

LITTLE, POWELL, SMITH & GOLDSTEIN

JNO. D. LITTLE
ARTHUR G. POWELL
MARION SMITH
M. F. GOLDSTEIN

ATLANTA, GEORGIA

May 19th, 1915.

To the Prison Commissioner of Georgia,
and to Hon. John M. Slaton, Governor,
Atlanta, Georgia.

Gentlemen:--

In re: Leo M. Frank.

I feel it proper to make this statement:

I was an intimate friend of Judge Roan. If he were living I would not attempt to speak for him. Since his mouth is closed by death, I feel that it is due to him and to Frank that I should give you the benefit of what I know of how he felt as to the defendant's guilt.

Frequently during the trial he advised with me, sending for me often to come to the court house. I cannot, with brevity, detail the conversations I had with him. The substance of what he told me is, that he did not believe the defendant to be guilty. He expressed this opinion, in substance, to me at varying times during the trial.

Toward the close of the trial he sent for me and told me that his (the judge's) life was being threatened, that the lives of defendant's counsel were being threatened, that the temper of the crowds about the trial was such that he believed, if the defendant was present at the reception of the verdict he would be lynched and that there was danger to his counsel if they were present. He asked me to look up the cases on the question as to whether the defendant could waive his presence. I did so, and submitted the result of my in-

vestigation in writing.

Also, at his request, I prepared portions of his charge to the jury. I mention this fact merely to show that I had opportunity of intimate knowledge of the state of his mind.

After the trial and a day or so before the motion for a new trial was passed on, he met me on the street car, and mentioned the attack made on two of the jurors for prejudice and bias. As I was about to leave the car he put this question to me: "Can there be the slightest doubt in the world that those jurors went into the box prejudiced against Frank?"

Why, with these views, he did not grant the new trial, which from his conversation with me I fully expected him to grant, I do not know and cannot explain. I have known Judge Roan for a number of years, and I can say he was not himself during the trial and afterwards.

Furthermore, I wish to say that I was present in court a number of times during the trial, and kept up tolerably well with the evidence. I had no interest in it. If I was theoretically interested it was on the side of the State, as my partner, Mr. Hooper, was engaged in the prosecution. What I saw of the trial convinced me that the defendant was innocent. To any critical mind there must be grave doubt of his guilt. As a citizen of the State let me say that I hope he will be pardoned, or that his sentence will be commuted.

I can say further that I have recently been in various parts of South Georgia and have been surprised to find how strong and practically unanimous the sentiment there is against his being hanged, though there was considerable feeling against him in that section at the time of the trial.

Respectfully,

J. G. Powell