

BLOODY MARY

**THE MURDER OF MARY PHAGAN
AND THE TRIAL OF LEO FRANK**

wherein

**BODY DISCOVERED
PERVERSION CHARGED
STENOGRAPHER BRIBED
VERDICT RENDERED
DEATH SENTENCED**

with

**FRANK'S APPEAL TO HIGHEST COURT
GOVERNOR'S COMMUTATION LETTER
LYNCHING DESCRIBED IN DETAIL**



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CONTENTS

Foreword.....	1
Chronology.....	5
Illustrations.....	8
Preface.....	19
Crime Discovered.....	21
Police Reach Scene.....	24
Frank Views Body.....	29
Mother Hears of Murder.....	34
Crime Stirs Atlanta.....	37
Leo Frank is Arrested.....	41
The Inquest Starts.....	45
Frank’s Story.....	53
Dictograph Incident.....	61
Conley Enters Case.....	68
Conley in “School”.....	75
Racial Prejudice Charge.....	82
Plants Charged to Frank.....	94
South’s Greatest Legal Battle.....	98
The State’s Chain.....	107
“Perversion” Charged.....	118
Salacious Stories Admitted.....	135
Frank’s Alibi.....	142
Attorneys Threatened.....	146
Frank’s Own Story.....	152
Lawyers Laud and Denounce Frank.....	179
Fear Lynching Precedes Verdict.....	197
Appellant’s Argument, October 1914.....	201
Governor’s Commutation Order, June 21, 1915.....	223
The New York Times, August 19, 1915.....	258

FOREWORD

On April 26, 1913, a 14-year-old girl named Mary Phagan was murdered in a suburb of Atlanta, Georgia. She went to pick up her \$1.20 paycheck from the pencil-manufacturing plant where she worked, but never left the building alive. Her body was found the next morning beside a bloodied lead pipe; a rope and torn strips of her undergarment were wrapped around her neck.

The investigation narrowed in on two individuals. The primary suspect was Leo M. Frank, the Jewish superintendent of the factory, and his alleged co-conspirator James “Jim” Conley, a black janitor. Conley claimed that he used to hold watch over Frank’s office when Frank would commit lascivious acts with women, and on this fateful day, Frank had asked him to help move the body of a girl who “fell.” They carried the body together to the basement, and Frank bribed Conley with \$200 to stay quiet and to write some notes which were dictated to him.

Frank maintained his innocence. His alibi involved the time required to complete some financial statements and his family members attesting to his travels for the day.

The trial was sensational and made national headlines. Both the prosecution and the defense expounded racist beliefs to argue their case. The prosecution claimed no black man was smart enough to intentionally leave misleading notes at the scene of their crime, and the defense alleged that the savage nature of the murder was more characteristic of a black killer than a Jewish one. Frank’s defense team also alleged that the prosecution was motivated by anti-Jewish sentiment—a claim maintained to this day by Jewish advocates, and used at the time to help to fundraise for Frank’s ongoing legal costs.

The jury found Frank guilty of murdering Mary Phagan and sentenced him to death. He went on to appeal the verdict

on technicalities all the way up to the Supreme Court, but in all jurisdictions the verdict was upheld. But on the day before Frank was scheduled to be executed, the Governor of Georgia, John M. Slaton, commuted his sentence to life imprisonment. Slaton described this decision in a memorandum forty years later, writing “I did what my sense of justice and my conscience demanded that I do.”

However, some citizens of Georgia had a different sense of justice, and took it upon themselves to execute Frank’s death sentence. On August 17, 1915, they broke him out of jail, drove him to the city of Marietta near Mary Phagan’s home, and hanged him dead from a tree.

Today, the published consensus is that Frank was innocent of the crime; if they’re willing to attribute the murder of Mary Phagan to anybody specific, it’s typically to Jim Conley.

With more than 100 years now passed, Mary Phagan’s name is but a whisper in time. And while Leo Frank’s name echoes more loudly as a symbol of antisemitism, Jim Conley’s name remains but a squeak.

Despite the passage of time, Mary Phagan’s death, the subsequent trial, and the mob lynching of Leo Frank continue to inflame passions among partisan political groups.

Jewish activists hold Leo Frank up as a martyr of injustice and an example of the perennial antisemitism they face. The Anti-Defamation League was founded in 1915, the same year Frank was hanged, and his case was the organization’s first major cause.

The Nation of Islam treats the case, and especially the Jewish response to it, as a “pivotal point” in Black-Jewish relationships. They claim that in the wake of Frank’s lynching, Jews set out to re-brand themselves to blacks as people of a “shared persecution” and common political cause, rather than

slave-traders and plantation owners.¹ Other antisemites contend that much of the controversy was manufactured by Jewish interests, who used their great financial and marketing resources to protect one of their own.

Mary Phagan's great-niece, Mary Phagan-Kean, is likewise convinced of Leo Frank's guilt. She wrote a book on her great-aunt's murder and maintains an online archive of historical newspapers and court records.²

Nevertheless, this work is not about Frank's legal appeals, his lynching, its legacy, or whether he was most likely guilty or innocent. There are enough books written about these already. Rather, we strive for the reader to experience the discovery of Mary Phagan's body and the drama of Leo Frank's trial for themselves, as Georgians did in 1913.

What follows is a book first published as *The Frank Case: Inside Story of Georgia's Greatest Murder Mystery*. It was published anonymously in 1913 and, to our knowledge, the author has never been publicly identified. Given the author's familiarity with court procedure and the fact that the book was written and published in the same year as Mary Phagan's murder, it's likely the original author was a reporter following the case.

At the end of the book, we've included three historical documents for the benefit of the reader. First is one of Leo Frank's filings with the Supreme Court of the United States. It serves to demonstrate the technicalities of his appeal process, but more importantly, provides the reader with Frank's own description of the courtroom proceedings. Second is Governor Slaton's clemency letter, wherein he summarizes the case and his conscience before ordering that Frank's sentence be

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1. Nation of Islam Historical Research Department. *The Secret Relationship Between Blacks and Jews, Volume 3: The Leo Frank Case: The Lynching of a Guilty Man*. The Final Call, 1991.
 2. Phagan, Mary. *The Murder of Little Mary Phagan*. New Horizon Press, 1989.

commuted from death to life imprisonment. It contains details about the case and suspects which were not presented to the jury. Finally, we include an article from the New York Times covering the abduction and hanging of Frank. It not only describes the atmosphere within the community, but also includes a defense of their actions by a local judge.

H. C. Earwicker
Editor

CHAPTER 1

CRIME DISCOVERED

Newt Lee, night watchman, yawned and stretched his legs. Far off in the silent city a clock boomed once. The negro listened intently. It was half-past two o'clock of a Sabbath morning, April 27th, 1913, and he must make his rounds.

It was chilly there on the second floor of the National Pencil factory, and Newt passed the palms of his black hands across the dusty glass surface of his lantern to warm them. The shadows in the corners danced and crept closer. Before him the lantern light revealed the face of the big time clock which it was his duty to punch every thirty minutes.

In a little while Newt would have made the rounds of the deserted factory building, could punch the clock, would sit down again for another rest.

And he was tired, too, he thought. He needed rest.

"Yes sir," he muttered to himself, "I'm some tired."

As Newt started down the stairs to the first floor, the darkness swallowed up behind him and only a narrow path of light showed the flight of steps down which he must clamber. Another man at the same place and hour would have felt cold shivers wriggle up his spine, but not Newt.

Night after night for many months he had been on that same round, had seen those same shadows flicker on the bare walls, watched the lantern make the same ghostly tracings on the steps. But tonight he was tired, despite the fact that Mr. Frank, the superintendent of the factory, had given him nearly the whole afternoon off. He talked to himself as he reached the foot of the steps and began to throw his lantern light back and forth on the empty first floor. Many lonely nights spent as this one, had taught Newt the value of silent communion and much

sleep.

“I comes down at three o’clock ‘cause Mister Frank says it’s a holiday, and he wanted to get off early,” he muttered thickly. “And first thing he says is for me to get and have a good time, not to come back ‘til six. That’s a swell time I had, ain’t it? Trampsin’ round town when I’d much rather been a-sleepin’ at home. I wonder what is the matter with Mister Frank today, anyhow! Appeared to be mighty nervous there, rubbing his hands and coming busting out of the door when I hollered to him. And making me go upstairs with Mister Gantt to get his shoes, just like he was scared that Gantt man would steal something. Huh, white folks don’t steal nothing. Not like niggers, anyhow.”³

By this time Newt had made his examination of the first floor. All serene as usual. Gloomy, of course, with none of the busy workers that were there in the day time, none of the men feverishly packing pencils, none of the scores of little factory girls bent over the machines. There were the machines, gleaming and still. Newt liked them still, for stillness and the common-place meant safety to a night-watchman.

One more floor, and he would be through. One more floor, the basement, darkest of the dark, always silent, always sinister.

He raised the trap-door over the scuttle-hole. A dim light shot up. The gas-jet was burning as usual, but it was turned down mighty low, thought Newt to himself. Orders are orders, thought Newt, and Mr. Frank’s orders were to always have that light burning brightly. Well, he would see.

Down the ladder he climbed, his feet fastening gingerly on each round, his lantern swaying, its light spearing the dimmer light of the basement with faint gleams, really enhancing the silence and the gloom.

3. Some of the original author’s “folk” dialogue has been edited for readability. Their use of racial slurs was preserved here for the historical record.

His feet touched the bottom round. He was on the basement floor. To each corner the lantern flecked its yellow rays. All right here, all right there. But over there, by the boiler, on that pile of saw-dust...

Newt advanced three steps forward and stopped. Steady the light burned, shining on a little pile of clothes and something else, something that Newt had never seen before. His heart thumped. He could hear it beat. His ears strained to catch some other sound, but from the sleeping city without all was silent as a tomb, nothing stirring but the quick hard thump, thump, of his heart. The silence pressed around him, gripping him, and for the first time in his life the negro was seized with deadly, nauseous fear. He tried to throw it off. He swallowed something in his throat and tried to laugh.

“Shoot,” he muttered aloud. “Them factory boys is just trying to scare me. Just a little holiday joke, that’s all.”

His voice sounded harsh and grating in the stillness.

“Just a little joke,” he repeated fearfully, and then his voice trailed off into silence.

One more step forward, one more flicker of the lantern, and Newt Lee stumbled back. He had seen something that caught his blood like an icy dam, and with one bound he was sobbing his way up the ladder. That thing by the boiler was no joke, no holiday prank. Jokes were not smeared with blood. Jokes did not have hair. Jokes did not have staring eyes, nor faces bruised and scarred.

CHAPTER 2

POLICE REACH SCENE

The same clock that boomed the hour that sent Newt Lee off on his rounds of the factory building, boomed freedom from the night's work for three men at the Atlanta police station.

It had been an easy night for police reporters, but easy nights are weary nights and the welcome hour meant that the big presses up in the office were grinding out pages of printed matter for the citizens of the city to while away the Sunday hours between breakfast and time to go to church.

"Good-night, chief," they shouted, as they clattered down the stone steps of the station-house.

"Good-night, boys."

The two of them turned up Decatur Street, foggy with the night mist, free from the throngs of merry, laughing colored people that had crowded them a few hours earlier. Only the lingering smell of fried fish and the reek of "hot-dogs" remained of the jostling mass of humanity that had filled the street from curb to curb such a little while ago.

"Where's Britt?" said one.

"Out in Boots Rogers' automobile, I guess," said the other, and the two laughed.

So the third reporter was left in the automobile, while inside the station-house the officers lolled back in their chairs to drone away the remaining hours till the first light of morning.

Already over the smoky skyline to the east a thin smudge of light was appearing. The arc-lights in the street burned blue and the hands on the station-clock were crawling toward the hour of three.

Somewhere off in the cells to the rear of the station the gulping sobs of a negress reached the officers. Brought in earlier in the evening on the charge of disorderly conduct, she had continued to moan and yell throughout the night until exhaustion brought only those racking sobs.

“Sergeant,” growled a thick-set man near the door, whose chevrons proclaimed him a head of a department. “Make that woman shut up, will you?”

The sergeant sighed and clumped off toward the rear, swinging his keys. Boots Rogers, deputy, opened his mouth to begin the umpteenth exposition of the Grace case when the telephone bell jangled.

“Well,” said Officer W.T. Anderson. “Wonder who’s ringin’ up this hour the night.”

He rose wearily, strode to the door of the telephone booth and swung it open. His brother officers looked up for a moment with passing interest and sank back in their seats.

“Hello, hello?,” came from the booth. “Yes, this is the police station. What! You’ll have to speak slower, old man. I don’t get you.”

Then he got the message, the message from that negro, many blocks away, crouching fearful in the gloom of the pencil factory, telling in a shaky voice of a dead girl found in the basement of the National Pencil Company on Forsyth Street.

As Officer Anderson crashed out of the phone booth with his news, the sleepy officers leaped to their feet, wide awake in a minute, to the emergency.

“My machine’s in front,” yelled Rogers. “Let’s go!”

In a flash he was out on the sidewalk, Anderson on his heels. Together they sprang into the car, woke the sleeping reporter, and the three of them were up the silent street with a sputter and roar, leaving the other officers gaping after a trail of dust and a winking red light.

As the machine neared the corner of Pryor and Decatur Streets, two men were seen standing on the corner. They were Officers Dobbs and Brown. The automobile slowed down.

“Jump in!” yelled Rogers, and with hardly a perceptible pause, the big car rocked on up Marietta Street, slewed into Forsyth and stopped, panting, at the black pile that they knew was the National Pencil Company.

The four men alighted. Each was breathing hard with excitement, as Officer Anderson pounded on the door with his clenched fists.

A muffled tread sounded from within, the latch grated harshly, and the frightened face of Newt Lee peered out at them. The whites of his eyes were rolling and his teeth chattered. The picture of fear, each officer thought to himself.

Before he could speak, “Where’s the body?” they shot at him, and had entered the gloomy portal of the factory.

With Lee in advance and Anderson right behind with his hand clenched over a revolver, the men advanced single file to the scuttle-hole. Backed by “white folks,” Newt Lee led them down the ladder into the darkness and pointed fearfully to the thing in the corner.

“Dat’s it,” he whispered.

The officers bent and looked upon the fearfully mutilated body of a girl. She lay inert in the sawdust, her head toward the front, her feet diagonally across toward the right rear corner. Her face, bruised and cut, black with grime, was turned toward the wall. The body was face-downward, and as the men stooped for a further examination, the extent of the injuries was revealed to them. They could see her hair in shreds, the unmistakable hair of a white person, stained dark with blood that had oozed from a wicked blow on the back of the head; her blue ribbon that had been tied on so blithely but a few hours before, now wilted and dirty; her silk lavender dress smeared with blood; one small white slipper still clinging to the right foot;

around the neck a strand of heavy cord that had cut deep into the flesh; around her head a clumsily-contrived gag, formed of cloth torn from her dress.

They turned the body over. The underskirt was ripped to shreds, one stocking supporter was broken, the white stocking itself sagged down almost to the knee.

Sergeant Brown threw his head back and gasped. "My God, it's only a child!"

While they stood there Sergeant Dobbs had been making a minute investigation of the cellar floor. A few feet away he found the other slipper of the girl, and near the shaft of the elevator was her flimsy little hat. Then he made a discovery.

Turning toward the lantern light he held up to view two soiled pieces of yellow paper, across which someone had scrawled rude letters.⁴ With bated breath, the officers read the notes.

The first said:

He said he wood love me land down play like the night witch did it but that long tall black negro did by his slef.

And the second:

Mam that negro hire down here did this I went to make water and he push me down that hole a long tall negro blk that hoo is wase long sleam tall negro it wright while play with me.

What thing was this? What did they mean?

Had the man who wrote these notes done this hellish deed? The quick flash of suspicion, already born in the brain of every white man present, turned toward the black man Lee. It was Anderson who swung suddenly toward the watchman and

4. Figure 5, page 12.

flung a rough hand on his shoulder.

“Nigger, you done this,” he said hoarsely.

“Fore God, I didn’t, white folks.”

A moment later and Anderson had slipped the hand-cuffs on his wrists, and Newt Lee was under arrest for murder.