

The New South and Leo Frank

Synopsis

In 1913 Leo Frank, a northern Jew who had moved to Atlanta to manage a pencil factory, was accused of murdering a 14-year old girl named Mary Phagan, who was employed at the factory. The story of Leo Frank and Mary Phagan, on one level the story of a murder, trial, and execution, can be seen on another level as a frightening example of the conflicts that developed out of the merging of the agrarian and urban cultures. At the turn of the century, poor farmers facing destitute conditions in the Georgia countryside began moving in large numbers to the cities. Urban entrepreneurs, seeing the need for jobs, looked to the North for capital and management to build factories. After a sensationalized trial, Leo Frank was found guilty and sentenced to be hanged. He was convicted primarily on the testimony of Jim Conley, a janitor who was initially suspected of the crime and who changed his story several times. Gov. John Slaton commuted Frank's sentence to life imprisonment, but on August 16, 1915, 25 armed men took Frank out of jail and hanged him. To many, Frank was a symbol of the "foreign" exploiter making money from the labors of children. To others, he was a scapegoat for people's economic woes. The Frank case can be seen as an illustration of what happens when the world is changing too fast for some people who, since they cannot alter their circumstances, vent their frustration and anger on people or things that symbolize the change they cannot control.

Video Synopsis

Commentators from this Georgia Stories video include Sandra Berman, Archivist at The William Breman Jewish Heritage Museum of The Atlanta Jewish Federation, and Cliff Kuhn, History Professor at Georgia State University.

A Basis for Understanding the Primary Resource Materials

Leo Frank, a former resident of Brooklyn, NY and a graduate of Cornell University, moved to Atlanta in order to act as superintendent of a pencil factory. The 29-year-old's life was drastically altered on April 27, 1913 when a 13-year-old female employee was found murdered and sexually assaulted in the factory cellar.

On cursory examination, two notes found near the body seemed scribed by Mary Phagan. They identified a tall, black man as her assailant. However, the awkwardness of the language strongly suggested that Phagan had not actually written these notes. It also

seemed unlikely that, while she was being raped, she would have penned them ("I wright while play with me," one note said).

Prosecutors convinced of Frank's guilt argued that Frank had either written or dictated the notes. The defense argued that the handwriting and prose style resembled that of Jim Conley, a black janitor employed by the building (who was short; an important physical distinction considering the description of a "tall" man in the notes). Could Conley have been trying to frame another black employee?

If so, the plan didn't work, for prosecutors had their own ideas as to who committed the murder. Frank became the prime suspect. Originally, investigators dismissed the possibility that Conley wrote the notes because Conley claimed to be illiterate, but others testified that this was untrue; Conley had been seen reading and writing before. Conley later confessed he had written one note and Frank wrote the other, but both notes appeared to be in the same handwriting. Conley then confessed that he had written both notes. Prosecutors argued that Frank dictated the notes to Conley. Conley's story changed numerous times in order to accommodate each theory.

Because Frank was in the factory around the time of the murder, and because of the testimony of Jim Conley, and because other female factory employees said that he exhibited flirtatious and sometimes lewd behavior with the female staff, he was convicted for the crime.

Frank was sentenced to hang, but his fight for a new trial postponed the execution. Most Northern newspapers were convinced that Frank was innocent, or at least conceded that he had been convicted on very flimsy evidence. Petitions requesting a stay of execution were circulated and public appeals were made through the Northern press.

It seemed likely to Frank's supporters that because Frank was a Northerner, and because he was a Jew, he had become a scapegoat for the South's frustrations and bigotry. The press at the time, particularly the magazines of Georgia editor Tom Watson, displayed fiercely anti-Semitic sentiments. Tellingly, an organization called "The Knights of Mary Phagan" later became the resurrected Ku Klux Klan.

Efforts to exonerate Frank exacerbated Watson and many other Georgians who felt that the Northern press mocked them and saw in these accusations of injustice a slight to the integrity of the jury that convicted Frank—and by extension the integrity of all Southerners. Watson's own integrity, however, was sorely tested by his fervent insistence on publishing items like, "In the Year 1895, the Catholic Priests Were Burning Men, Women and Children in Mexico." Watson's bigotry had no bearing on his certainty of Frank's guilt; Watson was hot to assure "the big Jew editors." Watson went on to become a Georgia senator in 1920.

Georgia Gov. John Slaton, after carefully reviewing the evidence, concluded that Frank was convicted on flimsy evidence. He would not go so far as to set Frank free or offer him a chance for parole, but he commuted Frank's death sentence to life in prison.

Governor Slaton was regarded as a hero by the Northern papers; for they knew he had put his own life in jeopardy by taking this action. Indeed, his action outraged many southerners.

On August 16, 1915, shortly after the commutation, a mob broke into the prison holding Frank. They transported the prisoner to Marietta and hanged him there. The lynching provided additional fodder for the Northern papers, which cited it as a prime example of the frontier justice they felt tainted legal proceedings in the South.

In 1982, a witness came forward claiming that he had seen Conley carrying Phagan's body; Conley had threatened to kill him if he told anybody. The witness passed several lie detector tests, but, with so many decades of history lying between the confession and the murder, a thorough investigation was impossible.

Frank supporters submitted an application for a pardon to the State Board of Pardons and Paroles in 1983. The Board rejected it, on the grounds that no new evidence had come to light to conclusively state that Frank had been innocent of the crime. But in 1986 a pardon was granted. The final paragraph stated:

"Without attempting to address the question of guilt or innocence, and in recognition of the State's failure to protect the person of Leo M. Frank, and thereby preserve his opportunity for continued legal appeal of his conviction, and in recognition of the State's failure to bring his killers to justice, and as an effort to heal old wounds, the State Board of Pardons and Paroles, in compliance with its Constitutional and statutory authority, hereby grants to Leo M. Frank a Pardon."

Did Leo Frank kill Mary Phagan? We will probably never be 100% certain. Speculations on what another trial might have uncovered are tantalizing but, because of the mob's actions, only fantasies.

We often think of the past as some distant thing analogous to the fading photographs, silent films or engravings that survive to illustrate it. But for the descendants of Mary Phagan's family and Tom Watson's, the past is still very much alive. They remain convinced that Frank was guilty and deserved his original sentence: death by hanging. On the other hand, the pendulum of popular opinion has swung in favor of Frank's innocence. The past, and all its accompanying controversy, is still very much alive indeed.

Topic Focal Points

Students should be able to:

- identify significant figures in the Leo Frank case
- analyze the circumstances surrounding Mary Phagan's murder, and examine the evidence

- discuss how evidence was gathered and presented in trial
- identify underlying motives for the mob's hanging of Frank

Primary References for this Topic

There is a wealth of primary resources available for most of the *Georgia Stories: History Online* topics. To someone with ample time, the site can be a treasure trove of information; however, there may be too much information for the busy instructor to wade through.

Below, we list some resources that adequately represent the major concepts for this topic. You can delve into more detail if you have the time, but these resources are a good place to start.

Connolly, C. P. "**The Frank Case.**" *Collier's: The National Weekly*. Vol. 54, No. 14 (19 December 1914)

Connolly, C. P. "**The Frank Case.**" *Collier's: The National Weekly*. Vol. 54, No. 15 (26 December 1914)

"**Facing the Jury, Frank Asserts His Innocence of Mary Phagan's Death.**" *The Atlanta Journal*. 13 August 1913.

Henry A. Alexander. "**Some Facts about The Murder Notes in the Phagan Case.**" [password required]

"**Frank Sentenced to Hang on October 10th, But Fight For New Trial Will Stay the Execution for Many Months.**" *The Atlanta Journal*. 26 August 1913.

"**The Leo Frank Case Still Raging in Northern Papers.**" *The Jeffersonian*. 25 March 1915.

"Frank Lynched After 100-Mile Ride; His Face Mutilated by Second Mob; Governor Promises Prompt Action." *New York Times*. 17 August 1915.

Educators Resources

Study Questions, Background, Activities, and Georgia Standards

1. Who were the four main characters involved in the murder at the National Pencil Factory?

They were Mary Phagan (the victim), Leo Frank, (the factory superintendent), Newt Lee (the night watchman), and Jim Conley, (the janitor/sweeper).

2. Describe Mary Phagan.

She was a working girl, one month shy of her 14th birthday, physically mature, attractive, and precocious enough to ride a street car downtown in Atlanta by herself. She was born in Marietta but lived with her mother and stepfather in Atlanta.

References - [Magazines](#):

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.
- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

3. When was Mary Phagan murdered? What was the name of the holiday on which she was murdered? Of what significance is this holiday?

Phagan was murdered on Saturday, April 26, 1913 which was Confederate Memorial Day. She had gone downtown to collect back pay and to watch the parade later in the afternoon.

References - [Magazines](#):

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

4. Who was the initial suspect in the case?

A sort of "gut" suspicion seemed to implicate Frank from the very beginning, but Newt Lee, the night watchman, was the initial suspect based on *evidence*. Although Lee and Frank were arrested at the same time, evidence pointed toward Lee first because a "bloody" shirt was found in a trash can at his house. Scientific analysis of the shirt cleared Lee and then suspicions shifted toward Frank.

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.
- "The Frank Case." Collier's: The National Weekly. 26 December 1914.

5. What evidence suggests that the Atlanta police were under a lot of pressure to identify and charge a suspect with the crime?

Several unsolved murders of Atlanta women had led to outcries of police incompetence. Detectives were told to come up with a suspect and evidence to support a conviction or lose their jobs.

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 26 December 1914.

6. Who were the Pinkerton agents, and why were they brought into the murder investigation?

They were private investigators, and Leo Frank had called them to make sure that the National Pencil Factory did not receive a bad reputation regarding the incident. It is ironic that evidence which the agents uncovered implicating Jim Conley was ignored by Atlanta police until after the indictment. One historian argues that a Pinkerton agent actively worked to frame Leo Frank (Goldfarb, Stephen J. "Framed," *American Heritage*, October 1996, pp. 108-113).

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

7. Analyze the murder notes found at the scene. What is the significance of phrases like "night witch" and "long, slim, tall Negro"?

Investigators were initially presumed to believe that Mary Phagan penned the notes while being raped ("I wright while play with me"), but the notion was too absurd to be entertained for long. Clearly, thought the investigators, the author of the notes was the killer, so identifying the handwriting would identify the guilty party. Unfortunately, things got clouded when Conley claimed that, while he had written the notes, Frank had dictated them to him.

The phrase "play like the night witch did it" provoked much debate. While most assumed that the expression referred to the night watchman, there is an alternate

explanation. Even though there were numerous spelling errors in the note, all the words were spelled phonetically. Thus, it was unlikely that "a night witch" would have been written if "night watch" or "night watchman" had been the author's intention.

Frank supporters argued that the "night witch" was a standard element of African-American folklore, but not the sort of thing the average white person would have known about, or think to reference in a murder note. They argued that only a southern African-American (like Jim Conley) would have understood and thought to use such an explanation. Even if Frank had known of the "night witch," why would he interject it in notes that were to be passed off as the work of a white girl?

The physical description of the assailant also seemed highly suspect -- likely concocted to divert attention away from Jim Conley, who was short and light-complexioned. It made Conley appear even more suspicious as a result.

References - [Personal Journals, Letters, and Manuscripts](#)

- "Some Facts about The Murder Notes in the Phagan Case." V/FK Milton Klein Family Papers.

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

8. What is the significance of the similarity between the handwriting of Jim Conley and that of the murder notes?

The two notes were clearly written to fool police into thinking that the author was Mary Phagan herself. However, the language and content of the notes strongly suggested that the author was the murderer.

Conley produced handwriting samples that strongly resembled the handwriting in the murder notes. Even without Conley's handwriting sample, the handwriting exhibited in both notes looked the same; both notes appeared penned by the same person. This refuted one of Conley's stories: That one of the two murder notes was written by him (with Frank dictating) while the other note was written by Frank himself. In light of this evidence, Conley changed his story and confessed that he had written both notes.

Initially, the notes left at the scene of the crime suggested that Jim Conley could not have been the murderer--Conley claimed he could neither read nor write. But

later it was revealed that he could ("Facing the Jury, Frank Asserts His Innocence of Mary Phagan's Death" The Atlanta Journal; subhead: "Saw Conley With Paper").

References - [Personal Journals, Letters, and Manuscripts](#)

- "Some Facts about The Murder Notes in the Phagan Case." V/FK Milton Klein Family Papers.

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

9. Who was Hugh Dorsey? What was his role in the Frank investigation and trial?

He was the prosecuting attorney in the Frank case. His success in obtaining a conviction in this case made him so popular that he later ran successfully for governor of Georgia.

References - [Newspapers](#)

- "Facing the Jury, Frank Asserts His Innocence of Mary Phagan's Death." The Atlanta Journal.

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

10. Reconstruct the scene of the crime at the pencil factory based on drawings and testimony.

Diagrams will vary--see prosecution and defense diagrams on the web site.

References - [Newspapers](#)

- "The Georgia Artist's Diagram of Pencil Factory Used Before Grand Jury to Explain Phagan Slaying." The Atlanta Georgian.

11. Locate the National Pencil Factory on a contemporary Atlanta map.

The factory was located at 39 Forsyth Street in downtown Atlanta, between Alabama and Hunter (now Martin Luther King) Streets. The site of the old pencil factory today is occupied by the Atlanta Federal Center.

References - [Magazines](#)

- "The Frank Case." Collier's: The National Weekly. 19 December 1914.

Vocabulary Terms | The New South And Leo Frank

affidavit:

A sworn statement in writing; a declaration in writing, signed and made upon oath before an authorized magistrate.

Anti-Defamation League:

Formed in 1913, the Anti-Defamation League's mission is "to stop the defamation of the Jewish people and to secure justice and fair treatment to all citizens alike." The focus of the group has broadened over the years to address all forms of bigotry and discrimination. The ADL has offices throughout the world, including Rome, Jerusalem, and Vienna.

anti-Semitism:

Opposition to, or hatred of, Semites, esp. Jews.

appeal:

To make application for the removal of (a cause) from an inferior to a superior judge or court for a rehearing or review on account of alleged injustice or illegality in the trial below. We say, the cause was appealed from an inferior court.

atrocious:

Enormous wickedness; extreme heinousness or cruelty.

bias:

A leaning of the mind; propensity or prepossession toward an object or view, not leaving the mind indifferent; bent inclination.

commute (the sentence):

To diminish; as, to commute a sentence of death to one of imprisonment for life.

chief executive:

The person who holds the office of head of state of the government

defense attorney:

A lawyer representing the accused.

due process:

The administration of justice according to established rules and principles

industrialism:

Devotion to industrial pursuits; labor; industry.

lynching:

To inflict punishment upon, especially death, without the forms of law, as when a mob captures and hangs a suspected person.

pardon:

The act of pardoning; forgiveness, as of an offender, or of an offense; release from penalty; remission of punishment; absolution.

petition:

A formal written request addressed to an official person, or to an organized body, having power to grant it; specifically (Law), a supplication to government, in either of its branches, for the granting of a particular grace or right; -- in distinction from a memorial, which calls certain facts to mind; also, the written document.

populist:

A member of the People's party.

propaganda:

Any organization or plan for spreading a particular doctrine or a system of principles.

prosecutor:

The person who institutes and carries on a criminal suit against another in the name of the government.

scapegoat(ing):

To make a person, thing, or group bear blame for others.

Solicitor General:

A law officer appointed to assist an attorney general

symbolism:

The act of, or the state of representing ideas symbolically.

If you need help defining these terms, we suggest the following resources:

Dictionary.com

[Merriam-Webster's WWWebster Dictionary](#)
[Webster's Revised Unabridged Dictionary, 1913 Edition](#)

Suggestions for Further Reading | The New South and Leo Frank

Dinnerstein, Leonard. The Leo Frank Case. Athens, GA: The University of Georgia Press, 1987, 1966.

(Classic study of the case, originally published in 1968.)

Dinnerstein, Leonard. "The Fate of Leo Frank." American Heritage. October 1996, p. 98-109.

(Summary of the case and its aftermath, written after the 1986 pardon)

Epstein, Gail. "Leo Frank is Pardoned." Atlanta Journal. March 11, 1986. A1

Frey, Robert Seitz and Nancy Thompson-Frey. The Silent and the Damned: The Murder of Mary Phagan and the Lynching of Leo Frank. New York: Madison Books, 1988.

(History of the case by two well-known Jewish writers, including the story of the 1986 pardon)

Garrett, Franklin M. Atlanta and Environs: A Chronicle of Its People and Events. Volume II. Athens, GA: University of Georgia Press, c1954. p.619-628.

(Detailed summary of the case)

Golden, Harry. A Little Girl is Dead. Cleveland, OH: World Publishing Company, 1965.

(A popular history of the Frank-Phagan case)

Goldfarb, Stephen J. "Framed." American Heritage. October 1996, 108-113.

(Evidence from the November 1915 trial of the Pinkerton Detective Agency v. National Pencil Company, for non-payment of bills, indicates that the agency actively worked against its client, Leo Frank, to have him found guilty of murder)

"Jewish Leaders Hail Pardon as Vindication of Leo Frank." Atlanta Journal. March 12, 1986. A 1+

Phagan, Mary. The Murder of Little Mary Phagan. Far Hills, NJ: New Horizon Press, 1987.

(Memoir and highly personal reconstruction of the case by the great-niece of Mary Phagan, whose family remains convinced of Frank's guilt)

Sibley, Celestine. "Trial of Leo Frank Was State's Most Significant." Atlanta Journal. March 13, 1986. A1+

"Prejudice Overpowering During Leo Frank's Trial." Atlanta Journal. March 14, 1986. A1+

"New Evidence in Case Pointed to Factory Sweeper." Atlanta Journal. March 15. A1+

"The Lynching: 'Mary is Vindicated: Her Foul Murder is Avenged'." Atlanta Journal. March 16. E10

"Frank Case Came at a Moment Marked by 'Fear and Hatred'." Atlanta Journal. March 16. E12+

(A five-part series giving a thorough, lively overview of the case and the 1986 pardon, as well as a discussion of how the incident reflected 1920s beliefs and influenced later decades.)

"Virginia Stands in for Georgia in 'Ballad of Mary Phagan'." Atlanta Journal. June 25, 1987. B1+

Georgia Standard – www.georgiastandard.org

SS8H7 - The student will evaluate key political, social and economic changes that occurred in Georgia between 1877 and 1918.

- a. Evaluate the impact the Bourbon Triumvirate, Henry Grady, International Cotton Exposition, Tom Watson and the Populists, Rebecca Latimer Felton, the 1906 Atlanta Riot, the Leo Frank Case, and the county unit system had on Georgia during this period.
- b. Analyze how rights were denied to African-Americans through Jim Crow laws, *Plessy v. Ferguson*, disenfranchisement, and racial violence.
- c. Explain the roles of Booker T. Washington, W. E. B. DuBois, John and Lugenia Burns Hope, and Alonzo Herndon.
- d. Give reasons for World War I and describe Georgia's contributions.