ProQuest Historical Newspapers Atlanta Constitution (1868 - 1945)

# As Bells Tolled, Dorsey Closed Magnificent Argument Which Fastened Crime on Frank

As the big bell in the Catholic would not let her come there again church tolled the hour of 12 o'clock. He says she was brought by her two Solicitor Dorsey concluded his remarkable plea for the conviction of Leo Frank with the dreadful words-

"Guilty, guilty, guilty!" It was just at this hour more than

voluntarily.

It was the conclusion of the most remarkable speech which has ever been delivered in the Fulton county court-house—a speech which will go down in history atamping Hugh Dorsey as one of the greatest prosecuting attorneys of this age.

## Arnold Maken Protest.

Only after Attorney Reuben R. Arnold had registered a vigorous protest against the action of the spectators who clapped their hands in tumultuous applause as Solicitor Hugh Dorsey en-tered the courtroom Monday morning was the solicitor allowed to continue his speech which was interrupted by adjournment Saturday, When court convened at 8 o'clock

there were more people outside of the courthouse unable to gain admission than there were inside and about two minutes before the hour of opening court a roar of cheers told the spectators inside that the solicitor was com-ing. His entrance was the signal for the outbreak of approval of his wonderful effort Saturday.

Mr. Arnold immediately protested and declared that such outbreaks had no place in a court of justice.

"Mr. Sheriff," said Judge Roan from the bench when order had been re-stored, "I see that there is a large stored, "I see that there is a large crowd in here and that many of them do not seem to understand what is required of them in a courtroom. If there is the least disturbance after the jury comes in, I want you to clear the room of all but officials.

"We don't went to spell the work of want you to clear the room of all but officials.

"We don't want to spoil the work of four weeks by any unscemly actions at this time and we are not going to allow such disturbance."

The jury was then beautiful and the defense made against that part of it.

Mr. Dorsoy then took up another frank's statement.

"Frank said that Conley could and he adds." I have the self-office the self-office that the self-

The jury was then brought in and the solicitor took up his speech. Mr. Dorsey's voice was hoarse when he started and it soemed as though he had received no refreshment from the rest received no refreshment from the rest over Sunday. Like a long distance runner who has kept a hard pace during the race and who at the finish is staggering toward the goal line and "running on his nerve," the solicitor renewed his attack on the defense.

As he went on his throat seemed to get better and his vocal cords appeared to loosen up. He was continually harassed during the morning, however, by Attorneys Arnold and

however, by Attorneys Arnold and Rosser, who declared he was making false statoments and that parts of his speech were "improper and insulting." "Gentlemen of the jury," began the solicitor, "I am even more exhausted

brothers-in-law and Rabbi Marx. Yet Frank makes no attempt to prove by them that his wife was there. He wants you to bolieve it from his own,

unsupported statement.
"There is no evidence anywhere It was just at this hour more than five months ago that little Mary Phattane and the pencil factory to draw her pittance of \$1.20.

The tolling of the bell and the dread sound of the words cut like a chili to the hearts of many who shivered involuntarily.

There is no evidence anywhere in that she ever went to see her husband at the station house, and I tell you, gentlemen of the jury, that a true wife ever lived who would refuse to go to see her husband when he was in such trouble as that, provided she hearts of many who shivered in linecent. No wife, believed him innocent. No wife, believed ing her husband innocent, would hes-itate to face snapshotters, interview-ers or detectives to get to see her husband."

### Defense Attorneys Object.

"Your honor," interrupted Mr. Ar-nold, "we have sat here and listened to one of the most unfair speeches I have ever heard and we have kept al-lent, but we do object to this unwarranted attack on the defendant's

Solicitor Dorsey submitted that part of Frank's statement to the jury where he claimed that his wife did visit him at police station, then he submitted that the defense had rot tried to prove it by other witnesses, and declared that he was making no attack on the wife, but merely stating why she had not visited her husband.

Judge Roan allowed him to go on.

"Let the galled jada wince, we--"
began the solicitor in a powerful
voice, which he apparently did not
have when he began his argument. "Now, your honor, I do object to that," interrupted Mr. Arnold, "when we make a legal objection to the so-

licitor's statements, he has no right to say, Let the galled jade wince."

Attorney Rosser also registered an

The solicitor was allowed to go on with his speech and the defense made a formal objection to the court

"Frank said that Conley could write and he adds, 'I have received too many notes from him asking to borrow money for me not to know that.' Frank also corroborates Conley's statement in goard to the watch which Frank also corroborates Conley's statement in regard to the watch which Conley was buying on the installment plan and Frank says he gave the information to the police that Conley could write and the police and detectives have told you that he did not and the police are Scatt Franks' and detectives have told you that he did not and the police have told you that he was sent than the police has the police had been sent than the police and the police had been sent than the police had been sent than the police and the police had been sent than the police and the police had been sent than the police and the police had been sent than the police and the police had been sent than the police and the police had been sent than the police and t Harry Scott, Franks' own detective, has told you that Frank never gave him this information.

"If Frank knew, as he says he did, that Conley could write, why didn't he tell the police that? Scott declares to you that Frank never mentioned the subject.

"Gentlemen, it was only when the detectives, after laborious effort and de-spite Frank's silence, found out that in the c the negro who was denying he could to him.

write, could really do so, that they obtained from him his first affidavit in which he told part of the things that happened that day.

"Frank says to you that he knew Conley could write. Then why did not he tell the police of that fact, when he knew that the murder notes were believed to he the key that would unlock this mystery?

"I'm not outside the rule, your honor," shouted Mr. Rosser.

"I'm not outside the rule and they (the defense) see the force they think they can make by such objections."

"Well. (thut's outside of order," released.

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WINS BIG CASE



that his client was innocent.
"If a negro ever accuses me, I toll
you that I will confront him and there's
no lawyer can stop me, and even if I would wait for my lawyer's return, I would confront my accused as soon as he did get back.

Rosser Aguin Interrupts. "You say you never knew until you

came to court what Conley had sworn against you." continued the volleiter, turning to Frank, "but you could have known if you had wanted to confront your accuser."

Mr. Rosser entered an objection here, making the statement that Conley made so many affidavits that Frank would not have known what he would swear in the courtroom, even if he had talked

"The reason Frank nover questioned f.ec," continued the solicitor, turning to the jury, "was because he know who was guilty and he knew that he was afready adding to the infamous assault and nurder of the girl, at attempt to send this negro to the gallows in order to saye his compared. attempt to send this negre to the gailows in order to save his own neck.

"Listen to this and note how smoothly that statement of Frank's was fixed up, so that when we came back to rebut it that the technical laws would stop us. Frank told you that the detectives stressed the point that couples must have been allowed to go into the building by Newt Lee at night.

"Now Lee was only there three weeks before the murder and the detectives really stressed the point that couples might have been let in there at night and they did not confine the time to the short time Lee was there as nightwatchman, as Frank said they did, and thus saved himself from impeachment.

Mr. Dorsey then read Frank's statement in regard to the spots found on

Mr. Dorsey then read Frank's Rate-ment in regard to the spots found on the second floor by Christopher Co-lumbus Barrett and said to have been blood spots, and the solicitor stressed that part where Frank said that accidents were frequent there and that rorted, and that the girls often car-ried buckets of red varnish by that place and that it frequently spilled

No Chemists Introduced. No Chemists Introduced.
"If you claim that the spots were not of blood, in the name of fair play and decency, why didn't you bring one chemist here to sustain your im? "That was blood and the white hascoline substance had been smeared

ern only of red varnish, with hasco- his house they tell us he asked right

"Gentlemen of the jury, are you go we know that later he tried to claim ing to believe this one statement that Starnes had mentioned this in when they could get no chemist to the talk over the telephone. It was come here and stultify himself and when Dr. Claude Smith, city bacteriologist, tells you from his chemical anogist, tells you from his chemical analysis that it was blood and when scores of employees say that it was. "This defense has no defense," shouted the solicitor, "they have resorted to abuse, and they have fluttered around, but never alighted anyat the factory-if anything had hap-

"In this particular instance they grab at varnish, they grab at cat's blood, rat's blood and mouse blood and at blood from finger cuts."

The solicitor then took up Frank's statement about the possibility of the girl having been pushed down the chute in the rear of the building or thrown down the scuttle hole in the part formerly occupied by the Clarke Wooden Ware company.

Some Improbable Things.

"Why would that negro Conley, even if he had murdered the girl with that bloody club they claim to have that bloody child they child to have tied the cord around her neck and why would he have tied the clothing around her neck?

that after afteen days when the second squad of Pinkertons were searching the factory, that blood was found near the clevator shaft, more cloud than it has been shown the girl lost? "Why was it that when Frank had read in the morning paper that Bar-rett had discovered the blood spots on

rett had discovered the blood spots on the second floor, that he, the superintendent, who had been anxlous to solve the mystery that he had telephoned three times for Schiff to hire the Pinkertons, did not go back to see those spots until Lemmie Quinn came after him. "That was a strange way for an in-"That was a strange way for an innocent superintendent to do. And
there is no evidence to show that
Frank ever did go back there and
look at those spots. Why? I'll tell
you why: If there was any spot on
earth where the man did not want it
to be known that blood had been

found, it was on the second floor, where, according to his own statement, he was working at the time the girl was killed.

"Frank also tells us that he visited

the morgue twice on the day the body was found and if he went there and saw the body that morning and it tore him up as he says it did, why, except for the answer I'm going to give you, did he go back that afternoon and look at the body, "He didn't see the body the first

"That statement is a misstatement of facts. All the witnesses said they did not know whether or not Frank saw the body," interrupted Arnold,

saw the body," interrupted Arnold.
"Woll, I'll not quibble over the matter," retorted the solicitor, "if Frank did look at the body, and there's no evidence to show he did, he gave it just a glance as the light was flashed on and then he turned and went into another room."

### Reference to Record.

The Actions of a Guilly Man.

"Gontlemen," he said, "I tell you that on that Saturday night after he had murdered the little girl, Frank's actions in trying to break up the card party were the actions of a guilty man. That laughter when he went into the room and showed the guests a funny story was the laughter of a guilty man.

"If Frank, too, was so quiet and composed in the Bellg nome where the murder was a matter of lpdifference, why was he so nervous before the officers? Why was he so nervous when

floors? Why was he so nervous when he tried to run the elevator that Sunday morning?

he tried to run the elevator that Sunday morning?

"Frank says," continued Mr. Dorsey,
"I went to the office and looked on
the payroll and saw that a girl named
Mary Phagan really did work there and
that she was due to have been paid
\$1,20," and Frank might have added."
I followed her back into the metul
room when she came for that money
and when she refused my proposals, I
struck her and then I choked her with
that cord to save my reputation."

Mr. Dorsey then gave a minute description of the blackened and dirt
covered condition of the girl's face
and body and declared that Frank
in the casual glance he gave her
that Sun'ay morning could never
have identified her as the girl hhad paid off the day before.

Did Defectives Liet "Do you believe that Rogers and Black, who have no interest in this case, other than to see Justice Jone, would have perjured themselves in index to hang this man?" he asked the

jury.
"Do you believe that Starnes has perjured himself, too? Well, Starnes tells you that when he called up Frank and told him he was sending an auto for him that Frank asked to there had been a fire or if Lee had appeared and taking wrong, but that over it.

"Important! There is no more important! There is no more important! There had been a fire or it Lee had reported anything wrong, but that the spoots that there was no blood on the second floor, but that the spots when Black and Rogers met Frank at the spots when Black at the spots when Black at the spots when Black at the sp

away if there had been a tragedy, and we know that later he tried to claim that Starnes had mentioned this in

merely Frank's guilty knowledge that made him mention tragedy. "Then Loe says that when Frank called him up that Saturday night, a thing he had never done before that he did not ask if Gantt had gone and did not mention Gantt's name but asked if anything had happened

Frank tells us that he asked about Gantt's being there.

"You can't tell me, gentlemen of the jury, that with all these things piled up against this man, that there is nothing but projudice and perjury

in this case. "You remember that Frank made Lee go upstairs with Gantt that Sat-urday afternoon, and even Lee would

not let Canti into the factory, until Frank consented. Lee was true to his "Now, why did Frank want to keep Cantt out of that factory, unless it was

that he did not want Cantt around where he might talk to Mary Phagan

at the time when he was plotting her

downfall?
"Would you convict this man or "Why did old man Holloway say, this and on that? No, but you can 'That's my nigger, when he saw Con-weave a rope out of all these strands ley washing a shirt, and why was it that will send him to the gallows. No one of these strands would do that, but all together they make such a strong case that there is no room for reasonable doubt; no room for any

Frank says in his first affidavit that he stayed in his office during certain hours that Saturday. He did not know at the time that his own detective, Harry Scott, had found little Monteen Stover and been told by the

girl that she had gone into the office at 12:05, and found no one there.
"Then Frank, seeing the importance, declared that he might have stepped out of the office for some little errand and then forgotten about 't."

Page Tribute to South

rand and then forgotten about 't."

Pars Tribute to Scott.

Mr. Dorsey turned aside here to pay a tribute to Harry Scott, and in it he was careful to pay no tribute to the other Pinkertons. A moment later he accused the others of "running with the hare instead of the hounds."

"Scott asked Frank if he was 'n his office from the time he came back until Mary Phagan came, and he said yes, and then Scott asked if he was there from 12 o'clock until Mary Phagan came, and he declared he was, and

gan came, and he declared he was, and then Scott asked him if he was in his office all the time from the occasion when he wert upstairs after Mrs. White, until he left for lunch. and again he answered yes.

"It was only when Frank realized that the little Stover girl had come up there and he was not there, that he tried to hedge by declaring that he might have gone out for a moment and not remembered it afterwards. "Not until he recognized the winderful truth and ability in Scott and his adherence to duty did Frank shut him

dut from his councils.

"Gentlemen you have the power to find a guilty man innocent or ruilty. No potentate it more powerful than is the American jury. In the secrecy of the jury room you can write a verdict that outrages humanity, but your con-sciences will control you, and only by doing your dily can you ever after-ward have your own self-respect.

made about it. I tell you, and i don't go back on my raising whon I do, that cubbage is good food and that there is no hetter food than earbbage, cornbread and buttermilk.

When the could not get the other than the left two pair and would go up and see if he could not get the other than the left two pair and would go up and see if he could not get the other than the left two pair and would go up and see if he could not get the other than the left two pair and would go up and see if he could not get the other two pairs are two pairs are the other two pairs are the other two pairs are two pairs ar

ment.
"I can't see any other reason in the world," continued the solicitor, "for their going out and dragging in a lot of general practitioners and surgeons instead of exports competent to testify, unless they were seeking for the effect that the testimony of their family physicians might have on some of the jurers."

Mr. Arnold here had the court stenographer enter on the record his for-mal objection to the statement and the solicitor went on.
"You can't tell me that Childs, a

general practioner, this man from Michigan, with only seven years' experience, can put his opinion up against that of Dr. Harris, the eminont secretary of the state board of beath. health.

"Before you or anybody can set aside the evidence of this man, Dr. Harris, and take the opinion of the man from Michigan, or of the pathologist from Aleace-Lorraine, who did not know the name of the first step in the digestive process, you've got to have better evidence than was shown here.

## Attack on Hancock.

"You can't tell me that Hancock, who saws bones for the Georgia Rall-way and Power company, knows more than Dr. Harris does.

"You can't tell me that Olmstead, a general practitioner, knows more than does this expert in the service of the state.

"You can't tell me that Dr. Kendrick, popular as he is, and who tells you he has not opened a book on the

subject in ten years, should be taken in preference to Dr. Harris, "You can't toll me that these men

AIDED SOLICITOR



before Dr. Clarence Johnson, the eminent stomach specialist, who backs him up; or before Dr. George M. Niles, another stomach specialist, who also agrees with him. They can't stand against Dr. John Funke, expert path-ologist, who agrees with Dr. Harris. "Why, gentlemen of the jury, Hancock is so gangrened with prejudice that when I showed him this book (The

American Medical Journal) he declared American Medical Journal) he declared it a book made up by quacks.

"Why, Dr. Willis Westmoreland was so bitter and so prejudiced against Dr. Harris that he told us that the board of health had found him guilty of scientific dishancesty, and the records showed that they had not done any such thing, and that Dr. Westmoreland had got mad because he could not the hoard and had resigned.

run the board and had resigned. "Well, I want to take up the question of Frank's nervousness again. You remember that on that afternoon of Memorial day that Newt Lee, who had been told to come early, came back like the dutiful darkey he was, and found Frank washing his hands. Frank was waiting there then for Conley to come and burn the body and Frank did not want Newt around, so he made Newt go out into town and that when Newt told him he was sleepy and wanted to

find a comfortable corner anywhere in the building.

"Frank wanted to get Lee away so "Frank wanted to get Lee away so that when Couley came back, as he had promised he would do, that they could burn the body and the police might never solve that Phagan mystery; might never know that the girl had ever entered the factory that day. "You remember, too, that when Frank was going out later that he al-most ran into Gantt at the door and that Lee says Frank jumped and Gantt says he was nervous. Gantt said he wanted to go up and got a pair of pair, You remember also that Cantt went up there and found both pair of shoes and that this very fact showed that Frank was morely making up something to keep the man from going into the building if possible.

"And, when Frank sent for Attorney Rosser, he wanted him because his conscience needed somebody to sustain it. He got Hans and Darley for the same reason.

"Now, we went into the camp of the enemy to get Darley, who his told

"Now, we went into the camp of the enemy to get Darley, who his told openly of Frank's nervousness. Dar-ley says Frank trembled like an appen leaf He told me when he made his affidavit that Frank was completely unstrung, but, when he got on the witness stand, he changed it to 'almost.'

"Frank's nervousness was produced by one cause only, the con-sciousness of his infamous orime. Old man Newt Lee says that when he went back that afternoon he found the inside door locked, something he had never found before. Newt also says that that night when he went down into the basement, he found the light flickering low. Do you think for a minute that Jim Conley would have turned down that light? No. But, I tell you that Frank did it when he found Conley was not coming back to burn the body.

"He didn't want anyone to discover

the body until he found time to dis-

pose of it.

"It was foar pulling at his heartstrings, fear and remorse. Spectral
shadows flitted before him—shades of the body, the prison, this trial, the gallows, a murderer's grave.

Leaving Conley Out. "You may 'cave Jim Conley entirely out of this case and you still have a course of conduct that shows this

man's guilt. "Is Dalton a low-down character? If so, isn't he then just the kind of

man a person like Frank would con-sort with when his dual character was predominant. "I tell you that today he is a man

of utter integrity, although he may, at times, be tempted to step aside with a woman who has fallen as low as Daisy Hopkins. "We sustained him by scores of witnesses, good and substantial men. We corroborated the statement that

he had been seen to go into the fac-tory with women. We corroborated Dalton almost in whole, "Lawyer Rosser says he would give so much to know who dressed up Jim Conley. If you, Mr. Rosser, had want-ed to know half so much about Jim Conley being dressed up as you did to find faults with Dalton's past, you

could have learned very easily.

"Let's see sometiling about what William Smith, Jim Conley's attorney, has set up about the rule which Judge Roan gave in regard to Conley's imprisonment. "he police, he it understood, may be no better than the sheriff of our county, but they are just as good.

could have learned very easily.

as good.
"Smith says that Conley, in police station, is perfectly safe from a standpoint of physical welfare, and that, under such imprisonment, is far safer. No one has been allowed to see him. He has been protected from physical harm and false claims. He says that plans have been laid detti-

says that plans have been laid detri-mental to the carrying out of justica so far as Conley is concerned.

"Sunficient inside guards were not provided in the Tower. Only one man was paid to guard the entire five stories which contain twenty cell blocks. Friends of Frank were allowed to pour into the jail in a steady stream, many of whom were admit-ted indiscriminately into Conley's cell, Newspaper men and others, says Smith, were admitted constantly in Conley's cell. One man offered sand-

Conley's cell. One man onered sand-wiches and liquor to the negro.
"Our proof of general bad character systains Jim Conley. Our proof of general bad character as to lascivi-ousness sustains Jim Conley.
"Their failure to cross-examine our character witnesses sustains him. Frank's relations with Rebecca Car-son sustain him. Your own witness,

Miss Jackson, sustains him. Miss Kitchens, of the fourth floor, sustains "Lemmie Quinn, their dear Lemmie, sustains him. Daisy Hopkins and Dalton sustain him. The blood spots, the statement of Holloway and Boots Rogers relative to the open elevator box sustain him. Albort McKnight and Minola McKnight's repudiated

affidavit sustain him.
"The existence of the notes sustains him. No negro in history of the ne-gro race ever wrote a note or letter to cover up his crime. "The diction of the notes in 'did' and 'done' custain him."

Attorney Rosser entered an objection to this statement, arguing that in many places Conley had used the word 'did' in his statement.

Continued on Page Three.

## AS BELLS TOLLED . DORSEY CLOSED SPEECH

Continued From Page Two.

"I have heard Conley's whole state ment, and I say the Jury has heard that every time it was put to him, he used the word done instead of did." I want to see the physiognom: of the man who took these notes. I also want his original notes."

Judge Harvey J. Parry, the expert stenographer who had taken most of Conley's statement, stated that the character for "did" is so different from "done," that it would have been impossible for the stenographer to have

made a mistake.

"Very well, then," said the solicity, "you have said in your own argument Mr. Rosser that one thing'n hegro would do under any circumstances would be to absorb the words and expressions of a white man.

"Jim Conley is sustained by Frank's statement relating to his relatives in

Brooklyn.

"When Jim was on the stand, Rossec questioned him about Mincoy. Whore is this Mincey?" Echo dinswers: Where? These men knew his parjuring, lying was so diabolical it would have sickened the jury min. The absence of Mincey is a powerful support of Jim Conley's story.

"Every circumstance in this cast proves that his man killed this girl Extraordinary? Yes! But as true as the fact that Mary Phagan is dead.

"She died a noble death. Without a splotch or blemsh upon her, a martyr to the virtue she protected to the extent of death in saving it from her employer.

"Your honor, I have done my duty I have no apologies to make. There will be but one verdict, guilty, guilty, guilty." There was a melodious blast of noon whistles. The courtroom was still The whistles rang out over a working city at the exact hour Mary Phagan several weeks ago stepped into the pencil factory to her death. The solicitor's speech was done.