

The Leo Frank Case

<http://georgiainfo.galileo.usg.edu/leofrank.htm#Pardon>

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### Biographical Notes

Leo Frank was born April 17, 1884 in Cuero, Texas to Rudolph and Rae Frank. Within a few months, the family moved to Brooklyn, where Leo grew up. He graduated from Cornell University in 1906, earning a degree in mechanical engineering. In December of 1907, Frank went to Europe for a nine-month apprenticeship in pencil manufacturing. In August of 1908 he moved to Atlanta to assume the supervision of the National Pencil Factory. Two years later, in November 1910, Frank married Lucille Selig of Atlanta. The couple lived with Lucille's parents. By the year 1913 the Jewish community in Atlanta was the largest in the South; Leo Frank was serving as president of the Atlanta chapter of B'nai B'rith, while maintaining his position as supervisor of the National Pencil Factory. At the time of Mary Phagan's murder, he was twenty-nine years old and had supervised the factory for almost five years.

Mary Phagan was born on June 1, 1899 to John and Frances Phagan in Marietta, Ga. Her father died when she was young; her mother eventually re-married to J.W. Coleman. They resided briefly in Alabama before moving back to Marietta. Mary Phagan was employed by the National Pencil Factory to operate a machine which placed metal tips on pencils. Mary had been temporarily laid off in April of 1913, because a shipment of metal to make the tips was late in arriving. She was due \$1.20 in wages, which she went to collect on Confederate Memorial Day, April 26, 1913.

### Chronology

Murder, Investigation, Arrest, Indictment - April 26-May 25, 1913  
Pre-Trial Reports - May 26-July 27, 1913  
Trial, July 28-August 26, 1913  
Appeals, Commutation, Lynching  
Pardon

[Links to other Leo Frank sites and Printed Sources](#)

[Murder, Investigation, Arrest, Indictment](#)

April 26, 1913 - Mary Phagan, an employee of the National Pencil Factory in Atlanta, was murdered sometime after picking up her wages from the factory.

April 27, 1913 - Arthur Mullinax, an ex-street car driver, and Newt Lee, the night watchman at the National Pencil Factory, were both arrested on suspicion of being implicated in the murder of Mary Phagan. Lee was African-American and was the man who discovered her body soaked with blood, with two scrawled notes lying nearby. Mullinax had frequently driven Phagan to and from work; he was arrested because a witness claimed to have seen the two together Saturday, with Phagan appearing to be dazed or drugged. Both men declared their innocence.

April 28, 1913 - two more men were arrested on suspicion of being involved with the murder of Mary Phagan. One was John Gantt, a former bookkeeper at the National Pencil Factory, who had openly admired Phagan. He was arrested in Marietta with a packed suitcase, waiting to board a train. The second man arrested was an unnamed African-American. The Atlanta Constitution published an appeal, along with a reward of \$1000, for anyone who had seen Mary Phagan after noon on April 26 to come forward. Meanwhile police had to disperse a white mob threatening to lynch Newt Lee, the night watchman who had discovered Phagan's body and was also under suspicion. In a side note to the investigation, the superintendent of the National Pencil Factory was questioned perfunctorily in the case, then expressed his unhappiness with the investigation's progress, so he personally brought in a Pinkerton's detective to aid in the investigation. This was the first mention of the superintendent, Leo Frank, in the information released to the public.

April 29, 1913 - Mary Phagan was buried; her mother was overcome with grief several times during the ceremonies. Most of the suspicion continued to fall on Newt Lee, though Leo Frank was brought in again for more detailed questioning. After his interrogation, Frank questioned Lee himself. A bloody shirt had been found in Lee's home; he claimed it was his own blood from an injury. The reward for information leading to the conviction of the murderer was raised to \$2200 - \$1000 from the Atlanta Constitution, \$1000 from the city of Atlanta, and \$200 from the state. One of the detectives released the following statement: "We have sufficient evidence to convict the murderers of Mary Phagan. More arrests will be made before daybreak. The mystery is cleared." No names were mentioned.

April 30, 1913 - at an inquest into the death of Mary Phagan, more suspicion began to fall on Leo Frank. George Epps, a fifteen year old friend of Mary Phagan, testified that Phagan was afraid of Frank because he had flirted with and made advances toward her. Newt Lee testified that Frank was nervous the day of the murder and had telephoned to see if everything was fine at the factory - not his usual practice. But two

mechanics who had worked on the top floor of the factory that morning disputed Lee's story, saying Frank had acted normally.

May 1, 1913 - Arthur Mullinax and John Gantt were released, no longer suspects in the murder of Mary Phagan. Newt Lee and Leo Frank were still being held. Although the local media did not know (or at least did not report) it, another employee of the National Pencil Factory was arrested around 2:00 the afternoon of May 1. Jim Conley, a sweeper at the factory, was discovered trying to rinse out a soiled shirt in the basement. Upon further examination, the stains turned out to be blood.

May 2, 1913 - In talks with an Atlanta Constitution reporter, both Newt Lee and Leo Frank strongly insisted they were innocent of Mary Phagan's murder; Frank was confident his name would be cleared in the process of the investigation.

May 3, 1913 - Detectives investigating Mary Phagan's murder had a new problem; two impostors posing as Pinkerton detectives had interviewed George Epps (Phagan's friend who had reported she was afraid of Leo Frank) and Phagan's mother.

May 5, 1913 - Lemmie Quinn, foreman of Mary Phagan's work area at the National Pencil Factory, testified he saw Leo Frank the Saturday of the murder and that all was perfectly normal. Furthermore he knew Frank well and was certain that he was not guilty of the murder. But detectives accused him of accepting a bribe from Frank to make those statements, an accusation Quinn firmly denied. Meanwhile several witnesses had come forward to say they had seen a girl resembling Phagan at the Confederate Memorial Day parade that Saturday afternoon; she appeared to be drugged. So the decision was made to exhume Phagan's body and search her stomach for signs of drugs.

May 6, 1913 - a second exhumation of Mary Phagan's body took place, this time to look for fingerprints; a fingerprint expert had been called in to help with the case.

May 7, 1913 - the blood on Newt Lee's shirt was determined to be not more than a month old. The wife of one of the mechanics who had testified on April 30 said she visited her husband at the factory that day and saw a "strange Negro" boarding the elevator as she left around 1:00 PM. Detectives on the case said someone was planting false evidence and trying to block the investigation.

May 8, 1913 - a coroner's jury ordered Newt Lee and Leo Frank to be held under the charge of murder of Mary Phagan. Several women and girls had come forward to say Frank had made improper advances to them in the past. While

detectives still expressed confidence in solving the case, they also admitted all the evidence they had up to that point was circumstantial.

May 9, 1913 - Fourteen year old Monteen Stover said she had arrived at the National Pencil Factory around 12:05 PM (roughly the same time as Mary Phagan had arrived) and that Leo Frank was not in his office. This contradicted Frank's testimony that he had been in his office the entire time in which it was thought Phagan had been murdered. Another woman reported that she was walking outside the factory around 4:30 PM when she heard three piercing screams come from the basement of the building.

May 10, 1913 - the Atlanta Constitution reported that Robert House, an ex-policeman, had said he once caught Leo Frank and a young girl in the woods at Druid Hills Park engaging in immoral acts. According to House, Frank had pleaded with him not to report the incident. This story was later proven to be false.

May 11, 1913 - officials of the National Pencil Factory told Pinkerton detectives to find the murderer of Mary Phagan, no matter who it might be, this despite Leo Frank having brought in the Pinkerton detective in the first place. A mysterious "girl in red" was rumored to have said, in a Marietta grocery store, that she was with Phagan on the day of the murder. After scouring the neighborhood and not finding the girl, detectives concluded the story was a hoax.

May 12, 1913 - an Atlanta Constitution reporter in Brooklyn interviewed Mrs. Rudolph Frank, Leo Frank's mother. She said "My son is entirely innocent, but it is a terrible thing that even a shadow of suspicion should fall upon him. I am sure of his innocence and am confident that he will be proven not guilty of this terrible crime."

May 13, 1913 -detectives investigating the murder of Mary Phagan were reported to be on the verge of making a new arrest "which would throw an entirely new light upon the case." Meanwhile rumors were swirling about the notes found near the body of Mary Phagan; samples of her handwriting had been collected and handwriting experts brought in.

May 14, 1913 - an identification slip had been found in Mary Phagan's pocketbook. It read "My name is Mary Phagan. I live at 146 Lindsey Street, near Bellwood and Asby Streets." Hugh Dorsey, the solicitor working the case, theorized that Phagan did this either because she had been threatened with violence previously or that she had a premonition of her death.

May 15, 1913 - the Atlanta Constitution began a fund raising drive to bring William J. Burns, America's most famous and successful detective, into the Mary Phagan investigation. Burns was in Europe, but was rumored to

interested in the case.

May 16, 1913 - investigators in the Mary Phagan murder case searched the National Pencil Factory looking for scraps of rope or twine. Hugh Dorsey, solicitor in the case, said the knot tied around Mary Phagan's neck was intricate and inexplicable - it must have been tied by a professional. Over \$1500 had already been raised to bring William J. Burns into the case; Thomas Felder, the attorney responsible for bringing in the Burns Agency, said: "We will catch the guilty man and we won't be long about it. I am confident of success. Mary Phagan's murder will be cleared in less than a month."

May 17, 1913 - rumors continued to abound that more arrests were imminent in the Mary Phagan murder case. Also, there were public breaches and conflicts forming between the detectives on the case and the solicitor's staff. Atlanta's police chief said he had documentary evidence which would convict Mary Phagan's murderer, but refused to release it to the public.

May 18, 1913 - Thomas Felder claimed to have turned a new piece of evidence in the Mary Phagan case, but it was not revealed to the public. The Atlanta Constitution also reported that Atlanta police were questioning a new suspect in the case and had asked him for handwriting samples. The new suspect was James Connolly (sic), a sweeper at the factory, who had been arrested "several days earlier" (actually on May 1) when he was discovered rinsing a soiled shirt at the pencil factory. The stains on the shirt turned out to be blood. Jim Conley would turn out to be the prosecution's lead witness in its case against Leo Frank; Conley was also the man who had actually committed the murder, according to Alonzo Mann, a thirteen year old employee of the factory. Mann, in a story he did not tell until 1982, claimed he saw Conley carrying Phagan's body at the factory that day; Conley threatened Mann with death if he ever was to report what he had seen. Mann's mother advised him to keep quiet, which he did for almost seventy years.

May 19, 1913 - an investigator from the William J. Burns agency arrived in Atlanta to assist in the investigation of Mary Phagan's murder. New rumors started up (as they did almost daily), this one that a telephone operator had heard two men discussing their involvement in the murder. Like most rumors surrounding this case, this one turned out to be false.

May 20, 1913 - P.A. Flak, a fingerprint expert from New York, visited the Mary Phagan crime scene with solicitor Hugh Dorsey. Later, Flak took fingerprints from both Newt Lee and Leo Frank. C.W. Toble, the investigator from the Burns Detective Agency, said he was convinced Newt Lee was innocent of the crime.

May 21, 1913 - Solicitor Hugh Dorsey announced that he would go before the grand jury on May 23rd and ask for indictments against both Newt Lee and Leo Frank, but that the evidence presented would concentrate on Frank.

May 22, 1913 - a new controversy arose in the Mary Phagan murder investigation. Phagan's step father signed an affidavit accusing Thomas Felder, the attorney responsible for bringing the Burns Detective Agency into the case, of approaching him about allowing Felder to prosecute the case. Detectives presented transcripts of dictograph recordings in which Felder had offered them \$1000 for access to the case evidence.

May 23, 1913 - a grand jury took only ten minutes to hand down a murder indictment against Leo Frank; no action was taken or requested against Newt Lee.

May 25, 1913 - details of Hugh Dorsey's presentation to the grand jury in the Leo Frank case were beginning to emerge. No bill of indictment had been handed down against Newt Lee; all the evidence presented was aimed at Frank. Neither of the statements given by Frank or Lee were mentioned. Jim Conley had not been called to testify, nor had the notes found near Phagan's body been presented. The undertaker who embalmed Phagan's body said there was evidence of sexual assault, but the county physician said there was not sufficient evidence to make such a claim. Meanwhile, Newt Lee's attorney requested that he be kept in custody, for fear the murderer of Mary Phagan would try to influence his testimony.

#### Pre-Trial Reports

May 26, 1913 - despite intense questioning by detectives, Jim Conley stuck to his story that he wrote the notes found near the body of Mary Phagan, but at the order of Leo Frank. There was little doubt that he did write the notes, but police continued to investigate the circumstances under which they were written.

May 27, 1913 - the detective from the Burns Agency, called in to help the investigation into Mary Phagan's murder, withdrew from the case, citing continued fighting among the police, mayor's office, solicitor's office, and the attorney who had brought him into the case. On another note, Mrs. Arthur White, who had testified on May 7 that she saw a "strange Negro" lurking near the elevator of the National Pencil Factory around 1:00 PM after visiting her husband, identified the man she saw as Jim Conley.

May 28, 1913 - Samples of the handwriting of Leo Frank, Newt Lee, and Jim Conley were released, along with a portion of one of the notes found near Mary Phagan's body. Jim Conley had admittedly written the notes, but on this day he changed his story dramatically. Previously he had claimed Frank

asked him to write the notes on Friday, the day preceding the murder. Now he claimed he wrote them on Frank's order after the murder. He added Frank had asked him to watch at the bottom of the stairs leading to Frank's office, but he (Conley) had fallen asleep until he heard Frank whistle. When he went to Frank's office Frank was shaking so badly he had to hold onto Conley for support. Then, according to Conley, Frank had asked him to write the notes and muttered the ominous phrase "Why should I hang?"

May 29, 1913 - officials of the National Pencil Factory claimed they believed Jim Conley was the true murderer of Mary Phagan. Atlanta detectives said they believed Conley's story, though admitting it had changed several times and still had many inconsistencies.

May 30, 1913 - police took Jim Conley to the National Pencil Factory, where he went over every detail of his story of the day of the murder, including how he and Leo Frank had together loaded Mary Phagan's body onto the elevator and brought it to the basement. Though no one realized it at the time, there was a major flaw in Conley's story. He had told detectives he had defecated into the elevator shaft earlier that Saturday morning. But when police first investigating the murder took the elevator down the pile of feces left by Conley had been "fresh," that is unmashed. If Conley and Frank had indeed taken the elevator down with Phagan's body, the feces would already have been flattened. The police and Frank's attorneys failed to notice this glaring mistake in Conley's testimony.

May 31, 1913 - Jim Conley was interviewed for two hours by solicitor Hugh Dorsey, preparing to prosecute Leo Frank for the murder of Mary Phagan. Conley was then returned to police headquarters where he would be readily available for further questioning; despite the police believing Frank was guilty of the murder, they were still concerned over the "flaws and rough places" in Conley's story.

June 2, 1913 - the Atlanta Journal reported that Leo Frank's defense would insist the elevator in the National Pencil Factory was not moved on the day of the murder (April 26) and that the murder happened on the first floor, not the second as surmised by detectives; the blood found on the second floor likely came from workers who frequently cut themselves on the machinery there. Furthermore, the defense would argue that Jim Conley alone committed the murder. This was what actually happened, according to Alonzo Mann's story told in 1982. There was evidence that the elevator had not been moved (see May 30 entry); though the police and defense attorneys apparently overlooked it. Meanwhile, Minola McKnight, the African-American cook for Leo Frank's family, was brought in for questioning. At first she corroborated Frank's story concerning the times he arrived home for lunch and then returned to the factory the day of the murder. She was agitated, believing her estranged husband had been telling lies to the police to get

her in trouble. She said both she and Frank were innocent.

June 3, 1913 - Minola McKnight, after spending the night in jail and after intense questioning, signed a statement saying Leo Frank was very nervous and drinking heavily the night after the murder of Mary Phagan. She said she overheard Frank's wife say he made her sleep on the rug and kept asking for his pistol so he could shoot himself. Frank had told her "It is mighty bad, Minola. I might have to go to jail about this girl, and I don't know anything about it." Finally she said her wages had been raised as a "tip to keep quiet."

June 4, 1913 - Leo Frank's wife released a statement insisting her husband was innocent of the murder of Mary Phagan, and accused solicitor Hugh Dorsey of "torturing" witnesses to give false incriminating evidence against Frank. She said, in part, "the action of the solicitor general in arresting and imprisoning our family cook because she would not voluntarily make a false statement against my innocent husband, brings a limit to patience."

June 5, 1913 - responding to the statement of Lucille Frank the previous day, solicitor Hugh Dorsey released his own statement denying any wrong doing in arresting and questioning witnesses in the Mary Phagan murder case.

June 7, 1913 - Lucille Frank renewed her charges that solicitor Hugh Dorsey was using third degree questioning tactics to gain false evidence against her husband in the murder of Mary Phagan. Frank said their cook, Minola McKnight, had been arrested illegally because she was not a suspect in any crime. The Atlanta Journal also reported that no indictment would be sought against Jim Conley until Frank's trial was completed. If Frank was found guilty, then Conley might escape prosecution (he eventually received a one-year sentence); if Frank were acquitted, then first degree murder charges would be filed against Conley. Investigators on the case had discovered several cases of violence in Conley's background, including shooting at his wife and threatening a former employer with a gun.

June 9, 1913 - the Atlanta Journal reported that the prosecution's case against Leo Frank in the murder of Mary Phagan was complete and that no further questioning of Jim Conley was anticipated before the trial. But R.P. Barrett, a foreman at the National Pencil Factory, was quoted as saying he and "practically all" the factory's employees believed Conley was the guilty party.

June 10, 1913 - Luther Z. Rosser, Leo Frank's defense attorney in the Mary Phagan murder case, publicly accused the police chief had "banked his sense and reputation as both a man and politician on Frank's guilt." He added



that if the police had approached the investigation with an open mind, Jim Conley would have already told the whole truth.

June 11, 1913 - Solicitor Hugh Dorsey requested that Jim Conley be released from custody, but his petition was refused by Judge L.S. Roan. Dorsey submitted the request because Roan had indicated that Conley should be moved to the Fulton County Jail (popularly known as The Tower) instead of being held at Atlanta police headquarters. At headquarters both Dorsey and detectives on the case had ready access to Conley, who had changed his story several times. At The Tower, access to Conley would be much more difficult.

June 13, 1913 - after a brief hearing Judge L.S. Roan released Jim Conley from custody. He was immediately re-arrested as a material witness to the Mary Phagan murder case and would be kept at Atlanta police headquarters, where detectives and solicitor Hugh Dorsey wanted him - so they could easily interview him whenever needed.

June 21, 1913 - Prominent Atlanta attorney Reuben Arnold announced that he had joined Leo Frank's defense team. In his statement Arnold said he had reviewed all the evidence and was convinced of Frank's innocence, adding that he would not agree to represent him otherwise. While Arnold did not directly accuse Jim Conley of the murder of Mary Phagan, he did say Conley's story had no credence in regards to Frank then added: "I do not believe that any white man committed this crime."

June 22, 1913 - solicitor Hugh Dorsey announced that Leo Frank's trial would begin June 30. The trial was later delayed until July 28.

June 24, 1913 - Georgia senator Hoke Smith denied rumors he had been approached about and was considering aiding in Leo Frank's defense. The rumors spread after defense attorney Luther Rosser and National Pencil Company president Ike Haas stopped in Washington, D.C. en route to New York.

June 28, 1913 - John M. Slaton was inaugurated as governor of Georgia.

July 18, 1913 - Amidst persistent rumors that the Pinkerton detectives involved in the Mary Phagan murder case had changed their minds and now believed Jim Conley was the guilty party, a grand jury meeting was called to consider indicting Conley. Harry Scott, the Pinkerton detective heading the investigation for his firm, was denied access to interview Conley. Hugh Dorsey, the solicitor general prosecuting the case against Leo Frank, spoke out strongly against indicting Conley.

July 19, 1913 - Leo Frank's attorneys publicly condemned Hugh Dorsey for

his stand against indicting Jim Conley for the murder of Mary Phagan.

July 21, 1913 - a grand jury postponed indicting Jim Conley for the murder of Mary Phagan - at least until Leo Frank's trial was completed. This decision was reached after a one and one-half hour presentation before the grand jury by prosecutor Hugh Dorsey. Judge L.S. Roan, set to hear the case, said he would consider postponing the trial if the weather remained so hot; the temperature had reached 99 degrees the previous day.

July 23, 1913 - Jim Conley and Newt Lee were brought together by Hugh Dorsey and staff to go over their testimonies for the Leo Frank trial, set to begin July 28.

July 24, 1913 - a group of 144 men were selected, from which the jury in the Leo Frank trial would be drawn.

July 26, 1913 - both groups of attorneys were making their final preparations for the trial of Leo Frank, set to begin July 28. Other attorneys questioned agreed this would be the "greatest legal battle of Southern history."

July 27, 1913 - Judge L.S. Roan, would had been ill the previous week, announced he was fine and would call the Leo Frank trial beginning at 9:00 the following morning.

## Trial

July 28, 1913 - the trial of Leo Frank began. A jury was quickly selected and seated. The first witness called was Mrs. J.W. Coleman, mother of Mary Phagan. She managed to stay collected during most of her testimony, but finally broke down in tears when asked to identify the clothes her daughter had worn on the day she was murdered. Next on the stand was George Epps, a thirteen year old boy who also worked at the National Pencil Factory. He had ridden the streetcar with Phagan the morning of April 26th, and the two had agreed to meet for an ice cream and to watch the Confederate Memorial Day parade at 1:00 that afternoon. When Mary didn't show, Epps went to a baseball game. The final witness on this day was Newt Lee, the night watchman who discovered Mary Phagan's body and telephoned police. He testified for over two hours, telling the same story he had told police, that he noticed the body when he went into the basement to the restroom. He also told of Leo Frank being nervous because of the presence of John Gantt, who had been recently dismissed from the factory. That night, Frank called Lee to ask if everything was alright, an unusual practice for him.

July 29, 1913 - this was the second day of the trial of Leo Frank. Newt Lee, the night watchman who discovered Mary Phagan's body, concluded his

testimony by repeating his story for the defense. Altogether Lee spent four hours and forty-five minutes on the stand. The next witness was police Sgt. L.S. Dobbs, who took Lee's phone call and rushed to the factory. He said he found the body in the basement, face down, with a cord tied tightly around the neck, and a pair of women's underpants tied loosely around the neck. The back of the head was covered in blood. He also found two notes, her shoes, and a trail where the body was dragged to its location. Detective John Starnes then took the stand. He had called Leo Frank to inform him of the murder, and said Frank appeared extremely nervous when he arrived at the factory. The highlight of the day was strong verbal clashes between solicitor Hugh Dorsey (prosecuting the case) and defense attorney Luther Rosser over Rosser's attempts to discredit the testimony of Starnes.

July 30, 1913 - this was the third day of the Leo Frank trial, and a good day for the defense. Detective John Black, who had obtained most of the evidence against Leo Frank, seemed confused and openly admitted being "mixed-up" over portions of his testimony. He contradicted himself numerous times and said he could not remember significant details of the case. Finally, he even admitted that he couldn't be sure of what he had testified to previously. The defense was jubilant after his testimony. Others testified on this day as well; W.W. (Boots) Rogers testified that Leo Frank never saw Mary Phagan's body at the undertaker's; Frank had said he did. Grace Hicks, another factory employee, recalled how she was called to identify the body. She also said she had worked at the factory for five years and had only spoken to Leo Frank three times. Finally John Gantt, whom Frank had discharged from the factory for a shortage in a pay envelope, testified that he simply returned to the factory April 26th to retrieve a pair of shoes he had left there. The first three days of the trial were noted for standing room only crowds, with many gathered outside to hear news, as well as sweltering heat, with temperatures in the upper 90s. The temperature remained extremely hot throughout the trial.

July 31, 1913 - this was the fourth day in the trial of Leo Frank. R.B. Barrett, a machinist at the factory, provided new information when he said he had found Mary Phagan's empty pay envelope and bloodstains near a machine on the factory's second floor. Heretofore, no mention had been made of the missing pay envelope. The main witness of the day was Harry Scott, Pinkerton detective in charge of their investigation of the case. He angered both sides during his testimony. He said Frank did not appear nervous on the Monday following the murder (it was Frank who brought Scott into the case), but was uneasy after his arrest. This angered solicitor Hugh Dorsey, who argued that Scott had told him previously Frank was nervous at the factory on Monday. Scott then angered defense attorneys when he asserted one of them had asked him to forward all police evidence to the defense. Also testifying was former factory employee Monteen Stover, who said she had arrived at the factory at 12:05 PM to receive her pay, had

waited in Frank's office for him for five minutes, then left. This contradicted Frank's statement that he had been in his office the entire time in which the murder took place.

August 1, 1913 - this was the fifth day of the trial of Leo Frank. Dr. Roy Harris, secretary of the State Board of Health who had examined Mary Phagan's body, said she had died within an hour of eating her last meal of cabbage and bread, meaning she died sometime in the hour between twelve and one o'clock. He also said the head wounds were caused by a human fist. After suffering a fainting spell, Dr. Harris had to leave the stand before completing his testimony. Assistant factory superintendent N.V. Darley said Frank was nervous the day of the murder, but that this wasn't unusual for him (Frank). Darley said he had seen Frank talking to Gantt and assumed this accounted for his nervousness. Darley's testimony was marked by more bitter clashes between prosecutor Dorsey and defense attorney Rosser. Maggie White, wife of one of the machinists working at the factory April 26th, testified she went to the factory twice that day to visit her husband. She had seen Leo Frank both times, the second time around 12:30 in his office. He had his back turned to her and was startled when she walked in, but then told her it was fine to go see her husband. She left shortly before 1:00 and saw a Negro hiding behind some boxes on the first floor.

August 2, 1913 - this was the sixth day of the trial of Leo Frank, and it almost ended in a mistrial on this day. Judge L.S. Roan inadvertently help up a newspaper with lurid headline printed in red where the jury could see it. Defense attorneys objected immediately and discussed calling for a mistrial, but agreed to continue after Judge Roan instructed the jury to disregard anything they may had seen in the newspaper. A few minor witnesses were then called. Dr. J.W. Hurt, county physician who had also examined Mary Phagan's body, said there was some evidence suggesting she may have been "outraged" (sexually assaulted), but there was not enough evidence to conclude this. Another factory employee and friend of Mary Phagan, Helen Ferguson, testified she had gone to the factory Friday night to get Mary's pay envelope, but Leo Frank had told her Mary would pick it up herself on Saturday.

August 3, 1913 - this was a Sunday and a break in the trial of Leo Frank. Frank was visited by numerous friends and relatives in prison. Prison officials said Frank was showing little evidence of stress from the trial.

August 4, 1913 - this was the seventh, and pivotal, day in the trial of Leo Frank. Jim Conley, a sweeper at the factory, was called to testify and presented a gruesome, graphic, and sometimes revolting tale. In fact his testimony was so lurid that Judge Roan ordered all women and children cleared from the courtroom. Conley testified he had "watched out" for Frank on several occasions, while he entertained young women in his office. Some

of his descriptions of what he saw intimated that Frank was a sexual deviant. On the morning of April 26th, Conley said Frank had asked him to "watch out" for him while he "chatted" with Mary Phagan. Later, Frank had whistled for Conley to come to his office. Frank was so nervous he had to lean on Conley for support. He then supposedly told Conley that Phagan had refused him and he had struck her and left her in the machine room. When Conley was sent to get her, he said he found her lying on the floor, dead, with arms outstretched. Conley said Frank told him to wrap up the body and put it in the basement. Conley tried to do so, but said he could not lift the body. So Frank had helped him get it on the elevator, which they then took to the basement, where Conley dragged the body into a corner. They then returned to Frank's office, where Frank indicated there would be money waiting for Conley if he "kept his mouth shut." Here Conley said Frank uttered the ominous phrase "Why should I hang?" Frank then had Conley write the notes found near the body, apparently in an attempt to incriminate Newt Lee. Upon severe cross examination, Conley admitted he had lied to the police about this case previously; he had given several different stories after his May 1 arrest when he was seen washing out a bloody shirt in the factory. Conley also admitted he had been arrested numerous times. The defense was able to confuse Conley on some details of his story, but he held to the main points.

August 5, 1913 - this was the eighth day of the trial of Leo Frank. Jim Conley was cross-examined mercilessly by Frank's defense attorneys for seven hours. While Conley was confused on some minor details, and admitted lying to police originally, and to having been arrested numerous times, he still held to his story of the previous day. Defense attorney Luther Rosser was unable to break any of the main points of Conley's story. When the day ended Conley was still on the stand, while defense attorneys argued that his testimony of having been a lookout for Frank on earlier occasions should be stricken from the record as irrelevant to the case.

August 6, 1913 - this was the ninth day of the trial of Leo Frank. Judge L.S. Roan ruled that testimony that Jim Conley had acted as a lookout for Leo Frank was admissible. Applause broke out in the courtroom; Frank's attorneys immediately contended that any further such actions would be cause for a mistrial; Judge Roan threatened to clear the courtroom if order was not maintained. Luther Rosser again questioned Jim Conley, again failing to break his story. Conley spent 16 hours total on the witness stand. Dr. Roy Harris, secretary of the State Board of Health who had had his testimony interrupted by illness, resumed his testimony. He insisted Mary Phagan was killed shortly after eating her last meal of cabbage and bread, and that she had died from strangulation, not from the blows to her head.

August 7, 1913 - the tenth day of the Leo Frank trial. C.B. Dalton, a

railroad carpenter, testified he had met with several women in the basement of the National Pencil Factory while Jim Conley watched out for him, and that he had seen numerous women come to the factory to visit Frank. After stating that the financial records of the National Pencil Factory showed there were two-hundred dollars (the amount Jim Conley said Frank had showed him) on the premises the day of the murder, solicitor Hugh Dorsey rested the state's case. The defense called Dr. Roy Childs, who disputed the testimony of Dr. Roy Harris - saying cabbage was a very slow food to digest, implying that the murder could have been committed hours after Phagan had eaten. Pinkerton detective Harry Scott was recalled to the stand to testify on how Jim Conley had lied several times to investigators during the course of the murder investigation.

August 8, 1913 - the eleventh day in the Leo Frank trial. The defense had civil engineer T. H. Willett draw a diagram of the National Pencil Factory, showing how the murder could have been committed on the first floor without the knowledge of anyone (including Leo Frank) working on the second floor. Daisy Hopkins, one of the women C.B. Dalton had claimed he met for immoral purposes at the factory, denied having ever met Dalton or Leo Frank. Two street car conductors testified Mary Phagan had ridden alone the morning of her murder, contradicting the testimony of George Epps. Assistant factory manager N.V. Darley said he believed Conley and Dalton were lying about trysts in the basement; he worked most Saturdays and would have known of such actions. Factory timekeeper E.F. Holloway said he worked every Saturday and had never seen Conley and Frank interact, and that he had never seen a woman other than Frank's wife in his office.

August 9, 1913 - the twelfth day in the Leo Frank trial. Herbert Schiff, personal assistant to Leo Frank, said he worked most Saturdays and had never seen any women in Frank's office except his wife. He added that he had never seen C.B. Dalton either. He firmly believed he would have seen more if the story Jim Conley told were true. Schiff then identified a financial expenditure sheet on which Frank had been working the day of the murder, asserting it would take two-three hours to complete, leaving no time for the murder and movement of the body as described by Conley. He then testified Conley had been extremely nervous the Monday following the murder, and had said he would "give a million dollars if he had a white man's skin."

August 11, 1913 - the thirteenth day in the trial of Leo Frank. The defense called several medical experts to contradict the testimony of Dr. Roy Harris, secretary of the State Board of Health who had examined Mary Phagan's corpse. The defense witnesses said Harris was merely guessing at the time of death and that Phagan had been sexually violated; there was insufficient evidence to substantiate either claim. Herbert Schiff, an assistant to Frank, again asserted that the financial work done by Frank on

the day of the murder was time consuming; it could have easily taken 3 1/2 hours to complete. Schiff also testified that Jim Conley was a very unreliable worker and other employees had complained about him numerous times.

August 12, 1913 - the fourteenth day in the trial of Leo Frank. The defense called twenty-two character witnesses to the stand, including Frank's in-laws. They all testified that he was a man of good character and was very busy the day of the murder, showing no nervousness. When solicitor Hugh Dorsey asked one of the witnesses, a boy who worked for Frank, if Frank had ever made improper advances to him, a bitter argument ensued between the opposing attorneys. Another female employee of the factory, Magnolia Kennedy, contradicted the earlier testimony of Helen Ferguson - who had claimed she tried to pick up Mary Phagan's pay on Friday (the day before the murder), but that Frank had told her Mary would pick it up herself on the next day. Kennedy claimed she was behind Ferguson in the line to receive her pay, and that Ferguson had neither asked about Phagan's pay or talked to Frank. Other witnesses testified to the shady character of C.B. Dalton, who had claimed to have used the basement of the factory as a meeting place with women and of using Jim Conley as a lookout.

Lost among all this controversy was the brief testimony of one of the office boys who worked for Leo Frank. He was obviously nervous and timid the few minutes he was on the stand; saying only that he worked most Saturdays, including the day of the murder, and had never seen strange women in Frank's office and had never seen Dalton at all. But this inconspicuous boy, Alonzo Mann, carried a terrible secret; one he would hold for the next sixty-nine years. It was not until 1982, when he was on the verge of death, that he unburdened his soul and told what he had seen that fateful day. He had seen Jim Conley carrying the body of Mary Phagan over his shoulder, near the elevator shaft on the first floor of the factory (Conley had testified that he could not lift the body). Conley had threatened Mann with death if he ever repeated what he had seen. Mann had gone home and told his mother, who advised him to keep quiet. So the trial went on, with no one realizing this shy, timid, scared boy had carried the truth of the case both to and away from the witness chair.

August 13, 1913 - the fifteenth day in the trial of Leo Frank. Another medical witness was called by the defense. Dr. William Kendrick, head of the Atlanta Medical School, said that Dr. Roy Harris's conclusions on the time of Phagan's death were mere guesswork. Another witness testified to having worked the previous Thanksgiving with Frank, and that nothing unusual had happened. Jim Conley had claimed he watched while Frank entertained a woman in his office that day. More character witnesses were called during the afternoon. In cross-examining one of these witnesses, Hugh Dorsey asked if he had ever heard complaints about Frank fondling

young girls. At this point Mrs. Rae Frank, Leo Frank's mother, leapt to her feet and shouted at Dorsey "No, nor you either, you dog." One of the defense attorneys escorted Mrs. Frank out of the courtroom.

August 14, 1913 - the sixteenth day in the trial of Leo Frank. After an angry outburst by Frank's mother the previous day, solicitor Hugh Dorsey requested that she and Frank's wife be removed from the courtroom for the duration of the trial. Judge L.S. Roan turned down this request, but did warn the women not to interrupt the proceedings again. Many more character witnesses testified, some having traveled all the way from New York for that purpose. Frank's mother-in-law (with whom the Franks lived) testified Frank acted normally the night after murder, even engaging in a friendly game of cards. This contradicted earlier testimony that Frank had been nervous, drunk, and suicidal the night following the murder. Finally, Rachel Carson, a female employee of the factory, said she had talked to Jim Conley the Monday following the murder. Conley told her he was so drunk on Saturday that he didn't remember anything he did, but that he was sure Leo Frank was innocent. When Carson told Conley someone had reported seeing a black man lurking behind some boxes on the first floor soon after the time of the murder, Conley was so startled he dropped his broom.

August 15, 1913 - the seventeenth day in the trial of Leo Frank. Many more character witnesses were called by the defense, culminating in the testimony of Leo Frank's mother. Having already expressed her complete confidence in Frank's innocence, she identified a letter written by Frank to an uncle in New York the afternoon of April 26th, soon after the murder was committed. The letter was written in a precise, neat hand, dealing with various family matters. It did not, the defense claimed, show any signs of a nervous, guilt-ridden man. After the day's proceedings, the defense said they were prepared to call every female employee of Frank, if necessary, to prove he did nothing improper with them at the factory.

August 16, 1913 - the eighteenth day in the trial of Leo Frank. Many more female employees of the National Pencil Factory were called, all testifying to Frank's good character and that he had never done anything improper to them. One did say he opened the door to the girls' dressing room once, but the defense claimed this was because some girls were flirting out the window and he wanted to stop it. Residents of the area where the Franks lived testified that he had walked around the neighborhood the evening after the murder, and seemed calm and normal. Finally, the defense announced what most of the crowd had been waiting to hear; Leo Frank himself would take the stand on Monday (this was a Saturday).

August 18, 1913 - the nineteenth day in the trial of Leo Frank. After another group of character witnesses in the morning, Leo Frank took the witness stand. He spoke for four hours, calmly but firmly laying out his



story. Frank said Jim Conley's tale was all lies, and that the detectives tried to distort everything he (Frank) said in order to incriminate him. He freely admitted to being nervous after hearing of the murder, claiming any man in his position would be nervous, and justifiably so, especially after seeing the body of Mary Phagan. He said Mary came in for her pay soon after 12:00 noon on April 26th, returned a few minutes later to ask if the shipment of metal had arrived (Phagan's job was putting metal tips on pencils), then left his office and he never saw her alive again. He worked on a financial report that afternoon, then went home. He never saw Jim Conley that day. Frank concluded his statement thus: "Some newspaper man has called me 'the silent man in the Tower.' (for his unwillingness to talk to police or the press) Gentlemen, this is the time and here is the place! I have told you the truth, the whole truth, and nothing but the truth."

August 19, 1913 - the twentieth day in the trial of Leo Frank. This day was rather anti-climatic after Leo Frank's statement the previous day. The defense continued its parade of character witnesses; solicitor Hugh Dorsey did get one of them to admit he had once seen Mary Phagan talking with Leo Frank, and that Phagan seemed to be backing away. There was another bitter disagreement between the opposing attorneys over the defense team's attempts to discredit the statement of Minola McKnight. McKnight was the housekeeper for the Selig family (Frank's in-laws with whom he and his wife lived) who had signed a statement saying Leo Frank was intoxicated and talked of suicide the night after Phagan's murder. Though McKnight later repudiated the statement, which had been signed after she spent a night in jail and undergoing hours of intensive questioning, Dorsey still introduced it as evidence, leading to yet another vehement argument between the opposing sides.

August 20, 1913 - the twenty-first day in the trial of Leo Frank. The evidence phase ended on this day, as the defense rested its case. Solicitor Hugh Dorsey then called several female ex-employees of the National Pencil Factory to the stand. They all testified that they had a bad opinion of Leo Frank's character, but could not give concrete examples of immoral behavior on his part. After their testimony, Leo Frank again was called, by the defense, to repudiate their statements. Shortly after 4:00, the evidence phase of the case was closed, with final arguments set to begin the next day.

August 21, 1913 - the twenty-second day in the trial of Leo Frank. Final arguments began this day, with aides to the two main attorneys (Hugh Dorsey for the prosecution and Luther Rosser for the defense) beginning. Leo Frank was portrayed as a Jekyll and Hyde character who could mask his deviant tendencies from his family and friends. The defense contended that Jim Conley was the murderer and concocted his story to save his own neck.

August 22, 1913 - the twenty-third day in the trial of Leo Frank. Solicitor Hugh Dorsey took up the argument on this day, blistering the character of Leo Frank and portraying Mary Phagan as a symbol of lost innocence and virtue. He tried to deflect charges of anti-Semitism by recalling the great names in Jewish history, arguing that Frank with his deviant behavior dishonored them as well as the Southern girl he had so brutally murdered. Although Judge L.S. Roan kept strict control of the courtroom, Dorsey's words were quickly relayed to the large crowd waiting outside. When Dorsey emerged he was greeted with thunderous applause.

August 23, 1913 - the twenty-fourth day in the trial of Leo Frank. Solicitor Hugh Dorsey continued his eloquent, yet ferocious, final argument, scoring Leo Frank for his abhorrent behavior and contending that he could not care less what opposing attorneys or Frank's family thought of him; his duty was to Mary Phagan and the people of Georgia.

August 25, 1913 - the twenty-fifth, and final, day in the trial of Leo Frank. Solicitor Hugh Dorsey ended his final argument, which took parts of three days. The defense then argued that Frank was the latest in a long line of Jews who were persecuted for their religious beliefs, and again asserted that Jim Conley was the true murderer. Conley, and many other prosecution witnesses, had shady characters, while Leo Frank had been a pillar of the community who had many well respected people, plus many of his employees, testifying on his behalf. If the case came down to Leo Frank's word against Jim Conley's, then it was obvious who should be believed. After hearing their instructions from Judge L.S. Roan, the jury retired to ponder the verdict. At 4:55 they returned with their decision; Leo Frank was declared guilty. Neither Frank nor his family or lead attorneys were present in the courtroom when the verdict was announced. Reportedly Judge Roan feared mob violence should Frank have been acquitted. When told of the verdict, Frank re-asserted his complete innocence, saying the jury had been influenced by mob law.

August 26, 1913 - Judge L.S. Roan sentenced Leo Frank to hang for the murder of Mary Phagan. The execution date was set for October 10, but Frank's attorneys immediately motioned for a new trial. The hearing on this motion was set for October 4, thus assuring that there would be a delay in carrying out Frank's sentence.

#### Appeals, Commutation, Lynching

October 31, 1913 - Judge L.S. Roan denied a motion for a new trial for Leo Frank. His execution date was re-scheduled for April 17, 1914.

February 17, 1914 - the Georgia Supreme Court denied a motion for a new trial.

February 24, 1914 - Jim Conley was sentenced to a year on a chain gang for his role in Mary Phagan's murder.

April 6, 1914 - just eleven days before Leo Frank was scheduled to hang, his attorneys filed a motion to set aside the guilty verdict in the Fulton County Superior Court. The execution was re-scheduled for January 22, 1915.

June 6, 1914 - the Fulton County Superior Court denied the motion to set aside the verdict. Leo Frank's attorneys immediately appealed to the Georgia Supreme Court.

October 14, 1914 - the Georgia Supreme Court denied Leo Frank's request for a new trial. [see text]

November 14, 1914 - the Georgia Supreme Court affirmed the trial and judgment in the Leo Frank case. [see text] Leo Frank's attorneys then appealed to the United States District Court of North Georgia.

December 21, 1914 - the United States District Court denied the motion to set aside the guilty verdict. Leo Frank's attorneys appealed to the United States Supreme Court, meaning Frank's execution - set for January 22, 1915 - was again delayed.

April 9, 1915 - the United States Supreme Court rejected Leo Frank's last appeal. His execution, already postponed three times, was re-set for June 22, 1915.

May 31, 1915 - Leo Frank's attorneys filed an appeal for clemency with the Georgia Prison Commission, hoping to have his death sentence commuted. The appeal was denied.

June 20, 1915 - In his last day in office, Georgia governor John Slaton commuted the sentence of Leo Frank, from death to life in prison. Slaton spent many hours pouring over the files of the case, and was convinced that Frank was innocent. He had several notable appeals to back this decision; Judge L.S. Roan (who had presided over the case and originally sentenced Frank to the gallows) urged commutation, saying he had serious doubts about Frank's guilt. Conley's own attorney, William Smith, wrote to Slaton urging commutation; Smith had become convinced of his own client's guilt in the matter. Knowing that his decision would not be popular, he made plans to leave the state immediately upon his successor being sworn in; he and his wife spent several months traveling. Slaton also ordered that Frank be transferred from the Fulton County Prison, for fear that a lynch mob would overpower the guards.

June 21, 1915 - Leo Frank, in the middle of the night, was transferred from the Fulton County Prison to the Georgia State Penitentiary in Milledgeville

July-August 1915 - Georgia Populist politician and publisher Tom Watson, in his magazines Watson's Magazine and The Jeffersonian, published scathing editorials against Leo Frank and the commutation of his sentence. While charges of anti-Semitism had certainly surrounded the trial of Leo Frank, Watson was blatant in his sentiments. His inflammatory writings are generally credited with pushing the already strong feelings regarding this case past the boiling point. In what is now ominous phraseology, Watson called on the citizens of Georgia to take justice into their own hands and inflict the death sentence upon Leo Frank.

July 18, 1915 - Prisoner J. William Creen slashed Leo Frank's throat at the Georgia State Prison Farm in Milledgeville. Only the quick actions of two other prisoners, both doctors, who stopped the flow of blood and stitched the wound, saved Frank's life.

August 16, 1915 - A caravan of eight vehicles bearing 25 armed men from the Atlanta area arrived at the Georgia State Prison at Milledgeville around 10 p.m. Calling themselves the Knights of Mary Phagan, they cut the telephone lines, surprised the guards and entered the barrack of Leo Frank, who two years earlier had been convicted of the murder of 14-year-old Mary Phagan in one of the most infamous trials of the century. The intruders seized Frank and departed into the night. Seven of the cars then took back roads headed for Marietta, while one car acted as a decoy in case of pursuit.

August 17, 1915 - Through the early morning hours, the lynch mob who had seized Leo Frank from Georgia State Prison in Milledgeville drove by back roads towards Marietta. Sometime early on the morning of the 17th, they reached the outskirts of Marietta. Here, at Frey's Grove near Mary Phagan's girlhood home, the men decided to hang Frank, though there are conflicting reports on this. One story is that some wanted to continue with the original plan - to hang Frank in the Marietta town square, while others did not want to do this in broad daylight. A second story says that there was disagreement among the men on whether to hang Frank at all; the story being that those who had ridden in the car with Frank on the three plus hour ride had become convinced of his innocence. Whatever the truth may be, Frank was hanged there in Frey's Grove. Asserting his innocence to the very end, Frank's only request was that his wedding ring be returned to his wife (which it was several days later). When word of the lynching spread, crowds gathered to see the body hanging from a tree. Photographs were taken, one of which later became a souvenir postcard. A few in the crowd threatened, and even began to inflict, violence to Frank's body, before former judge Newt Morris convinced them to stop. Frank's body was rushed to an

undertaker in Atlanta, with a line of vehicles trailing behind. Although the undertaker tried to keep the body concealed, a large crowd soon gathered demanding to see it. After a rock was thrown through a window, officials agreed to let the public view Frank's body. Under police supervision, thousands of curious Atlanta-area residents filed by single file to view Frank's body -- including the city detective who had arrested Frank. That night Frank's body was quickly embalmed and placed on a train for New York, where the burial services were held in Brooklyn's Mount Carmel Cemetery. As a footnote to the lynching, no one was ever prosecuted for the murder of Leo Frank.

August 18, 1915 - Leo Frank's body, accompanied by his wife, departed Atlanta on a train bound for Brooklyn, NY.

August 20, 1915 - Leo Frank was buried in Brooklyn, NY.

November 25, 1915 - the Knights of Mary Phagan met atop Stone Mountain, burned a cross, and initiated the new invisible order of the Ku Klux Klan. Soon thereafter the Anti-Defamation League of B'nai B'rith was founded in New York; its founding was based largely on the Leo Frank case and its aftermath. Ironically, Leo Frank had been president of the Atlanta chapter of B'nai B'rith. It must be noted here that the Phagan family has not condoned Klan activity, especially in regards to Mary. In fact the family expressly forbade a Klan request to hold a ceremony at Mary Phagan's grave site.

1916 - Hugh Dorsey was elected governor of Georgia.

1918 - Hugh Dorsey was re-elected governor of Georgia.

1920 - Tom Watson elected senator from Georgia.

April 23, 1957 - Lucille Frank, Leo's widow, died in Atlanta.

1962 (exact date unknown) - Jim Conley died. Rumors spread soon after his death that he had made a death-bed confession to the murder of Mary Phagan, but no evidence has been found to substantiate this rumor.

Pardon

March 4, 1982 - Alonzo Mann, in failing health, signed an affidavit asserting Leo Frank's innocence and Jim Conley's guilt. He admitted he had seen Conley carrying the limp body of Mary Phagan on his shoulder near the trapdoor leading to the basement on April 26, 1913. Conley had threatened to kill him if he ever told anyone what he had seen. He did go home and tell his mother, who advised him to keep quiet. After Frank's conviction,

his parents still kept him quiet, saying it would do no good to come forth after the verdict. He was telling the story now to unburden his soul. He had actually tried to tell the story several times before, but no one had paid any attention. He had even gotten into a fight with a fellow soldier in World War I when he tried to assert Frank's innocence. He took several lie detector tests while telling his story to a group of reporters for The Tennessean, a newspaper in Nashville, TN. The tests indicated Mann was telling the truth.

March 7, 1982 - The Tennessean ran the story of Alonzo Mann's confession.

November 10, 1982 - Alonzo Mann repeated his story in a videotaped statement in Atlanta.

January 4, 1983 - Based largely on Alonzo Mann's testimony, the Anti-Defamation League submitted an application for a posthumous pardon for Leo Frank to the Georgia Board of Pardons and Paroles.

December 22, 1983 - the Georgia Board of Pardons and Paroles denied the motion for a pardon, the reason being that while Alonzo Mann's testimony might incriminate Jim Conley, it did not conclusively prove the innocence of Leo Frank.

March 11, 1986 - the Georgia Board of Pardons and Paroles finally issued a posthumous pardon to Leo Frank, based on the state's failure to protect him while in custody; it did not officially absolve him of the crime.