

# RETRIAL HEARING FOR LEO M. FRANK COMES TO CLOSE

**Luther Rosser Concludes Argument by Bitter Attack on Juror A. H. Henslee and Witness Jim Conley.**

**JUDGE WILL ANNOUNCE  
DECISION NEXT FRIDAY**

**Hearing of Argument for New Trial Was One of Longest in Legal Annals of State, Lasting Seven Days.**

The hearing for a new trial for Leo M. Frank came to a close at 5 o'clock yesterday afternoon. At 9 o'clock Friday morning Judge Roan will announce his decision. It was reserved at the close of the final session in order for the judge to consider a number of legal points and to permit both the defense and prosecution to make certain changes in documents filed with the court.

The hearing concluded with a brilliant speech by Luther Z. Rosser, associate counsel for the defense, which occupied the entire day. He dwelt chiefly on legal questions and cited many court decisions. He attacked the evidence of Jim Conley and assailed Solicitor Dorsey.

The detective and police department also came in for a liberal panning. Harry Scott, of the Pinkertons, who was an active figure in the Phagan investigation, was likewise flayed. Rosser's bitterest words, however, were employed in assailing the twelve jurors who took the word of the negro Conley in preference to a white girl and two white men.

### **Says He Is Losing Money.**

During progress of his address Mr. Rosser declared that he was not being paid a fabulous sum to represent Frank, as, he stated, many people were wont to believe. "Instead," he asserted, "I am losing money. Money is going out of my own pockets to defray the expenses of this man's defense. It's not the money that's in it. It's my heart and soul that moves me to fight for him."

The conclusion of his argument was stirring and eloquent. "Nobody in Georgia has a more profound respect for the people of this state and county than I," he spoke, "and I believe that no matter what they now think, they will soon realize the unspeakable mistake that has been committed.

"No matter what else there is in this case, my own individual conviction is that Frank is innocent, and as long as there is a shred of hope I will stand in his defense, it matter not what befalls me. Believing in Providence as I do, I am convinced that time will rectify all things and work toward final good.

"The failure to deny this man a new trial will be a judicial mistake that will cause the trial of the future to be held at the point of bayonets and loaded rifles. Your honor cannot afford to make that mistake. Justice is at stake. Let us do right even though the heavens fall."

### **Attacks Juror Henslee.**

He opened the afternoon session with an attack upon Juror Henslee.

"Did your honor take notice of Henslee—the juror of the ventriloquial voice?" he began. "Henslee was either an intentional liar or just a careless one. I may live to be a hundred years old, but I doubt that I'll ever see such a remarkable document as Henslee's affidavit.

"In the first place, a talking machine isn't in it with Henslee. He was the mouthiest person who ever sat on a jury. He would talk to anybody about anything and under any circumstances. It was a pity, indeed, that his words were the fume of the venom and bile that was forever being generated in his system.

"Henslee swears to one thing and then to another and swears both are correct. How are you going to get around a thing like that? When your honor sees Henslee as I'm going to paint him—not as my friend Dorsey has painted him—why, you can either take Mr. Henslee or let him alone.

"Why, when Henslee went to Albany after the verdict he held a veritable reception among his friends, rejoicing over the fact that he had found Frank guilty. That is proved by his own affidavit when he says a number of friends saw me in such and such a place and congratulated me.

"This was the most indecent act ever attributed an allegedly decent white man. In the name of fairness and justice, are we going to stomach such as this? Can this man Henslee be the good, irreproachable person Dorsey was alluding to yesterday?

### **Would You Believe Henslee?**

"Now, tell me something. Would your honor, under these circumstances, believe Henslee if he came to you and said your daughter was sick in Carrollton when, just a moment ago, two other men had told you she was sick in Forsyth? I hardly think you would. I know I wouldn't.

"It would be better to do it all over again and let him have a new and fair and impartial trial than to let this Henslee's besmirched character dirty the laws and judiciary of our state. Enough about Henslee. It makes me sick every time I think of him.

"But, something about Conley: That's the most horrible thing of this whole case. Nothing your honor did was more harmful to Frank than to permit the admission of testimony as to perversion. Look at its effect on Henslee, who said he believed Frank was a pervert and that he had come to that conclusion by the evidence. The only evidence on earth was Conley's miserable tale.

"I am sure that these three alleged acts of perversion which Conley relates alone convicted Frank. When this negro's word found lodgment in the jury mind, there was left no more room for any thought of innocence. And that's the truth of the conviction of Leo Frank.

"There was a time in Georgia when a fragile little girl, as pure as the wing of a dove, would have been believed against a filthy negro whose character and conscience is blacker

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than his skin. In that time, one little girl would have been belloved against a whole caravan of black brutes. But the little Kern girl got on the stand and repudiated Conley's lie. And, her story was belittled by the jury and solicitor and the whooping crowd.

### **Belloved Negro's Word.**

"They would rather bellove the negro's word. They took it in preference and, in belloving it, put the nasty brand of liar on a sweet, little white girl. Oh, how times have changed. I hope to God I die before they change any worse than this.

"Was that all? No. This jury of brave and fearless knights, courageous and unfrightened, sat in their seats and announced to the assembled city that the little Kern girl's story and that of Mrs. Levy and Mr. and Mrs. Selig were lies in the face of the filthy negro's recking tale. 'Away with Miss Kern!' they cried. 'Away with Mr. and Mrs. Selig, away with Mrs. Levy, away with Anglo-Saxons, you are corruptors, perjurers,' and these twelve good men and true wrapped their arms lovingly and tenderly around this stinking black brute, saying 'we love you, Jim, we love you.'

"You have furnished the altar around which we shall worship, Jim,' they told him. 'This girl, these Anglo-Saxons are liars all.' All of which shows that this case was the most marvellous that ever happened. It was the most outrageous, it was the cruellest. By the grace of God it will never happen again."

The close of the Frank hearing marked the end of the longest hearing for a new trial in the history of the south. It lasted exactly seven days. Four speeches were delivered, two for the prosecution and a like number for the defense. The entire hearing was held in private in an ante room of the state library.

### **All Disclaim Attacks.**

At the opening of Wednesday's session, Solicitor Dorsey, who had made some rather spirited allusions to Attorney Rube Arnold, who is associated with the defense, on the previous afternoon, arose to say that he meant nothing personal in the attack and that he regretted the fact that his words had been so construed.

Mr. Arnold, who was present, followed Mr. Dorsey to the floor saying that he had not been concerned over the remarks, and very graciously declared that he had not considered them personal. Attorney Rosser, smilingly, spoke up that he wanted to be declared in on the peace conference.

"Nobody must think," he said, "that we lawyers, in such an extraordinary case as this, should take matters as calmly as a bride takes her flowers."