

Will Defense Put Character Of Leo Frank Before Jury?

Will Leo Frank's character be one of the issues in his trial for the murder of little Mary Phagan?

That is a question which has been the subject of speculation since it was first known that he would be tried for the murder, and as the case has progressed the subject has been discussed frequently.

Not one in a hundred defendants place their character in issue when on trial for murder, but a condition has arisen in the Frank case which may cause his attorneys to think it wise to take this step.

It came when James Conley, the negro who accuses Frank of the murder, testified to misconduct on the part of the defendant which would brand him as an outcast among men, and when C. B. Dalton, the white man, mentioned by the negro, testified to having visited the factory for immoral purposes with Frank's knowledge and to have seen him drinking beer with women in his office.

Defense Lose Point.

The defense, after letting the testimony of the negro stand until they had cross-examined him upon it, moved to strike it from the record and only lost after a hot argument on both sides.

That such evidence is bound to have its effect upon a jury of twelve average men is admitted by both the state and the defense. It was admitted by the state when the state sought to keep it in and it was admitted by the defense when a fight was made to strike it.

In rebuttal of this the defense may put the character of the defendant squarely in issue and introduce many witnesses to prove good character.

From the time Frank was first arrested on suspicion his friends declared that he was a man of unimpeachable morals and habits. Many of those with whom he associated as a young man frankly declared that Leo Frank had never indulged in even the slightest form of dissipation and that

he had parted company with them on every occasion when they started out to indulge in forms of dissipation.

Others who knew him as a man and as superintendent of the large factory asserted the same thing, and when the case started to trial on July 28 there were nearly a hundred witnesses sworn in whose only use could be to testify, if need be, to the defendant's good character.

Will Testify for Frank.

Many of the well-known business men of Atlanta were among this list, and there were others in various walks of life, all of whom know Frank and believe in him. There were men who could tell of him in business and in fraternal orders, others who knew him in social life, and still others who knew him in the closer relations of family life.

There are many women also among the list which includes those people who have known Frank from the day he came to Atlanta until the present time, and who were closely associated with him until the day of his arrest.

On the other hand, should the character of the man become an issue, it is not known what the state would do. It might allow it to go unchallenged and to declare that it was not seeking to convict him on past character, but on the actual charge of a specific crime.

The state might, however, bring what it could to attack the man's character and try to show evidence tending to paint him such a man as Conley and Dalton picture him.

Would Swear for Frank.

Should Frank's character go in issue there is one great advantage that would lie with the defense. Men and women whose reputations are free of any charge would swear to his good character. Many of those witnesses who might be in a position to swear to his evil character must necessarily admit to the jury that they were besmirched with the same mud in which they would claim Frank had wallowed in.