

# JUSTICE ASKED NOW FOR FRANK IN ATLANTA

**Journal Editorially Declares Ac-  
cused Man Must Have  
a Fair Trial.**

**CONVICTED BY A MOB**

**Execution Under the Present  
Sentence Would Be a Mur-  
der by the State.**

**HOSTILE WITNESS RECANTS**

**Important New Affidavits in Hands  
of Prisoner's Counsel—Frank  
Is Cheered.**

*Special to The New York Times.*

ATLANTA, March 10.—Great significance is attached by the friends of Leo M. Frank, convicted of the murder of Mary Phagan, to the publication in The Atlanta Journal this afternoon of a two-column editorial demanding a new trial for the accused man. The Journal says plainly that Frank was not fairly tried and convicted and that his execution under the present sentence would amount to murder.

Frank was a happy man when he read the editorial in his cell. Showing more emotion than he had exhibited at any time before, he exclaimed:

"Thank God. The light seems to be breaking. I have always believed that my appeals for a square deal would not be in vain. The Journal shows just how I was convicted and the editorial bears out every contention in regard to the trial that has been made by my attorneys."

The Journal says:

"On April 26, 1913, in the City of Atlanta, in a building situated on one of the most crowded thoroughfares, a young girl, just breaking into womanhood, was cruelly and brutally murdered. The crime was enveloped in

deepest and most impenetrable mystery.

"The very brutality of the crime aroused public indignation to a degree of frenzy almost inconceivable. The criminal must be found. An irresponsible, drunken negro charged Leo Frank with the crime. He related in minute and nauseating detail the horrible circumstances surrounding the murder. No other victim could be discovered, and in the absence of convincing evidence against anybody else, public fury gradually centred on Frank.

"As time went on, the mystery deepened. There was no satisfying circumstance indicating that Frank committed the crime, and it required the negro's testimony to furnish even a basis for the accusation. The fact that this horrible crime had been committed, and no other victim could be discovered, was alone sufficient to cause the negro's testimony to be accepted by the public. He would not have been believed under other conditions, but an outraged public demanded a victim, and circumstances seemed in some slight degree to sustain the negro's testimony.

"Frank was placed on trial last August. Public indignation was still at white heat. The trial was perhaps the longest, and certainly the most sensational, that ever occurred in the South. The jury found Frank guilty. A new trial was refused. The presiding Judge stated in his refusal that he had been unable to make up his mind as to whether the man was guilty or innocent, but that the determination of that question was in the province of the jury, and the jury had declared him guilty. The Supreme Court was appealed to, and that court decided that no error had been committed sufficient to justify setting aside the jury's verdict. Frank is under sentence of death. He is to be hanged on April 17 unless execution of the sentence is delayed.

"The Journal cares absolutely nothing about Frank or those who were engaged in his defense or prosecution. If Frank is found guilty after a fair trial he ought to be hanged, and his case should be made a horrible example to those who would destroy human life for generations to come.

### Not Fairly Convicted.

"Is Frank guilty of the murder of Mary Phagan? We do not know. He may be guilty or he may be innocent. He may be a fiend incarnate, or he may be the victim of a cruel conspiracy. Whether he is innocent or guilty is not the question.

"Leo Frank has not had a fair trial. He has not been fairly convicted, and his death without a fair trial and legal conviction will amount to judicial murder.

"It was not within the power, of human Judges and human lawyers and human juries to decide impartially and without fear the guilt or innocence of an accused man under the circumstances that surrounded this trial. The very atmosphere of the courtroom was charged with an electric current of indignation, which flashed and scintillated before the very eyes of the jury. The courtroom and streets were filled with an angry, determined crowd, ready to seize the defendant if the jury had not found him guilty.

"Cheers for the prosecuting counsel were irrepressible throughout the trial, and the unseemly demonstrations in condemnation of Frank were heard by the Judge and jury. The Judge was powerless to prevent these outbursts in the courtroom, and the police were unable to control the crowd outside.

"So great was the danger that the Fifth Regiment of the National Guard was kept under arms throughout the greater part of the night, ready to rush on a moment's warning to the protection of the defendant.

"It was known that a verdict of acquittal would cause a riot such as would shock the country and cause Atlanta's streets to run with innocent blood. Under such indescribable conditions Frank was tried and convicted.

### Convicted Amid Mob's Threats.

"Was a fair trial under such circumstances possible? Could a man be legally and fairly convicted while a threatening and an uncontrollable mob was breathing vengeance in the very face of the jury and Judge?

"Frank may be guilty. If so, he should suffer the extreme penalty of the law by hanging, for surely no more

horrible crime was ever committed. But in the name of justice, and in the name of the good people of the State of Georgia, who believe in fair play, who stand for the enforcement of law and the punishment of crime, after legal conviction, let this man be fairly tried.

"If he is guilty he will be convicted again. The majesty of the law cannot be offended, justice cannot be defeated, the feelings of an outraged community cannot be further outraged, by according to this man a fair and impartial trial.

"The evidence on which he was convicted is not clear. Suppose he is hanged, and it should develop that the man was innocent, as he claims? The people of this State would stand before the world convicted of murdering an innocent man by refusing to give him an impartial trial.

"Such a horrible thing is unthinkable. And yet it is possible; it is an absolute certainty that we are going to do that very thing unless the courts interfere.

"Ought Frank have a new trial? The question carries its own answer.

"Let justice be done, though the heavens fall."

### More Affidavits to Come.

Promise was made to-day of additional and important affidavits to come to support the appeal of Frank's counsel for a new trial. It was further stated that another witness for the prosecution, quite as vital to its case as Albert McKnight and George Epps, had repudiated his testimony as given at the trial.

One report was that the new evidence included an affidavit from Ed Ross, a negro at La Grange, who is said to have seen Conley washing blood from his hands on the day of the tragedy. It is asserted that in the unpublished affidavits is testimony as valuable as that recently brought out, which tended to show that the murder notes were written in the basement instead of the office, as Conley contended.

Frank was in conference with his attorneys to-day in reference to the extraordinary motion for a new trial which is to be filed. The attorneys have much respect for their client's judgment, and consult him in regard to every move in the fight for his life.

Frank receives many visitors in his cell every day. When there are no callers he is busy studying his case or working over his voluminous correspondence. Besides the representatives from the Atlanta papers he has recently discussed his case at length with representatives of New York and other Eastern papers.

Herbert J. Haas, one of Frank's counsel, has returned from New York after an absence of about ten days. It is said that while there he conferred with Nina Formby, William S. Osborne, a handwriting expert, and others who figure in the case.

C. W. Burke, a special investigator in the employ of the Burns force, has returned from a trip to Florida in the interest of the defendant.

### Prosecutor Also Preparing.

Numerous conferences have been held by Solicitor General Dorsey the past few days with detectives who worked up the case against Frank. Dorsey refused to discuss the new evidence which has recently been brought out by the Frank defense, but men close to him say he does not think the aspect of the case has been changed in the slightest degree by these new facts.

Jim Conley, Frank's negro accuser, is still in a cell awaiting the hearing of a motion for a new trial for him. There is little probability of his beginning his twelve months' sentence in the chain gang for four or five months.

To a representative of THE NEW YORK TIMES, who interviewed him in his cell, Conley told his story in detail. During the talk, Conley brought out the fact that he was short of funds. Two dollar bills were handed through the bars to the negro.

"That is more money than Jim has had since he came to the jail about a year ago," remarked his attorney, William Smith.

"It shore is!" said the negro. "Well, Jim, what are you going to do with the money," he was asked.

"Well, boss," came the reply, "I'm going to eat all day to-morrow."

Conley is still said to hold the idea that he was very badly treated by the court when, following his trial, he did not have the option of paying a fine.