

Toolkit: Seeking Justice – The Leo Frank Case Revisited

Georgia Standards:

The following standards apply to the lessons in this toolkit:

SS8H6 The student will analyze the impact of the Civil War and Reconstruction in Georgia.

SS8H7 The student will evaluate key political, social and economic changes that occurred in Georgia between 1877 and 1918.

SS8H11 The student will evaluate the role of Georgia in the modern civil rights movement.

SS8CG1 The student will describe the role of citizens under Georgia's constitution.

SS8CG2 The student will analyze the role of the legislative branch in Georgia state government.

SS8CG3 The student will analyze the role of the executive branch in Georgia state government.

SS8CG4 The student will analyze the role of the judicial branch in Georgia state government.

SSCG6 The student will demonstrate knowledge of civil liberties and civil rights.

SSCG7 The student will describe how thoughtful and effective participation in civic life is characterized by obeying the law, paying taxes, serving on a jury, participating in the political process, performing public service, registering for military duty, being informed about current issues and respecting differing opinions.

SSCG17 The student will demonstrate knowledge of the organization and powers of state and local government described in the Georgia Constitution.

SSCG18 The student will demonstrate knowledge of the powers of Georgia's state and local governments.

SSCG21 The student will demonstrate knowledge of criminal activity.

SSCG22 The student will demonstrate knowledge of the criminal justice process.

SSUSH10 The student will identify legal, political, and social dimensions of Reconstruction.

SSUSH11 The student will describe the growth of big business and technological innovations after Reconstruction.

SSUSH12 The student will analyze important consequences of American industrial growth.

SSSoc5: Social Control Students will describe the socially constructed nature of deviance and identify how social control is linked to power in society. Students should explain and demonstrate how deviance, conformity, adaptation, crime, punishment and justice are related to social control.

SSSoc 7: Social Inequalities Students will describe and analyze forms of social inequality and social stratification through the exploration of social class, race and ethnicity, gender, age disabilities and global relations.

SSSoc8: Social Change Students will describe the processes that contribute to social change in society such as various forms of collective behavior, social movements, globalization and changes in technology.

Information Processing Skills:

1. compare similarities and differences
2. organize items chronologically
3. identify issues and/or problems and alternative solutions
4. distinguish between fact and opinion
5. identify main idea, detail, sequence of events, and cause and effect in a social studies context
7. interpret timelines
10. analyze artifacts
11. draw conclusions and make generalizations
14. formulate appropriate research questions
16. check for consistency of information

Seeking Justice: The Leo Frank Case Revisited Introductory Lesson

Overview:

This section will provide a brief overview of the Leo Frank Case. The events of the case and new vocabulary will be introduced.

Objectives:

Students will be able to:

- Recount the events of the Leo Frank Case
- Place the events in chronological order
- Identify the problematic nature of the events of the case
- Define and identify important terms related to the case

Resources and Materials:

Chronology of the Leo Frank Case
Profiles of the Protagonists
The Crime and the Arrest

Activities:

1. Students will read the Chronology of the Leo Frank Case.
2. Students will create a timeline of the case based on the chronology.
 - The timeline should be done on posterboard or on a continuous sheet of paper which can be posted around the room.
 - The timeline should include photographs of the case. These photographs can be found on the Breman Museum website:
http://www.thebreman.org/exhibitions/Leo%20chronology_w.pdf
3. Students will be assigned different protagonists and will create a game of “20 Questions” about their protagonist. After the students have read about all of the protagonists, they will share their questions with the rest of the class and have them guess the protagonist about whom they have written their questions.
4. Students will create their own quizzes on the new vocabulary related to the case.

Profiles of the Protagonists

Mary Phagan

Mary Phagan was born in Florence, Alabama in 1899. Mary Phagan was the daughter of Fannie Phagan and William Joshua Phagan who had died three months before she was born. Shortly after Mary Phagan's birth, Fannie Phagan moved with her children to her family residence in Marietta, Georgia.

In 1912, Fannie Phagan married John W. Coleman and moved with him and her children to Bellwood, a community near downtown Atlanta. Mary Phagan planned to wait until the following fall to enroll in school and so, like many other girls her age, she took a job at The National Pencil Company. For 12 cents an hour, she secured erasers to pencils. Her brothers and sisters who worked in the cotton mill made only 5 cents per hour. On the morning of Confederate Memorial Day, Saturday, April 26, 1913, she dressed up and headed to the factory to pick up her pay. She was found dead early the next morning in the factory basement. At the time of her death, Mary Phagan was almost 14 years old.



Mary Phagan, 1913.

*Courtesy of the New York Times
Company Records, Adolph Ochs
Papers, Manuscripts and Archives
Division, The New York Public Library,
Astor, Lenox and Tilden Foundations*

Leo M. Frank

Leo Frank, the son of Rudolph and Rachel Frank, was born in Cuero, Texas on April 17, 1884. The family moved to Brooklyn, New York shortly thereafter. His family was Jewish. Leo Frank completed his public school education and in 1906 got a degree in mechanical engineering from Cornell University. He held jobs in Massachusetts and New York, but then moved to Atlanta at the request of his uncle, to help run the National Pencil Company. In 1910 Leo Frank married Lucille Selig and the newly married couple moved in with Lucille's family.

On April 29, 1913, three days after Mary Phagan's death at the factory where he worked, Leo Frank was brought in by police for questioning. He was held over for trial, where he was found guilty of her murder and sentenced to hang. After all appeals were exhausted, Governor John Slaton of Georgia commuted Leo Frank's sentence to life imprisonment. Shortly thereafter, Leo Frank was abducted from the prison farm in Milledgeville, driven to Marietta and lynched by a group of prominent Marietta citizens.



Leo Frank, 1914.

Luther Z. Rosser

Attorneys Luther Rosser and Reuben Arnold had the task of defending Leo Frank. Rosser had an outstanding reputation and was considered very effective at cross-examining witnesses. These skills, however, did not help in the Leo Frank trial. Rosser had to contend with mobs in the street, antisemitism directed toward his client and him for defending a Jew, and the fierce political ambition of Hugh Dorsey, the prosecutor in the case. The defense could not prevail against these obstacles and the riveting testimony of Jim Conley.



Luther Z. Rosser, c. 1913.

Jim Conley

At the time of Mary Phagan's murder, Jim Conley, a janitor at the National Pencil Company, was 27 years old. Prior to the murder, Conley had experienced previous problems with the law, having been found guilty of petty theft and disorderly conduct and drunkenness. He played an instrumental role in the trial of Leo Frank. His testimony, spoken with confidence and consistency, was the evidence that led to Frank's conviction. It was unique at that time, that the testimony of an African American was used to convict a white man in Georgia. After the Leo Frank trial, Jim Conley was sentenced to a chain gang for being an accessory in Mary Phagan's murder.



Jim Conley, c.1914.

*Courtesy of the New York Times
Company Records, Adolph Ochs Papers,
Manuscripts and Archives Division, The
New York Public Library, Astor, Lenox
and Tilden Foundations*

Hugh Dorsey

At the time of the Leo Frank trial, Hugh Dorsey was 42 years old. He was the Solicitor General of Fulton County. Hugh Dorsey was the prosecutor in the Leo Frank trial. He was in charge of the investigation before the trial began. Hugh Dorsey understood that it was his role to find Mary Phagan's killer, bring him to trial and convict him. He was aware of the emotion this case had provoked in the local citizens and he knew that this case could propel his career forward. In the past, Dorsey's opponents had misjudged his abilities and this turned out to be an advantage for him in the Leo Frank case. From the start, Hugh Dorsey believed that Leo Frank was guilty of the murder of Mary Phagan.



Hugh Dorsey, c.1913.

*Courtesy of the New York Times
Company Records, Adolph Ochs Papers,
Manuscripts and Archives Division,
The New York Public Library, Astor,
Lenox and Tilden Foundations*

Tom Watson

Tom Watson was a politician and newspaper editor. It was in his second role that he wielded great influence in the Leo Frank case. The *Jeffersonian* was Tom Watson's newspaper. In it he included articles criticizing life in the big city and the industrialization of Georgia and used his editorial platform to stir up prejudice against minority groups, including Jews and Catholics. His supporters consisted mostly of Georgians who came from the more rural, agricultural parts of the state.

In the *Jeffersonian*, Tom Watson stirred up virulent feelings of antisemitism amongst his readers. He alleged that Leo Frank was a deviant and that there was a Jewish conspiracy nationwide that was actively trying to free a guilty Leo Frank by paying huge sums of money for his freedom. Tom Watson portrayed the victim, Mary Phagan, as representative of the poor, innocent girls of the South who, for economic reasons, were forced to work in factories in the cities to help support their families. The lynching of Leo Frank, according to Tom Watson, was not a lynching at all, but simply the noble citizens of Georgia carrying out the sentence against Leo Frank which was handed down by the court.



Tom Watson, c.1900.

*Courtesy of the Keenan Research
Center at the Atlanta History Center*

Judge Leonard Roan

At the time of the Leo Frank trial, Judge Leonard Roan was 64 years old. He was in ill health when the trial began. Like other jurists of his time, Roan did not attend law school. He “apprenticed” at a law firm in Griffin, Georgia. Leonard Roan had presided over many murder trials in Atlanta. His colleagues viewed him as fair, competent and well prepared. It is said that Leonard Roan may have presided over more important criminal cases than any other judge in Georgia. Judge Roan did not survive to see Leo Frank’s lynching.

After the guilty verdict, Leo Frank’s lawyers petitioned Judge Leonard Roan to rehear the case. Among other issues, they cited the content of the murder notes, the attacks on Leo Frank’s character during the trial, and the prevailing atmosphere of antisemitism. Judge Roan, in his decision, commented that he was not certain of Leo Frank’s guilt but as a result of the jury’s certainty, the guilty verdict had to stand. Almost a year later Judge Roan was confined to a facility in Massachusetts as his health had worsened. Knowing that these would be his last comments on the case, Judge Roan requested clemency for Leo Frank, recommending that the sentence be commuted to life in prison.



Leonard S. Roan, c.1913.

*Courtesy of the New York Times
Company Records, Adolph Ochs Papers,
Manuscripts and Archives Division, The
New York Public Library, Astor, Lenox
and Tilden Foundations*

Governor John Slaton

John Marshall Slaton was born in Meriwether County, Georgia in 1866. After the Civil War his father moved the family to Atlanta. John Slaton attended the University of Georgia and became a lawyer in 1887. He served in the Georgia House of Representatives and the state senate. Slaton was appointed acting governor of Georgia in 1911. Slaton served from 1911 to 1912. A very popular politician, Slaton was elected governor of Georgia on his own and served from 1913 to 1915.

Slaton was prepared to run for the United States Senate in 1915 when he was asked to review Leo Frank's plea for the commutation of his sentence. It was only a few days before the end of Slaton's term as governor and he had the option of passing this responsibility along to his successor. Instead, Slaton carefully reviewed the case and commuted Frank's death sentence to life imprisonment. He correctly predicted that this act would have a drastic effect on his career. This decision resulted in angry mobs surrounding the governor's mansion, some shouting, "Slaton, King of the Jews." The Slaton's trip to San Simeon, the home of William Randolph Hearst, came at an opportune time as it provide an escape from the angry Georgia populace.

Governor Slaton had hoped that transferring Leo Frank to Milledgeville would have protected him from vigilante justice.



Governor John M. Slaton, c. 1935.

Alonzo Mann

Alonzo Mann was 14 years old at the time of Mary Phagan's murder. He was an office boy at the National Pencil Company, making eight dollars a week, a considerable sum for that time. He worked five and a half days a week, including Saturday, the day that Mary was killed. He was in the factory on that fateful day. He had seen Jim Conley, alone, carrying the body of Mary Phagan near the door to the basement of the factory.

When Alonzo returned home that day he shared with his mother what he had seen. She told him that he should remain silent and not get involved. Both of Alonzo's parents told him to remain silent, but if asked directly if he saw anything on that fateful day, he should tell the truth. No one ever asked.

At the trial, when Alonzo Mann was questioned on the stand, he gave brief answers. He admitted to feeling nervous and afraid. The courtroom was filled with people and he wanted very much to be able to leave as quickly as possible. The Mann family was surprised to learn that Leo Frank was convicted of Mary Phagan's murder.



Alonzo Mann, 1983.

Newt Lee

Newt Lee was the night watchman for The National Pencil Company. On the afternoon of Saturday, April 26, 1913, he arrived at the factory at 4 p.m., two hours early for his regular shift. He was told by Leo Frank to leave and return at his regular time, 6 p.m. After Newt Lee's return, Leo Frank left the factory.

It was around 3 a.m. on the morning of April 27th when Newt Lee went down to the basement of the factory to use the bathroom earmarked for black workers. On his rounds, he noticed a body which he could not identify. He immediately called the police who arrived at the factory a short while later. Newt Lee was extremely distraught and agitated about his discovery. This behavior, combined with the murder notes found near the body, which referred to "a long tall black negro", led to Newt Lee's arrest. Although he was never charged in the crime, Newt Lee was held for months in jail as a suspect in the murder.



Newt Lee on the witness stand being questioned by prosecutor Hugh Dorsey, July 28, 1913.

Courtesy of the New York Times Company Records, Adolph Ochs Papers, Manuscripts and Archives Division, The New York Public Library, Astor, Lenox and Tilden Foundations

William J. Burns

William J. Burns was born in Baltimore, Maryland, ca. 1860. After attending school in Columbus, Ohio, he became a Secret Service agent. In that role he developed a reputation for being thorough and having good instincts. These traits helped him create the successful William J. Burns International Detective Agency. He had offices all over the United States and in Montreal, London, Paris and Brussels. He often sought publicity and worked many high profile cases, including the Leo Frank case.

Burns offered his services to Leo Frank's defense team in 1913. It was in 1914, however, that Burns returned to Georgia in an effort to solve the crime and prove Leo Frank's innocence. An important finding of his was the jailhouse letters written by Jim Conley to a female prisoner. The language Conley used in the letters was remarkably similar to the language which had been used in the murder notes. He also discovered two witnesses, the prisoner and a minister, who both declared that they had heard Conley admit to Mary Phagan's murder. Although Burns believed he had proved Frank's innocence and good character, his findings did not change the judicial outcome of the case or save Leo Frank's life.



Atlanta Constitution, May 12, 1914.

William Smith

William Smith was paid by a local newspaper to act as the defense attorney for Jim Conley. He was considered a champion of equal rights for African Americans. It was his job to prepare Jim Conley for questioning in the trial of Leo Frank. Throughout the trial, William Smith believed in the innocence of his client.

After Jim Conley was convicted of being an accessory in the murder of Mary Phagan, William Smith no longer was responsible for defending Jim Conley. From that time forward, he investigated the circumstances of the murder, even visiting the scene of the crime. By the end of 1914, he concluded that various statements about the murder, by Jim Conley, could not have been true.

His public statements regarding his beliefs about the case led to the demise of his law practice and necessitated his departure from Atlanta.



William Smith, c. 1915.

Chronology: Leo Frank Case Timeline

1884

- April 17- Leo Max Frank is born in Cuero, Texas

1899

- June 1- Mary Anne Phagan is born in Florence, Alabama

1895

- September 18 - Opening day of the Cotton States and International Exposition at Piedmont Park in Atlanta

1906

- September 22-24 - A race riot erupts on the streets of Atlanta. Dozens of African Americans are murdered; many more are wounded

1913

- April 26 - Confederate Memorial Day
- April 27 - Mary Phagan, an employee of the National Pencil Company, is found murdered in the factory basement by night watchman Newt Lee
- April 29 - Funeral of Mary Phagan
- May 8 - Coroner's jury orders Newt Lee and Leo Frank to be held for the murder of Mary Phagan
- May 18 - Police begin questioning of Jim Conley, the pencil factory's black janitor
- May 23 - Grand jury indicts Leo Frank for the murder of Mary Phagan
- July 24 - Jury selection begins in the murder trial of Mary Phagan
- July 28 - The trial begins; the prosecution presents its case
- August 4 - Jim Conley testifies
- August 5 - Jim Conley is cross-examined by the defense
- August 7 - The prosecution rests; the defense presents its case

- August 18 - Leo Frank takes the stand in his own defense
- August 21 - Final arguments begin
- August 25, 1913 - The trial concludes; in less than two hours the jury finds Leo Frank guilty of murder
- August 26 - Judge Leonard Roan sentences Leo Frank to hang
- October 4 - Hearing for an Amended Motion for a New Trial.
- October 31 - Judge Leonard Roan denies the motion for a new trial; Leo Frank is scheduled for execution on April 17, 1914
- December 15 - The defense presents its case to the Georgia Supreme Court

1914

- February 17 - The Georgia Supreme Court denies the motion for a new trial
- February 24 - Jim Conley is sentenced to one year on a chain gang as an accessory in the murder
- April 6 - Defense files a motion in Fulton County Superior Court to set aside Frank's guilty verdict
- June 6 - The Fulton County Superior Court denies the motion to set aside the verdict. The defense appeals to the Georgia Supreme Court
- October 14 - The Georgia Supreme Court denies the appeal
- November 14 - The Georgia Supreme Court affirms the trial and judgment in the Leo Frank case. Leo Frank's attorneys appeal to the United States District Court of North Georgia. The execution, re-set for June 22, 1915 is postponed
- December 21 - The motion to set aside the guilty verdict is denied by the United States District Court. Leo

Frank's attorneys appeal to the United States Supreme Court. The execution is again delayed

1915

- April 9 - The United States Supreme Court rejects the appeal; Frank is re-scheduled for execution on June 22, 1915
- May 21 - Frank's legal team appeals to the Pardons and Paroles Board of the Georgia Prison Commission to recommend clemency on behalf of Frank. The appeal is denied.
- June 20 - After review, Governor John M. Slaton commutes Leo Frank's sentence from death to life in prison
- June 21 - Leo Frank is transferred from the Fulton County jail to the state prison farm in Milledgeville, Georgia
- July 18 - Frank's throat is slashed by a fellow prisoner but he survives the attack
- August 16 - Leo Frank is kidnapped from the prison farm by twenty-five armed men from Marietta
- August 17 - Leo Frank is driven seventy-two miles to Marietta and lynched
- August 20 - Leo Frank is buried in Brooklyn, New York.
- November 23 - The Knights of the Ku Klux Klan are reorganized at Stone Mountain