

MACON, GA. May 22nd, 1915.

The Honorable,  
The Prison Commission of Georgia,  
Atlanta, Ga.

Gentlemen:

Please consider this as a request for the commutation of the sentence of Leo Frank from death to life imprisonment.

From the information I have been able to obtain without reading the entire stenographic record, I do not believe that the evidence proved his guilt to that degree of certainty required by law. The answer to this, of course, is that I was not engaged in trying the case either as judge or jury, but that the tribunal, i.e., the judge and jury trying the case, found him guilty, and that, as a matter of law, this should settle the question of his guilt. I recognize the correctness of this contention.

The ground, therefore, upon which I urge the commutation of his sentence to life imprisonment is this: Our governmental system recognizes the pardoning power of the executive and provides for its exercise. Some have sought to limit the interposition of the pardoning power or commuting power to instances where after long service mercy should be extended or where subsequent developments showed the innocence of the convict.

Extremists may agree that if there is a doubt of Frank's guilt, then it would be the duty of the executive to pardon him. Other extremists having other views contend that as the jury had found him guilty, the executive should stand upon this and refuse to interfere on account of the enormity of the crime. There is a middle ground between these extreme views which I think should be taken in the present case. The jury, exercising their right, have found Frank guilty and sentenced him to death. The Courts have confirmed this verdict by holding that there is not such an absence of evidence as would authorize a reversal. Substantial argument can be made on the view of his complete pardon or on the refusal to interfere in any way. Without going into the question of his guilt or innocence, it seems to me, if there ever was a case calling for the wise exercise of executive clemency for a change in the sentence as fixed by the jury, this case presents it.

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My own conviction is that the murder was committed by Comely. He is the only human being who, outside of his (Comely's) statement, is shown absolutely to have been in touch with the deceased, and his explanation as to his not being guilty is erratic, uncertain and unconvincing. It was necessary for him, for his own protection, to assert the guilt of some other person.

Respectfully,



*Wm - H. Felton*

WHF.c.