

Justice for Leo M. Frank.

To the Editor of The New York Times:

In my opinion the Supreme Court of Georgia has made a grievous mistake. Instead of giving a decision on the disputable fact of whether Frank should have been in court at the time the verdict was given or not, it runs off on a side issue, and calmly refuses Frank's motion on the technicality that this particular motion should have been made some time previous to the time that it was made. And yet our courts are supposed to mete out justice. The court is asked as to whether Frank should have been present when the verdict was given. They do not answer this question. Instead, they state that the motion must be denied, that they cannot answer the question because the motion should have been made at another time. Justice is withheld because of a technicality.

Is Frank to be put to death because a mere technicality has frustrated the ends of justice? Is a man who the world knows was not given a fair trial to be put to death because his lawyers made two separate appeals out of material that should have been all put into one appeal? Is a man, found guilty on the testimony of a negro who admits with no shame that he is a degenerate in the worst sense of the word, who has a previous record as a good-for-nothing—I ask, in all fairness, is such a man as Leo M. Frank to be put to death on such testimony? Will the State of Georgia allow such a blot to be cast upon its history? The only answer to all of these, I fear, is Yes! Georgia has failed to make any retributive step to secure for this persecuted man justice. MARCEL STRAUSS.

Brooklyn, N. Y., Nov. 17, 1914.

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