



DISCUSSION GUIDE

WAS AN INNOCENT MAN WRONGLY ACCUSED OF MURDER?



On April 26, 1913, thirteen-year-old Mary Phagan planned to meet friends at a parade in Atlanta, Georgia. But first she stopped at the pencil factory where she worked to pick up her paycheck. Mary never left the building alive.

A black watchman found Mary's body brutally beaten and apparently raped. Police arrested the watchman, but they weren't satisfied that he was the killer. Then they paid a visit to Leo Frank, the factory's superintendent, who was both a Northerner and a Jew. Spurred on by the media frenzy and prejudices of the time, the detectives made Frank their prime suspect, one whose conviction would soothe the city's anger over the death of a young white girl.

The prosecution of Leo Frank was front-page news for two years, and Frank's lynching is still one of the most

controversial incidents of the twentieth century. It marks a turning point in the history of racial and religious hatred in America, leading directly to the founding of the Anti-Defamation League and to the rebirth of the modern Ku Klux Klan. Relying on primary source documents and painstaking research, award-winning novelist Elaine Marie Alphin tells the true story of justice undone in America.

DISCUSSION QUESTIONS

1. Why was Detective Black so suspicious of Leo Frank? What were some of the things Leo Frank did during the investigation that made him seem nervous?
2. Although the Civil War had been over for almost 50 years, why did so many southerners try to keep confederate memories alive with celebrations like Confederate Memorial Day?
3. What about Leo Frank made him stand out as a "Yankee"? Why did Atlanta citizens dislike everything Leo Frank represented?
4. Describe some of the sloppy detective work that took place while trying to solve Mary Phagan's murder. Would these mistakes still be possible today even with new technology?
5. At first, Leo Frank thought cooperating with police would "help them find the real killer and free him." What made Leo Frank change his mind about working in conjunction with the police?
6. What role did the media play in the Leo Frank case? Is this role different than the role the media plays in today's murder cases?
7. What happened during Leo Frank's testimony that convinced newspapers to print new editions claiming "Leo Frank Innocent"?
8. Why did Jim Conley keep changing the statements he made to investigators? Why did some of the press think Conley might be responsible for Mary Phagan's murder?
9. Why was Solicitor General Dorsey determined to convict Leo Frank? Describe some of the ways Dorsey worked the case to his advantage.
10. What did Leo Frank's wife, Lucille, do throughout the case to support her husband and to claim his innocence?
11. How did prejudiced beliefs affect Leo Frank's trial? Why was it so hard for Leo Frank's defense team to outweigh emotion in the courtroom with facts?
12. What role did the crowds outside the courtroom play in the trial?
13. What risks did the National Pencil Company employees take when they testified in Leo Frank's defense?
14. Why do you think so many people involved in Leo Frank's case lied even when they were under oath?
15. When the defense's technical approach failed, Leo Frank's lawyers decided to raise the issue of character in order to paint Leo as a human being. Why was this an important point to make and why was the approach so risky?

16. Even though the defense presented plenty of evidence that proved Leo Frank had not received a fair trial, why were the appeals ruled against at every turn? How did newspapers and citizens across the United States react?
17. Describe the different forms of prejudice that Leo Frank faced throughout his trial.
18. How did Leo Frank's conviction affect members of the Jewish community?
19. Why did Leo Frank petition the Governor for life in prison as opposed to a pardon? What does this show about Leo's character?
20. Why did Governor Slaton decide to open hearings in Leo Frank's case when other courts had already denied his appeals? What risks did the Governor face?
21. How did the Knights of Mary Phagan and the Marietta Vigilance Committee threaten Jewish members of the community? What other historical groups have created controversy based on prejudice?
22. When the lynch party was organized to kidnap Leo Frank and carry out his execution, what type of men were the group looking for? Why was it important to have a wide range of experience and skills? Why do you think so many men of stature joined the lynch party?
23. What do you think Leo meant when he said, "I think more of my wife and my mother than I do of my own life"?
24. Even though Governor Harris pledged to do everything in his power "to see to it that the members of the mob receive fitting punishment for their crime," why wasn't anyone ever convicted?
25. How did Leo Frank's case lead to the reestablishment of the Ku Klux Klan?
26. Describe other historical events where good citizens have gone down a violent path because they have a hatred of people who belong to a particular religion or ethnic group.
27. What changes have been made in the American legal system since Leo Frank was convicted? Are the changes enough to keep an innocent person from being found guilty?

WEBSITES

American Jewish Archives
<http://www.americanjewisharchives.org>

Anti-Defamation League
<http://www.adl.org/>

Atlanta History Center
<http://www.atlantahistorycenter.com>

William Breman Jewish Heritage Museum
<http://www.thebreman.org/>

TIMELINE

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| 26 April 1913: Confederate Memorial Day; murder of Mary Phagan | 9 December 1914: Jim Conley released |
| 27 April 1913: discovery of Mary Phagan's body; arrest of Newt Lee; first interrogation of Leo Frank | 17 December 1914: defense applies to U.S. District Court for writ of habeas corpus |
| 29 April 1913: funeral of Mary Phagan; arrest of Leo Frank | 19 December 1914: District Court denies writ of habeas corpus |
| 30 April 1913: coroner's inquest begins | 28 December 1914: U.S. Supreme Court agrees to hear arguments on issue of due process |
| 1 May 1913: police arrest and release Jim Conley | 23 February 1915: Judge Leonard S. Roan dies of cancer |
| 5 May 1913: Mary Phagan's body exhumed for autopsy | 25 February 1915: Supreme Court begins hearing arguments on Leo Frank's appeal |
| 7 May 1913: Mary Phagan's body exhumed a second time | 9 April 1915: Supreme Court rejects appeal |
| 8 May 1913: inquest concludes | 10 May 1915: Leo Frank's execution rescheduled for 22 June 1915 |
| 18 May 1913: police question Jim Conley | 8 June 1915: Georgia Prison Commission denies petition for clemency |
| 23 May 1913: grand jury indicts Leo Frank | 21 June 1915: Governor John Slaton commutes Frank's sentence to life in prison |
| 28 July 1913: trial of Leo Frank begins | 22 June 1915: armed mobs attack Governor Slaton's home |
| 25 August 1913: jury returns verdict of guilty | 17 July 1915: prisoner William Creen slashes Leo Frank's throat at Georgia State Prison Farm; two prisoners who are doctors save Frank's life |
| 26 August 1913: Judge Leonard S. Roan sentences Leo Frank to hang for the murder of Mary Phagan | 16 August 1915: mob of twenty-five armed men breaks into Georgia State Prison Farm and removes Leo Frank |
| 31 October 1913: Judge Roan denies motion for new trial | 17 August 1915: lynch mob hangs Leo Frank, claiming to be carrying out jury's verdict |
| 17 February 1914: Georgia Supreme Court denies motion for new trial | 20 August 1915: Leo Frank buried in Brooklyn, New York |
| 24 February 1914: Jim Conley convicted of being accessory after the fact to Mary Phagan's murder; sentenced to one year on chain gang | 2 September 1915: Cobb County grand jury fails to indict anyone for Leo Frank's lynching |
| 6 April 1914: defense files extraordinary motion in Fulton County Supreme Court; asks for new trial on basis of new evidence | 23 April 1957: Lucille Frank dies in Atlanta |
| 16 April 1914: defense files motion in Fulton County Supreme Court to set aside original guilty verdict | 4 March 1982: Alonzo Mann signs affidavit asserting Leo Frank's innocence and Jim Conley's guilt |
| 6 May 1914: Fulton County Supreme Court denies request for new trial; defense appeals to Georgia Supreme Court | 4 January 1983: Anti-Defamation League applies for posthumous pardon for Leo Frank |
| 6 June 1914: Fulton County Supreme Court denies motion to set aside verdict; defense appeals to Georgia Supreme Court | 22 December 1983: Georgia Board of Pardons and Paroles denies pardon |
| 14 October 1914: Georgia Supreme Court denies appeal on extraordinary motion for new trial | 19 March 1985: Alonzo Mann dies |
| 14 November 1914: Georgia Supreme Court denies appeal to set aside original guilty verdict | 11 March 1986: Georgia Board of Pardons and Paroles issues pardon to Leo Frank, citing state's failure to protect him while in custody or bring his killers to justice |
| 7 December 1914: U.S. Supreme Court denies request for review of 14 November Georgia Supreme Court ruling | 1 January 2000: Atlanta librarian Stephen Goldfarb publishes names of Leo Frank's lynchers on Internet |



ELAINE MARIE ALPHIN is an award-winning author of more than twenty books for young people, including *The Perfect Shot*, which earned a star from *School Library Journal* and won the *ForeWord Magazine* Gold Medal for Young Adult Fiction; *Picture Perfect*, a VOYA Top Shelf Fiction Selection; and *Counterfeit Son*, winner of the Edgar Allan Poe Award for Best Young Adult Mystery. She lives in Bozeman, Montana.

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The Prosecution and Persecution of Leo Frank

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