

The Leo Frank Case

AN aged millionaire of New York had a lawyer named Patrick, and this lawyer poisoned his old client, forged a will in his own favor; was tried, convicted and sentenced—and is now at liberty, a pardoned man.

Through the falling out among Wall Street thieves, it transpires that the sensational clemency of Governor John A. Dix, in favor of Albert T. Patrick, was inspired by a mining transaction involving millions of dollars.

Patrick says, that he was “pardoned on the merits of the case.”

It was a negligible coincidence that his brother-in-law, Milliken, who had for years resisted the Wall Street efforts to get his Golden Cycle mine, yielded it, *when Patrick got the pardon.*

Such is life in these latter days, when Big Money makes and unmakes Presidents, makes and unmakes legislation, makes and unmakes the policies of the greatest Republic.

There was a man of the name of Morse; and he was a parlous knave, to be sure. He, also, lived in New York, and he was an adept in the peculiar methods of Wall Street.

To Charles W. Morse, it seemed good to organize an Ice Trust, and he did it. To prevent Nature from interfering too impertinently with his honest designs, he sent boats up the Hudson, to destroy the ice which was in process of formation on the river.

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 villification against the State of Georgia.

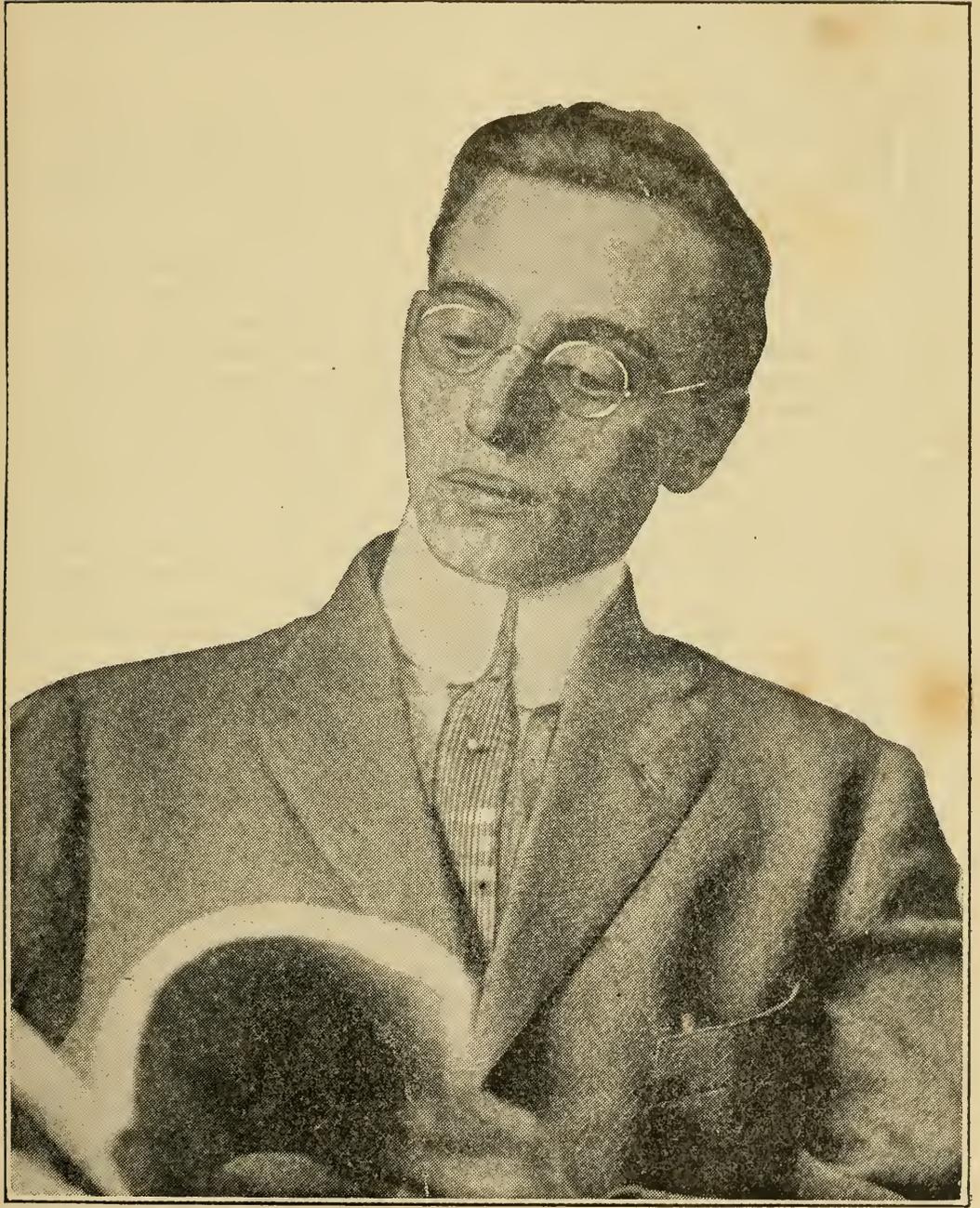
Far and wide, the accusation has been strewn, that we are prejudiced against this young libertine, because he is a Jew. If there is such a racial dislike of the Hebrews among us, why is it that, in the formation of the Southern Confederacy, we placed a Jew in the Cabinet, and kept him there to the last? 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.



LEO FRANK

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, pre-

vious 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.*

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 He-



MARY PHAGAN

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,

brews, 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 in 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!

Marvellous negro, Jim.

Mary Phagan was barely fifteen years old, 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, (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.*

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 tell-tale 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, down stairs*. 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 fully 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 halfhour 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 key-hole, 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 busi-

ness 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. 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 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 per-

sonally 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 search light.

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 dead-line 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 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 way 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 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, 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 no-

ble 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 pro-

found 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 way-faring 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 FÓURFOLD-----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 reproved 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 requir-

ing 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 kill 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 mili-

tary 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 a 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 libellous 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 influ-*

ences 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?

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.

The Wolf At the Door

St. George Best

No common man am I, but one of liberal mind,
Doomed none the less to feel,
In this broad land, with millions of my alien kind,
The print of fortune's heel.

My years of stalwart strength have run to four-score now
Of penury and distress;
These shrunken limbs, these palsied hands and wrinkled brow—
They are my witnesses.

For two-score years I've lived upon your nation's soil,
Earning my bread in sweat;
Accustomed early and accustomed late to toil,
In sunshine or in wet.

I've wrought the glowing metal at the forge, breast-bare,
I've tilled the untilled land;
Where once your giant forests kissed the neighboring air,
The homes of culture stand.

I've dug the mine and laid the rail, the iron horse,
With his metallic roar,
I've driven like a whirlwind on his fiery course,
From east to western shore.



"THE SHAME OF GEORGIA," AS SHOWN IN THE STRAUSS MAGAZINE, "PUCK"

Watson's Magazine

THOS. E. WATSON, Editor

A Full Review of the Leo Frank Case

ON the 23rd page of *Puck*, for the week ending January 16, 1915, there is, in the smallest possible type, in the smallest possible space, at the bottom of the page, *the notice of ownership, required by law.*

Mankind are informed that *Puck* is published by a corporation of the same name, *Nathan Strauss, Jr.*, being President, and *H. Grant Strauss* being Secretary and Treasurer. You are authorized, therefore, to give credit to the Strauss family for the unparalleled campaign of falsehood and defamation which *Puck* has persistently waged against the State of Georgia, her people, and her courts. Inasmuch as the Strauss family once lived in Georgia, and are loudly professing their ardent devotion to the State of their birth, you may feel especially interested in *Puck*.

Looking over the pages of this Strauss publication. I find a characteristic thing: on page 22, there is an illustrated advertisement of "Sunny Brook Whiskey" which is recommended as "a delightful beverage, and a wholesome tonic." To give force to the words of testimonial, there is a picture of an ideally good-looking man, and this smiling Apollo is pointing his index finger at a large bottle of the delightful Sunny Brook fire-water.

On the next page, is a strikingly boxed advertisement of "The Keely Cure Treatment," with references to such nationally known stew-it-out resorts as Hot Springs, Arkansas; Jacksonville, Florida; and Atlanta, Geor-

gia. The advertisement states that the Keely Cure 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, labelled, "*ALONE IN HER SHAME!*" The subject of odium is the State of Georgia, and she is pic-

tured 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

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



"SHAMING" THE STATE OF GEORGIA IN THE STRAUSS PUCK MAGAZINE.

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

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 wilful 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?*

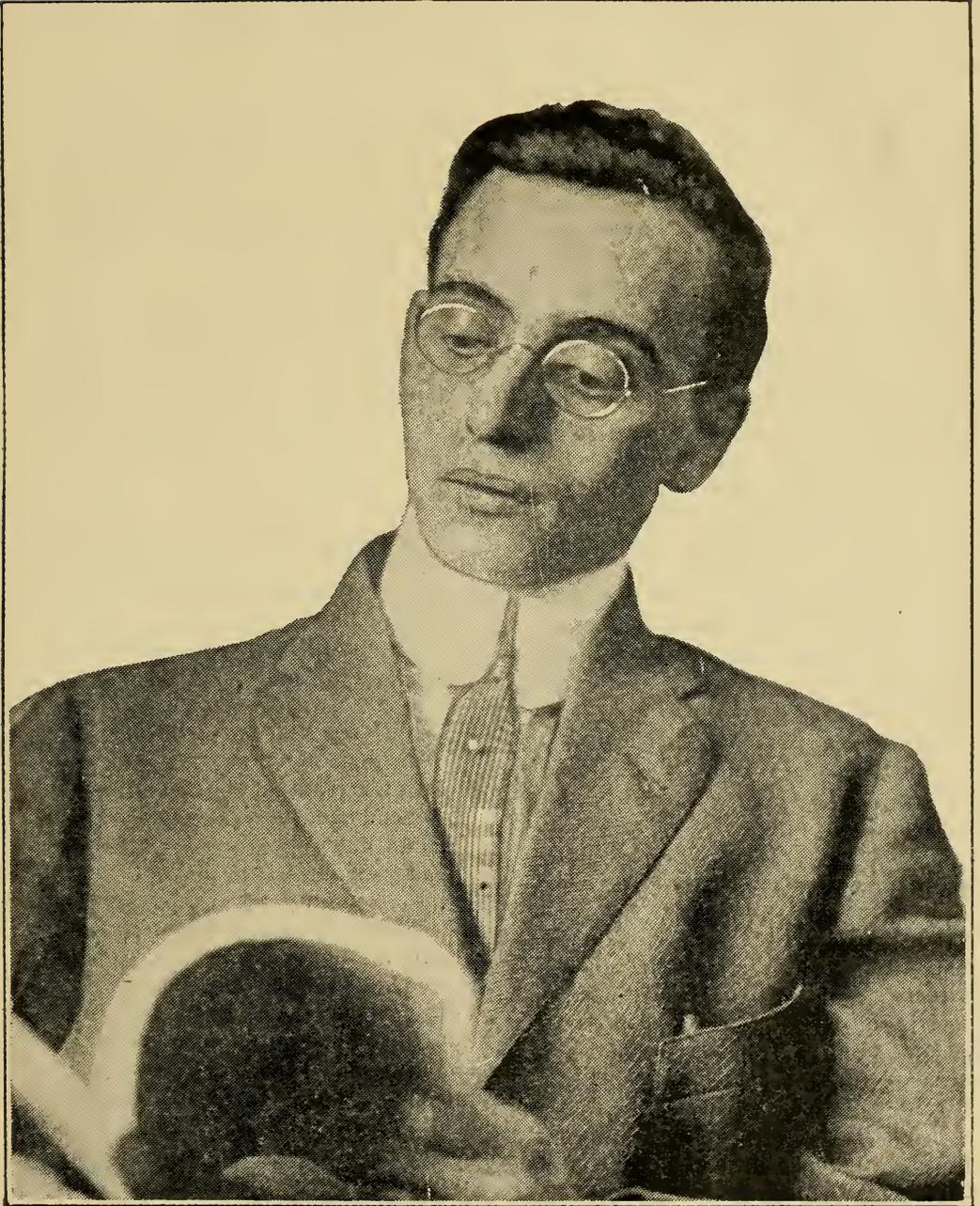
One after another, those white accusers, braved the public ordeal and testified that Frank was lewd, lascivious, immoral!

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*



LEO FRANK. STUDY THE MOUTH, NOSE, AND AVERTED EYES

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 (distinterestedly, 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 in-

vestigated 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 he 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 water-courses—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 bank-books, 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 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 de-

light 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 amenable 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, rascallians, 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 employe 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 girls' 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—

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

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.



LEO FRANK'S VICTIM, MARY PHAGAN

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."

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 Juris-

prudence." 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 cow-

ardice, 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 a 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 practise 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 Eppes 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-envel-

opes 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 his 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

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.



NOTE THE HORRIBLE LIPS, THE NOSE AND THE AVERTED EYES OF LEO FRANK
—A TYPICAL PERVERT

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

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, al-

most 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 employe 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 cafe, *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 cafe, 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 Cafe, 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 ex-

plain 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 as 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 it 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 provi-

dential 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 cafe, 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 falsenood 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 Mon-

teen 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 virginal 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 lower 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 him

self, *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 is 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 know 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 in 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 marvellous 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.*

That 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 his 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 that 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 *suspicions*, 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 ne-

gro 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 the 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 clock-work 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 who 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 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.



ANOTHER VIEW OF THE LITTLE VICTIM

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 to means of preventing greater evil. It seeks to deter from crime, by the example of punishment. This is its true,

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 ef-

frontery, *in his place of business*; and when one Gentile girl whom he lusted 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.

For Good of the Service

Ralph M. Thomson

Discharged for the good of the service,
 Condemned as a clog to the cause;
 Cashiered for incompetent labor,
 Chastised, and to public applause;
 As if we were gullible children,
 As if we were fools gone awry,
 To munch on the fatuous figment,
 To gulp down the insolent lie!

Impaled at the sniff of a puppet,
 Subdued by an arrogant screech;
 Hamstrung at the beck of a beadle,
 Lamponed by the lips of a leech;
 Regarding the ballot as holy,
 Resenting the club of the clan,
 The curse was in scorning to grovel,
 The crime was in being a man!

Oh, what of the vaunted traditions,
 And what of the squeamish who prate;
 And what of the fables of Justice,
 And what of the hope of the State,
 When men who have proven their fitness,
 When men who have braved every brink,
 May fall at the hawk of a heeler,
 For daring to vote as they think!

The Celebrated Case of The State of Georgia vs. Leo Frank.

(Copyrighted: All rights reserved.)

THE laws of Georgia are extraordinarily favorable to a person accused of crime. He is not only protected in all of his rights under the Constitution of the United States, but he enjoys privileges far beyond those limits. No indictment against him will stand, if it can be shown that a single grand juror was disqualified, or failed to take an oath *on that particular case*.

Therefore, our grand juries are bound in each case by a special oath, in addition to the usual general oath; and they examine the witnesses in each case, separately, behind closed doors, having the right to call in other witnesses besides those named by the State's Attorney.

The law authorizes the Judge to remove the case to another jurisdiction, *himself*, whenever the circumstances satisfy him that the ends of justice require it.

If the Judge does not act upon his own initiative, the defendant's counsel can move for a change of venue; and support it by affidavits tending to prove that the feeling in the community is so excited against the accused, that it is impossible for him to therein have a fair trial.

Our Code is also exceedingly lenient in the matter of continuances. The absence of a material witness; the illness of leading counsel, or of the defendant; the want of sufficient 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 the 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 trier—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.

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*



SOLICITOR HUGH M. DORSEY

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

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*, Hossler and Arnold grossly mismanaged Frank's case.

Let me say further, by 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!"

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*



LEO FRANK

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 hav-

ing 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 in 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.



MARY PHAGAN.

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*



MARY PHAGAN'S MOTHER.

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 proves 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,



THE DETECTIVE, HARRY SCOTT, EMPLOYED FOR LEO FRANK, AND DISMISSED WHEN HE REFUSED TO REPORT TO HAAS FIRST.

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.



MRS. MANOR, FORMERLY, MISS MONTEEN STOVER.

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 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. Besides, he had made up her time, and paid her wages to her, again and again, weekly and for 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!



JOHN N. STARNES, WHO RENDERED MOST VALUABLE AID TO SOLICITOR DORSEY IN THE CASE

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, 2½ 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 confine 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 impli-

cate 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.*



DETECTIVE JOHN BLACK AND NEWT LEE.

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?*

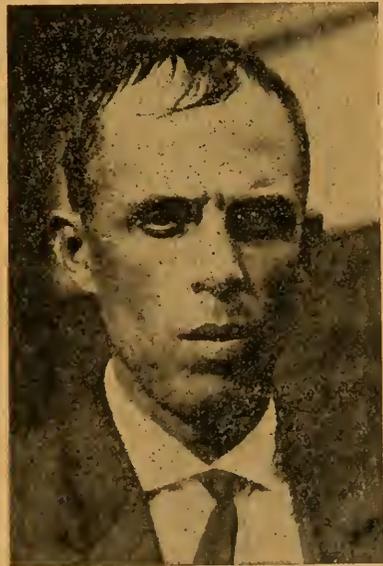
Produce the man, the woman, the boy, or the girl!

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.



FRANK'S MACHINIST, R. P. BARRETT.

What, then, is the conclusion of inexorable logic? *Nobody aul it, excepting the one man who does not dare to acknowledge that HE did it!*

That he may have had an accom-

plice 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 her's, we must believe it *was* her's, 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.



MISS GRACE HICKS, WHO IDENTIFIED MARY'S BODY. "I KNEW HER BY HER HAIR."

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,

"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.'"



THE NOBLE BURNS.

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.

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.

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 testi-

mony, 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!



THE VIRTUOUS DAN LEHON.

Hard-hearted newspaper reporter! who *must* necessarily have been an 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.

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.

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 may be, 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.



LEO FRANK.

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 perior 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.



LEO FRANK. IDEALIZED IN THE HEARST-SELIG MOVING PICTURES.

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?

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 fac-

tory, and that he had even gone to the basement with her.

The woman from the *outside*, with whom Frank was alleged to have indulged in unnatural vice, was Daisy



ANOTHER VIEW OF FRANK.

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 he 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 on 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 Com-

pany. 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.



LEO FRANK'S WIFE.

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 of 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 the 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 a 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 the 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 hus-

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



FRANK'S HOME LIFE IDEALIZED IN THE HEARST-SELIG "MOVIES."

band—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?"

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.*



WOODS ROGERS, ONE OF THE STATE'S PRINCIPAL WITNESSES.

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.



MARY PHAGAN'S CHUM, MISS HELEN FERGUSON, WHO ASKED FRANK ON FRIDAY, FOR MARY'S \$1.20, AND WAS REFUSED BY HIM.

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, *to 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,



MISS MONTEEN STOVER.

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 *spotches* that looked like blood . . . *some of which I chipped up.* I should judge the area around those *spotches* 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*, and 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 this 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: for 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 hole 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 needed 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 used, 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 en-

gaged 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 in it, Sunday morning!*

THE JEWS FIRST ACCUSED FRANK.

Let us go back to the Monday, following the Saturday of the crime.

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 intimidated 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 practise 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.

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 un.masks. 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 in-

forming his own 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 into the 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 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.

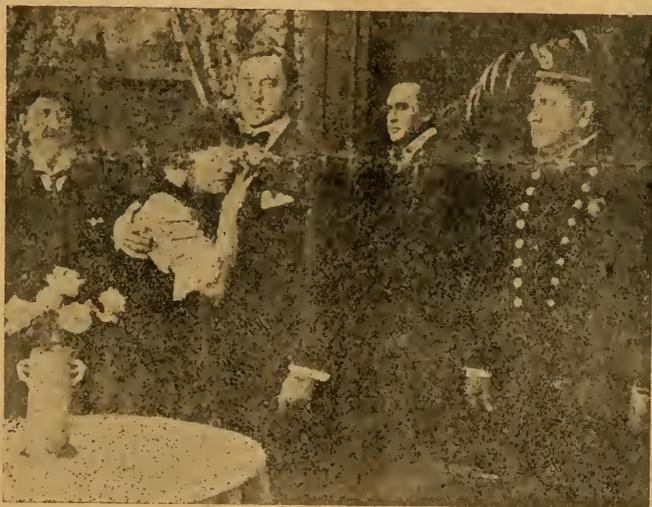
He was perfectly content to screen Jim Conley, and to see the halter close upon the neck of Lee!

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

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



FRANK'S WIFE'S DEVOTION AT THE TIME OF HIS ARREST,
AS SEEN IN THE HEARST-SELIG "MOVIES."

Frank's sentence of death be commuted.)

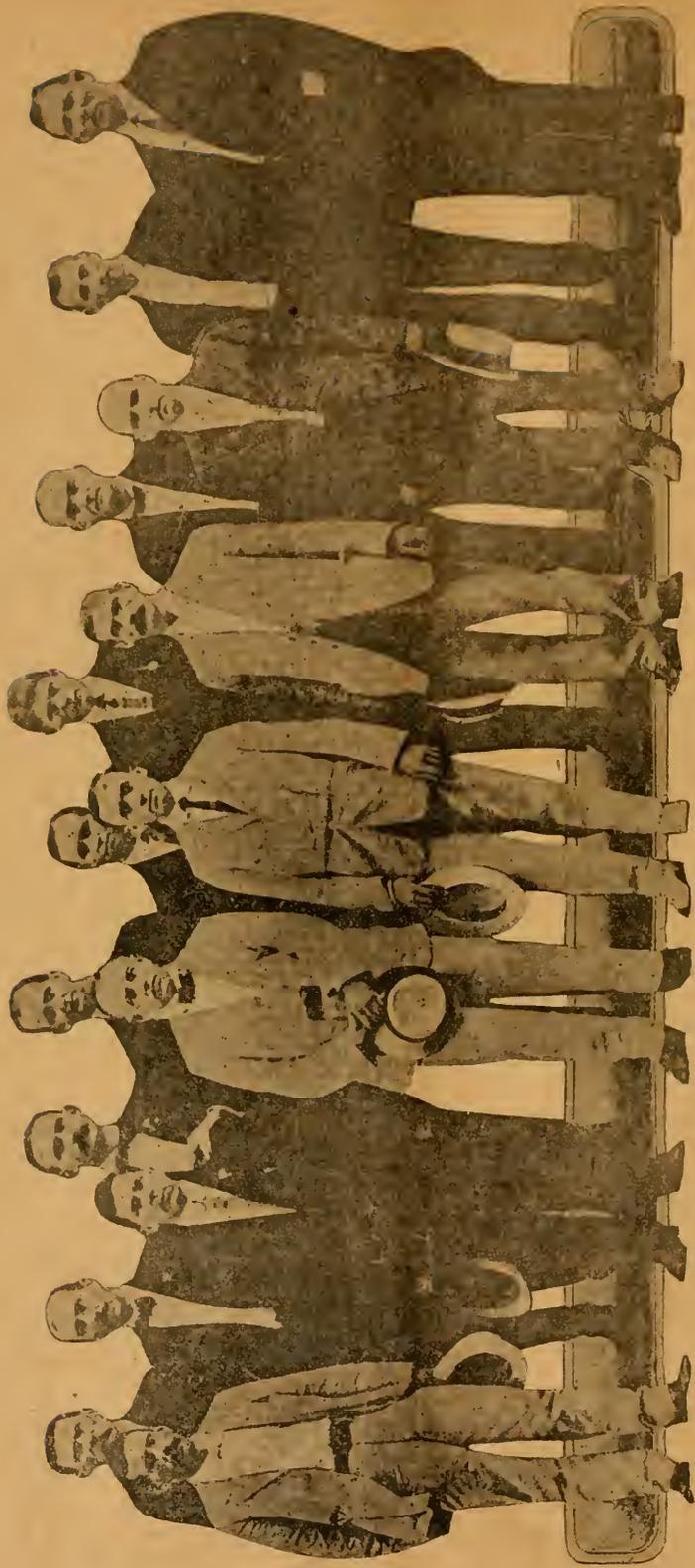
On July 28th, 1913, Frank's trial commenced, before Judge L. S. Roan, and a jury, selected jointly by the State and the accused.

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

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



FRANK JURY. None of Whom Would Ask for Commutation.

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 lawyer 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 con-

fess—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 his 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, towit—*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 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 some 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?

Justice 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.

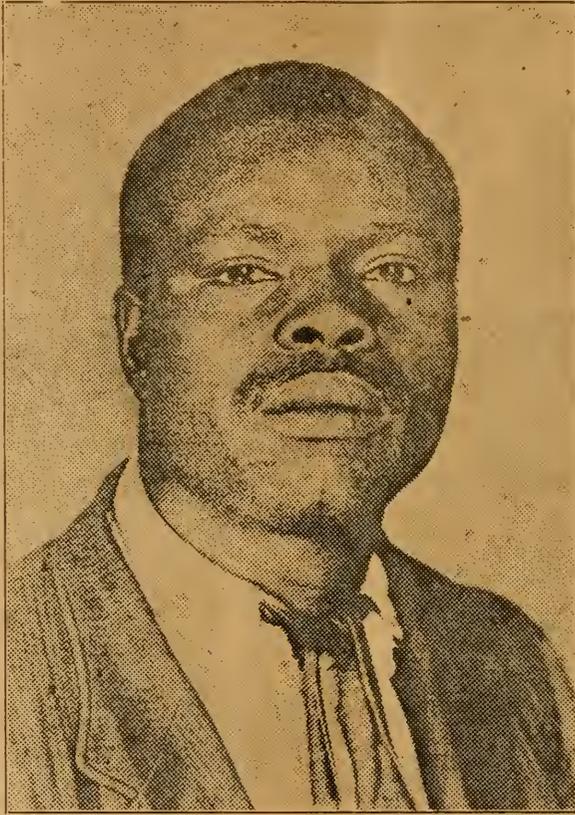
There is no evidence that he had ever been accused of violating a State law, much less convicted of any crime. The record shows that Conley had been a steady, regular worker at the pencil factory, for two years; and, in that length of time, Frank and his associates had found no serious fault with the negro. He was accused of borrowing nickels and dimes, which he was slow to repay; and one gentleman who had 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 his 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

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



JIM CONLEY.

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 signalling Jim about a woman; and that he answered the signal, and found Frank near the

too hard;" and that she had struck something as she 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 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 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 smoothes 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 endeav-

ored 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 corroborated 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 about 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 Goebel 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 crystalized 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 fee'd lawyers, and a pack of non-descript 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 its 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 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 America 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-just 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.

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

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*



GOVERNOR SLATON BEATING OFF THE VULTURES.—From Straus' *Puck*.

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.

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 practise, 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 can say that, but the Governor cannot.

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 lured 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 fire-side 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.

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*.



JEW CARTOON—SLATON SUPPRESSING "MOB LAW."

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

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 Patterson 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 de-

ton'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



FRANK PRETENDS TO SWEEP WHEN OFFICIAL VISITORS COME.

sired 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 Sla-

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 o'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 win-

dow 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.*



MARY PHAGAN'S GRAVE, SHOWING MONUMENT RAISED BY LOCAL CAMP CONFEDERATE VETERANS

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 sons 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!

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 evi-

dence 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.

Everything

FOR THE PROSPECTOR.
Your choice of 4 locating
instruments (free). Sim-
ply pay after first find.

Circulars 10c. Address, IDEAL NOVELTY Co., Dept. E.
P. O. Box 738, Chicago, Ill.

Two Recent Additions to the Roman Cath- olic Historical Series of **THOS. E. WATSON**

**"The Italian Pope's Campaign Against the Con-
stitutional Rights of American Citizens."**

Pamphlet, 14 pages, well printed, clear type; postpaid, 10c.

"What Goes On in the Nunneries?"

Pamphlet, well printed, illustrated, 11 pages; postpaid, 10c.

Where it is desired to circulate these pamphlets, special prices will be made.

Jeffersonian Publishing Company
Thomson, Ga.

The Official Record in the Case of Leo Frank, a Jew Pervert.

Copyrighted. All Rights Reserved.

IN New York, there lived a fashionable architect, whose work commanded high prices. He was robust, full of manly vigor, and so erotic that he neglected a handsome and refined young wife to run after little girls.

As reported in the papers of William R. Hearst, Joseph Pulitzer, and Adolph Ochs, the libertine architect had three luxurious suites of rooms fitted up for the use of himself, a congenial company of young rakes, and the young women whom they lured into these elegant dens of vice.

Stanford White's principal place, however, was in the tower-apartments of Madison Square Garden. In this building, his preparations for sensual and sexual enjoyment were as carefully elaborated and as expensively perfected, as though wine, women and song were the chief end of man's existence. The excavations at Pompeii have revealed no Rose-door voluptuousness more Oriental than that of Stanford White. Like the Roman sensualist who stimulated his amorous passions by surroundings that promoted desire and prolonged the pleasure, White was *artistic* in his vices; and it was the nude girl, of perfect symmetry and beautiful face, that he bore into his seraglio, where rich and splendid appointments, soft lights, hidden musical instruments, fragrant flowers, and choice wines intoxicated every sense to the highest pitch of epicurian ecstasy.

Into this golden harem, he took the young, lovely and unmoral Evelyn Nesbit; and, according to her statement, she was brutally used. A shocking fact in the case is, that 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 *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 no 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 juryman who has 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 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* sympathise 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 Vien-

nese 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 murders 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 disorderly 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 jack-ass, 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 invite 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 be 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, 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 Keheley'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 the black ones, too."

That night, after seven o'clock, Frank telephoned 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.

"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 on me to be 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 nigh^t' and when they got 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 a 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, across the viaduct, and through 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 this 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 Starnes' 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 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 littel 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 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. 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. No-

body 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 had 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, witness stated that it was *before Mary came that Frank said he heard the 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 haskoline) 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 Gentle 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 haskoline 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.

"I saw Mr. Rosser and Mr. Haas 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 previously sworn *twice* that he left the elevator locked; once, in the affi-

davit 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 notified 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. February, 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 he 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 evidenc 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 $2\frac{1}{4}$ 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 waist-line."

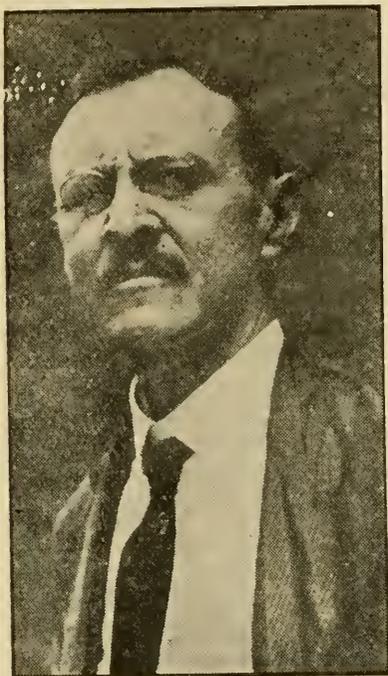
Dr. J. W. Hurt, County Physician, testified to the wounds, one back of the head, and the other on the eye. "Black, contused eye. A number of small minor scratches on the face. Tongue protruding. Cord around the neck. She died of strangulation. There was swelling on the neck. The wound on back of head, 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 practising physician, testified:

"I made an examination of the body of Mary Phagan on May 5th. On



DR. H. F. HARRIS, CHIEF STATE'S WITNESS AS TO CONDITION OF MARY'S BODY.

removing 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 spermatazoa. On walls of vagina, evidence of violence of some kind. Epithelium pulled loose, completely detached in 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 *Coco-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."

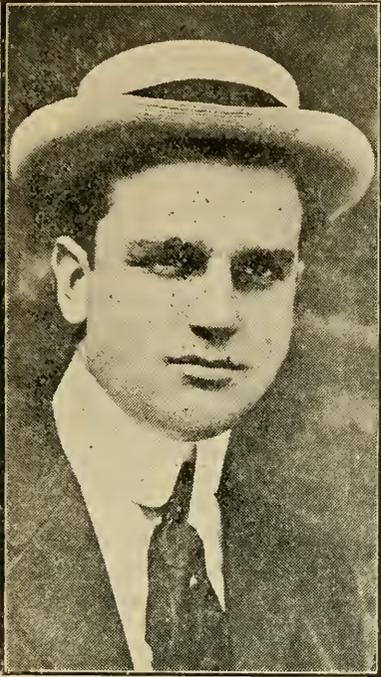
S. L. Rosser: "I am city policeman. On May 4th or 7th, I knew that Mrs. White claimed she saw a negro at the factory on Saturday morning, April 26th.

"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.



HARRY SCOTT.

"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!)

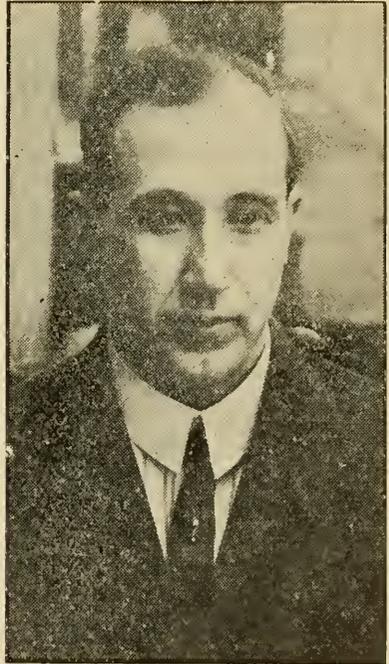
"I got information as to Conley writing, through my operations while I was out of town. Personally, *I did not get the information from the pencil factory*, I got it from outside sources, wholly disconnected with the pencil company."

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."



J. M. GANTT, ARRESTED FOR CRIME ON ACCOUNT OF FRANK'S STATEMENTS.

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 I 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, or 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 about my chest, and that jammed me up against the elevator, and when we 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 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 to turn over again, and I turned over again and I wrote ont he 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 a while 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 watchman, Nevt 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 night 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 to-

gether; 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 the 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 Clarke.

"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* saw 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 catechise 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 Cafe, *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:

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 practise 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 Julian Loeb, cousin to Mrs. Frank; Cohen 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 26, 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 partly 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-shooters!

(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 im-

peached, *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 state-

ments, 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 the 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 her 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 “uncon-

sciously” 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 away 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 Kelley, 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 & Phillips. "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 visits 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 Nelhe 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 as 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 witness 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 Wren, 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 Wren 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 Wren 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 Wren 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 & Phillips, 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;* and 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 Tiller—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 Wren—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. Wren 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 Corley, 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 ended 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 grav: 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 mad, *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 place-holders, 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 opposiiton 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 excrement of a *new law*, retrospective, and iniquitous—and *the constitution and scheme of our polity 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 ministers; *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 nationwide 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 So-

cieties, 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 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 an 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, long 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-vessels 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, practised in the remoter wilds of Arizona. The Indians who practised 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 1813, 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 Superior Court judges had, *three times*, sentenced to be hanged.

When the Jews, and the 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.

Everything

FOR THE PROSPECTOR.
Your choice of 4 locating instruments (free). Simply pay after first find.
Circulars 10c. Address, IDEAL NOVELTY Co., Dept. E. P. O. Box 738, Chicago, Ill.

THE HOUSE OF HAPSBURG

BY THOS. E. WATSON

The Latest of Mr. Watson's Historical Works
States Cause of Present European War

Shows the Origin of the Present House of Hapsburg;
the Growth of the Papal Power of Rome.

John Huss, John Wycliffe, Martin Luther, the Thirty
Years War and the Reformation.

ILLUSTRATED---96 PAGES.

Stiff Paper Cover ; Well Printed ; Good Type.

50 Cents Postpaid.

JEFFERSONIAN PUB. CO.



SOLICITOR DORSEY AND HIS ASSISTANT, MR. A. E. STEPHENS.
SNAPPED DURING THE TRIAL.

Watson's Magazine

THOS. E. WATSON, Editor

The Rich Jews Indict a State! The Whole South Traduced.

In the Matter of Leo Frank.

ABNORMAL conditions prevail in this country, and the situation grows more complicated, year by year. We have carried the "asylum" idea to such extravagant liberality, that the sewage of the whole world is pouring upon us. The human race was never known to do, before, what it is doing now, to America. History presents no parallel case. From the Great Lakes to the Gulf, and from Cape Hatteras to the Golden Gate, we see the same ominous, portentous phenomena, of peoples distinct from *our* people—distinct in language, in manners, in standards, in customs, in National observances.

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, Polands, 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.

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 munition 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,

Delegato 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, Ochsens, Pulitzers, Abells, Schiffs, Kuhns, Loebs, 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 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 Spain that forbids a Jew to enter the realm!

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 sup-*

port 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.

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, Merivale'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 TRUMPHEDED WITH PROTESTANTISM. In certain respects, the Reformation was a return to the ancient Ebi-

onism 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.

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 clayeaters 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 char-

acter in murder, secession and anarchy.

is a paradise of civilization compared with the state of Georgia.

"And this is not the worst. The worst is that the spirit of Georgia is typical of 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.



JEWISH ATTACK UPON A STATE WHERE NO JEW WAS EVER MISTREATED.

acter 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

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

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.



LOOK AT GEORGIA!—From Denver Post.

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 dependance 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:

"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-righteous-

ness, 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.

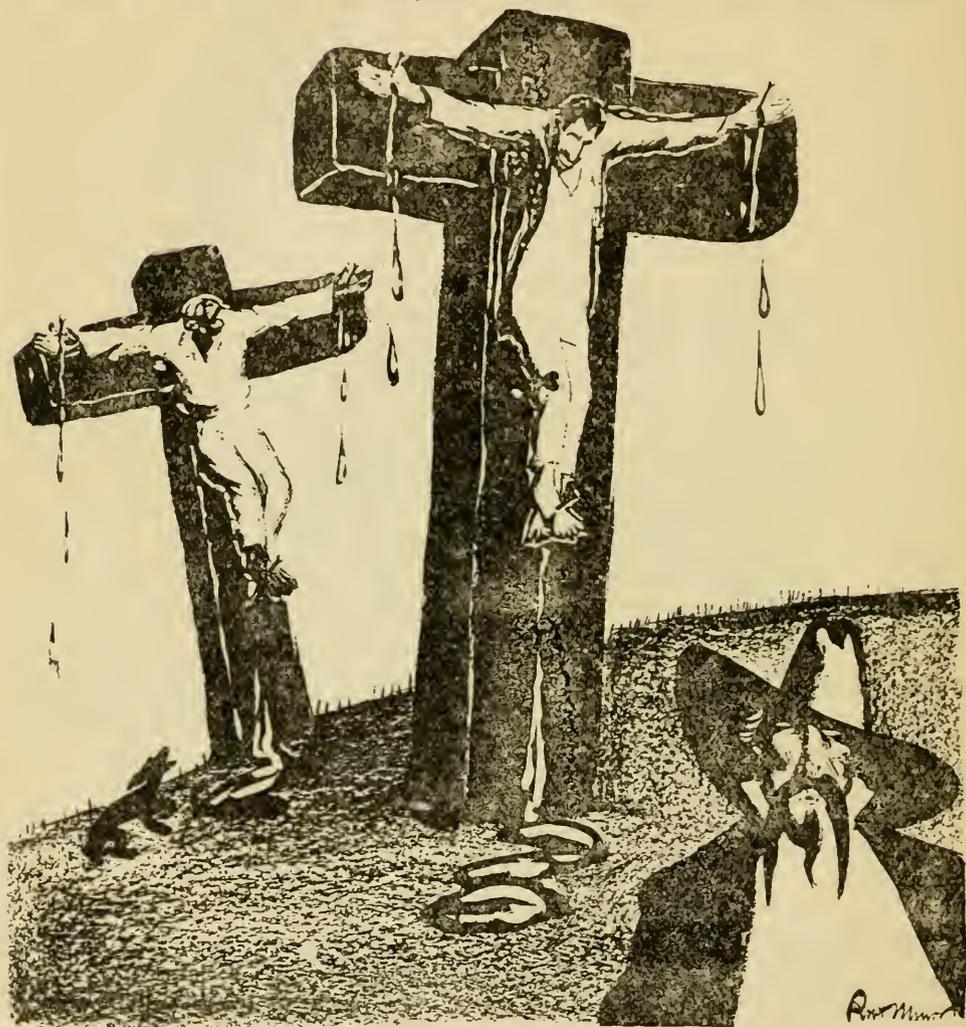
"The lynching of Frank is inexcusable and those responsible for the horrible affair deserve the punishment that should be given to the perpetrator of any deliberate murder. Georgia will merit the contempt of every other state if the murderers of Leo Frank are not captured and convicted by due process 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 Masses

AUGUST 1915

10 CENTS



IN THE OUTCAST STATE—According to the Denver paper, published where the Pope's Knights of Columbus, brutally lynched the Baptist Preacher.

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 mur-

der 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 mu-

tilate his mangled body, it was spirited away.

"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" tes-

timony—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

der 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:



AS THE NEW YORK WORLD—JEW OWNED—SEES US.

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 mur-

"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 a memorial meeting for the martyrdom of Frank. He claimed that Frank never had a chance and received a mistrial because he was a 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 postoffice 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 reason?* 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 buttressed 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 minsiters of the gospel condescended to give me an answer.

The New York *Evening Mail* published the following:

If Georgia would nivate 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 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 a 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 watchout 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 her 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 32d 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," and "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, be-

cause 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 be 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 se-

ch'ap,' 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



EX-GOV. JOHN M. SLATON AND MRS. SLATON, FROM A PHOTOGRAPH TAKEN AT THE PANAMA EXPOSITION FOR A LOS ANGELES NEWSPAPER.

lected 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

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 one 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. The 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.

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

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 awo 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



THE COURT-ROOM DURING FRANK'S TRIAL, PHOTO TAKEN AT THE TIME.

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

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 watchman's clothes-barrel! Had not Jim Conley broken down and confessed, it is prac-

tically 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 a 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!"

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 pretence 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 grewsome 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 round 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 in-

dependent 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 practise, 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."

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 great 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 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 Rian'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 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 employes 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. F. 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 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 be 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 *i tis 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 nev-

er 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, equalled 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, uninclosed, 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 step 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 *Colliers* 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 villification.

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 to 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 employes for the store.

Here was a wretch engaged in exactly the same vile practises that Leo Frank used on girls who were in his employ.

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 Loebes 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 street 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 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."

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 the 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 Legisla-

tive, 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 practising 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 practise 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 & Phillips 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 Phillips—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 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 bought the opera house; our troupe of players is already large and well practised; 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 mid night 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.

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 lineup 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 outweighed 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.

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 that will prevent my upholding 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 Georgian 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 voters 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 the 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 Liguori.

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, Rösser 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 more years of oppression by Span-

ish 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 rot-gut.

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 hiring, 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?*

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 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.

THE PEOPLE ARE NOT GOING TO ALLOW IT!

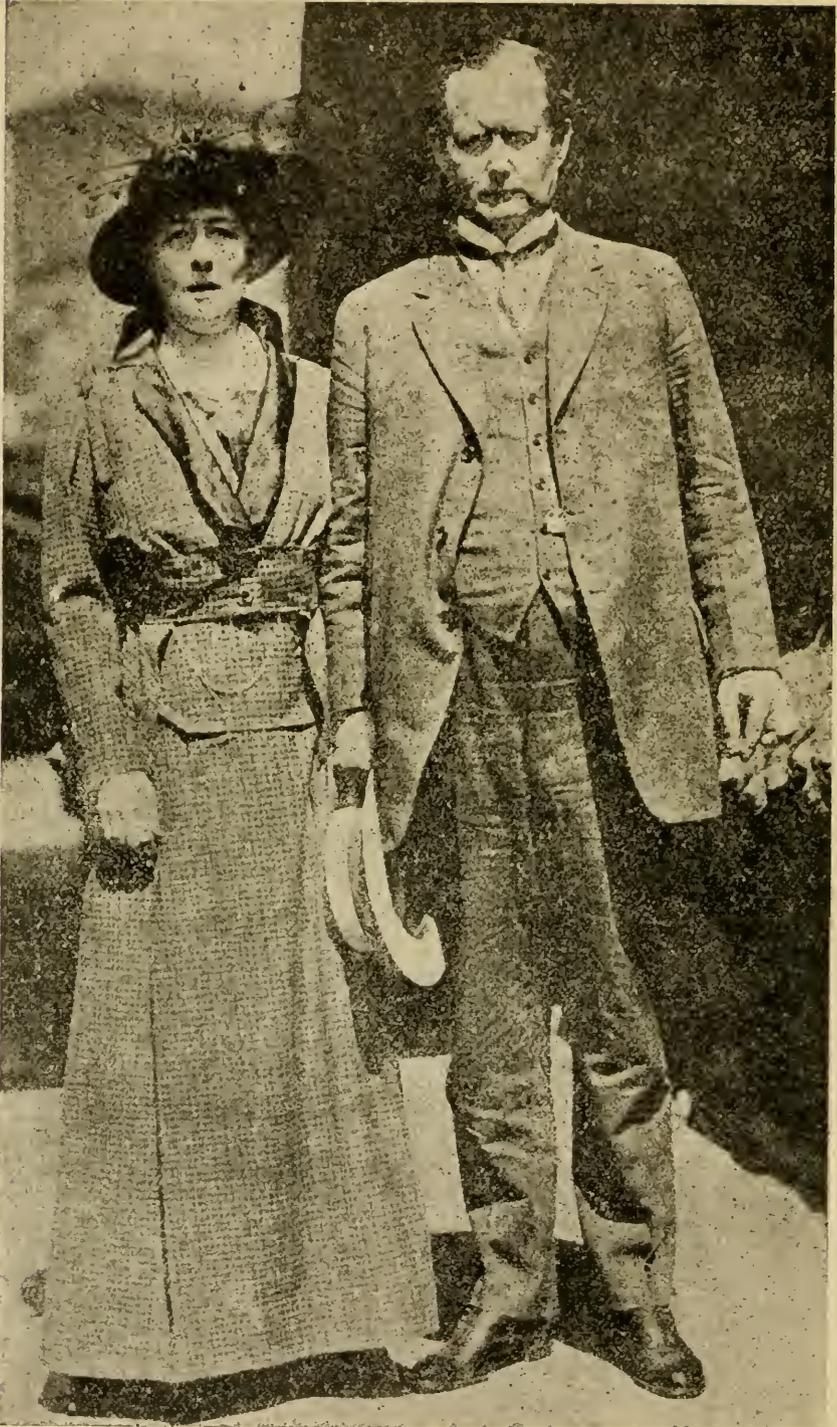
The People would deserve the contempt of mankind, if they *did allow it.*

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!



ANOTHER VIEW OF JOHN M. SLATON, POSED BY HIMSELF WHILE ON HIS TOUR OF THE WEST.