

A Girl Dies, A Man Hangs



First in a series.

Today, April 26, marks the 63rd anniversary of the death of Mary Phagan.

Leo M. Frank, superintendent of the National Pencil Factory on Forsyth Street in Atlanta, was convicted in Fulton Superior Court of murdering the 12-year-old child in a sex-related killing and was sentenced to hang.

Appeals to the Georgia Supreme Court and the U.S. Supreme Court were turned down. However, the governor, John M. Slaton, commuted the sentence to life imprisonment and Frank was transferred to the State Prison in Milledgeville.

Shortly thereafter, a group of citizens, angered at what appeared to be a miscarriage of justice, went by motorcade to Milledgeville.

They overpowered the guards, released Frank and brought him to Marietta where they hanged him early on the morning of August 17, 1915, in the yard of Frey's cotton gin on Roswell Road, almost directly across the street from the present Town and Country Shopping Center.

The gin was located at what is now the intersection of Roswell Road and I-75.

Since the conclusion of this celebrated case that focused national attention on Marietta, Georgia and the South, much has been written about it in books and in the press. Even a stage play, "Night Witch," based upon some of the alleged facts in the case, has been presented.

In succeeding columns we will back-



MARY PHAGAN
Three Weeks Before Death

ground some of the facts surrounding the case, putting the episode in something of a proper perspective.

We state herewith that we neither condone lynchings nor will we point the finger of guilt. We will not name lynchers (one of whom still lives) and we will not cite gory trial details.

We will try to set the stage locally, outlining what the feeling was here and across Georgia. When modern-day journalists write about the Frank case, they seem to lose sight of the fact that it happened 63 years ago—not yesterday.

At the time of the tragedy, Mary Phagan had not quite reached her 13th birthday. She would have been 13 in two months.

She worked at the pencil factory near the present-day Omni. On Saturday, April 26, 1913, around noon, Mary went to the factory to pick up her weekly pay—\$1.20 for 10 hours work at inserting erasers into brass pencil ends.

That afternoon she planned to see the colorful Confederate Memorial Day parade.

But Mary Phagan was never seen outside the pencil factory alive. Her body was discovered by a night watchman at 3 a.m. the following day.

There was a wound on her head, and her hair was matted with blood. She had been garrotted. Her clothing was scattered at the murder scene.

Mariettan Mary Phagan was the

daughter of a combination tenant farmer-cotton mill hand. At the time of her death, she resided at Bellwood, a suburb close to Atlanta.

Coming from a family of six, Mary Phagan was described as a pretty, sweet-tempered girl with reddish brown hair.

Frank, 29, was born in Texas of Russian-Jewish parents, raised in Brooklyn and educated at Cornell. He became pencil factory manager at age 23. In 1912, he was elected president of the local B'nai-B'rith chapter.

Frank's defenders claimed that because he was Jewish, he was the victim of local prejudices and politics, and that he was quickly accused through anger and convicted through emotion.

Frank's accusers charged that he escaped death by hanging because of his family prominence and because of bribery. They said Frank had the most experienced and most competent members of the Atlanta bar in his corner, further claiming that Frank's sentence was commuted because the governor was a member of the law firm that defended him.

Other installments in the series will consider the era in which the tragedy unfolded and whether Frank received a fair trial.

We'll also will deal with Frank's last hours, the story of his wedding ring, the effect of the case on Georgia Gov. Slaton's political career, and with the "confession" by one of the lynchers several years ago to a local judge.

A series of pictures from the era, several of them previously unpublished, will illustrate the series.



LEO M. FRANK
Photo Taken At His Trial

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VIEW OF MARIETTA SQUARE, TROLLEY LINE AT TIME OF MARY PHAGAN TRAGEDY IN 1913
 Marietta Was Small Agricultural Country Town With Few Autos, Paved Streets Or Other Modern Conveniences

Bill Kinney



Frank Case: Another Era

Second in a Series

No reasonably comprehensive study of the celebrated Leo M. Frank case is possible today without at least a passing reference to the times and manners of the period.

Most anyone born in the last 20 or 30 years is not equipped to appreciate many of the various ramifications of the case—unless, of course, he or she has some special knowledge of the era.

By way of preface, therefore, I feel that a brief look-see at Marietta and Cobb County of 63 years ago, when the tragedy began to unfold, is in order.

Twelve-year-old Mary Phagan was murdered April 26, 1913. The day was Memorial Day, a day set aside for honoring Confederate veterans and those who died in the Southern cause. Appropriate ceremonies had been conducted in Marietta, and a big parade was staged in Atlanta.

It is of interest to note that the date April 26, 1913, is farther removed in time from 1976 (63 years) than it was from the year 1864 (49 years) which marked the end of the War Between the States.

Putting this another way, the people who were living in Marietta and Cobb County in 1913 were closer to the events at the close of the War Between the States than present-day Mariettans are to the

automobiles, regarded at the time as interesting mechanical oddities.

Transportation to Atlanta was by means of the N.C. and St. Louis Railroad and an electric streetcar line (the Atlanta Northern) that had been in operation for eight years.

Although telephone service in Marietta had been established 25 years earlier, water and electric service had been available for only four or five years.

Cobb was strictly an agricultural county, having only a handful of industries. In the fall, farmers brought their wagons loaded with cotton bales and parked them around the square. Cotton then brought 14 cents a pound. In summer, these same wagons lined the square as farmers sold fresh vegetables.

Mariettans of 1913, therefore, were closer—in every respect—to the Civil War period than Mariettans of today are to the period of 1913.

In 1913, “wireless telegraphy” was gaining some acceptance as a means of communication, but even the most farsighted among the populace never dreamed of such things as radio (as we know it now), or television, or a computer that instantly answers questions put to it,

cream cone at the soda fountain. The white friends would have to go in and make the purchase for them.

But of course, all that is a thing of the past.

Following the close of the War Between the States, “night riders” and lynchings became almost a way of life in the Southern states. The practice was outgrowth of the punitive system laid down in the South by a vengeful federal government.

In that era, men killed one another with knives, ice picks, guns, beer bottle sticks, rocks or whatever instrument might be handy. It wasn't organized crime. If a man felt put upon by another he settled the matter then and there. It was a sign of the tough economic times in which they lived.

Statistically, however, lynchings in the country (including the Southern states) decreased through the years almost to zero, even before enactment of the so-called Civil Rights Acts.

This, then, is a quick sketch of the period, offered in the hope that it may lead to a better understanding of the atmosphere here at the time of the Frank case.

Next: Was Leo Frank's Trial Fair?

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Putting this another way, the people who were living in Marietta and Cobb County in 1913 were closer to the events at the close of the War Between the States than present-day Mariettans are to the events and happenings in the year 1913.

In 1913, Marietta was a country town with a population of something less than 5,000 persons. Today the population is estimated at slightly more than 33,000. In 1913, Cobb County, which also was strictly on the rural side, had a population of about 25,000; today the county population is estimated at 240,000, for a whopping gain near the ten-fold mark.

In 1913, neither Marietta nor Cobb County had any paved roads. Even the streets around the square were unpaved. The paving around the square was to come four years later.

For transportation Mariettans had wagons and carriages. Very few boasted

automobiles, regarded at the time as interesting mechanical oddities.

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In 1913, "wireless telegraphy" was gaining some acceptance as a means of communication, but even the most farsighted among the populace never dreamed of such things as radio (as we know it now), or television, or a computer that instantly answers questions put to it, or—above all—the spectacle of a man walking on the moon—to mention a few.

And sociological changes as profound as those in the scientific area also have come about in the 112 years following the late unpleasantness with the North.

In 1913, no one ever imagined the revolutionary changes that would come about. There was no such thing then as the Civil Rights Acts of 1964 or '65, or the so-called Equal Opportunity Act that seems (sometimes) to make some of our citizens more equal than others.

Some of Marietta's older residents can remember when our black friends were not permitted (as late as 1913, and even later) to go into a drugstore and buy an ice

cream cone at the soda fountain. Their white friends would have to go in and make the purchase for them.

But of course, all that is a thing of the past.

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Was Frank's Trial Fair?



Third in a Series

Within three days after young Mary Phagan was murdered, four men were being held by the Atlanta police. In one of its many editions put out April 29, 1913, the Atlanta Georgian listed the names of the men in a feature story bearing the headline, "Is the Guilty Man Among Those Held?"

The men named were:

"1. A black night watchman, who is thought to know much more about the crime than he has told, but who has not been regarded as the perpetrator;

"2. A former street car conductor, for whom a strong alibi has been established, and from whom suspicion is shifting;

"3. A black elevator boy, who has been held as a material witness, but against whom no evidence has been obtained;

"4. A former employe of the National Pencil Company, (was) located at the plant Saturday and identified as the 'man with a little girl on Saturday night.' In neither the conductor's nor the elevator boy's case do the police place much dependence on the so-called identifications."

All of the men subsequently were cleared. It is significant that neither the name of Leo M. Frank or pencil factory janitor Jim Conley appeared on that early list.

Actually, in the lead story in "Extra No. 5" for April 29, 1913, after a description of how the night watchman was "under a grueling fire of questions all day," the police are quoted as saying, "Frank is not under arrest," that "he was put under police guard for his own personal safety," and that "there are no charges against him."

Frank, then, judged by any standards, was a late-comer to the proceedings.

Each year on the anniversary of Frank's death reams of copy are written about the event.

Books have been written on the subject.

Even a stage play, "Night Witch," a so-called fictionalized documentary, was produced several years ago with the same underlying theme.

The basic complaint in each of these forays is that Frank did not get a fair trial.

The record shows that Frank was tried in Fulton Superior Court, convicted and sentenced to hang, and that the proceedings were upheld in both the Georgia Supreme Court and the U.S. Supreme Court.

In the month-long trial that got under way on July 28, 1913, Frank was found guilty and sentenced to hang by Fulton

As they walked to the courtroom, Frank's attorneys were sworn at by scores of persons who couldn't get inside the courthouse, but waited outside to hear the day's details. They were greeted with such shouts as: "How much them Jews paying you?"

Inside, however, Judge Roan was maintaining strict discipline. No interruptions are cited by Frank's attorneys that would have caused them to move for a mistrial.

Upon Frank's conviction, his lawyers filed a lengthy affidavit as a part of their extraordinary motion for a new trial.

Nowhere in this material did Frank's lawyers charge that any disorders occurred inside the courtroom during the trial, or that order was not maintained by police and court officials.

When you review the trial transcript upon which the jury made its finding, then read accounts of the trial written by some of today's writers, you find their versions to be different.

The court record speaks for itself. If Frank did not receive a fair trial, the facts are there in the record for all to see.

With this idea in mind several years ago, an interested student of the case visited Fulton Superior Court to review the transcript of the trial and ferret out some facts.

He was surprised to learn from the clerk of the court that the entire transcript had mysteriously disappeared several years earlier. The clerk suggested that the record still might be available at the Georgia Supreme Court where the

case had been appealed.

The record was located in the higher court, and was found to contain some testimony unsuitable for reproduction in a family newspaper.

A point worthy of some consideration is who removed the transcript from the custody of the Fulton Superior Court.

Those who believe Leo M. Frank to be guilty claim that a reading of the transcript of Jim Conley's testimony should convince one that Conley could not possibly have fabricated the involved story he told on the witness stand—and stuck to during hours of cross-examination.

Conley told of his serving as lookout for Frank on Saturdays while Frank entertained young ladies "on the second floor" of the pencil factory. He told of an intricate system of signaling used by the pair, including whistling and "stomping."

As an example of how the system worked, Conley testified:

"He told me when the lady came, he would stomp and let me know that was the one and for me to lock the door. Well, after the lady came and he stomped for me, I went back and locked the door as he said. He told me when he got through with the lady he would whistle, and for me to go and unlock the door. That was last Thanksgiving Day, 1912." (Page 84 of the transcript).

Jim Conley spared no detail in testifying as to what he had seen of these amorous adventures, and Marietta reporter O.B. Keeler, who covered the trial for the Atlanta Georgian, claimed it would have been impossible for Conley to have invented such testimony.

NEXT: More on the trial and Frank's last hours.



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In the month-long trial that got under way on July 28, 1913, Frank was found guilty and sentenced to hang by Fulton Superior Court Judge L.S. Roan. Conley received one year in prison.

Solicitor Hugh M. Dorsey was prosecutor. Frank was represented by several of Atlanta's most capable and experienced attorneys—Luther Z. Rosser, Reuben Arnold and Herbert and Leonard Haas.

Much has been written in recent years about the court atmosphere surrounding the trial. The weather outside was extremely hot and an anti-Semitic feeling was prevalent in many areas.

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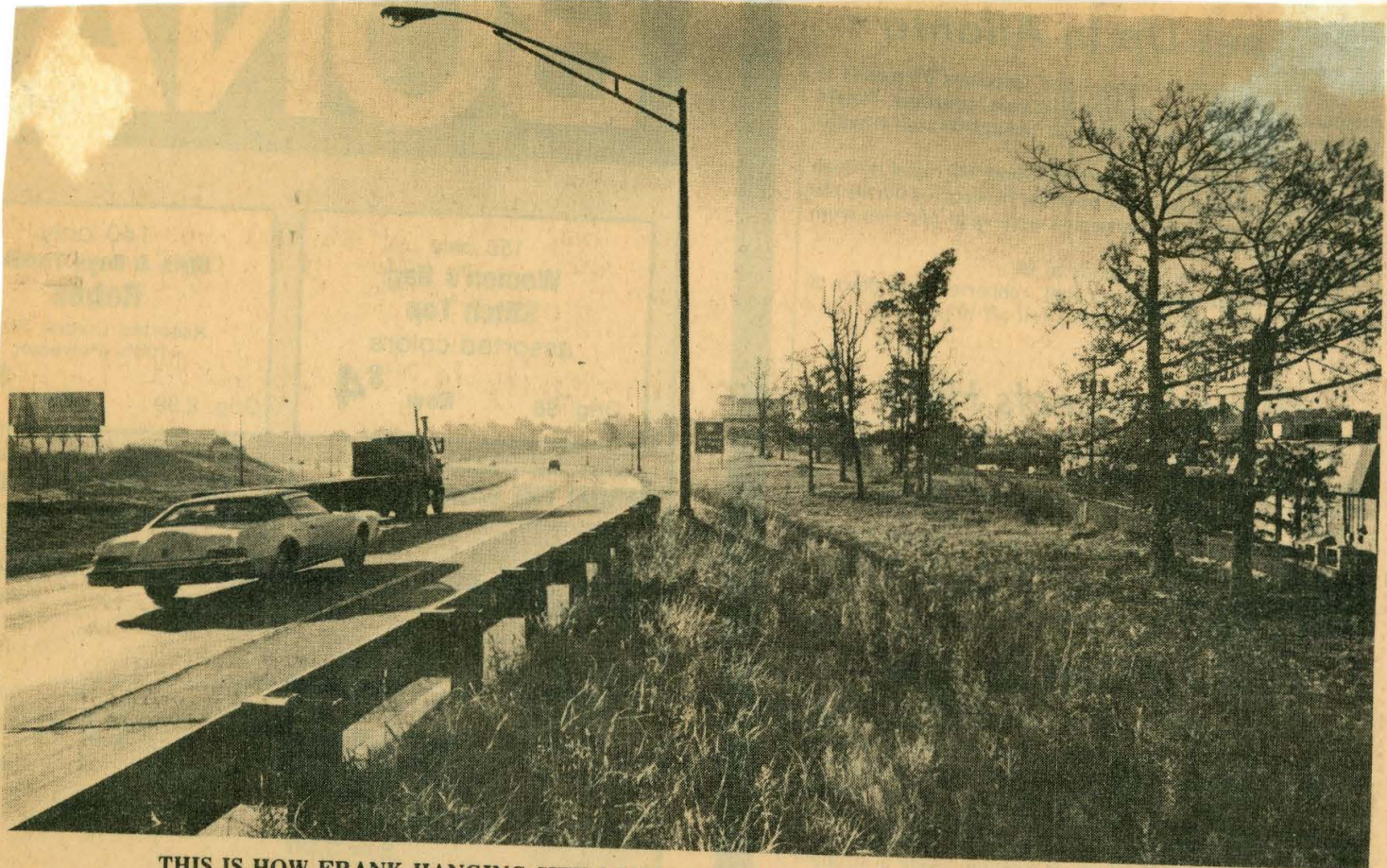
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NEXT: More on the trial and Frank's last hours.



MARIETTAN O.B. KEELER AT WORK
Famed Journalist Covered Frank Trial In 1913



THIS IS HOW FRANK HANGING SITE LOOKS TODAY TO MOTORISTS TRAVELING ON BUSY I-75
Scene Of Climax To 1913 Murder Case Is At Intersection Of Roswell Road And Interstate Highway

Bill Kinney

Jury Didn't Believe Frank



Fourth in a Series

Twelve-year-old Marietta native Mary Phagan was found murdered and ravished in the basement of the pencil factory in which she worked in Atlanta.

Leo M. Frank, manager of the factory, was charged with her slaying and put on trial on July 28, 1913, in Fulton Superior Court in a courtroom on the first floor of Atlanta's City Hall.

More than 100 witnesses testified during the 28-day trial, with the most important being a black man, Jim Conley, who was a janitor-sweeper at the factory.

It was Conley who, as the state's star witness, pinned the crime on Frank and accused him of being a sexual pervert. Testifying (Page 88 of the transcript) about Frank, Conley said Frank told him: "Of course, I ain't built like other men."

In reporting Solicitor Hugh M. Dorsey's closing arguments to the jury in its editions of Aug. 24, 1913, The Atlanta Georgian put it this way:

"Dorsey compared the defendant with the prince of perverts, Oscar Wilde.... He compared him to the brilliant Wilde, whose effrontery and insouciance in the midst of unspeakable conduct was a matter of world-wide knowledge."

This is an illustration of the type testimony that pervaded the trial, most

lined what happened after Conley finished his testimony:

Defense Attorney Luther Rosser, a formidable cross examiner, spent three days attacking Conley's testimony. Conley never changed his story. Rosser was able to show Conley had a poor memory about everything except the murder, and got Conley to admit he had lied to police several times before the trial started.

After several witnesses testified to his good character, Frank took the stand Aug. 11 to make an unsworn statement. For four hours he addressed the jury, closing with: "I know nothing whatever of the death of little Mary Phagan. I had no part in causing her death, nor do I know how she came to her death.

"The statement of Conley is a tissue of lies from first to last.... The story as to women coming into the factory with me for immoral purposes is a base lie.... a lie so vile that I have no language with which to fitly denounce it."

The jury found Frank guilty on the afternoon of Aug. 25. Judge Roan did not allow Frank in the courtroom when the verdict was announced, fearing problems would arise if a verdict of acquittal were returned.

William Smith, the court-appointed

executive order commuting the death sentence to life imprisonment.

That could have meant a possible parole in a few years.

In his order, Slaton noted many instances where physical evidence contradicted Conley's testimony. He listed contradictions in the affidavits signed by Conley before the trial began. He quoted from a letter written by Judge Roan shortly before he died March 23, 1915.


Roan said: "It is possible that I showed undue deference to the jury when I allowed their verdict to stand... I am still uncertain of Frank's guilt."

Slaton wrote that Roan "with that awful sense of responsibility which probably came over him as he thought of that Judge before whom he would shortly appear, calls to me from another world to request that I do that which he should have done."

On June 22, 1915, Frank was taken secretly from the Fulton jail to the Milledgeville Prison Farm.

Shortly after Slaton commuted Frank's death sentence to life imprisonment, 150 men gathered in the moonlight over the grave of Mary Phagan in the Marietta City Cemetery on Powder Springs Street.

Holding hands, they knelt before her tomb and formed a circle.



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Conley testified that on April 26, 1913, he entered Frank's office after watching out for his boss. Frank told Conley he had struck Mary Phagan who worked at the factory and needed help in disposing of her body, Conley testified.

Dr. H.F. Harris, the state's medical witness, said he found the child had suffered some strange "violence to her sex organs."

After the body was rolled up in some bagging, it was carried to the factory basement on the elevator by Conley and Frank, Conley testified. Frank then took Conley back to his office, where Frank dictated several notes, Conley said. The notes were found next to the body of Mary Phagan.

In a recent series on the case, ex-Journal staff writer Tom Crawford out-

lined what happened after Conley finished his testimony:

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The jury found Frank guilty on the afternoon of Aug. 25. Judge Roan did not allow Frank in the courtroom when the verdict was announced, fearing problems would arise if a verdict of acquittal were returned.

William Smith, the court-appointed attorney for Jim Conley, thought Frank was innocent and said so publicly on Oct. 2, 1914. Conley's testimony was a "cunning fabrication" and Conley himself probably was the murderer, Smith said.

Annie Maude Carter, a woman serving time in prison in 1914 at the same time as Conley swore that Conley confessed to her that he was the real murderer.

Frank's lawyers appealed the verdict several times before higher courts, but lost every appeal. On June 10, 1915, the State Prison Commission voted 2-1 against clemency. Frank's fate was now in the hands of Gov. John M. Slaton.

Slaton, a prominent Atlanta attorney before his election in 1913, spent several days studying the evidence and re-enacting the crime as described by Conley at the factory.

On June 21, the day before Frank's scheduled execution, Slaton issued an ex-

ecutive order commuting the death sentence to life imprisonment.

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Holding hands, they knelt before her tomb and formed "The Knights of Mary Phagan." They swore "justice will be done."

Next: Frank's last hours.

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Leo Frank's Last Hours



Fifth in a Series

Much has been made in the Leo Frank case over the questionable credibility of the state's star witness, Jim Conley, whose testimony was largely responsible for Frank's conviction in the murder of 12-year-old Mary Phagan.

It is interesting to note, however, that the authors of a recent book that questions Frank's guilt see fit to quote the views of two Atlanta newspapers regarding Conley's performance on the witness stand.

Conley was subjected to the most grueling examination and cross-examination, for a total of 16 hours in a three-day period. Charles and Louise Samuels, authors of "Night Fell on Georgia," quote on Page 92 of their book the reaction of the Atlanta Constitution to Conley's story, so damaging to the defendant, as follows:

"No such record has ever been made in a critical court case in this county...Conley may be telling the truth in the main, or he may be lying altogether. He may be the real murderer or he may have been an accomplice after the fact.

"Be these things as they may, he is one of the most remarkable Negroes that has ever been seen in this section of the country. His nerve seems unshakable. His wit is ever ready...As hour by hour the attorneys for the defense hammered away and failed to entrap the Negro, the enormity of the evidence became apparent.

"Finally came the virtual confession of the defense that they had failed to entrap the Negro and they asked that the evidence be stricken from the records.

"All over the city the news spread that the Negro had withstood the fire and that Frank's attorneys were seeking to have the evidence expunged from the records."

On Page 83, the authors quote the view expressed by the Atlanta Journal: "Jim's story came so readily to his lips that he spoke faster than the jury could follow. Incidents which he alleged to have happened months ago were told by him as though they were fresh in his memory.

"No witness, since the trial began, has been so glib of speech as Jim...Even the smallest details were fitted into his story without one minute's hesitation."

The authors Samuels offer two versions of the events following the hanging at Frey's gin.

One version, beginning on Page 213, is a highly emotional feature story by the late Rogers Winter of the Atlanta Journal that pictures the gathering at the scene as blood-thirsty and ghoulish citizens.

"One of the first arrivals was a man in a frenzy of passion. He was bare-headed, coatless, his eyes blazing like the eyes of a

it in a solid mass, with the excited man standing at the head..."

Before the body could be placed in the undertaker's wagon, "...the man stomped upon the face, and ground his heel into the dead flesh, and stamped again and again."

Judge Morris pleaded with the man to stop, and while he was doing so, "the Negroes, at an order from the undertaker, seized the body and ran with it...to the wagon...leaped to the seat and drove toward Marietta, with the big horse running at a dead run."

Thus the account of Rogers Winter in the Atlanta Journal.

The Marietta Journal, as quoted on Page 219, presented the opposite viewpoint:

"We regard the hanging of Leo M. Frank in Cobb County as an act of law-abiding citizens...determined that the sentence of the courts should be carried out, whether the offender was white or black, Jew or Gentile. And the law-abiding citizens of Georgia carried out that determination to the letter of the law:

"That he shall hang by the neck until dead.' Nothing else was done. That was all one desired—life for life.

"The body of Leo Frank swung by the neck until the coroner of Cobb County was officially notified and ordered the body cut down and removed from the scene. It

was not a case of violence; it was the demands of justice that the guilty be punished. It was a case where the people ruled.

"Leo Frank was not scratched, nor a hair of his head harmed; he was hanged by the neck until dead as the law had declared as his just dues. We have no apology to make or regrets to express.

"The people demanded that the verdict of the court be carried out and saw to it that it was..."

An unsigned news story in the Marietta Journal and Courier of August 20, 1915, concluded in this wise:

"By that time hundreds of automobiles were arriving from Atlanta and it was feared that an attempt to seize the body might result in parties from out of town attempting violence. It was decided to take it to Atlanta and a quick call was made..."

"This action on the part of Judge Morris is being praised by everyone, as no one desired to mutilate the body, a vote having been taken by Judge Morris before the body be sent back to Frank's wife and parents as it was resulted.

"This certainly is a credit to the people of Cobb County. It shows that they are not bloodthirsty and that they are satisfied with the decree of the law having been carried out..."

Next: O.B. Keeler and "the ring."



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"One of the first arrivals was a man in a frenzy of passion. He was bare-headed, coatless, his eyes blazing like the eyes of a maniac. He ran through the crowd, ran up to the body...clenched his fists and shook them at the body."

At this juncture former Judge Newt A. Morris of the Blue Ridge Circuit arrived with attorney John Wood of Canton and appealed to the crowd "as citizens of Cobb County, and in the name of our county, not to do more. I appeal to you to let the undertaker take it (the body)..."

"Somebody laid the knife on the rope and Frank's body dropped to the ground with a thud and the crowd packed around

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Oh, How Fitz's Wife Adores His Freckles!

INQUIRY ON LYNCHING BEGUN

Northwest Georgia Plans to Unite and Exploit Resources

DEATH LIST IN STORM NOW 139

Life and Property Loss in Gulf Gale

DYING WISH OF MOB'S VICTIM CARRIED OUT BY UNKNOWN MESSENGER

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ONLY CARRANZA REFUSES PLEA FOR PEACE

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BANNER HEADLINE IN ATLANTA PAPER TOLD OF O.B. KEELER'S STRANGE ENCOUNTER
Newsman Received Envelope With Note, Leo Frank's Wedding Ring From Mysterious Stranger

Bill Kinney

O.B. Keeler And 'The Ring'



Sixth in a Series

Leo Frank was hanged in the early morning of August 17, 1915.

His wedding ring was hand-delivered to O.B. Keeler at his home in Marietta the evening of the following day, with the request that Keeler deliver the ring to Mrs. Frank.

Keeler's account of the incident was published the next day, Thursday, August 19, in The Atlanta Georgian. Some idea of the importance of the story may be gained from the play it was given in the paper.

A banner headline across the top of Page 1 declared, "FRANK'S WEDDING RING RETURNED." Beneath that was a two-column, three-line readout saying, "DYING WISH OF MOB'S VICTIM CARRIED OUT BY UNKNOWN MESSENGER." The story was set in large (12-point) type, occupying the two right-hand columns of Page 1 and continuing on Page 2 where it filled two more columns.

Keeler's first-person report is a classic in news feature-writing. He started it this way:

"Old books say if you put beneath your pillow an object that has been associated with tragedy, or any scene of great stress and profound emotional excitement—if such an object be placed near you while you sleep, you will dream the thing that

gave the object its most terrible significance—the scene will be reconstructed for you, and the act re-enacted.

"This is not true. Not always true, at least.

"For in my pillow last night was the wedding ring of Leo M. Frank. And I dreamed of nothing that could concern him in any way.

"And if an object in this world today has been close to tragedy and aligned with horror, it is the wedding ring of Leo M. Frank."

After telling of the many times he had seen the ring on Frank's finger—during the trial and Frank's stay of nearly two years in the Fulton County Tower—Keeler, who had covered every session of the trial for The Georgian, continued:

"Whatever is the truth of April 26, 1913, Leo Frank wore that ring at the National Pencil Factory that day. And Leo Frank wore that ring on the dreadful ride to his doom, in the oak grove just outside of Marietta. And who will say that the supreme moment of his agony was not when he took off that ring and stood up to die?

"If ever an object was charged with tragedy, it is the wedding ring of Leo M. Frank. And it was in my pillow Wednesday night. And I dreamed a ridiculous

little dream of being a kid again, at dancing school—and the waltz they were playing was 'Beaming Eyes.'

"So I should say there is not much to the old idea of psychic dream-influences."

Keeler then went on to relate how the ring came into his possession:

"It was a little later than 8 o'clock Wednesday evening, and I was in the front room of my small house at No. 303 Polk Street, Marietta. (Editor's note: In the present scheme of things, the address would be at the southwest corner of Polk Street and the Powder Springs Connector.)

"I had just started the Victrola on a selection passionately adored by the two very young members of the family—'The Robert E. Lee Medley,' by a lively band. I like it myself. It is very lively and ragged.

"The band had just got into full swing when there was a step on the veranda outside the open door, then a knock. I went to the door, opened the screen, and stepped out.

"There was a man on the veranda. He had something white in his hand. The following dialogue took place.

"Is this Mr. O.B. Keeler?"

"It is."

"I have a note for you."

"That was all. He spoke clearly and deliberately. He handed me an envelope. He turned and walked down the steps and away in the dark. He wasted no time, but he was not in a hurry."

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Keeler then opened the envelope which contained the ring and a typewritten note.

He said, "I quote from memory:

Next: Keeler discloses the contents of the note and tells of his intention to carry out a request concerning the ring.

Bill Kinney

A Town Of 'Good People'



Seventh in a Series

In the preceding installment of this series on the Leo Frank case, a stranger appeared in the early evening of Aug. 18, 1915, at the home of journalist O.B. Keeler on Polk Street in Marietta, handed Keeler a note, turned and walked silently away in the dark.

Keeler took the note into the dining room where a light on a table was turned on. He opened the envelope, which contained a ring and a typewritten note.

In his account of the incident, published the next day in the Atlanta Georgian, Keeler wrote, "I quote from memory:

"Frank's dying request was that his wedding ring be given to his wife. Will you see that this request is carried out?"

"This note will be delivered to you by a man you do not know and who does not know you. Make no effort to find out his identity."

"...I am making no effort to find out his identity. And I am undertaking to deliver that ring to Mrs. Leo M. Frank. It is a trust."

(The following day Keeler did as requested, delivering the ring to Mrs. Frank in Atlanta. She denounced him roundly, and accused him of being among the group of men who hanged her husband.)

Keeler said that while he accepted the trust with mingled emotions, "it was because of something else—another circumstance, which I will tell, too, because the outside world may find it of interest and perhaps of information concerning the county and town in which I live—Cobb Conty and Marietta, in which county and near which place Leo M. Frank was hanged at 7:05 o'clock the morning of Tuesday, August 17."

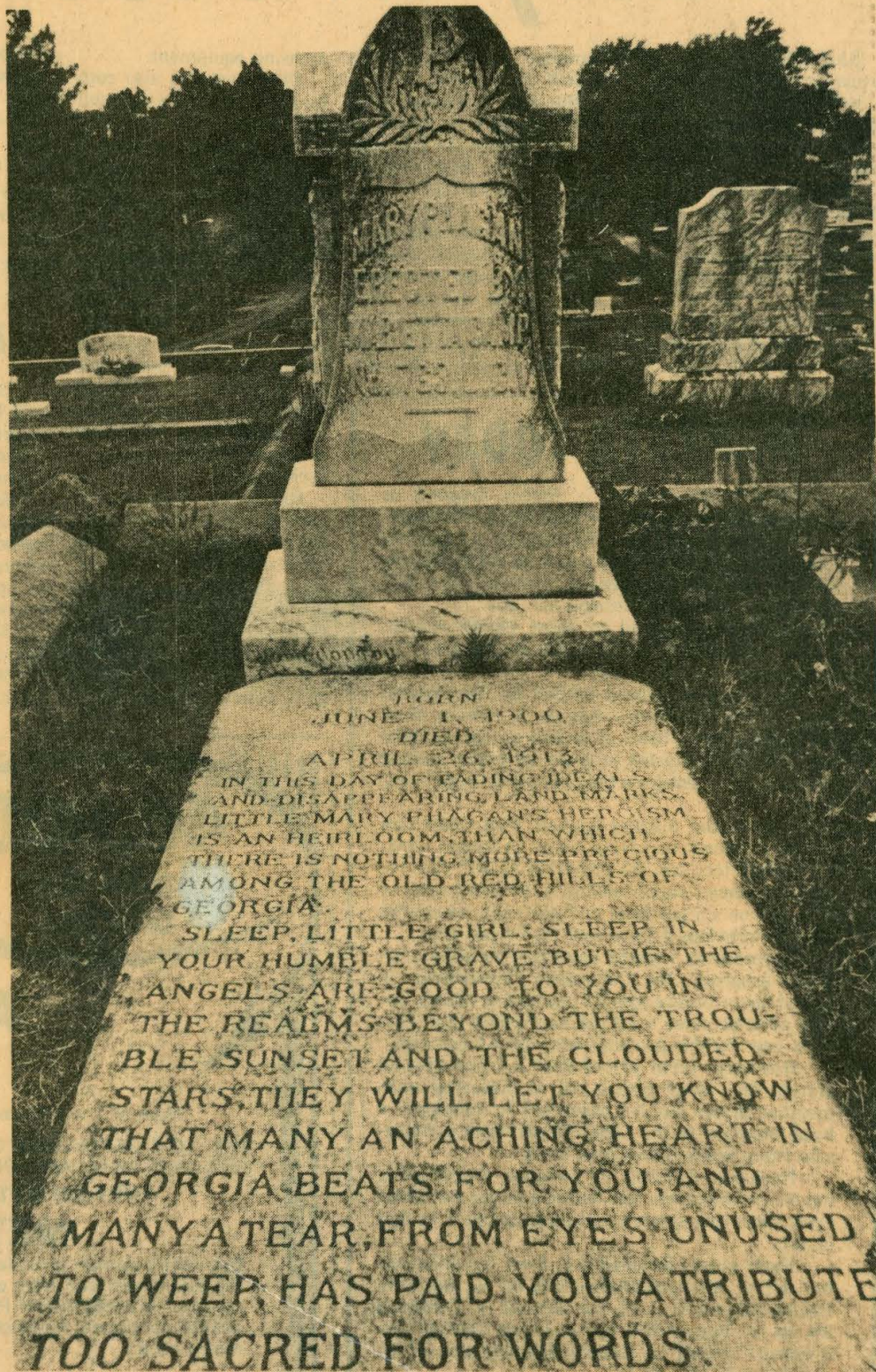
Keeler said he knew what was being said by the newspapers of the state, and he had an idea of what would be said by newspapers outside of it.

He said, "I am a newspaper man. But I am not writing this as a newspaper man. I am writing this as a man who has lived in Cobb County for 25 years. And I am telling it to the limit of my ability as a reporter and observer of some little experience.

"In our home when the ring came," he said, "was a guest—a young woman from Kansas City, Missouri. She had arrived the evening before, from the North. She never had been South before. She had read the story of the Frank case in the Kansas City papers—which in the end made a great effort to show Frank's innocence.

"This guest, you might say, was a 'stranger within our gates.'

"And the experience of the ring, fol-



SLAYING VICTIM MARY PHAGAN BURIED HERE
Grave Site, Large Marker Are In Marietta City Cemetery

of people are these?" I knew it took place quite near where I was going. And I was frightened."

"I said:

"You reached this town exactly 12 hours after the hanging. Did it look like

And our opinions agreed exactly."

And by way of explaining what he meant by "agreed exactly," Keeler said:

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"This guest, you might say, was a 'stranger within our gates.'

"And the experience of the ring, following so closely the tragedy of the day before, had a tremendous effect on her. I sought an unbiased view. I found it—and the intelligent one.

"She was saying:

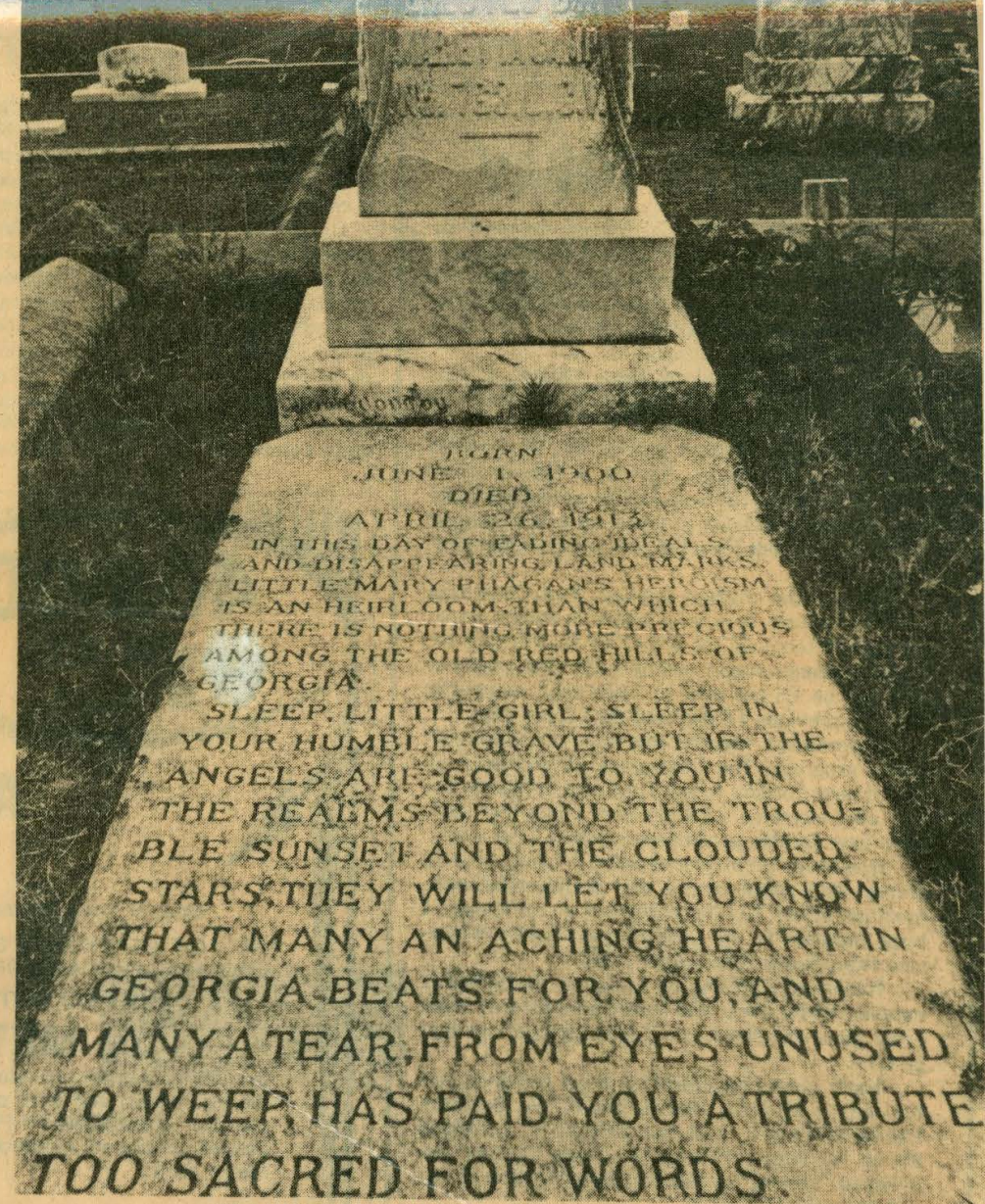
"Why, it is like something out of a book—I can't believe such things happen, really. But...why, I SAW the man, myself...and the ring. I can't believe it, but I know it is so."

"I said:

"What do you think about it now?"

"And she told me:

"I read about it coming down on the train Tuesday from Nashville. And I wondered, 'What am I getting into—what sort



SLAYING VICTIM MARY PHAGAN BURIED HERE
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of people are these?" I knew it took place quite near where I was going. And I was frightened."

"I said:

"You reached this town exactly 12 hours after the hanging. Did it look like that kind of a town to you then?"

"She said:

"It did not. I thought it was the quietest, most peaceful looking little place I ever was in."

"And then I asked her what she thought by this time—she had been to a party in the afternoon. She said:

"Why, it looks just the same today—a lovely little quiet town. And the people—I never met more kindly or hospitable or friendly people. Why, I just know they are good people."

"Of course," Keeler observed, "she hadn't met them all. And, of course, she had been in Marietta only 25 hours. But I have lived here the same number of years.

And our opinions agreed exactly."

And by way of explaining what he meant by "agreed exactly," Keeler said:

"I know what was done to Leo M. Frank, in that oak grove, the morning of August 17. It is said that men of Cobb County did it. I do not know about that. But I do know what was done that morning.

"Also, I know what the people of Marietta did for me and my family when I lay near death from pneumonia last spring.

(Editor's note: Keeler here was paying tribute to the late Dr. W.H. Perkinson who he said saved his life after Atlanta physicians had given up on him.)

"And then, you see, I have lived among these people for 25 years.

"And I know they are good people."

Next: How Frank case ruined Gov. Slaton's political career.

Leo Frank's Day In Court



Eighth in a Series

(EDITOR'S NOTE: Because many people have expressed unfamiliarity with basic details of the Leo Frank trial and succeeding court actions, here is a brief summary prior to presenting the concluding installments in this series.)

No trial before the Frank case or since has so inflamed Georgians or drawn such widespread attention for so long.

It pitted Hugh Dorsey, the aggressively brilliant solicitor, against Luther Rosser and Reuben Arnold, crafty and flashy trial lawyers.

Atlanta, a city of about 300,000, had experienced a bloody race riot in 1906, but now the word of black man Jim Conley, who had been frequently jailed, was believed over white man Leo Frank.

The city's three daily newspapers were gripped in a circulation war and played the story to the hilt.

Little anti-semitism prevailed in Atlanta prior to the trial, which began July 28, 1913.

Atlanta's Jewish population had hurt its own case by running ads in the newspapers charging persecution.

This in part caused Tom Watson, who parlayed the trial into a seat in the U.S. Senate, to pour out lurid attacks on Jews in his weekly, the *Jeffersonian*.

A belligerent atmosphere surrounded the trial throughout, although Frank's attorneys did not ask for a change of venue.

Conley's statements that he had "watched" for Frank while he entertained women at the pencil factory, and Conley accusing Frank of alleged perversion caused great public resentment against Frank. However, the police did not accuse Frank of perversion, only Conley.

The defense's awareness that its failure to cross-examine some of the girls who had testified that Frank's character was "bad" and his behavior "lascivious" might prove costly was revealed when Arnold said:

"We are not trying this case on whether you or I or Frank have been perfect in the past. This is a case of murder. Let him who is without sin cast the first stone."

It was the most conspicuous flaw in Frank's defense.

Other damaging evidence included Dorsey's speculation of Mrs. Frank's reasons for not visiting her husband for two weeks after he was first jailed.

The defense branded this as an "unwarranted attack" on her. At one point, when Dorsey was questioning Frank's

character, his mother leaped to her feet and shouted, "You dog!"

Before the trial, Conley appeared bedraggled, dirty and underfed. When Dorsey put his star witness on the stand he was well-dressed, well-fed and clean. Frank's lawyers made much to do over this action.

One of the more interesting aspects of the trial was that the men defending Frank, while protesting the prejudice against Jews, saw no reason why anyone should object to their often expressed prejudice against blacks.

The jury found Frank guilty on Aug. 25, 1913, and he was sentenced to hang on Oct. 10, 1913.

Then began the nearly two-year fight to save his life.

Presiding Judge Leonard Roan on Oct. 31 rejected an appeal by Frank's lawyers for a new trial.

On Feb. 17, 1914, the Georgia Supreme Court, with two of its six judges dissenting, sustained Judge Roan's rejection.

On March 7, Judge Ben Hill, sitting in court for ailing Judge Roan, re-sentenced Frank to hang on April 17, his 30th birthday.

By now, the northern press, notably the *New York Times* and *Collier's* weekly, was calling for a new trial.

On March 10, 1914, the then Georgia-owned *Atlanta Journal* published an editorial asking for a new trial. The Hearst-owned *Georgian* soon did likewise.

Free-spending defenders of Frank left nothing undone to arouse popular interest in his plight. They hired swarms of private detectives, including the world-famous William J. Burns. They sent lawyers and philanthropic workers to New York, Chicago and other centers of population to tell newspapermen and citizens Frank's side of the story.

Several people who had testified against Frank repudiated their stories. At least two were badly mauled by persons unknown.

The story switchers were accused of being bought off. Solicitor Dorsey threatened perjury charges against the "turncoats," but none was ever prosecuted.

On April 19, 1915, the U.S. Supreme Court voted 7-2 against granting Frank a second trial, holding that he had been given a fair trial.

Frank stood again before Judge Hill who set June 22, 1915, as the day he would hang. This was four days before Gov. John M. Slaton was to turn over the reins of office to Nat E. Harris.

The tempo to save Frank increased.

Notables like Thomas A. Edison, Henry Ford and others called for his life to be spared. Mass rallies were held in U.S. cities and in London, Paris and Frankfurt.

Slaton and Harris were showered with thousands of telegrams, letters and petitions.

As the tension mounted, Frank's attorneys filed a clemency appeal before Georgia's three-man Prison Commission. On May 31, pro-Frank adherents overflowed the room, but no one appeared to oppose clemency—not that day anyway.

The bombshell of this meeting came when a letter written by Judge Roan shortly before his death on March 23, 1915, was read. Roan said: "It is possible that I showed undue deference to the jury when I allowed their verdict to stand...I am still uncertain of Frank's guilt."

The pro-Frank delegation could hardly believe that no one had spoken against commutation of Frank's sentence. The long, hard fight seemed won.

Next morning, about 50 determined-looking men from Cobb County marched into the Prison Commission office and demanded that the hearing be reopened.

They said they had several spokesmen who wished to be heard.

The Prison Commission formally reopened the hearings.

The men included former Gov. Joseph M. Brown and Herbert Clay, solicitor of the Blue Ridge Circuit, who spoke for hours against commutation.

The commissioners announced they would disclose their decision on June 10. By a 2-1 vote, the panel refused to recommend commutation to Gov. Slaton.

Frank's fate now lay in the governor's hands.

Next: How the trial affected Slaton's future.

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BOBBY NESBITT, *Editorial Co-ordinator*
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Frank Case Ruined Slaton



Having exhausted his last legal recourse, Leo M. Frank's life now was in the hands of one man, Gov. John M. Slaton.

Prior to the Frank affair, Slaton was a highly regarded and popular figure on the Georgia political scene.

In his race for governor in 1912, Slaton received 110,222 votes in the Democratic primary, carrying all but 10 counties. He received 44,959 more votes than the combined total of his two opponents.

It was a different story in 1914, however, when Slaton, while still sitting in the governor's seat, ran for the U.S. Senate.

Judge Newt A. Morris and Solicitor Herbert Clay of the Blue Ridge Circuit in 1914 were looking ahead to the future, predicting that the Frank case would finally end up in Slaton's lap and that he might commute Frank's death sentence.

(Clay was the son of U.S. Sen. A.S. Clay, the brother of four-star Gen. Lucius D. Clay and his mother was postmistress of Marietta for years.)

Through the Cobb Democratic Executive Committee, Morris alleged that Slaton was a member of the law firm defending Frank. Slaton publicly was called upon to resign as governor or assure Georgians he would not commute Frank's sentence.

Slaton declined to do either. That made headlines and caused Slaton's political stock to drop.

(Editor's note: Shortly after Slaton commuted Frank's sentence, the Marietta Journal, in its issue of July 23, had this to say:

"Over a year ago, Judge Newt Morris introduced and succeeded in getting passed a resolution calling attention to the fact that Gov. Slaton was a member of the law firm that was defending Leo M. Frank..."

The Journal continued:

"The resolution also called attention to a persistent rumor that as a last resort Gov. Slaton would commute Frank's sentence to life imprisonment, and called upon the governor to either resign his office or come out in a statement that he would not do this, all of which he declined to do."

So even in 1914, as Slaton ran for the U.S. Senate, his political stock was dropping. Slaton had four opponents. None secured a majority. Slaton led in popular votes with 58,113, Thomas Hardwick got 52,862, T. Felder 29,290, R. Hutchins 20,000 and J.R. Cooper 9,318. The decision was left to the Georgia Democratic Convention.

After a weary night of balloting and after Slaton tried to withdraw but was not



GOV. JOHN M. SLATON
Frank Case Ended His Career

permitted to do so, Hardwick finally won the Senate seat on the 12th ballot.

Now it was June 21, 1915, and as Cobb leaders had earlier predicted, Slaton was faced with a decision. He had spent several days studying the evidence and re-enacting the crime as described by Conley. Slaton issued an executive order commuting the death sentence to life imprisonment. It said in part:

"...The performance of my duty under the constitution is a matter of my conscience. The responsibility rests where the power is reposed..."

"I can endure misconstruction, abuse and condemnation, but I cannot stand the constant companionship of an accusing conscience, which would remind me in every thought that I, as governor of Georgia, had failed to do what I thought to be right.

"There is a territory 'beyond a reasonable doubt and absolute certainty,' for which the law provides in allowing life imprisonment instead of execution.

"This case has been marked by doubt. The trial judge doubted. Two judges of the Supreme Court of Georgia doubted. Two judges of the Supreme Court of the United States doubted. One of the three Prison Commissioners doubted.

"In my judgment, by granting a commutation in this case, I am sustaining the jury, the judge and the appellate tribunals..."

"I am discharging the duty which is placed on me by the constitution of the state..."

For the remaining week of Slaton's term, mass meetings of indignation were held in Cobb, Fulton and other counties.

When word of Slaton's action reached Marietta, a group hanged effigies of both Frank and Slaton in the city park. On the governor's effigy they put a sign reading: "Our Traitor Governor."

One Mariettan brought his daughters to the park, handed his pistol to each in turn, and ordered them to shoot holes in the dummy symbolizing Slaton.

Slaton was labeled "King of the Jews," and threatened with lynching. The state militia was called to his mansion to save him from harm by a mob that was turned back at bayonet point and with rifle butts flying. Twenty-three rioters were arrested.

In one of his last acts as governor, Slaton turned to his successor, Nat E. Harris, amid hisses, boos and catcalls from the State House floor, and commented as he handed over the seal of Georgia: "Gov. Harris, I know that during my term as governor, this great seal of our state has not been dishonored."

Slaton successfully slipped out of Atlanta unharmed despite a mob searching the train he supposedly was leaving on. Many years passed before it was considered safe for Slaton to return to Georgia. His political career was ended, as he had known it would be the night he put his signature to the document that was designed to save Leo Frank from the hangman.

Meantime, Warden James E. Smith, at the state prison in Milledgeville, told newsmen he would be able to defend his prison against any attack without the help of troops.

Next: Cobb men plot to seize Frank from the state prison.

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Bill Kinney

Leo Frank's Midnight Ride



Tenth in a Series

Gov. John Slaton by now had left Georgia.

Leo M. Frank, his life spared, arrived at the Milledgeville prison farm on June 22, 1915. Given prisoner's stripes, Frank was put to work in the fields.

In Marietta, a group of men were carefully laying plans to abduct Frank. The mission was prepared with the precision of a military operation.

Some two dozen participants were carefully selected. There would be no heavy drinkers, no hotheads, no braggarts—mostly older men. Once chosen, each vowed never in his lifetime to reveal the name of any participant.

Eight to 10 cars were needed. An experienced electrician was required to cut prison wires. Auto mechanics were found to keep the cars running. Also enlisted were a locksmith, a gunsmith, a telephone man, a medic, a lawman, a lay preacher, a hangman, etc.

Each of them was chosen for a reason. They bore well-known Cobb family names.

The route the abductors would take had been traveled, measured and timed. Alternate routes were selected and a timetable set. D-Day was Aug. 16, 1915. The weather was perfect.

Arriving at the prison shortly before midnight, the men handcuffed one guard and overpowered another. Four men rushed to Frank's cell to awaken him, shackle his hands behind him and remove him to a waiting car.

Editor's note: Newspapers expressed surprise that no effort was made to resist the group that whisked Frank away. Actually, the guards were sympathetic to the group that abducted Frank.

Frank's captors had a blueprint of the prison, knowing where his cell was located, as well as where guard stations, phones and electric wires were situated.



LEO FRANK AT MURDER TRIAL
Behind Frank Is His Wife, Lucile

As one group removed Frank, others were busy cutting telegraph and telephone wires to prevent a prompt alarm.

It was some time before the warden learned of the abduction and sounded the alarm. Everything went as planned except for one incident. A short delay resulted when one man was left behind momentarily. A car quickly retrieved the man as he held a gun on a guard.

No one tried to stop the group on the seven-hour, 150-mile trip through small towns and over back roads as they returned to Marietta via Roswell.

On his night ride to Cobb, Frank, frightened and apparently reconciled to his fate, said very little. Along the way several cars broke down, but were quickly repaired.

The original plan was to hang Frank from a tree in Marietta City Park. But dawn was breaking when the group

reached Marietta's outskirts. So Frank was hanged from an oak tree in a grove hidden from Roswell Road at Frey's Gin.

"Mr. Frank, we are going to do what the law said to do—hang you by the neck until you are dead," the leader said to Frank.

A piece of brown khaki cloth was tied around Frank's waist, since he had been taken from prison wearing a nightshirt. A handkerchief was fastened over his eyes. A three-quarter rope tied by the hangman was looped over a tree branch and around Frank's neck.

Frank was lifted high into the air. The drop from the makeshift gallows reopened a wound on Frank's neck, caused earlier when another prisoner cut Frank's throat.

People with cameras snapped Frank's hanging. A post card later was made and then sold. Frank's body was shipped to his parents' Brooklyn home and buried Aug. 20 in Mount Carmel Cemetery.

Scores of people raced to the hanging scene on foot, by horseback and in what few autos then were available. The Atlanta Northern Trolley Line ran "Specials" to Marietta as curiosity-seekers by the hundreds jammed Marietta to view the hanging site and hear the news.

A Cobb coroner's jury met on Aug. 24, heard witnesses and ruled that Frank was "hanged by unknown persons." A Cobb Grand Jury investigated the hanging for several days, but said it couldn't identify any of the men involved.

Tom Watson, whose writing had helped inspire the lynching, sent the following telegram to Mariettan Robert E. Lee Howell: "There's life in the old land yet."

Now Frank was dead and Gov. Slaton was in exile. Georgians rewarded prosecutor Hugh Dorsey by electing him governor and Watson by putting him in the U.S. Senate.

Next: The final chapter.

Can't Erase Frank Case



"Why dig up the Frank case?" asked a caller. "Almost everyone involved is now dead. The case is a black mark in Cobb's history."

The Frank case is a part of Cobb's history, whether we like it or not. We can't erase it.

From just about any point of view, this melodrama of one man's life, ordeal and death has few equals in the history of our criminal courts.

You've just seen a long television documentary on the case of the nine Scottsboro boys in Alabama in 1931. The Frank case probably will be coming into your living room one day too, like the Virginia Hill story did year before last.

Was Frank guilty or was he framed?

Many who have studied the six-inch thick court record claim the jury had little choice from the evidence presented except to convict Frank because of the testimony of one man, Jim Conley, a black.

Did Conley lie to save himself?

Here the case smacks of the celebrated, present-day Matthews murder juries whose guilty verdicts were overturned.

An unusual individual was the star witness in both cases. In the Matthews case it was Debbie Kidd. In the Frank case it was Jim Conley.

When Gov. John Slaton died on Jan 11, 1955, the late Atlanta Constitution Editor Ralph McGill commented: "There was a considerable body of evidence for and against Frank."

Frances X. Busch, who published a study of the case in "Guilty or Not Guilty," concluded that Frank "may have been guilty, and he may have been innocent. There is evidence and reasonable probability to support either conclusion."

Here are a few local facts:

—Murder victim Mary Phagan was the first cousin of Mrs. S.A. White of Marietta, Mrs. Lillie Braswell of Fair Oaks and Phagan Durham of Smyrna, all well-known present-day Cobb Countians.

—The first woman at the hanging scene was Miss Helen Griffin, accompanied by her mother, Mrs. George Griffin, and Mrs. Sidney Pace. Miss Griffin's father, George Griffin, was an owner of W. J. Black's funeral home that recovered Frank's body. Miss Griffin was Cobb's tax receiver for nearly 20 years.



SITE OF LEO FRANK HANGING
Famous Case Ended Here 61 Years Ago

—If you want to hear an interesting story about the Frank case, too long to repeat here, ask Miss Helen Griffin about the undertaker's basket.

—A sleeve of the thin pajama jacket with the letters "L.M.F." sewn in red thread that Frank wore when kidnaped was the property of a Highway 41 inn owner until the place was destroyed by fire.

—Marietta hardware stores sold out of rope after the hanging. Enterprising citizens bought the rope, cut it into pieces and sold it as souvenirs to the hundreds of curiosity seekers who visited the hanging site.

—The case dramatizes the change that has taken place in our attitude. Sixty years ago citizens were willing to take part if they felt justice wasn't being done.

—It also dramatizes a difference in working conditions. Children 12 years old no longer are allowed to work, thanks to the child labor laws.

In 1913, child labor was common in the U.S. Children of 10 could work, and, under a "dependent father" clause, children of 8.

—The oft-repeated story that Frank's abductors planned to hang him from a tree above Mary Phagan's grave won't hold water because there were no large trees in that section of the cemetery. People were hanged publicly then in the city park.

—The hanging prompted a folk song that became popular throughout Georgia under the title of "The Ballad of Little Mary Phagan."

—Marietta Earl Medford, 80, who worked for Solicitor Herbert Clay, was another who viewed Frank's body. Medford said the body hanged from the limb from about 7 until 10 A.M.

—In answer to several questions: The reason Frank's abductors did not hang him in the Marietta city park was because they were delayed about two hours, repeatedly repairing flat tires along the way.

—Why didn't Gov. John Slaton grant a temporary stay for the one week he had left in the governor's chair and let Gov.-elect Nat Harris handle this hottest political potato in Georgia's history, another caller asked.

Probably because Harris had said in an interview:

"You can just say for Nat Harris that if the matter of dealing executive clemency to the condemned man is to be considered by me, the entire outside world will not be taken into consideration one bit. It is entirely a Georgia matter, and if I am to consider the case, I shall consider it altogether from a Georgia basis, with the interests of Georgia and the interests of Georgia persons at heart."

Last in a Series

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