

NEIGHBORS ALL PROTECT FRANK SLAYERS;
VICTIM WAS BRAVE WHEN FACING DEATH;
WHOLE STORY AS THE LYNCHERS TELL IT

GRIM TRAGEDY IN WOODS

"I Think More of My Wife
and Mother Than of
My Life," Frank Said.

HAD BEEN ASKED IF GUILTY

Made No Plea for Mercy and
Was Cool and Stoic—Wild
Scenes Around Body.

PROTECTION FOR LYNCHERS

Marietta Determined None
Shall Suffer—Governor Offers
\$500 Reward for Slayers.

How Marietta Regards the Killing of Frank

Special to The New York Times.

ATLANTA, Ga., Aug. 18.—The feeling in Marietta over the Frank lynching is illustrated by a jeering, sarcastic telegram sent today by the Chief of Police to Detective William J. Burns, who was employed by Frank's friends and was run out of Marietta after an attempt to lynch him. The telegram reads:

William J. Burns, Burns Detective Agency, New York.

Leo Frank lynched here yesterday. Come quick and help investigate.

H. H. LOONEY,
Chief of Police.

From a Staff Correspondent.

MARIETTA, Ga., Aug. 18.—The murder of Leo M. Frank will go unavenged by the law if it is to be punished in the county where it was committed. No jury in Cobb County would convict the murderers, no Grand Jury would indict them, no official would undertake to prosecute them.

This is not to say that Cobb County is terrorized, for it is not; it is to say that the vast majority of its people, even those who deplore the lynching as a violation of law, believe that Frank got no more than his deserts, and that the mob simply carried out the verdict of the law after it had been arbitrarily set aside by a Governor who was a law partner of Frank's lawyer.

The word mob does not seem descriptive, although it is correct, for these men did not display the ordinary characteristics of a mob. There was no outburst of rage, no disorder; the whole thing was done with order, method, and precision, and with a military attention to details. Lynching mobs are usually composed of riff-raff, with a few leaders of a higher order; but this one consisted of leading citizens in the community, men prominent in business and social circles, and even in church.

Liquor played no part in it, as it does in most lynchings. The lynching had been planned for months, and the plans of the conspirators contemplated its carrying out on a night several weeks ago, but the authorities learned of it in some way and it was postponed until last Monday.

These leading citizens are today taking their leading parts in the city's business and social affairs, with no sign upon them of guilty consciences, for they have none. Their consciences approve them, and what they hear from their fellow citizens wherever they go adds to their self-approval, for the city approves them.

Held to Have Vindicated Law.

They are regarded not merely as men who can plead justification, but as men who prevented a miscarriage of justice and saved the law from being set aside and mocked by a man who happened to fill the Governor's chair. There are in Marietta men who do not approve their act because of a respect for the forms of law, but even these believe that the spirit of it was set at naught by the Governor, and not one of these men—who are few—would think of refusing to shake hands with one of the lynchers or introducing him to his wife or revealing his identity to an officer of the law.

Elsewhere than in Marietta there is much of the same sentiment, but there is a division. There are, but outside of Cobb County, men who fear the growth of the mob spirit after such a dramatic and spectacular exhibition and who would like to take measures to curb it. Many of them are in Atlanta. Many even of these believe Frank guilty and are concerned not with him but with the future of the State. They are considering the taking of steps to bring about the punishment of his slayers for that reason alone, but they do not know what steps to take.

Frank was carried through four counties by his captors, and some of those who would like to have them punished

talk of having them indicted in some one of the three that were traversed before Cobb County was reached. Lawyers of prominence say that under Federal law they could not be indicted anywhere but in Cobb County for murder; in Baldwin County, where Frank was taken, they could be indicted for abduction, but not murder, and in neither of the remaining two counties could they be indicted for anything.

Nobody talks seriously of the investigation Governor Harris is promising, and there are very few who believe there is the slightest chance of any of the murderers being put to any grave trouble, much less punished. They are known to many of the citizens of Marietta, who would die rather than reveal their knowledge or even their suspicion.

Marietta in a Deadly Mood.

Marietta today is in a mood of braced purpose and resolve. Every stranger who comes into town is under observation the moment he arrives. Its mood is one of determination to protect the men who, in its eyes, executed the law after it had been trampled on. It is resolved that not a hair of their heads shall be harmed. Detectives or other persons who cannot give a satisfactory account of themselves are not wanted in Marietta, and it would be as well for them not to insist on knowing why. Marietta once came within an ace of lynching Detective William J. Burns for his visit there in the interest of Frank, and Marietta then was only angry. Today Marietta is in a mood of high resolve.

The killing of Leo Frank was carried out by these Marietta people—for they were from Marietta—in the firm belief that they were executioners of justice, and every detail of their proceedings shows that they were acting, in their own minds, as such. Grotesque as it may seem elsewhere, Marietta sees nothing grotesque in the fact that, before hanging Frank, the leader of the band informed the prisoner that the sentence of the law was now about to be carried out and asked him formally if he had anything to say.

Frank was carried 175 miles in order that he might be put to death at Mary Phagan's former home. This was done in spite of the fact that posses were upon the track of the abductors. It was not done from any ferocious motive of inflicting unnecessary pain, as is shown by the fact that Frank was not harmed in any way before his death, but because it seemed to their minds of a piece with the justice they conceived themselves to be executing. The whole affair was carried out methodically and with a plodding following out of prearranged details.

The murderers had not only planned the crime for months, but had arranged its mechanism scientifically, and only one of the elements in it went wrong. That was the plan for the junction of two parties at Milledgeville at 10 o'clock, the hour for which the abduction was planned. That simply postponed the kidnapping until midnight, and resulted in the hanging of Frank in broad daylight instead of at a little after dawn. That slight alteration was the only change made necessary by any hitch in the arrangements.

Leo Frank died bravely. He did not beg for his life; indeed, he did not say anything, except when he was spoken to, and then he answered collectedly. His abductors had little to say to him, as was in keeping with the character they were in their own eyes—the character of officers of justice, sternly and silently executing a sentence already decreed by a regular tribunal.

How this delusion could have settled upon a whole community may be hard to understand. But the extent to which it went may be understood by the fact that the lynchers would have with them no men of lawless character or bad reputation. The lawless and the violent men of Cobb County, those with a celebrity as such, were not permitted to know what was going on, and would not have been permitted to participate. After the hanging these violent and lawless elements, furious at having been ignored, tried to take their vengeance on the dead body, and Georgia was saved from an added shame by the courage and energy of one man, Judge Newton A. Morris.

This man is the hero of one of the most dramatic events in the whole strange history of the Frank case. The story of the wild scene around Frank's body yesterday has not yet been fully told. It will be told here.

Judge Morris is the man who saved William J. Burns from lynching by taking him out through a mob bent upon having his life, conveying him through the midst of them and escaping with him in an automobile. His motive, then, was no concern for Burns, but deep concern for the good name of Georgia, and the same motive, no concern for Leo Frank, led him yesterday to save his State from the disgrace of a scene of Indian barbarity.

The men of substance and standing, the house-fathers, the educated men and church members, who planned the death of Leo Frank, had intended to carry it out several weeks ago. There was a leak of some kind, no one ever knew exactly what. There was no treachery in their ranks, so far as anybody ever discovered, but something happened which gave the authorities a hint, and on the day planned there were soldiers about the penitentiary.

Machines From Other Places.

New plans had to be made, and Monday was fixed upon as the date. The conspirators left Marietta at about 4 o'clock in the afternoon. They got their automobiles at different places. They did not go together. They did not pick each other up on the road. They were not to meet or to see each other until they met at the rendezvous near the penitentiary.

The reason for not using Marietta machines, at least any considerable number of them, was that in an investigation it would be immediately assumed that the lynchers came from Marietta, and the whereabouts of the Marietta cars would be the first subject of inquiry. In fact, there has been such an inquiry, and the movements of practically every public automobile in Marietta throughout that night have been accounted for. One chauffeur was thought to be unable to account for his car, but he finally produced a satisfactory record.

In this methodical scheme it was arranged that the main party, which consisted of twenty-five men, should have nothing to do with the preliminaries, but should simply proceed to the rendezvous and take charge of the kidnapping. There was another party, consisting of fifteen men, who were to cut the wires and then join the main party at the rendezvous. For some reason which THE NEW YORK TIMES correspondent has been unable to learn this party failed to carry out the arrangements. It cut all the wires but one, and then failed to get to the rendezvous.

The fact that one wire was left uncut has been accounted for on the theory that the "Milledgeville party," as the lynchers call that division which had the wire-cutting contract, did not know that wire was in use. It may be, instead, that whatever it was that prevented them from reaching the rendezvous prevented them also from cutting that last wire. The members of the "Milledgeville party" and the "Marietta party" undoubtedly know, but they have not told.

At any rate, the "Marietta party" waited for two hours for the "Milledgeville party." The reason for meeting at ten o'clock was the same as the reason for leaving at three and four o'clock; it was designed to get to Marietta by about four or five in the morning, in order that Frank should be hanged in the dawn, before many people were stirring. The failure of the "Milledgeville party" foiled that scheme, but did not in the least interfere with the cool and inveterate determination of the lynchers. They had to hang him in broad daylight, and hang him in broad daylight they did.

When the two hours were up the party decided to wait no longer. They concluded that the scheme had leaked out again, as it had done on that prior occasion, and that the "Milledgeville party" had been intercepted. Probably, they said, a posse, or even soldiers, might be then on their track. Again, this did not interfere with their determination. They were resolved that this time Frank must die, whether the plan had been discovered or not, and they proceeded at once to the attack on the penitentiary.

While the fear that officers of the law might be on their track did not interfere with their execution of the plan, it did make them hurry a good deal and tried their nerves somewhat. This is the reason why Frank was rushed down the stairs so roughly that he could not always suppress a groan, steady and silent as he was throughout; but he did not speak a word, nor did they to him. They made the 175 miles by 6 o'clock, or very near it, but they were obliged to take circuitous routes to avoid the towns and cities. For hours before they ended their journey, men were hunting around for them, and one of them was the Night Chief of Police of Marietta, N. B. White.

How the News Got Out.

What had happened was that through the one wire which the "Milledgeville party" left uncut word had gone to the outside world. At 3 o'clock in the morning Josiah Carter, Jr., the Marietta correspondent of The Associated Press, was called on the telephone and told that Frank had been kidnapped and probably would be lynched and left on Mary Phagan's grave.

Carter called up Night Chief White, and the two went out to the cemetery; they found no corpse lying on the grave and no sign of any visitors. Then they hunted around the neighborhood, but found nothing, and went back to town. All this time the lynchers, rushing through the night in their four automobiles, were circling the towns nearby and getting nearer and nearer.

Mary Phagan spent most of her short life in a house on the last outskirts of Marietta. After you pass the house you come to a patch of woods, and the rest are woods and country. There is a tree nearly opposite the house, and, a little way up, the road forks. Beyond is a gin, owned by ex-Sheriff William Frey. Frey saw the automobiles go by and turn up the road, and he recognized Frank. It was daylight then, and Frey decided to go into town and see what had happened.

He did not know it, but he could have seen what had happened if he had gone on a five-minute walk up the road and turned into the woods. It was broad daylight and everybody was on the road who had any business there.

Throughout the entire trip Frank had been silent and quiet. When he went into the woods the lynchers ranged themselves around him, and their leader said, formally and coldly, without any heat:

"Mr. Frank, we are now going to do what the law said to do—hang you by the neck until you are dead. Do you want to make any statement before you die?"

In telling this story it must be remembered that we have not Frank's version, and never will have it. We have only the lynchers' word for it.

We can presumably rely on their account as to what they said themselves, and for Frank's answers we must take their report and analyze it each for himself. Their story is, then, that Frank answered calmly with the one word: "No."

The leader then said—and he seems to have done practically all the little talking that was done by anybody that night, either at the penitentiary or elsewhere, and this seems to have been by agreement:

"We want to know whether you are guilty or innocent of killing little Mary Phagan."

To this, according to the lynchers' story, Frank replied:

"I think more of my wife and my mother than I do of my own life."

He did not ask permission to write a letter, he made no request of any kind. He behaved throughout with a calmness and dignity and an utter lack of panic that was as striking a thing, in its way, as the grave and sombre executioner-like attitude of his murderers. Whether he said what the lynchers say he said; whether, if he said it, he meant that he would not confess a crime to save his life, or merely that he would not lie to save it; whether he said more or less, and whether he was rightly understood or misunderstood, no one will ever know. Whatever the truth, what Leo Frank said then was the last thing he ever said in this life.

There was no cry for mercy when the lynchers produced a piece of brown canvas, placed it around his waist and tied it behind him. He wore an undershirt and a night shirt, and on the latter garment, over his heart, was embroidered a name which looked more like "Lee" than Leo. Perhaps it was a pet name known to the one who gave him, or embroidered, the garment.

He had been handcuffed, and they had brought with them a brand-new three-quarter-inch manila rope, which they tied in a hangman's knot, so as to throw his head back and his chin up. They swung him to that tree which came nearest to facing Mary Phagan's house, and he hung there, his body four feet from the ground.

It was 7 o'clock. The cemetery was beginning to fill with people—had been so filling for half an hour—for the news that had come to Carter had been telephoned all over town by persons whom he called up in search of information, and everybody who heard it was heading for Mary Phagan's grave. Meanwhile William Frey, seeking to find out the meaning of Frank's strange automobile ride, had come into town, and there he encountered Carter and White. The moment they heard his story they saw that here was the clue to the failure to find the body at Mary Phagan's grave, and they went back with him to the fork in the roads. The automobiles had plainly come that far, for Frey had seen them, and they certainly had not gone much further, or Carter and White would have seen them. They began beating up the woods, and in a few minutes came upon the body.

Not only was the news all over town immediately, but it was flashing to all points of the compass, and all over this part of the State men were climbing into automobiles and dashing off for Marietta. As for the city itself, it turned out in a body. As the cars passed men jumped for them and swung aboard. No man who hailed a machine was asked where he wanted to go; he was taken at top speed to the end of the town, to the little patch of woods that began the open country, just past Mary Phagan's home. At the end of the journey the machines were packed together like sardines.

The temper of the crowd then was not ugly, at least not ugly enough to threaten any further disgrace to the State of Georgia. Mainly it was one of pleasure and satisfaction, with a tinge of bitterness in it that might grow menacing if the right touch were applied.

Judge Morris, the man who quelled the mob that tried to lynch Detective Burns and the most prominent man in the community, was attending court in Alfaretta when the news came. He called up his office in Marietta, but got no answer. He asked the telephone girl whom he could get. She answered: "Nobody, I am the only person left in Marietta."

The Judge boarded an automobile and went to Marietta as fast as he could go.

Judge Morris is staunchly loyal to Marietta, where he was born and raised, and he will not admit that there is any mob spirit in this place. If you ask him why he made such a rush for his town he will reply:

"The Marietta people are all right, but I knew that people from Atlanta would get there in a few minutes, and there might be some turbulence."

Marietta is twenty miles from Alfaretta, and he duplicated Sheridan's ride, only by automobile.

The leader of the other element in and about Marietta is Robert Howell, a man of good family and excellent connections, who is related to Clark Howell, editor of The Atlanta Constitution. Morris is called "the nerviest man in Cobb County." Howell has served a term in the penitentiary for killing a man, and is always prominent in times of local excitement. He is not eloquent, simply passionate, and has the power of communicating his passion to any crowd of ignorant and pugnacious men.

It is said that it was he who first assaulted Burns, and he had a crowd of several thousand behind him in a few minutes, though, to the credit of Marietta it must be said, the worst of them were from out of town. He is a big man, rather stout, with a loud voice, which becomes a yell when he raises it. He is about the same age as Morris, who is 46.

Howell arrived on the scene greatly excited; he had been denied the privilege of joining in the lynching. He was one of those whom the lynchers would by no means have permitted to have had a hint of their intentions.

Howell Screams Appeals.

Howell wanted to have the body cut in little pieces and burned. He ran about it, shouting furious appeals in his screaming voice, and gradually there began to be manifest uneasy movements in the crowd. Most of the people were as yet unprepared for any Apache-like barbarities, and probably many would have taken no part in them at any stage; but there is a rough element in every crowd and a disinclination on the part of peaceable people to interfere with them, and the crowd was increasing from other towns, minute by minute, as the incessant procession of automobiles continued to discharge their freight.

The screaming man began to have more and more effect on the crowd. Seeing this, he redoubled his appeals. He drew his revolver and emptied it at the corpse, declaring that he would shoot it to pieces. His aim was bad, and he did not hit it. Some of the peaceably inclined got in front of him and prevented him from getting to the tree, which he was trying desperately to reach.

The crowd began to get more and more excited and to murmur.

"Let me get at him," yelled Howell. "How do I know that that's Frank? If I can't get at him? It may be a dummy. Just let me at him."

Other men began to chime in with him, there were yells and a movement toward the tree where the body hung. At this moment Judge Morris's automobile dashed up. The Judge darted through the crowd and leaped on the stump of a tree. He is a wonderful stump-speaker, one whose voice has that mellow and magical quality, which captures a crowd and who knows the art of touching the ignorant as well as that of appealing to the intelligent. He has a persuasive and arresting intonation and the power at the moment of being all things to all men.

"Boys," he cried, "just a moment! Listen to me. Whoever did this has done a complete job, and there's nothing more to be done. Leo Frank has paid the penalty of the law, and little Mary Phagan has been avenged, and the law has been vindicated—"

Howell struck Morris on the chest with the palm of his hand and yelled to the crowd to stop listening and follow him. The Judge simply patted him on the head like a fractious child and went on:

"You see him there now, and he is dead. This man has a mother and a father and a wife. They are guilty of nothing. They are entitled to his body, and not to a mutilated body. In the name of Cobb County, for the good name of this section, I appeal to you to see that that old mother and that old father and that poor wife get that body back. I want you people to stand by me."

"That — — thing have a mother and a father?" roared Howell. "We'll send him to no mother and father. We won't leave a piece of him as big as a cigar. We're going to burn him."

"Oh, no, you're not," said Judge Morris. "To prove it we'll take a vote on it. Boys, all those of you who want to let those sorrow-stricken old people have their son's body and who don't want it said that Cobb County kept it from them raise your hands."

It was simple eloquence, rather crude, perhaps, but just the kind to catch that crowd, full by this time of country people. The hands went up all over the road and through the woods, even the hands of the very men who a moment before had been joining in with Howell.

"Now, all who want to keep their boy's body away from them, hold up your hands," cried the Judge. Howell's hand went up alone.

Judge Morris had had experience in mob-quelling, and he knew that he must act at once, that any untoward incident might change the temper of the crowd. Calling for an undertaker's wagon, he jumped down from the stump, ran to the tree, and cut down the body. The rope slipped from his hand and the body fell. In that moment the temper of the crowd already had begun to change. Men snatched the rope, while Howell, yelling "burn him," ran up and tried to get the body.

The Judge cut the rope from Frank's neck, and the men fell to cutting it up for souvenirs, instead of attacking the body; but Howell reached the body, and, raising his foot, stamped on the face and breast with all his might.

The Judge rescued the body and, with the help of some other men, got it into the undertaker's wagon and into a basket. Then he and John Woods, a lawyer, jumped into Morris's machine and guided the wagon out of the crowd. The people followed, some of the turbulent spirits growing uglier and uglier, till one of them threw a stone at the negro driver and nearly broke his arm.

At this Judge Morris leaped from his automobile to the undertaker's wagon, took the negro's place and began driving himself. But by this time it began to be evident that Frank's body might never get out of Marietta unless some faster vehicle could be obtained. The Judge and Woods picked up the body and placed it across the front of the automobile. It was a little machine, a Ford, and the body projected on each side of it.

Then began a mad race for Atlanta. There were a thousand automobiles dashing along the road after Morris's, and all along the road they met more, streaming in from Atlanta and other places. Near Smyrna the machine was nearly overturned. The Judge waved his hand at the on-coming machines and ordered them out of the way; they obeyed.

At one place two motor cycle policemen came alongside and said: "Get out. We want to arrest you."

"Arrest me?" said the Judge. "What for?"

"Speeding," was the answer.

"I've got Leo Frank's body in this machine," said Morris, "and I'm getting it away from a mob that wants to burn it. If you want to take charge of it I'll be happy to turn it over to you and let you place me under arrest."

"Good God, no!" shouted one of the policemen. "Go ahead. You're not going fast enough. Put on some speed for Heaven's sake!"

The Judge pressed them into service as an escort, one riding ahead and one behind; and so the strange procession came into Atlanta. There it was met by the undertaker and an ambulance, and the body was rushed into the undertaking shop.

It was about 10 o'clock when Judge Morris saved Frank's body from the mob. When he cut it down the arm he caught was still limp. Carter and White must have arrived on the scene hardly more than a few minutes after the lynchers left the woods. They must have been scattering in different directions at that very time, and they probably passed hundreds of people who knew them well. But not one man in Marietta will admit that he saw anybody he knew on that road in an automobile at 7 o'clock on Tuesday morning.

Judge Morris, the only hero of the Frank lynching, has been Speaker of the Georgia House of Representatives; he has been a Judge of the Superior Court, which is something like the Court of Appeals in New York. He is now in private practice and very much in politics, a supporter of Senator Hoke Smith and Senator Hardwick and an opponent of Governor Slaton. He is a supporter of law and order; he has twice saved the State of Georgia from ineradicable disgrace, each time at the risk of his life. When he drove Burns out of the mob he shielded the detective with his own body and was the target for missiles.

With all this, it is somewhat surprising to a New Yorker to hear his views of the Frank case. But they should be weighed, for he speaks the mind of Cobb County and of much of the rest of Georgia. He is no fanatic, no incendiary. If you would get a clue to the mental processes which make Cobb County and Georgia itself seem so incomprehensible to many, hear him. This is what he said to THE NEW YORK TIMES correspondent today:

"This is not a county of bad or lawless people. Ninety-nine per cent. of the people of this Blue Ridge section are American born. They are as good people as those in New York or any other State; they are law abiding and they go to church and Sunday school.

"They were patient; they were willing to let the courts pass upon the Frank case. They were willing that he should take all the appeals the law permitted, and argue them, through able counsel, up to the highest court in the land. But when, after all these appeals were exhausted, John M. Slaton, after forming a partnership with Frank's counsel, Luther Z. Rosser, set aside the verdict of the juries with one stroke of his pen, these people felt outraged. And when I say the people, I mean the substantial people, as well as the howling type; I mean the very best people. And they feel, and I feel, that Frank got his just dues.

Change in Slaton Firm.

"That law firm was Slaton & Phillips. Phillips is a young fellow, a Jew, an excellent citizen. Just before Slaton went into office the firm name was changed to Rosser, Brandon, Slaton & Phillips. It remained so during his entire term, and his name was on the stationery and the office door. The remittitur from the Supreme Court would not, in the ordinary course, have got back here in time for Slaton to act during his term; but Mr. Marshall, Frank's counsel, waived his right to the usual thirty days' delay and moved to have it sent back; and Slaton was able to act on it on the heels of his administration."

"Do you mean to say," asked the correspondent, "that, if it had not been for Slaton's partnership with Rosser, Frank wouldn't have been lynched?"

"I mean to say," responded Judge Morris, "that if any other Governor than Slaton had signed that pardon the people wouldn't have interfered, despite the fact that they think Frank guilty. I think Governor Slaton is directly responsible for this lynching."

"We feel, too, that the money that was back of Mr. Frank"—he usually prefixes the "Mr." to Frank's name—"has almost subsidized the press of this country. The partisan side has been put forward and pictured in newspapers and magazines, while our side hasn't been heard."

He was asked what he meant by subsidizing. He said:

"The Jewish element are a very thrifty element, and as a rule law-abiding. They do lots of advertising. I believe that had a great deal to do with the attitude of the press."

He denied very strongly that there was any anti-Jewish feeling in Cobb County, and said that the Jews were highly respected and were welcome neighbors there.

"It isn't a mob spirit that prevails here," he said. "The men who lynched Mr. Frank were intelligent men; they did it in an intelligent way. The forethought and care with which they planned and executed their project, and the way in which they brought him here to this town in the light of day, so that they might put him to death in an appropriate place, show their intelligence. I believe in law and order. I would not help lynch anybody. But I believe Frank has his just deserts."

Times Correspondent Warned.

No mob spirit, Judge Morris says, prevails in Marietta. If the word "prevails" is used in its strict dictionary sense, he is doubtless right. If he means that there is no spirit in Marietta which has to be repressed by the men of leading, like himself, lest at any moment a spark might set it into a roaring flame, it may be questioned whether he is altogether right. If he means that, it is strange that THE NEW YORK TIMES correspondent, coming here on a mission of impartial investigation and for no other purpose, should have been the recipient of so many warnings that his life was in danger, and that the very men who have extended to him courtesies for which he is grateful and who have assured him that there is no mob spirit in Marietta should have given him careful and minute directions how to conduct himself in the city streets so as to avoid peril.