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The Leo Frank Case. Does the State of Georgia Deserve This Nation-Wide Abuse?

MR. ADOLPH OCHS, a most useful servant of the Wall Street interests, runs a Tory paper in New York, whose chief end it seems to be to uphold all the atrocities of Special Privilege and all of the monstrous crimes of Big Money. The name of the paper is, *The Times*; and, like its owner, it is an ox that knows its mas-

some years ago, Mr. Brisbane, the great Hearst editor of all the great Hearst newspapers, and author of the great book known as "The Hearst Editorials," took occasion to say upon the worthy Adolph Ochs, and to say things about him and his paper that were enough to make the windows rattle.

In fact, the windows *did* rattle; for the arrogant Ochs took his head out of his mas-

crib long enough to file a damage suit against the great Hearst paper. The case had not been on file more than a month or so, ere the redoubtable Brisbane came

back at the worthy Ochs, in another editorial, immensely more caustic, merciless, scathing, flagellative and actionable than its predecessor. Brisbane commenced this second attack by saying, in effect, "Ochs has brought a damage suit against us because we told the truth on the Leo Frank case. We will now tell some more truth on him, and thus give him the chance to file another damage suit."

But no second suit was filed; and the first one came to nothing.

If Mr. Adolph Ochs continues to libel the people of Georgia in his Wall Street organ, I will have to look up the Brisbane editorials, and republish them. They are in my scrap-books, somewhere, and they will read spicily at this particular time, when *The Times* is viciously lying about the courts and the people of Georgia. Especially, as the great Hearst papers are helping him do it.

On March 20, 1914, there appeared in Mr. Ochs' Wall Street sheet the following:

LIKENS FRANK TO BELLIS.

Same Clamor Heard in Georgia as in Russia, Says Rabbi.

Special to The New York Times.

Philadelphia, March 21.—The State of Georgia was arraigned for injustice in the conviction of Leo M. Frank for murder by Rabbi Henry Berkowitz today in a sermon at Rodeph Shalom Synagogue. He said:

"Frank's conviction on a charge of murder was

be found.

"The officers of the law, sworn to preserve peace, openly encouraged the mob. Wild stories utterly without basis were set afloat. One of these was that, Frank, being a Jew, the Jews would spend unlimited funds to insure his acquittal. The court and jury were intimidated. The Judge made the astounding confession that after hearing all the testimony he was unable to decide whether the defendant was guilty or not, nevertheless he refused a new trial and inflicted a sentence of the extreme penalty—death.

"Some months ago, when the infamous Bellis trial was being enacted in Russia, the press, the pulpit, the platform, and the people of this land united in ringing denunciation of the scandalous injustice. Our sense of decency and fairness was outraged, and now what a sense of shame comes over us as we painfully realize that within the borders of this fair land it has become possible for scenes to be enacted not unlike those of Russia. The State of Georgia is on trial."

The Rabbi compares Georgia to Russia, a happy comparison which I myself have made upon occasion. For instance, when an unknown, non-existent "Martial Law" was nevertheless proclaimed and put in force, and civilians were shot down like so many mad-dogs, because they were peaceably and legitimately using streets that they were accustomed to use, and which no visible signs, or barriers notified them not to use—then, indeed, my indignation knew no bounds save those of the

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Shall the Atlanta Politicians and Corporations Dictate to the People of Georgia?

THE other day I was talking with a couple of old friends, one in my own doxy, and the

name of Private-Secretary Ulm came up. Ulm, you know, is the man of the Executive Office in Atlanta, who has been handed down from one Governor to another, until he is sometimes more of a governor than the

governor is. Some years ago, Ulm soured on my stomach, and I've never been able to take enough politi-

soda to get rid of the Ulm acidity. One of these two old friends of mine remarked, addressing himself to me, "Ulm

he regrets very much that Mr. Watson does not understand him."

I laughed and said, "No, it's not that. What

Ulm very much regrets is, that I do under-

stand him." So, when I learned by private grapevine

from Atlanta that Ulm had gone before the State Democratic Committee at its session

last week, and had made a strenuous effort to

abolish our County Unit plan, in the

approaching Senatorial election, I was not

surprised. Ulm is Private Secretary to His Excellency,

calling on me to notice that Smith's Executive Committee had set aside the County Unit plan. Clark was very angry. If he hadn't been so fat and short winded, he would have swelled with indignation.

I was in Florida at the time, and had not seen what Smith's rubber-stamp Committee had done. Clark jogged my attention, and wrote me the facts, calling for war.

Well, we went to war, in behalf of the Constitutional rights of the small country counties. Clark and I went to doing about and killing bears. There was an awful racket, and Smith resisted the 'ipicac with all his Goliath strength.

But Clark and I were too much for him, and we got the medicine down, and he had to "throw up." Lost the governorship, you see, by going back on his own promises concerning the County Unit plan.

Then, he waited two years before demanding another office. They must have been long, lonesome years.

But in 1910, he ran again vowing before high heaven that never again would he molest the County Unit plan. He also delivered himself most virtuously on every possible public question. Whenever there were two sides to any question, he took both.

In public, he was against the corporations; in private he wasn't.

In public, he was against the

whiskey interests; in private he wasn't. By lavish expenditure of money, and the artful playing of a double game, he managed to get back in office, by a very small majority. He wouldn't have got *that*, if he and Judge Hines had not concocted the perfidious letter which misled my own following.

The moment, he was sure of the nomination, the treacherous man struck *again* at the County Unit plan, securing its abolition under the famous "Rube Arnold Rules."

So universal was the wrath of the deceived people of the small Country Counties, that an opposition campaign was immediately commenced—and it was because of this that Smith tried to have me assassinated.

He didn't quite get me; and our campaign resulted in a stinging rebuke to him and to his Rube Arnold Rules.

THAT VICTORY PUT HIM IN A MINORITY.

The politicians appear to have forgotten, that the last time the people had a chance at Smith, **THEY SWATTED HIM!**

But Smith did not forget it. Therefore, he was afraid to go before them when he became a candidate for the Senate. He sneaked behind his rubber-stamp Committee,

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Atlanta preachers, and the Rabbi Berkowitz? The Rabbi says that the State of Georgia is on trial.

For what? And before whom? She is arraigned because the evidence of a negro witness was the corner-stone of the case against Frank—the negro being a *daily associate of Frank at the place of the crime*, and nearer to him, it seems, than any one else employed there.

Other witnesses, white and unimpeachable, established facts which put Frank on the open road to the crime: other witnesses, white and unimpeachable, pointed to the little girl, as one girl at the factory who had repulsed Frank's overtures—therefore, the one girl who had inflamed his desire to possess her.

Other witnesses, white and unimpeachable, put that lovely and innocent maid into Frank's keeping in such a way that a voice from on high might have echoed the terrible question that rang upon the outskirts of Eden—**“WHAT HAVE YOU DONE WITH HER?”**

Where is Mary Phagan? She went to you: she was received by you in your office: she was left in your hands by the friend who went there with her: she was never again seen alive: what did you do with her?

“CAIN, WHERE IS THY BROTHER?” And the brother was dead; and upon his blood-stained face rained the first tears of the first parents, as the first Murder and the first Death stalked, red-handed, into the world.

Great God! That any sane man could follow the evidence which *put into Frank's power*, the girl whom he lusted after; and then fail to realize the awful nature of the fact that *he could not account for her, nor for himself.*

It was *this* that made Conley so destructive to his daily associate, Leo Frank.

The negro *could* account for the girl and for Frank; and he did it so simply, so naturally, so truthfully, that Luther Rosser, the white mental giant, was utterly unable to cope with the ignorant black man, although Rosser spent eight hours in the mental contest.

Luther Rosser may not have known that *he himself strengthened the State's case enormously when he made his ludicrous failure, cross-examining that darkey.*

In the State of Virginia, the young liberating his wife, on less evidence than the State of Georgia presented against Frank. Beattie and his lawyers yelled “Judicial Murder!” Up to the very day he was to be hanged, Beattie continued to say, “You are murdering an innocent man!”

So persistent was he in making this assertion, that many people who had not read the evidence, became convinced that he *was* innocent. Others who were not convinced, were shaken by painful doubts.

But the courts and the Governor of Virginia stood firm **FOR THE LAW.**

Then, two hours before his execution, Beattie broke down **AND CONFESSED HIS AWFUL CRIME** against the helpless, innocent woman!

It is highly probable that after Burns, Rosser, Arnold, the Journal, the Georgian, the New York Times, and other sensationalists, shall have exhausted the money and the patience of the rich Hebrews of New York and Atlanta, this Georgia rapist and murderer, Leo Frank will confess *his* crime, as Beattie confessed.

If Leo Frank has not had a fair trial, how would we start about giving him one? Every privilege known to jurisprudence was extended to him. He had the best lawyers, he had the Burns' detectives, he had all the time he needed to prepare his defense,

he had every conceivable opportunity to rake the earth for evidence.

He not only employed attorneys before he was accused, but there is a vehement suspicion that he attempted to detail one of his own lawyers to associate himself with the prosecution—in order that the able Solicitor-General, Hugh Dorsey, might be handicapped by a spy in his camp.

That was one of the most singular phrases of the case, and it has evidently escaped the attention of Mr. Ochs, Mr. Gray and the Rabbi.

If that exceedingly suspicious movement of the lawyer who has been closer to William J. Burns than any other lawyer in Georgia, meant *what it seemed to mean*, it would bear the interpretation that Frank knew from the first that his case was desperate.

When the boisterous boaster, William J. Burns, came to Atlanta to personally work at saving Frank from punishment, his own conduct was that of a clumsy amateur.

He declared that he had not come to save Frank, or to work for Frank, nor predisposed to favor Frank: he had come as the impartial champion of Justice, to find the guilty man.

Burns has perhaps told many a lie as big as that, but none bigger. He might have been willing to have done it; but he did not do so, because he couldn't. Nobody could. Not even T. Bosh Felder.

The next amateurish blunder that William J. made was, when he visited Frank in the Tower, and gave out the statement that he found Frank to be *normal*. Not a pervert, not a degenerate, not a neurotic: but “normal.”

Thus the artless Burns drew public attention to Frank's horrible face, and provoked comment upon his abnormal features. No real detective would have stumbled like that. It was just such an asinine mistake as would come natural to a *brassy pretender.*

I wonder if Burns ever studied any scientific work on morbid, diseased sexuality. Even he might learn something from standard books of that kind. He might begin with the monumental volume of Dr. R. v. Krafft-Eding, German Specialist, called **“PSYCHOPATHIA SEXUALIS, A Medico-Forensic Study.”**

The physiognomy of Frank is altogether unusual. Burns himself confessed as much when he fished up the *boy pictures* of his client, showing his face *prior to the age of puberty.*

Burns confesses this, also, by having recent pictures taken in such a way as to *disguise the profile.* In the recent pictures, *the eyes are refused*, just as the Emperor of Germany refuses his deformed arm, in all of his portraits.

In the recent pictures of Frank, those bulging, satyr eyes are covered by the lids, as Frank bends his head to read. In that pose, you miss the protruding fearfully sensual lips; and also the animal jaw.

Thus the self-advertising, flambouyant Burns focusses attention on a weak point, *“where the hand of God is seen.”*

No negro witness put those unfailing signs of abnormal sexuality on Leo Frank: nature did it. Why? Nature runs into freaks, very often, else we would have no such monstrosity as Oscar Wilde, who sang better than an angel and sinned worse than a beast.

Why do we have the men of Sodom, and the crime of Gomorra? Why do we have men whose lust craves other men; women who crave other women; and men who cannot be satisfied by natural intercourse with the other sex?

No man can explain it; but all men know about the thing itself.

You trace a purse into my possession, and then it disappears: the law tells me I must

account for it. The best law is common sense: he who last had possession of the lost article, must tell what went with it.

The person last seen with a murdered person, must give an account of himself, during the period of time involved in the crime.

Frank could not do that; and that was the millstone about his neck.

Moving heaven and earth to bring influence to bear, Miss Jane Addams of Chicago, was reached. Her letter to “My Dear Mrs. McDougald,” is on its travels throughout the whole newspaper world.

Miss Addams thinks “the women of Atlanta, through their organizations, or through petitions,” should protest against the execution of Frank.

Miss Jane Addams did not hear the evidence in this case, and does not claim to have even read it. She has not been solemnly sworn as a juror, and *impressed into painful duty as an agent of the law.*

Jurors do not love to find men guilty. Judges do not love to sentence men to death.

On the contrary, it often wrings the very hearts of these agents of the law *to have to do their duty.*

They are the soldiers of peace. It is their part to beat back the cohorts of vice and crime. If they fail of their sworn duty, Society dissolves, and lawlessness asserts the old principle of “*Might is Right.*”

The humbler the citizen, the weaker in power, the poorer in purse, *the more should he be the unflinching supporter of law, order, and the judicial processes by which the State endeavors to fix guilt and punish it.*

We cannot try cases in the parlor, on the street-corners, in the barber-shops, in the pulpit, in the synagogue, in the newspapers, or by venal detective agencies.

Least of all, should any man be screened because of his race. Nothing more disastrous could happen than a general loss of confidence in those methods which the experience of ages has convinced us to be the best we can do, in the way of trying persons accused of crime.

Those methods are not perfect, God knows! but what other human institution claims perfection?

We cannot give Frank more than we give to others.

We cannot have one law today, and another tomorrow; one law for the Jew, and another for the Gentile.

I cannot think of anything more likely to do permanent and grievous harm to the great Hebrew people, than to have the idea go abroad that they must be treated better than we treat ourselves.

Prejudice is always easy to excite, and hard to soothe. This storm of vilification aimed at our State, because of one degenerate Jew, who has had every right known to the law, will not do us any harm, *but may do its instigators a great deal.*

From all parts of the world, Jews come here because of our laws, and our institutions. They are not doing themselves any good, by purchasing detectives, newspapers, artists and other reckless slanderers *to indict a whole State.*

If, as the Rabbi alleges, “the mob” took control of the Frank case, why did not his lawyers see it, and move for a change of venue?

The law is extraordinarily liberal in that respect. No case can come under “mob” influence, unless the defendant and his lawyers are entirely negligent.

Three negroes charged with a crime similar to Frank's are now in the same Tower, their case having been moved from Jefferson County because “mob” influence was feared.

Are we to be told that the lawyers and detectives and “*strikers*” for Leo Frank, were

less intelligent and less diligent than the attorneys of these three negroes?

Strange to say, the negro newspaper published in Atlanta, *The Independent*, is not at all incensed by the conviction of the negroes, but is mightily agitated by the conviction of Frank. It says that Frank has not had a fair trial. Did the three negroes have one?

If Frank did *not* have a fair trial, it is passing strange that his able lawyers could not specify the unfairness.

Miss Jane Addams, speaking in Frank's behalf, says, "an execution is so desperately irrevocable."

Yes, death is very irrevocable. Possibly, Jane Addams knew *that*, several years ago. She may have learned it, when death strode into her own family. In any event, it is not more "desperately irrevocable" than it was when *Mary Phagan died*.

Only "a factory girl!" Just a sweet young daughter of the common people, going out, day by day, to work at a pitiful wage. Not a girl of the Four Hundred: not a girl of the silks and the diamonds; not a young woman of the Smart Set, of Palm Beach, of Druid Hill, or Peachtree Street.

Going to Frank's office to collect a trifle due on her work, she is never seen again, while the stars were in her eyes, and the roses on her cheeks.

Mother waits—mother waits in vain. The aching hearts will ache for evermore. The little factory girl who held to her innocence, will live always in the memories of the people of Georgia.

In all the cruel, cruel annals of crime, there is no fouler spot than that which was made in that pencil factory. In all the gruesome horrors that haunt us in our sleep, there is no match to this.

Death sudden, death hideous; death, after mortal agony, and terror, and pleadings, and moans of heart-breaking despair, was what came to the pure girl, when she went to the impure man to get her pay—and was left in his power.

Jane Addams says that "an execution is desperately irrevocable." *Mary Phagan found it so.*

The children of the poor who perished because of the Ice-trust greed and criminality of Charles W. Morse, had no one to speak for them, when the millionaire murderer was shamming the "dying man," with the "incurable disease."

Mary Phagan, another child of the poor, has no Burns Detective Agency to rush into the papers every morning, with just such sensational dope as the manipulators of the underground machinery think most effective.

That they have muzzled the three Atlanta dailies, counts for little. It may even be money unwisely spent. Those three Atlanta papers are notoriously purchasable. They are open, or silent partners in this Burns-Felder campaign for Frank, just as they were in the Felder-Seeley campaign for Charles W. Morse.

The methods are exactly the same. The daily "story" in the papers, is of the same faith and order. The flagitious disregard for truth is the same. The insolent assumption that the public is a gullible goose, is exactly the same. And the success of the fraud may be the same.

If the organized womanhood of Atlanta should forget about the indescribable outrage committed upon "the factory girl," in the factory, and should bestir itself to save the degenerate beast, who most undoubtedly raped and killed Mary Phagan—the womanhood of Atlanta will have done something which they had much better have left undone.

Had Mary Phagan been the little sister of Jane Addams, how would Jane feel about it?

If Mary Phagan had been the daughter of

Mr. Hearst, or Mr. Gray, or Mr. Ochs, or Mr. Burns, how would they have felt about it?

Mr. Brisbane and Mr. Ochs are now bed-fellows: the Hearst papers and the Ochs papers are working hand in glove to defeat the law, to defeat justice, and to save a pervert, whose crime is as foul as that of any negro rapist in the history of our State.

"The State of Georgia is on trial," says the Rabbi, says Ochs, says Burns, say the Hearst papers.

All right: *we accept the challenge!* The State of Georgia is on trial; and we will demonstrate to the world that all the money which Burns can lift out of the rich Hebrews of Atlanta and New York, shall not prevent us from meteing out equal and exact justice to the degenerate Jew, Leo Frank.

We did not spring the race issue. Frank himself did it. After his case was finally adjudicated in the Supreme Court, the flood-gates of garrulity burst open, and a torrent of talk overflowed the country. Frank talked for publication: his attorneys talked; his editors talked; his "strikers" talked: and then came the Great Detective, who not only talked incessantly himself, but kept the other talkers talking, until the rising tide of verbosity not only submerged the old landmarks in Georgia, but drifted its flotsam and jetsam to the uttermost regions of the censorious North.

Whatever could be said that would defame the people of Atlanta and the judiciary of the State of Georgia, was published far and wide, and it all emanated from the same fountain head in Atlanta. 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 dangers. One intrepid lawyer, 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 law?

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 who is undressing to go to bed—and whose lamp shows him to the coward outside—I have no pity whatsoever.

When the Striplings escaped the gallows, the courts furnish another illustration of the extreme tendency of jurors to be lenient.

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 giddy girls to sate the lusts of Frank? Why was he hell-bent to take this one little ewe lamb?

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 ---- but faring man that was come unto him ---- and 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 ---- because he did this thing and because he had no pity ----' And Nathan said to David ---- 'THOU ---- art the man!'"

As it was in the beginning, is now, and ever shall be—
AMEN.

Popery, in Its Relation to Civil and Religious Liberty.

THERE has been such a demand for the February Watson's Magazine, in which a full reply was made to Cardinal Gibbons' amazingly false sermon, that we have put the article in booklet form.

The reader can easily verify every statement made by Mr. Watson, in answering Cardinal Gibbons, provided the reader is sufficiently interested to consult the standard authorities.

We will send the booklet at 10 cents a copy, prepaid; 10 copies for 75 cents; 100 copies for \$6.00.

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