

TEXANS MAKE PLEA FOR LEO M. FRANK

Ask Governor of Georgia to
Commute His Sentence in
Interests of Fair Play.

DECLARE GUILT NOT PROVED

Trial Held Under Conditions That
Did Not Justify the Verdict—Petitioners Free from Prejudice.

THE NEW YORK TIMES has received
the following letter:

To the Editor of The New York Times:

Inclosed you will find a copy of a petition formulated and circulated by a number of our leading Gentile citizens, and thereafter signed by about 300 good people who believe that Leo M. Frank has been given the death penalty in Atlanta, Ga., when tried under conditions that did not justify such penalty. We do not believe his guilt was established by the evidence produced. We do not say that he is not guilty, but as his guilt was not established, we believe that he should not be executed, for it is possible that he is innocent.

We therefore ask the Governor of Georgia to commute his sentence, as by so doing opportunity will be given for further investigation, and if Frank is innocent, he can be pardoned.

We feel that duty to our fellow man demands that we act in his behalf hence: we would appreciate action of the same or a similar nature by good people in your community.

The date of execution is set for Jan. 22, 1915, hence immediate action is necessary. When your good people have acted, please send the petition direct to the Governor of Georgia.

S. P. BROOKS, J. D. WILLIAMSON,
D. ROTAN, J. F. ROWE,
W. H. JENKINS, E. R. NASH.

For the Committee.

Waco, Texas, Dec. 25, 1914.

The Petition.

Waco, Texas, Dec. 22, 1914.

To the Hon. John M. Slaton,

Governor of Georgia, Atlanta, Ga.

Dear Sir: We as American citizens living a thousand miles or more from the scene of the heinous mutilation and murder of little Mary Phagan, in common with the right-thinking people of our country, have desired that the inhuman perpetrator of that crime should be apprehended and made to pay the price of his infamy.

We have noticed with great interest the efforts upon the part of the authorities of Georgia, in their endeavor to ascertain the perpetrator of the crime, and desire to commend their untiring efforts in that regard. We watched with particular interest the trial of Leo M. Frank, attempted to carefully weigh the evidence upon which he was convicted; viewed it, we think, from a sufficient distance to free us from all local influences, and we believe that the verdict of the jury, of the death penalty, based upon the evidence was not justified for the following reasons:

First—The populace of Atlanta (or at least a large majority thereof) prejudged the case and convicted Frank in public opinion before he was tried.

Second—Because of that prejudgment a majority of those in attendance upon the trial made an environment in the courtroom which must have had a strong influence with the jury prejudicial to the defendant in his trial.

Third—Many threatening letters were sent the Judge, foretelling results that would follow an acquittal. The very atmosphere of the courtroom was such as to convey an opinion of guilt to the minds and hearts of those present, and the attitude of the spectators was such as to prevent the exercise of a calm, judicial temperament on the part of the trial Judge and to prevent an unbiased verdict from the jury.

Fourth—Giving all testimony adduced in the trial its greatest probative effect, in our opinion, it was insufficient to exclude the probability of innocence and wholly failed to prove guilt beyond a reasonable doubt.

Fifth—Every man being tried for his life

is entitled to the benefit of reasonable doubt, but in this case the court and jury were so encompassed by the mob spirit of a desire "to kill" that Frank was apparently denied any consideration upon the question of "reasonable doubt."

Sixth—The prosecuting attorney in presenting the matter to the jury appealed to their passions and prejudices and his remarks were such as to poison their minds and prevent a calm, dignified, and fair consideration of the guilt or innocence of Frank from the evidence that was presented to them.

Seventh—The trial Judge, who is more accustomed and expert in weighing evidence than a jury, admitted, according to the record, as we understand it, that he was not and is not convinced as to the guilt of Frank.

Under the above state of facts and conditions we feel that it would be a blot on the escutcheon of the fair State of Georgia to permit Leo M. Frank to be executed when convicted under such circumstances. We have not allowed our sympathy to get beyond our judgment, but we believe that justice and fairness absolutely demand a commutation of the sentence in order that a fuller investigation may be made or that time may tell who was the perpetrator of this infamous crime.

We further desire it understood that we are moved to appeal in his behalf not on account of any influence whatsoever that has been brought to bear upon us by the Jewish race and that we are not acting at their instigation, but as Gentiles upon our own initiative in the interest of what we believe is fairness in behalf of a fellow-man. We expect, however, to have this, our petition, signed by reputable citizens of our community, both Jew and Gentile, who believe as we do about this matter.