

JEW'S FIGHT TO SAVE LEO FRANK

Countrywide Appeal for Man
Convicted of Killing
Mary Phagan.

RACE HATRED CHARGED

Motion for New Trial in
Georgia Halts the
Hangingman.

NEGRO'S STORY UNSHAKEN

Defence Hopes to Show That
He Shelved Guilt on
Frank.

ATLANTA, Ga., Oct. 11.—Although Leo M. Frank has been tried, convicted and sentenced to death for the murder of fourteen-year-old Mary Phagan, interest in the case continues as keen as when the condemned man was facing the jury.

This is due to the fact that Frank's friends have denounced the verdict as a monstrous perversion of justice and have begun a campaign that is almost nationwide to get a reversal.

Frank was sentenced to be hanged on October 10, but a motion for a new trial prevented the sentence being carried into effect. This motion has not yet been argued but probably will be in two weeks.

If Judge Roan, who presided at the trial of Frank, denies the motion, the case will be taken to the Georgia Supreme Court, and should that tribunal refuse to interfere Frank's attorneys say they will take the case to the United States Supreme Court, though it is difficult for a layman to see what Federal question is involved.

In all the criminal history of Georgia no such determined fight has ever been made for a convicted murderer as is being made for Frank, and the vigor of the fight has much to do with keeping interest in the case keen.

Fight Against Verdict.

In their motion for a new trial Frank's attorneys give 115 reasons why the verdict against him should not be allowed to stand. Most of these reasons seem to be merely technical, but several of them, if true, seem to be substantial enough to warrant a new trial.

Among other things, it is alleged that the feeling against Frank in Atlanta was so bitter that it was not possible for him to have a fair trial, that the "mob spirit" invaded the court room during the trial and intimidated the jury into returning a verdict of guilty, and that there were men on the jury who had said before being summoned for duty that Frank was guilty and that they wanted to get on the jury to "break his neck."

To sustain these charges Frank's attorneys have introduced affidavits from a number of persons to show that one juror said that he intended to get on the jury and that he would "hang it until hell froze over" unless a verdict of guilty was returned. This juror is R. H. Henkle, and he was the first man of the twelve chosen to try Frank, neither the State nor the defense making objection.

Solicitor-General Dorsey is now engaged in preparing an answer to these charges of the defense and as soon as he is ready the matter will be argued before Judge Roan.

Just how the State will controvert the charges made against Juror Henkle remains to be seen, for the affidavits affecting him are sworn to by reputable citizens.

If the defense can substantiate its charges against Henkle it is difficult to see how a new trial can be refused. This action, however, would only reflect on Juror Henkle and would not weaken the circumstantial and direct evidence which brought about the conviction of Frank.

Erroneous Impression.

This impression is entirely erroneous. There were powerful circumstances which pointed to Frank as the murderer, and the murder of little Mary Phagan and these circumstances would have made his acquittal difficult even if there had not been a shred of direct evidence to connect him with the crime.

But the State had the evidence of an eye witness to support the circumstances which first caused the arrest of Frank. This witness was the negro James Conley, who swore that he came upon Frank bending over the body of Mary Phagan, that Frank confessed he had made improper advances to the girl, that she resisted and that he struck her and she fell unconscious.

The negro also swore that Frank saw he had gone far that he killed the girl to protect himself. Frank then, according to the negro's story to the jury, bribed the latter to take the girl's body to the basement and conceal it until opportunity offered to turn it in to the authorities.

It was this story, told by Conley to the jury, which reached the jury's mind against Frank and resulted in a verdict of guilty. And it is this story which Frank's attorneys will have to break down to free their client in the event that he gets a new trial and faces another jury.

Murdered in a Factory.

Mary Phagan was murdered on Saturday, April 26—Confederate Memorial Day—in the National Pencil factory, of which Leo M. Frank was superintendent. The little girl had been employed in the factory for some months, but had been laid off a few days on account of a shortage of material. There was a small sum due her, and she went to the factory on April 26 to get her money and then take part in the Memorial Day parade. The girl was to get her money from Frank, who paid off the employees.

She left home about 11:30 in the morning, reached the factory about noon, entered Frank's office and was never seen alive again. It was a holiday and Frank was alone in the building with the exception of two workmen. Two floors above Frank's office.

Frank admitted that the girl came to his office, but he says he paid her and that she left the building.

About 4 o'clock Sunday morning Newt Lee, the negro night watchman, in making his rounds came upon the girl's body in the basement. The negro at once telephoned the police, who came and moved the girl's body to the morgue.

Examination showed that the girl had been strangled to death by a cord which was pulled so tightly as to cut into the flesh of her neck. Physicians also declared that she had been subjected to sexual violence.

Did Not Identify Her.

Frank, as superintendent of the factory, was notified of the finding of the body and the police, and he went to the morgue in the morning and brought him to the morgue to identify the girl. Frank said he did not know who she was. Later on Sunday

the body was identified as that of Mary Phagan by a girl friend.

Meanwhile a search of the basement by the detectives resulted in the discovery of two badly written and badly spelled notes, purporting to have been written by Mary Phagan, saying that a negro "did this."

The police arrested Lee, the negro night watchman, and also Arthur Mullin, a young white man, who knew Mary Phagan. Later J. M. Gantt, former book-keeper at the factory, was arrested as a result of a statement by Frank that Gantt had seemed to be fond of Mary Phagan.

The coroner's jury was in session several days and heard many witnesses. Gantt and Mullin proved alibis and were released. Finally the coroner's jury ordered that Frank and the negro, Lee, be held for the grand jury.

While Frank was in jail awaiting the action of the grand jury the police arrested James Conley, the negro sweeper at the factory, on suspicion of knowing something about the crime.

Conley was grilled by the detectives and finally told the story, which he afterward related to have been told to the effect that Frank killed the girl after making improper advances to her and hired him (Conley) to help dispose of the body.

Conley told several versions of the story, but never varied from the main charge that he found Frank bending over the body of the girl and was hired by Frank to take the body to the basement.

Indictment of Frank.

On this indictment Frank was indicted on July 28. He was put on trial for his life. The State first established the circumstances which incriminated Frank, the chief one being his own admission that Mary Phagan came to his office about noon on April 26.

The State proved that the girl was never seen alive after she entered Frank's office and witnesses were introduced to swear that blood spots were found on the floor of a room just in the rear of Frank's office. The State also proved that Frank was alone in the factory nearly all of Saturday morning and all of the afternoon.

It was also proved that when Lee, the night watchman, came on duty at 4 o'clock Saturday afternoon, Frank sent him away and told him not to come back until 7 o'clock.

The State also introduced an affidavit made by the negro who cooked for the Frank family to the effect that Frank was greatly disturbed on Saturday night and that he heard Mrs. Frank tell her mother that Frank tried to kill himself during the night.

All of this was preliminary to the direct evidence against Frank, the negro Conley. Conley repeated at length the charge he made in his affidavit about Frank killing the girl and in addition told of acts of sexual perversion by Frank. Conley had been at the factory for two years and said that he had been employed as a lookout by Frank whenever the latter had girls in his office, which was almost weekly, according to Conley.

Acted as a Lookout.

The negro's story was one of the most remarkable and revolting ever told in a court room, and much of it was unimpeachable. He swore that he was acting as lookout for Frank on the day Mary Phagan went to Frank's office and that half an hour after the girl entered he was summoned by Frank, who told him that the girl had resisted his advances that he had struck her too hard, and had killed her to keep her from telling of his assault on her.

In pantomime Conley reenacted before the jury how he and Frank took the girl's body to the basement, where it was later to be cremated in the furnace.

Conley said Frank agreed to give him \$200 to keep silent, and he said he had \$200 in his pocket when he was summoned by Frank. Frank told him to take the money and seemed to be trying to fasten the crime on him.

The negro was cross-examined for two days by Luther Z. Rosser, one of Frank's attorneys, and one of the leaders of the Georgia bar, but the witness never varied from his story. Trap after trap was set by Rosser, but the negro refused to walk in.

Conley's Story Supported.

The State put on witnesses who corroborated Conley's story as to his presence at the factory on the Saturday of the crime. These witnesses swore they saw Conley at the street entrance of the factory.

For Frank the defense first tried to establish an alibi. It was sought to show that for every minute of his time on the day of the murder and to show that he was at home at luncheon when Conley swore that the body of the girl was being disposed of by himself and Frank.

The theory of the defense was that Conley murdered the girl and that to save his own neck he told the story involving Frank. Many witnesses Frank's time was accounted for on Saturday, but over against this was Frank's own admission that he was practically alone in the factory nearly all of Saturday and that Mary Phagan came to his office.

It was proved that she was never seen alive after entering the factory.

The defense then put Frank's character in evidence. Many witnesses, most of them Jews, testified that his character was good. Rabbi Marx was one of these witnesses. He told how Frank was president of the local B'nai B'rith and had an interest he took in the synagogue.

Many girls, employed at the pencil factory, were called who testified that Frank had always been respectful in his conduct toward them.

In rebuttal, the State also called other pencil factory girls, who swore that Frank's character was bad in regard to seducing girls and related specific instances of his conduct.

Frank's Statement.

Then Frank made a statement in his own behalf. It was a remarkable statement, covering every minute of the day of the crime. Frank, apparently, was able to remember everything that he did no matter how trivial. In fact, his memory for detail seemed uncanny.

Conley was called on several days. Luther Z. Rosser and Reuben Arnold, both leaders of the Georgia bar, spoke for two days in behalf of Frank. They charged that the negro Conley killed Mary Phagan and that his story involving Frank was told to save his own life. They also charged that the detectives, for reasons of their own, were bent on convicting Frank and that they had drilled Conley in his story.

It was during Rosser's speech that the first reference was made to Frank's race. Rosser charged that Frank was being prosecuted because he was a Jew and asserted that the detectives were in a conspiracy to convict him.

Repeated Racial Argument.

Solicitor-General Dorsey, summing up for the State, attacked Rosser for alluding to Frank's race. Dorsey showed how Mullin, Gantt and Lee had all been arrested before Frank and said that accusation was taken against him solely because of the overwhelming evidence against him. Dorsey alluded to the fact that one of his own law partners was a Jew to show that he had no racial prejudice.

Judge Roan's charge was brief and said to be absolutely impartial. The jury retired and in forty minutes recommended to mercy, which meant that Frank must be hanged.

Two ballots were taken—one as to Frank's guilt and the other as to whether he should be recommended to mercy. The first ballot was taken and the jury was unanimous that Frank was guilty. The eleven jurors were for the death penalty and one for mercy, and he joined the majority.

Hensley Voted for Mercy.

Strange to say, the juror who voted for mercy was A. H. Hensley, who is now

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being charged by Frank's attorneys with having said before he was summoned for jury duty that Frank was guilty and ought to have his neck broken.

There was a great crowd about the court house, and when the verdict of guilty was announced a mighty cheer went up.

As Solicitor-General Dorsey came out of the court house he was seized and carried on the shoulders of several men.

Since Frank's conviction much has been said to make it appear that he was the victim of race prejudice and that he was convicted because he was a Jew. Atlanta has probably been free of the Jewish-hetze spirit than any city in the South.

Jews have been repeatedly elected to office and none who have opposed them have been elected.

At first there was absolutely no prejudice against Frank because of his race. Atlanta has probably been free of the Jewish-hetze spirit than any city in the South.

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MEAT PRICES BOUND TO RISE

Continued from First Page.

United States and shows a steady decrease amounting to over 11 per cent. in the last five years. Recently thousands of cattle have been brought in from Canada mainly because of poor pasturage and partial failure of the hay crop there.

Effect on Canada's Stock.
This movement may continue for a time, but it will naturally have the effect of further reducing Canada's stock of cattle. The unsettled conditions in Mexico make it unlikely that any considerable number of cattle can be expected from that country for at least a few years.

Argentina and Australia are already supplying most of the British imports and have been called on to make up the loss in supply formerly furnished by the United States.

The Australian colonies, however, are sheep rather than cattle countries and export probably four times as much mutton and lamb by weight as beef. Argentina is a large producer and exporter of beef, but has apparently reached the limit of its present cattle resources. The number of cattle in that country showed a decrease at the last census, 1911, as compared with the preceding one, 1908.

The report from Buenos Ayres that 7,262,000 cattle were killed in 1912 out of a total stock of 29,000,000 indicates that Argentina is drawing on its reserve.

It appears that England alone could probably take all of the foreign beef available for export, to say nothing of the new markets which have already been formed in other European countries.

We shall therefore have to depend on England and other purchasers of foreign beef, and this competition will tend to keep up prices. It must be remembered, too, that the foreign beef is not up to the standard of quality of our corn-fed beef.

In view of the present meat situation at home and abroad it is unlikely that our cattle raisers will have much to fear from foreign beef.

Cooperation Recommended.
The Department in its bulletin holds that the chief hope for a solution of the problem lies in the small farmer again turning to the raising of stock as he did before the past few years' artificial refrigeration put an end to local butchering. But before the farmer will undertake to raise more stock he must be assured of a local market.

An important reason why farmers produce less meat than formerly is to be found in the system of distribution from producer to consumer that has grown up in this country. In most of the countries of Europe public abattoirs have been constructed to which farmers may consign their fat stock, the meat from which is then sold to the consumer without passing through the hands of an intermediate line of middlemen, each of whom takes his toll.

In this country the farmer receives only a small fraction of the price paid by the consumer. Enormous packing establishments have monopolized the business and there is little or no competition in buying the farmer's stock. The enormous fortunes that have grown up in this business in recent years show that the farmer has not been getting his full share of the profits.

For Larger Retail Units.
Again the retail meat business at present conducted in cities renders enormous profits necessary. Numerous small groceries, each with its independent delivery system, clerks and fixtures, serve a few patrons scattered over considerably overlapping areas. Better organization of the retail business whereby it shall be conducted in larger units with well systematized methods of delivery is seriously needed.

Such organization could greatly lessen

the retail price of meats and at the same time permit the farmer to receive better prices. This would encourage greater production.

Private organizations for the systematizing of the retailing of meats without public supervision will not meet the situation. Such organizations, already in existence in the retail milk business, but instead of cheapening the products to consumers or increasing the price to producers they have converted the saving thus effected into exorbitant profits. Public abattoirs with public sale of the meats of animals slaughtered at them have become a crying need in this country.

Farmers Hold the Key.
The farms of this country have almost unlimited possibilities for live stock production. If the farmer can be shown how to produce live stock at a reasonable profit and how to get a ready market for it when it is produced they will furnish all the meat that is needed.

The bulletin says that the only meat-producing animals that have been distinctly profitable to the farmer in the last decade are swine, but these have not increased in number because of the ravages of hog cholera.

Sheep have been slowly decreasing in number and there is no probability of any considerable future increase. The department's experts hold also that there is no prospect of increase in poultry production in greater ratio than the increase in population.

The department tells the farmers of the country that they can cooperate to solve the meat problem and what they should do.

CROP YIELDS SMALLER.
Price Level 8 Per Cent. Higher Than in 1912.

WASHINGTON, Oct. 11.—A bulletin issued today by the Department of Agriculture gave details in regard to the average September, though less favorable than as compared with last year and the present year as compared with last year and also statistics in regard to the live stock on farms in the United States. It says:

"The combined condition for estimates of yield of all crops on October 1 was about 13.8 per cent. lower than the average September, though less favorable than as compared with last year and the present year as compared with last year and also statistics in regard to the live stock on farms in the United States. It says:

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