

# ATTACKS WATSON IN FRANK CASE

## Editor Loyless Devotes Three Pages of Augusta Chronicle to Exposing Fiery Georgian.

### TELLS MOTIVES OF WATSON

#### Anti-Frank Crusade to Increase Circulation, Punish Slaton, and Regain Political Prestige.

#### PAINTS WATSON AS BRIBER

#### And Says He Tried to Get Hoke Smith to Do What He Con- demned Slaton for Doing.

Special to The New York Times.

AUGUSTA, Ga., Sept. 12.—Under the heading "Slaton or Watson—Which?" and over his signature, Thomas W. Loyless, editor and publisher of The Augusta Chronicle, in his paper today carries a three-page article, the purpose of which is explained in the last two paragraphs of the introduction, as follows:

"With this, I fear, rather lengthy prelude to what is to follow—but which I trust may be excused, in view of the import of the subject itself to our State and nation, as well as in view of the magnitude of the task involved, for we may hardly hope to clear up a full twelve months of continued misrepresentation within the scope of a few columns of newspaper space—I set myself to the task of fully and completely and convincingly—to all those with an open mind—exposing Thomas E. Watson and defending and making clear the action and the motives of ex-Governor Slaton in the Leo Frank case, well knowing that the former undertaking, at least, is a thing not to be lightly entered upon; if for no other reason, because it is practically certain to bring down upon me all the misrepresentation, abuse, suspicion and slander that this past master in vituperation is capable of directing against any one who has the temerity to take issue with him.

"Yet some one must do it, else he will go on undisturbed and uncontradicted in his mad course of inciting to insurrection, riot, and murder with, possibly, ex-Governor Slaton as his next victim; so why not I? For I, at least, do not challenge him from a distance; I am not unacquainted with his methods and his motives, and I have in my possession, or immediately available, as much of his highly vulnerable personal and political record as he may care to call for, and can deal it out as rapidly as the occasion requires; though, I am free to say, I hope to keep the discussion far above that plane."

#### Watson's Alleged Motives.

Mr. Loyless charges that the motives underlying Watson's campaign against Frank and his persistent attacks on ex-Governor Slaton were Watson's desire to make money by increasing the number of readers of his paper, he having exhausted his supply of ammunition in his attacks on Catholicism and foreign missions; Watson's desire to wreak vengeance on Governor Slaton for not having followed his dictation, and Watson's desire to rehabilitate a shattered political influence in State affairs.

Mr. Loyless points out that there were more than ten thousand Georgians who petitioned Governor Slaton to commute Frank's sentence, and he lists the names of about a hundred, including a Federal Judge, three ex-Justices of the State Supreme Court, numerous Superior and City and Court Judges, many lawyers, bankers, merchants and educators.

Referring to the list of names, Mr. Loyless says:

"Here are names that ought to strike Tom Watson down—even as Ananias himself was stricken—when he tried to make his dupes and followers believe that practically nobody, just 'mostly L. & N. lawyers,' petitioned Governor Slaton to commute Frank's sentence:

"Notable women like Mrs. Walter B. Hill and Miss Mildred Rutherford of Athens; Miss Celeste Parrish of the State School Department, and Mrs. E. L. Connally of Atlanta (Mrs. Connally is the sister of ex-Governor Brown).

"Educators like A. W. Van Hoose of Shorter, President Pearce of Brenau, Dr. Simmons of Brenau, and Dr. H. C. White of the University of Georgia.

"Among the clergy such notable men as Bishop Warren A. Candler, Bishop C. K. Nelson, Bishop Reese of Savannah, Rev. J. H. Eakes, presiding elder of Rome, Rev. Dr. M. Ashby Jones of Augusta, Rev. C. B. Wilmer of Atlanta, Dr. John E. White of Atlanta, and others.

"Many Superior Court Judges either recommended commutation or approved the Governor's action, including such as Henry C. Hammond, of Augusta; Judge Z. A. Littlejohn of Americus, R. N. Hademan of Louisville. Judge Ben Hill of Atlanta, who denied the second motion for a new trial, verbally recommended commutation, as did the late Judge Roan, who denied the first new trial motion. The latter put his recommendation in writing.

"All told, about 500 lawyers asked for commutation of Frank's sentence. The opinion that Frank was innocent or that there was serious doubt as to his guilt, held by them, was based in many cases on a careful study of the official record."

#### What Dorsey's Partner Said.

Several of the letters written by prominent Georgians to Governor Slaton urging him to commute Frank's sentence are printed in full by Mr. Loyless. Among these are letters from Colonel P. H. Brewster, a law partner of Solicitor Hugh M. Dorsey, and Judge Don A. Pardee, Judge of the United States Circuit Court of Appeals.

In part Colonel Brewster's letter to Governor Slaton was as follows:

"No trial with which I have been acquainted in my professional life took place where the atmosphere surrounding it was so fearfully charged with these elements and their influence was so strong as the trial of Leo M. Frank. To say the evidence and the verdict were not affected by this influence, with which the very atmosphere was full, is idle.

"Every witness who testified did so under this influence, and no juror escaped it. During the whole trial, the populace gathered in the streets about the place the trial was being conducted, often in great numbers, giving manifestations in unmistakable utterances of the universal sentiment, 'Hang him.'

"To try a man charged with such a heinous crime, when surrounded with such an atmosphere, leaves him, guilty or not guilty, no hope.

"I am quite familiar with the official record in this case. Outside of the testimony of the negro Jim Conley, it is my opinion that there is not evidence sufficient to support the verdict. In fact, there is no evidence but that of Conley which is not perfectly consistent with Frank's innocence. But when the character of Conley and the methods employed to secure his statements are considered, it does seem to me his testimony is of no value.

"Therefore I am thoroughly convinced that Frank is innocent. I would not be willing, as a citizen of Georgia, to have the State put this man to death.

"What I say is not intended to criticize lawyers who were engaged in this case, courts which have considered it, or the jurors who rendered the verdict. I have no possible interest in the case except as a citizen.

After stressing the opinion of the two Justices of the Supreme Court who dissented when that tribunal denied Frank's motion for a new trial, and declaring that "no Governor could well

hesitate to grant a commutation unless on investigation he should come to be fully satisfied that the accused was guilty and that the dissenting judges were in error," Judge Pardee in his letter to Governor Slaton said:

"But in the Frank case I go further; I was in and about Atlanta at the time of the homicide and during part of the trial and know something of the outside circumstances attending the same; and have no doubt whatever that the public feeling against Frank, outwardly expressed in the city and about the Court House, was incompatible with a fair trial, and this, when taken in connection with the action of the Judge in recommending that counsel for Frank be absent from the courtroom when the verdict should be rendered and in permitting the verdict without the presence of Frank, seems to me a very important consideration decidedly affecting the question of commutation.

"Further than this, I do not believe Frank is guilty. The man who wrote the notes found near the body of Mary Phagan was inevitably particeps criminis in the murder. James Conley admits writing these notes. To clear himself he implicated Frank as principal and himself as merely assistant. To my mind, his story is not supported by any satisfactory corroborative evidence, and, with its glaring contradictions, it is incredible and wholly unworthy of belief.

"Under all the circumstances attending the trial of the Frank case, the State of Georgia can not well afford to have the penalty of death inflicted."

Mr. Loyless pays particular attention to the famous Judge Roan letter, which Watson has openly charged was a forgery, and he publishes affidavits from the stenographer to whom Judge Roan dictated the letter, and from Dr. Wallace E. Brown, proprietor of the sanitarium in North Adams, Mass., where Judge Roan was a patient at the time. Both swear that Judge Roan dictated the letter and signed it with his own hand, and Dr. Brown swears that Judge Roan was mentally responsible when he dictated and signed the letter. Dr. Brown also swears that Judge Roan had told him previously that he was not convinced of Frank's guilt, and that if he ever made an application for executive clemency he (Judge Roan) intended to recommend a commutation.

#### Slaton's Law Partnership.

Replying to Watson's oft-repeated charge that Governor Slaton was a law partner of Luther Z. Rosser, one of Frank's attorneys; that he shared in the fees received by Rosser, and that he was therefore disqualified to pass upon Frank's petition, Mr. Loyless states that the firms of Rosser & Brandon and Slaton & Phillips were not consolidated until two months after Mr. Rosser had been employed to represent Frank; that the consolidation contract of the firms provided that neither was to share in the fees of cases in the hands of the other at the time of the consolidation, and that Governor Slaton was not to share at all in the earnings of the consolidated firm during the time he was Governor.

It is pointed out that neither officially nor unofficially was the disqualification point ever made against Governor Slaton until after he had commuted the sentence of Frank. On this subject Mr. Loyless says:

"If a matter is before any tribunal and there is any possible ground for urging disqualification, the time to urge it is before the hearing begins or during the hearing. What fact did Solicitor Dorsey have after the hearing before Governor Slaton that he did not have before or during the same that justified him, an officer of the law, in impugning the motives of the Governor of the State? If he really believed that disqualification existed, it was his duty to have urged it before the decision, not after.

"Can any one doubt that had such a point been then raised by the official whose duty it was to make it, if he believed it existed, Governor Slaton would have gladly acquiesced and declined to hear the case? This was the only honorable excuse he could have given for passing the case to his successor, Governor Harris, and burdening the latter with a case that would create enemies, no matter what the decision might have been. Had he passed it otherwise, he would have been branded as a coward, and it is publicly charged that newspaper cartoons were in existence ready to be printed so branding him had he passed it to his successor—that famous unprinted cartoon picturing Slaton with 'feathers on his legs.'

"And, furthermore," declares Mr. Loyless, "as I know the ways of Georgians, I know of none who is denouncing him on the score of the law firm who would not be denouncing him just as severely if there had been no law firm connection. It's merely an excuse, not a reason, and proves that his detractors lack good reason for denouncing him."

#### Responsibility for Delay.

Taking up Watson's frequent charge that Frank's friends hurried his case through the courts in order to get it to Slaton before his term expired, Mr. Loyless, after touching on the final appeal to the Federal Supreme Court and that tribunal's adverse decision, says:

"The defense announced there would be no further proceedings in the courts, but made no move to have the mandate hurried. There was a suspicious note in the subsequent comment. If they are through, it was said, why do they delay the finish on a mere technicality? Why don't they go up there and ask for the mandate, and show they haven't been proceeding merely for delay?

"It was openly asserted that Frank's lawyers were manoeuvring the proceedings in order to get the case before Governor-elect Harris—asserted from quarters where Governor Slaton has been most viciously denounced for not forcing the case on Harris.

"On May 3, the attorneys for the defense having made no move to have the mandate issued, Solicitor Dorsey presented a petition to Judge Hill of the Georgia Supreme Court asking that Frank be summoned and sentenced, regardless of the United States Supreme Court mandate. Thus, at this point the first move to hurry the case so that it would reach Slaton was made by the prosecution. Judge Hill, of course, denied the petition.

Dorsey is reputed a good lawyer and, if he is, he must have known that Frank could not be sentenced so long as he was in the hands, though only technically, of the Federal courts. Assuming that Dorsey knew the law, there are two deductions which may be made: First, he may have wished to put the burden for delay on the defense, for, by its consent, the mandate could issue; second, he wanted the case to reach Slaton.

Dorsey's action had the effect, whether intended or not of putting the burden, in the public mind, on the defense. So, on May 5, Louis Marshall, representing the defense, appeared before the Supreme Court and consented for the mandate to issue.

#### Doubted Slaton's Nerve.

"The mandate reached Atlanta on May 6 and was made the judgment of the District Court (Judge Newman having been out of town on its arrival) on May 8, which was Saturday. On May 10 Dorsey appeared before Judge Hill and asked that Frank be sentenced, and Frank was sentenced to be executed on June 21, four days before the expiration of Slaton's term.

"Judge Hill states over his signature that the only person who discussed with him any feature relating to the sentence was the Solicitor. The records show that the first and most persistent efforts to hurry the case were made by the Solicitor.

"The truth is," says Mr. Loyless, "Frank's enemies were anxious for Slaton to pass upon the case, for they did not believe he had the nerve to commute the sentence."

Asserting that Governor Slaton had everything to lose and nothing to gain by letting the Frank case reach him, Mr. Loyless says:

"Let me summarize the situation as Slaton could not help seeing it, as I am sure he did see it:

(1) Commutation of Frank's sentence could not redound to Slaton's pecuniary interests, but, on the contrary, would injure them.

(2) Commutation of Frank's sentence might be virtual political suicide. His political ambition was his chief passion, and his prospects were the best.

(3) Frank's commutation meant personal danger and great embarrassment to both himself and family.

(4) Frank's commutation probably meant lasting misunderstanding as to his motives.

"Thus, knowing all these things, he acted on the case when he could have passed it to his successor, because he felt that to dodge it would be unjustifiable cowardice; he commuted the sentence because he thought it his duty to do so. You find such examples of courage and fidelity to duty in books, but rarely in real life."

Mr. Loyless prints a sketch of Governor Slaton's private and public life, and takes occasion to pay him a tribute as being "one of the most honest, one of the most scrupulous, and, I am now

glad to say, one of the most courageous" of the many public and semi-public men he has known.

After citing a number of instances of Governor Slaton's honesty and his service to the State, Mr. Loyless says:

#### Says Watson Tried Bribery.

"But there is still another reason why I know Slaton is an honest man, and it is this: Tom Watson couldn't bribe him, or tempt him—and Watson knows he tried.

"Yet Watson has heretofore found no such difficulty with the average public man in Georgia. He has from time to time led lots of them 'up to a high mountain'—only to pitch them off in the end.

"But long ago, when he found out that he could not control Slaton, he turned against him with all the venom of the Watson nature. He was so anxious to have his way about the Frank case, however, that he buried his pride and tried again. And this is the way he went about it: Read it you Georgians who are jealous of the honor and integrity of your State and of its public men, and choose ye between Tom Watson and Jack Slaton for integrity and decency.

"About a week before Slaton rendered his decision in the Frank case and while the hearing of the petition to commute was still in progress, Tom Watson sent Governor Slaton word through a mutual friend that if the Governor would let Leo Frank hang he (Watson) would be Slaton's 'friend for life,' and that it would result in Slaton becoming United States Senator next time and the master of Georgia politics for twenty years to come.

"Of course, Slaton spurned the suggestion, as promptly as he would have spurned an offer of money—for it meant that he should sacrifice a human life for the sake of his political ambition.

"I dare Watson to deny this, for I have the proof of it in my possession; and he knows the man by whom I can prove it."

#### Cites Glover Case Against Watson.

Mr. Loyless cites the famous Glover case to show that in that case Watson insisted on Governor Hoke Smith doing what he now condemns Governor Slaton for having done. In this connection Mr. Loyless says:

"I have said elsewhere in this article that this same Tom Watson on one occasion tried to get Governor Hoke Smith to do the very thing he has so bitterly condemned Governor Slaton for doing—commute the murderer of a defenseless factory girl.

"It was in the year 1906. The murderer was one Arthur Glover, one of Watson's henchmen. Glover's victim was Maud Williamson, a working girl employed in the Sibley Mills, Augusta, and who had refused to continue her relations with Glover. The latter, a man with a faithful wife and young children, invaded the Sibley mill and shot this poor, defenseless woman in the back. Then, when she fell to her knees and began to beg piteously for her life, he shot her again and again, till she was dead.

"Glover was tried and promptly convicted. Then Watson came into the case, ostensibly on the ground that Glover was his 'friend' and once saved Watson's life at a political meeting in Augusta many years ago.

"Watson advised Glover's leading counsel, Messrs. A. L. Franklin and C. A. Picquet of Augusta, to try to keep the case in the courts till Hoke Smith was inaugurated as Governor. Watson had strongly supported Hoke Smith in his race, and said he could depend upon him.

He afterward claimed that Hoke Smith promised him that he would do as he asked and commute Glover's sentence. But Governor Smith did no such thing, although he knew his refusal to do so would bring down upon his head all of Watson's unreasoning wrath.

#### Watson Turned Upon Smith.

"Glover was duly executed—and every one knows what happened after that. Watson immediately turned upon Hoke Smith and has abused and slandered him ever since, as he has abused and slandered no other man except Governor Slaton.

"And the worst of it is, Tom Watson tried to secure a fee—and I think did secure a part of it—for thus trying to save the life of this cold-blooded murderer, the man whom he called his 'friend,' and who, he said, in his personal plea to Governor Smith, once 'saved his (Watson's) life.'

"How do you like it, you Georgians who have been so blindly following Tom Watson's lead in his blind hatred of ex-Governor Smith and, now, ex-Governor Slaton? Can you go further with him?"

Just how Watson has employed the Frank case to more than treble the circulation of his paper and to increase his income is told by Mr. Loyless, who says:

He took up the Frank case, and since that time the circulation of his Jeffersonian has grown by leaps and bounds. From less than 25,000 circulation weekly it has grown to 87,000—this being the number of copies printed by him for the week ended Sept. 4. He has not only more than trebled his circulation, by exploiting the Frank case, but has doubled the price of his product. From a gross income about a year ago, as I figure it, of not more than \$300 per week, exclusive of advertising—and his paper carried precious little of that—his last week's issue must have brought him in not less than \$1,740. All on account of the Frank case."

Mr. Loyless concludes his article with this stinging arraignment of Watson:

"There may be, and I have no doubt there are, many men in Georgia and elsewhere who will be unable to understand how any man could be willing to carry on a work of this sort for money—even to increase his income eight times over. But such men do not understand Tom Watson. He has but four controlling passions—bitterness, born of political disappointment—hate, engendered by his attitude toward the world and the world's attitude toward him; exaggerated ego, causing him to seek notoriety in any and every way possible; and avarice, money to him being the greatest god of all."