



# WHY HE DEMANDS A NEW TRIAL

didn't learn in school. I learned to write a long time ago, but there wasn't nobody much knew I could write."

"How did Mr. Frank know you could write?"

"He had some writing I had wrote in his own desk. Oh, he knew. If he hadn't knowed that I could write how come he'd ask me to write down them notes?"

"But, Jim, you've told two stories about when he asked you to write them. Which one is true and why did you tell one that wasn't?"

"Well, the last one that I told is true. He didn't ask me to write the notes on Friday and I didn't write the notes on Friday. He asked me to on Saturday, just like I said he did. And it was Saturday I wrote 'em, just like I said it was."

"Why should you have written them for him? Didn't you know that knowing you could write, people would recognize your writing and accuse you of the crime?"

## Fury On His Face.

"Wasn't many except Mr. Frank that knowed I could write. I didn't think he would go back on me." Jim Conley's curiously primitive face became extremely hard and wooden—ebony like. It scarcely expressed rage. It just got hard. "I wish I could get at him," he said briefly. "Wish I could get at him."

"Did you make any agreement with him?"

"Sure I did. He made me mighty pretty promises. He told me that if I got locked up he'd get me out on bond and for me to keep my mouth shut. I believed him. I always did believe him. That's where I made a big mistake. I thought he'd get me out and send me away from here, and I stood by him. There in the court room they kept me on the stand two days and a half."

"It was Saturday he told me that, and on Monday they had me in the court. They said I had been washing my shirt, and that was true, but it was not because there was any blood on it, but because I had to go to court, and I wanted that shirt clean. Couldn't go to court with that shirt like it was."

"They brought me to the station house and put me in the cell. I don't know how long I was there. They treated me right mean. Kept nagging me. They wanted to know if I could write, and I told them that I couldn't."

"You see, there was two reasons why I didn't want to have them think I wrote them notes. In the first place, I was figuring that if I said I wrote the notes they'd try to put the killing of the little girl on me. I thought probably that if I told them that I wrote the notes that it would hurt me. So I kept on saying that I couldn't write. And the other reason was that I was sticking tight to what I promised Mr. Frank. I wanted to wait and see what Mr. Frank was going to do."

"Even yet I thought that if I give him time he'd do the square thing, like he said he would. I thought he'd help me out. He'd told me all about his rich relations in Brooklyn, and I thought he'd keep his word and help me out. never did get on to him at all un-never took me up to Chief Lanford's and showed me a newspaper. In newspaper it was all printed out he was doing. It said that Mr. Frank was trying to put off the whole thing on me."

## Turned Against Frank.

"I hadn't had any lawyer up to then. But then I started in to feel a little kind of scared. I hadn't really worried up

to then. But now I saw that people all was trying to put the whole thing off on me and I began to wonder where I would end up. I didn't like to think about a rope around my neck."

"It was getting mighty hard to keep on telling all that stuff that wasn't true, and finally I owned up the truth."

"I saw that Mr. Frank wouldn't do nothing for me. But even then I wasn't what you might call really mad at him like I am now. I figured that he was in trouble, too, and that he couldn't help himself, let alone help me."

"They was going to put a rope around my neck. That was what they sure was going to do if I didn't come out with the whole truth and let them know that it was Mr. Frank, not me, that killed that little girl. So I come out."

"I was mighty anxious before that to get taken out of the police station and locked up here in the Tower, where Mr. Frank was, for I thought that if I once got locked up here I'd see Mr. Frank and that he'd tell me what to do. I thought maybe we could have a private talk."

"But when we got a chance to see each other, and I bet we could have seen each other by ourselves if he had wanted to, why he wouldn't see me. The police had told me that he wouldn't. They had told me he was trying to put off the thing on me and I hadn't quite believed them."

"Now I saw that what they said was true. I saw that Mr. Frank was going to let me hang; that Mr. Frank was going to help hang me to save himself. And that was when I sure made up my mind to come out with the whole truth. I never would have gone back on him if he hadn't gone back on me first. And then they made a charge against me that I was an accessory." (This word was too much for Jim. He got it badly mixed. It twisted his thick tongue. But I knew what he meant). "They made that charge against me. I can't say it very well, but I know what it means—it means a man who done comes in after everything is done done."

Those are Conley's words—exactly quoted—in defining the meaning of "accessory."

I asked Jim if he had a family there in Atlanta.

"Yes, Sir," he answered. "My mother's living here."

"How does she feel about all this?"

"I don't know how she feels about it. I reckon she feels bad. She wants to come and see me, but they won't let her. It's seven months and eight days that I've been locked up. Yes, Sir. Seven months and eight days."

Smith, his counsel, laughed. "Jim keeps close track of time," said he.

I asked Jim what he planned to do when his sentence of one year is up. "I'm going to get a job and go to work right here in Atlanta. They can't drive me out of here. I ain't afraid of any white man here. Some bad nigger he might come along and stick me with a knife. But no white man will."

## Denies Promise of Clemency.

There has been talk that the Solicitor General has told Conley that he would protect him against capital punishment as a reward for testifying against Frank, even if it transpired that the negro is the guilty man. I asked Jim about this. He grinned.

"No, Sir; Mr. Dorsey never told me nothing like that," he answered. "What he said was that he'd break my neck if I didn't tell the truth, and that that was all he wanted of me. He talked to me by himself. I like him all right. Nobody has been mean to me but Mr. Frank."

"Would you ever again do a thing like what you did?"

"No, Sir; I would not."

His attorney now broke in. "Jim, didn't I tell you to tell the truth, even if it hung you?"

Jim did not look as cheerful as he had been looking. "Yes, Sir."

"Have I told you that since Mr. Frank's conviction?"

"Yes, Sir, Mr. Smith. You told me to tell the truth if it would hang me."

"Did any detectives try to get you to lie?" I asked.

"No, Sir; Mr. Starrs and Mr. Campbell, they talked with me first, but they didn't ever say they wanted me to lie."

"When you told them things would they take you around to find out if you told the truth about them?"

This query also was suggested by the negro's counsel.

"Yes; they took me around in an automobile."

"Were you afraid when they took you back to the factory?"

I wish I might convey in printed words the utterly uncanny episode that followed. I shall not even try, though, for it was too dreadful.

I tried to stir in Conley's breast some sign of emotion, some pity for the little dead girl, some sign of horror at remembrance of the details of the crime. I failed.

There are certain things omitted from the make-up of this negro which I had previously supposed were in some small degree in every human being, no matter how devoid of virtue, how hardened to a criminal career he might be. But Jim Conley, this negro whose word was taken against Leo Frank, and may send the college man to death, is not like any other human being I have ever seen.

## Brute in Human Form.

I asked him leading questions about his feelings while he held the little dead girl in his arms, while he was dragging her to her last hiding place, while he was dropping her and raising her again.

Once her falling frightened him, but it seems that it was rather because he thought she showed some sign of life than because of the dread consciousness that she was dead of violence and sagging in his arms.

I shall let the really revolting psychology of the extraordinary negro pass by saying that many years of newspaper work have never before thrown me in contact with anything quite so repellent as his description of his cautious handling of the poor, dead child. His calm, his brutal frankness in discussing the grim details of his journey to the elevator, the down trip and his dreadful burden-bearing in the cellar of the pencil factory, far surpassed in horror anything that I had ever heard; they far surpassed in horror anything I ever wish to hear.

"It didn't make you feel sick, Jim?"

"No, Sir; I didn't feel sick, none."

I asked Jim if he had ever been to church.

"I been to Baptist church."

"Did they tell you about heaven and hell, there?"

He was plainly puzzled. "Been so long I done forgot. I know the preacher said a lot about badness."

"But, mister, I just want to git out of this jail. I'm going to be 24 years old some time next month, and I'm going to have my birthday right here in this prison or in the chain gang. Makes me right mad to have to stand all this for what he done."

"But think of what may happen to him!"

"Yes, Sir, I know what you mean." He didn't flinch. "He's going to be hung."

"And you're not sorry?"

"No, boss, I ain't sorry."

And soon afterward I went away from Conley. I was glad to be away from him. I never shall forget his horrid story of his treatment of the poor, dead little girl. Whoever killed her, Conley must remain to those who see him as I did the incarnation of brutality.

## Food His Only Thought.

"Say, boss," he called after me. "Can't you get them to give me some better stuff to eat?"

I went back to him. Frank, the dead child, and the gallows all had left his mind. He held the pannikin of pork and peas in his black, powerful hand.

"I'm 5 feet 9 and weighed 165 pounds when they first locked me up. I don't weigh more'n 140 now." He fingered the fat pork. "Say, boss, ask 'em, will you? I can't eat this."

"Could you send out and buy some food that you would like?"

"I ain't got no money, boss."

His attorney tried to pull me on, but I gave Jim \$2.

Instantly all his sorrows were forgotten. He took the money which meant something for his stomach and stood there grinning happily at me.

What did he care for the memory of little Mary Phagan? What did he care for Leo Frank, up stairs, and waiting to be hanged.

He had \$2 of good money. He could get some food that would be palatable.

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