

Title:Newt Lee Colored Sworn In For The State, 3rd To Testify  
Category:LEO FRANK TRIAL BRIEF OF EVIDENCE

NEWT LEE. (colored), sworn for the State.

On the 26th day of April 1913, I was night watchman at the national Pencil Factory. I had been night watchman there for about three weeks. When I began working there, Mr. Frank carried me around and showed me every thing that I would have to do. I would have to get there at six o'clock on week days, and on Saturday evenings I have to come at five o'clock. On Friday the 25th of April, 1913 he told me "Tomorrow is a holiday and I want you to come back at four o'clock." "I want to get o a little earlier than I have been getting off." I got to the factory on Saturday about three or four minutes before four. The front door was not locked. I pushed it open, went on in and got to the double door there. I was paid off Friday night at six o'clock. It was put out that everybody would be paid off then. Every Saturday when I get off he gives me the keys at twelve o'clock, so that if he happened to be gone when I get back there at five or six o'clock I could get in, and every Monday morning I return the keys to him. The front door has always been unlocked on previous Saturday afternoons. After you go inside and come up about middle ways of the steps, there are some double doors there. It was locked on Saturday when I got there. Have never found it that way before. I took my keys and unlocked it. When I went upstairs I had a sack of bananas and I stood to the left of that desk like I do every Saturday. I says like I always do, "Alright, Mr. Frank," and he come busting out of his office. He had never done that before. He always called me when he wanted to tell me anything and said "step here a minute, Newt." This time he came up rubbing his hands an says, "Newt, I am sorry I had you come so soon, you could have been at home sleeping. I tell you what you do, you go out intown and have a good time." He had never let me off before that. I could have laid down there in the shipping room and gone to sleep, and I told him that. He says, "You needs to have a good time. You go down town, stay an hour and a half and come back your usual time at six o'clock. Be sure and be back at six o'clock." I then went out the door and stayed until about four minutes to six. When I came back the doors were unlocked just as I left them and I went and says, "Alright Mr. Frank," and he says, "What time is it?" and I says, "It lacks two minutes of six." He says, "Don't punch yet, there is a few worked today and I want to change the slip." It took him twice as long this time than it did the other times I saw him fix it. He fumbled putting it in, while I held the lever for him and I think he made some remark about he was not used to putting it in. When Mr. Frank put the tape in I punched and I went down-stairs. When I was down there Mr. Gantt came from across the street from the beer saloon and says, "Newt, I got a pair of old shoes that I want to get upstairs to have fixed." I says, "I aint allowed to let anybody in here after six o'clock.

About that time Mr. Frank come busting out of the door and run into Gantt unexpected and he jumped back frightened. Gnatt\* (Gantt) says, "I got a pair of old shoes upstairs, have you any objection to my getting them?" Frank says, "I don't think they are up there, I think I saw the boy sweep some up in the trash the other day." Mr. Gantt asked him what sort they were and Mr. Frank said "tans." Gantt says, "Well, I had a pair of black

ones too." Frank says, "Well, I don't know, and he dropped his head down just so. Then he raised his head and says, "Newt, go with him and stay with him and help him find them" and I went up there with Mr. Gantt and found them in the shipping room, two pair, the tans and the black ones. Mr. Frank phoned me that night about an hour after he left, it was sometime after seven o'clock. He says, "How is everything?" and I says, "Everything is all right so far as I know", and he says, "good-bye". No, he did not ask anything about Gantt. Yes, that is the first time he ever phoned to me on a Saturday night.

There is a light on the street floor just after you get in the entrance to the building. The light is right up here where that partition comes across. Mr. Frank told me when I first went there, "keep that light burning bright, so the officers can see in when they pass by. " It wasn't burning that day at all. I lit it at six o'clock myself. On Saturdays I always lit it, but weekdays it would always be lit when I got there. On Saturdays I always got there at five o'clock. This Saturday he got me there an hour earlier and let me off later. There is a light in the basement down there at the foot of the ladder. He told me to keep that burning all the time. It has two little chains to it to turn on and turn off the gas. When I got there on making my rounds at 7:00 P. M. on the 26th of April, 1913 it was burning just as low as you could turn it, like a lightning bug. I left it Saturday morning burning bright. I made my rounds regularly every half hour Saturday night. I punched on the hour and punched on the half and I made all my punches. The elevator doors on the street floor and office floor were closed when I got there on Saturday. They were fastened down just like we fasten them down every other night. When three o'clock came I went down the basement and when I went down and got ready to come back I discovered the body there. I went down to the toilet and when I got through I looked at the dust bin back to the door to see how the door was and it being dark I picked up my Lantern and went there and I saw something laying there which I thought some of the boys had put there to scare me, then I walked a little piece towards it and I seen what it was and I got out of there. I got up the ladder and called up police station. It was after three o'clock. I carried the officers down where I found the body. I tried to get Mr. Frank on the telephone was still trying when the officers came. I guess I was trying about 8 minutes. I saw Mr. Frank Sunday morning at about seven or eight o'clock. He was coming in the office. He looked down on the floor and never spoke to me. He dropped his head right down this way. Mr. Frank was there and didn't say anything while Mr. Darley was speaking to me. Boots Rogers, Chief Langford, Darley, Mr. Frank and I were there when they opened the clock. Mr. Frank opened the clock and said the punches were all right, that I hadn't missed any punches. I punched every half hour from six o'clock until three o'clock, which was the last punch I made. I don't know whether they took out that slip or not. On Tuesday night, April 29th, at about ten o'clock I had a conversation at the station house with Mr. Frank. They handcuffed me to a chair. They went and got Mr. Frank and brought him in and he sat down next to the door. He dropped his head and looked down. We were all alone. I said, "Mr. Frank, it's mighty hard for me to be handcuffed here for something I don't know anything about." He said, "That's the difference, they have got me locked up and a man guarding me." I said, Mr. Frank do you believe I committed that crime," and he said, "No Newt I know you didn't, but I

believe you know something about it." I said, Mr. Frank I don't know the thing about it, no more than finding the body." He said, "we are not talking about that now, we will let that go". If you keep talking that up we will both go to hell," then the officers both came in. When Mr. Frank came out of his office this Saturday he was looking down and rubbing his hands. I have never seen him rubbing his hands that way before.

#### CROSS EXAMINATION.

I don't know how many times I told this story before. Everybody was after me all the time down there at the station house. Yes, I testified at the coroner's inquest and I told them there that that Mr. Frank jumped back like he was frightened when he saw Mr. Gantt. I am sure I told them, and I told them that Mr. Frank jumped back and held his head down. I didn't say before the corner that he said he had given one of the pair of shoes of Mr. Gantt to one of the boys, they got that wrong. On Saturdays I had to wake up usually and got to the factory at twelve o'clock. This time Mr. Frank told me to get back at four. I did say before the corner that he was looking down when he came out of his office. I told them also that there was a place in that building where I could go to sleep, but they didn't ask me where.

When you came in the front door the factory, you can get right on by the elevator and right down into the basement, anybody could do it. The fact that the double doors on the steps were locked wouldn't prevent anybody from going in the basement. That would only prevent anybody from upstairs from going into the basement, unless they went by the elevator or by unlocking those double doors. All the doors to the factory were unlocked when I got back clear Saturday afternoon about six o'clock, the first floor, the second floor, third floor and the fourth floor. Anybody could come right in from the street and go all over the factory without Mr. Frank in his office knowing anything about it. The doors are never closed at all. That is a great, big, old, rambling place up there. The shutters, the blinds to the factory were all closed that day because it was a holiday, excepting two or three on the first floor which I closed up that night. It's a very dark place when the shutters are closed. That is why we have to burn a light. There is a light on the first floor near the clock, it burns all the time because that is a dark spot. There are two clocks, one punches to hundred, the other punches to two hundred, because there are more than hundred employees. I punch both of them. About Mr. Frank and Mr. Gantt, they had had a difficulty and I knew that Mr. Frank didn't want him in there. Mr. Frank had told me "Lee, I have discharged Mr. Gantt, I don't want him in here, keep him out of here," and he had said "when you see him hanging around here watch him." That is the reason I thought Mr. Frank was startled when he saw Mr. Gantt. Mr. Gantt is a great big fellow, nearly seven feet. When he went out I watched him as he went to the beer salon and I went on upstairs. He left the factory about half past six. I went through the machine room every time I made a punch that night. I went to the ladies dressing room every half hour, that night until three o'clock. I went all over the building every half hour excepting the basement. I went down to the basement every hour that night but not all the way back. Mr. Frank had instructed me to go over the building every half hour and he said go down in the basement once in a while. He said go back far enough to see the door was closed. He told me

to look out for the dust bin because that is where we might have a fire and to see that the back door shut and to go over all the building every half hour. No, he didn't give me any different instructions on that Saturday, he didn't tell me not to go to the basement or in the metal department. He allowed me to carry out the instructions just like I had been doing before. Yes, if I had gone back to find out whether the door was closed or not, I would have found the body, but I could see if the door was open, because there was a light back there. No, it wasn't open that night. It was shut when I found the body. It was about ten minutes after I telephoned the police that they arrived. When I was down there I was close enough to the door to see it was shut, there was a light in front of it. There was no light between the body and the door. It was dark back there. If the back door had been open I could have seen that big light back there in the alley. The back door was closed when I found the body. The first time I went down the basement that night was seven o'clock. I went just a little piece beyond the dark, so I could see whether there was any fire down there. That's what I was looking for. Yes I could tell whether the door is open from there. No, I didn't go back as far as they found the body, I didn't go back that far at all during the night. The reason I went that far back when I saw the body was because I went to the closet. There are two closets on the second floor, one on the third floor and one on the fourth floor. I didn't see the lady's hat or shoes when I went down to that little place with my lantern, nor the parasol. My lantern was dirty. I was sitting down there, after I had punched on the seat, set my lantern on the outside. When I got through I picked up my lantern, I walked a few steps down that way, I seed something over there, about that much of the lady's leg and dress. I guess I walked about three or four feet, or five or six. I guess the body was about ten feet from the closet. As to what made me look in that direction from the closet, because I wanted to look that way. I picked up the lantern to go down there to see the dust bin, to see whether there was any fire there. The dust bin was to the right of me. When I was sitting down there the dust bin was not entirely hid behind the partition. I could see where the dust came down. The balance of the night in order to see whether there was any fire in the dust bin or not I went twenty or twenty-five feet from the scuttle hole, and when I was down in the closet I had to go at least ten feet to see whether or not there was any fire in the dust bin. I would have gone further if I hadn't discovered the body. When I saw the body, the closest I ever got to it was about six feet. I was holding my lantern in my hand. I just saw the feet. When I first saw it I was about ten feet from it. As to how far the body was from where I was sitting in the closet, it was not less than ten feet and not more than thirty. I stood and looked at it to see whether or not it was a natural body. When I first got there I didn't think it was a white woman because her face was so dirty and her hair was so crinkled and there were white spots on her face. When the police came back upstairs they said it was a white girl. I think I reported to the police that it was a white

woman. She was lying on her back with her face turned kinder to one side. I could see her forehead. I saw a little blood on the side of her head that was turned next to me. The blood was on the right side of her head. I am sure she was lying on her back. Mr. Frank had told me if anything serious happened to call up the police and if anything like fire to call up fire department. I already knew the number of the station house. I did say at the coroner's inquest that it took Mr. Frank longer to put the tape on this time than it did before. I did not say it took twice

as long at the coroner's inquest, because they didn't ask me. I didn't pay any attention to him the first time he put the tape on. The reason the last time I know it took him longer because I held the lever and had to move it backwards and forwards. When I was in the basement one of the policemen read the note that they found. They read these words, "The tall, black, slim negro did this, he will try to lay it on the night" and when they got to the word "night" I said, "They must be trying to put it off on me." I didn't say, "Boss, that's me.

#### RE-DIRECT EXAMINATION

The first time I saw Mr. Frank put any tape on, he didn't say anything about it being any trouble. The last time he put it on, he said something about that he wasn't used to putting it on. I was holding the lever there and he got in on twice and he had put it on wrong and he would have to slip it out and put I back. When Mr. Frank came out rubbing his hands, he came out of his inner office into the outer office and from there in front of the clock. I did not go down in the basement as far as the boiler during the night, except when I discovered the body. The officers talked to me the whole time. I didn't get to sleep hardly, day or night. Just the time I would get ready to go to sleep, here they was after me. Then I would go back to my cell, stay a while and then another would come and get me. They carried me where I could sleep, but they wouldn't let me stay there long enough to sleep. I didn't get no sleep until I went over to the jail, and I didn't get no sleep at jail for about two weeks. That was before the coroner's inquest, when I was first arrested. When I went back to the jail I was treated nicely. As to who talked to me longer Mr. Frank or Mr. Black, Mr. Black did. Mr. Arnold talked to me longer than Mr. Frank did on April 29th. In the southwest corner is some toilets for men and women.

