

With the utmost conservatism we can go further and say that a great majority of the people of Georgia feel that Frank's guilt has not been proved beyond a reasonable doubt, and that a great many of them consider him innocent.

"It is not a question of Frank's acquittal and freedom, but simply a question of commuting his sentence to life imprisonment in order that truth and fairness may yet be brought forth. The Pardon Board ought to recommend this commutation, and the Governor ought to grant it. They should do so for the honor of the State, for the cause of human justice, and for that higher law whose seat is the bosom of God."

*Special to The New York Times.*

ATLANTA, Ga., May 22.—In an editorial demanding clemency for Leo M. Frank The Atlanta Journal tomorrow will say:

"To whatever extremes of passion the popular mind may be swept, reason eventually regains its sway; after the wind and the earthquake and the fire there always speaks 'a still, small voice.' It is in this spirit the people of Georgia have come to consider the case of Leo M. Frank. They realize that the essential evidence and the broad merits of his cause have been presented to only one jury and that a jury which sat under the glare and heat of mob consciousness. Pondering these things, fair-minded people ask, 'Can our State afford, in honor and justice, to hand a man who really has not been convicted and whose blood, if he be innocent, will rest upon our heads in tragic and everlasting shame?'"

"Frank was presumed guilty at the outset of his trial. Every doubt in his favor was rejected, while the lightest trifles against him were welcomed and magnified. The chief and, indeed, the only considerable witness of the prosecution was a negro of criminal record, who implicated himself in the crime that he charged to Frank. On this negro's unsupported testimony, Frank was convicted.

"Furthermore, the atmosphere within and without the courtroom was such as to make a fair trial impossible. Only superhuman strength could have resisted the prejudice and passion that surcharged the Frank trial from beginning to end.

"The case has been appealed twice to the Supreme Court of Georgia and twice to the Supreme Court of the United States, but in every instance the questions considered and decided were wholly questions of law and of legal procedure. Now that every recourse to obtain a new and a fair trial has failed, the Pardon Board and the Governor are the only and the final hope of justice. The makers of our law and Constitution wisely foresaw that occasions might arise in which all ordinary legal processes would fail to establish the innocence of a person accused. Therefore, they authorized the Pardon Board to recommend and the Governor to grant a commutation of sentence in such circumstances.

"Never was there a plainer demand for the righteous exercise of this power than in the pending case of Leo M. Frank. If he is guilty, he has not fairly been proven so; if he is innocent his execution will amount morally to murder. It is not asked of the board and the Governor that they declare him innocent, but only that they recognize, as did the trial judge, the serious doubt of his guilt, and, by commuting the death sentence to life imprisonment, leave a chance for the future establishment of justice and truth. This ought to be done, because it is reasonable and because it is right.

"We know that the rank and file of the Atlanta bar are convinced that Frank's trial was unfair, and we believe that the rank and file of the entire Georgia bar are of the same opinion.