

# A LETTER ON THE FRANK CASE AND A REPLY TO IT

## Georgia Woman Makes What She Considers a Point Against Frank — One of Prisoner's Counsel Answers in Defence.

WHEN the following letter regarding the Frank case from the widow of Congressman Felton, who represented the Seventh District of Georgia in the Forty-fourth, Forty-fifth, and the Forty-sixth Congress, was received by THE NEW YORK TIMES, its contents were at once telegraphed to Luther Z. Rosser of Frank's counsel. Mr. Rosser sent in reply the detailed statement which follows Mr. Felton's letter.

Mrs. Felton wrote as follows:

To the Editor of The New York Times:

I have been interested in your exposition of what is called the Frank case; from your viewpoint. I also notice that you have had nothing reprinted from Georgia newspapers or Georgia lawyers as to the Georgia viewpoint of the Frank case.

There are some facts that have been omitted from the Connolly and Burns statements that certainly impressed the twelve men who made the verdict, and which verdict has not been overturned by either the Supreme Court of Georgia or the Supreme Court of the United States, and is not controverted by the Federal Judge of the Northern District of our State.

I chanced to be in Atlanta on the Sunday that Mary Phagan's body was found. I read the story of the trial as it was published in Atlanta newspapers, and I heard the argument of the defense before the Supreme Court of Georgia.

There is one fact that Mr. Frank's friends have not elaborated, but it is the one fact that made profound impression at the time of the trial. There were two negroes finally held under suspicion, both well known to Frank. Newt Lee, the watchman, was arrested on Sunday, when excitement ran high, and if his story had not been clear and his honesty had not been so well attested I hazard nothing when I say he might have been lynched before sundown—the outrage was so terrible on that little defenseless white girl. This is not the time nor the place to give details as to the condition of the child's mutilated body at the Coroner's inquest. The negro Conley's name in connection with this outrage was not mentioned until the latter part of the week—Thursday, to be exact. In the meantime Frank

was closely questioned as to his knowledge of persons who were in the factory on Saturday, the pay day, when Frank himself handed out the pay envelopes. He, likewise, suggested examination of Newt Lee's house, where an old bloody shirt had been planted to invite further suspicion against Lee. Among the witnesses who were called to testify was a Mrs. White, who swore she saw Conley on a lower floor when she called at the factory on Saturday. Conley was in the employ of the superintendent—said to be somewhat of a trusty for Mr. Frank.

The fact that Conley was there, and seen by other parties, and no mention was made by Frank when he was questioned of Conley's employment in the building or of his presence that day is the one fact that I call to your attention at this time. It is the one fact that made Conley's evidence so powerful before the jury. It is the one fact that Burns and Connolly have failed to discuss in its close connection to the accused; and Frank's amazing failure to even hint or voice a suspicion of the presence of Conley in the building, or his own employment of Conley, until more than four days had elapsed—was the one fact that always presented itself to the jury, and which helped them to form their verdict of guilty. I am not going to review Conley's evidence here, but you cannot forget that it was corroborated by various white witnesses who had not listened to Conley's statement from the witness chair.

In all cases that have been published or sworn to, or confessed by negro rapists in Georgia the negro criminal hurries off. He knows what he will get if caught, and he embraces his first opportunity to get away—his one chance for life.

But Conley stayed. Conley faced the accused, and he admitted his part in the disposal of that girl's body. If Conley had not been convicted of his share in the concealment of Mary Phagan's remains he would not have "lived to return to his cell" in the Prison Tower from the courtroom.

And I embrace this opportunity to say to you there is no "Jew-baiting" in Georgia. There are very many Jews in the State. A large number have wealth and stand deservedly high in financial and social circles. They intermarry with Gentiles very often. In a word, those of Hebrew lineage are most highly respected in every instance where they are known to be good citizens. I do not forget that the Southern Confederacy placed one of its highest positions in the care of Judah P. Benjamin. They are constantly elected to our State Legislatures; even the law partner of Gov. Slaton is said to be of the Hebrew race.

I have close friends who are of the Jewish lineage. I deprecate this persistent effort to make the world believe that Georgia is inimical to the Jew, because it is untrue and painfully misleading.

Georgia has been harshly criticised in times past because of lynch law in rape cases, but never before to my recollection has the State been charged with "Jew-baiting." I am an old lady, nearly 80 years old. I have been a close observer of current events during all that period since girlhood. I have no interest in this case save to affirm the facts. (Mrs.) W. H. FELTON.

Cartersville, Ga., Dec. 26, 1914.

### Answer by Mr. Rosser.

Following is Mr. Rosser's reply:

It is true Conley was suspicioned by no one until Wednesday or Thursday. He was then seen by one of the employes of the factory washing stains from a shirt, was by the employe reported to the police and, as a result, arrested on suspicion.

Saturday was not in this instance the pay day. The employes had been paid on the Friday before. Nor did Frank himself hand out the pay envelopes. More than a dozen persons, including employes, were at the factory on the day of the crime for one purpose or another, in spite of the fact that that day was a holiday.

Frank spent the day, except for a

short time in the morning, in his office, and his knowledge as to who visited the factory is restricted to those who called at his office or were met by him in going to and from the factory.

Conley was at the factory, as he claims, but was in hiding. Be that as it may, he was seen by none of the visitors at the factory except by Mrs. White, and she was not very sure that Conley was the negro she saw. It is true that a negro was seen by two visitors not employes of the factory, but it is quite improbable that the negro they saw was Conley.

That Conley was not seen by Frank is not at all suspicious. He was hiding from everybody. More than a dozen employes visited the factory, every one of whom knew Conley well, some better than Frank, but did not see him.

These employes were questioned just as closely as was Frank and none of them mentioned Conley's presence, for each of them, like Frank, did not see Conley, and did not know that he was in hiding at the factory.

If this failure to mention Conley's presence, of which he in fact had no knowledge, throws suspicion on Frank, the like suspicion rests upon Darley, Miss Hall, and the other employes that day working and visiting the factory.

Conley was known to Frank just as was the other negro laborers, but it is not true that he was a trusty for Frank. Conley was a low, degraded, criminal negro, and it is monstrous to think Frank would have selected him for a trusty. No one about the factory ever had the least intimation that Frank put any trust in Conley. Even the negroes of the factory did not trust him; the better colored help declined to associate with him. True, he says Frank trusted him, but no one else did.

To no one did Frank ever deny that Conley worked at the factory. That he did was no secret; everybody around the factory and every policeman in the case knew that.

Mrs. White thought she saw Conley, and doubtless she did. That she did was communicated to the police, but not to

Frank. He was in jail and knew only such passing events as drifted to him from the outside into his prison.

There is not a syllable of evidence showing that Frank knew Conley was at the factory, except the unsupported testimony of Conley.

Frank made a full, frank statement of the whole matter on Monday after the crime; that statement is in writing and shows for itself that Frank concealed nothing, evaded nothing, side-stepped nothing.

Of course, if there was evidence other than the unsupported word of Conley that Frank knew Conley was in hiding at the factory and concealed the fact it would count against him, and justly so. But if no one says so but Conley it is difficult to see how his testimony as to that would aid and strengthen his other testimony. That would be Conley lifting himself up by his own boot straps. You cannot strengthen one part of a false, rotten statement by another part of the same statement.

Frank was anxious to throw all the light possible on the crime. Any honest man would have had the same anxiety. Lee, at first, was suspected by the police, and, indeed, by many of the interested public. Frank naturally wanted Lee's possible connection with the crime fairly and closely investigated. The idea of searching Lee's house, however, originated with the police, and not with Frank. Had it been otherwise that fact cannot fairly throw suspicion on Frank. It was a very natural and wise thing to be done, and ought not to excite suspicion; in sane times it certainly would not.

Frank did not know then, and does not know now, that the bloody shirt was a plant. If it was, there is not one word suggesting that Frank or any of his friends knew anything about it. It was charged against them, but it was a cruel, baseless charge. There were some strange things about the shirt, but none of them pointed to Frank, nor to any friend of his. It is the contention of Frank's friends that every circumstance connected with that shirt could be cleared up by members of the Police Department with no possible hurt to Frank.

One thing is sure, nothing about that shirt points to Frank, and the charge that it does is recklessly false.

LUTHER Z. ROSSER.