

Luther Zeigler Rosser, August 22, 1913, The Final Arguments of Luther Z. Rosser on Behalf of Mr. Leo Max Frank Charged on May 24, 1913, with having Strangled to Death Little Mary Anne Phagan on Saturday, April 26, 1913



Luther Zeigler Rosser (Lawfirm Rosser, Brandon, Slaton and Phillips)

Argument of Luther Zeigler Rosser Lead Defense Counsel for Leo M. Frank

MR. ROSSER, FOR THE PRISONER. August 22 1913

Mr. Rosser: Gentlemen of the jury. All things come to an end. With the end of this case has almost come the end of the speakers, and but for the masterly effort of my brother, Arnold, I almost wish it had ended with no speaking. My condition is such that I can say -but little; my voice is husky and my throat almost gone. But for my interest in this case and **my profound conviction of the innocence of this man**, I would not undertake to speak at all.

I want to repeat 'what my friend, Arnold, said so simply.

He said this jury is no mob. The attitude of the juror's mind is not that of the mind of the man who carelessly walks the streets. My friend, Hooper, must have brought that doctrine with him when he came to Atlanta. We walk the street carelessly and we meet our friends and do not recognize them; we are too much absorbed in our own interests. Our minds wander in flights of fancy or in fits of reverence; we may mean no harm to ourselves, nor to our friends, but we are careless. No oath binds us when we 'walk the streets.

Men, you are different; you are set aside; you ceased when you took your juror's oath to be one of the rollicking men of the streets; you were purged by your oath. In old pagan Rome the women laughed and chattered on the streets as they went to and fro, but there were a few-the Vestal Virgins-they cared not for the gladiatorial games, nor the strife of the day. So it is with you men, set apart; you care not for the chatter and laughter of the rabble; you are unprejudiced and it is your duty to pass on a man's life with no passion and no cruelty, but as men purged by an oath from the careless people of the streets. You are to decide from the evidence, with no fear of a hostile mob and no thought of favor to anyone.

What suggestion comes into a man's mind when he thinks of a crime like this? And what crime could be more horrible than this one? What punishment too great for the brute in human form who committed it and who excited this community to a high pitch ?

Since 1908 the National Pencil factory has employed hundreds of girls and women, and also of men, and not all of the girls and women, not all of the men have been perfect, but you can find good men and women in all strata of life, and yet the detectives, working with microscopes and with the aid of my friend, Dorsey, excited almost beyond peradventure, found only two to swear against Frank They found Dalton and they found Conley. Well, I'll take up Conley at a more

fitting time, but Dalton, who is Dalton? .God Almighty writes on a man's face and he don't always 'write a pretty hand, but he writes a legible one. When you see Dalton you put your hand on your pocketbook.

When Dalton took the stand Mr. Arnold and I had never had the pleasure of seeing his sweet countenance before, but Mr. Arnold leaned over and whispered in my ear, "There's a thief if there ever was one." I smelt about him the odor of the chaingang, and I began to feel him out. I asked him if he had ever been away from home for any length of time, and he knew at once what I meant and he began to dodge and to wriggle, and before he left the stand I was sure he was a thief.

Dalton was on, three times in Walton county and then in another county where he probably went to escape further Trouble in Walton, he got into trouble again. It wasn't just the going wrong of a young man who fall. once and tries to get over it, 'but it was the steady thievery of a man at heart a thief. Of course, Dalton comes here to Atlanta and reforms. Yes, he joined a Godly congregation and persuaded them that he had quit his evil ways. That's an old trick of thieves and they use it to help their trade along.

I believe in the divine power of regeneration; I believe that you can reform, that there's always time to turn back and do right, but there's one kind of man whom I don't 'believe can ever reform. Once a thief, always a thief.

Our Master knew it. He recognized the qualities of a thief. You remember when they crucified Him and He hung on the cross there on the hill. Well, He had a thief hanging beside Him, and He said to that thief, "This day thou shalt be with Me in Paradise." He didn't dare say tomorrow. He knew He'd better say today, because by tomorrow that thief would be stealing again in Jerusalem. Dalton disgraced the name of his race, and he was a thief and worse, if there can be, and yet he joined the church. Hie joined the church and he's now a decent, 'believable man. Well, you remember how brazenly he sat here on the stand and bragged of his "peach," how indecently he bragged of his fall; how he gloated over his vice. He was asked if he ever went to that miserable, dirty factory basement with a woman for immoral purposes, and he was proud to say that he had.

Gentlemen, it was the first time Dalton had ever been in the limelight; it was the first time decent, respectable white men and women had ever listened to him with respect, let alone attention.

When he was asked about that, if he was guilty, if he had fallen, he might have declined to answer, he might have hung his head in shame, as any decent, respectable man 'would have done, but instead, he bragged and boasted of it.

When Conley was asked what sort of a woman Frank had, he 'brazenly and braggingly said he did not know, that he himself had such a peach there that he could not take his eyes off her to look at Frank's woman. Well, you have seen Dalton's peach; you all have seen Daisy.

Conley tells a different story. He says Frank took the peach (that lemon) for himself and that Dalton had to get him another woman.

I'm not saying that we are all free of passion, that we are all moral and perfect, 'but at least the decent man don't brag of having a peach. Well, if you believe Dalton's story, and let's presume it true now. If you believe it he went into that scuttle hole there at the factory with Daisy. Dalton took that woman into the factory, into a dirty, nasty, fetid hole where the slime oozed and where no decent dog or cat would go, and there he satisfied his passion. That's what he told us. Well, Dalton told us he went there about 2 o'clock one Saturday afternoon last year, and of course, at that time the Clarke Wooden Ware company occupied the lower floor and used the same entrance that the National Pencil Company did, and Frank was at lunch and knew nothing of Dalton's visit. Of course, Dalton left an oozy trail behind him; wherever he went he did that. You can still feel it in this court room. Of course, too, Dalton may have gone into the pencil factory that day and left his oozy, slimy trail there, but otherwise there's nothing against the factory, and you know there's not, for our great quartet-Starmes and Campbell and Black (oh, how I love Black; I always want to put my arms around him whenever I think of him), and Scott, for he was with that crowd; they tried their very best to find something that would show that factory up as a vile hole.

Well, there's another reason that proves conclusively that it was not the assignation place Dalton and Conley name it. It has always been wrong for men and women to commit fornication and adultery, but it's always been done and the world, as long as it was done decently and quietly and not bragged about and blazoned forth in public places, has rather allowed it to go unchecked, but it's not so now.

You know, I know the working people of this state and this city. I've always worked with my head and it's never been my good fortune to be one of the working people, but there are no silken ladies in my ancestry, nor are there any dudish men. I know the working men and the working women, because that blood runs in my veins, and if any man in Atlanta knows them I do, and I tell you that there are no 100 working girls and women in Atlanta who could be got together by raking with a fine-tooth comb who'd stay there at that factory with conditions as bad as they have been painted, and there are no 100 working men here so thin blooded as to allow such conditions there.

Prank's statement to the jury, it was Frank's handiwork only, and neither he nor Mr. Arnold knew what Frank was going to say when he got on the stand. Look at the statement this man made to you, and it was his statement, not mine. I can prove that by the simple reason that I haven't got brains enough to have made it up, and Mr. Arnold (though he's got far more brains than I), he could not have made it. Mr. Ar-

nold might have given it the same weight and thickness, but not the living ring of truth.

Now, another thing. We didn't have to put Frank's character up. If we hadn't the judge would have told you Frank must be presumed to have a good character, and that you did not have the right to ask that question about him, but we thought you were, and we put it up and see what a character the man has. There's not a man in the sound of my voice who could prove a better character. ' Of course, I mean from the credible evidence, not that stuff of Conley's and Dalton's. But you say, some people, some former employes swore he had a bad character. You know that when you want to, you can always get someone to swear against anybody's character. Put me in his place and let my friend, Arnold, the foolish enough to put my character up and there'd be plenty of those I have maybe hurt or offended as I have gone through life, would swear it was wrong, and I believe I've got an ordinarily good character. Why, you could bring twenty men here in Fulton county to swear that Judge Roan, there on the bench, has a bad character. You know that he's had to judge men and sometimes to be what they thought was severe on them, and he's naturally made men hate him and they'd gladly come and swear his character away. But if the men and women who live near him, the good and decent men and women, who lived near him and knew, came up and said his character was good, you'd believe them, wouldn't you? Well, gentlemen, the older I get the gentler I get and I wouldn't think or say anything wrong about those misleading little girls who swore Frank was a bad man. I guess they thought they were telling the truth. Well, did Miss Maggie Griffin really think Frank was a vicious man and yet work there three years with him? Don't you think she heard things against him after the crime was committed and that when she got up here and looked through the heated atmosphere of this trial, she did not see the real truth? And Miss Maggie Griffin, she was there two months. I wonder what she could know about Frank in that time. There was Mrs. Donegan and Miss Johnson and another girl there about two months, and Nellie Potts, who never worked there at all, and Mary Wallace, there three days, and Estelle Wallace, there a week and Carrie Smith, who like Miss Cato, worked there three years. These are the only ones in the hundreds who have worked there since 1908 who will say that Frank has a bad character. Why, you could find more people to say that the Bishop of Atlanta, I believe, had a bad character, than have been brought against Frank.

You noticed they were not able to get any men to come from the factory and swear against Frank. Men are harder to wheedle than are little girls. Does anybody doubt that if that factory had been the bed of vice that they call it, that the long-legged Gantt would have know of it? They had Gantt on the stand twice, and, well, you know Gantt was discharged from the factory, of course you weren't told why in

plain words, 'but you all know why. Well, Frank is not liked by Gantt and Gantt would have loved to tell something against his former employer, but he couldn't.

If they have any further suspicions against this man, they haven't given them, either because they are afraid or are unable to prove their suspicions, if they have such suspicions, though, and are doing you a worse injustice..

What are these suspicions that they have advanced thus far? First, Miss Robinson is said to have said that she saw Frank teaching Mary Phagan how to work. Dorsey reached for it on the instant, scenting something improper as is quite characteristic of him. But Miss Robinson denies it. There's nothing in it, absolutely nothing. Then they say he called her Mary. Well, what about it? What if he did? We all have bad memories. If you met me on the street six months ago, can you recall right now whether you called me Luther or Rosser? The next -is Willie Turner-poor little Willie!

I have nothing against Willie. He seems to be a right clever sort of a boy. But just think of the methods the detectives used against him-think of the way they handled him, and think of the way Dorsey treated him on the witness stand. He says-Willie does-that he saw Frank talking to Mary Phagan in the metal room. What does it show if he did see such a scene? I can't see for the life of me where it indicates any sign of lascivious lust. Does what Willie Turner saw, taking for granted he saw it, show that Frank was planning to ruin little Mary Phagan? Does it uphold this plot my friend Hooper had so much to say about? Even with that-considering Willie Turner did see such a thing, -there's one fact that takes the sting out of it. He saw it in broad daylight. Frank was with the little girl right in front of Lemmie Quinn's office in an open factory where there were a lot of people and where the girls were quitting their work and getting ready to go home to dinner. It wasn't so, though, and Frank never made any improper advances to this little girl. Let me tell you why. Mary Phagan was a good girl, as pure as God • makes them and as innocent. She was all that, and more. But, she would have known a lascivious advance or an ogling eye the minute she saw it, and the minute this man made any sort of a move to her, she would have fled instantly to home to tell the good father and mother of hers.

Then next, they bring Dewey Hewell, who says she saw Frank with his hand on Mary's shoulder. That's all right, but there is Grace Hix and Helen Ferguson and Magnolia Kennedy who contradict her and say Frank never knew Mary Phagan. You can say all you please about such as that, but there is one fact that stands out indisputable. If that little girl had ever received mistreatment at the pencil factory, no deer would have bounded more quickly from the brush at the bay of dogs than she would have fled home to tell her father and mother.

Now, my friend from the Wiregrass says Gantt was a victim of his "plot" by Frank against Mary Phagan. I don't

doubt that this "plot" has been framed in the hearing of every detective in the sound of my voice. Hooper says Frank plotted to get the girl there on the Saturday she was killed-says he plotted with Jim Conley. Jim says Frank told him at four o'clock Friday afternoon to return on the next morning. How could Frank have known she was coming back Saturday. -He couldn't have known. He's no seer, no mind-reader, although he's a mighty bright man. It is true that some of the pay envelopes were left over on Friday, but he didn't know whose they were. Helen Ferguson says that on Friday she asked for Mary Phagan's pay and that Frank refused to give it to her, saying Mary would come next day and get it herself. Magnolia Kennedy swears to the contrary. You have one or the other to believe. Consider, though, that this be true! How would Frank know who would be in the factory when Mary Phagan came? How did he know she was coming Saturday? Some envelopes went over to Monday and Tuesday. How would he know whether she would come on Saturday or either of these latter days?

Now, what else have they put up against this man? They say he was nervous. We admit he was. Black says it, Darley says it, Sig. Montag says it-others say it! The handsome Mr. Darley was nervous and our friend Schiff was nervous. Why not hang them if you're hanging men for nervousness! Isaac Haas-old man Isaac-openly admits he was nervous. The girls-why don't you hang them, these sweet little girls in the factory-all of whom were so nervous they couldn't work on the following day?

If you had seen this little child, crushed, mangled, mutilated, with the sawdust crumbled in her eyes and her tongue protruding, staring up from that stinking, smelling basement, you'd have been nervous, too, every mother's son of you. Gentlemen, I don't profess to be, chicken-hearted. I can see grown men hurt and suffering and I can stand a lot of things without growing hysterical, but I never walked along the street and heard the pitiful cry of a girl or woman without -becoming nervous. God -grant I will always be so. Frank looked at the mangled form and crushed virginity of Mary Phagan and his nerves fluttered. Hang him! Hang him!

Another suspicious circumstance. He didn't wake up when they telephoned him that morning the body was found. That might depend on what he ate that night; it might depend on a lot of other things. Some of us wake with the birds, while others slumber even through the tempting call of the breakfast bell. Would you hang us for that ?

Then, they say he hired a lawyer, and they call it suspicious-mighty suspicious. They wouldn't have kicked if he had hired Rube Arnold, -because Rube has a good character. But they hired me and they kicked and yelled "suspicious" so loudly you could hear it all the way from here to Jesup's cut. I don't know that I had ever met Frank before that morning, /but I had represented the pencil factory previously.

And as to their employing me, it's this way:

There's no telling what was floating around in John Black's head that morning. They sent men after Frank and there was no telling what was likely to happen to him. They were forced to do something in his own defense. And, as a result, the state's worst suspicion was the fact that they employed me and Herbert Haas. Now, gentlemen, let's see what there is in it; I have told you that twice on that Sunday he had been to police headquarters without counsel, without friends. The next day they adopted new methods of getting him there and sent two detectives for him. Black had said he had been watching Frank, and woe to him who is haunted by the eagle eye of dear old John. They took him to police station Monday-took him I say. The police idea was to show their fangs. He was under arrest, that's an undisputed fact. They had him at police station, Lanford, in his wonted dignity, sitting around doing nothing, letting Frank soak. Beavers, the handsome one, was doing the same. Frank didn't call for friends or lawyer. He didn't call for anything. If he had known what he was up against, though, in this police department of ours, he'd probably have called for two lawyers-or even more. But old man Sig Montag, who has been here a long time, knew this old police crowd and he knew their tactics. He was well on to their curves. He knew what danger there was to Frank. He called up Haas. Haas didn't want to come to police station-he had a good reason. Sig went to police station and was refused permission to see Frank. Now, I want you to get that in your mind. A citizen-not under arrest, as they say-held without the privilege of seeing friends, relatives or counsel. It was a deplorable state of affairs. What happened?

Haas went to the phone and called an older and more experienced head to battle with this police iniquity; Why shouldn't he? Dorsey sees in this harmless message a chance. He snaps at it like a snake. Dorsey is a good man in his way. Hell be a better man, though, when he gets older and loses some of his present spirit and venom. There are things he has done in this trial that will never be done again. Gentlemen, I assure you of that.

Did Frank do anything else suspicious? Yes! Two others, according to Hooper from the Wiregrass. One of which was the employment of a detective agency to ferret out this horrible murder that had (been committed in his factory building. Why? Under what circumstances? I'll tell you. Frank had been to the police station and had given his statement. Haas was the man who telephoned me and who employed me-not Frank. I went to police headquarters and was very much unwelcomed. There was a frigid atmosphere as I walked in. I saw Frank for the first time in my life. I said: "What's the matter, boys?" Somebody answered that Mr. Frank was under arrest. Black was there, Lanford was there. Neither took the pains to deny that he was under arrest. **Somebody said they wanted Mr. Frank to make a statement, and I ad-**

vised him to go ahead and make it. When he went into the office, I followed. They said: "We don't want you." I replied that whether they wanted me or not, I was coming, anyhow. I had a good reason, too, for coming. I wanted to hear what he said so they couldn't distort his words. **While we were in the room a peculiar thing happened. Frank exposed his person. There were no marks.** I said that it was preposterous to think that a man could commit such a crime and not bear some marks. Lanford's face fell. Why didn't Lanford get on the stand and deny it? Was it because he didn't want to get into a loving conflict with me? Or did he* want to keep from reopening the dark and nasty history of the Conley story and the Minola M• Knight story that are hidden in the still darker recesses of police headquarters? Frank makes his statement and is released. He goes back to the pencil factory, assuming that suspicion has been diverted from him. He thinks of the horrible murder that has been committed in his plant. He telephones Sig Montag about hiring a detective agency to solve the crime. Sig advises him to do it. I don't believe there is any detective living who can consort with crooks and criminals and felons, scheme with them, mingle with them and spy on the homes of good people and bad who can then exalt his character as a result. He absorbs some of the atmosphere and the traits. It is logical that he should. But, even at that they've got some good men in the detective and police department. Old man Sig Montag said hire a detective and Frank hired the Pinkertons. **Scott came and took Frank's statement and said: "We work in co-operation with the city police department." Now, isn't that a horrible situation-going hand in glove with the police department? But, it's a fact. Just as soon as Scott left Frank, he walked down, arm in arm with John Black, to the nasty, smelly basement of the pencil factory. What did that mean? It meant a complete line-up with the police. It meant if the police turn you loose, I turn you loose. If the police hang you, I hang you!**

Gentlemen, take a look at this spectacle, if you can. Here is a Jewish boy from the north. He is unacquainted with the south. He came here alone and without friends and he stood alone. This murder happened in his place of business. **He told the Pinkertons to find the man, trusting to them entirely, no matter where or what they found might strike.** He is defenseless and helpless. He knows his innocence and is willing to find the murderer. They try to place the murder on him. God, all merciful and all powerful, look upon a scene like this!

Anything else? Yes. Look at this. I do not believe my friend who preceded me intended to do this. I refer to the incident about the time slip. I have to use harsh words here, but I don't want to. This seems to me the most unkindest cut of all. They say that that time slip was planted. They say the shirt was planted. Gentlemen, is there any evidence of this? Let's see about this statement. Black and somebody

else, I believe, went out to Newt's house on Tuesday morning and found the shirt in the bottom of a barrel. They brought the shirt back to the police station and Newt said the shirt was his-or it looked like his shirt. Newt Lee had been hired at the factory but three weeks, yet they want you to believe that they found a shirt like the old man had and went out to his house and put it in a barrel.

One thing is wrong. The newspapers and others, I am afraid, think this is a contest between lawyers. It is not. God forbid that I should let any such thing enter into this case when this boy's life is at stake.

There are several things I don't understand about this case, and never will. Why old man Lee didn't find the body sooner; why he found it lying on its face; how he saw it from a place he could not have seen it from. I was raised with niggers and know something about them. I do not know them as well as the police, perhaps, for they know them like no one else. But I know something about them.

There must have 'been a nigger in the crime who knew about it before Newt or anyone else. I am afraid Newt knew. Yet, if he did, he is one of the most remarkable niggers I ever saw and I wish I had his nerve. There were things you detectives did to him for which you will never be forgiven. You persecuted the old nigger, and all you got was "Fo' God I don't know." I don't believe he killed her, -but I 'believe he knows more than he told.

But they say now that he jumped back. Suppose he did jump back. Look at the boy (Frank). If you put a girl the size of Mary Phagan in a room with him she could make him jump out of the window. Suddenly this boy stepped out in front of this giant of a Gantt, and he jumped [back. Dorsey would have done the same thing; Newt Lee would; Jim Conley would, and I would, as -big as I am.

Here is another suspicious thing. Newt Lee came to the factory at four o'clock and Frank sent the old man away. It was suggested that he was afraid the nigger would find the 'body, yet when he came back at 6, Frank let him stay at the factory when he knew that in 30 minutes Newt was on the job he must go into the basement where they say Frank knew the body was.

They say he was laughing at his home. If he had known of the crime of which he would be accused, that laugh would have been the laugh of a maniac to be ended by the discovery of the body.

Another suspicious thing. You know that he was in the factory, but it turns out that he was not the only one. If the corpse was found in the basement and he was the only one in the 'building, then there might be some basis. But he was in an open room and there were workmen upstairs. My friend tried to dispute that. That wasn't all. Conley was also there, and it came out yesterday that there was also another nigger-a lighter nigger than Conley-there. What scoun-

drels in white skin were in the building and had opportunity to commit the crime, God only knows.

The thing that arises in this case to fatigue my indignation is that men born of such 'parents should believe the statement of Conley against the statement of Frank. Who is Conley? Who was Conley as he used to be and as you have seen him? He was a dirty, filthy, -black, drunken, lying nigger. Black knows that. Starnes knows that. Chief Beavers knows it. Who was it that made this dirty nigger come up here looking so slick? Why didn't they let you see him as he was? They shaved him, washed him and dressed him up. Gentlemen of the jury, the charge of moral perversion against a man is a terrible thing for him, but it is even more so when that man has a wife and mother to be affected -by it. Dalton, even Dalton did not say this against Frank It was just Conley. Dalton, you remember, did not even say that Frank was guilty of wrong-doing as far as he knew. There never was any proof of Frank's alleged moral perversion, unless you call Jim Conley proof. None of these niggers ever'came up and said Conley was there and that they were with him. Starnes- and Starnes could find a needle in a haystack, but the Lord only knows what he'd do in an acre-he could not find any of these niggers.

Then there was that old negro drayman, old McCrary, the old peg-leg negro drayman, and thank God he was an old-timer, "fo" de war nigger. You know Conley, wishing to add a few finishing trimmings to his lines, said that old McOrary sent him down in the basement that Saturday morning and when the old darkey was put on the stand he said simply, "No, 'boss, I never sont him down thar." Everywhere you go you find that Conley lied. He says he watched there one Saturday last year between 2 and 3 o'clock. Well, Schiff says he didn't and so does Darley and Holloway, the latter guaranteed by the state, and the little office boys, nice looking little chaps from nice families, they all say he didn't.

Cut out Conley and you strip the case to nothing.

Did you hear the way Conley told his story? Have you ever heard an actor, who knew his Shakespearean plays, his "Merchant of Venice" or his "Hamlet"? He can wake up at any time of the night and say those lines, but he can't say any lines of a play he has never learned. So it was with Conley. He could tell the story of the disposition of the girl's body, and he knew it so well he could reel it off backward or forward, any old way, but when you got to asking him about other things, he always had one phrase, "Boss, ah can't 'member dat."

They say Conley could not have made up that story. Well, I don't know about that. There is something queer in the whole thing, you know. I couldn't climb that post over there, gentlemen. I mean I couldn't go very far up it, but if I had Professor Starnes, and Professor Black, and Professor Campbell, and Professor Rosser, and then Dean Lanford to help me, I'd go quite a way up. Well, they took a notion Mrs.

White had seen the negro, and they carried Mrs. White there to see him, and he twisted up his features so that she couldn't recognize him.

Next, they learned Conley could write. Frank told them that, you know. Well, I don't mean to be severe, but they took that negro and they gave him the third degree. Black and Scott cursed him. "You black scoundrel," they yelled at him. "You know that man never had you come there and write those notes on Friday!" And the poor negro, understanding and trying to please, said, "Yes, boss, zat's right, ah was dere on Saturday." And so they went on and got first one affidavit and then another out of him. Well, Scott and Black had him there, and Conley was only in high school. I don't know whether to call Scott and Black "professors" or not. Scott says, "We told him what would fit and what would not." And it was "stand up, James Conley and recite, when did you fix those notes, James?" and James would answer that he fixed them on Friday, and then the teachers would tell James it was surely wrong, that he must have fixed them on Saturday, and James would know what was wanted and would acknowledge his error. Then it would be, "That's a good lesson, James, you are excused, James." I'm not guessing in this thing. Scott told it on the stand, only in not so plain words. So it was that when this negro had told the whole truth they had another 'recitation.

Was it fair for two skilled white men to train that negro by the hour and by the day and to teach him and then get a statement from him and call it the truth? Well, Professors Black and Scott finished with him, and they thought Conley's education was through, but that nigger had to have a university course!

Scott, you and Black milked him dry; you thought you did, anyhow, but you got no moral perversion and no watching. -In the university they gave a slightly different course. It was given by Professors Starnes and Campbell. Oh, I wish I could look as pious as Starnes does. And Professor Dorsey helped out, I suppose. I don't know what Professor Dorsey did, only he gave him several lessons, and they must have been just sort of finishing touches before he got his degree. Well, in the university course they didn't dare put the steps in writing, as they had done in the high school; it would have been too easy to trace from step to step, the suggestions made, the additions and subtractions here and there. Professor Dorsey had him seven times, I know that, but God alone knows how many times the detectives had him. Was it fair to take this weak, pliable negro and have these white men teach him, one after another? Who knows what is the final story that Conley will tell? He added the mesh-bag when he was on the stand.

Mary Phagan had reached the factory at approximately twelve minutes after 12, and it must have been after Monteen Stover had gone. See the statements of W. M1. Mathews

and W. T. Hollis, street car men called by the defense, and George Epps, the little newsie, called by the state, and also the street car schedule.

But, supposing that she was there at 12:05, as I believe the state claims, then Monte Stover must have seen her. I don't see how they could have helped meeting. But suppose she got there a moment after Monte Stover left, then Lemmie Quinn was there at 12:20, and he found Frank at work. Could Frank have murdered a girl and hid her body and then got back to work with no blood stains on him in less than fifteen minutes? If Frank is guilty, he must have, according to Conley, disposed of the body in the time between four minutes to 1 and 1:30. There can be no dispute about this; it's Conley's last revelation. If Frank is guilty, he was at his office between four minutes to 1 and 1:30, but who believes that story?

Little Miss Kerns saw him at Alabama and Whitehall at 1:10, and at 1:20 Mrs. Levy, honest woman that she is, saw him get off the car at his home corner, and his wife's parents saw, and they all swear he was there at 1:20, and then, if you are going to call them all perjurers and believe Jim Conley, think what you must do; think what a horrible thing you must do-you must make Minola's husband a perjurer, and that would be terrible.

You know about that Minola McKnight affair. It is the blackest of all. A negro woman locked up from the solicitor's office, not because she would talk-she's given a statement-but because she would not talk to suit Starnes and Campbell, and two white men, and shame to them, got her into it. Where was Chief Beavers? What was he doing that he became a party to this crime? Beavers, who would enforce the law; Beavers, the immaculate!

Believe Frank was in the factory if you can at 1:30; throw aside all the respectable people and swear by Conley. Well, I know the American jury is supreme, that it is the sovereign over lives; that sometimes you can sway it by passion and prejudice, but you can't make it believe anything like this. Neither prejudice, nor passion, wrought by monsters so vile they ought not to be in the court room, could make them believe it. They said that there was a certain man, named Mincey, whom we called as a witness but did not use. Well, the only use we would have had for Mincey was to contradict Conley, and as soon as Conley got on the stand he contradicted himself enough without our having to go to the trouble of calling on witnesses to do it. If we had put Mincey up there would have been a day's row about his probity, and what would have been the use-Conley said time and again that he had lied time and again.

Gentlemen, I want only the straight truth here, and I have yet to believe that the truth has to be watched and cultivated by these detectives and by seven visits of the solicitor general. I don't believe any man, no matter what his rate, ought to be tried under such testimony. If I was raising sheep and feared

for my lambs, I might hang a yellow dog on it. I might do it in the daytime, but when things got quiet at night and I got to thinking, I'd be ashamed of myself. You have been overly kind to me, gentlemen. True, you have been up against a situation like that old Sol Russell used to describe when he would say, "Well, I've lectured off and on for forty years, and the benches always stuck it out, but they was screwed to the floor." You gentlemen have 'been practically in that fix, but I feel, nevertheless, that you have been peculiarly kind, and I thank you.

Source: American State Trials Volume X (1918) by John Davison Lawson LLD and Atlanta Newspapers, August, 1913.