

receive the benefit of that fair and impartial trial which our law requires and demands to be extended in every criminal case. I do not believe that any of the State authorities, mediately or immediately concerned, were in any wise responsible for the feeling and prejudice against the accused which manifested itself, but nevertheless I believe it existed, and existed to the extent stated, and because of it the accused did not receive a fair trial.

Second—The able and conscientious Judge who presided at the trial was very doubtful of the guilt of the accused, and publicly and officially expressed the same at the time he refused a new trial. He had heard all the evidence, had seen all the witnesses testify, and had ample opportunity of observing the accused throughout the entire trial, and notwithstanding the jury brought in a verdict of guilty, there was a strong doubt left in his mind. This to me is a powerful circumstance, tending to create a strong doubt whether the accused is really guilty. Mr. Chief Justice Fish and Mr. Justice Beck of our Supreme Court and Mr. Associate Justice Holmes and Mr. Associate Justice Hughes of the United States Supreme Court, and I understand other officials having some part in this case in its various phases, have expressed the same doubt, judicially and officially, about the guilt of the accused.

Third—The writer has carefully read the record in the case, and as a result of a thorough and impartial study thereof there is left in my own mind a reasonable doubt as to the guilt of the accused.

Fourth—The case has attracted universal interest throughout the entire nation, and many citizens thereof, outside of the State of Georgia, who could not possibly have any personal interest in its result, men of ability, prominence, and highest integrity, of necessity impartial and unbiased, have openly and publicly expressed doubts relative to the guilt of the accused. Very many of the citizens of our State, prominent lawyers, ministers, and business men of high standing, and devoted to the due and orderly administration of our laws, have openly and publicly expressed grave doubts about the guilt of the accused.

Fifth—A large number of the citizens of this State and of all the other States in the Union firmly believe that the accused is not guilty and did not receive a fair trial.

Sixth—The evidence against the accused, when fairly and impartially analyzed, consists in a very large part of testimony which, considered at its best, did not come from clean, healthy, or dependable sources. If it was delivered, as many believe, in order to escape the punishment now about to be meted out to the accused, and it is at least possible that that was the real motive back of it, then clearly it is not entitled to any consideration or credence, and without it a legal conviction of the accused was impossible and the verdict of guilty would have to be attributed alone to the inflamed state of the public mind against the accused, which undeniably existed at the trial.

All of which is respectfully submitted. Very truly yours,

HOLLINS N. RANDOLPH.

DOUBTS GUILT OF FRANK.

H. N. Randolph of Atlanta Urges
Clemency on Prison Board.

Special to The New York Times.

ATLANTA, Ga., June 5.—Hollins N. Randolph, one of the leading lawyers of Atlanta and the counsel for the Federal Reserve Board of this district, has sent this letter to the Prison Commission of Georgia in behalf of Leo M. Frank:

To the Hon. R. E. Davison, T. E. Patterson, and E. L. Rainey, constituting the Prison Commission of the State of Georgia:

Gentlemen: The writer has not been and is not now connected with the suit of the State of Georgia vs. Leo M. Frank, directly or indirectly, but along with all other citizens of the State has watched with interest the progress of this now celebrated case through the courts.

As a lawyer by profession I have naturally kept up with the case also as a professional matter, and wish to make to you the following observations for such consideration as you may see fit to give thereto in connection with passing upon petition for commutation which I understand has been presented to your honorable body by Leo M. Frank and which is now pending before you for decision.

Unquestionably the constituted authorities of this State, the jury, the Judges, the Solicitor General of Fulton County, and all other public authorities to whom were intrusted the responsibility of the prosecution on behalf of the people of the State are to be cordially commended for the great ability and unflinching zeal and energy they have displayed in the discharge of their several public duties. At the outset, therefore, I desire to add mine to what I believe is the unanimous opinion, that all these officials are deserving of the highest praise and of the sincere thanks and appreciation of all their fellow-citizens.

But it seems to me it would be most unfortunate to the State, in its broad future, if Mr. Frank is allowed to receive the extreme penalty of the law. This would be freely conceded by all if it should be proved after the extreme penalty had been inflicted that as a matter of fact he was not guilty, but had suffered at the hands of the law the extreme penalty for the guilt of another and the real offender. It would be impossible to remedy such an awful mistake if it were made, and the infliction of the extreme penalty in this case, under such circumstances, would leave a judicial blot upon the fair name of our State, which it would be impossible ever to remove. Such a situation would bring home to Georgia and Georgians in awful reality the old saying that it is better far for the guilty to go free than for the law to take the life of an innocent man.

The State of Georgia has always enjoyed and thoroughly deserves the reputation for administering the law with an even and impartial hand, alike to high and low, rich and poor. But the even-handed law does not demand vengeance; does not cry for a victim. Georgia justice is tempered with mercy and its quality is not strained. The Arch emblazoned upon her Great Seal is supported by three pillars, on which stand forth the motto, "Wisdom, Justice, Moderation." With Wisdom her laws have been enacted, and it is only with Moderation that her Justice can be administered fairly and impartially in each case. For the ascertainment and enforcement of Justice in every case her courts were established, and for the enforcement of the laws of Moderation I respectfully submit your honorable body was by her laws created, and in the due and orderly discharge of your duties as Judges of the Court of Moderation it is not only proper, but right for you to recommend the infliction of a milder for the more severe punishment imposed by law in cases of doubt like this of Leo M. Frank.

It seems to me the ends of Justice will not be defeated, but subserved, if your honorable body will conclude to recommend to the Governor that clemency be extended in this case, and to that end I address this letter to your honorable body in the light of the foregoing and for the following specific reasons in addition:

First—Whether rightly or wrongly, justly or unjustly, I am convinced that the public mind, for reasons unnecessary to state in detail, was so inflamed before and during the trial that it was impossible for the accused to have and