

The Phagan Family Newsletter #5



LittleMaryPhagan.com

Steve Oney says “NO NEW EVIDENCE” to exonerate Leo Frank for murder of Little Mary Phagan

On February 17, 2020, Steve Oney spoke in Savannah on the Leo Frank case. Mr. Oney is considered by many Frank supporters to be an expert, having written a book on the subject. The Fulton County District Attorney Paul Howard is being pressured by a group of non-experts to exonerate B'nai B'rith leader Leo M. Frank, who was convicted 107 years ago of the rape and murder of my great aunt Little Mary Phagan at his pencil factory when she was just 13.

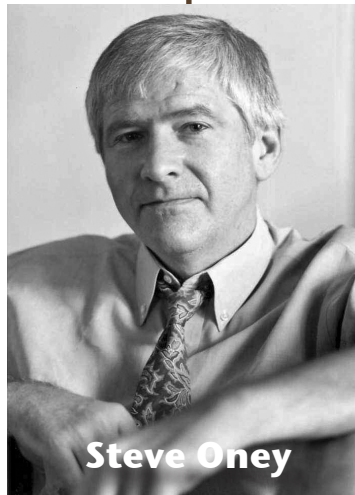
Those non-experts in the Jewish community have apparently hired the former governor Roy Barnes to be the front man for them even though he knows less about the case than they do! He recently told some law students that “If you get interested in this case...the book you should read is *The Dead Shall Rise* by Steve Oney.”

But then Barnes went on—IN THAT VERY SAME LECTURE—to make false claims about the case that Mr. Oney has pointed out were simply untrue and never happened. Barnes—in 2019—told this same group of law students this outright lie about the Leo Frank murder trial :

“And there were just mobs of people. And as the jury would go [to] the courthouse everyday, the mob would scream, ‘Hang the Jew or we’ll hang you!’”

This is very significant because this particular claim is central to the belief that anti-Semitism infected Frank’s murder trial and tainted the guilty verdict. But Steve Oney is very, very clear about it:

“[I]t didn’t happen. It was something that someone wrote a couple years after the crime, and then it got stuck into subsequent recountings of the story....Jews were accepted in the city, and the record does not substantiate subsequent reports that the crowd outside the courtroom shouted at the jurors: ‘Hang the Jew or we’ll hang you.’”



Steve Oney

The Breman Museum stopped making the false claim of anti-Semitic chants. Only Roy Barnes and his ADL cohorts continue that propaganda.

In fact, they continue even though Leo Frank—the man they are trying to exonerate—was unequivocal:

“Anti-Semitism is absolutely not the reason for this libel that has been framed against me. It isn’t the source nor the result of this sad story.”

Frank was being interviewed by the legendary Jewish journalist Abraham Cahan, who commented that Frank was speaking **“in a tone of someone deeply convinced.”** Frank’s wife, wrote Cahan, **“supported her husband’s claim.”**

Why has the Barnes crew ignored the words of Frank himself? The false claims of Roy Barnes and his cohorts are bad enough, but the fact that they are trying to use District Attorney Paul Howard to rig the legal process through these deceptive means is really troubling. It remains to be seen whether D.A. Paul Howard will fall for it in spite of the overwhelming evidence of Leo Frank’s guilt in the murder of my great aunt, Mary Phagan.

I must say, Steve Oney is certainly not in the clear here. He has his own axe to grind, because in his recent Savannah lecture, which I attended, he spread his own set of falsehoods and deceptions. Here are just a few:

Mr. Oney said that the Frank case was motivated by prejudice. But when asked if the trial jury “ignored the facts in the case,” Oney responded, “No, I think there was a reasonable case against Leo Frank.” Well, which is it Mr. Oney? To “prove” his claim of “prejudice” in the Frank trial Oney now says that the firebrand Tom Watson used his newspaper to attack Frank **DURING THE TRIAL!**

But in contradiction to that statement, Oney in his own 2003 book (page 383) actually explains—truthfully—that Watson did not say or write **ANYTHING** about the trial until **SEVEN MONTHS AFTER THE GUILTY VERDICT!** So, Watson could not have had any effect on the trial at all. **Why would Steve Oney now tell**

such a glaring untruth? Who knows? But there still remains **NO PROOF AT ALL** that “prejudice” or “anti-Semitism” affected the trial. Certainly, Steve Oney can provide no proof.

The Leo Frank case has historical significance for the African American community because it was the first time in history that a black man’s testimony helped to convict a white man. But Oney and Barnes hide just how racist Frank’s defense team of lawyers were against this man, James Conley. In open court they called him the n-word numerous times! They even tried to pin the murder on him! D.A. Paul Howard would be shocked at the anti-black hate speech and the criminal acts Frank’s supporters engaged in!

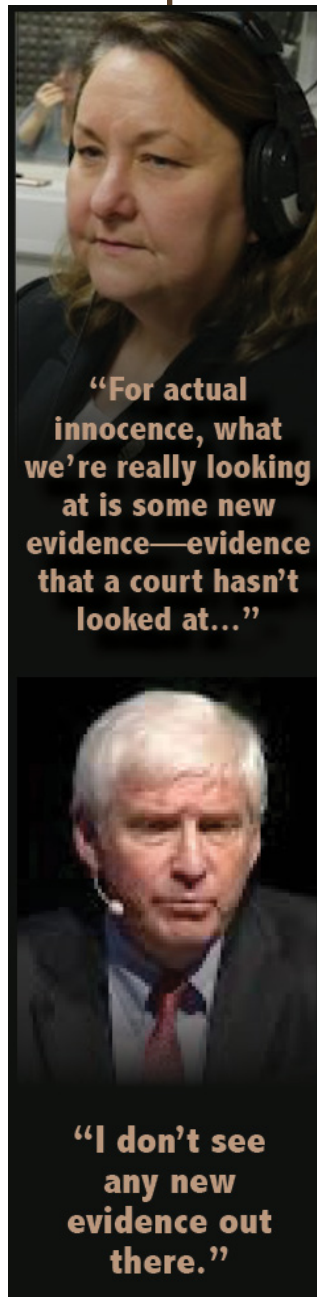
And why won’t Oney point out how 20 young girls and women who worked for Frank testified under oath of Frank’s sexual harassment? My great aunt resisted Frank’s lecherous intentions—and she died defending her honor!

NO NEW EVIDENCE!

After all his big and small deceptions revealed in his February 2020 lecture in Savannah, Oney finally got down to the reality that

after 107 years of failed attempts to exonerate Frank, D.A. Paul Howard’s new Conviction Integrity Unit will have **NO NEW EVIDENCE** to make a judgment. Oney told the audience, **“I don’t see any new evidence out there”** that might add anything new to the case.

This is a **bombshell** because D.A. Paul Howard has said, “The unit will investigate



“For actual innocence, what we’re really looking at is some new evidence—evidence that a court hasn’t looked at...”

“I don’t see any new evidence out there.”

claims of actual innocence to determine whether new evidence or facts may prove a convicted defendant didn't commit the offense." D.A. Howard went further:

"The CIU will review cases in which there is new factual, physical, or forensic evidence. The unit will also review cases in which there is relevant evidence that went untested at the time of trial or some other new evidence that a person was convicted wrongfully."

Aimee Maxwell, the director of the D.A.'s Conviction Integrity Unit, was interviewed on WABE's *Closer Look* program and was asked, "What is the criteria" for evaluating a case? Ms. Maxwell answered:

"Well, for actual innocence, what we're really looking at is some new evidence—evidence that a court hasn't looked at..."

So, now that Steve Oney has publicly admitted what real scholars of the case have known for decades, *WHAT IS THE EVIDENTIARY BASIS FOR THE ADL'S EFFORTS TO EXONERATE LEO FRANK?* Why won't they explain their position?

In the end, Oney has told his own set of untruths in order to promote his own book and to continue to receive the benefits he receives from telling interviewers and audiences what they want to hear—that Frank was "wrongly convicted for a crime he did not commit."

The fact is, every bit of "**new evidence**" only supports the verdict of guilty. D.A. Paul Howard has been made aware of the serious perjuries that have been told to exonerate Frank and to posthumously convict the African American man who Frank set up to take the fall. This is not a theory—this is a documented fact. Will Mr. Howard and his new Conviction Integrity Unit continue the deception? History shows that the integrity of Frank's conviction is secure. The integrity of the District Attorney and his office is what really is at stake.

The Hypocrisy of the Fulton County Conviction Integrity Unit (CIU) & the Leo Frank Case

The Inaugural Conviction Integrity Unit Reception was held at the Tyler Perry Studios in Atlanta on Wednesday, January 8, 2019. The Keynote Speaker was Ambassador Andrew Young, Jr.

What is the Conviction Integrity Unit?

According to its own description, "The Conviction Integrity Unit (CIU) endeavors to review past conviction for credible claims of actual innocence, wrongful conviction, and, where feasible, sentencing inequities. This process is afforded to applicants regardless of whether are pro se or represented by an attorney. The CIU is committed to ensuring all submissions receive a thorough and equitable review."

Cases the CIU will review:

1. Claims of actual innocence
2. Claims of Constitutional Violations
3. In the interest of Justice
4. Sentence Modification
5. Cases of Historical Significance

That sounds good, but this CIU was NOT the brainchild of the Fulton County D.A. According to former governor Roy Barnes, a group of pro-Frank crusaders (including himself) brought the Leo Frank case to the D.A. to ask him to exonerate this murderer (and to convict a black man for Frank's 107-year-old crime!) The *Milledgeville Journal* reported that

"When Howard asked Barnes what he had in mind, Barnes said he wanted to see if he could get the judgment against Frank set aside. Howard said he was open to the idea, but believed if he assembled a team to consider it, the team should look at more than one case."

So it was already determined that the Leo Frank Case would be reviewed before the announcement of the CIU! The Leo Frank Case did not follow the CIU's own protocol. *Why not?*



Fulton County Conviction Integrity Unit: Michael Lash, member of the Citizen Review Board; Richard Rose, president of the Atlanta NAACP, Paul Howard, Fulton County district attorney.

Why Leo Frank?

On May 7, 2019 according to the Atlanta *Journal-Constitution*, Fulton County D.A. Paul Howard stated, “The Frank Case helped inspire the creation of the new unit” and that “Former Gov. Roy Barnes, who will serve as a consultant to the Conviction Integrity Unit, had lobbied the district attorney to re-examine Frank’s case.”



DA Paul Howard and Mary Phagan-Kean at the CIU inaugural event.

Those statements alone convince me that the Conviction Integrity Unit has already re-adjudicated Leo Frank. Barnes said he is convinced

that this will happen. “There is no doubt in my mind, and we’ll prove it at the appropriate time, that Leo Frank was not guilty.”

Barnes should recuse himself from this case, as should members of the Conviction Integrity Unit who know Barnes or any others who have categorically stated that Leo Frank is not guilty.

For over a century, propaganda has masqueraded as “new evidence”: there have been plays, articles, books, videos, movies, dramas claiming death-bed confessions, bite marks and teeth x-rays (no evidence) and anti-Semitic pogroms (no evidence).

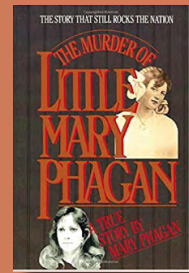
So, how is it that Leo Frank—a white rich man convicted of murder and having exhausted every possible court appeals process, and having been previously rejected as a pardon candidate—now gets a CIU Review?! On what basis, Mr. Howard? **What about the 589 other Georgia lynchings?**

The report on June 14, 2017 states that Fulton County was the scene of far more lynchings, 35, than any other county in the state! Where is the JUSTICE for them?

Lynchings: By State and Race, 1882-1968

	White	Black	Total
<i>Georgia</i>	39	492	531

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