

# FRANK CASE MAY GO TO JURY LATE THIS AFTERNOON

## LAWYERS' BATTLE WILL END TODAY AND JUDGE WILL CHARGE THE JURY

In First Speech for State on Wednesday Morning, Frank Hooper Scored General Conditions at National Pencil Factory, Terming Leo Frank a Dr. Jekyll and Edwin Hyde, and Explaining How Easy It Was for People Who Saw Only One Side of Him to Imagine Him a Paragon of Virtue.

**REUBEN ARNOLD BRANDS  
JIM CONLEY MURDERER  
OF LITTLE PHAGAN GIRL**

Attorney for Defense Dwells on Horror of Convicting Man Upon Purely Circumstantial Evidence, and Cites Many Instances Where Such Action Has Resulted in Great Injustice to the Accused. Scores Detective Department Unmercifully and Charges They Concocted Story Which Conley Told on Stand.

Unless all calculations are upset the Frank case should be ready to go to the jury tonight, provided Judge Roan does not decide to postpone his charge until Saturday morning—in which event the case will reach the jury during the forenoon Saturday.

After that time it is all a matter of speculation as to the time the verdict will be returned. It may be returned in a few moments after the jury retires; again, it may be hours or days. The general opinion is, however, that Frank will know his fate some time Saturday.

**Frank Hooper  
Opens for State.**

Thursday saw the beginning of the big battle of the lawyers to persuade the jury, from the evidence introduced, of the guilt or innocence of the prisoner.

Frank Hooper, who has been assisting Solicitor Hugh Dorsey, opened for

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# LAWYERS' BATTLE WILL END TODAY

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the state shortly after court convened at 9 o'clock. He spoke for over two hours, and in conclusion read from many authorities the law governing the application of circumstantial evidence.

Mr. Hooper's speech was a calm, dispassionate appeal to the reason of the jury. He prefaced his remarks by stating that the state was not seeking a verdict of guilty unless the defendant was in truth guilty. The state, he said, was merely seeking to find and punish the murderer.

He touched on general conditions at the pencil factory, and said as a citizen of Atlanta he was by no means proud. He pictured the place as a moral eyesore and in passing referred to Darley and Schiff and Frank as being responsible for the existence of these conditions. Of Frank's character he said:

"You have heard the testimony of girls who still work there and they say it is good. You have also heard the testimony of women and girls who formerly worked there, and they say it is bad."

He referred to Frank as a Dr. Jekyll and Edwin Hyde, and explained how easy it was for people who saw only one side of him to imagine him a paragon of the virtues. He told of what he termed the man's persistent pursuit of Mary Phagan. He spoke of the discharge of Gantt, the only man who knew Mary Phagan at all well, and said this was significant of the man's designs on the girl.

## Fight of Rosser and Negro.

Coming down to the negro Conley, he said it was only truth that had held him in the stand for three days against the hammering of the mighty Luther Rosser. He took up the negro's version in detail and pictured how it was plausible and how it was impossible for the negro to have committed the crime without Frank having known something about it. He touched on all phases of the case and in particular paid his respects to the Pinkertons and the bloody club and the pay envelope found in the factory. These, he said, were planted.

Mr. Hooper made a favorable impression on the crowd and had his facts well in hand.

## Rube Arnold's Long Speech.

Reuben Arnold began speaking at 7 minutes to 12 o'clock and spoke until 12:30 o'clock, when a recess was taken until 2 o'clock. From that time on he spoke until a quarter to 6, or over four hours and a half in all.

His speech was one of the most wonderful efforts ever delivered in the south. Beginning in a quiet, conversational tone of voice, Mr. Arnold dwelt on the horror of convicting a man on purely circumstantial evidence. He referred to the Durant case in San Francisco, the Hampton case in England, and the Dreyfus case in France as instances where men had been done an awful injustice on circumstantial or perjured evidence.

He spoke at some length of the feeling against Frank because he is a Jew, and said that the spirit of the mob who would convict and hang him simply because he was a Jew was no worse than that of the murderer who had killed little Mary Phagan.

He ridiculed the idea of the state that Frank laid a plot to get Mary Phagan to the building on Saturday and commit a crime. He said he (Frank) had no way of knowing that Mary Phagan would not draw her pay on Friday and would be at the pencil factory on Saturday. He said the murder was the unreasoning crime of a negro.

He ridiculed the whole theory that the murder was committed on the second floor, and advanced the idea that Conley had killed the child on the first floor and thrown her body down

the elevator shaft.

He scored the detective department unmercifully and charged they had concocted the story for Conley to tell. They would have fixed the crime on Newt Lee if the negro had been of the pliant kind who could have been used.

He described the finding of the bloody shirt at Leo's house as a "plant."

Solicitor Dorsey was criticised for having joined in with the detectives in the hunt for the murderer. He had been over zealous, he said, and could not view the case dispassionately.

He poked all manner of fun at Conley's statement, and declared the idea of Frank taking an ignorant negro into his confidence was preposterous. The negro was simply lying to save his neck, he said. Toward the conclusion of his speech he introduced a chart giving the time of Frank's movements on the day of the murder. He concluded by saying the case was made up of two P's—perjury and prejudice.

The courtroom was crowded from 9 o'clock until adjournment hour. Many ladies—friends of Mrs. Frank—were in the audience.

Luther Rosser will begin speaking at 9 o'clock this morning. Hugh Dorsey will conclude for the state at the afternoon session.