



LEONARD S. ROAN served the Georgia Court of Appeals October 1913 until February 1915. He was born in Henry County, Georgia, on February 7, 1849, and died February 23, 1915.

He attended Fayetteville High School under "celebrated teachers Morgan H. and George C. Looney." He was admitted to the Bar in 1870 after receiving legal training in Griffin, Georgia, with the law firm of Peeples & Stewart. The Senior partner of this firm was Judge Cincinnatus Peeples, and the junior partner was Judge John D. Stewart, who was later elected to the U. S. Congress from the Fifth District.

In 1875 he married Willie Strickland, and they had five children who survived him. His great-grandfather, John Roan, lost his life in the Revolutionary War at the Battle of King's Mountain. His father, Benjamin S. Roan, was a veteran of the Indian War of 1836 and the War Between the States.

He practiced law in Fairburn, Georgia; served as Solicitor of the County Court; was active in the cause of educational progress; served several terms as Mayor; was a Judge of the Superior Courts of the Stone Mountain Circuit for 11 years and tried all the felony cases of the Atlanta Circuit during part of this time. It is said he presided at the "trial of more celebrated criminal cases than perhaps any other judge who has ever sat on the Bench in Georgia." See the memorial dated May 12, 1915, in 16 Georgia Appeals Reports, pages 873-878.

His chief characteristics as a judge reflected courage, competency, contagious care, concern, and conscientiousness. He exhibited "absolute impartiality, his broad human sympathy, and his earnest desire that right should be done." In his daily life he was "a deep thinker, relying on his own judgment always, a man of the strictest integrity, tender of heart, and a believer of God and religion, a searcher after truth, a lover of nature and the true and the beautiful."

# The Ballad of Leo Frank

1913 Atlanta, Georgia

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*The myth of a Jewish conspiracy is an old one that thrives on a mix of economic insecurities and cultural prejudice. During the recession of the 1980s, white supremacist groups recruited new members by arguing that Jews in business and government were responsible for the problems of working-class Protestant whites. In the 1990s, Nation of Islam leader Louis Farrakhan used similar reasoning to pronounce Jews the enemy of African Americans.*

*In Georgia in 1913, the Jewish conspiracy myth found its focus in the murder of Mary Phagan, a 13-year-old girl who worked for a Jewish factory superintendent named Leo Frank.*

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EARLY ONE SUNDAY MORNING while making his rounds, the night watchman at the National Pencil Company found the body of a teenage girl in the basement coal bin. Soot so thoroughly covered the corpse that the police, working by lantern-light, at first didn't realize the dead girl was white.

Before her death in Atlanta on April 26, 1913, Mary Phagan was one of the invisibles that small army of children whose nimble hands and small needs made them excellent industrial workers. About to turn 14, she worked 10-hour days for 12 cents an hour in the pencil factory. It was Mary's job to attach the copper caps that held the erasers on the pencil shafts.



**Leo Frank**

 MaryPhagan.jpg (9860 bytes)

**Mary Phagan**

The police quickly arrested several suspects in the murder. One was Newt Lee, the night watchman, who was black. Another was a black man named Jim Conley, who worked at the pencil factory as a sweeper and was seen washing blood from a shirt shortly after the incident. A third was the white factory superintendent, Leo Frank. According to police detectives, they had found bloodstains and hair of the victim near Frank's office.

Hugh M. Dorsey was Atlanta's prosecuting attorney at this time. Dorsey hoped to use his current position as a steppingstone to a state or national political career. Two recent failures to convict accused murderers had damaged his reputation. He believed that nailing the killer of Mary Phagan would restore his popularity and help him realize his dream.

The police also needed a conviction, in order to preserve the public trust. These were uneasy times in Atlanta and cities like it around the South. Racial tensions were erupting into riots, such as the one that rocked Atlanta in 1906. Descriptions of ongoing police brutality and nightmarish prison conditions stirred both outrage and fear, even among law-abiding citizens.

There were serious economic problems as well. Recent droughts and the boll weevil had crippled Georgia's cotton agriculture and forced farm families into the cities to find work. There, they lived in overcrowded and unsanitary slum apartments. Low wages and the high cost of urban living made it necessary for women and even children to labor from dawn to dusk in the mills.

These circumstances placed tremendous strain on the uprooted farming class. Working conditions in the huge factories and assembly shops were dreadful and dangerous. Drunks and prostitutes roamed the city streets. Young girls were often harassed or even raped at work.

What made these wretched conditions seem even worse to the rural immigrants was the fact that many factory owners and supervisors were outsiders, typically from the North. Leo Frank, Mary's boss at the National Pencil Company, was an outsider on two counts -- he was a "Yankee" and he was a Jew.

The rural people who came to work in Frank's factory carried long-held prejudices toward strangers of any kind. To these poverty-worn descendants of pioneers, the Jews were wealthy aliens who practiced mysterious rituals and rejected Jesus. Although he had married an Atlanta native, and his blood uncle had fought for the Confederacy, Leo Frank from Brooklyn would always be one of "them."

Atlanta had an old, established Jewish community, the largest in the South. Despite social barriers based on anti-Semitism, several Jews held public offices. But the new figure of the Jewish factory boss gave Protestant Christians new grounds for prejudice -economic exploitation.

As questioning of the three main suspects proceeded, the public raised an angry cry for justice -- or, more accurately, for revenge. In this edgy atmosphere, the authorities became increasingly careless with their information. They released tantalizing half-truths to reporters, who filled in the gaps with hearsay. One policeman, for instance, claimed to have discovered Frank in the woods with a young girl a year earlier. By the time the officer admitted having confused Frank with someone else, the press had already moved on to the next "revelation."

The sensational murder story sent sales of all three Atlanta daily newspapers skyrocketing. Each attempted to outdo the other in dramatizing the case's details. In a bold publicity stunt, one paper raised money to bring in "the world's greatest detective" to compete with local police. Coverage of the murder, the investigation and the trial took Atlanta's press to new depths of yellow journalism.

Investigators soon lost interest in the night watchman. That left Conley and Frank. Given the social status of blacks in Atlanta in 1913 -- not to mention the bloody shirt he was seen scrubbing -- it might have appeared that Conley was a dead man. Far less provocation than the murder of a white girl had caused many black men to hang.

Almost from the outset, however, both the police and the press focused their attention on Frank. In fact, no one even sent Conley's shirt to a lab for testing. And an insurance agent who reported hearing a confession from Conley was told that no blacks were present at the factory on the day of the crime.

An explanation for the authorities' behavior can be found in a statement by the pastor of the Baptist church Mary attended: "This one old Negro would be poor atonement for the life of this innocent girl." In Leo Frank, a New York Jewish factory boss, white Protestant Atlantans found a demon "worthy to pay for the crime."

Little Mary Phagan was no longer invisible. She had become a symbol for everything

that the Leo Franks of the world were coming to take away. One periodical later called her "a daughter of the people, ... of those who eat bread in the sweat of the face, and who, in so many instances are the chattel slaves of a sordid Commercialism that has no milk of human kindness in its heart of stone!"

At the pre-trial hearings, no one contradicted Frank's calm account of his own actions on April 26. But witness after witness came forth to cast doubt on his character. They described him as a flirt, a ladies' man, a pervert. In an appeal to a different prejudice, someone even suggested that he was a closet Catholic.

In late May, the prosecution released a series of four sworn statements from Conley. Each story was different. By the fourth statement, Conley was claiming that, on the afternoon of April 26, Frank asked him to attend to a girl that Frank had "let fall" against a machine in the work room. Conley said that he found the girl dead, and that Frank helped him carry her body to the basement by elevator.

Hugh Dorsey and the detectives took Conley to the factory and asked him to walk them through the events of the fateful day. Conley showed them where he first talked to Frank, where he found the girl and where they moved her.

As the elevator reached the bottom of the shaft, the investigators heard something being crushed underneath them. They discovered that it was a girl's umbrella. Dorsey must have hoped that no one would realize its significance: If the umbrella had been standing in the shaft undisturbed until now, then that proved that Conley was lying. He and Frank hadn't brought Mary Phagan down on the elevator.

Even without this evidence, the grand jury saw enough holes in Conley's statements to charge him with murder. But Dorsey persuaded them to indict Frank: The time was right for singling out a Jew.

The trial of Leo Frank opened on July 28, 1913, at the City Hall and dragged on for four scorching weeks. Each day, the crowd of spectators was so large and so agitated that 20 police officers were posted around the courtroom. Men standing in the tall open windows

shouted play-by-play commentary to the people outside. Street vendors sold refreshments, and on one occasion a bold youngster made good money indoors hawking sandwiches to those who didn't want to leave their seats during the lunch recess.

Dorsey built his case against Leo Frank on the testimony of Jim Conley. Outfitted in a new suit and flesh haircut, Conley reinforced his story with flesh allegations: that he frequently served as a "lookout" while Frank entertained female visitors in his office; that Frank wanted Mary Phagan to be one of those visitors; that when she rebuffed him, he killed her for it.

Conley's tale was so shocking that the judge dismissed all women and children from the courtroom. The omission of "unprintable" passages from the newspapers only heightened the public drama even more. Every chance he got, Dorsey raised questions about Frank's sex life, to underscore the defendant's image as a beast.

Dorsey knew that Frank's defense lawyers could be tough opponents if they wanted to. Amazingly, in this case they seemed distracted and careless. They permitted false evidence to go unchallenged. (Later analysis revealed that the "bloodstains" found near Frank's office, for example, were really spots of paint.) They hadn't even requested that the trial be moved out of Atlanta, although the local bias would have been obvious to anyone. At every turn, the courtroom thundered with cheers for Dorsey, boos for Frank. Each morning as the jury walked over from a nearby hotel, the crowd chanted, "Hang the Jew, or we'll hang you!"

The witnesses called to defend Frank were mostly Jews themselves, or Northern business associates of the accused. None of these was likely to sway a typical Atlanta jury. When Frank finally took the witness stand, his testimony was convincing, and many newspapers supported him. But, fortunately for Hugh Dorsey, the verdict wouldn't be decided by the press.

Frank's lawyers thought that the facts would speak for themselves, that Conley's

deceit was obvious. They underestimated the power of the word 'Jew.'

In his closing argument, Dorsey praised well-known Jewish leaders and businessmen, in order to demonstrate his own lack of prejudice. Then he recited the names and deeds of notorious Jewish criminals. The Jews, he said, "rise to heights sublime, but they also sink to the lowest depths of degradation!"

Dorsey's sweeping indictment of the Jewish people held his audience spellbound. It was getting late, and Judge Leonard S. Roan knew what even ordinary Saturday nights were like in the rowdy streets of Atlanta. This was no ordinary Saturday. The judge decided that it was better to postpone the rest of Dorsey's closing argument until Monday than to let it end now and turn the crowd into a mob.

On Monday morning, August 25, Dorsey received a hero's welcome, and Judge Roan threatened to clear the courtroom. For three hours, the prosecutor hammered his point home: Leo Frank murdered Mary Phagan. "Guilty!" Dorsey shouted at precisely noon, and church bells chimed. Less than four hours later, the jury announced its agreement.

Outside the building, hats sailed into the air. Women wept in jubilation. Three strong men lifted Dorsey above the cheering multitude. At a local baseball field, officials posted the verdict on the scoreboard, and the fans went wild.

News of Frank's conviction swept the city, the state and the nation. The next day, Judge Roan sentenced Frank to hang. (Jim Conley's earlier conviction for accessory to murder brought him one year on a chain gang.) Frank's lawyers immediately began the process of appeals, none of which was to prove successful. Newspapers and magazines both locally and around the country issued calls for a re-trial.

Meanwhile, along Georgia's Main Streets, resentment of this national attention only fed a broader current of hate. An editor and veteran politician named Tom Watson was building a new reputation for himself as the white Southerners' champion. In his two journals, Watson's Magazine and The Jeffersonian, Watson turned the Frank case into a rallying cry against Northerners and against the factory system and particularly against Jews.

On October 2, 1914, more than a year after Frank's conviction, Jim Conley's lawyer announced that his own client was Mary Phagan's murderer. Since he had already been tried and convicted of a lesser charge, the lawyer argued, Conley could not be tried again. But Frank could still be spared the noose.

Pressure mounted for Gov. John M. Slaton to commute Frank's death sentence. More than 100,000 letters poured in. Nine governors, including four Southern ones, urged executive clemency. Six state legislatures passed resolutions on Leo Frank's behalf. Across the nation, mass meetings, petitions and newspaper coupon drives voiced the support of a million people, 10,000 Georgians among them.

The clemency movement only fueled Tom Watson's fire. His editorials denouncing the "filthy, perverted Jew of New York" increased circulation of *The Jeffersonian* from 25,000 to 87,000. Jewish money, he said, was undermining the judicial system. At his suggestion, protesters held public rallies in one on the Georgia state capitol grounds. Watson even raised the possibility that a pardon for Frank might result in lynchings.

Gov. Slaton's term in office was almost over. He was one of the most popular governors in Georgia history. He could easily have left the Frank matter for his successor to deal with, but momentum for a decision was gathering. Judge Roan, a short time before his death, asked the governor to save Frank from an unjust execution. As more evidence of Frank's innocence surfaced, threats mounted against the governor's life.

Gov. Slaton later credited his wife with inspiring him to follow his conscience. As he spent a sleepless night on June 10, 1915, she told him, "I would rather be the widow of a brave and honorable man than the wife of a coward."

The governor secretly ordered the sheriff to transfer Leo Frank to the state prison farm at Milledgeville, 100 miles from Atlanta. Phone lines to the jail were disconnected. A decoy car idled in front of the building while authorities sneaked the prisoner out the back.

Slaton's announcement of his decision included a 10,000-word legal commentary, but one sentence summed up his feelings: "I would be a murderer if I allowed that man to hang."

The legions who had supported Frank cheered his victory. Others clamored that justice had been undone. Across Georgia, people took to the streets, stringing up effigies of the governor and burning them. A Columbus man let his daughters shoot at a dummy hoisted in the air. "John M. Slaton, King of the Jews and Georgia's Traitor Forever" read a sign on an effigy in

Marietta, Mary Phagan's hometown.

The "Marietta Vigilance Committee" distributed a flier to Jewish shopkeepers:

**NOTICE**

You are hereby notified to close up this business and quit Marietta by Saturday night... or else stand the consequences. We mean to rid Marietta of all Jews by the above date. You can heed this warning or stand the punishment the committee may see fit to deal out to you.

A mob assembled in downtown Atlanta and marched to the governor's mansion. They threw rocks and bottles at the state militia troops who stood guard with bayonets uncovered. After a week of violent demonstrations, Gov. Slaton attended the inauguration of his successor, Nathaniel Harris, and then left the state.

In the Milledgeville Prison, a fellow inmate slashed Leo Frank's throat. Frank survived, telling his doctor, "I am going to live. I must live. I must vindicate myself."

A month later, 25 prominent citizens of Marietta forced their way into the prison before midnight. They called themselves the Knights of Mary Phagan. They handcuffed the warden and the superintendent and easily subdued the two guards. Within five minutes they had removed Leo Frank from his hospital room.

"Don't bother with the clothes," they told him. "Come just as you are."

The line of cars sped through the dark countryside. Frank remained calm as his captors tried to force a confession. The sound of his voice as he answered them caused a couple of the men to wonder if he really was guilty after all.

They stopped their car to confer with the others. Frank spoke again, and afterward all but four of the men were willing to take him back to the prison. But the posses were out, someone objected. They agreed it was too late to change their minds.

They took him to a big oak tree. They tied a Manila rope expertly into a hangman's coil.

"Mr. Frank, we are now going to do what the law said to do," the leader said. "Hang you by the neck until you are dead."

Frank asked that his wedding band be removed and returned to his wife. The men obliged him. Then they tossed the rope over a limb, placed the noose around Frank's neck and lifted him onto a table.

Toward morning, a crowd of Marietta residents gathered to celebrate at the tree where the body hung. Some cut snippets of the rope with their pocket knives or tore shreds from Leo Frank's nightshirt as souvenirs.

## At Issue

### *Scapegoats*

In an old Jewish ritual, the high priest chose one goat each year -- the scapegoat -- to represent the sins of the whole nation. After a confession ceremony, the priest let the goat escape to carry the sins away.

Whenever something goes wrong around us, it's part of our human nature to look for someone to blame -- to find a scapegoat. Sometimes we point at others to keep from being blamed ourselves. Usually, though, we just choose an easy target -- someone we don't like much anyway, or someone it's easy to imagine doing wrong. If the wrong is big enough, we might look for a scapegoat "big enough" to properly pay for it.

For the white Christian majority of Atlanta

in 1913, the murder of Mary Phagan confirmed their worst fears about a rapidly changing world. In Leo Frank, a northern Jew, the community found a symbol for the factory system that was draining the life out of young girls. To many people, it didn't matter that Frank might be innocent. What mattered were his position and his background and what they stood for in the public mind.

Laying blame gives us the illusion of putting our world back in order. It can also relieve our own guilt, explain the unexplainable and provide an outlet for anger. But each time we lay blame mistakenly -- each time we find a scapegoat -- we only demean ourselves and put off addressing the real problem.