

my first statement, I made the statement that I went to the pencil factory on Friday, April 25th, and went in Frank's office at five minutes to one, which is a mistake. I make this statement in regard to Friday in order that I might not be accused of knowing anything of this murder, for I thought if I put myself there on Saturday they might accuse me of having a hand in it, and I now make MY SECOND AND LAST STATEMENT regarding the matter freely and voluntarily, after thinking over the situation, and I have made up my mind to tell the whole truth and I make it freely and voluntarily without the promise of any reward or from force or fear of punishment in any way."

(k) After this beginning he sets out with variations the writing of the notes on Saturday instead of on ~~Friday~~ Friday, and in a long rambling statement his movements at home and on Peters Street ~~and~~ on Saturday and on Monday at the factory, most of which is wholly disconnected with the murder.

(l) On May 29th, 1913, although he had already sworn that he had made "his true, full and last statement", he made another statement in which he purported to aid Frank in concealing the body of Mary Phagan. This statement is full of contradictions and wholly irreconcilable with itself and with the known facts surrounding the murder.

(m) He closes this remarkable affidavit in the following words: "The reason I have not told this before is that I thought Mr. Frank would get out and help me out, but it seems that he is not going to get out and I decided to tell the whole truth about the matter."

(8) These incoherent, ~~gibbering~~ gibbering statements will, it is believed, impress the Grand Jury if the negro Conley's case is submitted to it.

(9) The Grand Jury can be trusted to scan these queer statements in the light of all the surrounding facts and circumstances and taken in connection with all the other facts implicating Conley, they proclaim his guilt beyond all reasonable doubt.

(10) The detectives, obsessed as they are with the assumption that Conley is a tool and not a murderer, are unfit to keep him in their sole and unlimited power. Under their protecting care, Conley, instead of being left to tell the truth, will at length deceive himself into the belief that instead of being a murderer he is an unfortunate victim.

(11) That Conley and his counsel wish it, is the best reason why it should not be done. As long as he sticks to a story pleasing to the detectives, or builds upon that story as additions may be needed, he is assured that the detectives will save him as far as possible from court and Grand Jury and will, so far as they can, fix upon him no greater crime than that of a misdemeanor.

(12) Conley and his counsel are wise. There is for them no other hope than for the detectives to keep Conley and save him from a confession that he committed the crime, giving him immunity, provided he continues to put the guilt on Frank.

Respectfully submitted,

Rosser & Brandon,
Attys. for Leo Frank.

Order granted that said James Conley be discharged as prayed and all orders, as set out in petition cancelled that were signed heretofore by me. This June 13, 1913.

(Signed) L. S. Roan,
J.S. St. Mt. Ct.
Presiding.

448

In Poor Condition