

LEO FRANK REPLIES TO ATTACK BY BROWN

Georgia ex-Governor "Unfair and Cruel" in Demanding His Summary Execution.

SEES TRAIL OF POLITICS

"You Try to Kick Me on Toward the Gallows So as to Regain Some Ground You Have Lost."

Leo M. Frank, whose conviction of the murder of Mary Phagan in Atlanta is about to come under review by the United States Supreme Court, has written an open letter to ex-Gov. Joseph M. Brown of Atlanta in reply to a letter from the ex-Governor in The Augusta Chronicle, arguing that Frank should be executed and that the movement to obtain a fair trial for him is based solely on the fact that he is a Jew.

In his reply Frank intimates strongly that Mr. Brown had political ends to serve when he wrote the letter. No other former Governor of Georgia, he points out, has ever written a similar card.

Here is Frank's letter:

I have read your remarkable attack upon me in The Augusta Chronicle. I use the word "remarkable" advisedly, for no ex-Governor of Georgia ever before used his influence in an effort to destroy the life of one of his fellow citizens. Indeed it is difficult to see how any brave man could be induced to take the position you have.

I am helpless and in desperate straits. My wife and father and mother are in the depths of despair.

Why any man should wantonly and ruthlessly attack me, and, through me, them, must amaze the fair men and women of this State.

When I read that tirade—unfair, cruel and untruthful—I remembered that, when Prometheus was bound to the rock it was the vulture, and not the eagle, that struck its beak into his vitals.

The execution of the confessed murderer excites sympathy. The Sheriff does his duty because the law demands it, but he does it with sorrow; it is reserved to an ex-Governor of Georgia to demand the execution of one who never harmed him, and who is pleading for further opportunity to show his innocence.

The excuse that you are defending the State cannot explain your letter. The State of Georgia needs no defense. Her people are as generous and just as those of other States.

Deplorable and regrettable as things can happen, and have happened, in Georgia, just as they can happen and have happened in other States. There was a serious riot in Atlanta some years ago. It was condemned everywhere without, as well as within the State, yet nobody raised the cry that Georgia was being slandered.

No sane man can praise the conduct of my trial. During it things happened that always will be condemned. The mob spirit was abroad. Passion and prejudice were daily manifested in the very presence of the court. Judge Roan was present and knew what took place, and himself certified, under his oath of office, to things that you yourself, when you know them, will unhesitatingly condemn.

When prejudice and passion and the spirit of the mob preside over a trial, such a trial will not likely meet the approval of the country, and the wrong of such a trial is not met by the demagogic or sectional cry that the State is slandered.

Many of the wisest and best men of the country feel that my trial was not a fair one. Many of the truest and best Georgians feel the same. Is it possible that such men must keep quiet and, by their silence, approve such a trial for fear that they will be called slanderers of the State? Surely a protest against such a trial, within or without the State, cannot excuse your thirst for blood, nor explain your fall from the dignity of an ex-Governor to the ranks of the head hunter.

Your tirade against me is a greater slander against the State than any possible criticism against my trial. What a spectacle! An ex-Governor joining, with unreserved approval, the mob who cry, Crucify, Crucify!

How can you know I am guilty? You did not attend a moment of the trial. Your opportunity to know the truth was not greater than that of any man in the United States who read the papers or the record. You certainly had no such opportunity as Judge Roan. He heard every word of the evidence and saw every witness. And, after thus seeing and hearing, he asserted that he was not convinced of my guilt. Yet you, who heard no evidence and saw no witness, assert my guilt and urge my execution with a recklessness that must shock the fair, right-thinking people of Georgia.

Few men would exhibit the self-

confidence you show in your letter. Your dogmatism might be excused if the point at issue was the fate of a stray dog that was worrying the village, but how can any fair man excuse it when a human life is involved—when the heart strings of an innocent wife, father, and mother are to be snapped?

You not only conclude beyond cavil the question of my guilt, but, from the same reckless certainty, fix my guilt from the evidence other than that of Conley. If you had any fair knowledge of the case you would know that some of the ablest lawyers of Georgia and elsewhere have studied the record in my case, and not one, after such study, has believed me guilty. I do not believe there is an able, fair lawyer in Georgia who would give it as his opinion that, apart from Conley, there was enough evidence to convict me.

It must be that when you so callously and brutally urged my immediate execution you were moved by other motives than that of State defender.

Prejudice, passion, and personal ambition have been known factors in my undoing. Your article is proof conclusive how great were these factors and to what extent you subscribe to them. Before this it has been strongly suspected that politics had played an important part. Since your remarkable letter there can be no longer any doubt of it.

It is wrong that you should seek, at the expense of my life, to pay back your political debts. It is a greater wrong, if that can be, that you should hope, by my destruction and through the disgrace of my loved ones, to gain back to your support that large class of voters that you have lately lost by violent abuse.

I have suffered much; some good men have condemned me, but they have done so in sorrow. It has been reserved to you voluntarily, ignorantly, in passion and prejudice, to kick me on toward the gallows that you may lessen your political debts and regain, if possible, some of the political ground you have lost.

Jan. 2, 1915. LEO M. FRANK.

FACTS NEVER APPEALED.

Higher Courts of Georgia Merely Passed on Technical Rulings.

The Memphis Commercial Appeal, which printed in Sunday's issue a long review of the Frank case from a Georgia newspaper man, who argued that the evidence in the case warranted the verdict, makes this editorial comment:

Careful reading of the article, while it is in a way a defense of the action of the law courts, instead of convincing, accentuates certain doubts which enter the mind of one when attempting to form an opinion after a careful study of the record.

It is unfair to denounce the people of Georgia for what has happened in this Frank case. The highest courts of that State have passed upon the correctness of the legal rulings. But it is unfair to the defendant if, after all, a doubt as to his innocence is not considered in some forum of final jurisdiction.

As we understand it, the high courts of Georgia do not try the facts, but merely ascertain if the result has been reached without the violation of legal rules. If an innocent man is convicted according to law the high courts cannot interfere. But justice should in some way be able to afford relief in a case such as this.

Tom Loyless, the brilliant editor of The Augusta Chronicle, states that he believes Frank committed the crime. But he says further: "But we do not know it. We are not absolutely certain of it. There is in our own mind, as there is in the minds of thousands of others, that shadow of a doubt which would not permit us to see Leo Frank or any other man go to his death as long as that doubt exists."

Mr. Loyless's position shows the way out. This being true, we believe that unless the Supreme Court of the United States offers a way out the people of Georgia, through their Governor, will act and will commute the sentence in the hope that time will develop the whole truth.