**Cast of Characters in the Leo Frank Case**

By Donald E. Wilkes, Jr.

**Jim Conley (1884-1962)** This man, the actual murderer of Mary Phagan, was the principal prosecution witness when Leo Frank was tried and convicted for the murder. "Conley's testimony against Frank was a fantastic accumulation of contradictions," history professor Clement Charlton Moseley has written. The essentially misleading story Conley told on the stand, which inculpated Frank in Mary Phagan's murder and exculpated himself, was a vast superstructure of lies cleverly erected on a foundation of various undeniable facts and seemingly credible minute details. In February 1914 Conley was tried and convicted of being an accessory after the fact to the murder of Mary Phagan and sentenced to one year on the chain gang. He was released after serving 10 months of his sentence. In 1919 he was shot while burglarizing an Atlanta drug store and after recovering sentenced to 20 years in prison. His final appearance in the newspapers seems to have been in 1941 when it was reported that he had been arrested on gambling and public drunkenness charges in Atlanta. There is no obituary or death certificate for Jim Conley, who is believed to have died in 1962.

**Hugh M. Dorsey (1871-1948)** Hugh M. Dorsey was District Attorney (an office then called Solicitor General) for Fulton County, 1910-1916, and Governor of Georgia, 1917-1921. He prosecuted Leo Frank, procured a conviction, successfully labored in opposition to Frank's endeavors to obtain a new trial, and relentlessly battled Frank's efforts to have the death sentence commuted. Less than two years after Frank's lynching, Dorsey was elected governor; his campaign platform emphasized that he was the man who prosecuted Leo Frank. In his campaign he also played an anti-Semitic card, regularly giving a stump speech in which he would say: "The attitude of the Hebrews in the Frank case has demonstrated the fact that the successful prosecution of a Hebrew is regarded as a persecution." In prosecuting Frank, Dorsey (who may or may not have actually believed Frank was guilty) displayed great cunning and ruthlessness in adhering to the principle that the end justifies the means. He suppression evidence that tended to exculpate Frank. For example, he refused to tell the defense attorneys that hair found in the metal room (where Dorsey maintained Frank had killed Mary Phagan) was, according to the physician who autopsied Phagan, not Phagan's. He blatantly appealed to juror prejudices against Northerners, Jews, factory owners, capitalists, and homosexuals. During his cross-examination of Leo Frank's mother, he asked her what business her husband was in, and after her reply, snidely retorted: "Ah, he's a capitalist then?" While cross-examining four male defense witnesses, Dorsey with diabolical slyness asked questions insinuating that Frank was a homosexual. And during his closing arguments, Dorsey "both denounced Frank's character and emphasized his Jewishness and wealth," Oney reminds us. As historian Leonard Dinnerstein puts it: "In 1913, when Hugh Dorsey prosecuted Leo Frank, he convinced many people that his primary concern was with his political
reputation and not with obtaining justice." In the words of an editor of The Atlanta Constitution, in the Frank case Dorsey "deliberately set about to stir up the hate-pack in a cynical bid for political notoriety and power." Oney calls Dorsey "cool and mockingly predatory," "[a]droit, brazen, poker-faced," and full of "native cunning." In 1920 Dorsey ran for the U. S. Senate, but was defeated by Tom Watson. From 1935 to 1948 Hugh Dorsey was a judge of the Superior Court of Fulton County.

**Nathaniel E. Harris (1846-1929)** Governor of Georgia, 1915-1917. Harris was inaugurated five days after his predecessor, Gov. John M. Slaton, had commuted Leo Frank's death sentence. On July 24, 1915, a week after Frank's prison stabbing, Gov. Harris visited Frank in prison, a visit which Harris later recounted in his autobiography. Talking briefly with Frank, he thought that Frank had "a queer sort of laugh" indicative of "a hard, careless heart," and concluded that Frank "was undoubtedly a hardened criminal or a reckless prisoner." As a result of this interview Harris' concern that Frank might be innocent "was lessened greatly." Immediately after finding out about the Frank lynching Harris publicly expressed shock and grief at the deed and promised a full investigation of the matter and severe punishment of the lynchers. In the end, however, he never followed through on his pledge.

**Leo M. Frank (1884-1915)** Born in Paris, Texas on Apr. 17, 1884, Leo Frank, the defendant convicted in 1913 of murdering Mary Phagan and lynched two years later, grew up in Brooklyn, New York, and graduated with a mechanical engineering degree from Cornell University in 1906. During the summer of 1906 he celebrated his graduation by touring Europe, and in August of that year he climbed 7,000 foot Mount Pilatus in the Swiss Alps. In 1907 he spent time in Germany studying the technology of pencil manufacturing. In 1908 he moved to Atlanta to become factory superintendent for the National Pencil Company, and in 1910 he married Lucille Selig, daughter of a wealthy, established Atlanta Jewish family. A Jew, Frank was elected president of the local B'nai B'rith in 1912. It is a certainty that Frank was denied a fair trial and that he was innocent of the murder of Mary Phagan. He lies buried in Mount Carmel Cemetery in Queens, New York under a tombstone reading:

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LEO MAX FRANK
BELOVED HUSBAND
APRIL 17, 1884
AUG. 17, 1915
"SEMPER IDEM"
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(The Latin phrase *semper idem,"always the same," presumably refers to the anti-Semitism contributing to the lynching.)

The site of Frank's lynching, once in the midst of a grove of trees, is now a modern brown-brick office building surrounded by discount stores and fast food franchises off Cobb Parkway, at Roswell and Freys Gin roads, and just east of The Big Chicken which is on Roswell Road at I-75. (A journalist, Jane Gross, describes The Big Chicken as "a looming metal rooster outside a fast-food restaurant that is the most distinctive landmark in Cobb County.") Affixed to the wall of the building is a metal plaque, placed there by Rabbi Steven Lebow of Temple Kol Emeth in 1995 on the 80th anniversary of the lynching, which reads:

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LEO FRANK (1884-1915)
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Lucille S. Frank (1888-1957) The wife of Leo Frank, Lucille Frank never remarried, proudly signing her name "Mrs. Leo Frank" until her death from heart disease in Atlanta on Apr. 23, 1957, nearly 42 years after her husband's murder. Her cremated ashes are buried in an unmarked grave near the graves of her parents in Atlanta's Oakland Cemetery. Interestingly, Lucille Frank was no stranger to Athens, Georgia. Her uncles, the twin Michael brothers, Simon and Bud, lived in magnificent adjoining mansions (now demolished) on Prince Avenue in Athens, and she stayed with her uncles in the spring of 1909 and again in early July 1915. She and Leo Frank were married on Nov. 30, 1910.

Mary Phagan (1899-1913) Born in Florence, Alabama on June 1, 1899, Mary Phagan, the victim whose horrific murder initiated what became the Leo Frank case, lived with her family in Marietta from 1900 until 1907, in East Point from 1907 until 1912, and in Atlanta from 1912 until her death the following year. Mary Phagan is buried in Marietta City Cemetery, with a stone memorial erected by the local chapter of the United Confederate Veterans at the head of the grave and a long marble slab with a two-paragraph inscription written by Tom Watson over the grave itself.

Leonard S. Roan (1849-1915) A Georgia superior court judge from 1900 to 1913, Roan was the judge who presided over the Leo Frank trial in July and August of 1913. On Oct. 31, 1913, before denying Frank's new trial motion, he amazingly announced from the bench that "I am not certain of this man's guilt," and "I am not thoroughly convinced that Frank is guilty or innocent." After resigning his superior court judgeship later that same day, he became an appellate judge on the Georgia Court of Appeals, serving from Nov. 1, 1913 until Nov. 14, 1914, when he resigned due to ill health. In November 1914 he dictated a letter recommending that Leo Frank's death sentence be commuted. Roan died of cancer in a New York City hospital on Feb. 23, 1915, six months before Frank was lynched.

John M. Slaton (1866-1955) Governor of Georgia, 1913-1915. Prior to commuting Leo Frank's sentence, Gov. Slaton received over 100,000 letters requesting commutation from all over the nation, including 10,000 from Georgia. An 1886 graduate of the UGA law school, Gov. Slaton's promising political career was ruined by his courageous commutation of Leo Frank's sentence, and he was never again elected to a public office. All around Georgia, in the weeks after the commutation, Gov. Slaton was hanged, shot, and burned in effigy; typically, the effigy would bear a sign, "John M. Slaton, The King of the Jews." (There is a photograph, taken in late June 1915, of such an effigy, hanging by the neck from a telephone pole, and bearing such a sign, in Oney's book.) In 1917-1918 Slaton worked for the Red Cross and lived in Rumania. He practiced law in Atlanta for the rest of his life, and in 1928 was unanimously elected president of the Georgia Bar Association. In an obituary published in The Atlanta Constitution the day after Slaton's death, Ralph McGill wrote: "A giant of his day, it was one of destiny's mocking ironies that his great integrity should have cost him his public life." In 1957 the Georgia legislature authorized the erection a memorial to Slaton, to be placed in the state capitol building. 1957 Ga. Laws 34. At the elaborate ceremony at which Slaton's bust was officially unveiled, Virlyn B. Moore, a distinguished superior court judge, delivered a memorial address eulogizing Slaton as
"The Incomparable Georgian."

**William M. Smith (1880-1949)** A 1901 graduate of the UGA law school, Smith was a white Atlanta lawyer who devoted his life to, in the words of Oney, "[a] great cause - social and legal equality for American Negroes." (While a student at the UGA, Smith was a member of the Demosthenian Society, and as its senior orator he delivered an elaborate speech in the UGA Chapel to the faculty and student body on Feb. 19, 1901.) Smith was retained by a newspaper to represent Jim Conley after Conley's arrest and helped prepare Conley to testify at Leo Frank's trial. At first he believed Conley's story that Leo Frank had murdered Mary Phagan, and continued to believe it through February 1914 when Conley, represented by Smith, was convicted of being an accessory to the Phagan murder. Once Conley had been sentenced for that crime, Smith ceased being his lawyer. When Frank's attorneys filed an extraordinary motion for a new trial in April 1914, Smith submitted an affidavit, admitted into evidence in support of the motion, in which he revealed that before Frank's trial he had witnessed a conversation between Hugh M. Dorsey and Dr. Henry F. Harris in which Harris informed Dorsey that the hair he had taken from Mary Phagan's scalp did not match the hair sample found in the metal room. Thereafter, from June through September 1914, Smith carried out his own investigation of the murder, which included visits to the building where the crime occurred and an exhaustive examination of the contents of the murder notes. He discovered: (1) It was highly unlikely that the murder notes would have been written in Frank's office, because it was such a publicly visible site, with 43 windows in opposite buildings with a clear line of sight into the office; (2) contrary to Jim Conley's testimony, a person screaming from inside the second floor metal room could not be heard by a person on the first floor; and (3) the language used in the murder notes was perfectly consistent with the language Conley used while testifying and in the Annie Maude Carter correspondence. (Oney informs us that Smith's 100-page study of the murder notes, "My Views as to the Death Notes," is kept at the Georgia Department of Archives.) Based on his investigation, Smith concluded that Conley was the killer and Frank was innocent. In October 1914, Smith publicly stated his belief that Conley, not Frank, had murdered Mary Phagan. As a result of this and other statements in favor of Leo Frank, Smith received death threats, saw his law practice ruined, and was forced to leave Atlanta with his family. On his deathbed in his 79th year, partially paralyzed and in agonizing pain, aware that his demise was only minutes away, Smith managed to write and sign a short statement reaffirming that "I believe in the innocence and good character of Leo M. Frank." (There is a photograph of the statement in Oney's book.)

**Thomas E. (Tom) Watson (1856-1922)** Tom Watson, of Thomson, Georgia, was many things - a scholar, an historian, a poet, a journalist, a lawyer, a politician, even a U. S. Senator. In 1896 he had been the vice presidential candidate on the Democratic ticket with presidential candidate William Jennings Bryan. However, by the time of the Leo Frank case Tom Watson, once a progressive political figure and staunch defender of the rights of workingmen and the rural poor, including black Southerners, had degenerated into, in the words of law professor Jonathan Turley, "one of the nation's most rabid anti-Semitic, anti-Catholic, and racist leaders." History professor Eugene Levy calls Watson a "Populist-turned-arch-anti-Semite." As journalist Ward Greene notes, "Tom Watson fell on the Frank case with the lust of a starved tiger and the cunning of a political opportunist, ... feeding his 'woolhats' a diet of 'Wall Street plot,' 'Jewish gold' and 'Yankee Meddlers' in language careless of the truth or decency and always inflammatory." "Watson," writes historian Leonard Dinnerstein, "cannily played upon the hatreds, fears, and prejudices of his readers."
There is an excellent biography of Tom Watson by C. Vann Woodward: *Tom Watson: Agrarian Rebel* (1938; 2nd ed. 1973). Chapter 22, "The Lecherous Jew," recounts Watson's baleful role in the Leo Frank case. Summarizing Watson's ferocious and despicable attacks on Frank appearing in Watson's newspaper *The Jeffersonian* from March 1914 to September 1915, Woodward writes: "Rumors, half-truths, special pleading, merciless slander, every device known... he employed. He pulled all the stops: Southern chivalry, sectional animus, race prejudice, class consciousness, agrarian resentment, state pride... One feels back of many of his wild utterances on the Frank case the same pathological state of mind that prevailed in parts of his anti-Catholic crusade."

In his writings Watson called Frank such things as "that foul degenerate," "this filthy and murderous Sodomite," "a satyr-faced New York Jew," a "lustful beast," and "a rich depraved Sodomite Jew." Five days after Leo Frank was stabbed in prison, Watson cruelly wrote: "Note: The butcher knife used had been in operation during the day killing hogs... Kosher!"

After the commutation of Leo Frank's sentence by Gov. John M. Slaton, Watson's polemics became maniacal:

"Our grand old Empire State HAS BEEN RAPED! We have been violated, AND WE ARE ASHAMED!... We have been betrayed! The breath of some leprous monster has passed over us, and we feel like crying out, in horror and despair: Unclean! UNCLEAN!... The next Leo Frank case in Georgia will never reach the Courthouse. THE NEXT JEW WHO DOES WHAT FRANK DID IS GOING TO GET EXACTLY THE SAME THING THAT WE GIVE TO NEGRO RAPISTS!... Jew money has debased us, bought us, and sold us - and laughs at us... [T]hey have established the precedent in Georgia that no Jew shall suffer capital punishment for a crime committed on a Gentile."

Watson simultaneously expressed the view that a lynching of Leo Frank would be a laudable act:

"Hereafter, let no man reproach the South with lynch law: let him remember the unendurable provocation; and let him say whether lynch law is not better than no law at all...

"[W]hen mobs are no longer possible liberty will be dead."

These and other of Watson's delirious denunciations of the commutation, "caused," in the words of Slaton's successor, Gov. Nathaniel E. Harris, "the gathering of mobs in almost every part of the [state] and brought about such state of affairs that no persuasion or remonstrance could control the situation."

After the lynching of Leo Frank, Watson wrote approvingly:

"A Vigilance Committee, instead of the Sheriff, carried out a sentence which remained in effect. In the eyes of the law, the commutation did not exist... [W]hen... the Vigilantes... decided to execute the sentence... Frank virtually confessed [and] ceased to claim innocence... He was guilty; and his conduct at the last corroborated the official record... In putting the Sodomite murderer to death, the Vigilance Committee has done what the Sheriff would have done, if Slaton had not been of the same mould as Benedict Arnold. Let Jew libertines take notice. Georgia is not for sale to rich criminals... [A]ll over this broad land there are millions of good people, not doped by Jew money, and lies, that enthusiastically greet the triumph of laws in Georgia. Womanhood is made safer, everywhere... "

Here are a few additional examples of the repulsive rhetoric Watson used during his 18 month campaign to see Leo Frank dead:
"What is the purpose of this continued and systematic crusade in behalf of one convicted Jew whose connections command unlimited wealth?"

"Frank belonged the Jewish aristocracy, and it was determined by the rich Jews that no aristocrat of their race should die for the death of a working-class Gentile."

"Here we have the typical young libertine Jew who is dreaded and detested by the city authorities of the North for the very reason that Jews of this type have an utter contempt for law, and a ravenous appetite for the forbidden fruit - a lustful eagerness enhanced by the racial novelty of the girl of the uncircumcized."

[Leo Frank is] a lascivious pervert, guilty of the crime that caused the Almighty to blast the Cities of the plain... [Frank has] those bulging, satyr eyes... the protruding fearfully sensual lips; and also the animal jaw."

In 1920, Tom Watson was elected to a U. S. Senate seat, defeating Hugh M. Dorsey. Watson died two years later, in 1922.

Unbelievably, a 12-foot statue of Watson, bearing the legends "A Champion of Right Who Never Faltered in the Cause," and "Honor's Path He Trod," now stands on the grounds of the state capitol building in Atlanta!

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