LEO FRANK BEGINS ON LIFE SENTENCE

IN SUIT DENOTING LOWEST GRADE PRISONER HE APPEARS CALM

Demonstration Held in Atlanta—Governor Hanged in Effigy at Marietta

Atlanta, Ga., June 21.—Leo M. Frank today, began serving life sentence at the Georgia prison farm for the murder of Mary Phagan, the 14-year-old employee of the pencil factory of which Frank was superintendent. His hurried secret trip by train and automobile from the Atlanta jail to Milledgeville preceded by a few hours the issuance of a long statement by Governor Slaton giving his reasons for commuting the death sentence to life imprisonment.

Frank was delivered at the State prison farm at 4:30 o'clock this morning and soon after extra editions of newspapers announced the fact here. Within a short time crowds began to gather on down-town street corners and within three hours their demonstrations had resulted in calling out two-thirds of the police force and later an order closing all near-beer saloons and clubs where liquor might be obtained. At about noon a crowd, conservatively estimated at 2,500, gathered on the capital grounds and listened to several speakers. Most of this crowd later assembled in the hall of the house of representatives, where several speakers said they doubted Frank had been removed from Atlanta.

Committee Visits Jail.

A committee of five was selected to visit the jail here and try to find Frank. They reported that he was not there. Then Sheriff Mangum, who, with deputies took the prisoner to Milledgeville, gave the crowd his word he had delivered him there and explained the trip in detail. The crowd, which packed the floor and galleries, then decided to make another demonstration down-town. They marched to "Five Points," in the centre of the business section, and then went to the city hall. As this had been the scene of a demonstration earlier in the day the police took stern measures. Within a few minutes the list of arrests had been increased to ten, all charged with failure to "move on."

Mounted officers rode in circles in the crowd, cutting them off in small detachments. Apparently disheartened by such methods the crowd gradually dispersed.

At Marietta, twenty miles from Atlanta, the former home of Mary Phagan, Governor Slaton was hanged in effigy. An inscription on the dummy read "John Slaton, Georgia's traitor Governor."

Issues Long Statement.

The governor went fully into the details of why he commuted the sentence, his 15,000-word statement not being completed until almost noon.

Frank did not know until a few minutes before he started on his trip that he was to leave his cell last night. His heavy, distinctive eyeglasses were removed, which in itself was somewhat of a disguise. The officers, however, placed a slouched hat on him and he was not recognized by the few persons at the station at 12.01 a. m., when his train left. He was recognized when the train reached Griffin and at Macon he was reported to be very nervous, needing the support of Sheriff Mangum when he walked.

At the prison farm today. Frank changed his demeanor, assuming the outward calmness that has characterized him throughout the case. He again protested his innocence, expressed gratitude to Governor Slaton and said that he had intuitively believed he would at least get a commutation of sentence. He was given No. 965, donned a suit denoting the lowest grade prisoner and tonight apparently had begun the routine of prison life.

Solicitor General Dorsey, who prosecuted Frank, issued a statement tonight in which he declared that the "action of Governor Slaton nullifying the judgments of the State and federal courts and overriding the recommendations of the State board of pardons was unprecedented." He added that no defendant in his recollection had had the benefit of more appeals to both the State and supreme court.

"I cannot find in the record of the Frank case or in the governor's lengthy statement of attempted justification one reason why the governor should annul the judgement of the courts in this case," said the solicitor.

Governor's Statement.

In his statement exhaustively explaining his reasons for commuting Frank's sentence Governor Slaton reviewed the circumstances surrounding the murder of Mary Phagan in the National Pencil Factory here on April 26, 1913, the conviction of Frank and his appeal for clemency. Hhe mentioned the attention attracted to the case all over the country and the widespread appeals for commutation. Continuing the statement reads:

"The murder was a most heinous one and the offender deserves the punishment of death. The only question is as to the identity of the criminal. The responsibility is upon the people of Georgia to protect the lives of her citizens and to maintain the dignity of her laws, and if the choice must be made between the approbation of citizens of other States and the enforcement of our laws against offenders we must choose the latter alternative.

"It is charged that the court and jury were terrorized by a mob and that the jury were coerced into their verdict. When Frank was indicted and the air was filled with rumors as to the murder and mutilation of the girl there was intense feeling, and to such an extent that my predecessor, Governor Brown, stated in argument before me that he had the militia ready to protect the defendant if any attack was made. * * * Some weeks later the defendant was put on trial."

Refers to State Laws.

The governor then referred to Georgia's laws relating to change of venue, declaring these provisions were made most broad in behalf of the defendant to insure one a fair trial. Frank, he said, went to trial without asking a change of venue and submitted his case to a jury that was acceptable to him. "During the progress of the trial," he continued, "after evidence had been introduced laying the crime with many offensive details upon Frank, the feeling against him became intense. * * * If the audience in the court room manifested their deep resentment toward Frank, it was largely by this evidence of feeling beyond the court's power to correct. It would be difficult for an appellate court or a trial court, to grant a new trial in such a long case because the audience in the court room on a few occasions indicated their sympathies. * * * The jury found the defendant guilty and with exception of the demonstration outside the court room there was no disorder. Nothing was done which the courts could correct through legal machinery."

The governor said the United States supreme court had sustained this ruling. He declared the charge against the State of Georgia of racial prejudice is unfair. He then reviewed the evidence.

What the State Proved.

He asserted the State proved that Frank was in his office at the factory a little after 12 o'clock the day of the murder, and that he admitted paying Mary Phagan wages due her. So far as known, he says, Frank was the last person who saw her alive. Other facts enumerated by the governor as to him the more important of these shown by the State were:

That Frank at 4 o'clock the afternoon of the murder allowed the negro watchman, Newt Lee, to leave the factory for two hours; that the same evening Frank called Lee on the telephone, and that Lee found the double inner doors locked, all of which things he had never done before; that cord similar to that with which the girl was strangled was found in quantities on the metal room ffoor and in less quantities in the basement where the body was discovered. He also included the testimony of Miss Monteen Stover, that when she was in Frank's office, about the time the State contended Frank and the Phagan girl were in the metal room, Frank was not in his office, although he had declared he had not left the office.

Jim Conley's Testimony.

"The most startling and spectacular testimony in the case was that given by a negro, Jim Conley, who frequently had been in the chain gang," the statement says. He then referred to the "murder notes" found beside the body, which Conley finally admitted he had written at Frank's dictation, "Conley claimed Frank asked him to come to the factory on Saturday and watch for him as he had done, which he explained meant that Frank expected to meet some woman," the governor says. "Conley occupied a dark place beside the elevator behind some boxes.

"Conley mentioned several male and female employees who went up the steps to the second floor where Frank's office was. He said Mary Phagan went up the stairs; that in a few minutes he heard footsteps going toward the metal room; that he heard a scream and then dozed. In a few minutes Frank stamped and Conley locked the door, and then Frank whistled and Conley unlocked the door and went upstairs. He said Frank was shivering and trembling and told him that he had made advances to the girl and she repulsed him, and he struck her too hard and she fell and hit her head against something and he did not know how badly she was hurt. * * * Conley said he found the girl in the metal room with a cloth tied about her neck, as though to catch the blood, although there was no blood found in the place.

Disposition of Body.

"According to Conley's story, Frank told him to get a piece of cloth and wrap the body in it, and Conley got a piece of bed ticking and tied up the body, carried it to near the dressing room, dropped it, then called on Frank to assist him. He said that he and Frank took the body to the basement in the elevator; that they rolled the body out of the cloth, then went to Frank's office; that Emma Clark and Corintha Hall came into the office and Frank put him in the wardrobe and after they left that Frank dictated the murder notes."

The statement then points out alleged inconsistencies in Conley's story and mentions several contradictions in his story as related in various affidavits. Among them, he said, were evidence that the elevator had not been used Saturday afternoon; that Frank could not have carried the girl down the hatchway while Conley, a powerful negro, could have done so; that no bed ticking ever had been seen in the factory; that it agreed the murder could not have been committed before 12:05 p. m., and yet Conley has Emma Clark and Corintha Hall in Frank's office after the body had been disposed of, while unimpeached testimony showed that they reached the factory at 11:35 and left at 11:45 a. m.

Similar Expressions.

The governor pointed out similarities in forms of expression and words used by Conley in his testimony, in the "murder notes" and in the "Annie Maud Carter letters," parts of which Conley admitted he wrote. He inferred that the evidence indicated the notes were the product of Conley's mental as well as physical effort. Testimony of other witnesses than Conley, concerning the time of Mary Phagan's visit to the factory and regarding the order blank pad, on which one of the "murder notes" was written, having been discarded to the basement, was discussed at length in the statement.

In conclusion the governor said:

"In the Frank case three matters have developed since the trial, which did not come before the jury, to wit: The Carter letter,, the testimony of Becler, indicating that the death notes were written in the basement, and the testimony of Dr. Harris, that, he was under the impression that the hair on the lathe in the metal room was not that of Mary Phagan, and thus tending to show that the crime was not committed on the floor on which was Frank's office.

"While made the subjects of an extraordinary motion for a new trial, it is well known that it is almost a practical impossibility to have a verdict set aside by this procedure. The evidence might not have changed the verdict with the recommendation to mercy.

Performance of Duty.

"In any event the performance of my duty under the constitution is a matter of my conscience. The responsibility rests where the power is reposed. Judge Roan, with that awful sense of responsibility which probably came over him as he thought of that Judge before whom he would shortly appear, calls to me from another world to request that I do that which he should have done. I can endure misconstruction, abuse and condemnation, but I cannot stand the constant companionship of an accusing conscience which would remind me in every thought that I, as governor of Georgia, failed to do what I thought to be right. There is a territory beyond a reasonable doubt and absolute certainty, for which the law provides in allowing life imprisonment instead of execution. This case has been marked by doubt. The trial judge doubted. Two judges of the State supreme court doubted. Two judges of the United States supreme court doubted. One of the three prison commissioners doubted.

"In my judgment, by granting a commutation in this case I am sustaining the jury, the judge and the appellate tribunals, and at the same time am discharging that duty which is placed on me by the State constitution.

The governor then appended the order commuting Frank's sentence from death to imprisonment for life. The order bears date of today.

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A barbecue will be served at Mt. Pleasant church on July 17 for the beneft of the Methodist parsonage at Pomaria. Every one is invited to come and get a good dinner and help a good cause.

G. H. Cromer,
Chairman of Committee.

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The School Improvement association of Pomaria will give a barbecue in the grove at Pomaria on July 3, for the benefit of the school.

Mrs. Jno. C. Aull, Pres.

4-15-tf

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