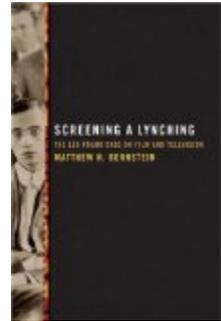


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“A ‘wrong-man’ story”: The Celluloid Leo Frank

The highly controversial Leo Frank case reached its climax in Marietta, Georgia in 1915 when a white mob hanged this northern Jewish industrialist. At the time it was a sensation. Since then, it has garnered considerable scholarly attention because it has provided an extraordinary window into the social forces and tensions which shaped—indeed, convulsed—the New South in the early twentieth century. *The Leo Frank Case*, long considered the standard account of the episode, was first published in 1966 by Leonard Dinnerstein. More recently, many of the themes and issues which initially animated the case and subsequently shaped popular responses to it, within the South and across the nation, have been reconsidered and elaborated by historians such as Nancy MacLean, Jeffrey Melnick, and Steve Oney.[1]

Frank first captured the popular imagination in 1913 when he faced trial for the murder of Mary Phagan, a thirteen-year-old employee in his Atlanta pencil factory. Convicted on the basis of perjured testimony, dubious evidence, and sensationalized media, he received the death sentence. In a decision which effectively destroyed his political career, Governor John M. Slaton commuted the sentence in 1915 to life in prison because of lingering doubts over the condemned man’s guilt. Whipped into frenzy by publisher Tom Watson, whites in Atlanta formed a mob which threatened vengeance against the governor, who then mobilized the militia to quell the disorder. Shortly thereafter, a mob carried out Frank’s initial sentence, invading the state prison in Milledgeville, se-

curing the prisoner, driving him to Phagan’s hometown, and lynching him.

In *Screening a Lynching*, film scholar Matthew H. Bernstein examines two feature films and two television programs based on this case—the so-called American Dreyfus Affair—produced between the 1930s and the 1980s. First, he investigates the vastly different—and sometimes strikingly similar—ways in which successive generations of directors and creative teams have told the same story. “What each screen version retains, discards, alters, and amplifies reflects each storyteller’s interpretation of the case and simultaneously attests to the constraints of budget, censorship, and format that each creative team faced,” he argues. “Moreover, each work provides fascinating answers to the questions of how films have represented history” (pp. 21-22).

Second, he addresses the elements of the story which engage the audiences and make the production of such films viable commercially. “It is a murder mystery, a detective story, and a tale of cynical and sensational journalism,” he notes. It provides “irresistible material for a dramatic narrative,” including a courtroom drama, a politician willing to sacrifice his career for a higher good, and howling, murderous mobs, all of it interlaced with the “ugliest emotions and thoughts known to human nature” (p. 21).

Bernstein begins with an assessment of the issues involved in the Frank case, describing it as the quintessen-

tial “‘wrong man’ story” in which a victim is swept up in momentous and impersonal circumstances over which he has no control but for which he ultimately pays the price (p. 21). The author effectively utilizes the existing scholarly literature to identify the thorny questions of racial, religious, and class prejudice, the anxieties over industrialization and changing gender relations, and the bitter sectional discord, which defined the case. White Georgians, for example, viewed Frank as the embodiment of a predatory North which had imposed a new economic order on the defeated South, one which pushed rural whites—many of them children—into oppressive urban sweatshops. Many contemporaries, to cite a second example, held a jaundiced view of Frank because he was a Jew who allegedly preyed sexually upon the women under his supervision, hastening the transformation of Phagan into “a symbol of southern innocence and martyrdom” (p. 4). As a consequence of these pervasive and emotional predispositions, public opinion “demanded vengeance for Phagan’s death beyond the conviction and execution of a southern black male” (p. 7). Furthermore, white jurors convicted Frank on the basis of the contradictory testimony of Jim Conley, a black witness who was himself considered a suspect, thereby turning Jim Crow etiquette on its head.

In chronological order, Bernstein then considers two films released in rapid succession, *Murder in Harlem* (1936) by Oscar Micheaux and *They Won’t Forget* (1937) by Mervyn LeRoy, and two television programs separated by a quarter of a century, “John M. Slaton,” an episode in NBC’s *Profiles in Courage* series (1964), and *The Murder of Mary Phagan* (1988), a two-part NBC miniseries. Placing each within its historical context, he analyzes the myriad challenges and opportunities which their creators faced.

Micheaux, a “race” director creating for primarily black audiences, used the story as a vehicle to explore the white proclivity to accuse blacks of crime simply because they were black. Throughout most of the film, he reflected “the consensus of many black newspapers at the time of the trial that Conley’s testimony was true and that Leo Frank was a duplicitous, lecherous murderer” (p. 43). Significantly, however, he eliminated any explicit identification of his Frank character as a Jew. “Perhaps anyone in Micheaux’s 1930s audience familiar with the trial would have made that association without being told,” Bernstein speculates. “He may [also] have wanted to avoid insulting the Jewish film producers and backers for some of his sound films” (p. 55).

LeRoy, a director creating for a mainstream, or primarily white, audience, faced a different set of constraints. Foremost among these was the Production Code Administration (PCA), which wielded extraordinary censorship powers and objected to several aspects of the initial script. In re-writing these scenes (including the lynching scene itself), Bernstein shows that the filmmakers succeeded in alluding to the hanging, creating a scene far more haunting than the initial one. “Thus the PCA’s efforts to shape *They Won’t Forget* were more than merely prohibitive; they were also creative,” he notes. “The industry’s effort to make films less overtly offensive resulted in an equally if not more powerful treatment of what was deemed provocative” (p. 108). Significantly, in both of the 1930s films, the directors relied on fictionalized accounts loosely based on the Frank case, suggesting that many of the issues associated with it remained too controversial to be broached on film.

Bernstein then shows that the creative teams for the two television productions faced new challenges and opportunities. Those who developed the episode of *Profiles in Courage* were constrained by the emphasis of that series (and of President John F. Kennedy’s book, upon which the series was based) on the role of courageous individuals in shaping history. “Accordingly, the Slaton episode downplays the larger forces at work—industrialization, modernization, class warfare, the yellow press, sectionalism, and anti-Semitism—to stress Slaton’s heroic stand” (p. 139). For the first time, they could tell the Frank story as a genuine historical event, and, unlike LeRoy, could show the lynching itself. Facing a tight budget and the squeamishness of NBC executives about staging such an event, the *Profiles* team used newspaper headlines to avoid a costly mob scene and an actual photograph of the Frank lynching to avoid a recreation of the grisly incident. “Although the image appears on-screen for only a second ... its impact is palpable,” Bernstein observes. “Unlike *They Won’t Forget*, the episode makes no visual substitutions for the brutal act itself” (p. 144).

Finally, Bernstein shows that the team who produced *The Murder of Mary Phagan* enjoyed many advantages over their predecessors. In addition to new evidence which emerged in 1982, “the expanded running time and the distance of seven decades allowed the filmmakers to depict nearly all the major figures in the case by name rather than via fictionalized personae” (p. 174). Furthermore, because of the more relaxed social standards associated with competitive new media, such as HBO, NBC executives were much more tolerant of material which had previously been viewed as too scandalous for tele-

vision. Additionally, the filmmakers profited from the progress achieved by the civil rights movement, enabling them to provide more well-developed black characters than had previously been possible, and to deal explicitly with the anti-Semitism that marked the Frank case.

Bernstein skillfully incorporates screen stills into the text, contextualizing them in a manner which makes their relevance clear even for film novices. Achieving an admiral balance in the jargon used in his discipline and by non-film readers, he very effectively illustrates how filmmakers framed their shots to achieve a particular mood or to convey a specific message. In his discussion of *The Murder of Mary Phagan*, for instance, he shows that they developed a visual motif of Frank “shot behind doors, windows, and bars,” creating an ambivalent image about “Frank’s position in the factory—the manager who oversees the girls from a place of power is also isolated from his employees, an outsider” (p. 190).

Despite the many strengths of the study, *Screening a Lynching* suffers from some redundancy. Because the body chapters are organized around the four visual texts under consideration rather than around the various themes and issues explored in the study, common themes and issues are repeatedly addressed. Had the book devoted one chapter to the introduction of each of these texts in broad strokes and then devoted the subsequent chapters to the examination of the ways in which each of them dealt with a particular issue or theme (as it does in the synthesis in the conclusion), it might have avoided some of this redundancy.

In some respects, *Screening a Lynching* dovetails with the work of lynching scholars, such as Jonathan Markovitz and Amy Louise Wood, who have tackled representations of mob violence and the way in which these representations have shifted over time as different interests have sought to achieve different objectives.[2] Unlike these works, however, *Screening a Lynching* deals only with one lynching incident and, in that context, principally with the challenges and opportunities facing

its storytellers. It does not address lynching itself (and, in fairness, Bernstein makes no pretensions of doing so). It is, therefore, a study of lynching in only the most narrow sense and will be of limited utility to historians of mob violence as a practice.

Early in his book, Bernstein does provide an insightful and provocative discussion of the similarities between the task of the historian and that of the filmmaker, a comparison which historians might profitably ponder. “Critics and historians have long recognized and often decried the fact that films and television docudramas and shows about historical events frequently—and sometimes gleefully—deviate from historical accounts,” he writes. Yet, he observes, professional historians are themselves constantly making subjective decisions about which evidence and which narrative to privilege in revising the historical record. “Just as a historian interprets available facts to construct a story according to certain storytelling conventions, so does a filmmaker shape the historical record to tell a tale” (p. 22).

Notes

[1]. Leonard Dinnerstein, *The Leo Frank Case* (Athens: University of Georgia Press, 1987); Nancy MacLean, “The Leo Frank Case Reconsidered: Gender and Sexual Politics in the Making of Reactionary Populism,” *The Journal of American History* 78 (December 1991): 917-948; Jeffrey Melnick, *Black-Jewish Relations on Trial: Leo Frank and Jim Conley in the New South* (Jackson: University Press of Mississippi, 2000); and Steve Oney, *And the Dead Shall Rise: The Murder of Mary Phagan and the Lynching of Leo Frank* (New York: Pantheon Books, 2003).

[2]. Jonathan Markovitz, *Legacies of Lynching: Racial Violence and Memory* (Minneapolis: University of Minnesota Press, 2004); Amy Louise Wood, *Lynching and Spectacle: Witnessing Racial Violence in America, 1890-1940* (Chapel Hill: University of North Carolina Press, 2009).

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