

ROSSER MAKES GREAT SPEECH IN DEFENSE

Continued from Page Two.

as he used to be and as you have seen him? He was a dirty, filthy, black, drunken, lying nigger. Black knows that. Starnes knows that. Chief Beavers knows it.

"Black got all balled up in his statement. Scott meant to tell the truth. He might find a flea if he had a spy glass.

"I asked Scott if this nigger looked like this when they got him. He said, 'No.'

"You slicked him up, did you?" I asked.

"He said they did."

"Who was it that made this dirty nigger come up here looking as slick as a 'ingern'? Why didn't they let you see him as he was?"

"I don't suppose Dorsey meant to do this thing unless he got green-eyed and forgot his raisin'. They shaved him, washed him and dressed him up.

"The only evidence you have, gentlemen, is the word of this Conley.

A Terrible Accusation.

"Gentlemen of the jury," said Attorney Rosser slipping his nose glasses on as the jury came in from the noon recess and took their seats in the box, "Gentlemen of the jury, the charge of moral perversion against a man is a terrible thing for him, but it is even more so when that man has a wife and mother to be affected by it.

"Dalton, even Dalton, did not say this against Frank. It was just Conley. Dalton, you remember, did not even say that Frank was guilty of wrong-doing as far as he knew. There never was any proof of Frank's alleged moral perversion, unless you call Jim Conley proof.

Couldn't Find Witnesses.

"None of these niggers ever came up and said Conley was there and that they were with him. Starnes--and Starnes could find a needle in a haystack, but the Lord only knows what he'd do in an acre--he could not find any of these niggers.

"Conley says he played games of dice down there and Conley, oh, he calls himself not 'Jim,' as you'd expect the ignorant negro to do, but he calls himself 'James' and he never 'shot craps,' 'played games of dice.'

"In Conley's old time days, I guess he was 'Jim' Conley and 'shot craps.' Oh, the day when some minister man showed him better than that.

"Well, it does look like some nigger would have come up and told that he saw James on Peters street that day or that he played games of dice with James in some drinking place. It looks like the detectives could have got them, you know, if there is anything an Atlanta detective does know, it's a Peters street negro.

"Well, there was 'Snowball,' poor 'Snowball'; you reckon he (pointing to Frank), made the detectives suspect 'Snowball'?"

"They don't have to be made to suspect anybody or anything, as Charlie Hill said one time when he was solicitor, the Atlanta police are worse than a horsefly.

"Well, I don't guess anybody suspected 'Snowball'; he didn't work there, they brought him from foreign parts so to speak. 'Snowball' says Conley lied about Frank's telling him when he heard it, to watch for him, and 'Snowball's' just a plain African and if he could have pleased the police he would have done it.

He Would "Jine" or Leave Town.

"I I was a nigger," continued the speaker in an impressive tone, "I'd jine the epistle or I'd leave town.

"Well, I'm sorry for 'Snowball,' he'll melt under the wrath of Black and Starnes and Campbell.

"Then there was that old negro drayman, old McCrary, the old peg-leg negro drayman, and thank God he was an old-timer, 'fo' de war nigger. You know Conley, wishing to add a few finishing trimmings to his lines, said that old McCrary sent him down in the basement that Saturday morning and when the old darkey was put on the stand he said simply, 'No, boss, I never sent him down there.'

"Well, everywhere you go you find that Conley lied. He says he watched there one Saturday last year between 2 and 3 o'clock. Well, Schliff says he didn't and so does Darley and Holloway, the latter guaranteed by the state, and the little office boys, nice looking little chaps, from nice families, they all say he didn't. Cut out Conley and you strip the case to nothing.

"Did you hear the way Conley told his story? Have you ever heard an actor, who knew his Shakespearean plays, his 'Merchant of Venice' or his 'Hamlet,' He can wake up at any time of the night and say those lines, but he can't say any lines of a play he's never learned.

"So it was with Conley. He could tell the story of the disposition of the girl's body and he knew it so well he could reel it off backward or forward, any old way, but when you got to asking him about other things, he always had one phrase, 'Boss, Ah can't 'member dat.'

Intimates Story Was Fixed Up.

"They say Conley could not have made up that story. Well, I don't know about that. There is something queer in the whole thing, you know.

"I couldn't climb that post over there, gentlemen, I mean I couldn't go very far up it, but if I had Professor Starnes, and Professor Black, and Professor Campbell and Professor Rosser, and then Dean Lanford to help me, I'd go quite a way up.

"Ah, there's the 'dean' now; school will begin," said Rosser, pointing to where he had just noticed Detective Chief Newport Lanford, who had quietly entered the courtroom a few moments previously.

"Well, they took a notion Mrs. White had seen the negro and they carried Mrs. White there to see him and he twisted up his features so that she couldn't recognize him.

Says Detectives Cursed Conley.

"Next, the y learned Conley could write. Frank told them that, you know. Well, I don't mean to be severe, but they took that negro' and they gave him the 'third degree.' I'd hate to get the 'fourth degree.'

"Black and Scott, they cursed him, 'You black scoundrel, they yelled at him, 'you know that man never had you come there and write those notes on Friday!'

"And the poor nigger, understanding and trying to please, said, 'Yes, boss, dat's right, ah was dere on Saturday.' And so they went on and got first one affidavit and then another out of him. Well, Scott and Black had him then, and Conley was only in high school. I don't know whether to call Scott and Black 'professors' or not.

"Scott says, 'We told him what would fit and what would not.' And it was 'Stand up, James Conley and testify; when did you fix those notes, James?' and did James would answer that he fixed them on Friday, and then the teachers would tell James he was surely wrong; that he must have fixed them on Saturday, and James would know what was wanted and would acknowledge his error. Then

it would be, 'That's a good lesson, James; you are excused, James.'

"Now, I'm not guessing in this thing; Scott told it on the stand, only in not so plain words. So it was that when this negro had told the whole truth that they had another recitation.

The Finishing Touches.

"Was it fair for two skilled white men to train that negro by the hour and by the day and to teach him and then get a statement from him and call it the truth?"

"Well, Professors Black and Scott finished with him, and they thought Conley's education was through, but that nigger had to have a university course!

"Scott," Mr. Rosser shouted, "you and Black milked him dry, you thought you did, anyhow, but you got no moral perversion and no watching. In the university they gave a slightly different course. It was given by Professors Starnes and Campbell (oh, I wish I could look as plous as Starnes does) and Professor Dorsey helped out, I suppose. I don't know what Professor Dorsey did, only he gave him several lessons and they must have been just sort of finishing touches before he got his degree.

"Well, in the university course they didn't dare put the steps in writing as they had done in the high school, it would have been too easy to trace from step to step, the suggestions made, the additions and subtractions here and there.

"Prof." Dorsey's Innings.

"Well, Professor Dorsey had him seven times, I know that, but God alone knows how many times the detectives had him. Was it fair to take this weak, pliable negro and have these white men teach him one after another? Who knows what is the final story that Conley will tell? He added the mesh bag when he was on the stand.

"I don't care about that row between the doctors and that was the funniest thing that ever came into a courtroom; they will have their little rows and let's forget it.

"Dr. Harris, he thought he was telling the truth about the time the little girl died, and he's a clever boy. His father admitted me to the bar. I guess that's about all the old man wasn't proud of.

"Well, then, there's another thing; who ever heard of a normal stomach, like these exports talk of? No two people in this room have normal stomachs and none here but have some sort of defect. You might as well ask us to have perfect noses and cite mine as the perfect one.

Frank Not Guilty, Man.

"Well, let Harris have his little theory and let him hang on to it and rub it, if he wants to, like a boy rubs his pet cat. I don't care if the little girl died in a half hour or three quarters of an hour after she ate. The thing is, this man didn't kill her."

Here Mr. Rosser took up the chart and from it argued that Mary Phagan had reached the factory at approximately twelve minutes after 12 and that it must have been after Monteen Stover had gone. To prove this he cited the statements of W. M. Mathews and W. T. Hollis, street car men called by the defense, and George Epps, the little newsie, called by the state, and also the street car schedule.

"But," said he, "supposing that she was there at 12:05, as I believe the state claims, then Monteen Stover must have seen her. I don't see how they could have helped meeting. But suppose she got there a moment after Monteen Stover left, then Lemmie Quinn was there at 12:20 and he found Frank at work.

"Could Frank have murdered a girl and hid her body and then get back to work with no blood stains on him in less than fifteen minutes?"

"If Frank is guilty, he must have, according to Conley, disposed of the body in the time between four minutes to 1 and 1:30. There can be no dispute about this; it's Conley's last revelation.

"If Frank is guilty he was at his office between four minutes to 1 and 1:30, but who believes that story?"

"Little Miss Kern saw him at Alabama and Whitehall at 1:10, and 1:20 Mrs. Levy, honest woman that she is, saw him get off the car at his home corner, and his wife's parents saw, and they all swear he was there at 1:20, and then if you are going to call them all perjurers and believe Jim Conley, think what you must do, think what a horrible thing you must do--you must make Minola's husband a perjurer, and that would be terrible.

The Blackest of All.

"You know about that Minola McKnight affair. It is the blackest of all. A negro woman locked up from the collector's office, not because she would talk--she's given a statement--but because she would not talk to suit Starnes and Campbell, and two white men, and shame to them, got her into it.

"Where was Chief Beavers? What was he doing that he became a party to this crime? Beavers, who would enforce the law; Beavers, the immaculate!

"Starnes said he had to confer with Mr. Dorsey twice before he could get the woman out of the station house.

"Believe Frank was in the factory if you can at 1:30; throw aside all the respectable people and swear by Conley. Well, I know the American jury is supreme, that it is the sovereign over lives; that sometimes you can sway it by passion and prejudice, but you can't make it believe anything like this.

"Neither prejudice, nor passion, wrought by monsters so vile they ought not to be in the courtroom, could make them believe it.

"Well, there's another point, they said that there was a certain man, named Mincey, whom we called as a witness but did not use. Well, the only use we would have had for Mincey was to contradict Conley, and as soon as Conley got on the stand he contradicted himself enough without our having to go to the trouble of calling on witnesses to do it. If we'd put Mincey up there would have been a day's row about his probity and what would have been the use--Conley said time and again that he had lied time and again.

Wants Only The Truth.

"Gentlemen," continued Mr. Rosser, "I want only the straight truth here, and I've yet to believe that the truth has to be watered and cultivated by these detectives and by seven visits of the collector general. I don't believe any man, no matter what his race, ought to be tried under such testimony. If I was raising sheep and feared for my lambs, I might hang a yellow dog on it. I might do it in the daytime, but when things got quiet at night and I got to thinking I'd be ashamed of myself.

"You have been overly kind to me, gentlemen. True you have been up against a situation like that old Sol Russell used to describe when he would say, 'Well, I've lectured off and on for forty years, and the benches always stuck to the floor.' You gentlemen have been practically in that fix, but I feel, nevertheless, that you have been peculiarly kind, and I thank you."

Here Mr. Rosser ended his five hours' speech.