

# ALL URGED TO WRITE APPEALS FOR FRANK

## Dr. Blau Asks That Georgia Society Members' Example Be Followed.

### SHOULD MAKE DOUBT PLAIN

#### Courts Criticised for Following Precedent Instead of Common Sense of Today.

Jews and Christians alike were called upon by the Rev. Dr. Joel Blau in his sermon at the Madison Avenue Synagogue yesterday to follow the example of Georgia Society members by writing to Gov. Slaton of Georgia to ask executive clemency for Leo M. Frank, sentenced to die on Jan. 22 for the murder of Mary Phagan, a factory girl in Atlanta. Rabbi Blau praised the action of the Georgians of New York, but contended that the Frank case was no longer a sectional question.

"Nor is it a race question," he went on. "We Jews are not seeking to shield a criminal. We voice in common with all thinking men and women of the country a doubt that Leo M. Frank is guilty. A serious doubt has arisen throughout the land on that point, and not only the Jewish, but every Christian pulpit ought to speak out. The sons of Georgia in this city have done well in taking the first steps to intercede with the Governor. It is your duty and your right as American citizens to follow their example.

"Write to Gov. Slaton not that you believe Frank is innocent, but that you have a serious doubt as to his guilt. Do not be content with that, but plead with your Gentile friends to write similar letters. The fate of Frank lies in the hands of a man who I am sure will not be influenced by mob madness nor by technicalities of the law, but who will consider the human side of the case.

"Above all do not indulge in hysteria in discussing this case. Take your cue from Frank himself, who is calm and manly in the hour of death. If we yield to hysteria we are no better than the mob that clamored for this man's death."

Dr. Blau was severe in his criticism of the courts, and especially of the Supreme Court of the United States. He said it was time to take a humane view of the law and not to rely solely upon the wisdom and experience of the past.

"The voice of common sense," he said, "is raised against the wisdom of the past, for common sense is the wisdom of today. That voice should be placed above the decision of the mob as well as that of solemn wiseacres."

Dr. Blau referred to recent criticism of court procedure, and asserted that the public was nearing the breaking point. He predicted the day was coming when common sense would triumph over legal technicalities.

"Let us beware lest that day come too suddenly," he concluded. "Let us beware lest that voice be raised so furiously that the very foundations of the law be swept away."

## COMMENT ON FRANK CASE.

### Did Not Have a Fair Trial, These Newspapers Say.

Below will be found additional editorial comment on the case of Leo M. Frank:

#### A Game, Frank's Life the Stake.

From The Utica Observer.

We do not know whether or not Leo M. Frank of Atlanta, Ga., together with a negro, killed Mary Phagan, a mill girl who worked in the mill of which Frank was superintendent. But there seems to be something heartlessly cruel in the way Frank has been treated by the officials and the courts of his State. The big negro says that Frank helped to kill the girl, but there are those who have watched the case from start to finish who say that he certainly did not kill her.

The jury gave what the crowd wanted, a conviction, and gave it in the face of a very reasonable doubt.

From a distance it appears that the prosecuting officials of Georgia view the case as a game to be won, Frank's life being the stake. Probably they believe that the man is guilty, but that belief seems to be founded on guesswork and not unanswerable evidence.

To heighten the interest is the knowledge that every day men who have deliberately committed murder win victories in the courts by securing second degree and lesser grades of punishment. Frank, competent men say, has far from been proved guilty. Still, it seems, he must die.

Moreover, the grounds upon which the courts have repeatedly decided against Frank seem heartlessly technical. "Frank may not be guilty, but the technicalities of the game are against him," the Georgia courts, and even the United States Supreme Court, seem to say.

Frank's only hope now lies in a commutation of sentence or pardon by the Governor of Georgia. What Frank should have had was a fair trial. That he did not get.

#### Clemency Soundly Justified.

From The Richmond Times-Dispatch.

Gov. Slaton of Georgia has promised that when the case of Leo M. Frank is presented to him for executive clemency, as it will be presented, he will give all its features his closest consideration. That ought to be sufficient assurance that the sentence to die on Jan. 22, passed on Frank, will not be carried out.

There are hundreds of thousands of people in this country who believe firmly in Frank's innocence, and there are many more who are convinced that the circumstances surrounding his trial made anything like a judicial ascertainment of guilt or innocence quite impossible. It is unfortunate that a new trial was not sanctioned by the law, because as things stand the State of

Georgia itself is arraigned at the bar of public opinion.

Surely, under all the circumstances, the exercise of clemency by Gov. Slaton is justified soundly.

#### Guilt not Established.

From The Charlotte (N. C.) Observer.

It appears that Frank is doomed to death, the utmost efforts of his lawyers having been exhausted. The justice of Frank's execution will be always in doubt by a large section of the country. Some people will never be convinced that a guilty man has been punished. Belief in his innocence is firmly established in the minds of many who followed the various phases of the trial.

#### Demanded a Victim.

From The Seattle Post-Intelligencer.

Frank was a young man of good reputation—a Northern man and a Jew. The public demand was for a victim. At his trial the Court House was filled with people infuriated against him and clamoring for his conviction. When the jury was about to bring in its verdict the trial judge asked the attorneys for the defense to consent that the prisoner should not be in court, anticipating a verdict of acquittal and fearful that if such a verdict was rendered the prisoner would be lynched. Yet the verdict stands; it has been upheld by the Supreme Court of Georgia, and Frank will hang unless the Governor commutes the sentence.

#### Fit Subject for Pardon.

From the Mobile Register.

All court appeals having been exhausted, Leo Frank's hope is in the clemency of the State of Georgia. Frank had but one trial and at a time and in surroundings inimical to a fair decision. Associate Justice Holmes has so declared. There is excellent reason why the Governor of Georgia should intervene to save the young man from the extreme penalty of the law.

#### Governor's Delicate Position.

From The Hartford Courant.

What gives the case its peculiar interest is the fact that the Governor, a leading lawyer, holding the power of commutation or pardon, is going to try the case himself all over again. The courts are through with it. But the Governor, unwilling to take one side or the other, is going to constitute himself a new court, judge, jury, and all, and reach his own conclusion. Here again Frank's friends are disturbed, for the Governor is the law partner of the man who conducted Frank's defense and, of course, if the hostility abides, he will be open to the charge of helping his partner if he favors Frank.

#### Calls It Incomprehensible.

From The Utica Herald-Dispatch.

The Supreme Court of the United States yesterday refused to issue a writ to review the conviction of Leo M. Frank, a wealthy resident of Atlanta, Ga., for the murder of Mary Phagan, a 14-year-old factory girl. Atlanta lawyers familiar with the case say they know of no further legal effort that can be made to save the prisoner's life except an appeal to Gov. Slaton or the State Prison Commission.

The whole thing is incomprehensible. If the accused is guilty, Northern opinion has been formed from untrue statements; if innocent, Georgia is guilty of an action worse than that of the Russians in the Brilliss case. Which is correct? Can the courts be trusted to find the truth? If not, will the Governor of Georgia dare to defy public opinion and release the accused, or commute the sentence to a confinement until a time when the public will not be excited by a pardon?

#### Charges Race Prejudice.

From The Buffalo Courier.

Justice Lamar of the United States Supreme Court denied the writ of error which would take the case of Leo M. Frank to the Federal tribunal of last resort; Justice Holmes similarly denied it; yesterday the full court denied the application, thus hope for this intervention, is gone. Tomorrow at Atlanta Frank will be resentenced to death for the murder of the child Mary Phagan, which nearly all America believes he did not commit.

Ordinarily in Georgia no white person would be convicted of any serious offense on the unsupported evidence of a disreputable black man. How, then, did it happen in this case? Manifestly because Leo M. Frank is a Jew. He is a young man of highly respected family in Brooklyn, a college graduate, well to do, happily married, but a Jew, and therefore seemingly condemned by the Atlanta mob more readily than though he were a negro. Another day will be set for putting this unfortunate man to death, but he will not be hanged if justice and humanity can prevail in Georgia, and unless the Governor and other officers of the State are willing to assume a fearful responsibility.

#### Travesty on Justice.

From The Washington Times.

Some hope that the United States Supreme Court would grant the writ of error asked in the Leo Frank case had been based on the expressions of both Justice Lamar and Justice Holmes, when the writ was asked of them individually in chambers. Each refused to issue it, but each discussed some of the extraordinary aspects of the case.

It would seem that, in view of the expressions of both Judges of the United States Supreme Court who have indicated opinions in any wise reaching to the merits of the whole affair, the Governor is more than justified in using his power at least to insure Frank the utmost chance.

It is inconceivable that the State of Georgia will risk responsibility for such a travesty on justice. It is beyond understanding that in all the judicial processes of this country, so often and effectively used to help the guilty escape, there can be found no avenue through which a more than reasonable doubt may be translated into humane action.