

A P P E N D I X D

A Georgian's View

THE LETTER REPRINTED BELOW is located among the Julius Rosenwald Papers at the University of Chicago. It was written at the end of 1914 or the beginning of 1915 by a newspaper reporter for *The Atlanta Georgian*, identified solely as the "Old Police Reporter." The recipient of the letter is unknown. If it was not Julius Rosenwald, it might have been Albert Lasker or some other Northern Jew interested in obtaining Frank's freedom.

This letter is significant because it represents the views of a considerable number of knowledgeable Georgians who reached their conclusions on the basis of the evidence printed in the newspapers and related at the trial. The author, however, was particularly familiar with the case. He attended the trial, had a number of personal interviews with Leo Frank, and also had access to the prosecutor.

Dear Mr.—————

My personal opinion is that Leo M. Frank is guilty of the murder of Mary Phagan, committed after an attempted seduction—probably successful, and most likely of a perverted type. This opinion was formed during a close attendance at the trial and in the course of ten or twelve conversations with Frank after the dust of action had had some six months to settle.

As to the trial itself, our town seems to be getting in pretty bad with *Collier's*, the *Chicago Tribune*, and certain other publications. It seems we are pistol-toters and browbeaters of juries and all that sort of thing I do not think Atlanta is getting a square deal in this matter. It is true there was a lot of excitement here during the trial. It is true there was a popular clamor

for a "goat." I think that is true in every city where any crime of especial horror is committed. It also is true there was some race prejudice in evidence; that the trial judge was a weak sister; that he was bullied lamentably by both sides during the trial, but notably by the defense; that the entire trial was under tension, so to speak. It has even been said that the Solicitor's closing speech was stopped early on Saturday afternoon and the case continued until Monday because a verdict was expected almost as soon as the jury got the case—and, it being Saturday, the town was well jammed with country people, who really were more worked up over the case than the city folk, if that is possible.

I am not certain of this last statement; but it is certain there was a lot of excitement; you recall the first Hyde trial, of course. Well, this was much like that, except for a more pronounced animosity against Frank than was in evidence against Hyde.

On the other hand, the *Tribune* and *Collier's* are guilty of gross exaggeration, particularly in detailing the conduct of the courtroom crowd. To my mind, the crowd was commendably quiet. The only break in the uniform good order was a ripple of applause, perhaps twice, when Dorsey, the Solicitor, entered the room toward the end of the trial. It was rebuked promptly. As to the "hands moving toward hip-pockets," and the "cries of 'If you let the Jew go, we'll hang him and you, too'"—there simply was none of that, and no excuse for the injection of such stuff into any account of the case.

The jury was unusually high-class in intelligence and in presumptive character. We have the sworn statements of each that his conclusion was the result of his own unbiased consideration of the evidence—but of course they would say that. They all maintain that they heard nothing of the so-called "demonstrations" outside the courthouse—cheering in the streets the last day of the trial, and so on. But it would be nearly impossible and out of reason that those men should not have sensed the public sentiment. Still, the Supreme Court said Frank had a fair trial; and the trial judge said so—qualifying his statement with his peculiar remark, which I heard him make, and which was clipped from the *Georgian* as I wrote it, and made into part of the court record:

"I am not convinced of the guilt or innocence of the defendant;

but I do not have to be convinced. The jury was convinced, and that is enough."

My impression at the time was that Judge Roan was merely trying to placate Luther Rosser, chief lawyer for the defense, to whom it is said the judge is a political debtor of some kind. The remark was part of Judge Roan's denial of a motion for a new trial before the case got up to the Supreme Court; and it was used for all it was worth in the plea to that body.

So you see it is ticklish business, when the trial judge himself is not convinced, but says the defendant had a fair trial according to law.

Frank is a well educated young man; a graduate of Cornell; a smooth, swift, and convincing speaker. If you have seen any good pictures of him, you will understand what I mean when I say that he looks like a pervert. It is a slightly significant fact, I think, that I sized him up as one the first time I saw him, before a whisper of the perversion testimony came out. . . . Others have told me they were impressed the same way. In strict confidence (that is, so far as any publication is concerned) Solicitor Dorsey told me of a fearful mass of testimony with which he said he was prepared to prove the perversion of the accused in the event the defense tried to back its character case to a finish, which it did not, refusing in every instance to cross-examine the witnesses put on by the state, who were (under the Georgia law) permitted on direct examination to answer no more than "Bad," to the state's question as to the character of the defendant.

As to Frank's being convicted on the unsupported testimony of a "black brute"—I think that is peculiarly unfair to a section of which it has been the stigma that the negro could never get a fair deal in a court of law.

I really am convinced that the State's case would have stood up without the negro Conley's testimony; and I know it to be a fact that Dorsey had practically finished what was to be his indictment case to the grand jury before Conley spilled a word. Whether Frank would have been indicted (Dorsey revised his case after Conley loosened up) is another question. At any rate, it is worth while to note these points:

1. That Leo Frank tried to fasten suspicion on two other negroes first, and never mentioned Conley until fairly pushed to it.

2. That Leo Frank knew Conley could write all the time, and was silent while knowing that Conley was denying he could write; the inference being that Frank was shielding Conley lest Conley should open up on him.

3. That the several untrue statements of Conley, of which so much is made by *Collier's*, were simply the efforts of the untutored Afro-American to shield his boss—and get the \$200 promised him by Frank. As soon as Conley saw he was getting into it himself, he promptly threw Frank overboard and came through with the goods.

4. That Frank never was able to account for his time during the half hour the state contends he was engaged with Mary Phagan.

That Frank, after seeing the girl's body the morning after the murder, and hearing the name, said he did not know if such a girl worked at the factory, and would have to look it up on the rolls, whereas it was shown that he had spoken to Mary Phagan frequently calling her by name.

These are only a few points. The "murder notes" are a queer business all to themselves. For my part, I do not undertake to say or guess if Frank dictated them to Conley, who certainly wrote them; or if the negro being ordered to dispose of the body by burning it, changed his mind and wrote the notes of his own volition.

But I will say that I heard Conley's evidence entire, and was impressed powerfully with the idea that the negro was repeating something he had seen; that was photographically fixed on his mind; perhaps you know something of the remarkable capacity for observing and recalling details exhibited by crude minds, especially in negroes Conley's story was told with a wealth of infinitesimal detail that I firmly believe to be beyond the capacity of his mind, or a far more intelligent one, to construct from imagination For example "And when we run the elevator back up to the office floor, it didn't quite get to the level, and Mr. Frank, he stumbled and like to fell down, and cussed, and brushed his pants off, this way." That sort of thing, all the way.

And the next day, with upwards of fifty typewritten pages of solid testimony to check him by, Luther Rosser tore into that

nigger, hour after hour, up and down and sidewise, misquoting his testimony, skipping about—every trick of a trained lawyer—and he did not shake that nigger once or make him contradict himself. It just stuck in my craw, Mr. X, that that nigger was telling something he had SEEN.

Well, I've no idea you wanted all this stuff, but it's easy to write and maybe you will find something of interest in it. I have thought about it a good deal, and have come to the conclusion stated in Paragraph I; but I must say honestly that I am one of those persons who find it easier to hold a man guilty until he proves himself innocent than the vice versa laid down in our wonderful system of jurisprudence To go the whole route, my theory of the crime is that Frank is a pervert; that he kept after Mary Phagan until he dated her up, for that Decoration Day afternoon, in the "metal room" of the factory; that he frightened her by his unnatural behavior; and that either in the fright, or in the revulsion following the performance she began to cry and became hysterical, probably insisting, louder and louder, that she was going to "tell on him"—she was only a little girl, you know. . . . Then I can imagine Frank trying to pacify her; perhaps backed up against the locked door, imploring her to be quiet; perhaps she even attacked him in her frenzy to be away. Anyway, I imagine he tried to hold her, and she wrenched herself violently away, falling against a lathe and knocking herself unconscious Frank may have thought her dead; anyway, it was his last chance, for nothing but death would stop her story now So he made sure by strangling her And then, in the ghastly jangle of his nerves, he sought aid from his Man Friday—Jim Conley, who was watching below, as he testified he had watched many another Saturday afternoon while Frank "chatted" with women in the deserted factory.

It may be all wrong, Mr. X, but that's my honest opinion. It amounts to a conviction. I believe Frank to be guilty, and I think he had as fair a trial as could have been had with all the public stress of the case, which could not have been avoided in any way that I can see. Anyway, the Supreme Court said he had a fair trial, and so far as we poor mortals are concerned we have to take the findings of our highest courts as the ultimate truth. Leo Frank and Jim Conley and God know the truth of this thing.

Frank says one thing; Conley says another and more probable thing. God hasn't said anything yet—unless He speaks through juries and Supreme Courts. . . . Anyway, this is just my humble personal opinion, as you asked for it—and if I have been tiresome, I apologize heartily.

With best wishes to yourself and all the boys for the coming year, and all the rest of them, I am

Sincerely yours,
