to sign an affidavit favorable to Frank. She had worked three years at the factory, and knew Frank's character was bad. The man, Maddox, who wanted her to change her evidence, was in Governor Slaton's private office, in the Grant building, when she went there to see Marie Karst.

Mrs. Maggie Nash (formerly Griffin) swore to *the efforts of Burns to get her to change her evidence as to Frank's bad character, and Frank's going into the private room, on the fourth floor, with a forelady*. She told Burns he might try one hundred years to change her evidence, but she would never do it, because it was the truth.

Ruth Robinson swore that she had known Mary Phagan as a little girl, in Cobb County; and that she *had seen Frank at Mary's machine, several times a day, talking to her, and calling her "Mary," when it was not necessary from any business reason*.

"Mary had worked there a good, long time, and understood her business."

"Sometimes Frank would remain at Mary's machine fifteen or twenty minutes. I never saw him show that much attention to the work of the other girls on that floor. I have seen Frank, in showing Mary about her work, *take hold of her hands, and hold them*. Frank's visit to Mary, and talks with her, and assistance given her, *became more and more frequent*.

"The very last day I worked there, I saw Frank talking to Mary. *I heard him call her 'Mary.'*"

"The said Leo Frank undertook to give me seven dollars, when he knew I was not entitled to the money, and he endeavored to have an assignation with me, some time the next week. This occurred in his office."

Miss Nellie Pettis made affidavit to the efforts of Frank's detectives, and lawyers, to change her evidence; but she reiterated with emphasis that Frank *had* insulted her in his office, by making an indecent proposition which she indignantly rejected—following which she left his office and employment.

Mrs. Mamie Edmunds (formerly Kitchens) swore that when Frank, without knocking, would open the door of the ladies' private dressing room, and see girls in there partly dressed, she thought it would have been as little he could have done to say, "Excuse me, ladies," and go away. But instead of doing so, "he would stand in the door, and laughed or grinned. I don't know when a Jew is laughing, or when he is grinning; but he stood there, and made no effort to move."

"Miss Jackson exclaimed, 'We are dressing, blame it!' and then he shut the door and disappeared."

C.W. Burke tried to persuade witnesses that Frank's conduct was all right, and urged her to sign a paper to that effect.

“I took Burke’s word for what the papers contained. I did not tell Burke anything different from what I have sworn before.”

C.B. Dalton swore *that Burke offered him \$100 to sign a paper*, “to be used before the Pardon Board, to keep Frank from hanging.” He said he went to Dublin, Ga., to do some work for a bank, *and two Jews came to him and offered him \$400 to leave the State*. They came to him several times, and renewed the offer, stating that *they meant to get Frank a new trial*.

“I have, on several visits to Frank’s office, seen girls there. Have seen him play with them, hug them, kiss them, and pinch them. I saw him, on several occasions, take a girl and go back of the room where the dressing room is. On one occasion, Frank had six bottles of beer, and I carried three more to his office. Frank told Dalton he needn’t rent a room; to take Daisy Hopkins to the basement, where there was a cot. “I used this cot with Daisy Hopkins half a dozen times.”

Helen Ferguson swore that Jimmie Wrenn, who worked for C.W. Burke, offered her \$100, *if she would leave Atlanta. Frank was going to get a new trial, and her board and all expenses would be paid while she was out of the State*. She said that Wrenn made violent love to her, and tried to persuade her *to marry him!* He took her up to the Grant building, and introduced her to his “father.”

“Jimmie made love to me, and said he wanted to marry me, *but wanted me to sign an affidavit first.*”

They were working on the girl to get her to repudiate her statement, *that Frank had refused to give her Mary’s pay envelope*.

It was this refusal, on Friday evening, to give Helen the \$1.20 due to Mary, that compelled the girl to go to Frank herself for it, next day.

Burns, Burke, and Wrenn were working desperately, *using John M. Slaton’s private office*, to get out of their way the evidence which tended to show that Frank deliberately laid a trap for Mary Phagan.

It was not until several weeks after Jimmy Wrenn introduced Helen Ferguson to his “father,” *in Governor Slaton’s private office*, that she discovered *that Jimmy’s “father” was the unscrupulous scoundrel, C.W. Burke*, who was working for the firm of Rosser, Brandon, Slaton & Philips, and trying, in the interest of this law-firm, *to criminally defeat Law and Justice*.

Miss Nellie Wood gave testimony which corroborated Conley in a most remarkable manner. She said:

“I told the Solicitor before he put me on the stand, that I was in the office of Leo Frank on one occasion, when the said Frank made an indecent proposal to me. *My experience as a trained nurse enabled me to fully understand and know what Frank intended.*

“He said, ‘You know, *I am not like other people,*’ and, drawing his chair closer up to me, says, ‘I don’t think you understand me,’ *and put his hands on me;* I resisted, and got up and opened the door,” etc.

Frank’s detectives endeavored to secure from this witness a statement that would negative her former evidence; but, as in every other instance, they fell short of success.

Two white men—Graham and Tillander—made affidavit that they went to the pencil factory, Saturday, April 26th, between 11 and 12 o’clock; and that *they saw a negro seated near the foot of the stairs.* Being unacquainted with the interior of the building, each of these men asked the negro *where the office was located and he directed them to it.* If the negro was drunk, these men didn’t notice it.

Mrs. Hattie Waites made an affidavit to the fact that, on Saturday morning, April 26th, between 10 and 11 o’clock, she saw a white man and a negro talking together on the street, near Montag’s place of business. She afterwards recognized Frank as the white man, and Conley as the negro.

The most abominable attempt to manufacture evidence was made while Conley was in jail, awaiting trial. A white convict, George Wrenn—who had stolen \$30,000 worth of diamonds, but who was nevertheless a “trusty” in the prison—was the instrument used by the Frank detectives.

He, in turn, employed a negro woman, Annie Maud Carter, a notoriously low character. Wrenn coached this black strumpet, and put her into Conley’s cell, *to entice him into committing the unnatural act with her.*

They wanted to show that it was *Conley* who was the sodomist.

“Mr. Gillem (a prison official) told me he would give me \$2.00 if I would go in there and see Jim Conley. George Wrenn wrote a letter, and gave it to me, and he said, ‘You give it to Jim Conley, and tell him it just came in through the mail.’

“Gillem said to me, that Conley was a —— (a most nasty term for sodomite) and said, ‘I just want to see if he will fool with you with his—(the rest is too obscene to print). I have asked Conley, and he said he would never do a thing like that; said he had never done —— except in the natural way.

“The first Sunday in December, a Jew came up—Mr. Pappenheim was there, too”—and the woman went on to tell how the Jew told her she could make a pot of money, and get rich quick, if she would put something in Jim Conley’s victuals!

The Jew said to the negress—

“I want you to take this little vial, and put a drop in his food, and give it to him.”

When the negress recoiled from the Jew’s offer, he said to her, “You’re a d—d fool,” and walked off.

“I don’t know his name, but he comes up here” (where Frank and Conley were imprisoned) “*with the Klein boys*. He has black hair, and his hair stands up, and his hat is pulled to one side.”

The detectives not only tried to get the Carter woman to inveigle Conley into the unnatural vice of which Frank was accused, but endeavored to get up a marriage between the two!

Conley and the woman both swore that their letters had been changed, and that the unprintable filth put in them, had been *forged*.

Forged time-slips against Newt Lee! Forged bloody shirt against Lee! Forged affidavits against the girls! Forged letter of the dead Judge Roan! Forged letters of a couple of negroes!

The whole case of the defense reeked with fraud, bribery, perjury, and forgery.

Never in the world was there a more infamous episode than which followed the organization of the Haas Finance Committee, *after* the legitimate litigation in this case had ended.

Having lost at every point in the *legal* contest, the Haas Finance Committee was appointed for no other purpose than to defeat Law and Justice, *by unparalleled and illegitimate means*.

It is almost miraculous that the indomitable Solicitor, Hugh Dorsey, was able to defeat the Haas Committee, defeat the detectives of Governor Slaton’s firm, and defeat the criminals of the Burns “Detective” Agency—a villainous gang whose work consists of just such attempts to bribe witnesses, as was seen in their manipulations of the Frank case.

With the following, clipped from current news reports in Atlanta, I close the review of the corrupt practices used in the extraordinary motion for new trial:

Atlanta, Ga., Jan. 28.—The Rev. C.B. Ragsdale, formerly pastor of a local church, today testified he was paid \$200 for signing a false affidavit in connection with the Leo M. Frank case. Mr. Ragsdale was the first witness in the trial of Dan S. Lehon, southern manager of the William J. Burns National Detective Agency; Arthur Thurman, a lawyer, and C.C. Tedder, a former policeman, who are charged with subordination of perjury. It

is alleged they procured false affidavits from Ragsdale and R.L. Barber shortly after Frank's extraordinary motion for a new trial was filed.

In the affidavits Ragsdale and Barber declared they overheard James Conley, a negro, tell another negro that he had killed a girl in the factory where Mary Phagan was murdered.

The former pastor still was on the witness stand when court adjourned for the day. He testified to alleged meetings with the defendants when he said the affidavit was discussed, describing the signing of the document in the office of Luther Z. Rosser, who was one of Frank's principal counsel, and told of the alleged payment of the money later. He added that the night he received the money "a man rode up to my house on a motorcycle and told my sons to tell their father not to say anything to anybody unless it was a Burns man."

By the skin of his teeth, Lehon escaped conviction, *because* the State was not able to trace the payment of the \$200 *directly to him*, beyond a reasonable doubt. At least, that is the most charitable view to take of the verdict. Some man, or men, on the panel may have suspected that the \$200 fell out of the moon, and just accidentally dropped into Ragsdale's pocket.

But *you* will have no doubts as to who hired, and paid, Ragsdale to swear that *he* had overheard Conley confess, because *you* have already seen how Burns had vainly tried to bribe Aaron Allen, in Chicago; and how they had tried to bribe the white girls, and how they tried to bribe R.P. Barrett, and Albert McKnight; and how they tried to use Annie Maud Carter.

Decidedly, it is the blackest record of systematic effort to save the guilty, destroy the innocent, debauch witnesses, manufacture evidence, *and create a public sentiment in favor of a fictitious case, AGAINST THE REAL ONE*, that ever has been known in the New World.

The Appellate Court of New York—the highest tribunal in that State—said, in the Becker case:

Extensive as is the power of review vested in this court on a judgment of death, **the law does not intend to substitute the conclusions of fact, which may be drawn by seven judges, for the conclusions of the fact which have been drawn from the evidence by twelve jurors**, unless we are clear that the view of the facts taken by the jury is wrong. It is our duty to affirm, if the trial was fair and without legal error, **and the verdict was not against the weight of evidence**. We are to see to it that the trial was fair and that there was **sufficient evidence with recognized rules of law to support the verdict**. This done, **the responsibility for the result rests with the jurors**.

That is good law—good wherever the system of jury-trial prevails.

Our Supreme Court reviewed the evidence in the Frank case, and found it “sufficient to support the verdict.” (See page 284, 141 Georgia Reports.)

The Court held *unanimously* that the new evidence, pretended to have been discovered after the verdict had been affirmed, was not of such a character as to warrant another trial.

The United States Supreme Court decided that Frank’s lawyers had not been able to show that he had been denied a fair trial, or deprived of any legal right.

Surely, a case should come to an end, some time. Surely, Frank’s case ought to have eluded when the highest court on earth said the verdict must stand. Surely, his own lawyer, Governor John M. Slaton, had no legal right to annul the solemn adjudications of the supreme heads of our judicial system. Surely, the Law never meant that *a defendant’s own attorney should become his jury, his trial judge, and his reviewing court.*

When Slaton commuted the sentence of his client, his act was null and void. Time could not validate it.

Frank was legally under sentence of death when the Vigilance Committee took him out, and hanged him by the neck until he was dead.

All power is in the people. Courts, juries, sheriffs, governors draw their authority from this original source; when the constituted authorities are unable, or unwilling to protect life, liberty, and property, *the People must assert their inherent right to do so.*

Womanhood must not be left at the mercy of the libertine; the Rich must not trample upon the children of the Poor; *the Jew must learn to distinguish between the Midianite and the American.*

Prison Commissions and Governors must learn that it is dangerous to usurp power, and to undo the official work, done legally by the Judicial Department.

In Frank’s case, all legal tribunals were appealed to, by the best of lawyers; and every decision was against him. They had to be; there was no escape from it.

His own lawyer then commuted his sentence, and fled the State.

The Vigilance Committee took the condemned man out of the State Farm, carried him almost to the grave of his little victim, and hanged him, in accordance with the sentence which had three times been pronounced from the bench.

It was a long, hard fight, and the Law won, over Big Money.

There are some legal trials that are more than mere law cases.

There are some that involve a dynasty, test a system, and throw light upon national conditions.

There are some that change the course of events, and leave their effect, for weal or woe, upon the era in which they are tried.

A court-house case, in France, dragging into it a king's wife, a pope's cardinal, and a corrupt judicial system, led the way to the overthrow of an ancient monarchy.

A court-house case, in Virginia, followed by another, in Massachusetts, set in motion the ball which never ceased to roll until Thirteen Colonies had become Thirteen Independent States—the eloquence of Patrick Henry, and of James Otis, rather than the musket in the Ohio wilderness, being the shot that was heard around the world.

A law-case in England, rocked the throne, and tested, with a supreme severity, the strength of England's judicial fabric.

The fabric *stood the test*; and the vindicated system, which would not bend, *even though the king sought to bend it*, filled Englishmen with honest pride.

It was the great case where George IV brought to bear all the powers of a monarch and a bad man, *to crush one friendless woman—AND FAILED!*

Not all the patronage of the crown, not all the money of the Secret Service, not all the clamor of placeholders, place-seekers, time-servers, court sycophants, and unscrupulous politicians, *could bend the Law of Great Britain*.

Personally weak and without friends, the foreign princess who had married the king, saw a host of determined supporters come to her relief, when English ministers sought to use the Law, as the instrument of *a bad man*.

When the long legal combat drew toward its close, and Lord Brougham had brought to shame and defeat the crowned libertine, we are told that a scene of indescribable excitement took place in the House of Lords—the high court which had tried the case.

The Prime Minister rose to “withdraw the bill,” equivalent to quashing the indictment against the persecuted woman.

“Cheers loud and long rose from the opposition benches”—where sat the champions of the Law.

“But the House hushed to silence, when the venerable Erskine arose, with eyes aflame”—Erskine, the indomitable lawyer who had fought so hard, so long, and so triumphantly, to vindicate the jury system.

“My lords,” he said, and his voice rang out with the clear tone that had entranced the tribunals of thirty years before—

“My lords, I am an old man, and my life, for good or evil, has been passed under the sacred rule of the law.

“In this moment, I feel my strength renovated and repaired by *that rule* being restored—the accursed change wherewithal we have been menaced, has passed over our heads—there is an end of that horrid and portentous excrescence *of a new law*, retrospective, and iniquitous—and *the constitution and scheme of our policy is once more safe*.

“My heart is too full of the escape we have just had, to let me do more than praise the blessings of the system we have regained,” a system of which Hooker, in his great work on Ecclesiastical Polity, said—

“Of Law there can be no less acknowledged than that her seat is the bosom of God; her voice is the harmony of the world; all things in heaven and on earth do her homage, *the very least as feeling her care*, and the greatest as *not exempt from her power*.

“Both angels and men, and creatures of what condition soever...admiring her as the mother of their peace and joy.”

“There was silence as the silvery voice ceased. It was as if men wished to hear the last echo of those wondrous accents. Then broke out a cheer, such as was never before heard in that august assembly.”

The Law had won! *against* the licentious king; *against* the truckling minsters; *against* the servile aristocrats; *against* the detectives of the secret service, and the hirelings of the reptile press:

Yea, by the living God! the Law *had* won! and all *men* in England, all *women* in England, all *children* in England, *WERE SAFER FROM THAT HOUR*, when the grand old lawyer rose, with full heart and flashing eyes, *to quote the words of the grand old preacher*, whose tribute to Law, is a tribute *to the God that inspired the Law*.

Have the children of Moses the right to break the Sinai tables?

Do they deserve death when they slay Hebrews, *only*?

Is there some unwritten law, which absolves them, when their victim is a Gentile?

They are taught in their Talmud that, “As man is superior to other animals, so are the Jews superior to all other men.”

Do the Hebrews of today hold to that, *in their heart of hearts*?

They are taught by their great teacher, Rabbana Ashi, that “Those who are not Jews, are dogs and asses.”

Are the Hebrews true to Talmud, and to their learned Rabbana?

Was Mary Phagan—the Irish girl—legitimate spoil for the descendant of those who divided among themselves the daughters of the Midianite?

Is there a secret tenet of their religion, which compels the entire race to combine to save the neck of such a loathsome degenerate as Leo Frank?

They did not waste a dollar, nor a day, on the Jews who were electrocuted for shooting Rosenthal; was it because Rosenthal was a Jew?

If the victim in that case had been an Irishman, would there have been a Haas Finance Committee? a nation-wide distribution of lying circulars? a flying column of mendacious detectives? a constantly increasing supply of political lawyers? the muzzling of daily papers? an attempt to enlist the Northern school-children, Peace Societies, and Anti-Capital-Punishment leagues?

Money talks; and in this Frank case, money talked as loudly, and as resourcefully, as though Baron Hirsch’s \$45,000,000 Hebrew Fund had been copiously poured into the campaign.

Like Thomas Erskine, I am nothing but an old lawyer, no longer inclined to the hot combat of the arena where I once loved to fight; but I’m not too old to make a stand for the Law; for the integrity of the system which our fathers handed down to us; and for the inflexible Justice, in whose scales the murder of one little factory girl weighs as heavily, as though she had been the daughter of Rothschild.

Let the Jews of Georgia, and elsewhere, look to it.

They are putting themselves on trial; and, if they continue the malignant crusade which they have been waging, by libels and cartoons, against a State which has never done injustice to a single Jew, they will reap the whirlwind.

If Mary Phagan had been a rich man’s daughter, and Frank, a poor man’s son, his neck would have been cracked, a year ago!

This case is *more* than a law case. This case involves the honor of a State! This case drags the judicial ermine into the ditch. This case is in indictment against jury trial. This case is an attack upon the fortress of the Law. This case pollutes the holy temple of Justice.

There never were such foul methods used to besmirch honest men, mock the truthful evidence, gull a generous public, and defeat the very purposes of the criminal code.

There never were such prodigious energies put forth to conceal the Truth, and to put Falsehood in its place.

In the whole scope of American history, no such campaign of abuse, of misrepresentation, of deliberate fabrications, and systematic efforts to humbug *outsiders*, to close the mouths of editors, to corrupt or intimidate officials; and to “*get away with it*,” in defiance of the record, the verdict, and the decisions of the courts.

They have never dared TO PUBLISH THE EVIDENCE!

It is a peculiar and portentous thing, that one race of men—and *one, only*—should be able to convulse the world, by a system of newspaper *agitation and suppression*, when a member of that race is convicted of a capital crime against another race.

Does anybody in this country know what was the truth about Dreyfus, the French officer who was convicted of treason, and, at first, sentenced to death?

Nobody does. All we know is, what the newspapers told us; and it leaked out afterwards, *that the wife of Dreyfus abandoned him, as soon as he was turned loose.*

Presumably, she was a Jewess; but, like the other Hebrew champions of Dreyfus, she dropped him, as soon as she had accomplished her purpose.

One of the Rothschild banking houses exerts a powerful influence over French finances; another in Frankfort, another in Vienna, and another in London, have often stood together to control the policies of European governments; if they insisted upon the liberation of Dreyfus, the French Republic—beset by royalists, socialists, and clericals—was in no condition to resist the demand.

The peculiar thing, and the sinister thing, is, that some secret organization existed which could permeate the whole European world, and the United States, also, with the literature which clamored for Dreyfus.

The father of Dreyfus was an Alsatian banker—a Jew, of course—and a subject of the Kaiser. He was a cog in the wheel of the German spy-system; and he used his son, the French officer, to secure for the Berlin Government, the military secrets of the French War Office.

France had not then formed her defensive alliance with Great Britain, and was not strong enough to fully expose Dreyfus, and the Kaiser—thus precipitating a war. The French officer, Ricard, who was the stanch champion of Dreyfus in every one of the investigations, turned against the Jew, after he himself was given a position in the War Office and learned the truth, from indubitable documentary evidence.

The Beiliss case, in Russia, was equally remarkable, in its progress and its end.

A Gentile boy was found dead, with more than forty small incisions in his veins and arteries, from which practically every drop of his blood had been drawn—*and the blood had left no marks, anywhere.*

That much trickled through the newspapers to the American people, and they realized, of course, that here was a novelty in deliberate and atrocious crime.

Beiliss, a Russian Jew, was accused of kidnapping the little boy, and emptying his blood-vessels of their contents, in order that it might be used in “a religious sacrifice.”

The Russian court found Beiliss guilty; but, apparently, the same mighty engine of agitation, and suppression, that had worked for Dreyfus, was put in motion for Beiliss.

Mankind was told, that there was no such thing as “blood sacrifice” among Russian Jews; and that Beiliss was the victim of jungle fury, race hatred, lynch law, &c., &c.

In the meanwhile, the hysterical public lost sight of the pallid corpse of the Gentile boy, *whose veins presented the pale lips of forty-five cuts, made by a sharp instrument.*

Somebody had killed the lad—most deliberately, most cruelly—and the Russian courts, in full possession of the facts, declared that Beiliss had done it.

But the American people—not knowing the facts, and totally in the dark as to who *did* get the blood out of the boy’s veins—were excitedly certain that *Beiliss* didn’t.

Consequently, a pressure of the same peculiar and irresistible sort that had saved Dreyfus, caused Russia to stay her uplifted hand, and spare Beiliss.

To this day, the Americans who blindly, hysterically helped to put the pressure on the Czar’s Government, have no idea who made the forty-five slits in the blood-vessel of the little boy; and, what’s more, they don’t care.

They accomplished their emotional purpose, blew off their psychological steam, and then forgot all about Beiliss, and the boy.

Is there such a thing as “blood sacrifice” in Russia? We don’t know. Nobody can dogmatize on such a subject.

Even in our own country, there is a blood sacrifice, practiced in the remoter wilds of Arizona. The Indians who practiced it, welded Christianity to some ancient tribal rite, and adopted the custom of crucifying an Indian, as Christ was crucified.

When I see Abraham with his knife uplifted over the breast of *his* boy; and when I see Agamemnon covering his face to shut out the sight of the priest and *his* knife—about to slay the Greek king’s daughter; and when I see the sacrifice of the idolized girl who ran

out, radiant with joy, to greet Jephtha on his return from battle—I feel myself lost in doubt as to *what* a Russian fanatic might do.

Let all this be as it may, the other races of men must “sit up and take notice,” if the repeated campaigns of this Invisible Power seem to mean, that Jews are to be exempt from punishment for capital crimes, when the victim is a Gentile.

If the work of this Invisible Power has been substantially the same *in a third case*, as in the other two; and this third case is that of Leo Frank, then the Frank case assumes a new aspect, of new importance, and of formidable portent.

America is big enough to be “the melting pot” of the Old World, provided the metals *melt*—otherwise, it isn’t.

If the Jew is not to amalgamate and be assimilated; if all the very numerous foreign nationalities that are being moved over into this country are to retain their several languages, customs, flags, holidays, ideas of law, education, government, etc., then the melting pot will fail to fuse into one another, these conflicting elements.

In such a case, the melting pot becomes a huge bomb, loaded with deadly explosives.

Has the menace of secret organization, of an Invisible Power, and of cynical defiance of law, revealed itself, in the Frank case?

Reflect upon it!

Reflect upon it, with especial reference to recent announcements, in metropolitan dailies, that the Jews mean to use the Baron Hirsch Fund of \$45,000,000 to carve out a new Zion in this country. From all over the world, the Children of Israel are flocking to this country, and plans are on foot to move them from Europe *en masse*. Poland, Hungary, Russia, and Germany are to empty upon our shores the very scum and dregs of *the Parasite Race*.

The papers state that the heads of the vast Hebrew societies of this Union will soon “submit a proposition to the United States Government.”

What? The subject *treat* with the Sovereign?

This is what comes of unrestricted Immigration, just as 90 per cent of our crimes come from it.

What a fine illustration of Jewish arrogance it will be, if such American citizens as Rabbi Wise, Nathan Straus, Adolph Ochs, Joseph Pulitzer, *et al.*, make a proposition to our Government, for an American Zion, the Jew millionaires negotiating with the Government as its equals!

In 1913, the rich Jews compelled Congress to abrogate the Russian treaty, as a rebuke to Russia, for her treatment of her own subjects.

They naturalized a German Jew, Paul Warburg, and placed him at the head of our new Jew-made financial system.

Meditate upon these points:

(1.) Never before was a Jewish or Gentile Finance Committee organized, and funds raised, to fight a case which had already been thrice adjudged by a State Supreme Court;

(2.) Never before, was unlimited money spent in publishing lies about an official record which was accessible to everybody, and which itself could have been laid before the public for less money than the lies cost;

(3.) Never before, did a murder case, tried in Georgia, secure an appeal to the Supreme Court of the United States;

(4.) Never before, did any defendant employ so many lawyers, in so many different cities, as were employed for this degenerate Jew;

(5.) Never before, were the Atlanta papers, the Hearst papers, and the Jew papers so doggedly determined that the public should not have a chance to learn what was *the evidence*, upon which the Jew had been legally convicted.

(6.) Never before did a criminal's own lawyer, holding the office of Governor, defy and reverse all the courts, and virtually pardon his own client.

(7.) Never before did the Jew papers, and the Hearst papers, so *provoke a State*, as to insolently demand, from day to day, that the legal sentence on Frank be annulled, *and that he be set at liberty*;

(8.) Never before did a Vigilance Committee execute a criminal whom a jury had convicted, whom the Supreme Court of Georgia had declared was properly found guilty, whom the Supreme Court of the Union said must die, and whom the Superior Court judges had, *three times*, sentenced to be hanged.

When the Jews, and Hearst papers, are especially and peculiarly wrought up over *this kind* of a "lynching," you may feel quite sure that their unwritten law *exempts a Jew*, when his victim is a Gentile.

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert

Transcribed by Penelope Lee. Exclusive to the *American Mercury*.

[Introduction](#)

[Tom Watson: The Leo Frank Case](#)

[Tom Watson: A Full Review of the Leo Frank Case](#)

[Tom Watson: The Celebrated Case of The State of Georgia vs. Leo Frank](#)

[Tom Watson: The Official Record in the Case of Leo Frank, a Jew Pervert](#)

[Tom Watson: The Rich Jews Indict a State!](#)



Huge sections of our over-grown cities are as foreign to us, as any territory that lies beyond seas. Our laws are powerless in these unassimilated settlements. "Little Italy," in New York, is, to all practical intents and purposes, a section of Naples transported to our shores.

Chinatowns in America are miniature Cantons. The industrial colonies of West Virginia, Colorado, Michigan, Pennsylvania and New Jersey, are just that many small Hungarys, Poland, Germanys and Italys. As for the Jews, they have found our "asylum" a paradise; and from the uttermost ends of the earth, they are rushing through our ports. The Zionist Societies, financed by the Hirsch endowment of \$45,000,000, are planning to bring 3,000,000 European Jews here, at the close of the present war.

Tom Watson: The Rich Jews Indict a State!

So wide open have been the doors of our “asylum” that the native stock which made the Republic, is already in the minority. Its relative strength grows less with every shipload of immigrants.

Under these torrents of foreign peoples, whole States have lost their original character.

Massachusetts is not what she was before the Civil War, nor is Colorado.

Puritan New England has been submerged. The hordes from abroad are in possession; they fill the shops, the quarries, the factories, the mills, and the offices.

An Ambassador of a foreign nation coolly proposes to his government to tie up the munitions plants of this country, *and leave us without means of self-defense!*

How? By bribing the subjects of Austria-Hungary to quit work.

An Ambassador of a foreign Nation coolly informs Germans in this country, that they will be punished for treason under German law, if they accept employment from manufacturers who are selling arms to Germany’s foes.

It is an open secret that our Government hasn’t on hand enough ammunition to supply an army four months, and the Ambassadors of Germany and Austria have demonstrated their ability to lock our wheels, so completely, *that we couldn’t get, for ourselves from our own plants, the wherewith to defend ourselves from German attack!*

If such recent events do not startle our Statesmen into new views of the immigration question, our future will be tragic, indeed.

Where so many elements enter into National life, unusual combinations take place. Strange conditions make strange bedfellows. We have seen the Irish-American Catholics unite with the German-American Protestants *against the English.*

We have seen the Irish-American Catholic embrace the opulent Jew, *against the Protestant.*

The *Tageblatt* (Jewish Daily News) of Chicago, is published in the Yiddish language. Its editor wrote to the Pope, sending the letter through the Papal ambassador at Washington. Bonzano transmitted the communication *to his government*, the Italian Papal establishment, and in due course, the Secretary of State for Bonzano’s government sent the Pope’s reply to the Jews, through the Papal Ambassador!

Thus an American citizen, a Jew, placed himself *in the position of a government* dealing independently with a foreign potentate.

The transaction is so unprecedented that I present the correspondence, as it appears in the *Tageblatt* of August 25th, 1915:

“The Jewish Daily News is in receipt of a striking communication from Pope Benedict XV, in reply to a request made by us for an expression of opinion on the Jewish question.

The Jewish Daily News Letter to the Pope

June twenty-third, Nineteen Fifteen.

His Holiness, the Pope, Benedict XV.

The Vatican, Rome, Italy.

Your Holiness:—

The denial of justice, aye the deprivation of the very elementary rights inalienable to the welfare of all human beings, has characterized the attitude of the world towards the Jews since the destruction of Jerusalem by Titus. Your heart has been stirred to its very depths by the outrages and excesses committed upon Jewish men, women and children, and we are most sincerely grateful for this expression of horror on the part of your holiness.

Encouraged by the sympathy of the Head of the Church of Christ, we humbly appeal to you to arouse Christendom to a realization of the sufferings of millions of human beings—the Jews—so that they may be accorded—wherever they now lack these—full equal rights and treatment.

Such a call, coming from Your Holiness, will be heeded throughout the world and will meet with the recognition desired.

The Jewish Daily News, the oldest and leading Jewish paper in America, speaking in behalf of the three million Jews in the United States of America, and voicing not only their innermost sentiments, but the views of the Jews the world over, prays that Your Holiness may send through its columns the message that will awaken the conscience of mankind.

Most respectfully and humbly yours,

(signed) S. MASON,

Managing Editor.

This letter was sent to Monsignor Giovanni Bonzano, the Apostolic Delegate at Washington, with the request that it be forwarded to the Vatican.

Monsignor Bonzano has now received a reply, which he has transmitted to us.

Monsignor Giovanni Bonzano,

Tom Watson: The Rich Jews Indict a State!

Delegate Apostolico,

Washington,

TRANSLATION.

The Vatican,

22, July, 1915.

Sir:—I hasten to present to the Holy Father the letter transmitted to me by you No. 18051 D, of the 25th of June, in which Mr. S. Mason, Editor of the New York Jewish Daily News, asked the aid of His Holiness in favor of the Jews who are persecuted and still deprived, in some nations, of full civil rights.

The August Pontiff has graciously taken note of this document and has desired me to request you to write to Mr. Mason that the Holy See, as it has always in the past acted according to the dictates of justice in favor of the Jews, intends now also to follow the same path on every propitious occasion that may present itself.

Yours, etc., etc.,

P. CARD. GASPARRI.

Monsignor Giovanni Bonzano,

Apostolical Delegate,

Washington.

What view will Congress and the President and Secretary Lansing take of the flagrant breach of propriety? What would be thought of a German Society—the Central Verein, for example—if it should open a correspondence through Ambassador Bernsdorff, directly with the German Emperor? What better cloak for a system of espionage and secret treason could be devised, than private correspondence carried on by Austrian and German and Jewish *spies*, through the Papal Ambassador?

As everybody knows, the President himself would not have written to the Pope, except through Secretary Lansing. But the Jewish organization, *which publishes its purpose to carve out a Jewish State in this Union*, and its intention to submit certain “propositions” to our Government, has already anticipated its independent existence, by ignoring *our* diplomatic representatives. It goes over their heads, and deals directly with the Pope, through the Papal Ambassador, just as though the Jewish organization at Chicago were an independent State!

These Jews might be pardoned, for their outrageous breach of loyalty and decorum, on the ground that they do not know any better—but what about Bonzano, the Papal secretary, and the Pope?

They knew better; and *they* knew they were insulting the Government and people of the United States, when they *set the precedent* of dealing directly with citizens of this Republic. *NO SUCH THING WAS EVER DONE BEFORE!*

These insolent Jews take it upon themselves to acknowledge the Italian Pope as the true and only “Head of the Church of Christ.”

All Protestant churches are mentally obliterated. There are no Christians save the Romanists. Waldensians, Greek Catholics, and Armenians—all more ancient than Romanists—are left with the heathen. Baptists, Methodists, Lutherans, Presbyterians, Adventists, etc., are mere trash—ephemeral and negligible—in the eyes of the leaders of the three million Jews. The Pope is the earthly embodiment of Christ, the Head of the Church, the one potentate empowered “to arouse Christendom” in behalf of the poor, down-trodden Rothschilds, Belmonts, Guggenheims, Warburgs, Strauses, Ochses, Pulitzers, Abells, Schiffs, Kuhns, Loebes, Montags, Seligs, Dannenbergs, Waxelbaums, and Haases.

With a fine display of scorn for our President and Secretary of State *the Three Million Jews slap the face of Diplomatic Etiquette*; and with a noble exhibition of contempt for non-Catholic churches, *they spit upon the creed of Christianity*.

Two years ago, I thought that there were evidences of a league between American priests and the rich Jews of our large cities, and our readers may remember my comments.

There is no longer any doubt that the Roman priests and the opulent Jews are allies.

“The Holy See, *as it has always in the past acted according to the dictates of justice, IN FAVOR OF THE JEWS, intends now to follow the same path.*”

What marvelous liars these priests are! How boldly they presume upon short memories, selfish opportunism, and ignorance of history! They can rely upon the Catholic to believe everything they say, for they know that the Catholic will not read after a “heretic.” They are not much afraid of the “heretic,” for they know that his readers are indifferent, his churches decadent, his daily papers choked with gold, and his political leaders afraid of the Catholic vote.

Therefore James Church, the Pope, never bats an eye, when he tells the Jews that he means to follow in that path of *justice to the Jews*, which his predecessors *have always trod*.

We’ll be learning next, that Nero was a great friend to the Christians, that the Duke of Alva protected the Dutch, that Claverhouse cherished an ardent affection for Scotch

Tom Watson: The Rich Jews Indict a State!

Presbyterians, that Catherine de Medici flung her queenly mantle over the Huguenots, and that the Hapsburgs of Austria were indomitable defenders of the Reformation.

“The Holy See has always acted according to the dictates of justice, in favor of the Jews!”

Well, *well*, *WELL*!

So it is *not* a Papal Poland that grinds the Israelites to the ground.

It was *not* a Papal England *that outlawed the Jew*, nor a Protestant England that enfranchised him!

It was *not* a Papal France, that degraded the Jew, nor a Revolutionary and Napoleonic France which rehabilitated him!

How long has it been since Pope Pius IX kidnapped the son of the Mortaras to make a priest out of him? All Europe rang with the scandal, and the Emperor of the French implored the Holy Father to restore the boy to his distracted parents. But the Pope was unrelenting, and those Jews never saw their son, again.

How long has it been since modern liberalism compelled the Popes to discontinue their annual custom, at Rome, *of publicly cursing the Jews*?

How long has it been since the 29th canon of the Aurelian Council was rigidly enforced—the Papal law which made it death for a Jew to even speak to a Catholic during Holy Week?

(See *Roba di Roma*, by W.W. Story, page 423.)

Who was it that destroyed Jewish libraries, forced Jews to wear badges, forbade them to eat and drink with Catholics, closed all the professions to them, and *taxed faithful Jews, to support Jews who consented to change their religion*?

Pope Eugenius IV did it.

Who expelled the Jews from all Italy, except Rome and Ancona?

Pope Pius V did it.

Who sent the murderous, devilish Inquisition into Portugal, to first torture and then burn, the Jews?

Pope Clement VII did it.

Tom Watson: The Rich Jews Indict a State!

Who ordered the general destruction of the Talmud, and sanctioned the wholesale massacres of Jews in France?

Pope John XXII did it.

Who ordered the punishment of Jewish physicians for entering Catholic houses, and denied Christian burial to Catholics who employed Jewish physicians?

Pope Gregory XIII did it.

Who controlled Europe during the dismal ages when Jews were hounded like wild beasts, denied human rights, and grudgingly permitted to dwell in pestilential ghettos?

The Popes did.

Who ruled the nations and directed the consciences of monarchs and ministers, during the fearful centuries when a Jew could not own a home, could not hold an office, could not hold up his head among men, and was forced to eke out a squalid existence, on such ignominious terms, and amid such dwarfing conditions, that the Jewish race, even now, shows the physical and moral effects of that long night of slavery?

The Popes did.

Who liberated the Jews from these horrible conditions?

Modern democracy did it.

When Great Britain, less than 100 years ago, removed the Civil Disabilities of the Jews, *it was Protestant statesmanship repealing Catholic laws.*

Who was the Papal theologian who taught, that “*Jews are slaves?*”

It was Saint Thomas Aquinas, the chiefest of all Roman Catholic theologians.

For hundreds of years the legislation of Europe was based upon this infernal teaching—the teaching of a theologian who was such a favorite of the *recent Popes*, Leo XIII, and Pius X, that they ordered all Catholic teachers to *again* instruct their students in the Papal theology which forfeits the life of the “heretic,” and imposes serfdom on the Jew.

(See Barnard Lazare’s *Anti-Semitism*, page 125.)

But how could you expect these historical facts to be known to a Chicago editor, who informs the Pope and the world, that the Jews lost their rights—the natural rights of man—when Titus stormed Jerusalem?

According to the Tageblatt, the Jews have been the pariahs of the human race, ever since the year 70, after Christ! Mason, of the Tageblatt, ought to at least consult some simple authority on Roman history, Merivales's book, for example. It won't take him but a few minutes to learn what an ass he made of himself, when he told the Pope that the Jews had never had a square deal in the world, after Jerusalem fell. If the Tageblatt Solomon will study the subject, he will discover that the real persecution of the Jews began *after* Constantine the Great had made his famous alliance with the Christian bishops. Solomon may also learn that when the Emperor Julian, "the Apostate," undertook to re-establish paganism, he emancipated the Jews, and attempted to rebuild their temple at Jerusalem. Solomon will learn that so long as Popery was supreme, the Jew was the vassal of the bishops and the kings, and that it was the Reformation which brightened the skies for the outlawed race.

Bernard Lazare, the scholarly Jew, says in his *Anti-Semitism*, page 131:

"But new times were approaching; the storm foreseen by everybody broke over the church.

"Luther issued his 95 theses * * * For a moment the theologians forgot the Jews; they even forgot that the spreading movement *took its roots in Hebrew sources* * * *"

"THE JEWISH SPIRIT TRIUMPHED WITH PROTESTANTISM. In certain respects, the Reformation was a return to the ancient Ebionism of the evangelic ages."

Lazare proceeds to prove that although Luther was provoked into violent *language* against the Jews, because they refused to become his converts, *the Protestants of Germany never ill-treated the Jews.*

(See page 133.)

In the United States, the priest and the Jew have need of each other and the Pope has blessed the alliance.

That the Hearst papers are leagued with this queer combination of Jew financier and Roman priest, is an interesting detail; whether important as well as interesting, remains to be seen.

In the case of the Russian Jews, the new combination worked so well that our Congress, in 1913, abrogated a time-honored treaty, *as a protest against Russia's alleged mistreatment of her own subjects.*

Descending to particulars, the new combination was able to save the Russian Jew, Beiliss, who was accused of taking all the blood out of a Gentile boy, through forty-odd incisions in his veins.

Tom Watson: The Rich Jews Indict a State!

In the Leo Frank case, the new combination *almost* won, but not quite. And, of course, the unexpected defeat it sustained, profoundly enraged the new combination.

The Roman Catholic papers are as bitter against the State of Georgia, as are the papers of Hearst and the Jews.

The same Romanist journals that condoned and defended the deliberate assassination of the Protestant lecturer, William Black, by the Knights of Columbus, at Marshall, Texas, are unmeasured in their denunciation of the State wherein a convicted and thrice-sentenced Jew was hanged by the Vigilantes.

These Romanist papers indecently exulted in the military murder of Francisco Ferrer, whose crime consisted of teaching progressive ideas in a modern school, but they are rabidly attacking a People who were determined *that one of Leo Frank's lawyers should not annihilate our judicial system.*

The same Romanist papers that gloried in the burning of eight Mexican "heretics" in 1895, at Texacapa, by the fanatical Catholic priests, can find no words too severe to condemn the legal conviction of as vile a sodomite as ever awoke the wrath of God.



THE GOVERNOR WHO REVERSED ALL THE COURTS, TO SAVE HIS OWN CLIENT!

This new combination of rich Jew, Roman priest and Hearst newspaper, has arraigned the State of Georgia, at the bar of public opinion; and so artfully persistent has been the propaganda of misrepresentation, that hundreds of editors and preachers, totally disinterested, have been swept off their feet. These honest, but deluded, defamers of Georgia, have broken the bounds of temperate discussion; and their abuse has become so indiscriminate, that it spares no State in the South, and it calumniates both the living and the dead.

We Georgians, particularly, are a mean, low-down lot, and always were, because our forbears were the sweepings of London jails. Since our ancestors were criminals—a sort of Botany Bay and Devil's Island settlement—it is natural that we should be a disgrace to the Union, and a reproach to the human race.

Even a Virginia paper can bring itself to publish the following:

The guilt or innocence of Leo M. Frank in the matter of the murder of Mary Phagan has absolutely no bearing on the crime committed by these savages in Georgia. Frank had been confined in this prison for life because a fearless Governor preferred to commit political suicide and endure social boycott in the state of his nativity rather than permit the hanging of a man who had been convicted on the questionable evidence of a criminal negro and regarding whose guilt there certainly existed a most reasonable doubt.

Is this in any way surprising? Not in the least bit when we review the history of Georgia. It was originally a penal colony and was settled by the worst felons and perverts that England could export to her blistering shores. Succeeding generations grew up with criminal instincts just as marked and with ignorance, superstition and physical unfitness far more marked. These are the Georgia crackers, the clay eaters among whom hookworm and pellagra and other disgusting diseases run rampant. Not in the entire history of the state has pure Georgia blood produced a really great man. They were cowards and skulkers and camp followers in our Civil War, and that Gen. Sherman should have cut himself off from his base of supplies and marched entirely across the state unopposed is not in the least bit surprising when we consider the caliber of the male citizens of that commonwealth. Its first families have now established what they are pleased to call “society” in their capital city of Atlanta, where they spend their ill-gotten gains acquired through manufacturing nostrums and other quack devices guaranteed to do everything from taking the kink out of a negro’s hair to turning the darkest Ethiopians into a pure-blooded Anglo Saxon.—The Virginian.



The Milwaukee *Free Press* of August 18, 1915, said:

THE SOUTH AT THE BAR.

“The spirit and method of the Ku Klux Klan has once more triumphed in Georgia.

“Once more Southern ‘gentility’ and ‘chivalry’ have revealed their true character in murder, secession and anarchy.

“For the same bestial spirit that sought to disrupt this Union, the same spirit that lashed and ravished the helpless slave, the same Southern spirit that even today is celebrating the blood-lust of the Ku Klux Klan as a virtue, is living in the persecution and murder of Leo Frank.

“The trial and conviction of this unfortunate Jew, as accomplished by the courts of Georgia, was enough to damn the people of that state as unfit for citizenship. The horrible sequel of his assassination proves them to be something worse than barbarians.

“Americans have gazed askance at the bloody immorality of Serbia. But Serbia is a paradise of civilization compared with the state of Georgia.

“And this is not the worst. The worst is that the spirit that prevails throughout a large portion of the old South. Every Southern state that tolerates lynch law, whose people revel in the writhings of tortured blacks, is capable of Georgia’s monstrous outrage. Every community that burns negroes at the stake or hangs them for unproven or petty crimes, would act as Georgia did in the case of Frank.

How can the nation—the civilized, responsible and self-governing part of it—longer tolerate this anarchy, this blood-lust on the part of a section that once defied humanity and government till it had to be broken with swords and bullets?

“And then this rot about the dangers of miscegenation! Who is responsible for the mixture of Caucasian and Ethiopian blood in the country, the negro or the Southern white? Not one light-colored black in 5,000 is the result of a negro’s design on a white woman. The light-colored black, with scarcely an exception, dates his ancestry to the lust of some Southern white master, who did not hesitate to make the creature he bought and sold as an animal the mother of his children.

“So much for the Southern hypocrisy that prates of miscegenation to justify its crimes.

“If the cries of the burning black victims of a hundred Southern stakes have not been able to rouse the conscience of the North, can it remain deaf to the last agonized prayer of Leo Frank as his tortured body was swung by ‘Southern gentlemen’ from a Southern pine?

“If Georgia cannot be scourged from out the sister-hood of states, if she cannot be reduced to a condition of dependence lower than that of the Philippines, she can at least be visited with a commercial, social and political ostracism which will convince its gentry that true Americans still enthrone justice and humanity as the chief bulwarks of the nation.”



The Wine and Spirit Bulletin is mighty hard on us; it says:

LOOK AT GEORGIA.

As a spectacle fit to make the gods weep we commend to the people of the other States in the Union and especially those inclined to try the experiment of prohibition the prohibition State of Georgia. Georgia stands today pre-eminent in disgrace before her sister States in the Union.

“The professional prohibitionists have a way of tracing to the licensed liquor traffic the blame for nearly all crime in general and for every startling crime or terrible disaster in particular, it remaining for them to even connect the slaughter of the innocents, women

and children, as well as men, in the Eastland disaster, with drinking. What then can they say for Georgia, one of their banner prohibition States? And in view of their habit are we not justified in reversing the situation?

“Yet the shameful acts of citizens of the prohibition State of Georgia, in intimidating the court of justice and the jury in the Frank case, in threatening the Governor who had the courage to defy the mob, and their subsequent acts in murdering their helpless victim and making a morbid show of his corpse, are but logical and natural results following the teachings of the prohibitionists and of prohibition.

“Yes, Georgia is disgraced today as the natural consequence of adopting prohibition doctrine, which in its very nature is anarchistic and puts the rule of the mob above the rights of individuals, above courts and law, above constitutions, above human life, even, when they stand in the way of accomplishing its mad purposes.

“Look at Georgia, oh ye citizens of the United States, and then decide whether you want prohibition and its consequences!”

The Chicago *Tribune* said:

“The South is backward. It shames the United States by illiteracy and incompetence. Its hill men and poor whites, its masses of feared and bullied blacks, its ignorant and violent politicians, its rotten industrial conditions and its rotten social ideas exist in circumstances which disgrace the United States in the thought of Americans and in the opinion of foreigners.

“When the North exhibits a demonstration of violence against law by gutter rats of society, there is shame in the locality which was the scene of the exhibition. When the South exhibits it there is defiance of opinion.

“The South is barely half educated. Whatever there is explicable in the murder of Leo M. Frank is thus explainable. Leo Frank was an atom in the American structure. He might have died, unknown or ignored, a thousand deaths more agonizing in preliminary torture and more cruel in final execution, and have had no effect, but the spectacle of a struggling human being, helpless before fate as a mouse in the care of a cat, will stagger American complacency.

“The South is half educated. It is a region of illiteracy, blatant self-righteousness, cruelty and violence. Until it is improved by the invasion of better blood and better ideas it will remain a reproach and a danger to the American Republic.”

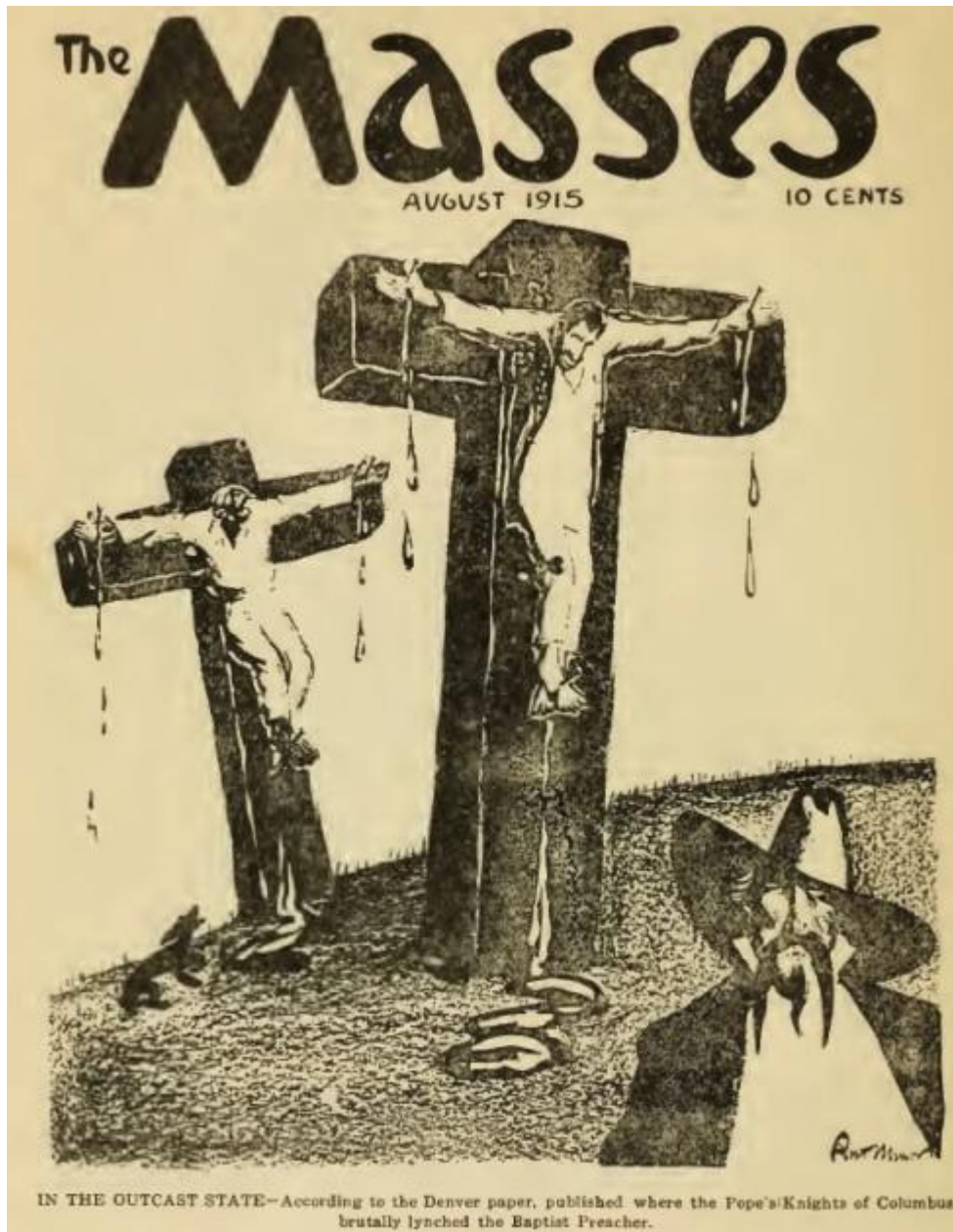
The Pueblo, Colorado, *Star-Journal* said:

“Georgia has added another chapter to its disgraceful story of the Frank case, the climax coming in the cowardly lynching of Leo Frank by an armed mob that forcibly removed him from the state prison farm and deprived him of life near the home of the young girl

for whose murder he was convicted by a jury. The lynching of Frank is the logical outcome of the lawless scenes attending his trial and following the change of his death sentence to life imprisonment by a courageous governor who felt that Frank had not been given a square deal. After the attack on Frank by a fellow prisoner it was evident that further attempts would be made to kill him, and the lynching therefore is no great surprise. **It was what could be expected from blood-hungry, law-defying demons.**

“The lynching of Frank is inexcusable and those responsible for the horrible affair deserve the punishment that should be given to the perpetrator of any deliberate murder. Georgia will merit the contempt of every other state if the murderers of Leo Frank are not captured and convicted by due process of law. This crime against justice ought to arouse every decent citizen of Georgia in an effort to partially blot out the shame of their state.

“Those who doubted the charges that Frank had been unfairly tried will change their opinion as a result of the mob vengeance visited upon him. The same spirit that caused his hanging undoubtedly was present during his trial and resulted in his conviction by jurors who feared for their own safety if they cleared him of the charge of murdering a young girl in the pencil factory of which he was superintendent. The general opinion is that Frank was innocent of murder **and should not have been convicted on the unsupported testimony of a worthless negro.**”



The Denver, Colorado, *Express* said:

“The assassination of Leo Frank by citizens of the sovereign state of Georgia brought disgrace, not only upon that commonwealth, but upon the entire nation. The arrest, conviction and the final murder of the unfortunate victim of brutal blood-lust will go down in history as the vilest miscarriage of justice ever recorded.

“Taken nearly a hundred miles, the exhausted invalid, handcuffed, was hanged and then, lest Georgia savages should mutilate his mangled body, it was spirited away.

Tom Watson: The Rich Jews Indict a State!

“The wars with the early Indians were marked by scalping and sometimes by burning at the stake. The story of the torture of explorers by savage tribes of cannibals has been written. The perpetrators of this cruelty were savages.

And yet, in this Year of our Lord, 1915, in the Twentieth Century of civilization to the Nth power, a stricken man under the protection of what we are pleased to term the Law, is cruelly assassinated in an organized State. Savages is too mild a term for the Georgia outlaws.

“The stain which the assassination has brought upon the nation can never be washed out. Georgia today is an outcast among the States.”

The Chicago *Post* said:

“If there is self-respect in Georgia, if there is courage in its governor, the men who have dragged its name in the mire of infamy will be found and punished as they deserve—and they deserve hanging. Georgia may resent outside interference, as some local Mississippian suggests, but Georgia cannot be law and license to herself in this matter. Her shame is the shame of the nation. Nor will the old excuse that it was the deed of an impulsive and ignorant mob satisfy. It was the deed of deliberation, not of impulse, and ignorant mobs do not travel in automobiles.”

The Boston *Traveler* said:

“In this crowning demonstration of her inherent savagery Georgia stands revealed before the world in her naked, barbarian brutality. She is a shame and a disgrace to the other states of the Union, who are powerless in the matter of humane justice to put upon her the corrective punishment her crimes deserve. But the consciences of the American people are not so callous as those of the Georgians, who sanction by silence or take part in such crimes against fellow-beings, black and white. And to the degree that a humane public can rebuke the state of Georgia by refusing to have any part of her unholy peoples’ products they will do so. Anything made or grown in Georgia will bear a sinister band and be suggestive of lynchings and burnings and especially of this brutal murder of Frank, and it ought to be and doubtless will be left untouched. The only way in which Georgia can be made to feel the shudder of horror which is sweeping the country and the utter contempt in which she is held by the rest of the nation, is by a deliberate boycott of Georgia-grown and Georgia-made goods—peaches, cotton, or whatever else bears the stamp of the so-called ‘Empire State of the South.’”

The Louisville, Kentucky, *Herald* (owned by a Chicago Jew), said:

“Surely such a state of affairs is the South’s shame and Georgia’s shame!

“Georgia’s shame lies in the city government of Atlanta, which railroaded Leo Frank to an unmerited conviction, in her police force which made him a victim of the demand of an inefficient constabulary to convict someone at all hazards, which turned loose the

degenerate Conley because it had made up its mind too soon that it could and would convict Frank.

“The shame of the State is no greater on account of the lynching of Frank than because of any of the other almost innumerable lynchings which have preceded it in that State and others.

“But because of these other things which preceded his conviction, her shame is black and continuing.

“It will continue until it may be said in Georgia that a man may be prosecuted, no matter what his crime or how clear his guilt, without the presence of the police in the prisoner’s dock asking for the vindication of a detective theory, and without a press which panders to the lowest passions of the mob by such methods as makes a fair trial and a just sentence beyond the power of ordinary men in the jury box or on the bench to render.”

The *Investment Magazine*, Canton, Ohio, said:

“Thousands of impartial investigators are convinced that Frank was not guilty. Millions have read the evidence and know that he was convicted on “framed up” testimony—and that he did not have a fair trial. But Georgia was determined to “Hang the Jew” and has done so; in spite of law and police protection and all the other apparatus of government.

“The lynching was participated in by the entire commonwealth of Georgia. All right minded men familiar with state prisons know that Frank could not have been taken from his cell without connivance on the part of state officials. If this is not sufficient proof, take that speech in which the Mayor of Atlanta openly gloated over the affair. The meeting was not one of criminals, nor of light minded people in the street. It was a solemn gathering of the Chamber of Commerce. Listen also to the Sheriff of the county, who asserted that he would make no effort to arrest the lynchers because a jury could not be found that would indict them.

“Compared to such a crime, the murder which led Austria to undertake the punishment of Serbia was insignificant. Georgia should be punished.”



In pious Boston, Massachusetts, the Jews and the Knights of Columbus held a mass-meeting in Faneuil hall, to express their mixed emotions.

As reported in *The Globe*, the Jews and the Knights said some violent things. For instance:

“The next speaker, Dr. Coughlin, ex-Mayor of Fall River, who was a member of the committee that visited Atlanta and met Gov. Slaton, received a warm reception. During his stirring address Dr. Coughlin was continually interrupted by applause.

“Dr. Coughlin said that he had told the other members of the committee who were with him in Georgia that the spirit of the people and the press showed him that if Frank was

freed by Gov. Slaton he would be killed by a mob. The speaker lauded ex-Gov. Slaton for his action. He attacked Thomas Watson, the editor of the Jeffersonian, and said it was a disgrace to have the American flag float over him, as he was a disgrace to American citizenship.

“Dr. Coughlin said that he knew that Leo M. Frank died because he was a Jew. He also said that it was not true that race prejudice showed itself on account of outside interference, as is claimed in Georgia. The speaker stated that the stories circulated about the behavior of Frank are not true and are used to cover over the crime of the ones that killed him.

“In closing he said that he did not believe it was going too far when he said that the present Governor and every official in Georgia knew the ones that took part in the lynching of Frank. He pleaded with his audience when they left the hall not to forget to work in aiding in vindicating the name of Leo M. Frank.

“Rabbi M.M. Eichler of Temple Ohabei Shalom, stated that he firmly believed in the innocence of Frank and said that the meeting was both one of protest on account of the lynching and memorial meeting for the martyrdom of Frank. He claimed that Frank never had a chance and received a mistrial because he was Jew and a Northerner. In closing he said that Georgia is not fit to be a sister State of Massachusetts.

“Rev. Charles Fleisher created some enthusiasm when he spoke of boycotting the State of Georgia. He said that it might have some effect to refuse to travel there, to trade there, to loan money there or to spend money there, for he said that if the pocket nerve is touched it will make the State squirm. He also said that, if Germany is wrong regarding the Arabic matter, America should boycott Germany for at least five years and such action would bring results.

“After the addresses Secretary Silverman read the resolutions which were unanimously accepted:

“One of the resolutions declares that the Jeffersonian has ‘aroused hatred among the citizens of the United States and incited the mob spirit among the people of Georgia,’ and demands that ‘the United States post office authorities exclude this paper from the United States mail.’

The second resolution was as follows:

““Resolved, that citizens of Massachusetts, in Faneuil Hall assembled, denounce the lynching of Leo Frank by a Georgia mob as a deliberate and cowardly murder a high crime against civilization, and a disgrace to the United States, and urge upon their fellow citizens of Georgia, both those who know the perpetrators and those whose duty it is to enforce the laws to redeem the honor of their state and nation and their own past reputation for high-minded citizenship, by bringing those who are responsible for the outrage to prompt and adequate justice.””

One point stressed in most of these attacks on the South is, that Leo Frank was serving a life term in the penitentiary, and in good faith meant to take his medicine.

The Hearst papers argue it from that point of view, and so do most of the other traducers of Georgia.

Yet every one of these editors know that the Burns agency, the Jew papers, and the Hearst writers had declared that the State “must redeem herself” by granting Frank a full pardon.

The Burns agency blatantly announced that “the fight” was to be immediately renewed; and, since Frank’s execution, Burns seems almost beside himself because of the loss of so lucrative a case. *Are the editors at all chagrined for the same reasons?* Are these virtuous publishers feeling sadly the loss of the Jewish ducats that paid for so much front-page space? During a whole year, Burns, Lehon, and a battalion of lawyers—some in New York and some in Georgia, luxuriated in the Frank case.

The Kansas City *Star*, the New Orleans *Item*, the Chicago *Tribune*, and various other righteous dailies, to say nothing of “farm” papers, have banqueted on the Frank case. When he was put to death according to Law, they had lost a gold mine. Of course, they deplore it. Othello’s occupation’s gone, unless Slaton’s attempt at a “come back” in Georgia reopens the golden vein.

As to that, we will soon know.

Did Leo Frank take the commuted sentence in good faith, intending to serve a life sentence? Did his partisans regard the Slaton commutation as anything more than a prelude to a pardon, or an escape?

Let us see.

The Straus Magazine, *Puck*, said:

“All credit to Governor Slaton, of Georgia. His was a noble stand by his conscience and by his convictions against the clamor of prejudice and public opinion.

“Close upon the news of the commuting of Frank’s sentence came news of rioting in the streets of Atlanta, of the same mob spirit that has so often resulted in crimes that are a stain upon Georgia’s record.

“The fight for the vindication of Leo M. Frank has not ended; and even with his acquittal—and his ultimate acquittal is only a matter of time—the fight for decency in Georgia will only have begun. This fight for decency will not end until low-lived slanderers without moral character, without public spirit, are run out of the state of Georgia. The fight will not be won until men like Thomas Watson, the very embodiment of the beast in looks, manners and conduct, are removed from any influence upon the

public sentiment of the community. This creature, whose private conduct is such that we cannot describe it in our pages, will be further exposed as our probe goes deeper.”

Burns said:

Ultimately, perhaps **in the very near future, Leo Frank will be freed.** He will come from the Georgia prison, where he has been since Governor Slaton commuted his sentence of death to life imprisonment, vindicated of the murder of Mary Phagan, and the crime laid on the shoulders of the principal state’s witness in the famous trial. Governor Slaton, **hissed by mobs** in Georgia, will be hailed a hero.

In the New York *Evening Journal* (Hearst-Jew-Catholic), the Rev. Dr. Charles H. Parkhurst said:

At the time of this writing this young hero is hovering between life and death. The situation is pathetic. We want him to live. The country wants him to live, with the exception of some portions of dishonored Georgia. Our ambition for him goes farther than that. We want to have him restored to the enjoyment of that liberty of which it is the almost universal sentiment he has been unjustly deprived.

It is entirely safe to claim that in the judgment of ex-Governor Slaton, the man is either innocent or unfairly convicted. In either alternative a life sentence or any other penalty is an injustice. Under the circumstances the only course open to the ex-Governor was to commute. Frank’s safety lay not in freedom, but in imprisonment. Jail was supposed to be at least a place of security. It was assumed that convicts already immured there, especially if they were convicted murderers, would not be allowed to roam around the jail yard with concealed butcher knives.

If poor Leo lives he will have to possess his soul in patience till the unaccountable bitterness of his persecutors has worn itself out, which it will do in time. Passion cannot maintain itself indefinitely. It is like fire which goes out unless fed with fresh combustibles. We may safely believe that unless he is set free by the liberating mandate of death, he will eventually have freedom given him by the order of the court.

When the New York preachers—Parkhurst, Hillis and others—first butted into the Georgia situation, I wrote each of them a courteous letter, asking them to allow me to put before them *the evidence* on which Frank was convicted.

Neither of the ministers of the gospel condescended to give me an answer.

The New York *Evening Mail* published the following:

If Georgia would invite the respect of law-abiding citizens the governor would proceed to pardon without any further delay the man who stands before the whole world as an innocent man, except in the estimation of some Georgians.

Blin, the Boston Jew who had been syndicating articles in Frank's behalf, followed the commuting of his sentence, by publishing a philippic against The Jeffersonian, in which he declared that *before* any effective move could be made to release Frank from the State Farm, Watson and his publications must be outlawed. Blin stated that certain "gentlemen" were at work on a plan to have the Post-office department issue an order against me.

The son of William J. Burns, in charge of the New York office of that notorious crook, gave out a statement to the papers immediately after the commutation, that "the fight" to secure freedom for Frank was to be renewed at once.

Therefore, the evidence is overwhelming; Frank and his partisans did *not* take the commutation in good faith. They regarded it as a necessary step to a full pardon, or to an arranged escape.

When Frank reached the State Farm, he was received as a guest of honor. He was given a separate room and his own furniture; his floor was carpeted, and an electric fan was installed. He even had his electric cigarette lighter. A negro convict was assigned to wait on him. His roller-top desk was moved in, and he went to work on his correspondence, preparatory to shaping public sentiment again. Only one day, and not all of that, did he wear stripes, and that was the day the Farm was under inspection. The other convicts were so maddened at the favoritism shown this vilest of criminals, that Creen tried to kill him. Of course, a great uproar followed, and the attempt was credited to The Jeffersonian. It transpired that Creen had never seen a copy of my paper; and, of course, the paper never contained anything inciting to murder.

All the outside papers were astounded that no effort was made to resist the few men who took Frank away from the guards. Is it possible that the editors have not guessed the reason?

There are but two possible solutions: One is that the guards were infuriated at him, and at the double duty they were made to do for *him*, alone; the other is, *the guards believed that Frank's friends were taking him out.*

On his night ride to Cobb county, Frank told the Vigilantes that, at first he did not know whether they were his friends, or his enemies.

I may as well state it here, as elsewhere, that Frank did not at any time protest his innocence; but, on the contrary, he said just before he was executed: "*The negro told the story.*"

Then, he added the remark about his wife and mother, a remark which meant he would rather die silent than to bring shame upon his people.

The Vigilantes said to Frank, just before he was executed:

“Tell us if the negro is guilty. We know where he is, and if you say he, too, is guilty, we will give him the same that you are to get.”

Frank remained silent. He *did* ask the Vigilantes to shoot him.

They answered, “No, you were not sentenced to be shot; you were sentenced to be hanged, and that’s what we are going to do.”

He seemed about to make a full confession, but a nervous Vigilante said something about the soldiers coming to rescue him, and he closed up.

He asked for a box, that he might jump off, and break his neck. He was told that there was no box at hand, and no time to get one.

His last words were:

“God, *forgive me!*”

Not once did he say that the negro had lied on him; not once did he claim that the other witnesses had sworn falsely; not once did he claim that the trial was unfair and the verdict unjust.

He made one very significant statement which seems to prove that the negro held back some sort part of the truth. He said, “The negro did not tell it *all*. ”

Once or twice, he appeared to be on the point of telling what it was the negro left out, but he checked himself.

Strange to say, he slept most of the way, on that long night-ride; his wound had practically healed, and all talk upon the “tortures” he suffered on the road, or at the tree is utterly unfounded.

He was treated just as though the Sheriff and Bailiffs were taking him to the gallows, under the sentence of the courts.

My information as to Frank’s confession (“The negro told the story”) came to me September 12th, from gentleman who got it from one of the Vigilantes.

The negro *did* tell the story, and he was corroborated, not only by the testimony of more than forty white witnesses, but by the physical condition of the second floor of the factory, by the physical conditions in the basement, by the physical condition of Mary Phagan’s body, *and by the physical condition of Leo Frank, on the morning after the crime.*

Celebrated crimes have their uncanny fascination, else so many books would not have been written about them. I fear that wicked people interest us more than the good ones do;

and I feel certain that most boys would rather read about robbers, highwaymen and pirates, than about Moses, Job, and the other Saints. Give us the biography of a truly virtuous man, like Archbishop Whatley, and we are apt to doze over it; but place in our hands the memoirs of some grand rascal—like Benvenuto Cellini—and we will get wide awake at once.

Now, this Frank case has been made one of the celebrated cases; and, for many years to come, its baleful consequences will be felt. Let us, therefore, try to understand it.

In the August and September numbers of this magazine, the official evidence was discussed and a digest of it published. I will not repeat anything contained in those issues, but will give you a view of the case from altogether another standpoint.

1. The negro's story was corroborated by more than forty white witnesses, in that Frank was proven to have been just the kind of man the negro said he was; in that the elevator was found unlocked, as the negro said it had been left, after the carrying of the corpse to the basement; in that the signs of dragging over the gritty dirt floor came *straight and continuous*, from the elevator to where the corpse lay; in that there were absolutely no signs of any struggle on any floor except Frank's; in that the girl's face showed she had been dragged on it; in that her drawers showed a rip-up, to the vagina, *which had been penetrated but which contained no seminal emission*; in that white girls swore to Frank's lewd doings with one of the girls in the factory in the daytime; and in that one white girl swore that Frank had proposed *sodomy* to her, in his office, on the second day she went to work for him.

A stubborn contest was made by the defense in the effort to show that Frank was not aware of Jim Conley's whereabouts, on the day of the crime, the same being a legal holiday, and there being no apparent cause for Jim's presence at the factory.

If Frank *was* in touch with the negro that morning, and kept him at the closed-down factory, *there would be something to explain*. Besides, it would powerfully corroborate Jim.

It so happened that Mrs. Hattie Waites and her husband were returning by rail from Savannah, where he had been attending an Odd Fellow convention. At Jesup they saw the Atlanta paper which told of the arrest of Leo Frank and the supposed complicity of Jim Conley.

On seeing the picture of Frank in the paper, the lady exclaimed, "Why, that's the man I saw in close conversation with a negro, last Saturday morning."

Mrs. Waites had taken Frank to be a friend of hers and had approached him to speak to him, when, on getting close to him and looking into his face, she saw her mistake.

Therefore, when she saw the face in the paper she recognized it, for it was a face not easy to forget.

When the solicitor heard of this piece of evidence, he ran it down, by having Mrs. Waites taken to see both Frank and Conley. She unhesitatingly identified them as the two men she had seen talking together, between 10 and 11 o'clock, on the day of the crime, near Sig Montag's place, where Frank admitted he had gone, at that time.

Three other white witnesses placed the negro in the factory, that morning, sitting at the foot of the stairs, near the front door.

What business had he, loitering there, on that legal holiday?

What did Frank talk to him about, on the street, so near the time of the crime?

Obviously, these questions *could not* be answered to the satisfaction of the jury; and therefore Frank had to brazen it out *that he had not seen the negro that day, at all*.

Which would *you* have believed—the four disinterested white witnesses, or the man on trial for his life?

You would have believed the four white witnesses, two of them honest men—Tillander and Graham—and two of them ladies of unimpeachable characters, Mrs. Arthur White and Mrs. Hattie Waites.

Believing these witnesses, you might have felt constrained to place credit on the explanation of the negro, as to *why* he came to the factory, that closed down that morning, and remained until Frank got through with him.

There *had to be* a reason for the negro's giving up his holiday, and staying at the factory. Isn't it so?

Well, then, *what* was the reason?

Frank gave none; the negro did. The negro said it was to keep a watch out while Frank was with a girl whom he expected to come. Conley did not even know what girl Frank expected.

2. The negro's story was corroborated by the physical condition of the second floor, Frank's office floor.

Sworn to as Mary's, the hair found on the handle of the lathe machine could never be shown to have possibly been the hair of another girl. Those few strands of the dead child's golden crown, literally dragged Leo Frank to inevitable conviction. They *had to be* accounted for, because they had come upon that projecting crank-handle, after Friday evening and before Monday.

Whose hair? and how came it there at that time?

Nobody could answer. Even the negro did not know what it was that Mary fell against when Frank struck her; but his evidence cleared up the mystery, and without his story, it would still be a mystery.

The blood on the second floor, and the absence of blood anywhere else, corroborated the negro; and the fact that neither Frank nor Mary could be seen by Miss Monteen Stover, when she searched for Frank and waited for him from 12:05 to 12:10, most powerfully supported the negro's story *of Mary's previous coming, and of the steps of two persons that he heard walking back to the metal room, where the identified hair of the murdered girl was found, the next time the workman came to put his hand on his lathe machine.*

3. The negro's story was corroborated by the physical condition of the basement.

There were no signs of any struggle in it; no blood, no torn-out hair, no unusual appearance on the dirt floor.

There was a trail leading from the elevator shaft to the corpse, showing that she had been dragged from the one place to the other, and her face showed that she had been dragged by the heels.

This indicated the work of *one man*, and a man not strong enough to lift and carry the body. Conley had done it, but Frank was not strong enough. Therefore, when Frank returned to the factory, that holiday afternoon, and locked himself in, he had to get the girl's body away from the elevator, where he and Conley had left it, and he had to drag it. He wanted to place it as far as possible from the elevator, and in the darkest part of the basement *to prevent the night-watch from discovering it.*

(I may here state that there was no bank of cinders in the basement, nothing in which the girl could have been smothered; and there were no cinders, or ashes, or sawdust in her mouth, in her nostrils, or in her lungs, as some of the recklessly mendacious writers have alleged.)

4. The negro's story was corroborated by the physical condition of the girl's body.

One leg of her drawers had either been carefully torn all the way up the seam, or a knife had cut it in a straight, even line.

The drawers were stained with her blood. Her uterus was virginal, but her hymen had been ruptured, and violence done to the parts a few minutes before she died, according to Dr. H.F. Harris. The inner walls of the member showed rough use, by finger or tongue, or male organ. But there was no seminal fluid.

"You know I ain't built like other men," was the negro's statement of what Frank said to him, *at the time.*

Powerfully corroborative, was the affidavit of Miss Nellie Wood that Frank made the same remark to her, in the privacy of his office, when he moved his chair close up to hers, tried to insinuate his hands under clothes, and proposed unnatural connexion.

That the cord had been around Mary Phagan's neck a long time, was proved by the purple-black color of her face, and the deep impression in her flesh.

The strip torn by Frank from her underskirt, and folded under her head to catch the blood, was there to show for itself; and it had served the purpose of keeping the blood off the floor in the metal room. If Jim hadn't let the body fall, no blood would have been found *anywhere*, except in her hair, and on that cloth!

Her hands were folded across her bosom; so stiffly fixed in position that they did not come apart when she was being dragged sidewise, and partly on her face. Jim's story is that *he* put them *down*, easy, on the second floor, when he went to where she was lying on her back, dead.

Reject his statement, and you can't explain the position of those little hands.

(There is a detail here, that has baffled me; The girl had evidently been carrying her handkerchief either in her mesh bag, or in her hand; *how came it to be bloody?*

Jim nowhere mentions that it was bloody, when he picked it up from the floor in the metal room. But it was found near the body in the basement, and it was bloody; how came it so?

Either Frank, or Conley must have wiped his hands on it.)

5. The negro's story was corroborated *by Frank's physical condition*, the morning after the murder.

The two officers who went out to his house, not to arrest him, but to invoke his assistance in starting clues to the criminal, found him in a rickety state of nerves, and calling for coffee to drink. *They describe him as a man who had been drunk the night before.*

They knew nothing on that line, and were not looking for evidences of a debauch, but that is what they describe. "The morning after," was there. So much so that *John Black advised Mrs. Frank to give her husband a drink of whiskey.*

Now listen: The answer given was that *Frank's father-in-law had used it all up during the night.*

His father-in-law, Mr. Emil Selig, had had acute indigestion, it was said, and had used all the whiskey in the house that night, on this sudden and always alarming, illness.

I'm not doctor enough to say whether whiskey is the usual remedy for acute indigestion, but I am lawyer enough to see in Selig's sudden use for it on that particular night, a most suspicious corroboration of that cook who swore that Frank got wildly drunk on the same night Selig got his acute indigestion.

Strange to say, Selig went on the stand at the trial of Frank, swore to eating breakfast, as usual; swore to eating dinner, as usual; and never said one word about that night attack of acute indigestion, which had caused him to exhaust the whiskey supply, the night after the crime.

Selig, on Sunday morning, had not only made a full recovery from his alarming illness, but showed no bad effects from the liquor.

It was his son-in-law that looked and acted like the man who had been attacked by indigestion, and who had used up all the whiskey.

As you know, the murder of Mary Phagan was committed on the Southern Memorial day, April 26th, 1913. At that time Leo Frank was entering the 32nd year of his age, and Mary lacked a few days of being fourteen. For sentimental reasons, Nathan Straus, William J. Burns, and the Jewish press generally, have referred to Frank as a "boy;" and Governor Slaton went so far as to say *in defense of his virtual pardon of his client*, that Frank was "too delicate" to have struck Mary the blow which knocked her down.

This delicate middle-aged Jew weighed 127 pounds, and was so full of vitality that no ordinary amount of venery could satisfy him. His eyes, mouth, chin, nose, ears and neck typed him as a sexual pervert.

His lawyers announced ready for trial, when his case was called in court, and they did not suggest a change of venue. They had had months to prepare; they were intimate with local conditions; and, while their management of themselves, their client and their witnesses, showed the grossest lack of discretion and preparedness, they never at any time moved for a mistrial.

Let me explain to the layman, that a presiding judge will stop a trial, discharge the jury, and set another time for the case to be tried, before another jury, if *anything occurs in the court room to prejudice defendant's right to a fair trial*.

Had any "mob spirit," any "jungle fury," any "psychic drunk," any "blood lust" manifested itself in the sight or hearing of the jury, it would have been the duty of Frank's lawyers to have put an end to the proceedings, then and there, *by moving that a mistrial be declared*.

No such motion could be made, because no such facts existed. *Frank's lawyers filed a lengthy affidavit*, as a part of their extraordinary motion for a new trial, and nowhere do they state that anything occurred in the courtroom, outside those inevitable peals of laughter when one lawyer "chaws" another. I went over this affidavit, of Frank's lawyers,

reading it carefully, and was amazed to see that they did not even accuse the court of tolerating misbehavior. These lawyers explicitly say that *the jury was not present at all*, when the audience in the courtroom applauded a ruling, by Judge Roan, in favor of Solicitor Dorsey.

It seems that Dorsey was hailed, *in the streets*, with cheers, and these cheers were all that the lawyers of Frank could allege in support of the charge of mob violence, mob spirit, jungle fury, psychic drunk and blood lust.

On the contrary, it was shown by the affidavits of the Sheriff, and all his deputies and the court bailiffs, that no disorders took place during the trial.

Col E.E. Pomeroy, of the Fifth Georgia regiment, swore to the same thing, and so did the newspaper reporters. Every member of the jury made affidavit to the good order maintained, and to their freedom from any disturbance, interruption or attempted influence.

But it is the Sunday American (Mr. Hearst's Atlanta paper), that furnishes the most remarkable evidence as to what was thought, *at the time*, of the fairness of Frank's trial.

On Sunday, August 24, 1913, "Hearst's Sunday American" published a story of the four weeks' trial, "By an old Police Reporter," which concludes as follows:

"Regardless of all things else, the public is unstinting in its praise and approval of the brilliant young Solicitor General of the Atlanta Circuit, Hugh Dorsey, for the superb manner in which he has handled the State's side of the case.

"It all along has been freely admitted that those two veterans of criminal practice, Luther Rosser and Reuben Arnold, would take ample care of the defendant.

"Two more experienced, able and aggressive attorneys it would impossible to secure in any cause.



“When it was first learned that Rosser and Arnold were to defend Frank, the public realized that the defendant had determined to take no chances. He selected from among the cream of the Georgia bar.

“That the State’s interests, quite as sacred as the defendant’s, would be looked after so jealously, so adroitly, and so shrewdly in the hands of the youthful Dorsey, however—that was a matter not so immediately settled!

Dorsey an Unknown Quantity.

“Dorsey was known as a ‘bright young chap,’ not widely experienced, willing and aggressive enough, but—

“He had been but lately named Solicitor General, and he hadn’t been tried out exhaustively.

“Maybe he could measure up to the standard of Rosser and Arnold, but it was a long way to measure up, nevertheless!

“It soon became evident that Dorsey was not to be safely underrated. **He could not be sneered down, laughed down, ridiculed down, or smashed down.**

“He took a lot of lofty gibing, and was called ‘bud’ and ‘son’ right along—but every time they pushed him down, he arose again, and generally stronger than ever!

“Time and again he outgeneraled his more experienced opponents.

“He forced them to make Frank’s character an issue, despite themselves.

“He got in vital and far-reaching evidence, over protest long and loud.

“Whenever the Solicitor was called upon for an authority, he was right there with the goods. They never once caught him napping. He had prepared himself for the Frank case, in every phase of it.

“The case had not progressed very far before the defense discovered unmistakably that it had in Dorsey a foeman worthy of its most trustworthy and best-tempered steel!

“And the young Solicitor climaxed his long sustained effort with a masterful speech, that will long be remembered in Fulton county!

“In places he literally tore to pieces the efforts of the defense. He overlooked no detail—at times he was crushing in his reply to the arguments of Rosser and Arnold, and never was he commonplace!

Fixed His Fame by Work.

“Whatever the verdict, when Hugh Dorsey sat down, the Solicitor General had fixed his fame and reputation as an able and altogether capable prosecuting attorney—and never again will that reputation be challenged lightly, perhaps!

“Much credit for hard work and intelligent effort will be accorded Frank Hooper, too, for the part he played in the Frank trial. He was at all times the repressed and pains-taking first lieutenant of the Solicitor, and his work, while not so spectacular, formed a very vital part of the whole case made out and argued by the State. He was for fourteen years the Solicitor General of one of the most important South Georgia circuits, and his advice and suggestions to Dorsey were invaluable.”

“A noteworthy fact in connection with the Frank trial is that it generally is accepted as having been as fair and square as human forethought and effort could make it.

It may be true that a good deal of the irrelevant and not particularly pertinent crept into it, but one side has been to blame for that quite as much as the other side.

Ruling Cut Both Ways.

The judge’s rulings have cut impartially both ways—sometimes favorable to the State, but quite as frequently in favor of the defense.

Even the big charge of degeneracy, which many people hold had no proper place in the present trial, **went in without protest from the defense**, and cross-examination upon it even was indulged in.

Unlimited time was given both the state and the defense to make out their cases; expense was not considered. This trial has lasted longer than any other in the criminal history of Georgia. Nothing was done or left undone that could give either side the right to complain of unfairness after the conclusion of the hearing.

IT IS DIFFICULT TO CONCEIVE HOW HUMAN MINDS AND HUMAN EFFORTS COULD PROVIDE MORE FOR FAIR PLAY THAN WAS PROVIDED IN THE FRANK CASE.

Mark it! This was published *after the evidence was all in*, and while Dorsey was closing the argument for the State.

Nobody knew what the verdict would be. But Hearst’s Atlanta paper told the world, that it is difficult to conceive how human minds and human efforts could provide *more, FOR FAIR PLAY*, than was provided in the Frank case.

The trial had been generally regarded “*as fair and square, as human forethought and human effort could make it.*”

So said the Hearst papers on Sunday before the verdict had been rendered.

After the verdict of “Guilty” was Hearst one of the men who bitterly denounced the jury, and the courts? He was.

When the officers told Frank that a girl named Mary Phagan had been found in his basement, he did not make any exclamation of surprise and horror! He took the news as a matter of course. He did not ask anything about the condition of her body, the physical evidences of the crime, or the probable time, place, manner and motive of the act. He did not offer any surmise as to who did it. He expressed no concern whatever. His demeanor was exactly that of a man who knew all about it and who had no questions to ask, *after* being told of the murder.

Tom Watson: The Rich Jews Indict a State!

Was that the conduct of an innocent employer, whose little employee had been found dead in his house? If Mary Phagan had been a cow that had been choked to death in Frank's enclosure, his conduct could not have been more unfeeling, more stoical.

He *did* say that he did not know any girl of her name, and couldn't tell, until he consulted his pay-roll whether Mary Phagan had worked for him, or not.



In passing to the toilet daily for a year, he had almost brushed Mary on his way; and four disinterested white witnesses swore that he knew her well, and familiarly called her "Mary."

Not only that, he seemed jealous of J.M. Gantt because of his apparent intimacy with the girl, and he spoke to Gantt about it. An unexplained shortage in the cash account was soon afterwards discovered, and when Gantt denied responsibility, and refused to make it good, *Frank discharged him.*

So recently had Frank got rid of Gantt, that the man came back to the factory to get two pairs of shoes which he had left there, and this was on the same day that the Jew killed the girl.

To fasten the crime upon some one else, and to hang an innocent man, Leo Frank accused the night-watch in the two notes, describing him *twice*—which Jim Conley could not have done, for he had never seen the night-watch and did not know he was tall, slim and black. Frank also secreted the true time-slip that was in the clock, the night after the murder, and substituted another, which left one hour of the watchman's time unaccounted for. This hour was to be filled with a supposed return of the watchman to

his house, the purpose of the return being to change his shirt. Accordingly, a bloody shirt was found in the watch-man's clothes-barrel! Had not Jim Conley broken down and confessed, it is practically certain that the Burns agency would have hired Ragsdale and Barber to swear that it was the night-watchman whom they heard confess the crime, instead of Jim Conley.

This deliberately planned scheme to lay the crime on the night-watch reveals itself in the notes, in the forged time-slip, in the "planted" shirt, and in Frank's sinister suggestions to the detectives that the night-watch *ought to know more about it*.

If a black case could be made blacker, this diabolical attempt to hang the innocent negro, while shielding the guilty one, would deepen the darkness of this terrible crime.

During the days of excitement, suspense, eager inquiry, tireless research that followed the crime, Leo Frank never uttered a syllable which would implicate Jim Conley. Yet he was familiar with Conley's crude "hand-write," had seen the notes when they were first found, and saw that in those notes Jim Conley was describing and accusing the night-watch, who had only been three weeks and whom Conley had never seen!

Standing out in the turbid waters of this case are three peaks upon which the Ark of Life would have rested, had the Jew been innocent:

1. He would have explained, and had his parents-in-law to explain, why their daughter, Frank's wife, shunned the imprisoned husband for three whole weeks, *after* he was committed to jail.

His father-in-law and his mother-in-law both went on the stand to testify to Frank's natural conduct on the Saturday night of the crime, and the Sunday following.

Why didn't they explain the unnatural conduct of their daughter?

The Solicitor could not have gone into this, for it would have been using wife against husband, which our law will not allow. But the defendant could have gone into it fully, to explain an extraordinary fact that was already in evidence.

Why didn't Frank's lawyers call upon the Seligs to tell the jury why their daughter shrank away from her husband for three whole weeks, when he was in jail, accused of rape and murder?

2. When eleven white girls swore to Frank's vicious character, the indignation of *an innocent man*, would have prompted him to a rigid cross-examination of those witnesses.

The innocent man would have faced those perjured women, and fired at them questions like these:

What did you ever see me do, or attempt to do, that was immoral?

What did you ever hear me say, that was lewd?

Did I ever attempt to mislead *you*?

If so, where and when?

What did I say, and what did you say?

Did you ever notice any lascivious conduct of mine in the factory?

If so, with whom?

Were you ever in my employ, and did you quit, or were you discharged?

If you voluntarily quit, what was your reason?

If you were discharged, what was the cause?

To whom, before now, have you ever stated that my character was lascivious?

In other words, if these women were perjurers, *defendant knew it*, and his lawyers should have riddled them on cross-examination.

On the contrary, if they were telling the truth, *defendant knew it*, and it was better *not* to make matters worse by cross-examination.

Which course did Frank and his lawyers adopt?

The latter!

3. Beleaguered by false witnesses and suspicious circumstances, *the innocent man* invites investigation, courts inquiry, offers to explain away what is otherwise inexplicable.

The guilty man fears investigation, and shuns inquiry. It told heavily against Police Lieutenant, Charles Becker, of New York, that he did not go to the witness stand. His seeming fear of cross-examination hurt him badly in public opinion.

But Leo Frank went to the stand, and occupied many, many hours talking to the jury, and then refused to allow the Solicitor to ask him one solitary question!

Our Georgia law gives that privilege to every defendant, and this most lenient of codes gives the jury the right to believe the unsworn, unsifted statement of the defendant in preference to all the sworn and sifted testimony!

Accused by a “low-down, drunken, shiftless negro!”

Tom Watson: The Rich Jews Indict a State!

Accused of indescribable practices in his place of business!

Accused of proposing the obscene thing to a girl on the second day of her employment!

Accused of bringing a most dissolute woman of the town into his office, and acting lower than any beast with her!

Accused of taking Rebecca Carson into the ladies' private room, and shutting himself in there with her alone for 15 to 30 minutes—*the girl's mother being a worker on the same floor!*

Accused of lusting after Mary Phagan, pushing his attentions on her, laying a trap for her by refusing to send her pittance by her chum.

Accused of giving Jim Conley his instructions the morning of the crime, and causing him to come and be ready to watch the front door, when the doomed child should arrive.

Accused of decoying the little one to the metal room on the pretense of looking to see whether there would be material for her to work with, the next work day!

Accused of shutting the door on this employee of his, and attempting to get her to let him do, *with her*, what Miss Nellie Woods swore he wanted to do, with herself, and what Dewey Hollis told Judge Roan, *to Frank's face*, he *did* do with her!

Accused of resenting the girl's horrified refusal, and of knocking her down, committing the act with her, after she was down, and then, to prevent exposure and punishment, tying a hemp cord around her throat and choking her to death!

Accused of dragging the dead girl by the heels over the basement floor, until she was lying prone upon her purpled face, in the obscurest nook of that dark room, and of then turning down the gas-jet, until it was no bigger and brighter than a "lightning-bug," so that the night-watch would never see that gruesome figure lying—all rumped, and bruised, and bloody—away off there by the back door.

Accused of all this, menaced by the coinciding testimony of more than forty white witnesses, encircled by a chain of physical facts which no human power could annihilate, ignore, confuse, or elucidate—compassed around about in this way, and then stand upon the privilege of not allowing a single question to be asked him?

Never in God's world did innocence so act, *never!*

After the verdict of guilty, the defendant made a motion for a new trial, alleging many errors committed by Judge Roan, and, also, that there was not sufficient evidence to support the verdict.

After a long, careful, conscientious consideration of the motion, Judge Roan overruled it. In doing so he said that he himself did not know whether Frank were guilty, but that the law placed the responsibility for *that* issue upon the jury. Of course it does. For hundreds of years, *juries* have been the judges of *the facts*. Governor Slaton stated the legal principle, in almost the same words, when in 1914, he denied the application for clemency in the Nick Wilburn case. He did the same thing, last year, in the Umphrey and Cantrell cases.

Frank's lawyers took the case to the Supreme Court, where the alleged errors were elaborately argued. The majority Justices held that the evidence was sufficient to support the verdict, and that Judge Roan had not committed any substantial errors of law.

The minority Justices held that Judge Roan had committed one error, to-wit: He had allowed the evidence of Dalton and Conley to establish independent acts of licentiousness on the part of Frank. This evidence, however, was merely cumulative, there being enough unquestioned testimony before the jury to convince them of Frank's vices.

The majority Justices reasoned that the evidence in question was properly admitted, because it tended to prove Frank's character and conduct in the place where the crime was committed; and, therefore, tended to establish *the identity of the criminal*.

The State's theory being that the murder was *incidental* to a sexual act, and there being evidence to support this theory, it was competent to introduce testimony to prove that it was Frank who used the factory for sexual acts.

The minority Justices never said that the evidence was not sufficient to support the verdict.

After the Supreme Court decided the case, the trial recommenced, *in the newspapers*. According to all precedent and practice, the question of Frank's guilt had been settled. His guilt had been *judicially ascertained*. The Law had done its do. The Law said "It is finished."

Not so the newspapers. The Atlanta Journal (whose managing editor is a Jew), published an inflammatory editorial, *demanding that the decision of the Supreme Court be defied!*

The Journal announced a new doctrine as to the responsibilities of a State for the administration of justice. It said:

Responsibility for the enforcement of the law and the punishment of crime rests largely but not exclusively upon the courts. The press also has its share of responsibility, and it seems to the Journal that the time has come for the press to speak. The Journal will do so now even though every other newspaper in Georgia remains silent.

Tom Watson: The Rich Jews Indict a State!

Here was a novelty. Never before had any Southern man announced that a portion of the judicial power is vested in the publishers of newspapers.

The Constitution of Georgia puts the responsibility on judges and juries; but the Journal declared that “a share” of this responsibility is on the press.

What share? Half, or less than half? Where is the “share” to be allotted, when, and by whom?

Did the press tote its “share” in the year 1914, when four Gentiles were hanged for murdering men? What did the Atlanta Journal do with its “share,” when Lep Myers got off at manslaughter, after going to a Gentile woman’s room, in Macon, and atrociously shooting her to death.

The Journal further said:

The courts have their greatest responsibilities and their arduous duties to perform, and be it said to their everlasting credit, they discharge those duties to the best of human ability. But even juries are sometimes swayed by environment and the judicial ermine is not infallible. Infallibility is an attribute of omnipotence.

The *Journal* further said:

“Leo Frank has not had a fair trial. He has not been fairly convicted and his death without a fair trial and legal conviction will amount to judicial murder.”

The Journal further said:

“Unless the courts interfere we are going to murder an innocent man by refusing to give him an impartial trial.”

The Jew Editor of the Atlanta Journal further said:

“It was not within the power of human judges, human lawyers and human jurymen to decide impartially and without fear the guilt or innocence of an accused man under the circumstances that surrounded the trial. The very atmosphere of the courtroom was charged with an electric current of indignation which flashed and scintillated before the eyes of the jury. The courtroom and streets were filled with an angry, determined crowd, ready to seize the defendant if the jury had found him not guilty.

“A verdict of acquittal would have caused a riot.”

When John Cohen published this infamous libel in his *Atlanta Journal*, he fired the signal for every Jewish editor in America. From that day to this, the scurrility of outside writers has been fed on John Cohen’s lying editorial in the Journal.

The only evidence these hack writers and their honest dupes have had as to mob spirit, mob atmosphere and the rest of it, has been the unsworn, unsupported, and utterly false statements of this Atlanta Jew.

Judge Roan had seen no mob “scintillation” in the court-room; the other officers of the court swore there was none; the Colonel of the Fifth regiment testified, on oath, there was none; the reporters of the papers made affidavit there was none; and the Hearst paper emphatically stated before the verdict was known, but after the trial was closed, that there never had been a fairer trial.

Not until the Supreme Court decided against Frank, did John Cohen himself allege that the trial had been unfair. If he knew it to have been unfair, why didn't he contradict Hearst's paper *the year before*, when it paid so high a tribute to Judge Roan and the State? Why wait until another year, and then discover that the trial was a mob-controlled affair, and that Frank's death under Judge Roan's sentence would be “judicial murder?”

Not long after John Cohen opened his cannonade on our Courts, *Collier's* sent C.P. Connolly to Atlanta to write up the case. Connolly took his cue and his tone from Cohen, and other writers followed the lead of Connolly. Concerning the story of our Montana patriot, *Collier's* has recently said:

“We cannot find it in us to cry out for vengeance upon the men who lynched Frank. We know as well as anyone else that Frank was innocent—we know it better than some folks, for we think the painstaking investigation made by Mr. Connolly in *Collier's* **was not excelled in thoroughness or conscientiousness by any other review**. Nevertheless we find it impossible to get up any blood lust of our own. The feeling that the whole thing inspires in us is a good deal nearer to sadness than to anger. Consider the men who did this act. Consider their motive. It could by no possibility be selfish. They did not expect to make any money out of it. They had no personal feeling against Frank—they had never seen him. For them there was neither gain nor satisfaction in what they did. On the other hand, they took grave risks—risks in the shadow of which they will continue to walk until they die. It is impossible to conceive that their motives were other than patriotic. By all accounts they were the best men in the community—they carefully excluded the violent element from their counsels and their action. These men were inspired by the kind of high devotion that has frequently made heroes. Of course they were utterly wrong, but the place for the blame, as we see it, is not on the individuals who did the act, but the state of ignorance which made it possible for these individuals to think their act was good. It is not a time for self-righteousness. It is not a time to cry out against anyone. Georgia is not a neighbor; she is a part of us. It is time for searching of hearts. It is a time for all of us to enlarge our hearts by being charitable.”

Collier's may very well feel like “forgiving” us; whether we can forgive *Collier's*, is another question. It lent itself—if lent is the right word—to a most unscrupulous falsification of the official record, and is largely responsible for the tragedy of a fugitive governor, an informal enforcement of a formal death-sentence on Leo Frank, and such other tragedies as may attend John M. Slaton's return to Georgia.

Let me take up the Connolly story, and prove to you how untruthful it was, and how shamefully it traduced us.

The first statement of Connolly is:

“Saturday, April 26, 1913, a holiday, Mary Phagan went from her home in Atlanta to the National Pencil Factory at which she worked, to get some pay still owing her. She did not return to her home. A search was instituted, without success. At 3:30 o’clock the following morning her dead body was accidentally discovered in the basement of the pencil factory by the night watchman, whose duty it was to make the rounds of the building. **Two men were immediately arrested.** One was Leo M. Frank, the superintendent of the factory, who admitted having paid the girl her wages in his office **at noon on Saturday.** The other was Newt Lee, the night watchman, who had discovered the body.”

How very superficial must have been Connolly’s study of the facts! Leo Frank was not “immediately arrested.” Newt Lee was immediately arrested at *Frank’s instigation*, and Jim Gantt was next jailed, because of what Frank insinuated as to his intimacy with the dead girl. Frank was not arrested until Tuesday.

Frank did *not* “pay the girl her wages *at noon.*” His stenographer did not leave until 12:02, and **Mary** then came, *next*.

Connolly’s next statement is:

“Then a third man, a negro named Jim Conley, who also worked in the factory, but who was not known to have been in the factory at the time of the murder, **was accidentally discovered washing a stained shirt.** He was arrested and held as a suspect, but suspicion was not seriously directed toward him. **The stained shirt was returned to him by the police,** and his name was practically eliminated until three weeks later, when it was discovered that he could write. He had previously denied that he could write.”

Connolly says “stained shirt;” those who trod in his tracks improved on this and called it “a blood-stained shirt!”

The official record, page 79, shows that E.F. Holloway, the day watchman—the man who twice swore he left the elevator locked Saturday morning, and then changed his story—swore:

“I saw Conley * * * down in the shipping room watching the detectives, officers and reporters. I caught him washing his shirt. Looked like he tried to hide it from me. *I picked it up and looked at it carefully.*”

Any stains? None. Any *blood* stains? None. Just dirt, that was all, and the negro was washing it, *not in secret at home*, but in public, at the factory. He washed that shirt to

clean it up for court the next day, and he wore it next day, just as he had been wearing it Monday morning. The police never took it away from him.

Yes, he denied that he could write, and Frank did not tell the police any better. The two men were then protecting one another, and Frank was framing a case on the night watch.

Connolly states that:

“No defendant in a criminal case in Georgia may give testimony under oath in his own behalf, nor is his wife allowed to testify either for or against him; but he may make a statement not under oath to the jury. His own lawyers are not allowed to ask him any questions, and **the prosecutor never asks any, for he fears the answers of a witness not subject to the penalties of perjury.**”

The prosecutor always asks questions, *provided the defendant will allow it*. Frank would not allow it.

Connolly again says:

“Frank was convicted **solely on Conley’s testimony**. Without it there was no case. Not one person ever came forward on the trial who saw Frank and Conley together on the day of the murder, **although Conley swore they walked the streets of Atlanta for blocks.**”

I have already shown from the official record how the chain of circumstantial evidence was formed by many white witnesses, most of whom were the employees of Frank, and not unfriendly.

Conley did not swear that he and Frank “walked the streets of Atlanta for blocks.” What he swore was, that Frank and he met near Sig Montag’s, and that Frank told him there what to do for Frank at the factory, after the girl should arrive. On this vital point Conley was corroborated by Mrs. Hattie Waites, a lady of unblemished character, and of absolute disinterestedness in the case.

Connolly says:

“The State insisted that Mary Phagan was attacked before Monteen Stover came to the factory at 12:05. But Mary Phagan, according to three of the State’s witnesses, was on the street car several blocks away as late as seven minutes after twelve.”

That no two watches or clocks tally, is known to everybody, and the effort to confuse the facts by time-tables, outside the factory, was one of the numerous devices of Frank’s lawyers. What’s the use of street-car watches when we have Frank’s own clock to go by? His stenographer punched his clock as she went away at 12:02, and Frank repeatedly said that Mary Phagan came in a few minutes afterwards. Not until he discovered that Miss

Monteen Stover had been in his office looking for him, at from 12:05 to 12:10 did he place Mary Phagan's visit later than that.

Connolly then says that "tell-tale cinders" proved that the crime was committed in the basement. He puts cinders in her mouth, in her nose, in her lungs, and under her finger-nails!

The evidence does not.

The undertaker, W.H. Gheesling, took possession of the body soon after it was found, and he washed it, washed the hair in tar-soap water, opened her veins to relieve the congested condition of her face, etc.

With the exception of some dirt under the finger nails, and the dirt soilure of the face and hair, he found nothing unusual. There were no cinders in her mouth, none in her nose, none in her nostrils, none anywhere.

Sergeant Dobbs, who first examined the body, swore to the same thing. W.W. Rogers, who was with Dobbs, swore to the same thing.

Where did Connolly, and those who followed his lead, get all of these cinders that were in the girl's mouth and nose?

They got them from Leo Frank's statement to the jury, and Frank, of course, got them from his lawyers. Frank told the jury he saw the cinders when he examined the corpse at the morgue, whereas, the witnesses all swore that he shrank away from the sight of the girl, *and never looked at her face at all.*

Frank's words were:

"Mr. Gheesling * * * took the head in his hands, turned it over, put his finger exactly on the wound on the left side of the head; I noticed the hands and arms of the little girl were very dirty—blue and ground with dirt and cinders, the nostrils and mouth—the mouth being open—nostrils and mouth just full, full of sawdust and swollen.

"After looking at the girl, I identified her as the one that had been up after noon the previous day and got her money from me." (Pages 202 and 203, Official Brief)

Here was the corpse of a girl whom he had claimed not to know; it had undergone a frightful change since the noon before; the face was swollen out of its natural proportions; it was discolored with dirt and congested blood; the mouth was wide open in ghastly disfiguration—and yet he told the jury that he identified this corpse as that of the girl who had come to him the day before.

Even her chums had some difficulty in recognizing her, and it was her hair that enabled them to do it!

“I knew her by her hair,” swore her work-companion, Miss Grace Hicks. (Page 15)

W.H. Gheesling, who turned the girl’s face so that Frank could see it, testified that he did not know whether Frank looked at it! The officers swore that he did not. No witness said that her mouth was open, but everyone said the tongue protruded through the teeth. Not a single witness said that there were any cinders on her tongue, on her nose, *in* her nose, in her mouth, or under her nails. “Some dirt” was found under her nails, just as some can be found under those of all persons who are not very careful of their hands.

Mr. I.U. Kauffman was put up by Frank’s lawyers to prove the condition of the basement at the time of the crime. He said, “The floor of the basement is dirt and ashes. The trash-pile is 57 feet from where the body was found. There are ashes and cinders along the walk in the basement.”

No witness swore to any pile of cinders, pile of ashes, pile of sawdust, bank of cinders or anything else in which a person could held face downward and smothered. Absolutely no evidence of that sort is in the record.

How could anybody crush a girl’s face into cinders, or ashes, or trash, and not leave evidences of such a crime in the cinders, in the ashes, in the trash *and in the girl’s face*?

All the witnesses said there were no bruises or even scratches on the child’s nose, but were on the eye, where she had been struck, and on her side-face, where she had been dragged over the dirt floor.

And why would anybody need a cinder pile, when they had the horrible cord tied fast and tight around her neck?

No! Frank’s lawyers invented the banks and piles of cinders; and Frank merely repeated what he told them; but the jury could not disregard the sworn testimony of Gheesling, Doctors Harris and Hurt, Sergeant Dobbs, I.U. Kauffman and other disinterested witnesses.

Connolly proceeds:

“There was not an ounce of cinders on the second floor, where Conley said he found her dead. The upper floors were swept clean every day. There were some strands of loose hair found on a machine on the second floor where Frank is supposed to have struck Mary Phagan. They were not discovered by the officers on Sunday in a complete search of the factory. The expert who microscopically examined this hair and compared it with Mary Phagan’s informed the prosecutor before the trial that the hair was not that of Mary Phagan’s; but this information was withheld from the defense, and was not brought out by the prosecutor on the trial who afterward said the matter was not important, and that he had proved by other witnesses that the hair “resembled” Mary Phagan’s. On the trial the prosecutor claimed to have lost these strands of hair.”

Whose hair was it, Mr. Connolly?

You say the officers failed to find it, Sunday. What of that? They also failed to find the blood-spots on the floor. What difference does it make, if they were not found Sunday and were found, early Monday morning?

The unanswerable question remains, *How came the hair and the spots to be there?*

You say the floor was swept every day. So it was; and the man who swept it Friday, to clean up before closing for the week, swore that no blood-spots were on the floor, *then*.

And Frank's machinist, whose hands had left that lathe handle Friday evening at 6:30, swore there was no hair on it, then, but he discovered it immediately, when he went to use his machine Monday morning.

At that time, nobody suspected Leo Frank, except the rich Jews who had pussy-footed to Rosser and employed him to defend Frank.

They knew what was coming, for they had learned of Frank's wild drinking and confession, the Saturday night of the murder!

As an illustration of Connolly's "thoroughness" and "conscientiousness," I respectfully beg the editor of *Collier's* to consider the following:

"Monteen Stover's testimony contradicted Frank, who swore he had not been out of his office between 12 and 12:30 noon. **Frank said it was possible that he had stepped out of his office for a moment in the performance of some routine which would not ordinarily have impressed itself on his mind.**"

It's a small matter, yet tremendously important, for *that* was one of the fatalities against Leo Frank. He had said so positively and so often that he did not leave his office between 12 and 12:30 o'clock, there was no way for him to deny saying it. But there was Miss Stover who, *most unexpectedly to him*, proved that he had lied about it. This created a fearful dilemma, the existence of which had not been expected until after Frank for a whole week, had stuck to the story that he had not left his office, and that Mary came to him there at "from 12:05 to 12:10, maybe 12:07."

Nobody at the factory knew that Monteen had come at that time, had waited 5 minutes, and had gone away.

Jim Conley told Frank he had seen another girl go up stairs, but Jim did not know her name, and Frank was so excited by the crime in which he had involved himself, that he either paid no attention to Jim, or he supposed the other girl to have been Mrs. White.

Monteen, not seeing anyone in the office, or anywhere about, went home and reported to her mother her failure to get her pay envelope. They were poor people, and the girl's wages were a Saturday evening necessity.

She told her mother that there did not seem to be anybody there, at the factory, and she had come away after waiting five minutes. Her mother went to the factory, *the next Saturday*, to apply for Monteen's pay-envelope, and the detective stopped her to inquire who she was and what she wanted. Then, *for the first time*, the terrible fact was made clear, *that Frank and Mary were both missing, at the very time he had been saying they were together in his office!*

It was a crushing blow to the defense.

Now, when Frank took the stand to make his four-hour statement, he used these extraordinary words: "To the best of my recollection, I did not stir out of my office, but *it is possible*, that to answer a call of nature, or to urinate, *I may have gone to the toilet*. Those are things that a man does *unconsciously*, and cannot tell how many times nor when he does it."

This is what Connolly calls "the performance of *some routine* which would not ordinarily have impressed itself on his mind."

If Connolly were a student of human nature, he'd know that there never was a jury who would believe that a man is unconscious, when, in the day time, he answers a call of nature.

If Connolly were a man of thoroughness in analyzing evidence, he'd know that when Frank stepped out of the frying pan, made for him by Monteen's evidence, he fell into the fire, made for him by the blood-spots and the hair, *near the toilet* to which he would have had to go, in response to that call of nature!

If Connolly were a lawyer, he'd see the similarity between Frank's explanation of *his* call of nature, and that which the notes *attribute to Mary Phagan*. Frank told the jury that he *might* have gone to the toilet, and the notes say that Mary Phagan *did* go there!

It is a most peculiar feature of the case, equaled only by the suggestion, in the notes that the tall, slim, black negro had had unnatural connection with the girl—a vice not of robust negroes, but of decadent white men.

Sodomy is not the crime of nature, barbarism or of lustful black brutes; it is the over-ripe fruit of civilization, and is always indicative of a decaying society. A plowman-poet, like Robert Burns, would never dream of such a vice, and it is well known that he wrecked his life by sensuality; but an effeminate dude, like Oscar Wilde, was convicted of it, and served his time at Reading Goal—and his mentality was perhaps greater than that of any Englishman since the days of Browning.

Mr. Connolly, of course, mentions the unmashed excrement at the bottom of the elevator shaft, and adds:

“If the elevator cage had gone into the basement that Saturday noon, it would have been crushed. It was crushed when the elevator was operated on Sunday. This is a physical fact which cannot be argued away, and which unimpeachably disproves Conley’s story. **The two silent workmen on the fourth floor** never heard the elevator run that day. The gearing of the elevator was on the fourth floor, unenclosed, and they could not have avoided hearing the noise and feeling the vibration.

The two silent workmen on the fourth floor were noiselessly tearing down a planked partition and building a new one—a process that never makes any fuss. These carpenters knew that Connolly required silence; and they, therefore, persuaded the old planks to pull the old nails out, easy, and they sawed and fitted and nailed the new partition into place, so deftly, that Connolly never heard a single hammer.

As silently as the Czarina reared the famous ice palace, whose building is so beautifully described by Cowper, these two Atlanta carpenters, Harry Denham and Arthur White, slipped a new partition in the place of the old one.

If Connolly had studied this record with thoroughness, he would have learned that Conley described Frank as being so excited that *he jumped in and out of the elevator before it reached its proper place*, and came near causing an accident. He fell up against Jim twice, and nothing would have been more natural for the cage not to strike, *evenly*, the dirt floor of the shaft. In fact, it was *uneven*; and, therefore, the cage might very well miss the excrement, if it were not carefully stopped at the very bottom.

It was a freight elevator, and they seldom stop on a level with the landings.

But in any event, the girl’s dead body was in the basement, with the limbs rigid, the arms folded, the hair caked with dried blood, and her privates in the same condition. Her face showed signs of having been dragged over the grit, and the dirt floor showed the trail, *leading back to the elevator*. That trail of death was 136 feet long, by Kauffman’s evidence; and nobody ever found on the ladder, at the foot of the same, or anywhere in the basement, a single sign of blood, or a struggle.

How unreasonable it is to contend that, because the cage of the elevator did not do what it might or might not have done, we must obliterate all the damning evidence on the second floor, and forget *the absence of evidence on any other floor!*

Connolly concludes:

“All this trouble has come upon Frank because of a bottle of cheap whisky purchased by one worthless negro from another negro in a Southern city which prohibits the sale of whisky.

“The verdict of the jury was but the echo of the clamor of the crowd.”

So, you see, this writer who was the ally of Burns, misrepresented the record, every time he touched it, and failed to tell *Collier's* that Frank's lawyers proved Conley's inability to have described the night-watch at the time the notes were written; failed to tell *Collier's* that Frank's lascivious character had been proved by a dozen unimpeachable white women; failed to tell *Collier's* that the hair found on the machine handle had been identified as Mary's, and that Frank's lawyers never even tried to prove that it was another girl's hair; failed to point out that Frank refused to question the women who swore away his character, and refused to let questions be put to him; and told *Collier's* a most arrant, inexcusable falsehood when he said that our Supreme Court did not possess legal jurisdiction over *the evidence in a criminal case!*

And this writer whose thoroughness and conscientiousness are still believed in by *Collier's*, declared that one bottle of mean liquor, in a prohibition town, caused Leo Frank to be arrested, tried and condemned for the murder of a Southern girl.

“The verdict of the jury was but the echo of the clamor of the crowd,” and the Supreme Court was powerless to right the wrong, *because* it had no legal authority to review the evidence!

On that kind of stuff which Connolly *knew* was untrue, he followed the lead of the Atlanta Journal, and others followed *his* lead, until the continent vibrated with the tread of the disciplined Hessians of vilification.

Not one of those hired writers, or their honest dupes, have ever been to Solicitor Dorsey, to go over the record with him, and to learn the real evidence upon which he relied to convince the jury, satisfy Judge Roan, and satisfy our Supreme Court *twice*—the last time, *unanimously*.

The editor of *Collier's* has himself been so warped, blinded and embittered by Connolly, Burns, Hearst, Straus, Ochs & Co., that he publishes the following:

“Our own emotions about the Frank case are expressed by the words of a Pittsburgh reader, Mrs. Iva Jewel Geary:

““There was not only no reason to convict Frank, **but there was no reason to suspect him.** His persecution outdoes anything I have ever read in Russian history. The wanton cruelty of his murderers is the most heartbreaking glimpse into hell that I have ever known. I am not a Jewess, I am only a human being, the mother of a little boy. For three days and nights the consciousness of that cruelty has suffocated me. Is this humanity?

““I beg of you not to let the matter rest. **It must not rest.** I feel that Leo Frank was a little comforted in his last agony by the thought of all the people who believed in him and had tried to help him. It might have been your son or your young brother caught in the hellish trap—it might sometime be my son.’

“That’s just it. It might have happened to any of us and it may happen any of us in the future unless we stop it. And our idea of stopping it is not by piling vengeance on top of vengeance in an increasing mass. Let us look very closely into it. Let us admit the very obvious fact that the men who lynched Frank thought they were doing the right thing. Now let us try to find the thing that made them think wrong. That is **ignorance, and let us deal with ignorance as ignorance ought always to be dealt with**—not with a club, but with light and sympathy. What is here said in charity is said for the benefit of the men who lynched Frank. They thought he was guilty. They thought they were doing a right thing. **But are there men in Georgia among those who helped prosecute Frank who knew he was innocent, but, notwithstanding, pushed the prosecution from motives of their own?** If there are any such, for them there need be no charity. If any vials of vengeance are to be poured, **let it be on these individuals.** But for the lynchers and Georgia generally let us seek the only things that will cure, that is, sympathetic understanding—**and education.**”

Such an editor as this, gives one new conceptions of the self-complacent imbecile. He probably has a college-diploma, framed in his study, and he believes he is educated, for hasn’t he a written certificate, signed by the President of the College?

He says that Mrs. Iva Jewel Geary has expressed his emotions.

Mrs. Iva Jewel Geary says that Frank *might* have been her son. Might not Mary Phagan also have been her daughter?

Is Mrs. Iva Jewel Geary ignorant of the fact that Jewish employers use the duress of employment to coerce Gentile girls into compliance with the wishes of Jew libertines?

Are the Mary Phagans to have no sympathy, and no protection from lustful Jews that never run after Jewish girls?

In the Oregon Daily Journal (Portland), I find the following news item, August 25, 1915:

“Carl A. Loeb, floorwalker in a local department store, was convicted of disorderly conduct in the municipal court yesterday for making **improper proposals to young women who came to him for employment**, and was sentenced to thirty days in jail. Loeb was represented by Attorney Bert E. Haney, and notice of appeal to the circuit court was given. Bail was set at \$500. Miss Lillian Murdoch was the complaining witness. Mrs. Lola G. Baldwin, superintendent of the department of public safety for women, said today that **similar complaints against Loeb had been made by four other girls.** Evidence was introduced showing that Loeb had no authority to hire employees for the store.”

Here was a wretch engaged in exactly the same vile practices that Leo Frank used on girls who were in his employ.

Tom Watson: The Rich Jews Indict a State!

This floorwalker struck the wrong girls at last, just as Frank did, but how many girls had yielded to Loeb, to keep their jobs? He gets off at 30 days, when the hungry boy who steals bread, gets months, and even years.

Would it not be more to the credit of *Collier's* and Mrs. Iva Jewel Geary, if they bestowed a moiety of their tears and lamentations upon the girls?

Collier's says that what we need is "education." What do the Franks and the Loeb's need?

We have been so often reminded that Frank was a college graduate, that we may soon forget how the eminent negro educator, who is *so* popular at the North, got chased through the streets of New York, and scandalously beaten, because he happened to make a little mistake in the street address of a strange and scarlet woman?

What is mere education worth, when Doctor Booker Washington has to flee from the bludgeon of an infuriated but not educated carpenter, named Ulrich?

Alas! Education is a good thing, but it isn't everything; else some of our greatest scholars would not have been some of our greatest criminals!

Judge Roan had officially declared that Leo Frank had had a fair trial.

The Supreme Court had officially declared that he had been legally convicted upon sufficient evidence.

The verdict of the jury was six months old; and before it had been announced, Hearst's Sunday American had declared that the long trial of Leo Frank, *stretching over a period of four weeks*, had been as fair, as it was possible for human minds and human efforts to make it.

Nobody contradicted this deliberate statement of the Hearst Atlanta paper.

Frank's lawyers did not; the correspondents of Northern papers did not.

But when the Haas brothers, months afterwards, followed up on the Cohen attack on the witnesses, the jurors, the judges, and the people of Atlanta, there arose a clamor about the mob, the frenzied mob, the jungle fury of the mob, the blood lust of the mob, and the psychic drunk of the mob.

That clamor grew louder and louder, spread farther and farther, became bolder and bolder, until millions of honest outsiders actually believed that the mob stood up in the courtroom during the month of the trial, and yelled at the jury.

"Hang the damned Jew, or we will hang you."

Tom Watson: The Rich Jews Indict a State!

It was not until John Cohen and James R. Gray, of the Atlanta Journal, had started this flood of libel against the State, that The Jeffersonian said one word about the case.

Then the Jeffersonian did what no other editor with a general circulation seemed willing to do: I came out in defense of the Law, the Courts and the People.

Are the Laws not entitled to support? Are the Courts not worthy of respect? Are the People not deserving of fair treatment?

The Jeffersonian did not stoop to any personalities, or mean abuse, or malignant misrepresentation.

We had given to Leo Frank as much as we had to give to anybody. We had measured him by the same yardstick that measures Gentiles before they are condemned.

We could not kill poor old Umphrey, of Whitfield County, on circumstantial evidence, and then refuse to execute a Jew.

The one was an aged tenant, aggravated by a dispute with his landlord, about his share of a bale of cotton; the other was a middle-age Superintendent of a factory, presuming on his power over the girls hired to him.

We could not kill Bart Cantrell and Nick Wilburn—led astray by evil women—and then find a different law for the 31-year-old married man, led astray by his own lusts.

No! By the Splendor of God! We couldn't have two Codes in Georgia, one for the Rich and the other for Poor.

At the time the Atlanta Journal and other papers jumped on the witnesses, the jurors, the judges and the people, *Governor John M. Slaton was a member of the firm of Frank's leading lawyer.*

He had been so for nearly a year.

Mary Phagan's body was found Sunday morning, and on Monday morning, *early*, Rosser showed up with Haas, as Frank's lawyer.

Who hired him, *and when?*

Not a Gentile tongue had wagged against Leo Frank!

No detective, no police-officer, no civilian had accused this man.

Why did his rich connections employ the supposedly best lawyers for him, before he had been accused?

Do Atlanta lawyers go to their offices before 8 o'clock of Monday mornings?

Rosser and Haas were at Frank's side, *as his lawyers*, at 8 o'clock Monday morning.

Had the Seligs tipped it off to Montag and Haas, that Frank had drunk heavily the Saturday night of the crime, and had raved about the murder?

At any rate, Frank's lawyers were on deck, bright and early the next morning, at a time when nobody was working up a case on him, and when *he* was industriously working up a case against the night-watch whom he had accused in the notes that he placed near the dead girl.

Mark the date: it was April 28, 1913, when Rosser publicly appeared as Frank's leading lawyer.

On June 22, the papers announced that Slaton had become Rosser's partner.

Slaton had been elected governor at the October elections of 1912; and was to be inaugurated in June, 1913. Why did *he* need a new partnership?

And why did Rosser need a new one?

Ah, there's where the shoe pinches!

There's where the lash hits the raw place on Slaton.

There are some of the commuters who say that the Law does not forbid a governor to take law cases.

Doesn't it?

When the Law carves out an Executive Department, separating it jealously from the Judicial and Legislative, *and constituting in the Governor, the embodiment of the Executive power*, with chief command of the Army and Navy, *to enforce the Laws*, does anybody, claiming to be a lawyer, deny *that the very nature of the office* debars a governor from practicing law?

I am not aware of any law which prevents President Wilson from teaching school, but the very character of his office does. Suppose President Taft had taken law cases! Suppose President Cleveland, or President Harrison had done so!

You can't suppose anything of the kind. You *know* that a holder of a chief Executive office cannot be dabbling in the judiciary, where cases are always likely to come to him on some final appeal.

Governor Herschel V. Johnson quit the practice when he became governor. So did Gov. Henry D. McDaniel. So did Gov. Nat Harris.

There has been a dispute as to the date when Slaton became Rosser's partner. Some say it was in July, 1913.

Does that date make it any better for Slaton?

Are we to be told that *after* Slaton became our Chief Magistrate and Commander of our Army, he needed Rosser?

What for?

Are we to be told that Rosser waited until Slaton was sworn in as governor before *he* took him in as partner?

What for?

The new firm was announced in the Atlanta *Constitution* of June 22, 1913; hence it was formed *before* Slaton's inauguration. I see the advertisement of the new firm, soon afterwards, in "The Fulton County Daily Record."

I see the same firm advertised in the Record for May 14, 1915.

Therefore, Slaton and Morris Brandon had continued to be the partners of Rosser & Philips during the entire gubernatorial term of John M. Slaton.

In the Record for *August* 1915, I find that Morris Brandon has left Rosser and Slaton. *Why did he leave?*

It is reported that he withdrew from the firm because he believed in Frank's guilt, and could not endorse the course which Rosser and Slaton had decided to adopt.

Is it true?

Anyway, he left the firm. Who took his place?

Stiles Hopkins. And who is *he*?

Why, Stiles is the hanger-on of the Slaton-Rosser firm who did some of the mole-work on that very Extraordinary Motion for New Trial.

His affidavit is in the record, and in it he swears he was doing this mole-work for the firm of Rosser, Brandon, Slaton and Philips—a firm with which he was "connected."

After Morris Brandon quit the firm, Stiles was taken in—his intimate knowledge of the inner workings of the Frank case being perhaps too valuable to take any chances on.

We are blandly asked to believe that, although this new firm of Rosser and Slaton was formed soon after Rosser was employed to defend Leo Frank, there was a written agreement to the effect that *partners* should *not* be partners.

They waived the Code; and, with suave smiles at each other, obliterated the encyclopedic accumulation of legal lore on the subject of Partnerships.

In *The Jeffersonian*, I have stated, again and again, that just before ex-Congressman Howard was employed, Luther Rosser went on to Senator Ollie James of Kentucky, and made him a proposition of a discreditable kind.

That proposition had no other meaning than that Rosser knew the sentence of Frank was to be commuted by his partner, Slaton; but, for the sake of appearances, Rosser and Slaton wanted to make the case for Frank as imposing as possible.

Rosser offered Senator James a fee out of all proportion to the service, and told him that *his argument would be prepared for him, and that he could not possibly lose the case.*

The accusation has been standing more than a month, and all of Slaton's commuters dodge it. *They plough round it. THEY DON'T DARE GO TO IT.*

Do you need any better proof of the complete understanding between Partner Rosser and Partner Slaton?

Can you ask any clearer evidence of the fact that Slaton wasn't caring two straws about the Judge Roan letter, the Chicago delegations, the Texas legislature, the telegram from vice-President Marshall, and the petitions from "all parts of the world."

Rosser and Slaton realized the need of all the strength they could muster, on the side of their client, and every possible resource was exhausted.

They drummed up commuters wherever there was political, financial, or professional influence which could be brought to bear.

It was a case where every little helped; and they got together as many mickles as they could, in the effort to make a muckle.

BUT THEY FAILED ON SENATOR JAMES!

If Rosser's assurance to the Senator did not mean *that he knew in advance what his partner would do, WHAT DOES IT MEAN?*

In effect, Rosser said to Senator James:

"We want to use you! We want to buy your name and prestige. We want you to act a part in the drama of Treason, that we are staging in Atlanta.

"The Jews have brought the opera house; our troupe of players is already large and well practiced; but we need a first-class orator to make a first-class appearance in the Final Act of the play.

"Here's a large pile of Jew money! Will you take it? Everybody else is doing it.

"You can't possibly lose the case."

But the Kentucky Senator remembered there was something else he might lose, and he spurned the offer which the circumstances justify us in believing was as much the offer of Slaton as it was of Rosser.

Add to the shame of this rejected proposition, *the clandestine meeting between the two crooks, Rosser and Slaton, a few hours after the Prison Commission startled them by its adverse decision.*

Why did Rosser slink up a side street, and take it afoot to hold a midnight meeting with his partner, Slaton?

Why talk to us about alleged agreements which exempted this partnership from the Law of Partnerships?

Why ask us to believe the unbelievable?

Tell us what Rosser meant by his statement to Senator James, and what he meant by his stealthy, thief-like visit to John M. Slaton.

No *legitimate* errand demanded this cover of darkness.

It is said that nobody raised the point with Slaton that he ought not to pass on the Frank case—being Rosser's partner.

Wrong again! The point *was* raised, by a member of the Atlanta bar, and it was done in writing, and in a most delicate, respectful way. I published the letter in The Jeffersonian.

The point was also raised, in a Cobb county mass-meeting, held at Marietta, last year.

The question was put squarely up to Slaton, while he was in the race for the Senate, and he evaded it!

What a reckless thing it is, therefore to say the point came too late! Dorsey knew of the letter, and knew of the Cobb county action; consequently, he knew it was useless to

again endeavor to reach the “honor” of a man who has none, or to arouse a “conscience” that doesn’t exist.

It has been said that it would have been “cowardly” for Slaton to have reprieved Frank and left him for Governor Harris to dispose of.

Why, then, did he reprieve two negroes who were under death sentences, and leave *them* to Governor Harris?

And if he is such a brave man, why didn’t he *pardon* the Jew whom he says was innocent?

I am very credibly informed that *Leo Frank*, on his way to Cobb county, *denounced Slaton as a crook*.

This must mean that Frank had been promised a pardon.

If innocent, he was entitled to one; and if Slaton believed him innocent, he acted pusillanimously, in not setting him free.

There is no middle ground.

Those who admit that they believed Frank to be guilty, but favored commutation can only excuse themselves by saying they oppose capital punishment.

If married men of middle age are not to be hanged when they deliberately leave young and healthy wives, and pursue young girls to such a horrible death as fell to the hard lot of Mary Phagan, then we’ve got no use for the law of capital punishment.

Slaton saw lots of use for it, *last year*, as a protection to homes, and human lives; the commuters saw it, too; it was not until *this year, AND THIS CASE*, that the railroad lawyers and some Doctors of Divinity became such rampant commuters.

It is said that Slaton made no money by the commutation.

That is an assertion which settles the question without debate. It is perfectly clear to every lawyer that, as Rosser’s partner, he was legally entitled to share whatever Rosser got.

It is said that Slaton knew that the commutation would kill him politically.

He doesn’t talk that way. He expresses the most buoyant confidence in his future popularity.

Tom Watson: The Rich Jews Indict a State!

He says that none of the best people are against him. He says that those who made the outcry against him are mere scum, riff-raff, rag-tag and bobtail; men whose wives take in boarders and washing.

He says that these low-down creatures have always been against him, and he hopes they always will be.

Unless your political eye-sight is failing, you can see a formidable line-up in favor of Slaton for the Senate.

The Jews will be solidly for him. So will the Chambers of Commerce, of Atlanta and Savannah.

So will the L. & N. Railroad system. So will the Hearst papers. So will the Atlanta dailies.

The Roman Catholics will support him almost to a man, on account of The Jeffersonian being against him.

You need not doubt that Slaton made himself reasonably certain of a powerful combination, before he took the bit in his teeth.

He is crafty, and he doesn't act upon impulse.

It will be remembered that while the Frank case was on its way to him, Nathan Straus, of New York, came to see him.

It will be remembered that while the Frank case was on its way to him, William Randolph Hearst came to see him.

It will be remembered that immediately after the commutation, and the flight from Georgia, he was banqueted by Mr. Hearst in New York.

It will be remembered that Mr. Hearst's personal representative, John Temple Graves, in his address to a Northern press-club, proclaimed the intention of Mr. Hearst to put Slaton in the race for the Senate or Vice Presidency.

Slaton himself has repeatedly told the Northern people that he would re-enter politics in Georgia, and make his action in the Frank case an issue before the people.

Those who defend Slaton say that his previous character had been good.

If the character of Judas Iscariot had not been good, Christ would not have made him one of the Twelve, and Keeper of the Treasury.

If the character of Benedict Arnold had not been good, Washington would not have made him Commander at West Point.

Lots of folks enjoy the reputation of being straight, when in fact, they are crooks who have not been found out.

WHAT WERE THE REASONS FOR THIS COMMUTATION?

In one place, Slaton says that he was guided by the advice of Sally, his wife. In another place he says he was influenced by the dissenting opinions of the minority Justices of the Supreme Courts.

In another place he says that important new evidence, never produced before any other tribunal, was produced before *him*.

In another place, he says that the hair found in the metal room, and proved at the trial, to have been Mary Phagan's, was afterwards shown to be the hair of somebody else.

Who this somebody is, he provokingly keeps to himself. What that new evidence was, he mysteriously declines to state.

In still another place, he leans heavily upon the tomb of Judge Roan, and says that he commuted because of the dead judge, when the official record shows that Slaton paid no attention to the pleas of living judges, *last year*, and that he can't assign any reason why L.S. Roan's alleged change of mind should have out weighed Judges Evans, Lumpkin, Hill and Atkinson, who had *not* changed *their* minds.

Like many other mortals, L.S. Roan's value was not appreciated until after he died. To his pastor he confided his worries about the Frank case, and said that, according to the evidence, Frank "*was unquestionably guilty.*"

On his farewell visit to his daughter, at Tampa, Florida, he said the same thing.

I have said, and repeat, that entirely too much has been made of L.S. Roan. When he ended his official connection with the case, *his opinion was not worth a bit more than that of any juror, or of any spectator who heard the evidence.*

L.S. Roan in Massachusetts, had no more to do with the case than you or I did.

Every lawyer knows that *our Supreme Court had exactly the same power over the evidence, in this case, that Judge Roan had.*

He had the right to say the verdict was not sufficiently supported by the evidence, and the Supreme Court had the right to overrule him *on that very point*, if the Justices believed the evidence insufficient.

Tom Watson: The Rich Jews Indict a State!

How dishonest, then, is the continued effort to fool the people about Judge Roan!

What possible weight could be given to a tardy, unofficial, and doubtful letter of a disabled, suffering, enfeebled judge, when the Justices of the Supreme Court were all in life, all in full vigor, and all firm in their conviction *that the evidence against Frank was sufficient?*

The effort to use a dead man to shield John Slaton is the most cowardly and reprehensible feature of the campaign of the commuters.

The Atlanta Journal, the New York Times and the Western papers are saying that “*WATSON ATTEMPTED TO BRIBE SLATON!*”

They allege that Watson sent a message to Slaton demanding that he “hang the Jew,” and that, in return for this personal favor, Watson would send Slaton to the Senate.

It is a characteristic Slaton falsehood.

During the campaign, last year, Slaton did his utmost to secure my support for the Senate. He sent several gentlemen to Thomson to see me about it. The final desperate proposition that he made me, I will reserve for the present. *He knows what I mean.*

But since he and his brother-in-law, and their hired writer, and the Rabbi have endeavored to besmirch the character of Dr. J.C. Jarnagin, of Warrenton, I will tell exactly what happened.

Last year, my friend Jarnagin came to my home several times to bring messages from Slaton.

One message Dr. Jarnagin was reluctant to deliver to me, for he felt that it put Slaton in a bad light.

Slaton had explained his failure to run against Hoke Smith, for the Senate, on the ground that he, *Slaton, was a poor man*, and that his brother-in-law, *John Grant, would not let him have the money for a campaign against Smith!*

On each of his visits to my home, my friend Jarnagin was told that I could not go back on Rufe Hutchins, to whose support I was committed.

In May of this year, Governor Slaton made an address, on a Warren County Fair Educational Day.

While in Warrenton, he stopped with Maj. McGregor, and he discussed the Frank case with particular reference to what Judge Roan had told his pastor.

Slaton also talked with Dr. Jarnagin, and asked him if there was no way for him, Slaton, and myself “*to get together.*” He asked Dr. Jarnagin, if there was not something that he, the Governor, could do for my son, or for my son-in-law, Mr. Lee.

In reporting the conversation to me, Dr. Jarnagin said, “Jack says we *must* get together.” I considered that the Governor was making overtures to me, as he had done last year, and, of course, some sort of answer to his message was necessary.

I therefore said in substance to Dr. Jarnagin:

“You tell Jack Slaton to stand like a man against all this outside pressure in the Frank case, and to uphold the Courts and the Law, and I will stand by him.

“Tell him that I have never allowed my personal feelings to keep me from supporting any man, when the good of the State seemed to require it, and that I have no feeling against him in doing what is right in the Frank case.

“Tell him to do what is right, regardless of these newspaper libels and these foreign petitions.

“Tell him that I want nothing for myself, nor for any member of my family, but I do want to see *the law vindicated* in this Frank case.”

That was my answer to his message—the answer which the jurors, and the Supreme Court would have given him; the answer which 90 per cent of the people of Georgia would have given him.

That message was, in substance, the very same that I was sending to him, from week to week, *in the editorial columns of The Jeffersonian.*

That message was in effect the same that the mass meetings, in various counties, were sending to him.

That message was given to him in thousands of letters, telegrams and petitions from all over Georgia.

That message was the same in spirit and meaning, that the Cobb county delegation carried to him.

Out of every hundred men in Georgia, ninety would have been willing to have gone upon the house-tops and shouted a similar message.

All that we ever wanted Governor Slaton to do, was, *to enforce the Law against rich people, as he had enforced it against the poor.*

Had he proved himself a man, he would have rallied to his enthusiastic support thousands of voter who had never supported him before—men who believe that it is nothing but right to reward a public servant, of whom they can say, *WELL DONE!*

God in Heaven knows how passionately the people yearn for public servants of whom they *can* say that.

If John Slaton had just withstood temptation and proved true, he would today have been wearing the crown of Georgia's admiring approval, a crown more precious than that of any King.

In 1914, John Slaton told Dr. Jarnagin to explain to me that the reason why he did not run against Hoke Smith for the Senate instead of against Hardwick and Felder, was that he, Slaton, was a poor man, and that John Grant wouldn't let him have the money to run against Smith.

John Slaton explained that it was his wife who was rich, and that John Grant was the manager of the property, and therefore Slaton had to go to Grant for cash.

In Los Angeles a few weeks ago, he told the newspapers quite a different story. He said:

"I am a man of wealth."

His exact language as reported in the Los Angeles paper is this:

Spends His Own Money.

"I have been accused of capitulating to the overwhelming influence of public sentiment," he said, "of reversing the judgment of the courts, and many other violations of my oath, but no one in Georgia **who knows John Slaton** believes the charges, and I am proud to say that, amid all of the censure I have received, **there has not been even an insinuation that I profited financially as a result of my action.**

"My record of seventeen years in public life, Speaker of the House, President of the Senate, and Governor for two terms, precluded the possibility of such a taint. **I am a wealthy man, my family is rich, and I am one of the few men of the country** who has been elected to office **without accepting funds from any outside source for my campaigns. Every penny spent in the interest of my candidacy came from either my own pocket or from members of my own family.** As a result I have never been under obligations to anyone. No corporation or clique has ever been able to control me."

If Slaton told Dr. Jarnagin the truth in the Spring of last year, and told the California reporters the truth in the Fall of this year, the question arises,

Where did this sudden wealth come from?

THE ROMAN CATHOLICS.

Rosser, Grant and Slaton are well aware of the animosity that I have aroused among Roman Catholics by that attacks made upon their hierarchy and secret organizations. They also know that an alliance has been formed in this country between the Jewish organizations and the Papal secret orders.

They, of course, know that the Roman Catholic Knights of Columbus were able to use the Federal Government against me, and that I am under indictment for having copied into one of my books a portion of the *Moral Theology* of Saint Alphonsus Lignori.

They know that the case is to come up at the approaching November term in a city where Jews and Catholics, combined, are predominant, and where old political enemies of mine, are implacable and revengeful.

Therefore, Rosser had a purpose in lugging the Catholic question to the front, just as he had in alluding to Foreign Missions.

I have never insulted any man on the subject of his religion, and, in all my articles, it has been my endeavor to show that it was *the system, the hierarchy, the law and the real purpose, of the Italian Papacy*, that I antagonized.

As a Jeffersonian democrat and American citizen, I detest the foreign church which has always been the bitterest foe to democracy, and whose fundamental laws are irreconcilable with ours.

I detest a Papacy which tells me that I must take my religion and my politics from a lot of Italian priests.

I detest a church which stigmatizes the memory of my mother by saying that she was not my father's wife, but that they were living together "in filthy concubinage"—as Pope Pius IX *did* say while my parents were both alive.

I detest a church which says by its fundamental law, that your wife and mine, your married daughter and mine, your married sister and mine—is a concubine, not a lawful wife, and that the children of our Protestant marriages are nothing but bastards.

I detest a church which comes into my state with its foreign law, and breaks up the homes of lawfully married people, as the priests broke up those in Macon and at Arlington.

I detest a church which sends a foreign ambassador here to tell our people to vote for the Roman Church, rather than for our Country, and who is now trying to plunge this country into a war with Mexico, in order that 300 years of oppression by Spanish priests may be the doom of the native Mexicans.

I detest a church which creates an imaginary near-hell, fills it with suffering souls, and sells releases from it.

I detest a church which puts a bachelor priest between a man and his wife, and orders the bachelor to use filthy language to her in secret, such as no decent husband would ever use, even at night and in the marriage bed.

I detest a church which has to have so many secret organizations, the oaths and secret purposes of which make those secret societies a deadly menace to Protestants and Democrats, to true religion and real civic liberty.

I detest a church whose fundamental law condemns “heretics” to death, and whose records reek with the blood of Christian martyrs.

I detest a church which declared that “Ignorance is the mother of devotion,” and which destroyed libraries, closed the schools, penalized mental research, outlawed science, and plunged Europe into darkness and horror and carnage for a thousand years.

No Roman Catholic who *knows the law* of his foreign church, *and obeys it*, can be a loyal American citizen; for the one master is the enemy of the other, and a Catholic cannot serve both.

In public opinion throughout the Union, Georgia has been condemned for an unjust verdict, an unfair trial, and a *technical* judgment of our Supreme Court, when the facts clearly demonstrate the sole guilt of the drunkest nigger that ever swilled rotgut.

They say the “mob” stood up in the courtroom, and threatened the jury; that the judge was as much terrified by our “blood lust” as the jury was, and that our Supreme Court passed on nothing save the dry points of law, not reviewing the evidence and not expressing any opinion as to its sufficiency.

This is the indictment against us, first made in *Collier's*, by the Hessian from Montana, C.P. Connolly.

In the wake of this mendacious hireling, came Macdonald, of the Western press; and after these, came trooping scores of scribblers who took their *facts*, from the arrant and abominable lies of Connolly and Macdonald.

Use your Reason! Call upon your Common Sense!

Don't you *know* that Frank's lawyers could not have lost their case at every turn, in all the Courts, *if it had not been a desperately bad case?*

Don't you *know* that the evidence on which Connolly, Burns, Hearst and Straus have acquitted Frank, at the bar of public opinion, *is different from the evidence upon which the jury acted?*

Tom Watson: The Rich Jews Indict a State!

Where did that hired cohort of Hessians get the evidence which they have used in fooling the public?

They made it up! They took the various lies of Burns, of W.E. Thomson, of Luther Rosser, and of the excited Jews of Atlanta; and out of the medley of falsehood, they have made the abhorrent noise which caused other States to turn against Georgia.

Are you willing to be governed by the official Brief of Evidence? The lawyers on both sides agreed to it, and Judge Roan officially approved it.

Oughtn't *that* to settle the question as to what *is* the real truth of the case?

Unless we go by the record, we are at sea, and resemble angry boys, quarreling.

Unless we go by the record, we are left to the folly of saying week after week, "You're a liar!" and "you're another!"

To deal fairly with the jury, the Supreme Court and the people of Georgia, you must put yourself in their place.

You must see what they saw, hear what they heard, *and learn what they learned.*

After doing this, judge us as you would have yourselves be judged.

BE FAIR TO US! DEAL JUSTLY WITH US!

Would you outsiders want your Courts and people condemned on the unsworn statements of such hirelings as Burns, Lehon, Connolly and Macdonald?

Wouldn't you think that your Courts had the right to be judged *by the evidence of sworn witnesses*, all of whom were put through the ordeal of cross-examination?

Be fair to us, and *JUDGE US BY THE SWORN TESTIMONY*; that's all we ask of you.

Is it asking too much?

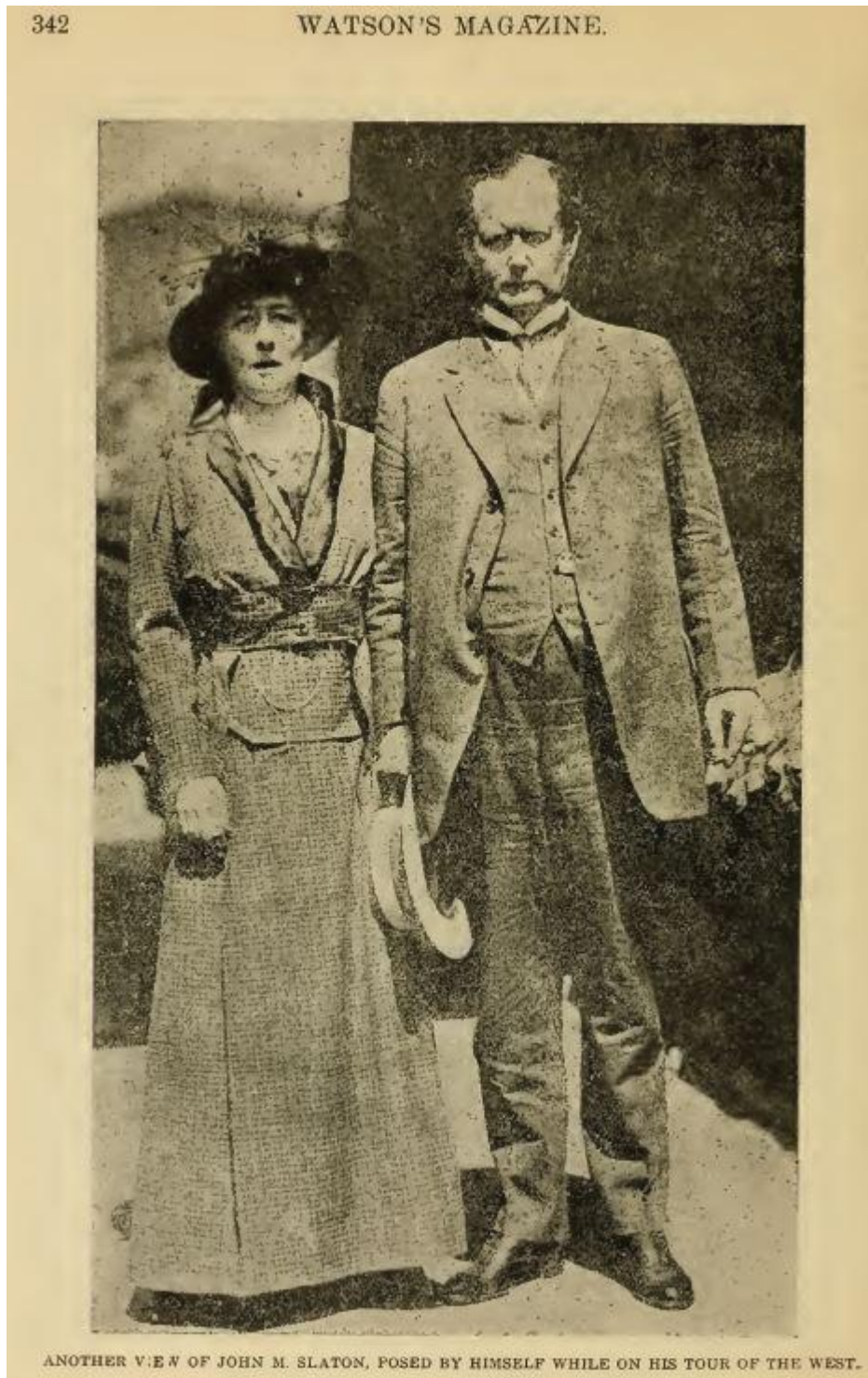
ARE YOU UNWILLING TO GIVE US A HEARING?

Are we to be hounded and harassed forever, on the unsworn statements of interested parties?

Let us go to the record and see what the witnesses said under oath.

That's the only way to try a law case.

We did not carry this Frank case into the newspapers; the other side did it.



Gentlemen, it is high time these rich Jews, and Slatons and Railroad Lawyers quit misrepresenting this case.

THE PEOPLE are not going to allow a convicted criminal's own lawyer to *lynch the courts* and save his client.

Tom Watson: The Rich Jews Indict a State!

THE PEOPLE ARE NOT GOING TO ALLOW IT!

The People would deserve the contempt of mankind, if they *did allow it*.

Leo Frank was under sentence of death, when the Vigilantes executed him.

The commutation, signed by his lawyer, was not only a nullity, but was a most flagrant, intolerable insult to the State, *and a most unparalleled attack upon our judiciary*.

Time cannot cover that unpardonable sin of John M. Slaton, and he will do well to remember that Treason is not protected by any Statute of Limitations.

He betrayed us; he did it deliberately! He made his bed; now let him lie on it!

* * *

MAKE SURE to [check out the FULL American Mercury series on the Leo Frank case by clicking here](#).

Transcribed by Penelope Lee. Exclusive to the *American Mercury*.

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