

SAYS TOM WATSON IS FRANK'S SLAYER

Louis Marshall Brands the Populist Editor as Responsible for the Lynching.

CITES MOB LAW EDITORIALS

Frank's Former Counsel Demands Indictment of the Writer for First-Degree Murder.

Special to The New York Times.

ALBANY, Aug. 17.—Louis Marshall, who argued the Frank case before the United States Supreme Court, said tonight that Tom Watson, editor of The Jeffersonian and at one time candidate for President on the Populist ticket, was responsible for the lynching of Leo M. Frank.

"Tom Watson is the murderer of Leo Frank," said Mr. Marshall. "The State of Georgia ought to regard Tom Watson as a principal in the murder of this innocent man who was taken from the very sanctuary of the law and rushed to his death at the hands of a mob of assassins. If the Georgia authorities fail to apprehend those directly responsible for the killing of Frank, they ought to take Tom Watson, indict him, and try him for murder in the first degree. That is the only way they can begin to wipe out this foulest blot on our modern civilization."

Mr. Marshall had in his possession some issues of The Jeffersonian, the weekly edited by Watson at Thomson, Ga. To the extent of many columns the publication indulges in accusations against Frank and ex-Governor Slaton, who commuted Frank's sentence, of such a character as to preclude their reproduction in any respectable newspaper. In one paragraph in the issue of Aug. 5, The Jeffersonian calls upon the people of Georgia to give "the same reception to ex-Governor Slaton, should he ever return, that the Colonial patriots would have given to Benedict Arnold."

"The United States Government ought to go after Tom Watson," Mr. Marshall went on. "He is the scoundrel who stirred up the agitation of which Frank was the victim for nearly three years before his death. The Jeffersonian bristles with vulgar lies and the basest kind of misrepresentation, designed to excite an ignorant populace into committing murder. It should be remembered that Frank was lynched, not in the heat of excitement attending his trial, but two and one half years after his conviction.

"One instance of how far Tom Watson has carried his campaign of lying and slander is presented in his report of the execution of Becker, which appears in The Jeffersonian under this headline:

"Gentile put to death on the evidence of a negro for killing a Jew; a Jew virtually pardoned, after conviction on evidence of white witnesses, of killing a beautiful girl."

"In the same issue he published a cartoon representing a Jew stabbing a woman's figure, symbolic of the State of Georgia."

"What do you think the Federal Government should do about it?" Mr. Marshall was asked.

"The Federal Government has the power to bar his paper from the United States mails as obscene literature—literature that has incited to crime; the crime of murder."

"It seems incredible," Mr. Marshall went on, "that in any civilized community it can be possible for such recrudescence of savagery and brutal lawlessness to manifest itself. It is a stain upon our country and an ineffaceable blot upon the fame of Georgia. Here was a man of whose innocence every fair-minded, unprejudiced thinker who had occasion to study the facts was unqualifiedly convinced. Frank had been hounded by prejudice aroused by unreasoning agitators. His conviction followed not because of any evidence worthy of the name, but solely in consequence of the outcries of a mob maddened by the falsehoods upon which it had been fed."

"Governor Slaton, in the exercise of his constitutional powers, after a careful review of the facts, commuted his sentence from that of death to life imprisonment. The official statement of reasons, which is the only gleam of light in this dark history, demonstrated the guiltlessness of this unfortunate man. He was not pardoned, as he should have been, but consigned to incarceration for the remainder of his days. Scarcely had he entered upon this sentence when a murderous attempt was made upon him. While still in the hospital, a mob has been enabled to seize him, to remove him from one of the prisons of the State, to deprive him of the protection of the laws and to murder him in cold blood."

"His sufferings and martyrdom are at an end, but he has not lived in vain. His sad fate may direct the eyes of the world to conditions which cry to Heaven for relief. It demonstrates that he was convicted by a mob, and not by due process of law. It verifies the prophecy which I uttered before the Supreme Court of the United States. Frank is no longer on trial. In fact, he never had a trial. But Georgia is now on trial in the forum of civilization. Will she vindicate her laws? Will she permit the miscreants who committed the murder and that most shameful of beings who instigated it to go unwhipped of justice? Upon her action depends her rehabilitation in the good opinion of those who in the past admired and loved her."