

May 2017

The South vs Leo Frank: Effects of Southern Culture on the Leo Frank Case 1913-1915

Kellye Cole

Eastern Kentucky University, kellye_cole33@mymail.eku.edu

Follow this and additional works at: <https://encompass.eku.edu/kjus>

 Part of the [United States History Commons](#)

Recommended Citation

Cole, Kellye (2017) "The South vs Leo Frank: Effects of Southern Culture on the Leo Frank Case 1913-1915," *Kentucky Journal of Undergraduate Scholarship*: Vol. 1 : Iss. 1 , Article 3.

Available at: <https://encompass.eku.edu/kjus/vol1/iss1/3>

This Article is brought to you for free and open access by the Journals at Encompass. It has been accepted for inclusion in Kentucky Journal of Undergraduate Scholarship by an authorized editor of Encompass. For more information, please contact Linda.Sizemore@eku.edu.

The South vs Leo Frank: Effects of Southern Culture on the Leo Frank Case 1913-1915

Kellye Cole
Eastern Kentucky
University

Carolyn Dupont, PhD
Eastern Kentucky
University

Abstract: *In 1915, a young man from New York became the only Jewish person ever lynched in America. This paper analyzes primary and secondary sources including newspapers, magazines and personal accounts to consider the events that led to Leo Frank's death in Georgia. Anti-Semitism, populism, racism, and newspaper coverage all infected the case. Despite extensive analysis in historical and popular works, the culture of Southern honor has typically been relegated to a minor role in the case. This study challenges the widely held assumption that anti-Semitism was the main impetus for the lynching and instead focuses on the culture of Southern honor as the ultimate cause. Increased understanding of Southern honor and the role it played in daily life in the south will contribute to future study of Southern history.*

Keywords: *Leo Frank, Lynching, Jewish, Southern Honor, Georgia, US South, Atlanta*

The long, quiet ride to Marietta took seven hours as the lynching party drove Leo Frank to his death. Almost two years had passed since his 1913 conviction and although at several points it seemed he might be spared, this night all hope ended. Charged with the murder of a thirteen-year-old Georgia factory worker, Leo Frank had become a cause célèbre throughout the country. The local papers wrote so many articles and published so many extra editions that the case seemed more like a circulation contest (A Public Man of Georgia, 1916). Many observers noted that it would be difficult for Frank to receive justice in Atlanta. With all eyes on Georgia, multiple factors would impact the investigation, trial and conviction of the young, Jewish factory superintendent from New York. Although anti-Semitism, racism, populism and news coverage played a part in the Leo Frank ordeal, the culture of Southern honor in Georgia denied him any chance at justice.

In the century since Frank's lynching, the case has been the subject of many historical and popular works. Professional and amateur historians, journalists, authors, lawyers, sociologists and others have covered the case in books, articles, documentaries, movies and even a Broadway play. Often called the "American Dreyfus" for its similarities to a French anti-Semitic injustice, most argue that anti-Semitism drove Frank's conviction. In *The Leo Frank Case*, Dinnerstein (1968) writes, "one of the most infamous outbursts of anti-Semitic feeling in the United States occurred in Georgia" (p.7) during the Frank case. Lindemann (1991) agrees that anti-Semitism

impacted the case, although he questions whether it was of “decisive importance” (p. 237) to the case in the end. Lindemann (1991) argues that Frank’s defenders had “overstated the role of anti-Semitic prejudice,” (p. 237) which damaged the case and his chance for acquittal. MacLean (1991), argues that the “changing relations between men and women and parents and children” (p. 948) as well as the purported sexual nature of the crime carried the case to its dramatic end. Finally, Melnick (2000) addresses the Frank case within the confines of the Black-Jewish relationship. He argues that blacks and Jews were “intimately related” (p.88) even though they were in competition with one another as outsiders to the white majority. The intense feelings about the case by contemporaries clearly resonate with their modern day counterparts.

On April 26, 1913, thirteen-year-old Mary Phagan went to collect her weekly pay at the National Pencil Company in Atlanta before heading to the parade downtown. Although the pencil factory was closed for the Confederate Memorial holiday, Leo Frank, the factory superintendent, worked as he did most Saturdays. Mary Phagan had only worked one day in the previous week, as there had been no brass to fit on the end of the pencils at her station. She collected her \$1.20, walked out of Frank’s office and was never seen alive again. Around three in the morning, the night watchman discovered her body in the basement of the pencil factory and called the police. Mary Phagan was so covered in dirt and grime that it was not until they lifted her stocking that the police realized she was white. She had been strangled and had a large wound on her head. Two pieces of paper, originally believed to be unrelated to the case, were found beside the body. These would later become known as the murder notes. Police took the night watchman, Newt Lee, into custody as the initial suspect. The police went to Leo Frank’s house where they collected him and took him to the mortuary to identify the victim. An anxious man by nature, Frank was extremely nervous and there are conflicting accounts whether or not he was even able to look at the body. Over the next two days, the police sweated Newt Lee. Police used sweating to physically and psychologically interrogate prisoners, often when guilt was already assumed (*The Detectives’ Third Degree*, 1906), but in Lee’s case they were unable to glean any further information about the murder. Leo Frank arrived at the police station offering information about Lee’s possible involvement. As the police now believed Lee innocent, this action led them to suspect Frank. After further questioning, the police arrested Leo Frank. The next day, the local papers declared the case solved. The factory sweeper, Jim Conley, had also been arrested after acting suspiciously and upon his arrest, Conley told the first of four different versions of what happened on the day of the murder. The police continued to sweat Conley and he changed his story again and again until they were satisfied that they had the information to support their case against Frank. With Conley’s testimony, the grand jury indicted Leo Frank for the murder of Mary Phagan on May 24, 1913 (Background on the murder and investigation taken from Dinnerstein, 1968; Oney, 2003; Golden, 1965; Atlanta Constitution April-

May 1913; Atlanta Journal April-May 1913; Atlanta Georgian April-May 1913).

The trial commenced in July at the peak of Atlanta's summer heat, and every day of the month-long trial the temperature registered above 90°. The judge relocated the proceedings from the normal third floor location to the first floor, which had larger windows and afforded more air circulation (Golden, 1965). The first floor location put the trial at street level and with the windows open, between the packed courtroom and the crowd outside, the jurors "could feel every pulsation of the crowd" (Connolly, 1915, p.21). The streets were full of people calling for his conviction and the crowd both in and outside of the courtroom "applauded, jeered, and laughed" (Train, 1915, p. 314-317) throughout the trial. Although Frank's lawyers were arguably the best in Atlanta, their defense of his case would prove inept, in no small part because "they simply refused to believe witnesses would lie and a jury believe" (Golden, 1965, pp. 91-92). Prosecutor Hugh Dorsey used his closing remarks not to review or analyze the testimony, but as "an appeal to passion and prejudice" (Connolly, 1915, p. 22). He masterfully stretched his argument so he concluded right at noon and as the nearby Catholic church's bell began to ring he repeated twelve times that the jury must find Frank guilty. With each cry of "guilty" the bell tolled and "the crowd regarded it as providential approval of the words" (Connolly, 1915, p. 22). Leaving the courtroom, the spectators cheered Dorsey and carried him across the street to his office on their shoulders (Atlanta Constitution, 24 August 1913). After four hours of deliberation the jury returned the verdict: guilty. One of the jurors remarked "he wasn't sure of anything except that unless they convicted Frank they (the jurors) would never get home alive" (Train, 1915, p. 314-317). The next day, Judge Leonard Roan sentenced Leo Frank to hang (Background on the trial taken from Dinnerstein, 1968; Oney, 2003; Golden, 1965; Atlanta Constitution, June-August 1913; Atlanta Journal, June-August 1913; Atlanta Georgian, June-August 1913).

Determining the role of anti-Semitism in the Frank case requires an understanding of the history of Atlanta Jewry. From the time Jews arrived in 1733, Georgians exhibited mostly philo-Semitic behavior towards Jewish citizens (Golden, 1965). Typically self-employed, Jews owned the local dry goods store known as the "Jew store" or other mercantile businesses (Webb, 1998; Woodward, 1963). Economically, they appeared equal to lawyers, bankers and other professionals (Golden, 1965). An increase in immigration of Jews from Eastern Europe in the late 1800's and the 1906 race riots in Atlanta affected some of the first strains in this comfortable coexistence. In 1906, based on the unsubstantiated rumors of attacks on white women, Atlanta erupted into days long chaos (New York Times, 23 September 1906). More than twenty blacks died at the hands of the vigilante groups roaming the city and much of the blame for the attacks settled on the many Russian-Jew owned "Negro dives and clubs" (Atlanta Journal, 21 September 1906). Following the return to order, Jews relinquished control of alcohol sales, but their role in the unrest would not soon be forgotten (New York Times,

27 September 1906). In some ways, the attitude of Atlantans towards Jews developed because they viewed Jews not simply as a religious denomination but as a race of people (Brown, 1999). Connolly (1915) argued that northern cities were more racially and religiously tolerant because “Atlanta is still practically untouched by the flow of immigration from Europe” (p. 4). In 1913, approximately 3500 Jews in 900 families lived in Atlanta, the most in any southern city (Golden, 1965). Led by Rabbi David Marx, Atlanta’s German-Jews assimilated to southern culture. Dr. Marx assumed the role of ambassador, forsaking all things deemed “too Jewish” and becoming for the Christian community “the most beloved Jew next to Jesus” (Green, 1996, p. 54-57.) However, the relationship between Gentile and Jew in Georgia would reach a breaking point from 1913 to 1915.

Whether seen as a religion or a race, Jewishness and the subsequent anti-Semitism it aroused impacted the Leo Frank case almost from the day of the murder. In the newspaper reports before the trial, there is little mention of the fact that Frank is Jewish, but Connolly (1915) suggests that it would be ridiculous to say there was no prejudice against Frank as “the whole atmosphere of the case reeks of it” (p. 4). Mary Phagan’s grandfather cried out that there would be no punishment severe enough for the person who murdered “the sweetest and purist thing on earth – a young girl” (Atlanta Georgian, 28 April 1913). As the whole city waited for the police to find the culprit, the belief that “this one old negro (Conley) would be poor atonement for the life of this little innocent girl” (Bricker, 1943, p. 90) pervaded the minds of many. As a “Yankee Jew”, Leo Frank proved an acceptable choice to pay for the crime (Bricker, 1943). In fact, the police appeared determined to make the evidence fit that Frank had committed the murder (Bricker, 1943). The perceived sexual nature of the crime increased public fascination of the case and the “sexual perversion” only intensified the growing suspicion of Frank (Higham, 1955). Many believed that Jews wanted Gentile girls in the same way that they believed that black men wanted white women (Watson, 1915). Private detective William J. Burns even offered a \$5,000 reward to anyone who could produce evidence of a single immoral act that Frank had committed, but no one came forward (Connolly, 1915). The Georgian declared upon Frank’s arrest that the strangler had been captured. This outraged many Jews who felt the case against Frank constituted an “organized conspiracy to railroad him to the gallows” (Asbury, 1926, p. 90) and prompted them to demand that the papers denounce the arrest of Frank. In response to the Jewish calls for his release, people in Atlanta began calling Frank “that damned Jew” and grew increasingly defensive that the case against Frank was solid (Asbury, 1926). In March 1914, Tom Watson, a populist politician, began writing about the case and although he first called Frank a “decadent offshoot of a great people,” Watson’s treatment soon took a violent anti-Semitic turn (The Jeffersonian, 19 March 1914). He labeled Frank a “lascivious pervert,” a “filthy, perverted Jew,” an “abnormal Sodomite” and more, advancing prejudice against Frank and all Jews on a daily basis (The Jeffersonian, 19

March 1914; *The Jeffersonian*, 7 May 1914; Watson, 1915).

Although there was definite bias against Leo Frank because of his heritage, it is unlikely that anti-Semitism alone convicted Frank. Seemingly, what outraged Watson most was not that Frank was Jewish, but the belief that Jews across the country were donating money to free a man lawfully convicted in Georgia (*New York Times*, 20 August 1915). Five Jews sat on the grand jury that indicted Frank and, prior to the trial, many Jews either believed Frank guilty or did not want to get involved (Golden, 1965). No mention of Frank's Jewishness was made in the trial until the defense's closing argument. The prosecution immediately denied prejudice and questioned why they would have "sought to hang this man on account of his race and religion and passed up Jim Conley, a negro" (Dorsey, 1914, p. 12). One reporter argued that if "the Jews had been content to regard Frank as a man suspected of murder... instead of a Jew on the threshold of martyrdom" the anti-Semitic feeling in Atlanta might have been kept at bay (Asbury, 1926, p. 91). Years later, many Jews were still not convinced that his Jewishness alone prompted his arrest and conviction (Lindemann, 1991). What worried Jews in Atlanta most was that a successful businessman was "more vulnerable than a black janitor" (Lewis, 1984, p. 547). Tom Watson's anti-Semitic rants would shake the Jewish community in Atlanta. They would live "with insecurity and fear for an entire generation" (Golden, 1965, p. 225).

With its focus on the elite versus the common man, populism also played an important role in the Leo Frank case. Rising from the ashes of the farmer's alliances in the 1890's, the People's Party sought to reform the market to benefit farmers, improve conditions for workers and fight oppression by corporations (Ayers, 1998). Although the Populist Party had faded by 1913, politicians still portrayed themselves as having populist sentiments (Ayers, 1998). Tom Watson, a vice presidential candidate for the party in 1896, published *Watson's Magazine* to champion his populist ideals. Very popular from his political days, Watson's first edition of his magazine in 1905 sold 100,000 copies in 24 hours (Woodward, 1963).

Populism was personal for Tom Watson. His father, Squire "Long Tom" Watson owned 1372 acres with 45 slaves working the land before the Civil War. His father and uncles had fought for the Confederacy, but returned after the war to hard times (Woodward, 1963). His father eventually lost the farm to taxes and creditors. Tom Watson blamed a corrupt system that unfairly targeted farmers for the loss of his family home. No bigot in his early days, Watson believed "class not color" (Berson, 1971, p. 34-35) bound the poor farmers, calling for free education for all and denouncing lynching. But land was no longer the source of wealth or status as it had been in the antebellum south; wealth and status belonged to factories and bankers (Woodward, 1963). Watson blamed the manufacturers for many of the ills in society: increasing vice and crime, filling the cities with foreigners, and causing so many farmers to leave the farm and move to the city (Watson, 1912). He argued that a farmer abandoning his land "drains the national

vital forces to a greater degree than would a perpetual war” (Watson, 1912). This exodus from the farms drove Mary Phagan’s family along with many others to Atlanta.

Leo Frank’s arrest for Mary Phagan’s murder highlighted his position as the employer, while the victim was his employee (Outlook Magazine, May 26, 1915). Living conditions in the city were much more difficult than farmers expected, and the community needed someone to blame for the “tribulations of a changing society” (Dinnerstein, 1968, p. 9). Confronted by the poor working conditions and low salaries paid to the “working girls,” the public became enraged at Frank for personifying the northern capitalist exploiting the South’s working poor (Dinnerstein, 1968; Boudreau, 2006). Tom Watson cried that Mary Phagan was “just a sweet young daughter of the common people, going out, day by day, to work at a pitiful wage” (The Jeffersonian, 9 April 1914). In many instances, he characterized Mary Phagan as “only a factory girl” with no money or rich friends or relatives to come to her rescue, while Leo Frank, with his Jewish connections had “Big Money” on his side (The Jeffersonian, 30 April 1914). In fact, the resentment in this new industrial society against Frank was so great that even the usual prejudice against blacks could be set aside in order to convict him (Dinnerstein, 1968). Frank and his lawyers made several mistakes in court that only accentuated the belief that Frank belonged to the elite class. The defense requested the jury be chosen not from the main group of available jurors, but from a smaller pool of grand jurors made of some of Atlanta’s best citizens (Oney, 2003). When this request was denied, Dorsey branded the defense “both elitist and desperate” (Oney, 2003, p. 188). In court, Frank wore a mohair suit and a “fancy tie” and he and his wife were usually the best-dressed people in the room (Atlanta Georgian, 29 July 1913). Frank appeared to observers as a wealthy and powerful Northerner, much like the carpetbaggers of Reconstruction. Later, once Frank’s appeals were all exhausted, Watson would joyfully proclaim a victory for the law over “Big Money” (Watson’s Magazine, September 1915). But Watson had not called for reform in the workplace for women and children. He only drew attention to the factory to further condemn Frank. The newspapers made little mention of the need for a shorter workday, improved working conditions or the end of child labor. If populists, and Watson specifically, saw manufacturing and industry as the main cause of Mary Phagan’s death, surely they would have cried out for change. Their silence on these issues affirms that they understood this was only part of a bigger picture that led to Frank’s lynching.

If populism impacted the case on the surface, racism permeated the Leo Frank case at nearly every turn. Not yet 50 years since the end of the Civil War, many Georgians waxed nostalgic for antebellum days. Watson’s claims that slavery had been beneficial for blacks and they lived a better life in slavery than the life destined for them in Africa went mostly unchallenged (The Jeffersonian, 7 May 1914). Adapting to the “new” status of freed slaves had been difficult for Southerners, and whites made every effort to ensure

they maintained superiority in all aspects of their relationship with blacks (Foner, 2005). In the years before the murder of Mary Phagan, thirteen black women were murdered in Atlanta yet the cases remained unsolved. When the call came in on the night of April 26, the police took along Atlanta Constitution reporter Britt Craig to investigate “another one of them nigger murders” (Golden, 1965). After several minutes of examination, the victim’s stocking was lifted and the detective shouted “Great Jesus in the morning, it’s a white woman” (Golden, 1965, p. 17). Once established that the victim was white, the investigation took a much more serious turn. As the story exploded in the papers, the police were under considerable pressure to find the culprit and make an arrest. They focused on Newt Lee, the watchman who had initially called police. He was taken into custody in an attempt to force a confession. Later described as a “black, ignorant, cornfield, pot-licker-fed dardy,” (Woodruff, 1913) Lee was sweated multiple times in the investigation but never wavered in his innocence. Once the police moved on to Frank, the general consensus was that Dorsey would not have prosecuted a white man over a Negro “unless the evidence was overwhelming” (Atlanta Georgian, 30 May 1913; Dinnerstein, 1968).

Racism would infect the trial with a voracity equal to that in the investigation. With a “flat head” and bent frame “not from weakness but from the natural laziness of his type,” the Atlanta Georgian (29 July 1913) declared that Lee was having the time of his life getting so much attention on the witness stand. But the star witness was still to come. Jim Conley had adapted to his life in the South. He knew his audience and he knew what they wanted to hear (Golden, 1968). Southerners believed that “Negroes” were skilled liars from the days of slavery and when caught committing a crime could enhance the lie with specific details to make it more believable (Connolly, 1915). The fact that Conley told four versions of the same tale meant little to the investigators, or later meant little to the jury when he admitted, “white folks, I’m a liar” (Atlanta Constitution, 13 July 1913; Atlanta Georgian, 5 August 1913). Conley proved to be the “perfect example of the ‘lying nigger’ of Southern mythology” (Lindemann, 1991, p. 253). Conley’s thrilling testimony had everyone in the courtroom, and in all of Atlanta, on the edge of his or her seats. The Georgian (4 August 1913) described Conley as an “uncouth, thick lipped, ignorant negro” but his story was one that an “eloquent-tongued orator could not have aroused.” The fact that the defense was unable to shake his testimony in an eleven hour “attack” did not prove to observers that Conley was cunning or a clever liar, but instead proved that he must have been telling the truth (Atlanta Georgian, 5 August 1913).

In other aspects of the case, accepted racist beliefs led people to their conclusions. For those who believed Frank innocent, the treatment of the body, the careless attempt to hide the remains, and the murder notes as a way to implicate another all indicated to the detectives that the murder was “a negro’s job” (New York Times, 10 January 1915). It was not believable that Conley would have gone into a dark room and carried a dead body out, as “it

just is not in negro nature to do such a thing" (Bricker, 1943, p. 92). Frank himself would later argue that the murder notes were "more characteristic of a drunken, ignorant negro" and that it was "inconceivable that any white man could have dictated those notes" (Atlanta Constitution, 9 March 1914). Interestingly, Frank's attorneys, while denouncing the prejudice toward Jews, resorted to "far more explicit and vicious bigotry against Blacks in his defense" (Lindemann, 1991, p. 245). The defense described Conley as "a plain, dirty, filthy, lying, drunken and probably lousy nigger" who came dressed for court like a "slicked onion" (Atlanta Journal, 22 August 1913). The defense charged that whoever had "slicked up" Conley was "unworthy of the name white man" because Conley should have been shown as the "dirty black negro" he was, a man "with a spreading nose through which probably tons of cocaine has been sniffed" (Atlanta Journal, 22 August 1913). While the racism directed at Conley and others was not the primary reason for Leo Frank's conviction, it certainly helped support the theories advanced by the prosecution. Frank's attorney's assumed "a jury of Southern white men would not accept the testimony of a criminal negro against a white man" (Bricker, 1943, p. 94). But, in fact, they did. Leo Frank became the "first white in the postbellum South to be convicted of a capital offense on the testimony of an Afro-American" (Lewis, 1984, p. 547).

Newspaper coverage of the Leo Frank case had a profound effect on its outcome. The fact that a reporter attended the discovery of Mary Phagan's body foretold the fundamental role the press would play in Frank's ordeal. L.O. Bricker (1943) would later remark that all blame for Frank's eventual death "rested upon the Constitution for making that demand upon the police department that they find the murderer and the evidence to convict him or resign" (p. 95). In 1912, Atlanta's two main papers were the Atlanta Constitution, circulation 41,405, and the Atlanta Journal, with a strong rural following at 52,000 (Oney, 2003). In the spring of 1912, William Randolph Hearst acquired the Atlanta Georgian, with a circulation of 38,000, to expand to southern readership for his newspaper empire (Oney, 2003). Keets Speed, a Kentucky-born editor, took the helm because he "was familiar with the South and with Georgia" (Asbury, 1926, pp. 87-88) and advanced the Georgian's circulation to 60,000 without drawing attention to the fact that the paper was northern-owned. After a successful start, Speed transferred back to New York, replaced by Foster Coates who knew more about the newspaper business than he did about the South. Although scooped by the Constitution on the initial discovery of the body, Coates saw the story's potential, putting all his best reporters on the case and dispatching Hearst for additional men (Dinnerstein, 1968). One of those reporters, Herbert Asbury (1926), later said that if Coates had understood the South better and handled the reporting differently Frank "very likely would never had been arrested" and the story "would have died a natural death" (p. 89).

The sensational reporting of the Georgian had never been seen in Atlanta before and the Journal and Constitution raced to compete (Asbury, 1926). The Monday after the murder saw extra after extra rush to publish

new details. The Georgian published at least 8, but possibly up to 20, extra editions about the case that day (Oney, 2003). The Georgian (29 April 1913) even ran a macabre photo of Mary Phagan's face taken at the morgue attached to the body of a living child. Headlines screamed for the arrest of the culprit. When the police arrested Leo Frank, Coates put out an extra headlining that "the strangler had been arrested!" (Bricker, 1943, p. 90). From that day, the newspapers "were filled with the most awful stories, affidavits and testimonies" (Bricker, 1943, p. 90) proving Frank's guilt. From April to August 1913, the Georgian "devoted 17,686 column inches or the equivalent of 100 New York Times pages" (Dinnerstein, 1968, p. 13) to the Frank case. The police would routinely leak evidence damaging to Frank, which the papers promptly printed (Dinnerstein, 1968). After the daily bombardment of "evidence" of Frank's wrongdoing, there was no doubt in the minds of most of Atlanta's citizens that Frank was guilty (Bricker, 1943). The public would not notice later when "not one of the terrible charges...none of the affidavits" (Bricker, 1943, p. 90) published in the papers made it to the trial to prove his guilt. Despite the lack of actual evidence, people believed Frank guilty and the daily onslaught of news "lashed the common people of the city into deeper and deeper indignation" (The Outlook, 26 May 1915). The day of Frank's conviction, the Georgian reached its peak circulation of 135,000 (Asbury, 1926).

However rash and misleading the papers had been prior to the conviction, the news coverage of the Leo Frank case after the trial concluded proved the most damaging of all. Frank's attorneys appealed his conviction and looked to Louis Marshall of the American Jewish Committee for financial and moral support (Dinnerstein, 1968). Adolph Ochs of the New York Times had almost never used the paper "to advance a cause," especially a Jewish cause, for fear of becoming known as the "Jewish newspaper" (Tift & Jones, 1999, pp. 92-93). Initially Ochs gave the support of his paper not because he felt Frank was being persecuted as a Jew, but because he believed Frank innocent (Tift & Jones, 1999). Marshall warned Ochs that the Times should not print anything "which would arouse the sensitiveness of the southern people and engender the feeling that the north is criticizing the courts and people of Georgia" (Dinnerstein, 1968, p. 91) and omit any reference to anti-Semitism in the case. The Times proved unwilling or unable to follow this advice. For months the paper denounced Frank's trial and enlisted support for an appeal, which ended only when the U.S. Supreme Court denied the request for a new trial (Tift & Jones, 1999). The Times rallied in a last ditch-effort to convince the Georgia governor to commute Frank's sentence to life in prison (Tift & Jones, 1999).

As more papers picked up the New York Times stories, Georgians began to feel the scrutiny intensely. Tom Watson, in particular, was incensed that these outsiders would attempt to influence the Georgia judicial process. In his first coverage of the Frank case in March 1914, Watson argued that calling for a new trial would "bring the courts into disrepute... and destroy the confidence of the people" (The Jeffersonian, 19 March 1914). Already

a popular figure, Watson's rhetoric galvanized the public. It clamored for more and Watson complied. For more than a year there were few issues of his publications that did not include an article about Leo Frank (Woodward, 1963). Watson's Jeffersonian circulation soared from an initial 25,000 to 87,000 by September 1915 (Woodward, 1963). With each new development in the case, crowds in the small towns around Georgia would meet the arriving train to buy their "Jeffs" and stacks of the weekly "melted like snowflakes" (Woodward, 1963, p. 442). Watson, emboldened by his popularity, was determined to "have Frank's blood" (New York Times, 20 August 1915) and maligned Frank and others without restraint. His charges of outside interference "made them first hostile, and then angry, and then frantic" (New York Times, 20 August 1915). Frank himself was incredulous at the power of Watson. He wrote of the public outcry to the commutation of his sentence:

The inspiration of it all, is embodied in that 20th century "Harpy" Col. T.E. Watson. A thing so illogical, so unstable, so subverting of all principles of basic human rights, as the unfounded and unjust outcry and hounding of myself must crumble as the months go by! Of this I am sure (Leo Frank Papers, Atlanta Historical Society).

Sadly, Watson did not crumble. "Rise people of Georgia!" was the call to arms. Entreating "a vigilance committee to appoint its own sentries," Watson provoked a populace ripe for a lynching (The Jeffersonian, 19 November 1914, 25 March 1915 and 3 June 1915; Woodward, 1963).

The backbone of antebellum southern society rested on "commitment to tradition and opposition to change" (Dinnerstein, 1968, p. 32) and it was this honor culture of the South that would not allow Leo Frank justice or vindication. The South's "strong unwritten code of behavior" (Carter, 1985, p. 19) had not been left at the door of the Appomattox Courthouse (Fairclough, 2011). Southerners view of the world in 1900 was not much different than that of their fathers in 1830 (Cash, 1941). A Southerner predicated his self-worth on the opinion of others. Appearance and reputation meant everything. This "language of honor was spoken almost universally by white men of the South" (Greenberg, 1996, p. xii) and though connected to slavery, was not limited to slave owners. The "honorable gentleman" of the Old South found it difficult to adjust to his changing world (Greenberg, p. xi). Rural life, while difficult, provided "traditional social guide posts," whereas life in the city "undermined the strong family and community ties which had characterized the past" (Dinnerstein, 1968, p. 7). Unable to regain control, "bewildered Southerners...attempted to find security in dreams of a golden past" (Dinnerstein, 1968, p. viii). In fact, on the day of Mary Phagan's murder, the principal speaker at the Confederate Memorial Day ceremony compared "the Cause" to other great revolutions and argued that its principles were still in the hearts and minds of southern men (Atlanta

Constitution, 27 April 1913).

Mary Phagan's murder could not be ignored in this honor climate. Any attack on a white woman could be seen as an "attack on the south itself" (Dinnerstein, 1968). With her daughter portrayed as one of the South's "sweetest flowers," Mary's mother, lamenting the dangers for the working girls with "nothing to protect them," (Watson, 1915) aroused a fury in southern men. Already wracked with the guilt of disregarding southern tradition by sending their wives and daughters to the factory, they began to see in Frank "a Northern capitalist exploiting Southern womanhood" (Dinnerstein, 1968; Higham, 1955). Governor Nat E. Harris, in office only two months when Frank's lynching occurred, characterized the "protective feeling" as more than chivalry, something that "unbalances men here in the South...when a woman is the victim of a crime" that allows "otherwise good citizens... to do cold and exact justice" (New York Times, 20 August 1915). Faced with northern incredulity, Harris contended, "That is the way it is in the South. It cannot be argued against and must be accepted as fact" (New York Times, 20 August 1915).

Although honor permeated the lives of white Southerners, they believed black men and foreigners lacked honor (Greenberg, 1996). People conceded Conley's lies because he had "no pride before a white man" (Bricker, 1943, p. 95) and because he felt no shame in confessing that he lied to the jury (Greenberg, 1996). What mattered even more to observers than the "black lie" (Atlanta Georgian, 4 August 1913) was that the case hinged on Conley's testimony. It was unimaginable that a white man could be on trial and "the south listens to the negro's words" (Atlanta Georgian, 4 August 1913). At the request of the police in the initial days of the investigation, Frank had confronted Newt Lee in an attempt to force his confession. When it proved unsuccessful, Frank refused to confront Conley similarly. In closing arguments, Dorsey verbalized the sentiment of white southerners by professing that never in history "did an ignorant, filthy negro accuse a white man of a crime and that man decline to face him" (Dorsey, 1914, pp. 99-100). People simply refused to believe any innocent white man would let this testimony stand (The Jeffersonian, 17 December 1914). Had Frank been a Southerner or even a southern Jew, he might have understood the damning effect this would have on his case. But Leo Frank was an outsider.

As a "Northerner, an industrialist and a Jew," Frank was a foreigner in a land where culture and heritage "nurtured a strong in-group loyalty which manifested itself in a paranoiac suspicion of outsiders" (Dinnerstein, 1968, p. 32). The definition of outsiders, strangers and foreigners was not "rigid and fixed," but could vary based on "time, place and circumstance" (Greenberg, 1996, p. 81). Although married into a leading Atlanta Jewish family, Frank would never be "one of them." His family ties to New York only accentuated his otherness. Assistance from New York Jews and others to appeal Leo Frank's case enraged Georgians (New York Times, 20 August 1915). Watson convinced people that the Jewish "Finance Committee"

not only worked to overturn a legitimate conviction, but that Jewish "Big Money" attempted to vilify the entire state of Georgia (Watson's Magazine, September 1915).

When the news of Frank's conviction made headlines in papers across the country, white Georgians began to feel the unwelcome critique of their judicial process and the "attempt to govern Georgia's actions" (New York Times, 20 August 1915). Georgians felt the sting of this criticism deeply. After weathering months of "nation-wide abuse," Governor John M. Slaton, at great personal risk, commuted Leo Frank's sentence to life imprisonment on 22 June 1915, just days before he was to leave office (The Jeffersonian, 9 April 1914). Watson's diatribe became even more unhinged. Watson called the commutation the "most flagrant, intolerable insult to the state, and a most unparalleled attack upon our judiciary" (Watson's Magazine, October 1915). Referencing Confederate soldiers, Watson challenged "once there were men in Georgia – men who were afraid of nothing...who sprang to arms... on a bare question of principle" but after the commutation, "those Georgians are today bowed down with unspeakable grief" (The Jeffersonian, 24 June 1915). Watson screamed that the "grand old Empire State HAS BEEN RAPED! We have been violated, AND WE ARE ASHAMED!" (The Jeffersonian, 24 June 1915) to persuade his readers that the lynch law was better than no law at all.

The men that planned and executed Leo Frank's lynching heeded Watson's words. Calling themselves the Knights of Mary Phagan and comprised of 150 of Marietta's "best men," the group waited patiently until the time was right to ensure that Leo Frank received the penalty they believed the justice system had prescribed. Thwarted once when Slaton's successor, Governor Nat Harris, learned of their plan in July, the Knights made a second attempt on 16 August. Twenty-five men in seven cars drove from Marietta to the prison in Milledgeville, taking different routes in order to avoid suspicion. When they reconvened close to the prison, one member of the party cut the phone lines and they entered the prison around 11:00 p.m. without a shot being fired. The men roused Leo Frank from his bed, handcuffed him, and took him to the waiting cars dressed only in his nightshirt. The party sped undetected on the back roads to Marietta and reached their destination as the sun was dawning. On 17 August 1915, Cobb County Judge Newt Morris pronounced the sentence to Frank and the lynch party. In Mary Phagan's hometown of Marietta at 7:05 a.m., Judge Morris kicked the table out from under Leo Frank's feet. By all accounts, the party left before Frank was even dead. The body was still warm when the first of nearly 3000 Marietta citizens came to view Leo Frank in death. Returning to the site, Judge Morris persuaded the crowd to leave Frank's body intact and hastened its transport to Atlanta when the frenzied crowd clamored for souvenirs and more. Once in Atlanta, the funeral home was forced to put Frank's lifeless body on display in order to appease the growing crowds. More than 15,000 people filed through to see it (Details about the lynching taken from Dinnerstein, 1968; Oney 2003).

Later, papers estimated that 75% of Atlantans agreed with Watson that the people had an “inherent right” to “take the law into their own hands” (Watson’s Magazine, September 1915) when the authorities refused to uphold it (Atlanta Constitution, 19 August 1915). Fed up with the outside interference, Governor Harris appealed for outsiders to let Georgia officials bring the lynch mob to justice and warned that further advice would only “aggravate a situation deeply humiliating to our people” (New York Times, 21 August 1915). When no one was charged with the lynching, Governor Harris argued that it was “no more possible” (Atlanta Constitution, 19 August 1915) to convict anyone than it would have been to prosecute abolitionists in the North for violating the fugitive slave law. Watson took Harris’ sentiment even further, saying Georgians had already taken “as much vilification and abuse as we intend to put up with” (The Jeffersonian, 26 August 1915). Watson continued “if they (the Jews) provoke us much further ... another KKK may be organized to restore HOME RULE” (The Jeffersonian, 26 August 1915). Eventually, federal charges were brought against Watson for this inflammatory rhetoric but even then honor won over justice. Governor Harris convinced the Department of Justice to “let Mr. Watson alone for the sake and honor of my own state and people” (Harris, 1925, pp. 240-241).

Although honor for the South and for Georgia weighed heavily on the minds of white Southerners, the personal honor of individuals collided with justice for Leo Frank as well. Southern honor required men to wear a “mask” (Greenberg, 1996, pp. 24-25) or a crafted face in public and danger came from the possibility of losing face. It is possible that in several instances the Frank case might have taken a different turn had men not tried to “save face.” Frank’s initial arrest came from the police reaction to the Constitution’s embarrassing calls for their resignations (Bricker, 1943). Prosecutor Hugh Dorsey and many others never waived from their belief that Frank was guilty even though more and more evidence came to light that, at a minimum, cast doubt on the validity of Frank’s conviction. Not only would have Dorsey lost face, but he would have ruined a promising political career had he admitted any error in judgment. For the public, it would have been “psychologically very difficult, humiliating even... to abandoned their loudly espoused and nourishing convictions, to move away from beliefs that had taken on a near religious form” (Lindemann, 1991, p. 249). The night of the lynching, those riding with Frank were so moved by his honorable demeanor that they pronounced Frank innocent. They attempted to persuade the rest of the party to abandon the murder. Ultimately, the majority was decided that it was “too late to drive back” to the prison (Dinnerstein, 1968). They would not be able to save face if they did not go through with their plan. All but one continued on the road to Marietta. Honor won again in Frank’s last chance to escape the noose.

In Leo Frank’s search for justice, anti-Semitism, racism, populism, and newspaper coverage all infected his case, but southern honor and the culture of the south proved to be the final element that could not be overcome.

Yet Leo Frank believed to the end that someday he would be vindicated (Leo Frank Papers, Atlanta Historical Society). In 1982, Leo Frank's office boy, Alonzo Mann, revealed a secret he had carried for seventy years. Mann had witnessed Jim Conley carrying Mary Phagan's body to the basement and when spotted, Conley threatened to kill him if he told anyone. Armed with this testimony, the Anti-Defamation League filed a request to have Frank exonerated, but many of the old problems and prejudices resurfaced. Descendants of Watson, Dorsey, Mary Phagan and members of the lynch party vocally opposed the exoneration and exposed "long-simmering hostilities" (Oney, 2003, pp. 645-649) between participants in the Frank ordeal. The pardon board denied the first request in 1983 but approved a pardon on the second request in 1986. The board decided that Frank's innocence had not been conclusively proven for exoneration, but pardoned him because Georgia denied him due process when it failed to protect him in prison. Although a victory for those convinced of his innocence, Leo Frank did not receive vindication and most likely never will. Frank proclaimed his innocence in much the same way as people wrongly convicted do today. It is easy to disbelieve their cries of innocence as people did Leo Frank's. With time and distance from the events in 1913, the factors that created this great injustice are clear. Perhaps the lesson of the Frank trial is that justice is our most valuable commodity and the real honor lies in applying it to all.

References

- A Public Man of Georgia. (1916). Why Frank was lynched: Was it race, hatred, dirty politics, yellow journalism? *Forum*, 56, 677-692.
- Allen, J. (2000). *Without sanctuary: Lynching photography in America*. Santa Fe: Twin Palms Publishers.
- Asbury, H. (1926). Hearst comes to Atlanta. *American Mercury*, 7, 87-95.
- Atlanta Mobs Kill Ten Negroes. (1906, September 23). *New York Times*, pp. 1.
- Ayers, E. (1998). *Southern crossing*. New York: Oxford University Press.
- Berson, L. E. (1971). *The negroes and the Jews*. New York: Random House.
- Bricker, L.O. (1943). A Great American Tragedy. *Shane Quarterly* 4, 89-95.
- Brown, S. (1999). *When middle class ambition met southern honor: A cultural history of the Leo Frank case*. (Doctoral dissertation, University of Illinois at Chicago). Retrieved from <http://indigo.uic.edu/>
- Brundage, F. W. (1993). *Lynching in the new south: Georgia and Virginia, 1880-1930*. Chicago: University of Illinois Press.
- Busch, F. X. (1952). *Guilty or not guilty? an account of the trials of the Leo Frank case, the D.C. Stephenson case, the Samuel Insull case, the Alger Hiss case*. Indianapolis: The Bobbs-Merrill Company.
- Carter, D. T. (1985). *When the war was over: The failure of self-reconstruction in the south 1865-1867*. Baton Rouge: Louisiana State University Press.
- Cash, W. J. (1941). *The mind of the south*. New York: Alfred A. Knopf.

- Connolly, C.P. (1915). *The truth about the frank case*. New York: Vail Ballou Company.
- Conley Defies Rosser's Grilling. (1913, August 5). *Atlanta Georgian*, pp. 1.
- Craig, B. (1913, July 13). Detective Harry Scott's Hunch – Thrilling Story of How It Secured James Conley's Confession. *Atlanta Constitution*, p. B7.
- Dershowitz, A. M. (2004). *America on trial: Inside the legal battles that transformed our nation*. New York: Warner Books.
- Dinnerstein, L. (1968). A dreyfus affair in Georgia. In Frederic Cople Jaher (Ed.), *The Age of Industrialism in America: Essays in Social Structure and Cultural Values*, 127-157. New York: The Free Press.
- Dinnerstein, L. (1968) *The Leo Frank case*. New York: Columbia University Press.
- Dorsey, H. (1914). *Argument of Hugh m. Dorsey at the trial of Leo Frank*. In N. Christophulous (Ed.). Atlanta: Johnson-Dallis Company.
- Fairclough, A. (2011). Scalawags, southern honor and the lost cause: Explaining the fatal encounter of James H. Cosgrave and Edward L. Pierson. *Journal of Southern History*, 77, 799-826.
- Foner, E. (2005). *Forever free*. New York: Alfred A. Knopf.
- Frank Admitted He Hit Girl, Says Negro; Saw Her Enter Plant (1913, August 4). *Atlanta Georgian*, pp. 1.
- Frank, L.M. (1912-1916). Correspondence. Leo Frank Papers. Atlanta History Center, Atlanta, Georgia.
- Frank Listens Intently to the Grilling of Newt Lee (1913, July 29). *Atlanta Georgian*, pp. 2.
- Frank Lynching Due to Suspicion and Prejudice. (1915, August 20). *New York Times*, pp. 4.
- Gant Arrested as Slayer of Girl, Tells Story to Georgian (1913, April 18). *Atlanta Georgian*, pp. 1.
- Girl's Grandfather Vows Vengeance. (1913, April 28). *Atlanta Georgian*, pp. 3.
- Golden, H. (1965). *A little girl is dead*. Cleveland: The World Publishing Company.
- Greenberg, K. S. (1996). *Honor and slavery*. Princeton: Princeton University Press.
- Greene, M. F. (1996). *The temple bombing*. Cambridge: Da Capo Press.
- Hale, G. E. (1998). *Making whiteness: The culture of segregation in the south, 1890-1940*. New York: Vintage Books.
- Hays, A. G. (1933). *Trial by prejudice*. New York: Covici Friede Publishers.
- Harris, N. E. (1925). *Autobiography: The story of an old man's life, with reminiscences of seventy-five years*. Macon: The J.W. Burke Company.
- Higham, J. (1955). *Strangers in the land: Patterns in American nativism 1860-1925*. New Brunswick: Rutgers University Press.

- In Scathing Terms Rosser Scores Dalton, Dorsey, Police; Dorsey Will Conclude, Summing Up Case Against Frank (1913, August 22). *Atlanta Journal*, pp. 1-2.
- Knight, L. L. (1917). *A standard history of Georgia and Georgians*, 2. Chicago: The Lewis Publishing Company.
- Leavey, J. D. (1994). *Creating community: The Jews of Atlanta from 1845 to the present*. Atlanta: Atlanta Jewish Federation.
- Leo Frank Answers List of Questions Bearing on Points Made Against Him. (1914, March 9). *Atlanta Constitution*, pp. 1, 10.
- Leo Frank Sentenced Again (1914, December 17). *The Jeffersonian*, pp. 1, 8-9.
- Levy, E. (1974). Is the Jew a white man? *Phylon* 35, 212-222.
- Lewis, D. L. (1984). Parallels and divergences: Assimilationist strategies of Afro-American and Jewish elites from 1910 to the early 1930's. *The Journal of American History* 71, 543-564.
- Lindemann, A. S. (1991). *The Jew accused*. Cambridge: Cambridge University Press.
- Loeterman, B. (Director). (2009). *The people vs Leo Frank* [DVD]. Boston: PBS Video.
- MacLean, N. (1991). The Leo Frank case reconsidered: Gender and sexual politics in the making of reactionary populism. *The Journal of American History* 78, 917-948.
- Many Records are Badly Broken by State's Most Expensive Trial. (1913, August 24). *Atlanta Constitution*, p. 3.
- Melnick, J. (2000) *Black-Jewish relations on trial*. Jackson: University Press of Mississippi.
- Negro Conley Now Says He Helped Carry Away Body (1913, May 30). *Atlanta Georgian*, pp. 1-2.
- Negro Dives and Clubs are the Cause of Frequent Assaults. (1906, September 21). *Atlanta Journal*, pp. 1.
- Oney, S. (2003). *And the dead shall rise*. New York: Vintage Books.
- Oney, S. (2004). Murder trials and media sensationalism. *Nieman Reports* 58, 63-67.
- Osterweis, R. G. (1973). *The myth of the lost cause: 1865-1900*. Hamden: Archon Books.
- Outside Interference Resented by Georgians: Offers of Advice in Frank Case Will Do More Harm Than Good Gov. Harris Says (1915, August 21). *New York Times*, pp. 4.
- Powell, A. G. (1943). *I can go home again*. Chapel Hill: University of North Carolina Press.
- Prohibition in Atlanta: Riots Likely to Result in Election to Abolish the Saloons. (1906, September 27). *New York Times*, pp. 4.
- Report of State Regent (1913, April 27). *Atlanta Constitution*, pp. 5.
- The Case of Leo M. Frank (1915, May 26). *Outlook Magazine*, pp. 167-168.

- The Detectives' Third Degree. (1906) *The Public: A Journal of Fundamental Democracy and A Weekly Narrative of History in the Making*, 9, 603-606.
- The Leo Frank Case. Does the State of Georgia Deserve This Nation – Wide Abuse? (1914, April 9). *The Jeffersonian*, pp. 6-8.
- The Frank Case: When and Where Shall Rich Criminals Be Tried? (1914, March 19). *The Jeffersonian*, pp. 1, 8-9.
- The Frank Case; the Great Detective; and the Frantic Efforts of Big Money to Protect Crime (1914, April 30). *The Jeffersonian*, pp. 9-10.
- The Wages of Sin is Death (1915, August 26). *The Jeffersonian*, pp. 1-2.
- Tift, S. E. & Jones, A. S. (1999). *The trust: The private and powerful family behind the New York Times*. Boston: Little, Brown and Company.
- Train, A. (March 1915). Did Leo Frank get justice? *Everybody's*, 33, 314-317.
- Watson, Thomas E. (1915) The Leo Frank Case. *Watson's Magazine*, XX, pp. 161.
- Watson, Thomas E. (1915, September). The Official Record in the Case of Leo Frank, a Jew Pervert. *Watson's Magazine*, XXI, pp. 291.
- Watson, Thomas E. (1915, June 24). The Old Paths – and the New Path Taken By the Frank Case. *The Jeffersonian*, pp. 1-3.
- Watson, T. E. (1912). *The life and times of Andrew Jackson*. Thomson, Georgia: The Jeffersonian Publishing Company.
- Watson, Thomas E. (1915, October) The Rich Jews Indict a State! The Whole South Traduced. In the Matter of Leo Frank. *Watson's Magazine*, pp. 341.
- Webb, C. (1998). Jewish merchants and black customers in the age of Jim Crow. *Southern Jewish History: Journal of the Southern Jewish Historical Society*, 2, 55-80.
- Where Ought Law Cases to be Tried? And How? And by Whom? (1914, December 31). *The Jeffersonian*, pp. 1, 8.
- William Jackass Burns, at Another Angle: Some Tarnished Lawyers; Some Bought Newspapers; and the Murder of a Little Georgia Girl. (1914, May 7). *The Jeffersonian*.
- Woodruff, L. F. (1913, July 29). Lee's Quaint Answers Rob Leo Frank's Trial of All Signs of Rancor. *Atlanta Georgian*, pp. 3.
- Woodruff, L. F. (1913, August 4) Traditions of the South Upset: White Man's Life Hangs on Negro's Word. *Atlanta Georgian*, pp. 4.
- Woodward, V. C. (1963). *Tom Watson, agrarian rebel*. New York: Oxford University Press.