

## IDENTIFYING THE LYNCHERS OF LEO FRANK

**Since the infamous lynching of Leo Frank on August 17, 1915, in Cobb County, Georgia, the identity of those involved has remained a closely-guarded secret. The list reproduced below and the ensuing discussion documents for the first time the identity of some of those who both planned and carried out this murder.**

This document is an incomplete list of the men who planned and carried out the kidnapping and lynching of Leo Frank in August of 1915. The document is part of the Leo Frank collection and is housed in the Special Collections Department, Robert W. Woodruff Library of Emory University. Although the document is unsigned, the identity of the author is known to me; however, because of the nature of this list, I have decided not to disclose its author at this time.

Leo Max Frank (1884-1915) was the manager of the National Pencil Factory in Atlanta, Georgia, from the time of its establishment sometime in 1909. On April 26, 1913, one of his employees, a young girl named Mary

Phagan, was brutally murdered in the factory. Frank was convicted of this crime in the summer of 1913 and sentenced to be hanged. For most of the next two years, Frank's lawyers appealed the death sentence, twice to the United States Supreme Court, but to no avail. In June 1915, shortly before he was to leave office, Governor John M. Slaton commuted Frank's death sentence to life in prison. About two months later, Frank was kidnapped from the state prison farm at Milledgeville, transported about 175 miles to Cobb County, original home of Mary Phagan, and lynched near a place called Frey's Mill on the morning of August 17, 1915.<sup>1</sup> None of the lynchers of Frank was ever tried for the murder of Frank, much less convicted; in fact the identity of the lynchers has remained a closely-guarded secret.<sup>2</sup>

The list itself contains twenty-six names, two less than contemporary accounts claimed as having taken part in the lynching.<sup>3</sup> Some of these names are of people who will very likely never be identified, unless someone with special knowledge of the lynching comes forward. In some cases only surnames are given, and in others the names are so common, that there are likely to have been several persons among the thousands of males living in Cobb County at that time with that name.<sup>4</sup>

Nevertheless, nine of the lynch mob members , including all but one of those listed as being either a "leader" or a "planner" can be identified with

confidence. The two “leaders” were identified as Judge Newton Morris and George Daniels. **Newton Augustus Morris** (1869-1941) was, according to his obituary in the *Marietta Daily Journal*, a “leader in the Democratic party in Georgia.” He served in the Georgia House of Representatives from 1898 to 1904, during which time he was speaker pro tem (1900-1901) and then speaker (1902-1904), after which he served two terms as judge on the Blue Ridge Circuit (1909-1912, 1917-1919), the Georgia court circuit that included Cobb County.<sup>5</sup>

Morris was credited with preventing the mutilation of Frank’s body after the lynching. According to newspaper accounts, Morris rushed to the scene of the lynching as soon as he heard about it, and once there, he “interceded and pleaded with everyone to permit Frank’s remains to be sent home to his parents for a decent burial.” While Frank’s body was being removed, one member of the crowd, who had earlier wanted to burn Frank’s body, began stomping on the corpse; Morris was able to stop this, which enabled the undertakers to remove Frank’s body to a funeral home in Atlanta.

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The other man listed as being a leader is George Daniels. Research in contemporary documents has failed to turn up a man by that name, though two persons with the name George Daniel (or Daniell) have been identified, whose

age was similar to those of the other lynchers. George Daniels is the only one on the list that is identified as being a member of the Ku Klux Klan.<sup>7</sup>

The following three men are listed as being “planners”: Herbert Clay, M. M. Sessions, and John Dorsey. Of the three, the best known was **Eugene Herbert Clay** (1881-1923). Son of United States Senator Alexander Stephens Clay, and older brother of four-star general Lucius D. Clay, who served as Allied High Commissioner of Germany from 1945-1949, Herbert Clay was mayor of Marietta (1910-1911) and solicitor general (i.e. district attorney) of the Blue Ridge judicial circuit (1913-18). In this capacity Clay should have prosecuted the lynchers of Frank, a bitter irony, as he himself was a planner of the lynching and may well have taken part in the lynching. He was subsequently elected to the Georgia state Senate and served as its president in the years 1921-1922; he was elected to the Georgia House of Representatives the following year but died in an Atlanta hotel, a few days before the opening of the 1923 session.<sup>8</sup> Clay is the only lyncher whose identity as such has appeared in print.<sup>9</sup>

Born in neighboring Cherokee County, **Moultrie McKinney Sessions** (1863-1927) moved to Marietta as a child and lived there for the rest of his life. Son of a prominent judge, Sessions received his legal training in a law office and became a lawyer while still a minor. A successful lawyer and

financier, he founded Sessions Loan and Trust Co. in 1887. Although active in civic organizations, Sessions does not appear to have held any elected political office.<sup>10</sup>

Also a lawyer, **John Tucker Dorsey** (1876-1957) moved to Marietta in 1908, after graduation from the University of Georgia and practicing law in Gainesville, Georgia. According to his obituary in the *Marietta Daily Journal*, Dorsey was active in many civic activities and served in the Georgia House of Representatives (1915-1917, 1941-1945), as solicitor general of the Blue Ridge Circuit (1918-1920), and as ordinary of Cobb County from 1948 until his death. Dorsey represented the state of Georgia at the Coroner's Jury that met to investigate the lynching of Frank.<sup>11</sup>

Of the remaining twenty or so lynchers, five more have been identified with confidence, these being the following:

- **Gordon Baxter Gann** (1877-1949), attorney, mayor of Marietta (1922-25, 1927-29) and member of the Georgia House of Representatives (1919-1922). Gann served as "special attorney" for coroner John A. Booth at the Coroner's Jury, investigating the Frank lynching.<sup>12</sup>
- **John Augustus (Gus) Benson** (1873-1960) operated the Benson Brothers Mercantile Co., which was located on the square in

Marietta from 1908 to 1933. Benson testified at the Coroner's Jury that though he saw several automobiles near Frey's gin on the morning of Frank's lynching, he did not recognize anyone in any of the automobiles.<sup>13</sup>

- **William J. Frey** (about 45 years old in 1915) sheriff of Cobb County (1903-1909). Frey's mill (or gin), the location of the lynching of Frank, was owned by Frey. After his name on the list is the notation: "doubled as hangman." Like Benson, Frey testified at the Coroner's Jury that, though he saw several cars near his gin on the morning of the lynching, he could not identify any occupants of these automobiles. Frey also testified that after seeing the cars, he ate breakfast then drove into Marietta, and oddly enough went "to the cemetery where Mary Phagan is buried" and then drove back to the gin where he found "the body of Frank hanging [and he stated that] I looked at him but didn't put my hands on him."<sup>14</sup>
- **Circero Holton Dobbs** (1880-1954) operated a grocery store in Marietta for 25 years and later the Dobbs Barber Shop. (He did not serve as mayor of Marietta, as the list would indicate; it was rather Evan Protho Dobbs, presumably a relative, who did so for two terms and was mayor at the time of the lynching of Frank).<sup>15</sup>

- **Ralph Molden Manning** (1877-1940) worked as a “contractor and road builder” much of his life and was, at the time of his death, “supervisor of street work for the city of Canton” in neighboring Cherokee County.<sup>16</sup>

The identification of a third of the lynch mob certainly bears out the claim that at least some of its members were prominent citizens of Cobb County, and a few were known state-wide. Included are a former speaker of the Georgia House of Representatives and president of the Georgia state Senate, and other members of the Georgia House of Representatives and Senate, mayors of Marietta, as well as judges, prosecutors, and other members of the local judiciary.<sup>17</sup> Furthermore, this research offers an explanation for the failure of the criminal justice system to prosecute Frank’s murderers, for a member of the lynch mob was also the solicitor general for the Blue Ridge Circuit, the person responsible for the prosecution of the lynchers.

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*AC=Atlanta Constitution*

*AJ=Atlanta Journal*

*MDJ=Marietta Daily Journal*

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*NYT*=*New York Times*

<sup>1</sup> There is a large literature on the Phagan murder. The standard scholarly account is Leonard Dinnerstein, *The Leo Frank Case* (Athens, GA, 1987), to which should be added the same author's "The Fate of Leo Frank," *American Heritage* 47 (October 1996), pp.98-109.

<sup>2</sup> The name D. B. (Bunce) Napier does not appear on the list, though a claim that he was one of the lynchers was made some years later; see Dinnerstein, *Leo Frank Case*, p.141, footnote.

<sup>3</sup> *NYT*, August 23, 1915, p. 5. Other sources reported the 25 men were involved; see *AC*, August 18, 1915, p.1.

<sup>4</sup> A case in point is "Joe Brown." This person is likely to be Joseph Mackey Brown (1851-1932), who served as governor of Georgia two separate times between 1909 and 1913. (He should not be confused with his father Joseph Emerson Brown [1821-1894], who was also governor of Georgia, as well as a United States senator.) "Little Joe" was a vociferous critic of Governor Slaton for his commutation of Frank; see Dinnerstein, *Leo Frank Case*, pp. 116-17; *NTY*, Sept. 27, 1915, p. 6. At the time of the lynching of Frank, Brown was a resident of Cobb County.

<sup>5</sup> *MDJ*, Sept. 23, 1941, p.1 ; *AC*, Sept. 23, 1941, pp.1-3 ; *AJ*, Sept. 23, 1941, p.9.

<sup>6</sup> Dinnerstein, *Leo Frank Case*, pp. 143-44; *AJ*, August 17, 1915, pp. 1,3; *NYT*, August 19, 1915, p.3.

<sup>7</sup> A possible candidate is George Exie Daniell (c.1882-1970), who owned a jewelry store on the square in Marietta for over forty years. *MDJ*, July 27, 1970, p. 1:8. Daniell was

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acquainted with several of those on the list including Herbert Clay, Newton Morris, and M. M. Sessions, as all four were charter members of the Marietta County Club, which was founded in 1915 the year of the Frank lynching. *MDJ*, Sept. 15, 1995, p. A-6.

<sup>8</sup> *AC*, June 23, 1923, pp. 1, 14, 16; *AJ*, June 22, 1923, p.1.

<sup>9</sup> Steve Oney, "The Lynching of Leo Frank," *Esquire*, 104 (Sept. 1985), p. 101. See also "Clays Crucial for Cobb," *MDJ*, Feb. 13, 1994, p. D-2.

<sup>10</sup> *AC*, June 23, 1927, pp. 1, 3; Lucian Lamar Knight, *A Standard History of Georgia* 6 vols. (New York and Chicago: Lewis Publishing, 1917), 4:2102-4.

<sup>11</sup> *MDJ*, Feb. 22, 1957, pp. 1, 4; *AC*, Feb. 22, 1957, p. 48; *NYT*, Aug. 25, 1915, p. 6.

<sup>12</sup> *MDJ*, May 2, 1949, p.1; Walter Gerald Cooper, *The Story of Georgia* 4 vols. (New York: American Historical Society, 1938) 4:228-29; *NYT*, August 25, 1915, p.6.

<sup>13</sup> *MDJ*, Sept. 4, 1960, p. 1.

<sup>14</sup> *NYT*, August 25, 1915, p. 6.

<sup>15</sup> *MDJ*, June 2, 1954, p. 1.

<sup>16</sup> *MDJ*, July 17, 1940, p. 1.

<sup>17</sup> And an ex-Governor of Georgia; see footnote 4.

**Many of the lynch mob members remain unidentified. I invite those who have knowledge that could add to the list of the identified to contact me so that the bright light of history can be cast on this dark and evil corner of the past.**

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The lynching of Leo Frank at Frey's Mill in Cobb County, Georgia, on the morning of August 17, 1915. The man on the far right in the straw hat is Newton A. Morris. (Photograph courtesy Kenneth G. Rogers Collection, Atlanta History Center, Atlanta, Georgia)

