

SAYS TOM WATSON IS FRANK'S SLAYER

Louis Marshall Brands the Populist Editor as Responsible for the Lynching.

CITES MOB LAW EDITORIALS

Frank's Former Counsel Demands Indictment of the Writer for First-Degree Murder.

Special to The New York Times.

ALBANY, Aug. 17.—Louis Marshall, who argued the Frank case before the United States Supreme Court, said tonight that Tom Watson, editor of The Jeffersonian and at one time candidate for President on the Populist ticket, was responsible for the lynching of Leo M. Frank.

"Tom Watson is the murderer of Leo Frank," said Mr. Marshall. "The State of Georgia ought to regard Tom Watson as a principal in the murder of this innocent man who was taken from the very sanctuary of the law and rushed to his death at the hands of a mob of assassins. If the Georgia authorities fail to apprehend those directly responsible for the killing of Frank, they ought to take Tom Watson, indict him, and try him for murder in the first degree. That is the only way they can begin to wipe out this foulest blot on our modern civilization."

Mr. Marshall had in his possession some issues of The Jeffersonian, the weekly edited by Watson at Thomson, Ga. To the extent of many columns the publication indulges in accusations against Frank and ex-Governor Slaton, who commuted Frank's sentence, of such a character as to preclude their reproduction in any respectable newspaper. In one paragraph in the issue of Aug. 5, The Jeffersonian calls upon the people of Georgia to give "the same reception to ex-Governor Slaton, should he ever return, that the Colonial patriots would have given to Benedict Arnold."

"The United States Government ought to go after Tom Watson," Mr. Marshall went on. "He is the scoundrel who stirred up the agitation of which Frank was the victim for nearly three years before his death. The Jeffersonian bristles with vulgar lies and the basest kind of misrepresentation, designed to excite an ignorant populace into committing murder. It should be remembered that Frank was lynched, not in the heat of excitement attending his trial, but two and one half years after his conviction."

"One instance of how far Tom Watson has carried his campaign of lying and slander is presented in his report of the execution of Becker, which appears in The Jeffersonian under this headline:

"Gentle put to death on the evidence of a negro for killing a Jew; a Jew virtually pardoned, after conviction on evidence of white witnesses, of killing a beautiful girl."

"In the same issue he published a cartoon representing a Jew stabbing a woman's figure, symbolic of the State of Georgia."

"What do you think the Federal Government should do about it?" Mr. Marshall was asked.

"The Federal Government has the power to bar his paper from the United States mails as obscene literature—literature that has incited to crime; the crime of murder."

"It seems incredible," Mr. Marshall went on, "that in any civilized community it can be possible for such recrudescence of savagery and brutal lawlessness to manifest itself. It is a stain upon our country and an ineffaceable blot upon the fame of Georgia. Here was a man of whose innocence every fair-minded, unprejudiced thinker who had occasion to study the facts was unqualifiedly convinced. Frank had been hounded by prejudice aroused by unreasoning agitators. His conviction followed not because of any evidence worthy of the name, but solely in consequence of the outcries of a mob madened by the falsehoods upon which it had been fed."

"Governor Slaton, in the exercise of his constitutional powers, after a careful review of the facts, commuted his sentence from that of death to life imprisonment. The official statement of reasons, which is the only gleam of light in this dark history, demonstrated the guiltlessness of this unfortunate man. He was not pardoned, as he should have been, but consigned to incarceration for the remainder of his days. Scarcely had he entered upon this sentence when a murderous attempt was made upon him. While still in the hospital, a mob has been enabled to seize him, to remove him from one of the prisons of the State, to deprive him of the protection of the laws and to murder him in cold blood."

"His sufferings and martyrdom are at an end, but he has not lived in vain. His sad fate may direct the eyes of the world to conditions which cry to Heaven for relief. It demonstrates that he was convicted by a mob, and not by due process of law. It verifies the prophecy which I uttered before the Supreme Court of the United States. Frank is no longer on trial. In fact, he never had a trial. But Georgia is now on trial in the forum of civilization. Will she vindicate her laws? Will she permit the miscreants who committed the murder and that most shameful of beings who instigated it to go unwhipped of justice? Upon her action depends her rehabilitation in the good opinion of those who in the past admired and loved her."

SOUTHERNERS DENOUNCE THE FRANK LYNCHING

Editor of the Augusta Chronicle and Former Georgians Express Their Horror.

The lynching of Leo M. Frank, who was serving a life term in the State Prison Farm at Milledgeville, Ga., for the killing of Mary Phagan, was condemned in the most bitter terms yesterday by representative men in this city. Among those questioned by a TIMES reporter were former residents of the South, and one Southerner, Thomas W. Loyless, President and editor of the Augusta Chronicle, which has criticised other Georgia newspapers for their policy in keeping up the agitation about the Frank case. Mr. Loyless had come to New York on a business trip. All expressed the belief that those who killed Frank should be apprehended without delay, to save the honor of Georgia, and tried for murder.

Mr. Loyless and Nathan Straus, who, as he expressed it, was "raised in Georgia," and was deeply interested in the Frank case, joined in censuring Tom Watson, editor of The Jeffersonian, a weekly publication circulated in Georgia. Watson has been bitter in his denunciation of Frank and of Governor Slaton, who commuted Frank's sentence.

"I believe Mr. Watson was as much to blame as anything else for what has occurred," said Mr. Straus.

P. C. Magnus, President of the Georgia Society of New York, said that he

felt the mob's action was a reflection on the good name of the State.

Augusta Editor's Statement.

This statement was given to THE TIMES by Mr. Loyless:

"What can any Georgian say about this latest—I wish I might say last—crime against his State and against civilization? For the time being he can only hang his head in shame and hope for the dawn of a brighter day. As for myself, I am not only horrified, but almost disheartened. I would like to say surprised as well, but the simple truth is something like this was to be expected. For the past two months, almost to a day, our State has been aflame with incendiary appeals to mob violence. This culminated a few weeks ago in a murderous assault on Leo Frank by another life prisoner at the State farm. His act was openly approved by a certain class of people, whose voices seemed almost to drown out the protests and appeals to reason that went up from other sources."

"The leader in all this agitation against Frank and against the Jews generally, is Tom Watson, former Populist candidate for President, who has degenerated into the firebrand publisher of an incendiary weekly paper which has an enormous circulation throughout Georgia, particularly in the rural districts and among the working classes."

"He has a perfect genius for arousing race hatred and religious prejudice; the other string to his bow being his fight on Catholics. It is charitable to assume that he is crazy, but the venom of his nature overshadows all else. He has openly and persistently advocated the lynching of Leo Frank and death for ex-Governor Slaton. Up to date the latter would not be safe in Georgia should he return; and now, I suppose, it is even worse."

"There may, however, be an immediate reaction since this blood-madness has been, in a measure, appeased. Certainly the intelligence and character of our State must, and probably will, come together at once and assert itself—unless Georgia is to be forever damned. The Augusta Chronicle has been contending for this all along, and I have been gratified at the responses to its appeal."

"Only ten days ago I rejected a communication from ex-Governor Joseph M. Brown, which made a deliberate appeal to the mob in connection with this Frank case, and my action was approved throughout the State. There was said to be a movement on foot to make a State political issue of the Frank case. His death has, at least, spared us this horror."

"Perhaps in time, we will be able to wipe out the stain of this murder; for whether Frank was guilty or innocent, it was none the less a murder, and a cowardly and brutal murder at that. But the crime against the individual is of less importance and consequence than the crime committed against the State and against civilization."

Denounced by Nathan Straus.

Aside from his assertion about Tom Watson, Nathan Straus made this statement on the lynching:

"The lynching has brought disgrace to Georgia and to the whole country. There is but one way for Georgia to redeem itself. The State must leave no stone unturned until the culprits are caught and placed on trial. I myself was raised in Georgia, and I know how the people of that State feel. As a whole, they are law-abiding and law-respecting people and would be the last to countenance this outrage. But they have permitted a few good-for-nothings to run things with a free hand. The whole State has long been ruled by this small mob element."

"I fully believe the lynching of Frank will awaken Georgia and that the State will redeem itself by prompt action. This whole trouble is the work of a few mischief-makers. It is time they were attended to. The authorities are not to blame for failing to prevent the lynching. What could a few jailers do against thirty armed men?"

"But now that the wrong has been done, Georgia must see that the guilty ones are caught and punished. It must go further and see that the small mob element that has had things its own way for so long is once and for all put down. Thus out of this frightful affair some real and lasting good may come—but at what a terrible price! This man Frank was innocent—absolutely innocent. I knew the whole case, and I was never more sure of anything than I am today of the innocence of Leo Frank. The men

who are responsible for his death should be captured and tried for murder without delay."

Magnus "Ashamed of His State."

Mr. Magnus, the President of the Georgia Society in this city, said that he was "ashamed of his State." He added that all Georgians with whom he had discussed the lynching were harsh in their denunciation of the act. He had carefully read the evidence of the Frank case, he said, and did not believe that the verdict of the jury was warranted.

"I deplore mob rule at all times," said Mr. Magnus, "and do not believe that the lynching is the outcome of the feeling of the upper-class Georgians."

General Roger A. Pryor of 3 West Sixty-ninth Street, now 88 years old, who was a General in the Confederate Army and spent many years in the South, spoke of the lynching in words of the severest condemnation.

"I have nothing but absolute condemnation and detestation for the infamous act," he said. "That the lynching was the work of the lower element in the population of Georgia there is no doubt. No man of learning or refinement could have a part in such a detestable act. I don't think I can select words which will express my feelings with more force."