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A F F I D A V I T

IN THE STATE OF TENNESSEE, COUNTY OF SULLIVAN

The undersigned, being duly sworn, deposes as follows:

My name is Alonzo McClendon Mann. I am 83 years old. I was born near Memphis Tennessee, on August 8, 1898. My father was Alonzo Mann, who was born in Germany. My mother was Hattie McClendon Mann. When I was a small boy my family moved to Atlanta where I spent most of my life.

In 1913 I was the office boy for Leo M. Frank, who ran the National Pencil Co. That was the year Leo Frank was convicted of the murder of Mary Phagan. I was 14 years old at the time. I was called as a witness in the murder trial. At the time I was put on the witness stand, but I did not tell all that I knew. I did not volunteer. If I had revealed all I knew it would have cleared Leo Frank and would have saved his life.

I now suffer from a heart condition, I have undergone surgery to implant a pacemaker in my heart. I am making this statement because, finally, I want to have the record clear. I want the public to understand that Leo Frank did not kill Mary Phagan.

Jim Conley, the chief witness against Leo Frank, lied under oath. I know that. I am certain that he lied. I am convinced that he, not Leo Frank, killed Mary Phagan. I know as a matter of certainty that Jim Conley, and he alone, disposed of her body.

Jim Conley threatened to kill me if I told what I knew. I was young and I was frightened. I had no doubt Conley would have tried to kill me if I had told that I had seen him with Mary Phagan that day.

I related to my mother what I had seen there at the pencil factory. She insisted that I not get involved. She told me to remain silent. My mother loved me. She knew Conley had threatened to kill me. She didn't want our family's name to be involved in controversy or for me to have to be subjected to any publicity. My father supported her in telling me to remain silent. My mother repeated to me over and over not to tell. She never thought Leo Frank would be convicted. Of course, she was wrong. Even after he was convicted my mother told me to keep secret what I had seen.

I am sure in my own mind that if the lawyers had asked me specific questions about what I had seen the day of Mary Phagan's death I would have told the whole truth when I testified at Frank's trial. Of course they didn't suspect what I knew. They asked me...

Sworn to and subscribed before me this 4th day of March, 1982. Signed Alonzo M. Mann

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My Commission expires:

May 18, 1985

Signed Charles M. Gore

Charles M. Gore Notary Public



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practically nothing. I was nervous and afraid that day. There were crowds in the street who were angry and who were saying that Leo Frank should die. Some were yelling things like, "Kill the Jew!"

I was very nervous. The courtroom was filled with people. Every seat was taken. I was interested mostly in getting out of there.

I spoke with a speech impediment and had trouble pronouncing the 'r' in Frank's name in those days. The lawyers put their heads together and said that it was obvious I knew nothing and since I was so young they would let me off the stand. It was not an easy place for a young boy to be, there in court like that.

I never fully realized until I was older that if I had told what I knew Leo Frank would have been acquitted and gone free. Instead he was imprisoned.

After he was convicted my mother told me there was nothing we could do to change the jury's verdict. My father agreed with her. I continued to remain silent. Later Frank was lynched by a mob from Marietta, Georgia. I know, of course, that because I kept silent Leo Frank lost his life.

I have spent many nights thinking about that. I have learned to live with it.

I now swear to the events I witnessed that fatal day, Confederate Memorial Day, 1913, when Mary Phagan who was just about my age, 14, was killed.

I came to work on time that morning, at about 8 o'clock. I rode the streetcar from my home, on South Gordon Street, and when I walked into the building, Jim Conley, the janitor, who also was called a "sweeper", was sitting under the stairwell on the first floor of the building. Although it was early in the morning, Conley had obviously already consumed considerable beer. He drank a lot, even in the mornings.

He spoke to me. He asked me for a dime to buy beer. A dime could buy a good sized amount of beer in those days.

I told Jim Conley I didn't have a dime. That was not the truth. I had some money in my pocket, but I had let Conley have a nickel or a dime for before before. He never paid me back.

I didn't like to be around Jim Conley.

After I told Conley, I didn't have any money I went up the stairs to the second floor where my desk was locked in the office of Leo Frank.

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My job required that I open the mail, file papers, keep the office orderly, run errands and the like.

Leo Frank arrived in the building that morning shortly after I did. He came into the office and spoke to me. I always called him "Mister Frank" and he referred to me by my given name, "Alonzo." I do not know whether Leo Frank had seen Jim Conley on the first floor when he came into the building that morning.

A substitute secretary worked for Leo Frank that morning. As I remember, it was a routine Saturday morning for me at the office. Because of Memorial Day the factory part of the company was closed. But sometimes on Saturday mornings people who had worked at the factory during the week would come to the pay window in the office and collect their salaries. Girls who worked in the factory made about 12 cents an hour.

I did not know Mary Phagan by name, but I had seen her at the factory and knew her face. We were just about the same age.

I was supposed to meet my mother that day about noon and go to the Confederate Memorial Day parade. When I left the premises, just before noon, Mary Phagan had not come to the pencil company. She apparently came to pick up her pay shortly after I left to go meet my mother.

Sometime after 11:30 a.m., and perhaps as late as quarter of twelve, I told Mr. Frank that my mother wanted me to meet her so that I could go to the parade with her. I didn't care all that much about seeing the parade, but my mother wanted me to go.

Mr. Frank agreed for me to leave at that time. I told him I would return to the office and complete my filing work later in the afternoon. He said he expected he would still be there.

When I left the company premises, just before noon Mary Phagan had not come to collect her pay. When I left the building, down the stairs and out the first floor front door, Jim Conley, the janitor, was sitting where I had seen him when I came to work: in the darkened area of the stairwell.

I walked to the point where I was supposed to meet my mother. It was short distance perhaps a block and a half. We had agreed to meet in front of a store on Whitehall Street. My memory is that my mother had planned to buy a hat that day. I stopped and bought a hotdog on the way to meet her. However, when I arrived, she was not there.

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She had told me that if she was unable to come, for me not to worry. I waited for her for a few minutes. Since I didn't care that much about seeing the parade I went back to work.

I can't be sure as to exactly how long I was gone, but it could not have been more than half hour before I got back to the pencil factory.

I had no idea that I was about to witness an important moment in a famous murder case a moment that has not been made public until now; that I was about to become a witness to tragic history.

I walked into the building by the front door.

Inside the door, I walked toward the stairwell. I looked to my right and I was confronted by a scene I will remember vividly until the day I die.

Jim Conley was standing between the trapdoor that led to the basement, and the elevator shaft. I have an impression that the trapdoor was partially open, but my eyes were fixed on Jim Conley.

He had the body of Mary Phagan in his arms. I didn't know it was Mary Phagan. I only knew it was a girl.

At that moment I couldn't tell if she was alive. She appeared to be unconscious, or perhaps dead. I saw no blood.

He was holding her with both arms gripping her around the waist. I can't remember the color of her clothes but I have an impression that she had on pretty, clean clothes. She was extremely short and her head was sort of on his shoulder, or over it. Her hair was streaming down his back. Her hair was not in braids when I saw her. It was hanging loose. I saw no blood on the part of her neck that was exposed. I do not know if she was dead, but she was at least unconscious. She was limp and did not move. Her skirt had come up to about her knees.

It was as I suddenly barged into the first floor, prepared to go up the stairs to the office that I encountered Conley with the body of Mary Phagan.

Conley was close to the trapdoor that led down into the basement by way of a ladder. I believe that from the direction he was headed and the attitude of the body that he was preparing to dump Mary Phagan down the trapdoor. I have no clear memory of whether the elevator stopped on that first floor, but if it was not on that floor.

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the shaft would have been open. Conley could have dumped her down the empty elevator shaft. I believe for some reason, Jim Conley turned around toward me. He either heard by footsteps coming or he sensed I was behind him. He wheeled on me and in a voice that was low but threatening and frightening to me he said:

"If you ever mention this I'll kill you."

I turned and took a step or two possibly three or four steps up toward the second floor, but I must have worried about whether the office upstairs was closed. I did hear some movement upstairs, but I can't be sure who was on the floors above. I was fearful that the office might be closed, and so I turned back toward Conley. I wanted to get out of there quick. He got to within about eight feet of me. He reached out as if to put one arm or hand on me. I ran out of the front door and raced away from that building.

I went straight home. I rode the streetcar.

Once at home I told my mother what I had just seen. I told her what Jim Conley had said to me about killing me. I didn't know for sure that the girl in his arms was dead.

My mother was very disturbed by what I had told her.

She told me that I was never, never to tell anybody else what I had seen that day at the factory. She said she didn't want me involved, or the family involved in any way. She told me to go on about my business as if nothing had happened and that sometime soon I would have to quit working there. From then on, whenever I was at work I steered clear of Jim Conley. I kept away from him and he did the same.

When my father came home my mother explained to him what I had seen and what Conley had said to me. My father told me to forget it and never mention it.

My mother was a very strong willed woman who was 30 years younger than my father and he said to me what she wanted him to say.

Later on he told me that Frank would never be convicted.

I have wished many times that my mother hadn't taken that attitude and that either she had told the authorities or that she had encouraged me to tell somebody perhaps Leo Frank what I had seen.

When the detectives later questioned me I told only that part of the story up to the time I left that day to go meet my mother. I did not tell that I had come back into ...

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the building and saw Conley with the body.

When Frank went to trial and I was called as a witness, my mother told me I would have to go and testify. She repeated to me what she already had told me the day of Mary Phagan's murder. She told me to keep to myself what I had seen. She said if it were not asked a specific question I did not have to give a specific answer.

Jim Conley was the chief witness against Leo Frank.

He testified that Frank had called him to his office a little after noon that day and told him that Mary Phagan's body was in the metal room on the second floor. He testified that Frank told him to get the body and take it on the elevator down to the basement. He swore that he tried to carry the body to the elevator but dropped Mary Phagan because she was too heavy for him to carry. At that point, he testified, he asked Frank to help him. According to Conley's testimony Frank picked her up by the legs, while Conley lifted the upper part of her body. Conley said that Frank had pulled the rope to start the elevator down and that they went with the body directly to the basement, past the first floor without stopping there.

Conley claimed that Frank dragged the body from the elevator to a point in the rear of the building. Conley contended during the trial that after Frank dragged the body away from the elevator, Conley ascended in the elevator and Frank came back upstairs by way of the trapdoor to the first floor, and then came up the stairway from the first to the second floor.

I know from what I read of the case that Mary Phagan had come into the building shortly after I went out to meet my mother. She went upstairs to the second floor. Leo Frank had given her her pay envelope. I understand that she had worked one day that week and she was entitled to about \$1.20.

I am convinced that she had left the pay window and was coming down the stairs or had reached the first floor when she met Conley who had been looking for money when I came in that morning. I am confident that I came in just seconds after Conley had take the ...

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girl's money and grabbed her. I do not think sex was his motive. I believe it was money. Her pay was never found in the building after she died.

Many times I have thought since all of this occurred almost 70 years ago that if I had hollered or yelled for help when I ran into Conley with the girl in his arms that day that I might have saved her life. I might have. On the other hand, I might have lost my own life. If I had told what I saw that day I might have saved Leo Frank's life. I didn't realize it at the time. I was too young to understand.

As the years have gone by I have told this "secret" to a number of other people. I told it when I was in the army in World War 1. In fact, I had a fight with another soldier who became angry when I said Leo Frank did not kill the girl, but that Conley did. I have told other people. I told my late wife. She urged me not to make it public because she felt it wouldn't do any good. She said it would not bring back Leo Frank and it would not bring back Mary Phagan. And I told other relatives and friends. On one occasion, I believe in the 1950's, when I was operating a restaurant, I discussed this with a reporter in Atlanta. But the reporter said that since Leo Frank's wife was still alive it was not a matter the newspaper wanted to open up.

Leo Frank was convicted by lies, heaped on lies. It wasn't just Conley who lied. Others said that Leo Frank had women in the office for immoral purposes and that he had liquor there. There was a story that he took women down in the basement. That cellar was filthy. It was filled with coal dust. I was in the basement twice and remember the dirt and filth there. That was all false.

Leo Frank was a good officer manager. He always was proper with people who worked for him. There were witnesses who told lies and I remained silent.

Now I am finally making all this public. I have found reporters, Jerry Thompson and Bob Sherborne, who have heard my story and who understand that it is a case that is important to history. I am glad to have it all come out.

At last I am able to get this off my heart.

I believe it will help people to understand that courts and juries can make mistakes. They made a mistake in the Leo Frank case. I think it is good for it all to come out, even at this late date.

There will be some people who will be angry at me because I kept all this silent ...

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until it was too late to save Leo Frank's life. They will say that being young is no excuse. They will blame my mother. The only thing I can say is that she did what she thought was best for me and the family. Other people may hate me for telling it. I hope not, but I am prepared for that, too. I know that I haven't a long time to live. All that I have said is the truth. When my time comes I hope that God understands me better for having told it. That is what matters most.

Executed this 4th day of March, 1982 in the offices of Gore & Hillman, Attorneys, Central Building, Bristol, Tennessee.

Witness: Not entirely legible but possibly Georgia Slusler

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