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GEORGIA BOARD WEIGHS PARDON OF JEW LYNCHED 70 YEARS AGO

By FAY S. JOYCE

ATLANTA, Dec. 12— In an outburst of anti-Semitism, a furious mob lynched Leo M. Frank in 1915 after the Governor of Georgia commuted his death sentence for the murder of a 13-year-old girl. Now the state is weighing a posthumous pardon for Mr. Frank.

Attorneys for three Jewish organizations petitioned for the pardon after a witness came forward last year to contradict a key trial witness against Mr. Frank. The lawyers say they believe chances are fairly good that the Georgia Board of Pardons and Paroles will finally clear Mr. Frank's name when the board reaches its decision within the next two weeks. A pardon would not be a determination of who was guilty.

"It's certainly long past due," said Dale M. Schwartz, the primary author of the petition sponsored by the Anti-Defamation League of B'nai B'rith, the American Jewish Committee and the Atlanta Jewish Federation. "The facts are overwhelming as to why they should do it." Wave of Terror

The commutation of Mr. Frank's sentence to life in prison, by John Slaton, then the Governor, led to a wave of terror that went far beyond the lynching. Spurred by the newspaper writings of Tom Watson, the Georgia Populist Party leader who was to become a United States Senator, armed mobs roamed streets, forcing Jewish businessmen to board up windows and doors. Several thousand people carrying guns, hatchets and dynamite surrounded the Governor's mansion. About half the 3,000 Jews in Georgia fled, and the remainder faced a boycott of Jewish businesses.

Leonard Dinnerstein, a history professor at the University of Arizona who has studied the case and written about it, says Mr. Frank's vindication would have significance primarily for the South's Jewish minority. Although the anti-Semitism of that era has receded, the lynching of Mr. Frank is a traumatic memory for Jews.

Another who would be relieved to see Mr. Frank cleared is Alonzo Mann, the witness who came forward last year with information he was afraid to give 70 years ago, when he was a terrified 14-year-old office boy at the Atlanta pencil factory where the girl, Mary Phagan, was killed. Mr. Frank, then 29 years old, was the factory superintendent. "I pray to God that they will give Leo M. Frank a pardon," Mr. Mann, now 85 and living in Bristol, Va., where cataract surgery has confined him to his apartment, said Friday. "I would feel like it was the Christian thing to do. He did not commit that crime." He Saw Janitor With Body

The board has reviewed an affidavit by Mr. Mann and a videotape in which he describes how he unexpectedly came upon the factory's janitor, Jim Conley, a black, carrying the limp body of an unconscious young white girl on the first floor of the National Pencil Company in Atlanta, where they worked.

Mr. Mann said Mr. Conley warned, "If you ever mention this, I'll kill you." So, on the advice of his mother, the youth largely remained silent at the Frank trial, testifying only briefly.

Mr. Mann said he had tried to tell his story before, including once to an Atlanta newspaper reporter 30 years ago, but he said no one would listen. When two reporters for The Tennessean in Nashville, acting on a tip, approached him last year, he told them what he had seen and passed a lie detector test and a psychological stress evaluation to back his words.

Not everyone believes Mr. Frank should be exonerated. Some of the relatives of Mary Phagan have opposed the pardon, as have the Ku Klux Klan, a retired state judge and at least one Atlanta lawyer, Edgar A. Neely Jr. Mr. Neely contends that Mr. Frank may well have asked the janitor to dispose of the girl's body for him.

"If Frank can be proven innocent, I'd stand up and tell the world," said 55-year-old James Phagan, Mary Phagan's nephew. "But there's been no evidence come forward in 70 years." Victim Worked in Factory

Mary Phagan, the daughter of dispossessed sharecroppers, was employed at the factory fitting metal tips to pencils for 12 cents an hour when she was slain on Confederate Memorial Day, April 26, 1913. Her bruised body was found lying face down in the basement of the factory the next morning; her purse and \$1.20 were missing.

The police arrested Mr. Frank, who was originally from Brooklyn.

In much of the South, it was a time of bitter memories of Reconstruction and a reluctant shift from agricultural to industrial employment. Just as Miss Phagan became the symbol of trampled Southern womanhood, students of the case say Mr. Frank came to be despised not solely because he was Jewish but because he represented Northern exploitation of cheap Southern labor, including child labor. Mr. Conley, the janitor, was the key prosecution witness. He testified that together, he and Mr. Frank put Miss Phagan's body in the elevator. Mr. Conley said he took the body from the second floor to the basement via the elevator. This testimony, unshaken by Mr. Frank's attorneys 70 years ago, is now contradicted by Mr. Mann's statement that he saw Mr. Conley with the body on the first floor.

Mr. Conley, now dead, was convicted as an accessory to the murder and sentenced to a year on a chain gang.

Mr. Mann believes Mr. Conley killed Miss Phagan. That view is shared by another Mary Phagan, the 83-year-old widow of a brother of the slain girl.

"I lived in all that time and I read every paper to my mother," Mrs. Phagan recalled. "I don't believe Leo Frank done it. I think the black's the one who done the killing."

photos of Leo M. Frank; photo of Alonzo Mann

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