

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE NORTHERN DISTRICT OF GEORGIA.

LEO M. FRANK,

against

C. WHEELER MANGUM, SHERIFF  
OF FULTON COUNTY, GEORGIA.

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TO THE HONORABLE THE DISTRICT COURT OF THE UNITED STATES  
IN AND FOR THE NORTHERN DISTRICT OF GEORGIA.

The petition of Leo M. Frank respectfully shows:

FIRST: I am and ever since my birth have been a citizen of the United States. I am now and for some years past have been a resident of Fulton County, in the State of Georgia, I am unjustly and unlawfully deprived of my liberty, and unlawfully imprisoned, confined and detained in the jail of said County, by C. Wheeler Mangum, the Sheriff of said County and Ex-Officio jailer.

SECOND: My aforesaid imprisonment, confinement and detention are wholly without the authority of and contrary to the law, and in violation of my rights as a citizen of the United States as guaranteed by the Constitution of the United States, and particularly by Section 1 of the Fourteenth Amendment to said Constitution, which provides that no State shall deprive any person of life, liberty or property without due process of law, or deny to him the equal protection of the laws, the protection of which I expressly invoke.

THIRD: The sole claim of authority by virtue of which the said C. Wheeler Mangum, Sheriff and ex-officio jailer as aforesaid, so restrains and detains me is, that on May 24, 1913, I was indicted by the Grand Jury of Fulton County, State of Georgia, on the charge of having murdered Mary Phagan; that thereafter, in

Neither the conversation with Judge Roan, nor the purport thereof, was communicated to Messrs. Brandon and Haas, nor did they have any knowledge thereof, until after sentence of death had been pronounced against me.

After the jury had been finally charged by the Court and the case had been submitted to it, when Mr. Dorsey, the Solicitor General, left the court room, a large crowd on the outside of the Court House and in the streets, greeted him with loud and boisterous applause, clapping their hands and yelling "Hurrah for Dorsey", placed him upon their shoulders, and carried him across the street into a building where his office was located. The crowd did not wholly disperse during the interval between the submission of the case to the jury and the return of the jury to the court room with its verdict, but during the entire period a large crowd was gathered in the immediate vicinity of the Court House. When it was announced that the jury had agreed upon a verdict, a signal was given from within the court room to the crowd on the outside to that effect, and the crowd outside raised a mighty shout of approval, and cheered while the polling of the jury proceeded. Before more than one juror had been polled, the applause was so loud and the noise was so great, that the further polling of the jury had to be stopped, so that order might be restored, and the noise and cheering from without was such, that it was difficult for the Presiding Judge to hear the responses of the jurors as they were being polled, although he was only ten feet distant from the jury.

All of this occurred during my involuntary absence from the court room, I being at the time in the custody of the Sheriff of Fulton County and incarcerated in the jail of said County, my absence from the court room, and that of my counsel, having been requested by the Court because of the fear of the Court that violence might be done to me and my counsel had I or my said counsel been in court at the time of the rendition of the verdict.

trial, because dominated by a mob which was hostile to me, and whose conduct intimidated the Court and jury and unduly influenced them, and neutralized and overpowered their judicial functions, and for that reason also, I was deprived of due process of law and of the equal protection of the law, within the meaning of the Fourteenth Amendment to the Constitution of the United States, the protection of which I expressly invoke.

TWENTY-FIRST: No previous application for a writ of habeas corpus has been made by me.

WHEREFORE, I pray that a writ of habeas corpus may issue, directed to C. Wheeler Mangum, Sheriff of Fulton County, Georgia, ex-officio jailer, and to each and all of his deputies, requiring him and them to bring and have me before this Court, at a time to be by this Court determined, together with the true cause of my detention, to the end that due inquiry may be had in the premises, and that I may be relieved from my said unlawful imprisonment and detention. And thus I will ever pray.

Dated, at Atlanta, Georgia, December 17<sup>th</sup>, 1914.

*Leo M. Frank*

Petitioner.

*Lyle Peoples and Jordan,  
Henry A. Alexander.*

Attorneys for Petitioner.