

# Mob Law Is Condemned In Statement by Harris On Leo Frank Lynching

Governor Declares That He Will Do Everything in His Power to Bring the Guilty Parties to Justice.

## BY CUTTING THE WIRES MOB PREVENTED ACTION BY STATE AUTHORITIES

Governor Declares That Under Present Conditions It Would Have Been Impossible to Have Prevented Mob From Getting Leo Frank.

After a conference with the prison commission yesterday at noon, Governor Harris last night issued a statement to the press upon the Frank lynching, in which statement he expressed his deep regret at the occurrence and set forth that although all preparations had been made against such an attack, it was impossible to put the protective plans into execution and stop the work of the mob because wire communication had been cut between the state prison farm and the outside world.

He cited an incident of several weeks ago, when the prison authorities were apprised of plans to take Frank from the prison and these plans were thwarted by the same precautions which were made unavailable on the night of the successful attempt by lack of wire communication.

### Governor's Statement.

Governor Harris' statement is in full as follows:

"In view of the great interest felt in all matters concerning the lynching of the prisoner Frank, I have thought it well to make a statement to the public, explaining, as far as I can, the facts that led up to the transaction, and the situation that made it possible.

"Under the laws of Georgia, all able-bodied male convicts are sentenced and worked on the chaingangs of the different counties, or the public works of the state.

"There is a state farm at Milledgeville, primarily intended for the broken down convicts; those who are sickly and unable to do service on the roads; for all female convicts, and for all boys not over 16 years of age.

"The prison commission may direct some convicts sent to the farm whose services can be utilized in the office, or do other work on the farm, but generally these convicts are kept upon the roads of the several counties, as long as they are able to perform the work required of them. Sometimes the trial judge sentences a prisoner to the state farm, in order to avoid hardships of the county chaingang. This can be done by the presiding judge.

"There are some eight hundred prisoners on the state farm, counting the women, boys and other prisoners.

"When Mr. Frank's sentence was commuted by Governor Slaton to life imprisonment, he was sent to the state farm for the purpose of being delivered to the prison commission at that point. He could have been sent by the commission to one of the county chaingangs of the state, or put to work in the prison, in the discretion of the commission.

### Action Not Safe.

"The excitement which attended his entrance in the prison was such that no disposition that would send him away from it seemed safe or advisable. As after events have shown, there was really no gang in Georgia where he would have been secure. He was kept at work, therefore, in the prison as other prisoners, awaiting any other disposition that might be found advisable.

"The state penitentiary, as it is called, was never built with the idea of preventing an attack from the outside.

"Any determined body of men would be able to effect an entrance, if such an attempt was decided upon.

"There was no stockade around the prison; only a wire fence. It was found cut at the time of the attack, and could have easily been penetrated at any point.

"The vast building was full of windows, both in the basement and main story. It was like a dormitory; one great sleeping apartment, the prisoners working out upon the farm in day and occupying the sleeping dormitory at night. The cots stood side by side, in easy proximity. This method of taking care of the prisoners at night has been found to be the healthiest in the south.

### Said "I Was Wrong."

"When I asked the legislature at their recent session to appropriate money to be used in building separate cells for the prison farm, some newspapers took up the matter, and contended with much force, that I was entirely wrong.

"In my consultation with the prison commission over Mr. Frank, we felt and thought of the need of more guards, more wardens. But the idea was that these were needed to prevent his fellow prisoners from hurting him. I felt that there was too much exposure in

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# MOB LAW IS CONDEMNED IN STATEMENT BY HARRIS

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letting the prisoners all sleep together in the same great room, but the outside attack was not thought of in this. Such danger was thought to be very small after the first month. It was believed that, if a prison guard could hold an attacking party in check long enough to get word to the authorities, the prisoners could be protected. The county authorities were close at hand, and there was one of the best military companies in the state within two miles of the prison. This company, with the militia in Macon, had been directed by the adjutant general to keep in readiness for immediate service, if called on.

"The complete secrecy of the movement, the careful preparation of every detail, the cutting of the telephone and telegraph wires, thus completely isolating the prison from the outside world, prevented any expected assistance, and enabled the attack to succeed.

"There is no provision of law for keeping a military guard over the state farm. This would be impossible under our existing statute, as the governor cannot use the military unless the civil authorities first request it. "Under our constitution the civil authority is the superior to the military, and martial law must be declared before the soldiers can take charge.

### Must Consult Authorities.

"I would have called out the militia to prevent an invasion of the state's property, but even in such a case it is considered necessary to consult the civil authorities first, and simply use the militia to aid them.

"Some four weeks ago I received an alarm in the form of a secret message to the effect that a mob intended to storm the prison and lynch Frank on a certain night. I at once telephoned the authorities in charge, including the prison commission, the warden at the state farm, the sheriff of Baldwin county, and Captain Ennis, of the Baldwin Rifles. I secured the proper request from the military authorities, and immediately had General Nash to get in readiness to handle any local situation that might arise, and Captain Ennis was directed to call his men to the Armory, prepared to go to the farm at once. The Macon military was also put under arms.

"For this course I incurred considerable censure, for the alarm seemed to be entirely unfounded, and the people most concerned felt that I had done them an injustice, even though I had to call an indignation meeting to protest against the course I had adopted.

"It has come to light since the result of Monday night's work that my prompt action in this matter delayed the lynching of the prisoner for a month, as the mob, coming in a few miles of Milledgeville, and, hearing of the preparation, decided to postpone the attack.

"On Monday night the militia would have been called out had the request been made in time. It seems that the mob went to the prison at about 10 o'clock in the night. I knew nothing of the occurrence until about 1:45 Tuesday morning, when I was called over the telephone by a Constitution reporter, who stated to me that a mob had taken Frank from the prison and lynched him some time between 10 and 11 o'clock that night. I was shocked beyond measure by the information.

### Lines Were Down.

"I had been working through five days following the legislature's adjournment, reading and signing bills, with very little cessation, night or day, for the whole five days, and was completely exhausted. Nevertheless, immediate effort was made to get in communication with the sheriff of Baldwin county, but the lines being down, no information could be obtained. The sheriffs in several counties along the route which it was believed the mob was traveling were notified to keep a sharp lookout for the party. The sheriffs of Putnam, Morgan, Newton, Rockdale, Fulton and Cobb were notified.

It is now understood, however, from the subsequent events, that the party with Frank had passed north about an hour and a half before the county authorities on the road were reached. Near daylight I was called by Colonel Haas, one of the lawyers of Frank, who stated that he had just received a message to the effect that Frank was lynched between Milledgeville and Macon, and said that an agent of the Central of Georgia railroad at some point had given him this information.

"I had an engagement to go to Fitzgerald to the old soldiers' reunion on Tuesday morning, but when I heard of the lynching decided to postpone the journey. At 6 o'clock, however, I tried again by telephone and found that it was generally believed that the prisoner had been lynched some time before, and so I finally decided to go on to Fitzgerald, directing my secretaries to keep in touch with me all the way over the road, so that should the occasion arise, I might issue any necessary orders instantly. Adjutant General Nash had been duly notified and was ready to take appropriate steps to control the militia if the word had been received.

### The Tragic Result.

"The public is advised of the unfortunate and tragic result. "I have found on inquiry of the prison commission that Frank was still in the hospital, confined to the single room where he had been kept since the attempt upon his life by William Green. He had not been taken into the common quarters, but was in confinement in the hospital, which, though under the same roof with the prison, is separated from it by partitions and passageways extending through the building.

"There is no man in the bounds of the state that regrets more deeply than I do this unfortunate occurrence. I shall do all in my power to discover and bring to justice the perpetrators, believing that the people at large do not justify the wave of lawlessness that seems to be spreading throughout the state. Mob law should never take the place of statute law. There will be

no safety to life, liberty or property until this is recognized by our people. "It was especially distressing to me, because the attack was made upon the state's own prison, built, not to resist the violence of its citizens outside, but to keep in confinement the weak and helpless convicts who were unfit for service in the chaingangs of the counties."

### No Statement by Board.

Judge R. E. Davison, chairman of the state prison commission, when seen by a Constitution reporter Thursday afternoon after the conference with Governor Harris, said that the prison commission had no statement of any sort to make.

"The lynching of Frank could not be helped, and I do not see how a statement from us would help or clarify the situation," he said.

Governor Harris is receiving upon every mail hundreds of letters and newspaper clippings from all parts of the United States denouncing the action of the mob in lynching Frank and urging the governor to do all in his power to apprehend the lynchers.

### REWARD OFFERED.

Declaring that the lynching of Leo M. Frank "is an attack upon our civilization, besides being a gross violation of the law," Governor Harris on Thursday issued a proclamation offering \$500 reward each for the first three persons convicted of the offense and for their apprehension and delivery to the sheriff of Baldwin or Cobb county.

This reward amounts to \$1,500, which is half of the state's appropriation for reward purposes. The governor's proclamation is as follows:

Executive Department, Atlanta, August 19, 1915.—Whereas, official information has been received at this department that on the night of August 16, 1915, in this state, one Leo M. Frank, a prisoner, held in custody of the state, was violently taken from the hospital of the state penitentiary in Baldwin county, and found dead in the county of Cobb on the morning of August 17, 1915, having met his death at the hands of unknown parties; and, whereas, those engaged in such transactions are still unknown and unapprehended; and, whereas, such conduct is an attack upon our civilization, besides being a gross violation of law, which the dignity of the state and the good name of her people require to be fully investigated and the offenders brought to punishment;

Ordered, That the secretary of state record and issue a proclamation offering a reward of five hundred dollars each for the first three persons convicted of said offense, for their apprehension and delivery to the sheriff of Baldwin or Cobb county, with evidence sufficient to convict.

(Signed) N. E. HARRIS, Governor.

By the Governor: RAYMONDE STAPLETON, Secretary Executive Department.

### LYNCHING CONDEMNED.

Determination to bring the lynchers of Frank to justice was manifested throughout the city Thursday. The chamber of commerce was one of the first to take official action.

Declaring that Georgia has to contend with anarchy in its most dangerous form, the lynching was strongly condemned by the directors in resolutions unanimously adopted.

It is no longer a question of the guilt or innocence of the prisoner, of the right or wrong of executive clemency, or of the life of one man; the resolutions state, "The question now is, shall we have a state government in fact as well as name, or shall we be ruled by an organized mob which scorns state authority agreed upon in midnight meetings of a secret oath-bound organization?"

The resolutions set forth the directors' convictions that the great mass of Georgia's citizens will not be silent or indifferent concerning the issue, and call upon the governor to use the power of the state to bring the guilty parties to justice. It is pointed out that no man's life will be safe unless this lawless spirit is curbed, for a larger mob will claim a hundred lives on another pretext. All men are called upon to give no countenance to "travelling demagogues who pander to the mob," but to be ready to aid the officers in stamping out this spirit wherever it is found.

### RING FOR MRS. FRANK.

The most spectacular development of the day was the return of the slain man's wedding ring to an Atlanta newspaper man, O. B. Keeler, who resides in Marietta, for the purpose of sending it to Mrs. Frank.

A signed story was written by Keeler in his paper Thursday describing the visit to his Marietta home of an unknown emissary, who gave the reporter the ring in an envelope, accompanied by a typewritten letter, the latter of which ended with an admonition to destroy it.

It was shortly after 8 o'clock when Keeler, who had been playing the graphophone in his home, was summoned to his door by a knock. An unknown man faced him, who asked for O. B. Keeler, presenting the envelope.

Without a further word, the stranger left in the darkness. The letter accompanying the ring read, in part: "Frank's dying request was that his wedding ring be given to his wife. Will you not see that this request is carried out?"

### REWARD FOR LYNCHERS.

News came from Chicago Thursday afternoon that Lester L. Bauer, the Chicago attorney who appeared before Governor Slaton and the prison commission in the combined appeal for commutation, had been appointed chairman of the Chicago committee to gather a fund of \$20,000 to be offered as a reward for the apprehension of the members of the Frank mob.

"The reward," said Bauer, "will not only be for arrest and conviction of the guilty persons, but will be split to cover identification of any one, or all of them. We will go further: Any one of the slayers of Frank who will turn state's evidence may earn a portion of the reward.

"In addition there will be a separate reward for unquestionable evidence as to where and how Frank was killed. We are by no means certain the Frank was not murdered before he was taken from his cell."

One thousand five hundred dollars of the proposed \$20,000 has already been obtained.

### FRANK'S BODY IN NEW YORK.

New York, August 19.—The body of Leo M. Frank arrived here early today on board a Pennsylvania railroad train. More than a score of detectives and police were on hand to guard against any demonstration, but few persons were gathered at the station. Mrs. Frank, who accompanied the body of her husband on the trip from Atlanta, was greeted by her sister-in-law, Mrs. Otto Stern, and others of Frank's relatives.

Frank's body was taken to an undertaker's establishment, a few blocks from the home of his father, Rudolph Frank. Mrs. Frank was escorted to an automobile and went with Mrs. Stern to the Brooklyn home. Several motorcycle patrolmen accompanied the automobile carrying Frank's body from the station to Brooklyn.

Mrs. Leo M. Frank was met at the Brooklyn house by her mother-in-law. Only a few persons witnessed the greeting between the two women, and it was more than an hour later when the presence of moving picture machines in front of the house caused a crowd to gather.

Otto Stern, brother-in-law of Frank, said the funeral would be private and declined to say whether it would be late today or tomorrow. A close friend of the family said later that the funeral would not take place until tomorrow.

### LAST LETTER FROM FRANK.

Frank's mother today made public the last letter she received from her son. The letter reached Brooklyn yesterday, having been written on the night of August 15, the evening before Frank was lynched. He wrote:

"I am sitting up in a rocking chair as I write this. I am very much stronger. At dinner today I sat to table with

my dear Lucille. I have been sitting in a chair for an hour or so each day for the past few days. I am gradually 'learning' to walk after the long stay in bed."

Frank added that his wound was healing rapidly and he was able to move his head pretty well. He concluded:

"Give my regards to all inquiring friends. With much love to you and all, in which Lucille joins me."

Mrs. Frank, in her talk with reporters today, was asked if she forgave the men who lynched her son.

"Do not ask me whether I forgive the murderers of my son," said Mrs. Frank. "Perhaps some day I will be able to answer that. Just now I can only quote Leo's favorite passage from the Scriptures. It was:

"Father, forgive them, for they know not what they do." I might add, but they will some time."

A close friend of the family said it was planned to have the funeral from the home tomorrow morning.

### THANKS PUBLIC.

Mrs. Rudolph Frank gave out a statement today in which she thanked the public for the kindness and sympathy extended to the Frank family, not only since Frank was lynched at Marietta, but since the conclusion of his trial.

Mrs. Frank said she and her husband had received a large number of messages of sympathy from southerners during the past two days. She said the family now asked to be left alone, and hoped to make the funeral entirely private. For this reason she declined to announce when it would take place.

The funeral services will be conducted by Rabbi David Marx, who accompanied Frank's body from Atlanta. Interment will be in the family plot at Cypress Hills cemetery, Brooklyn.

By 10 o'clock a crowd of more than 300 people had gathered in front of the Frank home. Police reserves kept the crowd at a distance from the house. The crowd was quiet and did not attempt a demonstration of any kind.

### WILL APPEAL TO GOVERNOR.

New York, August 19.—Prominent Christians and Jews met here today to discuss plans for aiding Georgia to apprehend the men who lynched Leo M. Frank.

Isadore M. Levy, member of the board of education, who is interested in the movement, said a temporary organization had been effected and within a few days a strong appeal probably would be made to Governor Harris.

Dr. Cyrus Adler, chairman of the American Jewish Committee, said he declined to work with the committee and did not believe his committee would aid in the matter. He said he thought the hunt for Frank's slayers was a matter for Georgia authorities.

Judge Edward Swann, of the court of general sessions, was named as chairman of the temporary committee; Levy, first vice chairman, and former Representative Herman A. Metz, treasurer. Other members of the committee are Allan Robinson, General Roger A. Pryor and former Representative William S. Bennet.

The object of the committee, which will be non-sectarian, is to raise funds with which to aid the Georgia authorities in apprehending Frank's slayers.

The organizers declared that every effort would be made to co-operate with and not to antagonize the Georgia government.

### LAWYERS CONDEMN.

Salt Lake City, August 19.—United States Senator Elihu Root, of New York, was elected president of the American Bar association today on recommendation of the association's general council. Other officers elected were George Whitlock, Baltimore, secretary; Frederick E. Wadhams, Albany, treasurer; Peter A. Meldrim, Savannah, Ga.; William C. Niblack, Chicago; Selden P. Spencer, St. Louis; William P. Bynum, Greensboro, N. C.; Chapin Brown, Washington, D. C.; Charles N. Potter, Cheyenne, Wyo.; John Lowell, Boston, and C. B. Smith, Topeka, members of the executive committee.

A resolution on the Leo M. Frank lynchings, presented by Stephen S. Gregory, of Illinois, was adopted unanimously. It pronounced the lynching "a willful and deliberate murder by mob violence, concerted and accomplished in a spirit of savage and remorseless cruelty unworthy of our age and time."

It expressed the hope of the association that the authorities speedily would punish the guilty parties.

The question of admitting women to membership in the association went over to the 1916 convention.

### PRESERVE OAK TREE.

Marietta, Ga., August 19.—The big oak tree near the W. J. Frey cotton gin, two miles from here, on which the lifeless body of Leo M. Frank was found dangling last Tuesday morning, soon is to be surrounded with a concrete wall, according to an announcement made here tonight, and thus preserved by the owner to mark the death place of the alleged slayer of Mary Phagan.

In the meantime the tree is being guarded by watchmen both night and day. It was stated today that Mr. Frey had been offered \$200 for the tree. He declined the offer, and in doing so the plan to build a wall about the tragically historic oak became known. The watchmen were placed on duty to prevent souvenir hunters or others from molesting it.

Visitors to Marietta during the past two days have been unusually numerous, and practically all have visited the scene of the lynching.