

# Arnold Ridicules Plot Alleged by Prosecution And Attacks the Methods Used by Detective

When Attorney Frank A. Hooper had made the opening speech of the prosecution, Attorney Reuben R. Arnold prepared for the first speech of the defense. It had been announced that he would review the entire history of the case and when he started at noon the pasteboard model of the pencil factory was brought in.

A large diagram giving a synopsis of the case was also brought in, but was not unwrapped when Mr. Arnold first started.

"Gentlemen of the jury, we are all to be congratulated that this case is drawing to a close," Mr. Arnold began in a quiet voice as though addressing several friends on an everyday subject.

"We have all suffered here from trying a long and complicated case at the heated term of the year. It's been a case that has taken so much effort and so much concentration and so much time, and the quarters here are so poor.

Especially hard on you members of the jury who are practically in custody while the case is going on.

"I know it's hard on a jury to be kept confined this way, but it is necessary that they be segregated and set apart where they will get no impression at home nor on the street.

"The members of the jury are in a sense set apart on a mountain, where, far removed from the passion and heat of the plain, calmness rules them and they can judge a case on its merits.

## Takes Rap at Hooper.

"My friend, Hooper, said a funny thing here a while ago; I don't think he meant what he said, however," Mr. Arnold then stated. "Mr. Hooper said that the men in the jury box are no different from the men on the street.

"Your honor, I'm learning something every day and I certainly learned something today, if that's true," he added, turning to Judge Roan.

"Mr. Arnold evidently mistakes my meaning, which I thought I made clear," interrupted Attorney Frank Hooper. "I stated that the men in the jury box were like they would be on the street in the fact that in making up their minds about the guilt or innocence of the accused they must use the same common sense that they would if they were not part of the court."

"Well, let's get away from that street idea, entirely," Mr. Arnold stood back.

The speaker then launched into a description of the horrible crime that had been committed that afternoon or night in the National Pencil company's dark basement. He dwelt on the effect of the crime upon the people of Atlanta and of how high feeling ran and still runs, and of the omnipresent desire for the death of the man who committed the crime.

## Roasts Motorman Kenley.

"They are fellows like that street car man, Kenley, the one who vilified this defendant here and cried for him to be lynched and shouted that he was guilty until he made himself a nuisance on the cars he ran.

"Why I can hardly realize that a man holding a position as responsible as that of a motorman and a man with certain police powers and the discretion necessary to guide a car through the crowded city streets would give way to passion and prejudice like that.

"It was a type of man like Kenley who said he did not know for sure whether those negroes hanged in Decatur for the shooting of the street car man were guilty, but that he was glad they hung as some negroes ought to be hanged for the crime. He's the same sort of a man who believes that there ought to be a hanging because that innocent little girl was murdered, and who would like to see this Jew here hang, because somebody ought to hang for it.

## Frank's Only Guilt.

"I'll tell you right now, if Frank hadn't been a Jew, there would never have been any prosecution against him. I'm asking my own people to turn him loose, asking them to do justice to a Jew, and I'm not a Jew, but I would rather die before doing injustice to a Jew.

"This case has just been built up by degrees; they have a monstrous perjury here in the form of this Jim Conley against Frank. You know what sort of a man Conley is, and you know that up to the time the murder was committed no one ever heard a word against Frank.

"Villany like this charged to him does not crop out in a day. There are long mutterings of it for years before. There are only a few who have ever said anything against Frank. I want to call your attention later to the class of their witnesses and the class of ours. A few floaters around the factory, out of the hundreds who have worked there in the plant three or four years, have been induced to come up here and swear that Frank has not a good character, but the decent employees down there have sworn to his good character." Look at the jail birds they brought up here, the very dregs of humanity, men and women who have disgraced themselves and who now have come and tried to swear away the life of an innocent man.

## To Strip State's Case Bare.

"I know that you members of the jury are impartial. That's the only reason why you are here and I'm going to strip the state's case bare for you, if I have the strength to last to do it.

"They have got to show Frank guilty of one thing before you can convict him; they've got to show that he is guilty of the murder, no matter what else they show about him. You are trying him solely for the murder and there must be no chance that anyone else could just as likely be guilty.

"If the jury sees that there is just as good a chance that Conley can be guilty then they must turn Frank loose."

"Now you can see how in this case the detectives were put to it to blame the crime on somebody. First it was Lee and then it was Gantt and various people came in and declared they had seen the girl alive (late Saturday)

night and at other times and no one knew what to do."

## Lee Has Not Told All.

"Well, suspicion turned away from Gantt and in a little while it turned away from Lee. Now I don't believe that Newt is guilty of the crime, but I do believe that he knows a lot more about the crime than he told. He knows about those letters and he found that body a lot sooner than he said he did.

"Oh, well, the whole case is a mystery, a deep mystery, but there is one thing pretty plain, and that is that whoever wrote those notes committed the crime. Those notes certainly had some connection with the murder, and whoever wrote those notes committed the crime.

"Well, they put Newt Lee through the third degree and the fourth degree and maybe a few others. That's the way, you know, they got this affidavit from the poor negro woman, Minnie McKnight. Why, just the other day the supreme court handed down a decision in which it referred to the third degree methods of the police and detectives in words that burned."

Here the attorney read the decision which attacked alleged third degree methods.

"Well, they used those methods with Jim Conley." My friend Hooper said nothing held Conley to the witness chair here but the truth, but I tell you that the fear of a broken neck held him there. I think this decision about the third degree was handed down with Conley's case in mind. I'm going to show this Conley business up before I get through.

## Charges "Frame-Up."

"I'm going to show that this entire case is the greatest frame-up in the history of the state."

Here court adjourned for lunch.

"My friend Hooper remarked something about circumstantial evidence and how powerful it frequently was. He forgot to say that the circumstances, in every case, must invariably be proved by witnesses.

"History contains a long record of circumstantial evidence and I once had a book on the subject which dwelt on such cases, most all of which sickens the man who reads them. Horrible mistakes have been made by circumstantial evidence—more so than by any other kind.

Here Mr. Arnold cited the Durant case in San Francisco, the Hampton case in England, and the Dreyfus case in France as instances of mistakes of circumstantial evidence. In the Dreyfus case he declared it was purely persecution of the Jew.

The hideousness of the murder itself was not as savage, he asserted, as the feeling to convict this man.

"But the savagery and venom is there, just the same, and it is a case very much on the order of Dreyfus.

## Attack's Hooper's Position.

"Hooper says 'Suppose Frank didn't kill the girl and Jim Conley did, wasn't it Frank's duty to protect her?' He was taking the position that if Jim went back there and killed her, Frank could not help but know about the murder. Which position, I think, is quite absurd.

"Take this hypothesis, then, of Mr. Hooper's. If Jim saw the girl go up and went back and killed her, would he have taken the body down the elevator at that time? Wouldn't he have waited until Frank and White and Denham and Mrs. White and all others were out of the building? I think so. But there's not a possibility of the girl having been killed on the second floor.

"Hooper smells a plot, and says Frank has his eye on the little girl who was killed. The crime isn't an act of a civilized man—it's the crime of a cannibal, a man-eater. Hooper is hard-pressed and wants to get up a plot—he sees he has to get up something. He forms his plot from Jim Conley's story.

"They say that on Friday Frank knew he was going to make an attack of some sort on Mary Phagan. The plot thickens. Of all the wild things I have ever heard that is the wildest. It is ridiculous. Mary Phagan worked in the pencil factory for months, and all the evidence they have produced that Frank ever associated with her—ever knew her—is the story of weasley little Willie Turner, who can't even describe the little girl who was killed.

"A little further on in his story Jim is beginning the plot. They used him to corroborate everything as they advised. Jim is laying the foundation for the plot. What is it—this plot?"

## Ridiculous Alleged Plot.

"Only that on Friday Frank was planning to commit some kind of assault upon Mary Phagan.

"Jim was their tool. Even Scott swears that when he told Jim that Jim's story didn't fit, Jim very obligingly adapted it to suit his defense. He was scrupulous about things like that. He was quite considerate. Certainly. He had his own neck to save.

"Jim undertook to show that Frank had an engagement with some woman at the pencil factory that Saturday morning. There is no pretense that another woman is mixed up in the case. No one would argue that he planned to meet and assault this innocent little girl who was killed.

"Who but God would know whether she was coming for her pay that Friday afternoon or the next Saturday? Are we stark idiots? Can't we divine some things?"

"They's got a girl named Ferguson, who says she went for Mary Phagan's pay on the Friday before she was killed, and that Frank wouldn't give it to her. It is the wildest theory on earth, and it fits nothing. It is a strained conspiracy. Frank, to show you I am correct, had nothing whatever to do with paying off on Friday. Schiff did it all.

"And little Magnolia Kennedy, Helen Ferguson's best friend, says she was with Helen when Helen went to draw her pay, and that Helen never said a word about Mary's envelope.

"There's your conspiracy, with Jim Conley's story as its foundation. It's too thin. It's preposterous.

"Then my friend Hooper says Frank discharged Gantt because he saw Gantt talking to Mary Phagan. If you convicted men on such distorted evidence as this, why'd be hanging men perpetually. Gantt, in the first place, doesn't come into this case in any good light. It is ridiculously absurd to bring

his discharge into this plot of the defense.

"Why, even Grace Hicks, who worked with Mary Phagan, and who is a sister-in-law of Boots Rogers, says that Frank did not know the little girl.

## Defends Factory Conditions.

"Hooper also says that bad things are going on in the pencil factory, and that it is natural for men to cast about for girls in such environments. We are not trying this case on whether you or I or Frank had been perfect in the past. This is a case of murder. Let him who is without sin cast the first stone.

"I say this much, and that is that there has been as little evidence of such conditions in this plant as any other of its kind you can find in the city. They have produced some, of course, but it is an easy matter to locate some ten or twelve disgruntled ex-employees who are vengeful enough to swear against their former superintendent, even though they don't know him except by sight.

"I want to ask this much. Could Frank have remained at the head of this concern if he had been as loose morally as the state has striven to show? If he had carried on with the girls of the place as my friends alleged, wouldn't entire working force have been demoralized, ruined? He may have looked into this dressing room, as the little Jackson girl says, but, if he did, it was done to see that the girls weren't loitering.

"There were no lavatories, no toilets, no baths in these dressing rooms. The girls only changed their top garments. He wouldn't have seen much if he had peered into the place. You can go to Piedmont park any day and see girls and women with a whole lot less on their person. And to the shows any night you can see the actresses with almost nothing on.

"Everything brought against Frank was some act he did openly and in broad daylight, and an act against which no kick was made.

## The Trouble With Hooper.

"The trouble with Hooper is that he sees a bear in every bush. He sees a plot in this because Frank told Jim Conley to come back Saturday morning. The office that day was filled with persons throughout the day. How could he know when Mary Phagan was coming or how many persons would be in the place when she arrived?"

"This crime is the hideous act of a negro who would ravish a ten-year-old girl the same as he would ravish a woman of years. It isn't a white man's crime. It's the crime of a beast—a low, savage beast!

"Now, back to the case: There is an explorer in the pencil factory by the name of Barrett—I call him Christopher Columbus Barrett purely for his penchant for finding things. Mr. Barrett discovered the blood spots in the place where Chief Beavers, Chief Lanford and Mr. Black and Mr. Starnes had searched on the Sunday of the discovery.

## Barrett and the Reward.

"They found nothing of the sort. Barrett discovered the stains after he had proclaimed to the whole second floor that he was going to get the \$4,000 reward if Mr. Frank was convicted. Now, you talk about plants! If this doesn't look mighty funny that a man expecting a reward would find blood spots in a place that has been scoured by detectives, I don't know what does.

"Four chips of this flooring were chiseled from this flooring where these spots were found. The floor was an inch deep in dirt and grease. Victims of accidents had passed by the spot with bleeding fingers and hands. If a drop of blood had ever fallen there, a chemist could find it four years later. Their contention is that all the big spots were undiluted blood.

"Yet, let's see how much blood Dr. Claude Smith found on the chips. Probably five corpuscles, that's all, and

that's what he testified here at the trial. My recollection is that one single drop of blood contains 9,999 corpuscles on only one chip.

"I say that half of the blood had been on the floor two or three years. The stain on all chips but one were not blood. Dorsey's own doctors have put him where he can't wriggle—his own evidence hampers him.

"They found blood spots on a certain spot and then Jim Conley's story accordingly. They had him put the findings of the body near the blood spots, and had him drop it right where the spots were found.

"It stands to reason that if a girl had been wounded on the lathing machine in the vicinity of the machine. Yet there was no blood in that place and neither was there any where the body was said to have been found by Conley. The case doesn't fit. It's flimsy.

"A Cheap, Common Plant."

"And, this hawcine that they've raised such a rumpus over. It was put on the floor as a cheap, common plant to make it appear as though someone had put it there in an effort to hide the blood spots. The two spots of blood and the strands of hair are the only evidence that the prosecution has that the girl was killed on the second floor.

"Now, about these strands of hair. Barrett, the explorer, says he found four or five strands on the lathing machine. I don't know whether he did or not. They've never been produced. I've never seen them. But, it's probable, for just beyond the lathing machine, right in the path of a draft that blows in from the window, is a gas jet used by the girls in curling and primping their hair. It's very probable that strands of hair have been blown from this jet to the lathing machine.

"The state not only has got no case, gentlemen, but they've got the clumsiest, ill-fitting hatch I've ever seen.

"The detectives say that Frank is a crafty, cunning criminal, when deep down in their heart of hearts they know good and well that their case is built against him purely because he is a negro, and they admit having seen her that day. Had he been a criminal, he never would have told about seeing her and would have replaced her envelope in the desk, saying she had never called for her pay.

Defendants Character of Women.

"I believe that a majority of the women are good. The state jumped on poor Daisy Hopkins. I don't contend, poor mind you, that she is a paragon of virtue. But there are men who were put up by the state who are no better than she. For instance, this Dalton, who says openly that he went into the basement with Daisy. I don't believe he ever did, but in such a case, he slipped in. There are some fallen women who can tell the truth. They have characteristics like all other girls.

"I'm put her on the stand to prove Dalton a liar and we did it. Now, gentlemen, don't you think the prosecution is hard-pressed when they put up such a character as Dalton? They say he has reformed. A man with thievery in his soul never reforms. Drunkards do and men with bad habits, but thieves? No."

"Would you convict a man like Frank or the word of a pervert like Dalton.

"Now, I'm coming back to Jim Conley. The whole case centers around him. Mr. Hooper argued well on that part. At the outset of the case, the suspicion pointed to Frank merely because he was the only man in the building. It never cropped out for weeks that anyone was on the first floor.

Taken Up at Detectives.

"The detectives put their efforts on Frank because he admitted having seen the girl. They have let their zeal run away with them in this case, and it is tragic. They are proud whenever they get a prisoner who will tell something on anybody. The humbler the victim the worse is the case. Such evidence comes with the stamp of untruth on its face.

"Jim Conley was telling his story to save his neck, and the detectives were happy listeners. If there is one thing for which a negro is culpable it is for telling a story in detail. It is the same with children. Both have vivid imaginations. And a negro is also the best mimic in the world. He can imitate anybody.

"Jim Conley, as he lay in his cell and read the papers and talked with the detectives, conjured up his wonderful story, and laid the crime on Frank, because the detectives had laid it there and were helping him do the same.

"Now Brother Hooper waves the bloody shirt in our face. It was found Wednesday or Tuesday in Next."

Detectives Black and Scott were giving Cain to poor, old man New Lee. I don't doubt it for a minute that they know it was out there when they started out after it.

"I can't say they planted it, but it does look suspicious. Don't ask us about a planted shirt. Ask Scott and Black.

"The first thing that points to Conley's guilt is his original denial that he could write. Why did he deny it? Why? I don't suppose much was thought of it when Jim said he couldn't write, because there are plenty of negroes who are in the same fix. But later, when they found he could, and found that his script compared perfectly with the murder notes, they went right on accusing Frank. Not in criminal annals was there a better chance to lay at the door of another man a crime as well as Jim Conley had.

"You see, there is a reason to all things. The detective department had many reasons to push the case against Frank. He was a man of position and culture. They were afraid that someone, unless they pushed the case to the jumping off place, would accuse them of trying to shield him. They are afraid of public and sentiment, and do not want to combat it, so in such cases, they invariably follow the line of least resistance.

Conley's Statement Attacked.

Continuing the reading of Conley's statement, Arnold pointed out the use of words which declared no negro would naturally have used. Those were long words, with many syllables in them.

"They said that Conley used so much detail in his statements that he could not have been lying," exclaimed Arnold.

Arnold then read parts of statements which Conley had repudiated in his trial, and pointed out the wealth of detail with which they were filled.

"And yet they say he couldn't fabricate so much detail! Oh, he is smart!" cried Arnold.

He then took up the reading of the statement of May 24, in which Conley admitted writing the notes. In this he showed three different times at which Conley stated he wrote the notes, these being early in the morning, at 12:04 and at 3 p. m.

Once more Arnold sought to show that the statements were not genuinely Conley's. "Take the word 'negro,'" he said. "The first word that a nigger learns to spell correctly is negro, and he always takes particular pains to spell it n-e-g-r-o. He knows how to spell it. Listen to the statement. He says that at first he spelled the word 'negro,' but that Frank did not want the 'n' on it and told him to rub it out, which he did. Then he says that he wrote the word 'yer.'"

Arnold then read rapidly the parts of the statement referring to smoking in the factory with Frank when it was against the rules, taking the cigarette box with money in it, etc.

Conley's Lies About the Notes.

"Look at the notes," he said. "He was freed about these notes and he has in fact put upon someone the burden of instructing him to write them.

"The first statement about them was a blunt lie—a lie in its ineptness. He said he wrote the notes on Friday. He said he wrote the notes on Friday, and he saw it. Frank could not have known anything of an intended murder on Friday from any viewpoint you might take, and therefore he could not have made Conley write them on Friday.

"Ah, gentlemen of the jury, I tell you these people had a great find when they got this admission from Conley!" Arnold cried sarcastically.

"If Conley had stayed over there in the Tower with Uncle Wheeler Mangum he would have told the truth long ago. There's where he should have stayed, with Wheeler Mangum."

Says Dorsey Made Mistake.

"My good friend, Dorsey, is all right. I like him. But he should not have walked hand in glove with the detectives. There's where he went wrong.

"My good old friend Charlie Hill would not have done that. He would have let the nigger stay in the jail with Uncle Wheeler.

"I like Dorsey. He simply made a mistake by joining in the hunt, in becoming a part of the chase. The solicitor should be little short of as far as the judge himself. But he's young and lacks the experience. He will probably know better in the future.

"Dorsey did this. He went to the judge and got the nigger moved from the jail to the police station.

"The judge simply said, 'Whatever you say is all right.'

"Now, I'm going to show you how John Black got the statement of Conley changed. I am going to give you a

demerol. I have learned some things in this case about getting evidence!

"They say that Frank cut Conley loose and he decided to tell the truth.

"Conley is a wretch with a long criminal record. Gentlemen, how can they expect what he says to be believed against the statement of Leo M. Frank?"

Four Pages of Lies.

"They say Conley can't lie about details. He says four pages, all of which he himself admits were written about every saloon on Paterson street, saloons to which he went, his shooting craps, his buying beer and all the ways in which he spent a morning. There is detail enough, and he admits that they are lies.

"In his third statement, that of May 28, he changes the time of writing the letters from Friday to Saturday. Here are two pages of what he said, all of which he afterwards said were lies.

"He says that he made the statement that he wrote the notes on Friday in order to divert suspicion from his being connected with the murder, which happened on Saturday. He also says that this is his final and true statement. God only knows how many statements he will make. He said he made the statement voluntarily and truthfully without promise of reward, and that he is telling the truth and that the whole case is a farce.

"He said in his statement that he never went to the building on Saturday. Yet we know that he was lurking in the building all the morning of the day of the murder. We know that he watched every girl that walked into that building so closely that he could tell you the spots on their dresses. We know that he was drunk, or had enough liquor in him to sird his blood.

Had Guilt on His Soul.

"I know why he wouldn't admit being in that building on Saturday. He had guilt on his soul, and he didn't want it to be known that he was here on Saturday. That's why!

"When they pinned him down what did he do? He says that he was waiting for Frank to come back.

"My God, wasn't he a watchman! He said he heard Frank and Mary Phagan walking upstairs, and that he heard Mary Phagan scream, and that immediately after hearing the scream he let Monteen Stover into the building.

"Why, they even have him saying that he watched for Frank when another concern was using the very floor space in which Frank's office was located, and you know they wouldn't submit to anything like that.

"Look again! He says that Mr. Frank said, 'Jim, can you write?' What a lie!

"He admitted that he had been writing for Frank for two years. It's awful to have to argue about a thing like this, gentlemen! You will remember Hooper said, 'How foolish of Conley to write these notes!' How much more foolish, I say, of Frank to do it!

"I don't think that Newt killed the girl, but I believe he discovered the body some time before he notified the police. Newt is a nigger."

Arnold once more read the notes and commented upon Conley's spelling of the word "negro" and afterwards rubbing out the letter "n."

"Frank said he wanted the 'n' rubbed out," Frank said. "That's all right, old boy, and slipped me on the back."

Over this picture Arnold had much to say.

"Now, here is what Scott said," continued Arnold. "He said that it took Conley six minutes to write a part of one note. Conley said that he wrote the notes three times."

Attorney Laughs Aloud.

Arnold then read from Conley's statement the description of the congenial manner in which Frank had Conley to sit down and asked him to write a cigarette, and of the pompous manner in which Conley took the cigarette and smoked it. Arnold laughed loudly as he read this. He described comically how Frank must have looked when he looked up at the ceiling and said, 'Why should I hang? I have rich relatives in Brooklyn.'

"They say that nigger couldn't lie. Gentlemen, if there is any one thing that niggers can do it is to lie. As my good old friend Charlie Hill would say, 'Put him in a hopper and he'll drip lies!'

"He was trying to prove an alibi for himself when he said that he was not in the factory on Saturday and told all the things that he did elsewhere on that day. But we know that the wretch was lurking in the factory all of Saturday morning.

"Further he swore that while he was in Frank's office he heard someone approaching and Mr. Frank cried out, 'Get! Here come Corintha Hill and Emma Clark!' and that Frank shut him up in a wardrobe until they left. According to Conley they came into the factory between 12 and 1 o'clock, when, as a matter of fact, we know that they came between 11 and 12.

"And as for his being able to fabricate the details of his statement—why, he knew every inch of that building from top to bottom! Hadn't he been sweeping and cleaning it for a long time?"

Made Conley Change Story.

"With this knowledge of the building, he naturally had no trouble in his pantomime after he had formed his story.

"The miserable wretch has Frank hiding him in the wardrobe when Emma Clark came in after the murder, when it has been proved that she came there and left before Mary Phagan ever entered the building on that day.

"They saw where they were wrong in that statement, and they made Conley change it on the stand. They made him say, 'I thought it was them.' They knew that that story wouldn't fit.

"Do you remember," continued Arnold, "how eagerly Conley took the papers from the girls at the factory. And do you remember how for four or five days the papers were full of the fact that Frank's home was in Brooklyn, and that his relatives were reported to be wealthy? Conley didn't have to go far to get material for that statement he put in Frank's mouth.

"It so happened, though, that Frank really did not have rich relatives in Brooklyn. His mother testified that his father was in ill health, and had moderate means, and that his sister worked in New York for her living."

He read from Conley's statement about what Frank wanted with the notes, saying that Frank said he wanted to send them to relatives in Brooklyn and show what a smart negro he was, so that he could recommend him to them for a job.

"Why the nigger hadn't even asked for a job," exclaimed Arnold. "And if he had, what recommendation would such notes as these have been. Can you for a moment imagine a man saying that he intended to send his mother any such notes as these?"

Here Arnold read the repulsive contents of one of the notes.

"Gentlemen, am I living or dreaming, that I have to argue such points as these? This is what you've got to do. You've got to swallow every

word that Conley has said—feathers and all, and you've got to believe in it. How are you going to pick out of such a pack of lies as these what you will believe and what you will not? Yet this is what the prosecution has based the case upon. If this falls, all falls.

"And do you remember about the watch when Conley said that Frank asked him, 'Why do you want to buy a watch for your wife? My big fat wife wanted me to buy her an automobile, but I wouldn't do it!'

"Do you believe that, gentlemen of the jury?"

"I tell you that they have mistreated this poor woman terribly. They have indicated that she would not come to the tower to see Frank—had deserted him. When we know that she stayed away from the fall at Frank's own request, because he did not want to submit her to the humiliation of seeing him looked up and to the vulgar gaze of the mercenary and to the cameras of the newspaper men. The most amazing thing in the whole case is the way this family has been mistreated! The way they invaded Frank's home and manipulated his servants.

Are Not Representative.

"I deny that the people who did this are representative of the 17,000 people of Fulton county. We are a fair people and we are a civilized people. Such acts as these are not in our nature."

Arnold reached the end of the statement where Conley changed the time of the writing of the notes to Saturday.

"That is where he changed the time of the writing of the notes to Saturday, but denied knowledge of the murder."

"That, of course, did not satisfy these gentlemen and they went back to him. They knew he was dodging incrimination. So they had him to change the statement again.

"They read Scott's statement about how they got the statements from him."

He read the detective's statement about how he and other detectives had spent six hours at the time with Conley on occasions and used profanely and insultingly to get a confession.

"Hooper thinks," continued Arnold, "that we have to break down Conley's testimony on the stand, but there is no such thing. You can't tell when to believe him, he has lied so much."

Reading on, he came to the statement that the detectives went over the testimony with Dorsey.

"There," said Arnold, "is where my friend got into it."

Continuing his reading to show how the detectives got Conley to change his statements, he said that they kept grilling Conley for six hours trying to impress on him the fact that Frank had not written the notes on Friday.

"They wanted another statement," he said. "He insisted that he had no other statement to make, but he did change the time of the writing of the notes from Friday to Saturday. This shows, gentlemen, as clearly as anything can show how they got Conley's statements."

Laws are Accessories.

"In the statement of May 29 they had nothing from Jim Conley about his knowledge of the killing of the little girl," Mr. Arnold continued, "and the negro merely said that Frank had told him something about the girl having received a fall and about his helping Frank to hide the body.

"Lawyers, who, knowing a person being accessories after the fact, are held to account to have you convict Frank and yet keep yourself clear."

"That's a smart negro, that Conley. And you notice how the state bragged on him because he stood up under the cross-examination of Colonel Rosser, well that negro's been well known in town. Scott and Black and Starnes drilled him; they gave him the broad hints."

"Scott says, 'We told him what would fit.'"

"In his first statement Conley leaves himself out an accessory after the fact."

"Oh, Conley's smart enough all right."

"I ain't hard to show how perjury comes into this case; the tracks are bound to lead to the door."

"We came here to go to trial and know nothing of the negro's claim to seeing the cord around the little girl's neck, or of his claim of seeing Lemmie Quinn go into the factory, or of a score of other things."

"Yet, Conley was then telling the truth, he said, and he'd thrown Frank aside. Oh, he was no longer shielding Frank, and yet he didn't tell it all when he said he was telling the whole truth."

"Well, Conley had a revelation, you know."

"My friend Dorsey visited with him seven times."

Conley Saw New Light.

"And my friend Jim Starnes and my Irish friend, Patrick Campbell, they visited him, and on each visit Conley saw new light. Well, I guess they showed him things and other things."

"Does Jim tell a thing because it's the truth, gentlemen of the jury, or because it fits into something that another witness has told?"

"Scott says, 'They told him things that fitted.'"

"And Conley says they changed things every time he had a visit from Dorsey and the detectives. Are you going to hang a man on that!"

"Gentlemen, it's foolish for me to have to argue such a thing."

"The man that wrote those murder notes," said Attorney Arnold suddenly in a quiet voice.

"Prove that man was there and that he wrote the notes and you know who killed the girl. Well, Conley acknowledges he wrote the notes and witnesses have proved he was there and he admits that, too."

Having turned his suspicion towards the negro the attorney launched into a description of the way in which Conley might have done the murder.

"That negro was in the building near the elevator shaft; it took but two steps for him to grab that little girl's mesh bag. She probably held on to it and struggled with him."

"A moment later he had struck her in the eye and the moment for Conley is the work of a moment for Conley to throw her down the elevator shaft."

Would Story Stand Pressure.

"Isn't it more probable that the story I have just told is true than the one that Conley tells on Frank? Suppose Conley were now under indictment and Frank out, how long would such a story against Frank stand the pressure?"

Here Mr. Arnold read from Conley's evidence on cross-examination, where he declared that Solicitor Dorsey had visited him seven times and that he had added something new each time.

"Hooper asked Jim on cross-examination why he had not told all the first time that Dorsey went there and the negro said he didn't want to; that he wanted to save some of it back. Who corrected the negro? Did Dorsey or Starnes or Campbell?"

"Now, see here," added Mr. Arnold,

In the statement of May 29 there are any number of things that are not told of which later were told on the stand.

"In the May 29 statement Conley never told of seeing Mary Phagan enter; he never told of seeing Monteen Stover enter, nor of seeing Lemmie Quinn enter; now he tells of having seen all of these women enter the office."

"Don't you see how they just fitted to fit witnesses and what the witnesses would swear?"

"It was, here, Conley, swear that Quinn came up, swear that the dead girl came up and swear that Miss Stover came up; they all did and it's true, swear to it!"

"And Conley would say, 'All right, boys. Ah reason they did.'"

"Now, Conley, how did you fall to hear that girl go into the metal room? We know she went there, because by our blood and hair we have proved she was killed there, and the poor negro thought a minute and then he said, 'Yes, boss, I heard her go in.'"

Made Conley Swear.

Attorney Arnold went through the same questions and the same answers declared that the state's representative had put it into the negro's head to swear he heard Frank go in with her and that he heard Frank come (telling out later, and that by that method they made Conley swear that Frank was a moral pervert.

"Now, I don't know," they told Conley to swear to him and to swear to that, but they made the suggestions, and Conley knew whom he had to please. He knew that when he pleased the detectives that the rope knot around his neck grew looser."

In the same way they made Conley swear about Dalton, and in the same way about Daisy Hopkins. They didn't ask him about the mesh bag. They forgot that until Conley got on the stand. That mesh bag and that pay envelope furnish the true motive for this crime, too, and if the girl was ravished, Conley did it after he had robbed her and thrown her body into the basement.

"Well, they got Conley on the stand and they got him to get a confession. Conley says that the mesh bag and the cord were put in his safe. That was the crowning lie of all!"

"Well, they've gone on this way, adding one thing and another thing. They wouldn't let Conley out of jail; they had their own reasons for that and yet I never heard that old man over there (pointing to the sheriff) called dishonest. He runs his jail a way to protect the innocent and not to convict them in the jail."

Talks of the Murder.

Mr. Arnold then switched away from that and talked of the murder.

"Gentlemen, right here a little girl was murdered (pointing to the past-board model of the National Pencil factory, which had been brought in and set up on the stand), and it's a terrible crime."

Mr. Arnold then went on to describe in detail the horror of the Phagan tragedy, the crime that stirred Atlanta as no one other ever did.

"We have already got in court the man who wrote those notes and the man who hid his own confession and the man who robbed her, and gentlemen, why go further in seeking the murderer than the black brute who sat there by the elevator shaft? The man who sat by that elevator shaft is the man who committed the crime. He was full of passion and lust, and had drunk on mesh whiskey and he wanted money at first to buy more whiskey."

Mr. Arnold then asked the sheriff to unwrap a chart which had previously been brought into court. It proved to be a chronological chart of Frank's alleged movements on Saturday, April 26, the day of the crime, and Mr. Arnold announced to the jury that he would prove by the chart that it was a physical impossibility for Frank to have committed the crime.

"Every word on that chart is taken from the evidence," stated the plaintiff attorney, "and it will show you that Frank did not have time to commit the crime charged to him."

"The state has wriggled a lot in this affair; they put up little George Epps and he swore that he and Mary Phagan got to town about seven after twelve and then they used other witnesses. My friend Dorsey tried to boot the Epps boy's evidence aside as though it were nothing."

"The two street car men, Hollis and Mathews, say that Mary Phagan got to Forsyth and Marietta at five or six minutes after twelve, and they didn't see her despite every attempt to bulldoze them, and then Mathews, who rode on the car to Whitehall and Mitchell, says that Mary Phagan rode around with him to Broad and Hunter streets before she got off."

McCoy Had No Watch.

"Well, the state put up McCoy, the man who never got his watch cut of Conley until about the time he was called a witness, and the state says he swore that he looked at his watch at Walton and Forsyth (and he never had any watch), and it was 12 o'clock exactly, and then he walked down the street and saw Mary Phagan on her way to the factory."

"Now, I don't believe McCoy ever saw Mary Phagan. Epps may have seen her but the state apparently calls him a lie when they introduce other testimony to show a change of time to what he swore to. It's certain those two street car men who know the girl, saw her, but the state comes in with the watchless McCoy and Korley, the Jew-hater, and try to advance new theories about the time and different ones from what their own witness had sworn to."

"Well, we have enough to prove the time, all right; we have the street car schedule, the statement of Hollis and Mathews, and the statement of George Epps, the state's own witness."

"The next thing is how long did it take Conley to go through with what he claims happened from the time he went into Frank's office and was told to get the body until he left the factory?"

According to Conley's own statement he started at four minutes to 1 o'clock and got through at 1:30 o'clock, making 34 minutes in all.

"Harlow Branch (here the speaker paid a tribute to the newspaper man mentioned) says that he was there when the detectives made Conley go through with what he claimed to do, and that he started then at 12:17 and by Mr. Branch's figures, it took Conley 50 minutes to complete the motions."

Didn't Attack Dr. Owen.

"Well, the state has attacked nearly everything we have brought into this case, but they didn't attack Dr. William Owen, and he showed by his experiments that Conley could not have gone through those motions in 34 minutes."

Mr. Arnold then read from Jim Conley's statement on cross-examination where he declared that he started at 10 minutes to 1 o'clock to get the body and that he and Frank left at 1:30.

"If we ever pinned the negro down to anything, we did to that, and we have shown that he could not have done all that he claims to have done through out the slander and fifth hurried at Frank and the statements of those poor little factory girls, dragged up here and made to swear that his character was bad, there can be no truth in the state's case."

Mr. Arnold then read the chronolog-

ical chart through to the jury, stopping from time to time to comment on it. He paused at where the chart stated that Miss Hattie Hill left the office at 12:02 o'clock and went on to show from her evidence how that had been settled upon. Then he declared that the little Stover girl had entered the office and left before Mary Phagan did.

"Away with your fifth and your dirty, shameful evidence of perversion; your low street gossip, and come back to the time—the time-element in the case." Mr. Arnold almost shouted.

"Now, I don't believe the little Stover girl ever saw Frank. She was a sweet innocent, that little girl, and she just peeped into the office from the outer one, and if Frank was in there, the safe door hid him from her view, or if he was not there, she might have stepped out for just a moment."

"Oh, my friend, Dorsey," Mr. Arnold again launched into an attack on his brother attorney's methods. "He stops blocks and he changes schedules, and he even changes a man's whole physical make-up, and he's almost changed the course of time in an effort to get Frank convicted."

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"Oh, I hate to think of little Mary Phagan in this, I hate to think that such a sweet, pure, good little girl is such a wretched creature, a breath of anything wrong whipsawed against her, and she just peeped into the office from the outer one, and if Frank was in there, the safe door hid him from her view, or if he was not there, she might have stepped out for just a moment."

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