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The name of the magazine is "Man's Magazine." The contents for November 1963 include articles on misery mile in the Bowery, sex like of U.S. models, the suicide flight of LT. Appold, Berlin escape, my blood stains Portugal, girl in hot water, poison in your pork, willing, the lynching of Leo Frank, and a humorous cartoon about Madison Avenue’s maddest moments. Other features include booze, babes, bullets, mystery (book bonus #2), death of a busybody (Lou Largo Suspense thriller), and departments for letters to the editor, for peet's sake, man's talk, books for men, and shopping with man's. The cover painting is by Mel Crair.
THE LYNCHING OF LEO FRANK

by RICHARD HARDWICK / booted feet sounded through the prison corridor and long shadows loomed in the doorway. “That’s him! That’s the dirty murdering kike” . . . Then the vigilantes dragged Frank to a tall tree.

THE NIGHT ITSELF was quiet, as were most nights on the Millidgeville Prison farm. Yet there was something strangely ominous about it. Leo Frank, lying on a cot in a room of the prison hospital, slowly moved his right hand and touched the bandage on his neck. If the jagged gash beneath the gauze had gone another fraction of an inch, he would have died.

Maybe it was this, and the specter of violent death that had hung over the 31-year-old prisoner for more than two years, that made the sweltering August night hold such vague, unreasoning terror.

Suddenly, from outside came the sound of voices. Excited voices. A moment later someone shouted. “They done come for him! They come fer Frank!”

The door stood open and Leo Frank saw figures rushing past. One paused, looked briefly into the semidarkness of the little cubicle. “They’re here! God help you, mister!” Then the figure vanished.

“All right!” boomed a voice outside. “Everybody just hold still. We got these guns if we need ’em, but stay put and we mean you no harm!”

“Now then,” came another voice. “Where is he?”

“You won’t get away with this!” Frank recognized this voice. It was Captain Burk, the prison superintendent. “You can’t—”

He was cut off abruptly. “You show us where he’s at! And you show us right now!”

“Take him and welcome!” piped up still another voice. “He’s right down yonder!”

The sound of booted feet running, and then shadows looming in the doorway. Leo Frank could feel the intense hatred as five men crowded into the cramped quarters.

That’s him! That’s the little kike bastard!”

“Murderin’ Jew!”

Vigilante hands clutched at Frank’s right leg, jerking him half off the cot. One man took hold of his left leg, another grasped his wrists. A fifth man rushed around to the opposite end of the cot and grabbed Frank’s thick black hair, snatching his head back violently. The carefully stitched throat wound pulled apart and Frank groaned in the intense pain.

“Tie his ankles. Put the handcuffs on him. Hurry up, there! Let’s get a move on!”

Cool iron circled his wrists and snapped shut. Cord was wrapped around his bare ankles and knotted tightly. The five men slid him off the cot, dragged him through three narrow doorways and moved quickly through the dark hallway toward the exit.

“You got him!” exulted a masked man holding a shotgun on the dozens of prisoners in the big room. Several guards and the prison superintendent stood against a wall, handcuffed. Of the 25 or more armed men who had invaded the prison, only two were masked.

One of them, apparently a leader, nodded at the chained figure of Leo Frank, dangling between the men holding him. “Get the sonofabitch out to the cars.”

The abductors poured out of the prison building, threw the pain-wrecked prisoner into the back of an automobile. There were a number of cars lined up outside, their motors running, lights on, men waiting at the wheels. The cars filled rapidly, and at a signal roared away over the hard-packed clay road in the direction of Sparta. For several minutes their lights could be seen, and occasionally the sound of a gun being fired into the night sky was heard, and then they were gone.

A few miles from the prison, the line of cars split into two groups. One continued to the northeast, toward the town of Sparta, firing guns and waking the countryside with their noise. The second group of three cars doubled back in a northwesterly direction, heading toward Atlanta, moving quietly and without fanfare. It was this group that carried Leo Frank.

He sat erect on the rear seat of the middle car, squeezed between two men armed with shotguns. As the car raced over the rough clay-surfaced roads, the pain of his throat wound grew worse, throbbing with each beat of his pulse. He could feel warm blood saturating the bandage.

“Frank,” one of his kidnappers said after a while. “Frank, you’re going to hang tonight for killin’ that girl. There’s no way out of it now. You want to get it off your soul? You want to confess you did it?”

THE night air had grown cooler. The car dipped down through a lowland and wreaths of summer fog swirled through the open windows, the damp air cutting through the light pajama shirt he wore.

“I can’t confess something I didn’t do,” he answered, as he had steadfastly maintained through the more than two years since young Mary Phagan had been brutally assaulted and slain in the pencil factory Frank managed.

“You’ll be tellin’ your lying story some place else before long!” the driver grated between clenched teeth. The man next to him picked up a heavy coil of rope from the floorboards and tested it absently between his hands.

Gray streaked the eastern sky as the little procession of cars skirted west of Atlanta and doubled back toward Marietta, a town just north of the capital. It was almost seven o’clock by the time they circled Marietta and approached on the Roswell Road.

All telephone and telegraph lines into Millidgeville had been cut prior to the raid on the prison. Even so, by now word had spread. The (Continued on page 58)
People came from miles to gape at Leo Frank’s body.
Leo Frank

(Continued from page 16)

job had to be finished—and quickly. The lead car swerved off the road, the others following, and the group came to a jouncing halt in a grove of trees. After the long, hard ride wisps of steam and vapor rose from the brake drums. Then people piled out silently, stretching, relieving themselves. Leo Frank was pulled roughly from his seat, a man holding onto each arm. The cut in his throat had begun to fester again and he was raging.

The man with the rope was standing beneath an oak tree, separating the coils. He swung one end, the rope swished upward, crossed a limb, and dropped on the other side. He booted himself making a

The others gathered around their prisoner. One of the leaders stepped up to him. "You've only got a few minutes, Frank. There's nobody can stop this now. We've got the whole jury and the whole courthouse and everybody in the town on the warpath."

"Yes, but not this one," the leader answered. "This one is a different story."

In the morning light, Leo Frank looked at the rope dangling from the oak tree, and then his blank face actually showed signs of human emotion. He tried to speak, but nothing came out. He felt a chill run down his back, and his heart began to pound. He was doing his best to keep calm, but the fear was beginning to get to him. "Quiet, everybody," someone snapped. "He's gonna admit it was him!"

The man standing before him sighed in frustration. "Put the blindfold on him." A white handkerchief was pulled over his eyes and the rope was fastened tightly around the back of his neck. He tried to take a deep breath, but the rope cut into his throat. "I... I... I..."

The man behind him pulled the rope tight. It cut into his neck, cutting off the last bit of air. He struggled, but it was no use. The rope was too tight. "May God have mercy on your perverted soul..." someone muttered.

Hands, willing and eager hands, hauled on the rope...

At about noon on Confederate Memorial Day, April 26, 1913—more than two years before the rope derailed across an oak limb in the grove outside Marietta—a forty-four-year-old man named Frank was found hanging from a trolley on Forsyth Street in Atlanta and walked in the direction of the National Pencil Company. Mary worked in the factory, inserting metal caps on the tops of pencils. On her way home one day, she was raped by a man she later identified as being employed at the factory.

"May God have mercy on your perverted soul..." someone muttered.

Hands, willing and eager hands, hauled on the rope...

Just before the rope broke, a man jumped from the trolley and ran away. "I just got up, Captain, I haven't eaten breakfast yet," Frank replied. "Isn't the watchman there?"

"Re's here. But I'd like you to get down here and drive my car for you."

Frank did not ask what had happened, nor did Sternees volunteer the information. A few minutes later a police car arrived at the house where Frank lived with his wife and her parents. The young factory manager was still not dressed when the officers entered.

"What's this all about?" he wanted to know.

"You get dressed and come with us. You'll find out later."

"Did the night watchman report anything to you?"

"He hold your questions," they replied. Frank dressed and got into the car. As they sped downtown one cop turned to Frank. "You know a girl by the name of Mary Phagan?"

"Yes, she works at the factory?"

"We think so," watching Frank's re-
Floyd acted carefully, the officer went on. "She's dead. Her body was found at the pencil factory a few hours ago."

Frank stared at him. "Dead!"

"She was murdered. Did you know her?"

"I thought Floyd was supposed to look after her."

"Floyd was looking after her." The officer said, "He was called in by the girl's employer. Floyd was the last person to see her, he said."

"I have to look at the payroll records. The records will show whether she worked for me or not."

Instead of being taken to the factory, Leo Floyd was driven directly to the mortuary where the girl's body had been taken. When he had viewed the brutally slain body, he denied knowing her, and repeated that he would check the factory records.

In the meantime, Newt Lee, the watchman, had been arrested and removed to the police station where he was under interrogation by Detective Frank. He was wearing a blood-spattered shirt in a trash can near Lee's home had focused suspicion on him, but even though he was chained to a chair and very well-hung he had no idea that the girl's murder was connected to his own origins. He claimed that he knew nothing of the murder except that he had found the girl's body and called the police.

Frank, acting in behalf of the pencil company, called Lee's landlord and told him to look out for the company's interests during the investigation. Apparently, at this early stage of the case, Captain Sterns had no direct suspicion of Lee as the murderer. The watchman was asked the young executive to talk to Newt Lee in the hope of getting information that the watchman would not give to the police. Frank went into Lee's cell and talked with the Negro watchman. "If he knew anything," he said. "I'll have to arrest him."

Newt Lee, on the witness stand some weeks later, had a different version of what had happened between them in that cell: He said that Frank came into the cell, where Lee was handcuffed to a chair, and "hanged his head."

"Mr. Frank," Lee said, "is it powerful hard to keep me handcuffed in this jail for somethin' I don't know nothing about."

"What's the difference," Frank allegedly answered. "They've got me locked up and a gun guarding me."

"You believe I killed that girl, Mr. Frank?"

Frank shook his head. "No, Newt, I know you didn't. But I believe you know someone who did."

"No sir; I don't know nothin', no more 'n finding her!"

"We won't talk about that now," Frank said. "We'll let that go, but if you keep this up we'll both go to hell."

After the talk with Lee, Frank suggested to Sterns that he might do well to question two other men. "Jim Conley, a Negro, a man who works around the factory from time to time. And you might talk to J. M. Gant. He worked for me until a few weeks ago, when I had to let him go. There was a pretty bad row between them."

Gant, as it turned out, did know Mary Phagan and her family. In fact, at one point during the investigation Frank reportedly told Sterns that Gantt had been on the factory floor with Mary, a statement which would have been directly contradictory to Frank's earlier statement that he (Frank) did not know the girl at all.

After questioning Gantt intensively, the police released him. Jim Conley was a different matter. His reputation among both Negroes and whites was a bad one, and he had a long police record of minor offenses. Conley was a veteran of scores of police grillings, and at first would talk to no one at all. But Conley finally talked to Smith. He then told the police that he had been drunk all day on Memorial Day and had been nowhere near the pencil factory.

Curt's story was holding water. Newt Lee seemed in the clear, and there was nothing to tie Jim Conley to the murder. Consequently, three days after Mary Phagan died, suspicion came around to Floyd. But Floyd was uncooperative, and he was arrested on a charge of suspicion of murder.

The "unsolved Phagan case," as it was officially referred to, was given top priority in the office of Property, a man named Robert T. Hildreth, a former editor of the Columbia Sentinel, who referred to Frank as "that filthy perverted Jew of New York", feeling reached a white-hot pitch.

So Frank was held in Atlanta's famous Fulton Tower until the trial began on July 28, three months after the girl was murdered. Judge Leonard Roan presided. The prosecution was headed up by Sol. Gen. J. W. Calhoun, a former assistant district attorney for the county and a very experienced criminal lawyer, Luther Rosser and Reuben Arnold, represented Frank.

The case opened with Assistant Prosecutors Harry Hooper slamming into Leo Frank in a wildly inflammatory opening speech to the jury. Hooper described Mary Phagan's mother, Mrs. Phagan, as a pretty girl and well-developed for her age, which would have been fourteen on June 1st. The woman identified the various items of clothing found near the dead girl's body. When she saw her daughter, she said, "and that's not her."

Newt Lee, the night watchman, testified that he reported for work at the pencil factory on the night of April 26. "When I unlocked the inside door, Mr. Frank came busting out of his office and he told me go off and come back at 6:00." He continued with his version of the terrible story for the defense. Floyd and Frank in the jail, a story which differed drastically with that given by Frank.

A number of police officers testified to Frank's hostility toward Phagan, and his apparently hostile relations after the murder. Harry Scott, the Pinkerton detective hired by Frank, but who had seen fit to disagree with his employer and who had become convinced that Frank had committed the murder, defended the heinous, gap-toothed Frank in his
testimony that was damaging to Frank's case.

The county physician, the undertaker who embalmed Mary Phagan's body, and a Dr. Harris, who performed a post-mortem examination of the body, testified to the sight of Mary Phagan's body, which was not really so bad as she had been, as had been feared. The undertaker's testimony that left some doubt as to whether Mary Phagan had actually been sexually assaulted, though there were strong indications to that effect.

A number of other witnesses appeared for
blasted Conley and others as perjurers bent on the destruction of Leo Frank. "The prosecutor," Arnold boomed to the packed courtroom, "says that Jim Conley had nothing to hold him on the witness stand but the promise of his God! He had the desire to save his own neck! What stronger motive could a man have on the stand? The whole case against my client is based on Jim Conley's testimony. If the prosecution can't come up with something better than a broken crutch, they know they will fail."

"If Frank had not been a Jew" Arnold continued, "he would never have been indicted... Conley would not have been brought into court to testify against him, for he did not prompt. I am asking you to give this man (Frank) fair play!"

On August 25th the longest and most publicized criminal trial in the history of Georgia ended. Judge Roan cleared the courtroom, but before he charged the jury, he held a conference with counsel for both sides. He pointed out thelayout of the prison yard to the defense attorney, who packed the streets for blocks in every direction outside the courthouse.

"If the jury brings in a verdict of not guilty, the defendant as well as his counsel may remain outside, a ceremony in a dusty, rumbling hush descended. And then, from the courthouse steps, a great cry went up. "Rebel yell!" screamed the sweating fat woman wearing a Confederate flag. "The murderin' little Jew's guilty!"

inside the courtroom the polling of the jurors had to wait, so loud was the screaming, bellowing tongue rioted outside. In the room to which Frank and his lawyers had been removed, the animal sound that filled the air meant there was no danger now from the mob. The thumb had been turned down. The result was guilty.

Frank's lawyers immediately filed a motion for a new trial, citing some 100 grounds in their arguments. After two months of deliberation, and for reasons which came to light only after the trial, the 12 men filed out to make their deliberations.

An hour passed. Another. And suddenly, a murmuration began to spread through the mass of humanity packed in the streets. The prison yard, a yard of hot sand, momentarily became a rumbling hush descended. And then, from the courthouse steps, a great cry went up. Rebel yell! screamed the summer afternoon. "Yeaah! Yeeehah! Lightly!" screamed a sweating fat woman wearing a Confederate flag. "The murderin' little Jew's guilty!"

The long and involved process for the trial opened up the Georgia State Court of the State of Georgia upheld the conviction. Frank's execution was set for April 17.

One day before he was scheduled to climb the gallows, a postponement was granted by the state's high court for the purpose of hearing arguments on a petition for a new trial. Seven months dragged by, and the petition was denied.

Frank was taken to the Federal courts, and eventually landed in the U.S. Supreme Court where, on April 19, 1915, the last chance through court action for Leo Frank disappeared when the Supreme Court upheld the lower court ruling.

The hanging was set again, this time for April 25.

At the last minute, the sentence was once more postponed, this time for a review by the Georgia Prison Commission. In June, the commission denied clemency in the case, which left intervention by the governor as Frank's sole hope.

Georgia's Governor John Slaton stepped in. He had never been satisfied with the outcome of the trial, and expressed doubts as to whether Frank was guilty, as had many others, including Judge Roan. Roan, in fact, in the preface of his deathbed, wrote a letter to Slaton, asking clemency for Leo Frank.

Slaton held public hearings, and on June 18 reached his decision. He would commute Leo Frank's sentence to life imprisonment. But he issued his proclamation before he announced to put such a decision into effect. The first move was to get Frank out of Atlanta. Special deputies, sent secretly to Fulton Tower, whisked Frank to the state prison at Jackson, 76 miles to the southeast. When the news of Slaton's decision broke, Frank was not in Atlanta.

But the governor was there, living in his home near suburban Buckhead while work was being done on the executive mansion. The mob—swarmed at having its prime target removed—found a likely outlet for its energies in Governor Slaton himself. Crowds of shouting demonstrators milled about the city all day on Monday. Tension mounted, threats filled the air, the mob grew. By late afternoon it began to move out Atlanta's famed Peachtree Street to wash away their anger.

"Next thing they'll pardon the rotten murderer!" someone yelled.

Newspapers hawking their extras all over the city barked: "Frank practically free! Reclaim him, Governor!"

"Are we gonna let him off like this!"

"Hell no! And we'll get Slaton, too!"

"Let's go!"

The mob gathered steam as it moved northward, and the 4,000 men of the mob quietly quieter as it proceeded, but seeming more resolved to get to the man they thought had let a murderer off.

The news of the mob spread over the city, drum beating, bugle sounding. A private meeting took place, a council to end all lynchings—that of the governor of the state. But the mob was not the only force on the move by this time. Personal friends of Governor Slaton set themselves to the task of meeting to the teeth with gun dogs, blackjacks, and dynamite. The inertia of the Lynch mob was broken, and a tragedy averted.

But the feeling in the Frank case did not subside. Many of the newspapers continued to fan the flames, notably Tom Watson's Column or Sentinel.

Frank himself seemed safe enough at Milledgeville. Spiriting him out of Atlanta—where he was taken to the state penitentiary—was at the white-hot maximum—undoubtedly saved him from a mob that would have been far more difficult to stop than that which moved against the governor. But even in the confinement of the fence, felons of every sort, the same feeling existed toward Leo Frank that existed on the outside. And with this feeling, there was also opportunity and criminal cunning.

But the mob did not stay gone. Drums were beat, crowds streamed into crowded dormitory on the second floor of one of the prison buildings, a section for white prisoners. There was a door at each end of the room, and at night a husky guard sat at each door. Frank was not in this section of the outside. Frank's cot was some 40 feet from one of the doors. Nearly four weeks had passed since the flight fromAtlanta.
convicted of murdering Governor Slaton. Convicted of murdering Governor Slaton in the courtroom, Cren and tried to pull him away.

“Why the hell’s goin’ on over there?” yelled a guard.

“Fight!” somebody hollered. “Man’s cut!”

Cren was possessed. His eyes blazing, he continued to hack away at Frank’s throat until enough hands were finally mustered to tear him away and throw him screaming and cursing to the floor.

Leo Frank lay gasping, a great bleeding rip across his throat. By the greatest stroke of luck for the wounded man, two of the prisoners in the dormitory were doctors, both serving life sentences for murder them- selves. Working quickly and expertly, they tied of the severed jugular and saved Frank from bleeding to death. Cren had been dragged off before the blade had reached the windpipe, and after hours of surgery, Leo Frank was pulled again from the brink of death.

From the country as a whole, the incident brought cries of outrage. From the rabid anti-Frank factions, however, came de- mands for a full pardon for the would-be executioner, J. W. Cren. Tom Watson’s publications continued to pour fuel on the flames. "Are the old days gone?" one of his readers asked. "Are the old times come back? Is there no expiation for the old sins?"

If mob rule and Lynch law were the old "glowydays" and lessons, then the rule under which Watson referred, then he struck a spark in the men who, on August 16th, dragged the hapless Leo Frank from his hospital bed in the state prison and hung him from an oak tree in Marietta.

The last death spasm had hardly wracked Leo Frank’s body before Watson pointed out the lesson. "Jew libertines take notice!" he wrote victoriously.

With the death of Leo Frank, the long,hot, and controversy-riddled case seemed to have ended. Many people were honestly convinced that justice had been served, and many others were equally convinced that Frank’s death had been a murder as brutal and heinous as that of Mary Phagan herself.

But the echoes went on. Governor John Slaton, for his act of mercy in commuting Frank’s death sentence, was ruined politically in the native state.

Hugh Dorsey, the prosecutor whose zeal and sincerity had first put Frank in the death house, was swept into the government of Georgia in 1916, though he made no personal capital of the part he played in the case. Thomas E. Watson was not hesitant at all, and on the other hand. Political paydirt be- ing where one finds it, Watson unflinchingly and loudly rode the crest—which he had helped create—all the way to Washington and the U.S. Senate, where he served until his death in 1922.

In 1942—27 years after the lynching of Leo Frank—Judge Arthur Powell, who had assisted Judge Roan during the Frank trial, published a book in which he flately stated that he had believed Frank had been innocent of the crime for which he was con- victed. “I know who killed Mary Phagan,” Powell wrote. “But I know it in such a way that I shall never make the information public so long as I am alive.”

To compound this enigma, he went on to say that he was going to write down what he knew, and how he knew it, and was going to give his instructions for it to be made public when the people referred to were dead. “I owe this much to (Governor) Jack Slaton and to the memory of an innocent man who died an awful death.”

Nine years later Judge Powell died, but the story did not come to light. Then, in 1959, another judge, Allen Lumpkin Henson, who as a young man had helped in preparation of the prosecutor’s case against Frank, published a book in which he told the knowledge Powell had writ- ten of.

Jim Conley, the Negro handyman whose testimony had been virtually the whole case against Frank, had talked to his own lawyer, William Smith. But Smith did not even call him as a witness at the murder trial. It was made out of that recorded in the trial transcript.

Conley told Smith he had gone to the prison and had arranged for a bottle of whiskey to be delivered there. During the morning, he had heard Frank upstairs, and had heard the carpenters who were working on the fourth floor, but had not gone upstairs him- self.

He said that he was sitting in a chair near the elevator shaft, drinking his whiskey, when he saw a girl walking toward the door. The girl (whom Conley could have been the pay Mary Phagan that had come to collect), and that when he ap- proached her she screamed and they strug- gled. Conley said he blanked out after that, and that when he came to and to was in the basement, slumped against the elevator housing. The girl was lying there on the floor, the cord around her neck. Frightened, he left by the side entrance.

William Smith, having received from Conley as a privileged communication between lawyer and client, could not reveal it officially. Still, unable to keep this terrible secret to himself, he went to see Governor Slaton (weeks after the conclusion of Frank’s trial. Roan, at the time, was already unconvincing of Frank’s guilt and considering a motion for a new trial. The talk with Smith decided him on the subject.

But on consulting with certain colleagues—including Judge Powell—it was decided that the best way to handle the matter was to allow the case to run its legal course, and if Frank was convicted, then to have Governor” Frank, to go to Governor Slaton with Smith’s information. The reason for this was the fantastic public feeling in the com- munity against Leo Frank. Roan was in a position of power; he felt that they might be putting another death sentence on the man by allowing a new trial, a death sentence by mob action.