

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

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

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

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

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

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

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

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

## Takes Rap at Hooper.

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

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

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

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

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

## Roasts Motorman Kenley.

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

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

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

## Frank's Only Guilt.

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

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

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

## To Strip State's Case Bare.

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

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

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

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

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

## Lee Has Not Told All.

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

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

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

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

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

## Charges "Frame-Up."

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

Here court adjourned for lunch.

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

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

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

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

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

## Attack's Hooper's Position.

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

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

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

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

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

## Hideous Alleged Plot.

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

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

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

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

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

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

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

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

his discharge into this plot of the defense.

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

## Defends Factory Conditions.

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

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

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

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

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

## The Trouble With Hooper.

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

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

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

## Barrett and the Reward.

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

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

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

