

GEORGIANS FILE PROTEST.

Delegation in Congress Sends a Letter to the Attorney General.

Special to The New York Times.

WASHINGTON, Feb. 3.—A formal protest to the Department of Justice against the plan to seek an indictment in some other State against Thomas E. Watson of Georgia, for alleged violation of the postal laws in circulating obscene matter regarding the Leo M. Frank case, was sent to the Attorney General today by the Senators and Representatives from Georgia. The Georgia delegation advised Mr. Gregory that the entire State would resent the suggestion of the department that the Government could not get a fair trial in Mr. Watson's own State.

Members of the Georgia delegation lodged a verbal protest with the department yesterday, but at a meeting of the delegation today it was decided to send a letter, signed by Senators Hoke Smith and Thomas W. Hardwick, and each Georgia member of the House. The letter says in part:

We appreciate your high character and ability, as well as your desire to do your duty as you see it. The suggestion which grows out of the alleged violation of the postal laws by one of Georgia's citizens, the Honorable Thomas E. Watson, that the Government of the United States cannot get a fair trial in Georgia, and that one of our citizens is likely to be taken to another State and prosecuted, is resented by each of us, and if carried into effect, will be very offensive to the people of Georgia.

Such procedure is unusual if not unprecedented, and if the alleged violation of law occurred in Georgia by the posting of newspapers there, we insist that the case be tried there, if an indictment should be found.

We do not admit that under the law and the statute referred to the defendant can be tried in any other State than Georgia. We insist, all of us, that the Government, in this or any other case, can get a fair trial in Georgia, and that our jurors are not controlled by prejudice, but will determine any case by the law and evidence submitted.

If it is objectionable in your office that the defendant be tried in the portion of the State in which he resides, we respectfully submit there are other divisions of the United States court in Georgia where there is no question that justice will be done both the prosecution and the defense. . . .

We conclude that the number of people living in Georgia who have represented to you that the Government cannot get a fair trial there is very limited, and the suggestion certainly emanates from those who do not know the people as we do.

We take this position not merely because of the case presented, but because, further, the fair name of Georgia and her citizens has recently been characterized by outside influence and money as lawless, and we protest against any action by your department which appears to be an official sanction of such aspersion, which we know to be absolutely false and wholly unwarranted. Allow us to again insist that if any trial shall be had it shall be in Georgia, where the alleged offense was committed.

Representative Tribble of Georgia first learned of the plan of the department to seek an indictment in some jurisdiction other than Georgia against Mr. Watson, in whose magazine, *The Jeffersonian*, the Frank case was vigorously discussed.

Attorney General Gregory, it became known today, told the Georgians who called on him yesterday that the department had been assured it would not be possible to obtain a fair trial of the case in Georgia.

"I have read the articles in *The Jeffersonian* bearing on the Frank case very carefully," Mr. Gregory told the Georgians, "and there is not the slightest doubt in my mind that he is guilty. The only question with me now is whether to bring the prosecution in Georgia or in some other place where he has circulated this obscene matter."

Mr. Watson is reported to be extremely angry over the threatened prosecution. In a long distance telephone conversation with a member of the delegation he is reported to have condemned Congress, the Federal courts, and the Georgia delegation.

"I have my fighting clothes on, and I don't care where this leads," Mr. Watson is reported to have asserted. "I am going to see it through to the end. Old Man Pee-pul is behind me, and you will hear from us."