

crime and anxious to punish the criminal, twelve men were chosen to try the issue of Frank's guilt. They were ordinary men, shop-keepers and clerks, without any special education to fit them to follow logically the arguments pro and con and with no training at all in weighing evidence. After listening to the witnesses and the speeches of counsel for many days, and aware every moment, from the conduct of the audience in the court-room, that local opinion was practically unanimous against Frank, the jury found him guilty and the judge sentenced him to be hanged. Then the condemned man appealed to the higher courts where he contended that he was innocent and asked that those who sat in the high tribunals—because they were presumed to have all those qualifications which the twelve jurors lacked—should examine the evidence and pass upon the question of his guilt or innocence of the crime with which he was charged. But to this appeal judge after judge turned a deaf ear. The trial judge told him that he had listened to all the witnesses for many days, but was not convinced that he was guilty, but the jury had found him guilty and that was enough for him.¹

The six judges of the State Supreme Court listened twice to long arguments and wrote several very learned judgments, but they were devoted solely to

¹ "Even after the jury had brought in its verdict, Judge L. S. Roan, the presiding judge, was not convinced of the defendant's guilt. In denying the motion for a new trial he made this remarkable statement: 'I have given this question long consideration. It has given me more concern than any other case I was ever in and I want to say here, that, although I heard the evidence and the arguments during these thirty days, I do not know this morning whether Leo Frank is innocent or guilty. But I was not the one to be convinced. The jury was convinced and I must approve the verdict and overrule the motion.'" Interview with Herbert Haas, one of the prisoner's counsel in the *New York Times*, March 2, 1914.