

ATLANTA'S MOB SPIRIT.

Resident Holds It Responsible for Leo Frank's Conviction.

To the Editor of The New York Times:

I have read with interest your recent editorial in regard to the refusal by Justice Lamar of a writ of error in the case of Leo Frank, entitled "Is It a Denial of Justice?"

I am answering your query in the affirmative, yes; and in so doing I honestly believe that I am expressing the opinion of thousands of Atlanta citizens who have so far refrained from expressing their individual opinions, from a lack of personal interest in the case, for business reasons, or on account of political aspirations.

I am not competent to pass on the legal technicalities of this case, or to say whether the verdict submitted by the jury was rendered strictly according to law. These minor points which have been passed on by the several courts are beside the paramount question: Is Frank innocent, or is he guilty? Is he the victim of newspaper sensationalism, race prejudice, political ambitions, and the petty jealousies of police and county court officials and rival detective agencies, or is he guilty of one of the most hellish crimes ever committed by man? This significant question has never been passed on but once—by the jury. The question then arises: If it is human to err, was it not possible for twelve men to have erred, no matter how conscientious they were in arriving at a verdict? In this instance I am prone to say that the jury made a serious mistake. Under all rules of law and justice, the defendant is assumed innocent until proved guilty, the burden of proof being on the State. In the Mary Phagan murder mystery, Leo Frank has been assumed guilty from the first by police, press, and public; and has now been denied the privilege of proving his innocence.

Then why was Frank convicted? I will tell you. He was convicted for the same reason that many innocent negro servants were brutally murdered on the streets of Atlanta a few years ago. The mob wanted a victim—wanted blood; wanted the blood of a negro night watchman at first, later the blood of "the damned Jew." As the conditions prevailing here during Frank's trial were very similar if not identical to those prevailing during Atlanta's disgraceful race riot, how can any man say that he received a fair trial under such circumstances? Especially in view of the fact that this trial took place in a temporary courtroom on the first floor of a building adjacent to the new Court House then under construction? Here, with an overflow crowd peering in at the windows, amid the clanging of street car gongs, the noise of passing wagons, autos, and trucks, and the cries of hundreds of newsboys on the streets every hour in the day shouting the headlines of "extras" implicating Frank as the murderer, the jury knew long before the trial was over the verdict of the mob.

It never believed that it was the testimony of the lying, licentious negro fallbird Conley that influenced the jury to bring in a verdict of guilty; for it is inconceivable that any twelve white men, North or South, would have placed the evidence of this unmoral wretch above that of the many respectable white women who testified in the case, and whose sworn testimony refuted the testimony of Conley, yet coincided with Frank's statement in every particular. And yet, without the tissue of lies told by Conley, the Solicitor's case fails completely. And what unprejudiced mind could have believed the word of the criminal Conley in preference to that of Leo Frank? If the word of this man Conley, with his criminal record and vicious habits, is to be received with more consideration than that of Leo Frank, whose spotless character is above reproach, what incentive does the world or religion offer men to lead decent and respectable lives?

I am of the opinion that newspapers are great molders of public opinion. How unfortunate it is that these newspapers do not more fully realize their responsibility at times when human life is at stake! In a recent statement issued by Frank he said that the lives of thirteen men were on trial when they tried him. He might have made it seventeen, for who cannot but believe that the four daily newspapers of Atlanta are partly responsible for Frank's predicament today? With full appreciation of the valuable services rendered Atlanta by her great dailies, can any one look over the files of these papers just before and during the trial of Frank without feeling that newspaper competition or enterprise—a striving to "cover" the case a little better than a neighbor—played an important part in the conviction of Frank? Their publication of the many vile rumors, afterward multiplied a thousand fold on the streets, charging him with acts of perversion and immorality, all of which were evidently damnable lies, as they have never been proved—served the purpose of those who originated them only too well in inflaming the minds of the public, (the jury.) Of course, this was unintentional on the part of our newspapers. But, as a matter of justice, should not these papers now right the wrong? True, one of them did print one editorial demanding a new trial for the accused. Why was this editorial not followed up with others? Is not human life as important as political issues? Some people there are so mean and despicable, so narrow and full of prejudice, so absolutely void of a sense of justice, that no newspaper or individual can express an opinion as to Frank's innocence without immediately being accused of having sold out to the Jews. But need a great newspaper fear these contemptible slanderers?

I congratulate THE TIMES on coming to the aid of this unfortunate man. Not altogether that his life may be saved, for he has expressed a willingness to die if die he must, no doubt, with the prayer on his lips, "Father, forgive them, for they know not what they do." Not for the sake of his dear old mother, whose heart has more than bled at the prosecution. I congratulate you for trying to avert a judicial murder in the great State of Georgia.

JAMES P. WINDSOR.

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