

# MAN'S

MAGAZINE



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LEO FRANK

# 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.

**T**HE NIGHT ITSELF was quiet, as were most nights on the Milledgeville 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 semi-darkness 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, snapping 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 doorway and moved quickly through the dark ward 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-wracked 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 kidnapers 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?"

**T**HE 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 Milledgeville 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 hoods of the cars. The men 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 feverish.

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 busied himself making a knot.

The others gathered about 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're carryin' out the verdict of the jury that tried you. A misguided governor commuted your hanging, but you're not getting off. Now, before you die, do you want to confess it was you that raped and strangled that little girl? You won't get another chance, not in this world you won't."

In the morning light, Leo Frank looked at the rope dangling from the oak tree, and around at the hate-filled faces surrounding him. "I..." he tried to speak, but the pain in his throat became almost unbearable.

"Quiet, everybody," someone snapped. "He's gonna admit it was him!"

Every eye was on the young man. He opened his mouth again, knowing death was seconds away now. "I... I'd like for someone to see that my wife gets my wedding ring..." He lifted his manacled hands. There was a solitary ring on a finger of his right hand.

The man standing before him sighed in frustration. "Put the blindfold on him." A white handkerchief was pulled over his eyes and tied at the back of his head. Frank felt himself being pulled toward the tree. The loop of rough grass rope was slipped over his head. The noose drew tight, the strands pulling into the open wound where the bandage had slipped off.

"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 drew taut across an oak limb in the grove outside Marietta—a pretty blonde named Mary Phagan got off 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. She had put in one day's work on Monday and had been laid off for the rest of the week because the supply of metal had run out. Now, on Saturday, April 26, she was going to collect the day's pay owed her, and then she was going to watch the parade.

But she never saw the parade. Mary Phagan went into the factory and met violent death.

At three o'clock the following morning a call came into Atlanta police headquarters. An excited voice blurted out something about "a dead woman."

"All right, calm down," the duty sergeant said. "Now gimme that again."

"She's down there in the basement!" the caller insisted. "Down there in the basement of the pencil factory! You better git over here!"

The sergeant jotted down the address and immediately dispatched two officers. They were met at the factory entrance by the Negro nightwatchman, Newt Lee. "I went down to go to the toilet," he said as he led them through the dark building. "And there she was, stretched out there dead..."

Lee and the police officers went down a flight of steps to the basement level. By the light of the watchman's lantern, and a single wavering flame from a gas light, they saw the body sprawled face down on the filthy floor just in front of the furnace. The body was that of a white girl, and it was already cold and stiff. The thick blonde hair was clotted with blood from a deep wound that had been inflicted on back of her head. A whitish cord was drawn tightly about her neck, digging deep into the young flesh.

"You here by yourself?" one of the cops asked Lee.

"Yessir..."

The other officer looked toward his partner. "I better call in."

The pencil factory was soon crawling with uniformed officers and detectives. Clues were examined. A bloody handkerchief and a varicolored parasol were found on a trash heap, and one shoe was located more than a hundred feet from the body. In addition to the piece of cord, a strip of cloth torn from the girl's petticoat had been wrapped about her neck. Her underpants had been ripped or cut away on the right side. Two scraps of paper were picked up from the floor nearby. A detective looked curiously at the scrawled pencil marks, then handed them to Captain Starnes, who was in charge of the investigation at this point.

"Whatdya make of these?" he asked his superior.

Starnes looked at the first under the lantern light. It read:

*man that negro hire down here did this I went to make water and he puch me down that hold a long tall negro black hoo it was long sleam negro (illegible word) wright while (illegible)*

The second note read:

*he said he would (illegible) play like nigh witch did it but that long tall negro did it buy hissself.*

"Don't make much sense," remarked one of the detectives.

Starnes got the name of the factory manager, Leo M. Frank, from the night watchman, and called Frank's home repeatedly during the pre-dawn hours. There was no answer until 7 A.M., when Frank answered the telephone.

Starnes identified himself and said, "You'd better get down here to the plant, Mr. Frank. Something's happened."

"I just got up, Captain, I haven't eaten breakfast yet," Frank replied. "Isn't the watchman there?"

"He's here. But I'd like you to get down here. I'll send a car for you."

Frank did not ask what had happened, nor did Starnes 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?"

"Just 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?"

"Does she work at the factory?"

"We think so." Watching Frank's re-

action 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?"

Frank shook his head. "I... I'll 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 Frank 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.

According to testimony given later by the police, Frank's actions from the time he was picked up till he was shown the girl's corpse were described as "extremely nervous," and "badly shaken up."

The records were checked, proving that Mary Phagan had been employed at the factory. In the meantime, Newt Lee, the watchman, had been arrested and removed to the police station where he was undergoing interrogation. The discovery of 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 pretty well worked over, he stuck to his original story—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 in the Pinkerton Detective Agency to look out for the company's interests during the investigation. Apparently, at this early stage of the case, Captain Starnes had no direct suspicion of Leo Frank. In fact, he 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 at some length. When he came out he told Captain Starnes: "It was the same story that you say he told you."

Newt Lee, on the witness stand some weeks later, had a different version of what transpired between them in that cell:

He said that Frank came into the cell, where Lee was handcuffed to a chair, and "hung his head."

"Mr. Frank," Lee said, "it's powerful hard for me to be 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 man 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 something about it."

"No sir! I don't know nothin', no more'n findin' 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 Starnes that he might do well to question two other men. "Jim Conley may be able to shed some light. He's a Negro handyman who works around the factory from time to time. And you might talk to J. M. Gantt. He worked for me until a few weeks ago, when I had to let him go. There was a payroll shortage."

Gantt, as it turned out, did know Mary Phagan and her family. In fact, at one point during the investigation Frank reportedly told Starnes that Gantt had been on "intimate terms" 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 dif-

ferent 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 but his lawyer, a man named William Smith. He then told the police that he had been drunk all day on Memorial Day and had been nowhere near the pencil factory.

Gantt'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 factory manager Leo Frank. On Tuesday 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 grand jury's consideration, and on May 24th an indictment of first degree murder was returned against Frank. From the outset, due to the nature of the crime itself, plus help from men such as Thomas E. Watson, former Congressman and publisher of the *Columbia Sentinel*, who referred to Frank as "that filthy perverted Jew of New York", feeling reached a white-hot pitch.

Leo 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. Hugh A. Dorsey, and a pair of able and experienced criminal lawyers, Luther Rosser and Reuben Arnold, represented Frank.

The case opened with Assistant Prosecutor Harry Hooper slamming into Leo Frank full tilt. The defendant, he said, raped and strangled Mary Phagan. The Negro handyman, Jim Conley, had been trained by Frank to keep a lookout at the factory door while Frank indulged himself with the young girls who worked at the plant. Mary Phagan, however, would not give in to him and he raped her, then strangled her for fear that she would talk. Frank then, according to the prosecution, got Jim Conley to help him take the girl's body to the basement and had Conley write the mysterious notes which were designed to throw the police off the trail.

The state then began calling its witnesses. The first was Mary Phagan's mother, who described her daughter 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 on or near the dead girl. "But she had a little mesh handbag," she said, "and that's not here."

Newt Lee, the night watchman, testified that he reported for work at the pencil factory at 4:00 P.M. on Saturday, April 26. "When I unlocked the inside door, Mr. Frank come bustling out of his office and he told me go off and come back at 6:00." He continued with his version of the interview between himself and Frank in the jail, a story which differed drastically with that given by Frank.

A number of police officers testified as to Frank's nervous condition on the morning 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 something to do with the killing, gave 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 on the murdered girl, gave 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



the prosecution, but Jim Conley was the state's star witness. He virtually slipped the noose around Frank's neck. Conley's earlier story that he had been drunk all day on Memorial Day, and had not been near the pencil factory, went by the boards. Frank, he said, had told him to report to the factory at 8:30 that morning. When Conley got there, Frank told him, "You're a little early for what I want you to do, Jim, but I want you to watch for me like you have been doing the rest of the Saturdays."

"What did Mr. Frank mean by this?" asked the lawyer.

"Since I been working here," Conley explained, "Mr. Frank's had me come in some Saturdays to stay down by the door and keep an eye out while he and some of his young ladies are up on the second floor 'chatting.' When the one he's waiting for gets to his office, Mr. Frank stomps on the floor. When I hear that, I'm suppose to lock the front door. And when he gets through with the lady, he whistles, and then I know to unlock the door and go upstairs myself, so's the young lady can get out of the building."

Conley went on to testify that he had taken his position at the factory and waited. Throughout the morning various people came and went, and then Mary Phagan came in and went upstairs (he later found out who she was). He heard footsteps on the floor above in the vicinity of Frank's office.

"Not long after that I heard a woman scream up there, and then somebody running around, like he was on his tiptoes. Another girl come in, and after a time she came back down and went out. Then I kinda dozed off."

He said he woke up when he heard Frank stomping overhead, and as instructed, he got up and locked the factory door. Later, he heard a whistle, and he unlocked the door and went up to the second floor.

"Mr. Frank was standing there at the office door, shivering and trembling and rubbing his hands. His face was red and he looked funny out of his eyes. He had a piece of cord in one hand, like that cord yonder." Conley pointed at the cord in evidence. "Mr. Frank asked me, 'Did you see that little girl, Jim, the one that didn't come back downstairs?' I told him I did. He said, 'I wanted to be with that little girl, Jim, and she refused me. I struck her and she hit her head against something, and I don't know how bad she got hurt.' Then he said to me, 'Of course, you know I ain't built like other men.' He told me to go in the metal room where she was and bring her out. Well, I seen she was dead and I come back and told Mr. Frank so."

Conley told the court that he helped get the body down to the basement, and that Frank dictated several notes to him, and finally seemed satisfied with the two that were found beside the body. Frank then gave Conley \$200 and told him to take a lot of trash and put it in the furnace, and burn that "package" down there with it.

But after Frank left, Conley had gone to the nearest saloon, and then he went home and didn't wake up until the next morning. He stated that when he next saw Frank the following Tuesday, the factory manager said, "You keep your mouth shut, Jim. If you had done what I told you Saturday, there wouldn't be all this trouble."

Conley also testified that he had seen Frank putting a mesh handbag into the safe.

Cross-examination by Rosser ripped into the handyman's story, but in the closing arguments, Assistant Prosecutor Hooper said that Conley had told the truth... that he had no motive for doing otherwise.

Frank's attorneys, Rosser and Arnold

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 truth. My 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 hobble to a conviction on that broken crutch, they know they will fail..."

"If Frank had not been a Jew" Arnold continued, "he would never have been indicted... Conley has been brought into court to tell his long tale—not corroborated, but prompted. 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 the sullen quiet that hung over the tremendous throng of people 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 be in danger. I suggest that both the defendant and his counsel be absent when the verdict is announced."

Rosser and Arnold, Frank's lawyers, agreed to this. The judge returned to the bench, charged the jury, and the 12 men filed out to make their deliberations.

An hour passed. Another. And suddenly, a murmur began to spread through the mass of humanity packed in the streets. The sound rose. "Jury's in!" Momentarily a rumbling hush descended. And then, from the courthouse steps, a great cry went up. Rebel yells filled the summer afternoon. "Yahoo! Yeeeho!"

"Guilty!" screamed a sweating fat woman waving a Confederate flag. "The murderer's little Jew's guilty!"

Inside the courtroom the polling of the jurors had to wait, so loud was the screaming, bellowing throng 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 verdict 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 many years later, Judge Roan denied the motion, even though he had expressed his own deep doubts as to the guilt of Leo Frank.

The long and involved process of appeals began. On February 14, 1914, the Supreme 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.

The case then 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 rulings.

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, then on 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 it would take more than a simple announcement 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 farm at Milledgeville, some 100 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—thwarted at having its prime target removed—found a likely outlet for its energies in Governor Slaton himself.

Groups 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 toward Slaton's estate.

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

Newsboys hawking their extras all over the city barked: "Frank practically free! Read all about it!"

"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, growing strangely 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, drawing more recruits to what promised to be a lynching 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 up on the grounds of the estate, armed with shotguns and rifles. Almost at the last minute, someone called Major Grice of the Horse Guard, and as the parts of the mob began to infiltrate the grounds, in galloped the cavalrymen.

It was a cliché come true—the cavalry literally arriving in the nick of time. Several dozen of the mob leaders were rounded up on the grounds of Slaton's estate, men armed to the teeth with guns, 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 newspapers continued to fan the flames, notably Tom Watson's *Columbia Sentinel*.

Frank himself seemed safe enough at Milledgeville. Spiriting him out of Atlanta—where the heat of the case was at its 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 confines of the prison, among murderers, rapists, 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.

Frank had been assigned to a bunk in a 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 just inside each doorway, with another on the outside. Frank's cot was some 40 feet from one of the doors. Nearly four weeks had passed since the flight from Atlanta,

four weeks without any particularly unusual incident.

However, one man, a convicted murderer by the name of J. W. Creen, had been hatching a plan in his twisted mind. Creen, later described by several people—including his wife—as being insane, felt an unexplainable compulsion to see justice done; and in his mind, justice had been badly flaunted when Governor Slaton lifted Frank's death sentence. The only thing to do now was for him—Creen—to carry out the original sentence.

First, he managed to smuggle a knife out of the messhall, and for days he kept it hidden in his clothes, waiting for the right moment. It came on Saturday night, July 17. Lights out was at 9 P.M. in the crowded dormitory, after which no one was supposed to move about without permission of the guards. At about 11 P.M. Creen sat up on the edge of his cot.

"What you doin', Creen?" asked the trusty in charge of the row. "Lay down."

"I wanta talk to the guard."

"You lay down an' go to sleep!"

"Cain't." He put his hand to his belly.

"I'm sick. I wanta talk to the guard."

The trusty glanced toward the doorway. The guard was sitting there smoking a cigarette, a shotgun across his lap. "All right. You go ahead."

Creen smiled in the semi-darkness. He made his way slowly between the long rows of sleeping convicts. The heat was oppressive, the smell of unwashed bodies stifling. But Creen, single-mindedly, thought of none of this. He gazed at each man as he passed. And then he stopped. Lying there before him was the despicable Leo Frank. From inside his shirt the mad convict drew his knife. He moved quickly. Grabbing Frank by the hair and planting one foot against his chest, Creen swung the knife in a tight arc and plunged it into Frank's neck, just beneath his left ear.

Frank screamed out, his eyes snapping open. Instinctively, he raised his hands to protect himself, grabbing the blade of the knife and slashing his left hand to the bone.

"Die, you sonofabitch..." Creen spluttered. "Die!" He jerked and sawed the blade across Frank's throat as the smaller man squirmed desperately beneath him. Blood spurting out of the severed jugular vein, flooding over the blade and the assailant's

hands. Convicts on nearby cots, awakened by the noise, leaped on the berserk Creen and tried to pull him away.

"What the hell's goin' on over there?" yelled a guard.

"Fight!" somebody hollered. "Man's cut!"

Creen 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 hard 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 themselves. Working quickly and expertly, they tied off the severed jugular and saved Frank from bleeding to death. Creen 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 demands for a full pardon for the would-be executioner, J. W. Creen. Tom Watson's publications continued to pour fuel on the flames. "Are the old glories gone?" he exhorted his readers. "Are the old lessons lifeless? Are there no feet to tread the old paths?"

If mob rule and lynch law were the old "glories, paths, and lessons," to 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 his native state.

Hugh Dorsey, the prosecutor whose zeal and sincerity had first put Frank in the

death house, was swept into the governorship 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, on the other hand. Political paydirt being 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 flatly stated that he knew Frank had been innocent of the crime for which he was convicted. "I know who killed Mary Phagan," Powell wrote. "But I know it in such a way that I can never make the information public so long as certain people are 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 leave 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 document did not come to light. Then, in 1959, another judge, Allen Lumpkin Henson, who as a young man had helped in preparation of the prosecution's case against Frank, published a book in which he revealed the knowledge Powell had written of.

Jim Conley, the Negro handyman whose testimony had been virtually the whole case against Frank, had talked to his own lawyer, William Smith, shortly after Mary Phagan's murder. The story Jim Conley told his lawyer was startlingly different from that recorded in the trial transcript.

Conley told Smith he had gone to the pencil factory early that Saturday morning, 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 himself.

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. She had an envelope in one hand (which could have been the pay Mary Phagan had come to collect), and that when he approached her she screamed and they struggled. Conley said he blanked out after that, and that when he came to he 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 this information 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 Judge Roan several weeks after the conclusion of Frank's trial. Roan, at the time, was already unconvinced of Frank's guilt and considering a motion for a new trial. The talk with Smith decided him on the course to take.

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 the death sentence still loomed over Frank, to go to Governor Slaton with Smith's information. The reason for this was the fantastic public feeling in the community against Leo Frank. Roan—as well as those he consulted with—felt that they might be putting another death sentence on the man by allowing a new trial, a death sentence by mob action. ▲

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