

delay in giving out this document that suggested itself while the delay persisted was a desire that the President's presentation and characterization of the facts in the case should not become a subject of thought and comment in Germany until it could be accompanied by the German Government's own presentation and characterization of those same facts. That theory must now be dismissed, however, since for whatever time is to elapse before the German "case" is made up and offered, the American view of the things done and the situation created will stand alone.

Possibly the decision to let the German people have the "note" without its answer or rejoinder was due to what seems to us a belated realization that diplomatic negotiations can no longer be treated as matters to be considered only by "the State"—that the day for secret diplomacy is passed or passing. Another theory of the present action, and one more or less plausible, is that the Imperial German Government, trusting to the adequacy of the unofficial arguments already put out in defense of its methods of submarine warfare, expects, before it speaks and preparatory to speaking, some such demonstration of popular feeling as followed here the prompt publication of President WILSON'S carefully weighed words.

Lastly, there remains the chance that, as the summaries of the "note" which had already appeared in the German press, by omitting its phrases of courtesy and conciliation, made it seem harsher than it really is, there was felt to be need to guard against the creation in advance of a sentiment unfavorable to an equally courteous and conciliatory reply. Whatever the reason, the failure to publish this document as soon as it had been received can hardly be taken otherwise than as illustrating the difference between the German Government and ours as regards the conduct of public affairs.

**Experience Is Not His Guide.**

Second Deputy Police Commissioner LORD probably voiced the opinion of not a few besides himself

when, in discussing the new régime in Sing Sing Prison before the Monday Night Club, he declared that "life up there should be made so terrible that when the convict comes out he will say, 'The punishment of crime is so terrible, let's all be good.'"

The possibility of doing just that has been asserted for many centuries in many countries. It is no wonder, therefore, that belief in it is still widespread, but if anything is proved by experience it is that after men have been subjected to "terrible" treatment in prison, they do not, as a rule, or often, or more than very rarely, if ever, come out with a wish, and much less with a determination, to "be good." Usually—next to invariably—they emerge with as little inclination as ability, and none of either, to follow the path of rectitude.

"Schrecklichkeit" works about the same in prison as out of it, and really there is excuse for giving something else—the new penology, for instance—at least a trial. Its results cannot possibly be worse than were those of the system commended by the Deputy Commissioner. Moreover, can he soberly say that he thinks Sing Sing is or ever will be a place where life can correctly be described as "enjoyable"?

If he did but know it, his talk to the Monday Club was more than a bit discouraging—to what and whom he may guess if he tries long and hard.

**TOPICS OF THE TIMES.**

**Frank's Case Without a Precedent.**

Memory is searched in vain for another criminal case in which a verdict of conviction aroused

anything even approaching or more than remotely analogous to the dissatisfaction which is felt, and in all parts of the country except one, expressed, in regard to the condemnation of LEO M. FRANK on the charge of murdering MARY PHAGAN.

What we now see is a simultaneous and spontaneous movement everywhere out of Georgia—a movement in which all sorts of people unite—to impress upon the executive official of that State the adverse view of the trial and conviction taken literally by hundreds of thousands. This they do in part by resolutions adopted at great public meetings, in part by petitions signed by long lists of names, and still more by individual telegrams and letters sent to the Governor of Georgia, declaring strong doubt of FRANK'S guilt or strong belief in his innocence, and asking, as an emergency measure, that his sentence be commuted to life imprisonment in order that opportunity may be provided for the future vindication so confidently expected.

Meanwhile—and it is a strange and somewhat mystifying phenomenon—we hear almost nothing from the citizens of Atlanta and Georgia, as such. That anything like all of them—that even a majority—believe the guilt of FRANK proved beyond a "reasonable doubt," as the law demands, by the unsupported and largely refuted testimony of a depraved negro, is not claimed, even by themselves. Of the few Georgians who venture to express an opinion, practically all either favor or consent to a commutation of sentence. FRANK'S death is now demanded only by the official prosecutor. No real antagonism to leniency—to a chance for reconsideration—now remains where once it was so vehement, and the semblance of it is seemingly a lingering resentment of what has been taken in Georgia for outside criticism of, and interference with, a proceeding there considered of strictly local import.

**Delay Not Easy to Explain.**

President WILSON'S "note" to the Imperial German Government in protest against its repeated violations of our

neutral rights was not submitted to the consideration of the German people until yesterday. The only explanation of the