Leo Frank killed Mary Phagan, says grand-niece
By Clint Williams, The Atlanta Journal-Constitution

The 1915 lynching of Leo Frank, convicted of murdering 13-year-old Mary Phagan, is the stuff of books, movies and now a Broadway play.

None of them, says Mary Kean, get it right.

"The inaccuracies bother me," says Kean, who has been a student of the infamous case since she herself was a 13-year-old girl named Mary Phagan after her great-aunt.

The first Mary Phagan was found strangled to death at the National Pencil Factory in Atlanta on April 27, 1913.

Leo Frank, the factory's manager, was convicted on the testimony of janitor Jim Conley, who said Frank ordered him to hide Mary's body in the factory basement and plant a note on the body blaming the crime on "a light-skinned Negro."

In August 1915, days after his death sentence was commuted to life in prison, a group of about two dozen men from Marietta snatched Frank from the Georgia Work Farm Prison in Milledgeville. Frank was lynched from an oak tree on Frey Gin Road in Marietta.

The musical "Parade," which opened in New York in December and is expected to run through April, takes the position of many other retellings of the crime: that Frank was wrongly accused and the victim of virulent anti-Semitism. In most dramatic accounts, the death of Mary Phagan is little more than a plot device that triggers the chain of events leading to the lynching, the focus of "Parade."

"Mary Phagan was the victim," says Kean. "He was the murderer."

That is not any sort of emotional, knee-jerk conclusion, says Kean, who answers her telephone at work, "Mary Phagan Kean."

"I'm not just the victim's namesake, I'm a student of the case."

Over the years, Kean has spent thousands of hours studying original court records and scrolling through microfilm copies of newspapers of the era. Much of her research is found in Kean's book, "The Murder of Little Mary Phagan," published in 1988.

The family history that has consumed Kean as an adult was unknown to her as a child. Kean, a self-described "military brat," grew up knowing nothing about the lynching of Leo Frank and the murder of her great-aunt.

It wasn't until an eighth-grade history teacher asked her if she was related to the famous Mary Phagan that she learned from her father the story of the girl whose name she carries.

"My father sat me down, we had a glass of milk, and explained it to me," Kean recalls.

Her father gave a brief account of the murder and lynching and tried to explain the historical significance. The case was famous, Kean's father said, because it was the first time in the South that a black man's testimony convicted a white man. The case was cited as the cause for the resurgence of the Ku Klux Klan and the creation of the Anti-Defamation League.

When the family moved to the Atlanta area, Kean says, more people asked about her name. So she began reading all she could about the incident.

"I'd go to rummage sales and look for books about the case," Kean says.

Her reading sparked her research.

"I wanted to know, I needed to know: Is what they are printing true?"

Much of what has been printed—or put on stage—isn't true, Kean insists.

The suggestion that Frank was railroaded because he was Jewish is off the mark, she says. There were no bloodthirsty crowds shouting, "Hang the Jew" outside
"I think the way this was covered so heavily in the papers, if that sort of thing had happened it would have been written about," Kean says.

"Pulling out a photocopy of a 1913 Atlanta Constitution story about the trial, Kean reads the headline: "Good order kept in court by vigilance of deputies.' Does that sound like what they're saying today?"

Modern tellings also suggest that class conflict had a role in the lynching of Leo Frank. Poor Southerners working in factories resented their rich Northern bosses. The implication, Kean says, is that Mary Phagan was poor white trash.

The Phagan family was middle-class, Kean says. Mary's stepfather was a cabinetmaker and her grandfather a wealthy Marietta businessman.

When the family moved from Marietta to East Point, Mary Phagan couldn't get a desk at her new school, Kean explains, so Mary was working at the pencil factory until the start of the next school year.

Kean again reads from a 1913 newspaper article.

"From her looks," a story about the testimony of Mary Phagan's mother states, "the Phagan family is above the station in life from which come children who toil in factories."

Perhaps most galling to Kean is the contention that Frank was wrongly convicted.

There is ample evidence in the court records to prove Frank was the killer, she says. Frank was caught in contradictions during the coroner's inquest, Kean notes, and he refused to be cross-examined by the defense.

Kean also offers what could be called linguistic evidence. The note left with the body must have been dictated by Frank, she says. The use of the word "Negro" indicates a Northerner is the author, she says. A Southerner would use the word "colored."

The 1986 pardon of Frank cited by his modern-day defenders, Kean says, was granted without attempting to address guilt or innocence.

"I think that the truth isn't really told about Leo Frank," says Kean. "He is not a martyr, he is a murderer."

But that doesn't mean the lynching was justified, Kean says.

"I think it's a very horrible thing that happened to Leo Frank," she says.

Convinced Frank is the killer, the only mystery for Kean in the Mary Phagan case is who is putting a red silk rose on the dead girl's grave.

Over the last several months, every week or so, a single red rose appears on the grave. About a dozen are now planted there.

"That is so sweet," Kean says. "It means so much to my family."

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