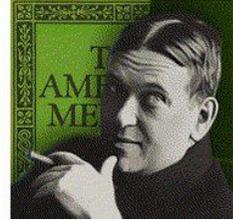


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Tom Watson: The Leo Frank Case

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by Thomas E. Watson (pictured),
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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 vilification against the State of Georgia.

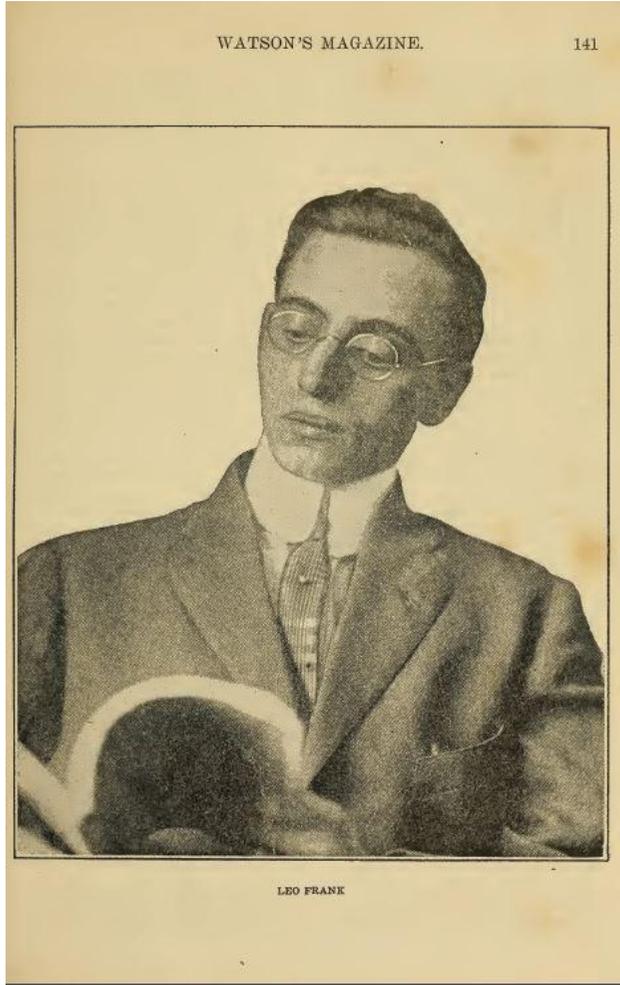
Far and wide, the accusation has been strewn, that we are prejudiced against this young libertine, because he is a Jew. If there is such a racial dislike of the Hebrews among us, why is it that, in the formation of the Southern Confederacy, we placed a Jew in the Cabinet, and kept him there to the last?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

The law-partner of the best criminal advocate at our bar, is a Jew. I refer to Judge H.D.D. Twiggs of Savannah, and his able associate, Mr. Simon Gazan.

The law-partner of the Governor of Georgia, is a Jew. I refer, of course, to Mr. Benjamin Phillips, the partner of Hon. John M. Slaton.

The daughters of our best people are continually intermarrying with Jews; and Gentiles are associated with Jews in fraternal orders, volunteer military companies, banking and mercantile firms, &c., &c.

The truth of the matter is, that the lawyers and detectives employed to save Leo Frank were themselves the authors of the hue and cry about his being a Jew, and they did it for the sordid purpose of influencing financial supplies. Wealthy Israelites all over the land have been appealed to, and their race pride aroused, in order that the lawyers and the detectives might have the use of unlimited funds. The propaganda in favor of Frank has been even more expensive than that in favor of Morse.



The rich Jews of Athens, Atlanta, Baltimore, New York, Philadelphia, Chicago, &c., have furnished the sinews of war. I dare say the campaign has not cost less than half-a-million dollars. The lawyers have probably been paid at least \$100,000. The Burns Detective Agency has no doubt fingered \$100,000. The publicity bills in the daily papers must be enormous.

Under the law of Georgia, no man can be convicted on the evidence of an accomplice. The testimony in the case, apart from that of the accomplice, must be of such a character as to exclude every other reasonable hypothesis, save that of the defendant's guilt.

Has any civilized State a milder code than that? Could any sane person ask that the law of Georgia should be more favorable to the accused?

The newspapers which sold themselves to the Burns propoganda, have said, and repeated, that Leo Frank was convicted on the evidence of a low-down, drunken negro.

It is not true. Under the law of Georgia, that cannot be done. And in the Frank case, it was *not* done.

Before going into the facts of this most horrible case, let us get our bearings by referring to other celebrated cases. Take, for instance, the case of Eugene Aram, which still possesses a melancholy interest, though the murderer paid his penalty 155 years ago. "The Dream of Eugene Aram" is one of Thomas Hood's fine poems; and Bulwer made the story the basis of one of his best novels.

Eugene Aram, the learned, respected schoolmaster, was convicted upon the evidence of his accomplice. Apart from this, there was almost nothing against the accused. There was not even an identification of the skeleton of the deceased, which for thirteen years had been buried in a cave. For thirteen years the scholarly Aram had been leading a correct, quiet life, when he was arrested. His character, previous to the crime, was unblemished. Without the accomplice, there was no proof of the *corpus delicti*, nor of any motive; nor was there any corroboration that excluded the idea of defendant's innocence.

But there was testimony to the effect that Aram was in company with Clark (the deceased) the last time Clark was seen in life; and Aram (like Frank) did not even try to tell what had become of the deceased.

This was the circumstance that weighed most against Aram—who confessed, after sentence of death!

One of the most celebrated of American cases was the murder of Dr. Parkman, of Boston, by Professor Webster, a man of great eminence and of spotless character, whose friends were numerous and of the highest standing. All New England was profoundly stirred when it was learned that Dr. Parkman had disappeared, and that he had last been seen entering the College where he went for the purpose of seeing Professor Webster on a matter of business.

In this case the controlling factor was, that Dr. Parkman had disappeared into the Professor's rooms, and had never reappeared. *What went with him?* What became of him? *Professor Webster could not answer.*

When Rufus Choate, the greatest criminal lawyer in New England, was applied to by the friends of Professor Webster, he offered to take the case if they would consent for him to plead *manslaughter*. He meant to put the defense on the line, that the two men had had a quarrel in the laboratory; and that, in the heat of passion, the Professor had killed the Doctor. Webster's friends declined this proposition, and Choate refused the case.

Webster was convicted, *and confessed*, after sentence of death!

In the case of Henry Clay Beattie, the testimony was about on a par, in character and convincing power, with that against Frank; yet, Beattie continued to lustily cry out, "I am innocent! They are about to commit judicial murder," and there were numbers of our most intelligent people who believed what he said.

He, also, confessed after he lost hope of reprieve.

The standard books on evidence teach young lawyers that one of the most striking phases of human nature is, *the inclination to believe*.

Trained lawyers, entrusted with the lives of the Beatties, the Patricks, the Beckers, the Woodfolks, and the Franks, realize the value of the constant repetition, "I am innocent. I didn't do it! They are about to commit judicial murder!"

Realizing it, they make use of it. Sometimes, they overdo it!

In the Tom Woodfolk case, a splendid gentleman and first-class lawyer, John Rutherford, actually worked himself to death, for a guilty monster who, among his victims, killed a pretty little girl.

In the Flanigan case, the best criminal lawyer in North Georgia, Hon. Bill Glenn, made himself a nervous wreck, toiling to save a wretched miscreant who was as guilty as hell, and who didn't deserve a day out of the Book of Life of any respectable lawyer.

And I venture to predict that when Frank's attorneys get through with their labors for this detestable Sodomite, they will never again be what they were—in health, standing, or practice.



Leo Frank came down from New York, to take charge of a factory where young Gentile girls worked for Hebrews, at a wage-scale of five or six dollars a week.

Leo Frank was a typical young Jewish man of business who loves pleasure, *and runs after Gentile girls*. Every student of Sociology knows that the black man's lust after the white woman, *is not much fiercer than the lust of the licentious Jew for the Gentile*.

Leo Frank was reared in the environment of "the gentleman friend," whose financial aid is necessary to the \$5-a-week girl. He

lived many years in that atmosphere. He came in contact with the young women who are paid the \$5-a-week, and who are expected to clothe themselves, find decent lodgings, and pay doctor's bills out of the regular wage of five dollars a week.

Leo Frank knew what this system meant to the girls. In fact, we all know what it means, but we don't like to say so. We prefer not to interrupt our bounties to Chinese charities, or check our provisioning of Belgian derelicts.

How gay a life Leo Frank led among the wage-slaves of the North, we do not know; but when he arrived in Atlanta, he seems to have kept the pace, from the very beginning.

To his Rabbi, he was a model young man; to the girls in the factory, he was a cynical libertine. The type is familiar.

If the seducer wore a badge, as the policeman does, he would never seize his prey. If all the immoral men were to appear so, when they go to church, the hopeless minority of the virtuous might have to limit their devotional exercises to family prayer.

With prurient curiosity, Frank used to hover about the private room, where the girls changed their dresses, &c.

A girl from the fourth floor, spent some time, frequently, in this private room, in company with Frank, and they were alone. Neither Frank nor the woman from the 4th floor had any legitimate business alone in the private room of the girls. *One of Frank's own witnesses, a white girl, testified to these facts.*

Such things cannot be done in a factory, without being known to somebody; and that somebody is sure to tell the others.

That is why Mary Phagan detested him and repulsed him. She was a good girl; and, while her poverty forced her to work under Frank, she was determined not to yield to him any dishonorable way. Her resistance had the natural result of whetting his depraved appetite.

The lawyers of the defense put Frank's character in evidence, proving by certain witnesses that it was good. The prosecution had no right to question these witnesses as to details.

Then, the State put up witnesses who swore that Frank's character, *as to lasciviousness, was bad.* Again, the State could not go into details. *But the defense could have done so.* The law allows a defendant, thus attacked, to cross-examine the witnesses, as to the particular facts and circumstances which cause them to swear that the defendant is a man of bad character. In other words, the law of Georgia authorizes Leo Frank to have inquired of each one of these witnesses, —

“What moves you to testify that I am lascivious? What is it that you know against me? What are the facts upon which you base your opinion? Tell me what you saw me do! Tell me what's in your mind, and perhaps I can explain, rebut, and remove the evil effect of your testimony.”

That's the position in which our law places a defendant. It gives *him* the privilege of sifting the witness, and of drawing from him the particular incidents, or circumstances, which have caused him to believe that the defendant *is* bad.

It often happens that, when the defendant cross-examines these witnesses against his character, they give flimsy and absurd reasons, thus bringing ridicule upon themselves, *and vindication to the accused!*

All lawyers know this; and all lawyers, *who feel sure of their client,* never fail to put these character-witnesses through a course of sprouts.

Confident of the integrity of their client, they know that a cross-examination of the character-witnesses will develop the fact, that they have been jaundiced by personal ill-will, and have made mountains out of mole-hills.

But Leo Frank's lawyers did not dare to ask any character-witness *why* she swore that Frank was a man of lascivious character!

Messrs. Rosser and Arnold knew their client, Leo Frank; they did not dare to ask a single witness the simple question, "Why do you swear that Frank's character is bad?"

They did not dare to ask, "*What is it that you know on him?*"

They *KNEW* that the answers would ruin whatever chance Frank had; and that it would be suicidal to ask those white girls to go into the details of Frank's hideous private life.

In this connection, there is another ominously significant fact that should be weighed: Frank and his lawyers did not offer to allow *him* to be cross-examined. Under our law, it is the right of the defendant to make his statement to the jury, and his attorneys may direct his attention to any fact which he omits. But the State cannot ask him a single question, unless he voluntarily makes that proposition.

In this case, where the defendant claimed that the only material evidence against him was that of "a drunken negro," *an innocent man would have joyfully embraced the opportunity to save his life, and clear his name.*

Isn't it so? Can you imagine what objection *you* would have had to being questioned, had *you* been in Frank's place? *You* are innocent; *you* could have accounted for yourself at the time Mary Phagan was being done to death; *you* would have gladly said, "Ask me any question you like. *I* have nothing to hide. I am not afraid of that negro. I *know* that I didn't commit the crime. I *know* that I can tell you where *I* was, when Mary Phagan was killed."

Did Frank do that?

No, indeed! He sat there and heard Jim Conley's story. He sat there, and listened, hour after hour, as Luther Rosser, the giant of the Atlanta bar, cross questioned the negro, and vainly exhausted himself in herculean efforts to shatter the rock of Jim Conley's simple and straightforward account of the crime.

He sat there as Jim Conley fitted the damning facts on *him*, Frank, and he did not dare to do what the negro had done. He did not dare to allow the Solicitor-General to cross-question *him*, as Rosser had cross-questioned Jim.

Innocent? Was that the courage of conscious innocence?

No. Frank prepared a careful statement, and recited it to the jury, and did not offer to answer any question. *He knew that he could not afford it.*

Helen Ferguson had often gotten Mary Phagan's pay-envelope; and had Frank allowed Helen to do this, one more time, he would not now be where he is—and poor Mary Phagan would not be a memory of horror to him, and to us.

Why wouldn't he let Helen Ferguson draw the pay-envelope that time? Ah, he wanted Mary to come back.

The next day was the Memorial Day; the next day is the Jewish Sabbath; the next day, in the morning, Mary Phagan is one of the sweetest flowers of the Sunny South; the next day, in the morning, she is seen of all men, rosy, joyous, pure and full of life and hope; the next day, in the morning, she goes to Frank for the withheld pay-envelope, with its poor one dollar and twenty cents; *and when she is lost to sight, on her way to the den where Frank is waiting for her, SHE IS LOST FOREVER.*

No man or woman ever sees her more, until the lifeless body is found in the basement.

There were scratch-pad notes lying beside her; and Frank says that the “drunken Jim Conley,” not only raped and killed the girl while he, Frank, was unconsciously at his usual work in his office, but that Conley alone got the body down to the basement, and then secured the scratch-pad, and composed those four notes.

In those notes, the negro is not only made to say that a negro “did it, by his self,” but the negro is described so particularly, that he can be advertised for; and no attempt is made to lay it on the white man who is the only other man in the building!

Marvelous negro, Jim.

Mary Phagan was barely fifteen years old [Actually, she was not quite fourteen. — Ed.], and the evidence is all one way, as to what kind of girl she had been. As far back as the early days of March, 1913, Leo Frank had begun to ogle her, hang about her, and try to lead her in conversation. The little white boy, Willie Turner, swore to it, and no attempt was made to impeach him. He saw Frank endeavor to force his attentions on Mary, in the metal room; and he saw the girl back off, and say to Frank that she must go to her work. He heard Frank when he made the effort to use the job-lash on Mary, saying to her significantly, “*I am the Superintendent of this factory.*”

What did that mean? He had not spoken to her about her work, or about the factory affairs. He was trying to get up a personal “chat,” as he had a habit of doing with other women of the place; and when she excused herself and was backing away from the man whom she instinctively dreaded, he used that species of employer's intimidation, “*I am the Superintendent of this factory.*” Meaning what?

Meaning, “It lies in my power to fire you, if you displease me.”

Dewey Hewell, a white girl who had worked in the factory under Frank—and who knew him only too well—testified that she had heard Frank talking to Mary frequently, and had seen him place his hands on her shoulders, and call her by her given name.

Gantt testified that Frank noticed that he, Gantt, knew Mary Phagan, and remarked to him, Gantt, “I see that you know Mary, pretty well.”

Yet, Frank afterwards said that he did not know Mary Phagan!

Frank had been monkeying with girls who depended on him for work. Lascivious in character, according to twenty white girl witnesses, *whom Rosser and Arnold dared not cross-examine*. Leo Frank’s lewdness drove him toward Mary Phagan, as two white witnesses declared. She repulsed him, as the evidence of white witnesses showed.

Her work-mate applied for the pay-envelope on Friday, April 25th. Frank refused it, and Mary went for it on the morning of the 26th. She is seen to go up in the elevator towards Frank’s office on the second floor.

He says that she came to him in his office, and got her pay!

No mortal eye ever saw that girl again, until her bruised and ravished body—with the poor under garments all dabbled in her virginal blood—was found in the basement.

Where was Leo Frank?

It was proved by Albert McKnight that Frank went to his home, sometime near 2 o’clock that day [1:30 — Ed.], (his folks were absent) stood at the side-board in the dining room, for five or ten minutes, did not eat a morsel, and went out again, toward the city.

A determined effort was made to break down this evidence, but it failed.

On that same day, Frank wrote to his Brooklyn people, that nothing “startling” had happened in the factory, since his rich uncle had left. He stated that the time had been too short for anything startling to have happened. The tragedy had already occurred.

That night he did something which he had never done before: he called up the night-watchman, Newt Lee, and asked him over the telephone if anything had happened at the factory.

Mary Phagan’s body was lying in the basement; and in his agony of suspense and nervousness, *Frank was trying to learn whether the corpse had been found!*

At three o’clock that same night, Newt Lee found the body, and gave the alarm. Detective Sharpe called Frank over the telephone, asking that he come to the factory at once. Two men were sent for him, and he was found nervously twitching at his collar,

and his questions were, “What’s the trouble? Has the night watchman reported anything? Has there been a tragedy?”

Why did he think there had been a tragedy *at the factory*?

If he had paid off Mary Phagan as he says, and she had gone her way out of the building and into the city—to see the Confederate Vets parade, or for something else—why was he calling up Newt Lee, Saturday night, asking if anything had happened at the *factory*?

NOBODY THEN KNEW THAT ANYTHING TRAGIC HAD HAPPENED TO MARY, ANYWHERE!

He was haunted by the dead girl who lay in the basement. To save his soul, he could not get her off his mind. The gruesome thing possessed him, held him, tortured him. Thundering in his brain, all the time, were the terrific words, “*Be sure your sin will find you out!*”

During the dreadful hours that followed Frank’s return to the factory, his agitated mind cast about for a theory, a scape-goat, that would keep the bloodhounds off his own trail. He insinuatingly directed suspicion toward Newt Lee, the negro who was never there at all during the middle of the days. He not only hinted at Lee, and suggested Lee, but after *somebody* had planted a bloody shirt on Lee’s premises, Frank asked that a search be made at Lee’s house. The bloody shirt was found, *bloody on both sides*. Unless the carrier of the dead body shifted it from one side to the other, there was no way to account for blood on both sides of any shirt. But, worst of all! whoever planted the dirty old shirt, and smeared the blood on it, forgot to saturate it with the sweat of a negro! There was none of the inevitable, and unmistakable African scent on that soiled garment—and yet the armpits of a laboring negro ooze lots of African scent.

Not only did Frank try to fix guilt on Lee, but he hinted suspicion of Gantt, the man who went to the factory on the fatal Saturday, after Mary had been killed, to get two pairs of old shoes which he had left on one of the upper floors.

Frank demurred at Gantt’s going in, and made up a tale about the sweeping out of a pair of old shoes along with the litter and trash. But Gantt caught Frank in the falsehood, by asking him to describe the shoes that had been swept out. Frank “fell to it,” and described *one pair*. “But I left two pairs!” exclaimed Gantt, and Frank was silenced. Gantt went up, got the shoes, and left. Yet Frank tried to fasten suspicion on *him*.

Now, use your mother wit:

Why did Frank never cast a suspicious eye, or a suspicious word, TOWARD JIM CONLEY?

He was ready to put the dogs on the tracks of Newt Lee, the negro who worked there *at night*. He was ready to lead the pack in the direction of Gantt, the white man who came on Saturday to get his old shoes.

But he was *not* ready to breathe the slightest hint toward Jim Conley, *whom all the witnesses placed in the factory, WITH FRANK, during the very time that Mary Phagan must have been ravished.*

Why did he keep the hounds off the trail of Jim Conley? Why did he point the finger of suspicion toward Gantt and toward Lee, *and never toward Conley?*

There is but one answer—and you *know* what that is. *Frank could not put the dogs after Conley, WITHOUT BEING RUN DOWN, HIMSELF!*

In vain did the detectives endeavor to trace evidence against Lee, and against Gantt. In vain, did they labor to get the trail *away from that factory*. It was right there, and no earthly ingenuity could move it.

On Monday, Frank telegraphed to Adolf Montag, who was in New York, that the factory had the case well in hand and that the mystery would be solved. He had employed a Pinkerton detective, and this detective, fortunately, pinned Frank down as to where *he* was, at the crucial hour, that Saturday.

Scott asked Frank—“Were you in your office, from twelve o’clock *until Mary Phagan entered your office*, and thereafter until ten minutes before one o’clock, *when you went to get Mrs. White out of the building?*”

And Frank, answering his own detective, said that he *was*. Thus, his own admission, before his arrest, *placed him near the scene of the crime, AT THE TIME IT WAS COMMITTED.* [Ten to fifteen before one. — Ed.]

Scott again asked—“Then, from 12 o’clock to 12:30, *every minute of that half hour*, you were at your office?”

Frank answered, “Yes.”

But he lied. The unimpeachable white girl, Monteen Stover, testified that *she* went to Frank’s office, *during that half hour, AND NOBODY WAS THERE!*

No wonder the infamous William J. Burns did his utmost, afterwards, to frighten this young woman and to force her to take back what she had sworn. No wonder he sent the Rabbi after her. He himself threatened her, and then entrapped her in the law office of Samuel Boorstein, *and tried to hold her there against her will!*

The brassy, shallow, pretentious scoundrel! He richly deserves to be in the penitentiary himself!

Mind you! When Frank told his detective, Scott, that he was in his office during the half-hour between 12 o'clock and half-past twelve, *he did not know that Monteen Stover had been there*. He had not seen her; he had not heard her. *He was employed at something else, somewhere else*. At what? And where?

In his statement, which he had had months to prepare, he said that he might have gone to the water closet.

In the note that lay beside Mary Phagan's body, she is made to say that *she* was going to the water closet, when the tall negro, all by "his self," assaulted her.

And it was on the passage to *THIS toilet*, (adjoining Frank's own toilet,) that the crime was committed.

The water-closet idea is in those telltale notes—*and where else?* In Leo Frank's final statement to the jury!

Would "a drunken brute of a negro," after raping and killing a white woman within a few steps of a white man's private office, *with the white man inside of it*, linger at the scene of his awful crime to compose four notes? Would *he* need any theory about the water closet?

Would *he* have been in an agony of labor to account for the presence of his victim, *at that place?* Not at all.

He would have left that point to take care of itself, and *he* would have struck a bee line for the distant horizon. Negroes committing rapes on white women, do not tarry. *Never! NEVER!!*

They go, and they keep going, as though all the devils of hell were after them; for they *know* what will happen to them, if the white men get hold of them.

Jim Conley—where was he, at the time when Frank was *not* in his office?

Mrs. Arthur White swore that Jim Conley, or a negro man that looked like him, *was at his place of duty, downstairs*. He was sitting down, and there was nothing whatever to attract any especial attention to him. This was at thirty-five minutes after twelve—and Mary Phagan had already been to Frank's office, *by his own statement*, and had got her pay envelope, and gone away. *Gone where?*

Toward the toilet?

If so, Frank knew it, and Conley didn't, *for Conley was below, on another floor*. Mrs. White puts him there.

Who, then, wrote the note about the water closet, and made Mary say she went to it “to make water?”

Where was Mary, when Monteen Stover looked into Frank’s vacant office? *Where was Frank, THEN?* The note said Mary went toward the toilet “to make water.” Frank’s statement was that he must have been at the toilet, when Monteen looked into his office. *Great God! Then, Frank puts himself at the very place where the note puts Mary Phagan!*

Did you ever know the circumstances to close in on a man, as these do on Frank?

Out of his own mouth, this lascivious criminal is convicted.

The men’s toilet used by Frank, and to which he said he may have unconsciously gone, *was only divided by a partition from the ladies’ room to which the note said Mary had gone.*

THEREFORE, FRANK PLACES HIMSELF WITH MARY, AT THE TIME OF THE CRIME!

Why did he pretend that he did not know Mary by sight? Why did he go to the Morgue *twice*, and shrink away without looking at her; and then afterwards, in his statement, describe her appearance on the cooling table, as fairly and as circumstantially, as though he had been a physician, making an expert examination?

Why was he so completely knocked up by suspense and anxiety, *that he “trembled and shook like an aspen,”* on his way to the police station?

And why, *why* did this white man never flare up with blazing wrath against the negro who accused him of the awful crime, and gladly embrace the opportunity to face the negro and put him to shame?

Where is the innocent white man who is afraid to face a guilty negro?

Where is the white man who would have tamely taken that negro’s fearful accusation, *as Frank took it?* Would *you* have failed to face Conley?

Apart from every word that Jim Conley uttered, we have the following facts.

Frank’s bad character for lasciviousness; his pursuit of Mary Phagan, and her avoidance of him; his withholding her pay-envelope Friday afternoon and thus making it necessary for her to return to his office on Saturday; his presence in his office in the forenoon, and her coming into it at noon, to get the pay-envelope; her failure to reappear down-stairs, or up-stairs, and the absence of both Frank and Mary, from his office, during the half hour that followed Mary’s arrival in the office; the presence of Conley on the lower floor, *at the necessary time of the crime*; the inability of Frank to account for himself, *at the*

necessary time of the crime; the utter failure of Frank to explain what became of Mary; his desperate attempt to place himself in his office at the time of the crime, and the unexpected presence of Monteen Stover there, *and her evidence that he was out*; his incriminating lie on that point, and his nervous hurry to get Mrs. White out of the building; his strange reluctance to allow Gantt to go in for his old shoes, and his falsehood on that subject; his refusal to allow Newt Lee to enter the building at 4 o'clock, P.M., although the night-watchman came at that hour, and begged to be allowed to go in and sleep; his conduct that night, calling up Lee, and asking the officers about the "tragedy," when no tragedy had been brought home to him by any knowledge save his own; his efforts to throw the officers off the scent; *his amazing failure to hint a suspicion of Jim Conley*; his equally guilty fear of calling Daisy Hopkins to the stand—Daisy, the woman who was shown conclusively to have visited Frank at the factory, and who had no business there except in her peculiarly shameful line of business. It was this woman that Conley said he had watched through the keyhole, when Frank was sodomizing with her, *and Frank's lawyers dared not put her up, as a witness.*

The blood marks are found, in the direction of the men's toilet and the metal room; and Mary's bloody drawers and bloody garter-straps show that she bled from her virginal womb, before she died. Around her neck was the cord that choked her to death. On her head was the evidence of a blow.

Frank could not have been off that floor. He could not have been far away. He had been in his office, *with Mary*, just a few minutes before. *He was back in his office*, at 12:35, seen by Mrs. White, and jumping nervously as she saw him. He stated that his temporary absence from his office may have been caused by a call of nature. Such a call would have carried him directly toward the place where the note said Mary went, *for the same purpose!*

Had *you* been on the jury, with all these links of circumstances fastening themselves together in one great iron chain of conviction, what would you have believed, as to Frank's guilt?

Now consider Conley:

He was Frank's employee, and to some extent his trusty. Frank didn't mind Conley's knowing about Daisy Hopkins, and other things of the same kind. Frank did not want Rabbi Marx to know anything of his secret sins, but he did not care if Conley knew. Therefore, Conley was the person to whom he would naturally turn when the Mary Phagan adventure went wrong. Frank needed help to dispose of the body, for Frank had a vast deal at stake. His social position, his business connections, his fellowship in the B'nai B'rith, his standing in the synagogue, his wife and mother and father and uncle—all these imperatively demanded that Frank dispose of *that terrible dead girl!*

Would Conley have cared what became of her body?

Do negroes who violate white women stay to dispose of the bodies? Never in the world. Their first thought is to get away *themselves*, and they do it, whenever they can.

What hindered Jim Conley, if he was the rapist, from being in the woods, *sixty miles away*, by the time Mary's body was found Sunday morning? Nothing!

If he had raped and killed the girl, he could securely have gone out of the building, out of the city, and out of the State, before anybody knew what had become of Mary Phagan.

Frank couldn't afford to run!

He had to stay.

Ask yourself this question:

Was it more natural for a negro to rape a white girl, and stay where he was, *in the belief that he could lay the crime on a white man*; or was it more natural for a white man to do it, remain where he was, *and hope to fix it on a negro*?

It is unnecessary to relate Jim Conley's evidence in detail. He made out a complete case against Frank, and he was corroborated by white witnesses at every point where any of the facts came within the knowledge of others. Of course, there could be no witnesses to what he and Frank did with Mary's corpse, but so far as the physical indications of the crime existed, they contradicted Frank, and corroborated Conley.

According to the allegations made by Conley's lawyer, William M. Smith, the friends of Leo Frank made strenuous efforts to corrupt Conley, then scare him, and perhaps poison him, before the trial came on.

William J. Burns afterwards made a fool of Smith; but Smith did not attempt to escape from the allegations which he had formally, in a legal paper, made against the friends of Frank. According to Smith, Conley's life was in danger, and measures were taken to protect it.

This is the Smith that the New York Times, World, &c., made such a loud noise over, when he went into a deal with Burns, *to play the Nelms case against the case of Frank*.

The indictment against Frank was found by the grand jury, on May 24th, 1913. He had been in jail since the Coroner's jury had committed him May 8th.

His trial commenced on the 28th of July, and more than 200 witnesses were examined.

On the 25th of August the Judge, L.S. [Leonard Strickland] Roan, charged the jury, and they went to their room for deliberation. In a comparatively short time, they returned, saying they had made a verdict, and defendant's attorneys, waiving his personal

attendance, polled the jury. That is, each juror was asked if the verdict of guilty was *his* verdict.

This perfunctory right is the only one that the law allows a defendant at that stage of the trial.

Frank was asked on August 26th what he had to say, as to why the sentence should not be pronounced on him. He had nothing of consequence to say, and he was sentenced to be hanged on October 10th, 1913.

On October 31, Judge Roan denied a motion for new trial, and the case was taken to the Supreme Court, *which reviewed the evidence* and sustained Judge Roan, Feb. 17, 1914.

An extraordinary motion for new trial was made and overruled in April, 1914.

Then, the lawyers of Frank raised the point, that he had not been personally present when the jury rendered their verdict. This was treated as trifling with the law and with the court.

It never was a right, under English and American law, for a defendant to be personally present all the time; and it *is* the law that whatever he can waive, during his trial, his attorneys can waive.

Had Frank been personally present, he could not have done anything more than his lawyers did; to-wit, poll the jury. That is a formal, valueless right which is almost never exercised, *and which never has panned out results in Georgia.*

Jurors do not bring in a verdict until they *are* agreed: the verdict *is* each juror's verdict. Otherwise, there is a dead-lock and a mistrial.

After the best criminal lawyers of the Atlanta bar had exhausted themselves in behalf of Leo Frank, the case was given to that calliope detective, William J. Burns—the fussy charlatan who hunts for evidence with a brass band, and a searchlight.

With an uproarious noise, he invaded Georgia, and breezily assumed that the Frank case had just begun. He began it all over again. He went to the factory to look over the physical indications, just as though the crime had not been committed a year before Burns got to Atlanta.

He raised his voice, in a boastful roar, and invited mankind to watch him, “the Great Detective,” as *he* went sleuthing over the premises of that factory. The way the man talked was something phenomenal, prodigious, cyclonic, cataclysmic. Every morning the papers were full of Burns, the Great Detective. Every day we had to eat, drink and digest Burns. Every night we had to think, talk and dream about Burns. The whole State, and all the papers, got to looking toward Atlanta, as a Mussulman does toward Mecca, for Burns was there.

With inconceivable rapidity, Burns made up his mind, and announced his decision. Nay, he roared it from the castellated battlements, so that the whole human race could hear.

He had discovered that the crime on Mary Phagan had been committed by a moral pervert of the worst type. He had discovered that no one who had been suspected and arrested, was guilty. The miscreant who did the deed was “at large,” and Burns knew where to get him when he wanted him.

Then Burns shot out of Georgia, and went North—presumably to put his hands on that miscreant who had never been suspected, and who in Burns’ own words, “is at large.”

Everywhere that Burns went, the noise was sure to go.

The papers resounded with Burns. The Baltimore Sun, (Abell) the New York Times, (Ochs) the New York World, (Pulitzer) and other Hebrewish organs proclaimed the joyful news, “Burns clears Frank!”

It was airily assumed that Burns was the coroner’s jury, the grand jury, the petit jury, the judge, the witnesses, and the lawyers.

What did it matter to this asinine mountebank that Frank’s case had been given, to the fullest measure, the liberal metes of our statutory law?

Is every man to have two trials, because he wants them? Is any man entitled to exceptional rules, usages and privileges?

Did the gunmen who shot Rosenthal get two trials?

They also were Jews, and they also were vehemently “innocent.” Yet they confessed before execution.

Is the richly connected Jew, Frank, entitled to better treatment *in Georgia*, than those indigent Jews got, in New York?

The Abells, and the Ochses, and the Pulitzers, did not raise much fuss for the Hebrew gunmen.

If Mary Phagan had been a Jewess, and Frank a Gentile, would all this scurrilous crusade against Georgia have been waged in the Jewish papers?

If Frank had killed a Jew, as the New York gunmen did, would these Jewish millionaires be so lavish with their money and their abuse?

Do they imagine that we care nothing for the Mary Phagans that are left alive?

Tom Watson: The Leo Frank Case

Is no check ever to be put upon the employers of girls, who insolently take it for granted that the girls can be used for lascivious purposes?

Shall the Law trace no deadline around the children of the poor, and say to arrogant wealth, "*Touch them, at your peril?*"

Upon what monstrous theory of shoddy aristocracy, and commercial snobbery, is based on the idea that, in pursuing Mary Phagan, entrapping her, ravishing her, and choking her to death, this lascivious pervert did not foully outrage every decent white man who has a pure daughter, granddaughter, sister or sweet-heart?

Burns rooted around in several Northern cities, endeavoring to discover the criminal who "is at large." Burns failed to find this criminal. Then he returned to Atlanta, and began his virtuous efforts to suppress, and to invent evidence.

For his dastardly campaign against Monteen Stover, he richly deserves to be tarred and feathered in every State where he shows his brassy face.

For his abortive purchase of the affidavits of Rev. Ragsdale and the deacon, Barber, he richly deserves a penal term.

In May 1912, President Taft, upon the recommendation of Attorney-General Wickersham, set aside some verdicts in some Oregon cases, in the U.S. Courts, upon the express grounds that WILLIAM J. BURNS AND HIS AGENTS HAD PACKED THE JURY-BOXES!

No wonder Burns skipped out—the braggart, the faker, the crook, the coward!

His right hand man, Dan Lehon, was expelled from the Chicago police force for being a detected crook; and Lehon is a better man, and a braver man, than the contemptible Burns.

It was on this bought and perjured evidence that Frank endeavored to secure a new trial, by the extraordinary motion.

An effort to suppress evidence is indicative of guilt: Frank did that.

An effort to fabricate testimony is indicative of guilt: Frank did that.

An effort to seduce the attorney of an accessory, and to have that attorney betray his client, is indicative of guilt, especially when the attorney in question is willing, but not able, to shift suspicion to his own client.

Encircling Frank, *and nobody else*, are these convicting circumstances:

Motive; opportunity; unexplainable movements, sayings and conduct; contradictory statements; presence at the time and place of the crime; attempts to inculcate innocent persons; efforts to intimidate witnesses, suppress evidence, and use perjured affidavits; and *lascivious character in dealings with the girls in that factory*.

Frank wanted Mary Phagan, not to kill her, but to enjoy her. His *murder* of the girl was *incidental*.

He did not resolve to choke her to death, until after he realized that if she left there alive, she would raise the town, and he would be lynched by the infuriated people.

Then he called for Conley's help, and his plan was, to make away with the corpse.

And because he had used Conley, and was therefore afraid of what he might say, Frank never once suggested to the policemen, or the detectives, to question Conley. *Question Newt Lee, BUT DON'T QUESTION CONLEY, THE DAY MAN, WHO WAS THERE WHEN MARY WAS!*

Why did Frank ignore *THIS* negro, *at that time*, and try to fasten the guilt on *the other* negro, Newt Lee?

Newt could not implicate Frank; *Jim Conley could*.

There you are; and all the lawyer-sophistry in Christendom cannot get away from it.

"A drunken negro!" That shibboleth, of late adoption, is now the burden of Frank's statements. In his many newspaper articles, in the editorials which the Jewish papers publish, in Burns' various proclamations and war whoops, in the pleas of the lawyers, it all simmers down to Jim Conley, "a drunken brute of a negro."

When did Conley become the black beast of the case?

Burns himself did not make him the scape-goat when he uproariously bore down upon Atlanta, and lifted the floodgates of his jackass talk. At that time, the guilty man "is a pervert of the lowest type; he has never been arrested; he is at large." Burns was going to spring a sensation by pouncing upon somebody that had never even been suspected. He was going to show the Atlanta police and the Pinkerton Detective Agency that they ought all to have gone to school to William J. Burns, *The Great Detective*. *Conley* was not at large; *Conley* had been arrested, investigated, and relegated to his proper position as accessory.

Therefore, *Conley* was not the imaginary man that Burns *THEN* had, in his omniscient optics.

Not until all his turbulent efforts to find a straw man had failed, did he and Lehon bribe the poor old preacher, Ragsdale, and his poorer deacon, Barber, to swear that they had heard Conley tell another negro that he had killed a white woman at the pencil factory. It was the clumsiest, Burnsiest piece of frame-up that I had ever read; and I immediately picked it to pieces, in the weekly *Jeffersonian*.

The papers had barely reached Atlanta for sale on the streets, before Ragsdale broke them down and confessed—and now Burns is afraid to put himself within the jurisdiction of the Georgia courts.

When did Frank discover that Jim Conley was a drunken brute of a negro? Not while employing him, *for two years!* Not while allowing him to remain inside the factory, that Saturday afternoon, when Newt Lee was not permitted to come in and go to sleep. Not while Frank's own detective was probing, here and there, this one and that one, in the effort to find a lead. Not while the Coroner had the case in charge. Not once did Frank aid the police, the Pinkerton Detective, or the City detectives, by so much as a suspicious look toward the drunken brute of a negro.

Why not?

This young, lascivious Jew is a Cornell graduate, is as bright as a new pin, and keen as a needle; but in the tremendous crisis in which he found himself, that Saturday afternoon, his brain was in a turmoil, "a whirling gulf of phantasy and flame." Hence, having made a terribly criminal mistake, he followed it up, *as most criminals do*, by making minor mistakes.

It was a mistake to move that bleeding body. It was a mistake to lie to Gantt about those old shoes. It was a mistake to refuse to let Newt Lee enter. It was a mistake to show so much anxiety to get rid of Mrs. White. It was a mistake to call up Newt Lee and inquire whether anything had happened at the factory. It was a mistake to ask the men, Rogers and Black, whether a tragedy had taken place at the factory. But of course, the crowning mistake was, *to take Jim Conley into his confidence, in the mistaken effort to dispose of the corpse.*

The one mistake in calculation led to the other, and these two led to the third; to-wit, the writing of those four notes, in which he made the dead girl say she had gone to the toilet "to make water."

Are you to be told that a drunken brute of a negro would seize a white girl, inside a house, on a quiet legal holiday, violate her person, choke her to death with a cord, and then sit down to write four notes about it? Are you to be told that a drunken brute of a negro would attempt such a crime, *within a few steps of the white man's office*; and would leave the stunned, unconscious victim on the floor while he searched around to find a cord with which to choke her to death? *The hands* of the drunken brute of a negro would have been as much cord as *he* wanted.

When you put Jim Conley in the place of the murderer of Mary Phagan, you cannot budge an inch. Nothing going before the crime, points at him. Nothing that is shown to have happened at the time and place of the crime, points to him. Nothing that occurred afterwards, points to him. *Against Conley, the only testimony is that of Leo Frank!*

Had the State endeavored to convict Conley, it would have been met at the very threshold by the law which mercifully says the accomplice cannot convict the accomplice.

Frank's evidence against Conley stands alone! It has no corroboration whatsoever. And he is actuated by the irresistible motive to save his own neck.

Therefore, the case against Conley, *is Frank*, and nothing more.

When you put the negro in the place of the rapist and murderer, you confront the following difficulties:

Frank's first intention to shield Conley from suspicion.

Frank's attempts to cast suspicion on Lee and Gantt.

Frank's fixed idea that a tragedy had happened in his place of business.

Frank's haunting the Morgue, yet shrinking from the sight of Mary Phagan's accusing face.

Frank's refusal to face Conley, and to have a talk with him in the presence of witnesses.

Frank's absence from his office, *at the time of the crime*, and his false statement that he was in the office, *at that very time*.

Frank's efforts to "approach" Conley, intimidate him, or come to terms with him, as William M. Smith sets out in his statement to the court; and Frank's attempts to make Monteen Stover perjure herself.

Frank's bribery of Ragsdale, and the deal that was made with William M. Smith, by which he was to help slip the noose over the head of his own client, "the drunken brute of a negro."

Was there ever a fouler attempt than *that*?

Was there ever a completer failure?

You cannot imagine that the intellectual Frank has not kept in the closest communication with his lawyers, his detectives, and his friends, in these almost superhuman efforts to save his guilty life.

It is *not* Jim Conley that has struggled to pull himself out of the meshes. It is *not* Jim Conley that endeavored to corrupt Frank's witnesses, and seduce Frank's lawyers. *It was not Jim Conley that went out to hire a preacher and a deacon to swear away the life of Leo Frank!*

It was not Jim Conley who attempted to use the purchased affidavits, to mislead the Court, befuddle the public, and escape Justice.

It was Frank, whose conduct before the crime points in the direction of guilt. It was Frank who could not be seen, heard, or accounted for at the time of the crime. It was Frank whose actions were suspicious after the crime. It was Frank whose conduct, since the trial, has been that of a desperate criminal, frantically and blunderingly endeavoring to escape the toils.

None of this will fit Jim Conley, or anybody else. *It fits Frank!* It cannot be made to fit anybody but Frank.

Then who is guilty?

Either the white man, or the negro, or both, ravished and killed that little girl.

The bloodmarks say she was killed on Frank's floor, not far from his private office—AND NEAR HIS TOILET, WHERE HE SAYS HE MAY HAVE GONE—*not on Conley's floor, where Mrs. White saw the negro, at that time.*

The note says she was killed on Frank's floor, on her way to the toilet, where she had gone "to make water," *therefore, next to Frank's toilet—not on Conley's floor at all.*

Did Conley leave the lower floor, come up to Frank's floor, and do the deed? Why, *Conley could not have known that Mary was not in Frank's office, for that was where he had seen her go.*

Conley did not know where Mary was at that time. *Leo Frank was the only human being that knew where Mary was, at that identical moment!*

He himself says that she had been in his office and had gone out; and *he* knew that she did not take the elevator up or down, *but went towards the metal room, to see whether the metal which she was to work with had come.*

He followed her, overtook her, solicited her, put his hands on her—*and she screamed!* Then he struck her, knocking her down, fiendishly mistreated her, and then, horror-struck at the sight, and terrified by his consciousness of consequences, he went and got the cord which choked her life out.

Take Jim Conley's story, and *every proved incident dove-tails into it.*

Take Frank's story, and *every proved fact collides with it.*

Then who is guilty?

Ah, who knows a man so well as his wife does? This young married man, who had a young wife, must have been outraging every feminine instinct of her honest nature, for at first, *she would not go about him.*

In your bitter time of trouble if your own wife, near by, holds aloof, there is something hideously wrong with *you!*

“Last at the Cross, and first at the grave,” women are true!

It makes terribly against Leo Frank that his young wife held back! What pressure finally conquered her reluctance?

Poor little Mary Phagan! The chiefest of poets has sung of the proud Roman lady who would not survive her honor; but, in the hearts of right thinking men, Cornelia [actually Lucretia. — Ed.], ravished by a King's son, is no better than this daughter of the good old State of Georgia, who lost her life in defense of her chastity.

While the City witnessed the parade of the time-battered remnants of the Confederate armies that had given so many precious lives in defense of those things that men hold dear, only the angels and the Great God witnessed the struggles of Mary Phagan for the priceless jewel that good women hold dear. And there must have been blinding tears of unutterable pity, as those celestial witnesses looked down upon that frightful deed. Among all the horrible crimes that make humanity pale and shudder, there has been no blacker crime than that.

Only “a factory girl!” That's what the papers kept on saying.

Yes; she was only a factory girl; there was no glamour of wealth and fashion about her. She had no millionaire uncle; she had no Athens kinspeople ready to raise fifty thousand dollars for her; she had no mighty connections to wield influence, muzzle newspapers, employ detectives, and manufacture public sentiment.

Only a factory girl; therefore the Solicitor-General has had no outside help, has found his path of duty one of arduous toil, has fought his way at every step in the case against overwhelming odds, and he won simply and solely because he had the Law, and the Evidence on his side.

Honor to Hugh Dorsey!

Just as Whitman of New York bravely met the hell-dogs of organized crime, and lashed them into cowed defeat, Dorsey triumphed over Big lawyers, Big detectives, Big money, and Big newspapers in Georgia.

And because an enthusiastic people caught up this young hero in their arms, *after he had fought the good fight and won it*, we are accused of saturating the court-room with the spirit of mob violence!

It's an outrageous libel, on the State of Georgia!

No man ever had a fairer trial than Leo Frank, and no man was ever more justly convicted.

Never before did any criminal who had exhausted in his own behalf, every known right, privilege and precedent of the law, resort to such a systematic and unprecedented crusade against civilized tribunals, orderly methods, and legally established results.

If Frank's lawyers, detectives and newspapers are to have *their* way, then the Code, the Jury System—proud achievements of the most illustrious lawyers that ever lived—will have suffered a degradation not known since the packing of juries in the New Orleans cases, a decade ago, so infuriated the people, that they rose in their wrath and wreaked vengeance upon those Italian assassins.

During all the stormy times of the Pitt-Eldon regime in England, our jury system rode triumphantly through its waves. One intrepid lawyer, Thomas Erskine, was able to vindicate the noble truth, that the effort of our judicial system is, *to get twelve honest men in the jury box*.

So proud was Erskine of the fact that *our system*, had come out of the terrible ordeal untarnished and with added glory, he took for his motto, to be emblazoned on the panels of his carriage—

“Trial by jury.”

That which the most consummate of English advocates gloried in, *we* are asked to be ashamed of; and we are asked to condemn the verdict of Frank's jury, when Frank himself is utterly unable to show that the law did not give him *the twelve honest men in the box*.

What more could it have given? *What more did it have to give?*

Nobody compelled Frank to become a citizen of Georgia. He came of his own free will. *Has he any more rights than a native?*

If Frank had been living in London at the time he crushed the life out of that human flower, little Mary Phagan, he would have long since gone the swift road that Dr. Crippin travelled to his merited doom.

“Whosoever sheds man’s blood, by man shall his blood be shed.” So reads the sternly just law of the great old indomitable, unconquerable race from which we take so much of our religion, our law, and our democracy.

Is Frank to be an exception to Mosaic law? Is alleged race-prejudice to save him from the just penalties of the Code?

God knows, my sympathy is profound for those who sin through sudden passion, who are drawn astray by some irresistible temptation, who are lured to vice and crime by intense love or burning hate. For the man who kills another openly and who says to Society—“Yes, I did it! I had a right to do it. Here I am, take me, and try me!”—for such a man I have the broadest charity.

But for the man who waylays the road, or who basely stands outside a dwelling at night and murders the inmate—I have no pity whatsoever.

So, in a case like Frank’s, where a married man, a college-bred man, a man of the most creditable connections, deliberately lives a double life, debases himself to unnatural and inordinate lusts, and sets himself to the foul purpose of entrapping the one pure girl who was trying to save herself to be some good man’s wife—I admit, I freely admit, that it is in me to be as stern as the Law of the Twelve Tables.

Somebody *must* resist the dissolvent power of Big Money and a muzzled press, or Society will fall to pieces.

In all the imperial limits of Atlanta, were there not enough purchasable women, or lewd girls, to sate the lusts of Frank? Why was he *so* hell-bent to take this one little girl?

With his command of money and of opportunity, *was he not the man of many flocks and herds?*

Let us turn to The Book, and read the old, old story, ringing yet with the righteous wrath of the Prophet, and moving men’s hearts yet with its infinite pathos:

“And the Lord sent Nathan unto David—

and he came unto him and said unto him—

There were two men in one city—the one

rich—and the other—POOR—The
rich man had EXCEEDING MANY flocks and
herds—but the poor man had NOTHING
—save one—little—ewe lamb—
which he had nourished up—and it grew up
together with him and with HIS CHILDREN—
it did eat of HIS OWN meat—and drink of
HIS OWN cup—and lay in his BOSOM—
and was unto him as a DAUGHTER.

“And there came a traveller unto the rich man
—and he spared to take of his OWN flock
and his OWN herd—to dress for the wayfaring
man that was come unto him—but
took—the POOR MAN’S LAMB and dressed
IT for the man that was come unto him.

“And David’s anger was GREATLY kindled
against the MAN—and he said to Nathan-
‘AS THE LORD LIVETH—the man that hath
done THIS thing shall surely die—and he
shall restore the lamb FOURFOLD—because
he did this thing and because he had no pity’

—And Nathan said to David—“THOU
—art the man!”

Not long ago, a rich Hebrew, most influentially connected, stole two million dollars from the working people of New York, many of whom were Jews.

Henry Siegel stole the money under the familiar disguise of a commercial failure. He was tried and convicted—and sentenced to pay a fine of one thousand dollars, and to serve nine months in prison.

Whereupon, the Pulitzer paper, *The World*, admits that there *does* seem to be in this country one law for the rich and another for the poor.

Now, in the State of Georgia, we are doing our level best to prove that the law treats all men alike, and the Pulitzer paper is doing its best to defeat our aim.

The New York *World* has taken sides with the negroes, against the white people of the South, on all occasions.

It claims that the negroes are as good as we, and that the negroes should enjoy social and political equality.

So extreme has been the Pulitzer paper on this line that it sharply reprovved President Wilson in the matter of the William Monroe Trotter episode.

The New York *World* virtually says that the President deserved the insolence of the negro delegation, in that he had not interfered to prevent the heads of the Departments from requiring that the negroes use separate water closets, &c.

Yet in the Frank case, the great point emphasized by the World and the other Jewish papers is, that a witness against Frank *was a negro!*

It seems that negroes are good enough to fill our ballots, make our laws, hold office, sleep in our beds, eat at our tables, marry our daughters, and mongrelize the Anglo-Saxon race, *but are not good enough to bear testimony against a rich Jew!*

It is all wrong for us to disfranchise the negroes, all wrong for McAdoo, Burlison and Williams to require them to eat in separate restaurants, use separate wash-rooms, and go to separate toilets; all wrong for the President to allow any difference between whites and blacks, *but no negro must be taken as a witness against a Jew who can command unlimited money.*

That sort of logic is a fair sample of all the Leo Frank special pleading. None of it would be tolerated a minute, if there had not been such a systematic propaganda in favor of this worst of deliberate criminals.

From the very necessity of the case, we have to take the evidence of negroes in some cases—else Justice would be defeated.

Criminals do not summon the best men in the community to witness their crimes.

The murder in the brothel must of necessity be proved by bad women. No good woman is there to see it—nor any good man, either.

Time and again, in Georgia, as in all States, it has happened that the only witnesses to the crime were negroes, or bad white men. What is the law to do, in such cases?

Must it let murder go unpunished, for the lack of white men of the best character?

Every case must of necessity stand on its own merits, and be judged by its surroundings. A witness, otherwise objectionable, may become invincible *by reason of the nature of his association with the criminal*, and with the *res gestae* of the crime.

In his proclamations to the public, Leo Frank stresses the point that the reviewing court has never passed upon the question of his guilt, or innocence.

In other words, he asserts positively, in a carefully prepared written statement, that the Supreme Court of Georgia has never reviewed the evidence in the case.

What an arrant falsehood!

Every tyro in the legal profession knows better.

In a first motion for a new trial there are three grounds which are so invariably taken, that even the form-books lay them down, as stereotyped.

The defendant *always* alleges that the verdict was strongly and decidedly against the evidence, against the weight of the evidence, and without evidence to support it.

Therefore, the Supreme Court *had* to pass on the evidence. The Supreme Court *did* pass on the evidence. And the Court *did* say that the evidence was sufficient to sustain the verdict.

There was no “mob” threatening the Supreme Court. There was no military display menacing the Supreme Court.

Those serene, experienced lawyers were *not* twelve terrified jurors, for whom Leo Frank is now so sorry.

On their oaths and their consciences, those superb lawyers, coolly deliberating in private and in the profoundest security, *had to say whether the evidence set forth in the record was sufficient to warrant the verdict of those twelve jurors.*

And those Justices, *upon their oaths and their consciences*, said the evidence was sufficient.

Yet Leo Frank has the brazen effrontery to argue that his case has never been tried, except by twelve men who were scared into a verdict by the Atlanta “mob.”

This attempt at misleading a sympathetic public is on a par with the efforts made to suppress testimony, to frighten those girl witnesses, and to buy up Ragsdale and his deacon.

It is on a par with that pulpit crusade they started in Atlanta. It is on a par with William J. Burns’ “utterly confident” explorations in Cincinnati and New York. It is on a par with Burns’ interviews with Conan Doyle, John Burroughs and whole lot of other people who have never seen the record in this case, *nor been charged with the fearful responsibility of trying this man for his life.*

The State of Georgia and its Judiciary, and the honest jurors who were sworn to try Frank, have been vilified, held up to scorn and made objects of derision and hatred, by irresponsible persons who know nothing of the evidence, except that Jim Conley is a negro.

The public has been gulled, again and again, by the noisy protestations of William J. Burns, and by the assurance that something wonderfully sensational would explode very soon.

But nothing ever comes of it. Every time there is a show down, it is the same old thing. The same old fatal pursuit of the girl by Frank; the same old undisputed and damnable fact of the little victim being lured back to his private office, to get the pitiful balance of her pitiful wage; the same old unexplained disappearance of the girl, *and the same old utter inability of Frank to give an account of himself.*

Let me quote one sentence from a masterful book which has recently been published, and which has been widely read. Its author is Edward A. Ross, Professor of *Sociology* in the University of Wisconsin; the name of the book is, “The Old World and the New.”

This expert in Sociology makes a study of Immigration, the changes brought about by it, the diseases, crimes and vices incident to this foreign flood, &c.

On page 150, he says—

“The fact that the pleasure-loving Jewish business men *spare Jewesses, but PURSUE GENTILE GIRLS* excites bitter comment.”

This bitter comment is made by *the city authorities*, who have had to deal with these pleasure-loving Jewish business men who spare the Jewish girls, and run down the Gentile girls!

If Professor Ross had had the Frank case in his mind, he could not have hit it harder.

Here we have the pleasure-loving Jewish business man.

Here we have the Gentile girl.

Here we have the typical young libertine Jew who is dreaded and detested by the city authorities of the North, for the very reason that Jews of this type have an utter contempt for law, and a ravenous appetite for the forbidden fruit—*a lustful eagerness enhanced by the racial novelty of the girls of the uncircumcised!*

The Frank case is enough to depress the most hopeful student of the times. It has shown us how the capitalists of Big Money regard the poor man's daughter. It has shown us what our daily papers will do in the interest of wealthy criminals. It has shown us how differently the law deals with the rich man and the poor. It has shown us that some of our lawyers, members of the Bar Association, are ready to use crook detectives and crook witnesses to defeat Justice.

It has shown us that these lawyers are eager to have the Federal Courts step into the province of our State Courts, and set a precedent which would mean that whoever can hire the attorneys, can run the gamut of our State Courts, and then run the gamut of the Federal judiciary.

And the end will not even then be reached. If no court will disturb a righteous verdict, political pulls must be tried.

The most insidious, sinister and powerful pressure will be brought to bear upon the Pardon Board, and upon the Governor, *to prevent the law from taking its course*, and to give another depressing instance of "the difference, 'twixt the Rich and the Poor."

It is fair and proper to assume that our State officials will do their duty, "without fear, favor, affection, reward, or the hope thereof."

Collier's, however, has taken it upon itself to announce that Leo Frank will *not* be executed.

Therefore, *Collier's* has been guilty of forestalling the action of the Georgia Pardon Board, and the Georgia governor.

Collier's is publishing a series of articles on the case. They are similar to Connolly's rigmaroles in the Baltimore *Sun*. They repeat the one-sided statements of the *Times* and

the *World*. Burns seems to have won the confidence of Mr. Connolly, and Mr. Connolly's articles sound loudly of William J. Burns.

These newspaper articles of *the propaganda of Big Money against the Law*, are all based on Leo Frank's *ex parte* statement, which he dared not submit to the test of a cross-examination.

Not one of these newspaper articles deals with the undisputed facts which form the chain of circumstantial evidence, solidifying the work of the direct testimony.

These intensely partisan articles are predicated upon the alleged fact, that some men on the streets of Atlanta said, "Hang the d-n Jew!" and upon the baseless assumption that the jury heard these cries, and were controlled by them.

Not once have these hirelings for the defence argued the actual, proved, material, controlling *facts that compelled the verdict*.

What do rich Jews care for Jews who are poor?

Suppose Leo Frank had been a moneyless Hebrew immigrant, recently arrived from Poland, and peddling about from house to house to get a few dollars for the wife and child he left behind in the war-zone, would the wealthy Jews, of Athens, Atlanta, Baltimore, Brooklyn, Philadelphia and New York be spending half-a-million dollars to save him from the legal consequences of premeditated and horrible crime?

Or suppose Mary Phagan had been Jacob Schiff's daughter, or Belmont's daughter, or Pulitzer's daughter, or Och's daughter, or Collier's daughter, would Leo Frank be the subject of a propaganda of libelous misrepresentations of the people of Georgia?

It hasn't been so long ago, since *Collier's* published the slander on Southern white women, in which the editor alleged that *the white women accused negro men of rape, TO HIDE THE SHAME OF CONSENT!*

Having championed the negro rapist against the Southern white woman, *Collier's* now champions an abnormal Sodomite, who comes as near *carrying it on his face*, as any lascivious degenerate ever did.

William J. Burns knows that he has discredited himself, and he is now using C.P. Connolly as his megaphone. C.P. Connolly is flooding the country with literature, finely gotten up on glossy paper, and illustrated by an idealized cut of the horribly sensual face of Leo Frank.

The purpose is to divide public opinion, create mawkish sentiment, and manufacture a sympathy which will influence the authorities. The most outrageous misrepresentations about the Atlanta "mob," and the Atlanta military, and the terrorizing of the jury, are being recklessly circulated, to save as guilty a man as was ever arraigned, and to

besmirch a State whose laws, juries and judges are notoriously inclined to the utmost verge of leniency.

There was no Big Money to push the case against Leo Frank. There were honest Atlanta police-officers, an honest Pinkerton detective, some white girls and white men who could neither be bullied nor bought; twelve honest jurors in the box and a just judge on the bench; an able, fearless and energetic Solicitor-General as the State's representative; and a chain of proved facts and circumstances, which apart from negro evidence, excluded every other reasonable hypothesis, save that of the defendant's guilt.

Above all, towered the Supreme Court of Georgia, which ignored the attempted intimidation of the *Atlanta Journal*—a Georgia paper that prostituted itself to the propaganda of Big Money and declared that the execution of *this* Beattie, *this* McCue, *this* Durant, *this* Leftie Louie, would be “judicial murder.”

Leo Frank and Mary Phagan, the pursuer and the pursued, the hawk and the dove, the wolf and the lamb—there they are! The bones of the little Georgia girl are mouldering in the ground, while Leo Frank poses for another photograph and composes another statement, and his rich, powerful champions declare defiantly that he will not be punished.

May the Almighty source of Justice and of Power, give to the Governor of Georgia the strength to withstand all blandishments, all improper influences, all mawkish appeals, and *to stand firm, BY THE LAW, and do his duty*, as the jurors and the judges have done theirs.

The systematic and hugely expensive campaign of slander that has been waged against the people of Georgia in regard to this case has logically and necessarily created this kind of a situation: to-wit—

If the Pardon Board, or the Governor, intervenes, that intervention will be inevitably understood to be *a condemnation of the jury, of Judge L.S. Roan, of Judge Benjamin H. Hill, and of the Supreme Court.*

The charges made by Frank's lawyers, by Frank himself, by William J. Burns, by the big Jewish newspapers, and by *Collier's*, strike at the integrity of our judicial system, and the racial fairness of our people.

The courts are accused of trying this man by riot and hysteria, instead of by evidence and law. The people are accused of condemning him because he is a Jew, and on the unsupported testimony of a negro!

Are those charges true? If they are, the courts and the people of Georgia *are eternally disgraced.*

The Big Money propagandists say that the charges *are* true.

Alleging them to be true, the propagandists demand that the Pardon Board and the Governor change the sentence of the Law.

Shall this charge be countenanced by the Pardon Board, and the Governor?

Shall wealthy outsiders invade the State of Georgia, and take this case into their own hands? *Shall foreign influences usurp the functions of our courts, and dominate the administration of our laws?*

No other State tries its criminals in the newspapers, in the pulpits, in the banks, or in the back-rooms where politicians juggle.

The daily papers and *Collier's* did not attempt to dictate to Virginia, in the McCue and Beattie cases. Nor did the papers attempt to annul the law, to save the lives of the gunmen who shot the Jew gambler.

Infinitely worse than the Rosenthal case, infinitely worse than the McCue and Beattie cases, is that of Leo Frank, the libertine who kept after this little girl, *and kept after her, AND KEPT AFTER HER*, with the lust of a satyr, and the ruthless determination that she should not escape him.

All over this great Republic lawlessness is raging like the wild waves of a stormy sea. All over this Christian land the crimes against women are taking wider range, vaster proportions, and types more fiendish. The white-slaver stands almost openly in crowded streets, in waiting rooms, and at factory doors, with his net in his hands, ready to cast it over some innocent, unsuspecting girl. The lascivious employer—from the highest to the lowest, from the lawyer and politician who advertise for type-writers and stenographers, down to the department stores, the small factories, the laundries and the sweat-shops—are on the lookout for poor girls and young women who will exchange virtue for “a good time.”

Do not we all know it?

Where the girl is of the age of consent, and consents, it is bad enough, God knows!

But where the girl is good, and wants to stay so, and she is pursued, and importuned, and entrapped, and is not permitted to keep the one jewel that her poverty allows her, but is forcibly robbed of it, and then killed to hush her mouth—O what shall we say of that?

And what are we to think of the men, *and the women*, who can forget the poor, weak, lonely little heroine *who died, for her honor*—amid this magnificent people who rear monuments to regiments of *strong men* who have died for principle?

Tom Watson: The Leo Frank Case

The Creator that made me, best knows how I revere brave and good men that stand the storm, resist temptation, keep to the right path, and go to their graves—martyrs to Faith, and Duty, and Honor—rather than surrender the glorious crown of Manhood.

But the words have never been coined which can express what a true man feels for the woman who is so great, in the divine simplicity of unconquerable innocence, that she, like the snow-white ermine of the frozen Arctic, *will die, rather than soil the vestment that God gave her.*

In this day of fading ideals and disappearing landmarks, little Mary Phagan's heroism is an heirloom, than which there is nothing more precious among the old red hills of Georgia.

Sleep, little girl! Sleep in your humble grave! But if the angels are good to you, in the realms beyond the troubled sunset and the clouded stars, they will let you know that many an aching heart in Georgia beats for you, and many a tear, from eyes unused to weep, has paid you a tribute too sacred for words.

* * *

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Transcribed by Penelope Lee. Exclusive to the *American Mercury*.

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