

PARDONING THE UNPARDONABLE

"OUR grand old Empire State has been raped!" In such livid, vivid language did grand old Thomas E. Watson react to the first Frank sellout. Outgoing Governor John M. Slaton had pardoned the very important client of his law firm, Leo M. Frank, on his last day before leaving office. The resulting outrage and tumult led to Slaton being driven -- literally -- from Georgia, and Frank being dragged from the state prison in Milledgeville and strung up near the grave of Mary Phagan, the 13-year-old girl he was convicted of raping and murdering in 1913.

For 73 years Frank's friends and racial cousins have been trying to turn the perverted killer into a second Dreyfus. Northern newspapers published articles and cartoons portraying Georgians as vultures, ghouls and savages -- all before Frank's execution. Atlanta Jews bought newspaper ads to inform (warn) the public that even putting Frank on trial was an act of gross anti-Semitism.

Watson, the South's leading populist, was quite right when he suggested American Jewry was determined that the life of one little Gentile working girl was not worth that of an affluent Jew, educated at Cornell and sent down from New York to manage a sweat shop of underpaid white female Southern teenagers.



Leo Frank

In 1983 the Georgia Board of Pardons and Paroles was petitioned by the Anti-Defamation League of B'nai B'rith to posthumously pardon Leo, who just happened to have been the first president of the Atlanta B'nai B'rith. The grounds for the extraordinary action was the Lazarus-like revivification of the last living eyewitness in the case.

Alonzo Mann, Frank's office-boy, was "found" by the Nashville Tennessean's Jerry Thompson, an "investiga-

tive reporter" (in the vernacular, "professional character assassin"), who had previously infiltrated a klavern of the Ku Klux Klan and had earned a few bucks from the American Jewish Committee for snooping on his own people. In his courageous and disinterested -- and dollar-earning -- search for truth, he managed to stumble across 84-year-old Mann and his remarkable one-minute-to-midnight confession.

Mann announced -- after how much gentle prodding from Thompson we do not know -- that after all the multiple years of silence he was finally ready to blow the whistle on the *real* murderer of Mary Phagan. Thereupon he pointed a gnarled finger at Frank's colored "sweeper," a roustabout named Jim Conley, who had been the state's principal witness against Frank.

Mann disclosed that on that fateful Confederate Memorial Day of 1913, he had walked into the pencil factory and come face to face with Jim Conley carrying the body of Mary Phagan down the stairway. Conley hissed at the young intruder: "If you ever mention this, I'll kill you." Frank was nowhere in sight.

The terrorized Mann went home and spilled the beans to his parents, who were evidently the spiritual ancestors of those Long Islanders in 1964, whose tongues refused to wag while they complacently watched the rape-murder of Kitty Genovese. Mom advised young Alonzo to keep his lips sealed.

Conley was arrested five days after the murder. His story was that, on the orders of Frank, he had carried the victim's body down to the basement *in the elevator*, not by the stairs, after the latter had done Mary Phagan to death. Once Conley was safely behind bars, Alonzo Mann or his parents might have told the police a different story. But they kept as silent as a whisper in deep space.

At Leo Frank's trial, Alonzo testified as a character witness for his boss. While on the stand he had ample opportunity to "fess up." How the body was brought down to the basement was a paramount issue of the trial. But the alleged death threat from an incarcerated Negro and the sage advice of his parents kept Mann's lips sealed.

Frank was convicted. The famed private detective, William Burns, scoured the state, issuing flurries of press releases and promising momentarily to arrest all manner of parties unnamed. Somehow he never got to Mann. Even after Conley received a jail sentence for his part as an accessory to the murder, Mann remained too frightened to speak up. If he had, Frank might never have felt the constriction of that fatal noose. As the years slipped by, no amount of remorse or guilt ever induced him to talk.

Conley was eventually released from jail and died in the early 1960s. Once the threat against his life was finally and forever removed, Mann, if indeed he ever was fearful, could talk without fear. Not a word. Then, in 1983, he was

providentially ferreted out by the American Jewish Committee's hireling, and all this long-repressed knowledge miraculously gushed forth -- at what price we can only guess.

The shocking "new evidence" was tailored to erase the presumptuous presumption that a New York Jew, educated at Cornell and married into one of the most aristocratic Hebrew families of Atlanta, could even have been momentarily considered guilty of murder, let alone rape. True, Frank's stories to police and his efforts to throw blame on several other parties might look somewhat suspicious to bigoted eyes, but thanks to the moral standards of the late 20th century, such irrelevancies are to be consigned to the ashcan of legal trivia. An earlier era's liberals might have applauded the "intolerant" Georgia of 1913 for taking the word of a Negro over a white man, but today that kind of affirmative action is unacceptable when the white man is Jewish.

The Georgia Board of Pardons and Paroles, as reported earlier in *Instauration* (June 1984), failed to respond to the first highly publicized appeal for a posthumous pardon for Frank based on Mann's revelations. Rejecting Jewish pressures, it decided this "new evidence" by no means proved his innocence. In fact, inside information from the board indicated that certain blacks in and out of public office were outraged at Jewish attempts to blame a Negro for Mary Phagan's murder. Who was the most blatant booster for the pardon? Our old friend, Jerry Thompson. No doubt he saw Pulitzer Prizes and movie rights and front-page bylines in his rosy crystal ball. Even Jews did not have the energy to match his round-the-clock pestering of board members.

When the loudmouthed media lobbying failed, quieter and stealthier influences went to work. The *Atlanta Journal and Constitution* (March 12, 1986) had it just about right:

[Pardons and Paroles Board] members were happy when Louis Kunian, Jewish businessman, contacted the state last year and asked renewed board consideration of the case The board informed Kunian that in all likelihood, it "would be happy to grant a pardon that didn't say anything about guilt or innocence" And that led to three private meetings between Jewish community leaders and the board

The meetings paid off. The pardon was signed, sealed and sent out on the world's news tickers. At long last Paroles Board Chairman Wayne Snow said he could hold his head up. "Our earlier decision was depicted as evidence that it was still Tobacco Road down here and we weren't interested in doing the right thing."

The radio news was especially amusing. The board was said to have two objectives: (1) to "bind up the wounds" that sensitive Jews have suffered for the indignities and injustices heaped upon them for the past 73 years; (2) since the state had failed to protect him, Georgians owed Frank something. After all, his appeals had only been rejected by the U.S. Supreme Court twice and by Georgia courts five times; (3) as the ADL had been kind enough to point out, Frank would never have been convicted today on the standards of evidence of 1913. Item (3) brings up a ques-

tion. Will the ADL seek to have posthumous pardons for more Jewish murderers (such as Louis Lepke, *et al.*) who did not have the advantages of a college education, wealthy relatives, Miranda rights and an organized press clique?

From Mount Olympus or Stone Mountain, the Frank controversy can be viewed as a struggle between two races with a long history. Southerners of 1913 still imagined they were a people with a chivalric past. Haunted by images of cavaliers, moonlight and magnolias, they would never turn their backs on the tragic end of a little girl violated and killed by an outsider. Mary Phagan was not just an ordinary human being; she was a Southern girl. Her fate shocked Southerners of both high and low estate. The "lynch mob" was made up of leaders of Marietta society, including retired judges, businessmen and ministers. Those men decided to fight against what they saw as a relentless media and political campaign to ensure that justice was *not* done.



Mary Phagan -- symbol of Southern womanhood

The corrupting, odorous smog of money and power polluted the entire Georgia landscape during the Frank case. Since the champions of Mary Phagan could not fight dollar for dollar, they armed themselves with guts and stick-at-it-ness. Much as their parents had charged countless emplacements of blue-jacketed foes, the "Knights of Mary Phagan" were determined that this fight should be fought away from smoke-filled back rooms and courtrooms. They saw this course as a strategy of honor.

Those opposed to the Southern ethos, those defined in their own holy book as a "proud and stiff-necked people,"

were equally determined that one of their own should not die unavenged. For more than seven decades they fought a sly and subtle propaganda war. No books were printed to confirm the guilt of Leo Frank. Instead, volume after volume, magazine article after magazine article, newspaper story after newspaper story and even an early motion picture ballyhooed the Frank side. The *Atlanta Journal and Constitution* was unable to let more than a year or two pass without a new article on the shame that is Georgia's for not allowing the judicial process to remain bought. In reference to the Frank case, negotiator Louis Kunian remarked, "We've been around for 3,000 years. We're used to pa-

tience." Once again the patient approach won. Although Alonzo Mann didn't live to see it, Frank finally got his pardon -- without reflection on his guilt or innocence, of course -- although that legal nicety will be quickly obscured.

Broadway plays, movies, TV miniseries, docudramas and a 6,000-page novel by Leon Uris to follow. Hit tune, "Holocaust in Georgia," now being composed, lyrics by Johnny Paycheck, music by Irving Berlin. Stick around. After the victory comes the incessant, repetitive, maudlin, century-long victory celebration.

FROM STIRNER TO NIETZSCHE: A CONVOLUTED EGO TRIP

PRUSSIA (1815-1831) was a model society, strong but not smug, organized but not oppressive. Authority was respected, yet different sectors and interest groups felt free enough to carry on their arduous work. Having defeated France, Prussia was concerned, at that time, only to remain independent and had no thought of squandering itself in conquest. The nation fostered a self-sufficiency and inner strength. Later, however, as that society unraveled -- intellectually as well as politically -- the released turbulence rolled across Prussian boundaries to the far edges of the earth.

As the very image of a contented kingdom, Prussia had as its most prestigious intellectual Georg Wilhelm Friedrich Hegel, a man who reflected this contentment in his personal life. His last twenty years, which he characterized as a "reconciliation with reality," saw his personal dreams of success fulfilled. He made it clear to his friends, even

where his philosophy was turgid, that the Prussia of the time suited him well. He respected the trust Prussia had given him and without which he could not continue to hold the chair of philosophy at the University of Berlin, the most prestigious teaching position of Europe in that day.

Hegel's "conservatism" was a reflection -- a "mediation," in his own language -- of the society of his day. He found a place for everything in Prussian society. There was room for the individual, the family, Protestantism as the state religion, for bureaucracy and schools. Hegel's colleagues appreciated his high esteem for education and overlooked (as scholars who agree with the central role he gave education do even today) his acceptance of the racism that was current in Germany at that time. In this all-embracing quality of his thought Hegel has his critics who point especially to his dictum that "the rational is real; the real is rational." They find in this one formulation a rationalization of every excess of German society. Actually, however, Hegel was acutely sensitive to the conflicts in society and to the fact that its elements were not fundamentally in harmony, although he let such conflicts work in favor of his system rather than against it.

Conflicting and "excessive" realities were seen, as they intruded into other elements of society, to be resolved into harmony through "mediations." The very excess of a social failure leads it into a contradiction with other features, and with itself, and evokes the mediation which becomes, itself, a new dimension of society. Any negativity, or anything in an institution which men might in retrospect call evil, is resolved, through this mediation, into a good. The very badness of something, where it is excessive badness, is what causes it to resolve itself into a mediation which is good. This is how Hegelianism works out in practice. Thus, for example, the conflict between individuals and between the small personal familial group on the one hand and the civil society on the other brings into existence the state, which is the highest "moral" reality and the end of human strivings and bickerings.

This was a philosophy appropriate to a society, Prussia, which believed itself to be the culmination of history, and

