

The letter written by Judge ARTHUR G. POWELL, formerly of the Georgia Court of Appeals, to Governor SLATON and the Georgia Prison Commission, which was published in THE TIMES yesterday, is a remarkable document which bears on its face evidence of its sincerity. Judge POWELL was an intimate friend of the late Judge ROAN, who presided at the trial for murder of LEO M. FRANK and in his charge to the jury expressed his doubt as to the guilt of FRANK. Judge POWELL says that Judge ROAN often sent for him to go to the Court House while the trial was in progress and consulted with him about the case. He declares that Judge ROAN believed that FRANK was innocent, and Judge POWELL himself says that what he saw of the trial convinced him that the prisoner was innocent. That he has delayed a whole year, until every means of securing a new and fair trial for FRANK has been exhausted, and he has been a second time sentenced to death, before making this statement, which has so important a bearing on the case, is fresh evidence of the state of mind which has affected the people of Georgia.

As a matter of fact, FRANK was convicted in the public mind, with little or no evidence, within twenty-four hours after the murder of MARY PHAGAN was discovered. The press, the police, and the prosecutors were all arrayed against him. His trial was an empty formality, and nobody doubts now that he was sentenced to death upon wholly defective evidence. There is a growing belief that his guilt was never sufficiently established to justify conviction. The new and encouraging development in the case is the avowal of belief in his innocence by prominent persons in Georgia as well as in other parts of the country. Judge POWELL has found in Southern Georgia "a strong and "practically unanimous sentiment "against his being hanged." The many thousands of persons who are now appealing to the Governor of Georgia for FRANK'S pardon or the commutation of his sentence are clearly convinced of his innocence. It is incredible that so much sympathy could be aroused for a man who conceivably could be guilty of so foul a crime.

As a matter of fact, for some time past the murder of MARY PHAGAN has almost ceased to be an issue in the Frank case. It has seemed impossible to move the Georgia public to acknowledgment of a deplorable error of judgment, which had the support of the State, the bar, the police, and society. For our own part, like many others, we have been convinced, after a patient study of every detail of the case and a careful examination of all the evidence, that FRANK is innocent. But even in the remote possibility of his guilt he has never had a fair trial. A change of sentiment is now evident in Georgia, and there seems to be assurance that the Governor and the Prison Commission will give the case a fair hearing, and that public opinion in Georgia will abide by the result.

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