

## A PSYCHOLOGIST MYSTIFIED.

Atlanta's Attitude Toward Frank Declared to be Beyond His Comprehension.

American Medicine, one of New York's leading publications in the field indicated by its name, gives careful editorial examination to the case of Leo M. Frank, the Atlanta pencil manufacturer now under conviction of having murdered little Mary Phagan, considering it especially in its psychological aspects. The article follows:

The conviction of Leo M. Frank for murder and the refusal of the highest State courts to reverse the decision or grant a new trial, have produced a feeling akin to stupefaction in other parts of the country. The lawyers and Judges are among the ablest and no doubt the kindest in the world, and might be presumed to give the benefit of the doubt to the accused. Nevertheless the impression grows that a ghastly mistake has been made, and whether this impression is right or wrong, it exists, and must be explained away or cause a re-examination of the evidence. The case has now become somewhat a psychological study on account of its paradoxical features and should be of interest to all physicians, but particularly those interested in medical jurisprudence. Only a few years ago an Atlanta mob startled the world by the indiscriminate slaughter of innocent negroes because many of the vicious ones had been committing assaults upon white women. The sexual proclivities of even the normal negro are thus well known, and yet the jury and courts have placed implicit confidence in a negro who is said to be a pervert, who asserts that he is merely an accomplice to the murder of the little girl and who is now accused by his own attorney of being the real murderer and violator.

A paper found near the dead body contained superstitious expressions that only a negro would make, and yet the jury believed the negro, who said that he saw the white man write it. The paper was evidently four years old, yet they believed the negro when he said that he saw the white man tear it off a fresh pad of blank forms. The crime is one which negroes are prone to commit, and if a white man is guilty he generally, if not always, shows signs of mental disturbance. The accused is said to be perfectly normal mentally, physically, and morally, but grossly untrue rumors as to his morality were given the widest circulation. Without the slightest basis of proved facts, even the clergy cried out for his blood—just as in the dark ages they demanded the execution of those accused of witchcraft. The greatest scandal of courts both North and South has been their leniency to accused men on trivial technicalities, yet in this case trivial technicalities have been used against the accused. Also, it is said, vital technicalities have been swept aside even when alleged errors have violated the basic rules of evidence, such as accepting the unsupported testimony of an accomplice. Juries are always obedient to public opinion—indeed, they help to form it—so we must expect acquittal when sympathy goes out to the accused. A Virginia court has decided that a man is warranted in killing those who are rumored to have insulted his daughter, though the rumor may have been started by a villain to encompass the death of an innocent, noble rival. But this does not explain the hatred toward Frank. The whole thing is incomprehensible. If the accused is guilty Northern opinion has been formed from untrue statements: if innocent, Georgia is guilty of an action worse than that of the Russians in the Beiliss case. Which is correct? Can the courts be trusted to find the truth? If not will the Governor dare to defy public opinion and release the accused or commute the sentence to confinement until a time when the public will not be excited by a pardon?

A people which becomes hysterical every time the band plays "Dixie" cannot be expected to be calm when it comes to a matter of the treatment of a man even suspected of a crime against one of their women. The emotionalism which makes them the most lovable people on earth leads them to excesses of hate also. We wonder what would have happened if Frank had been tried by a jury chosen in another part of the country from cold, unlovable people noted for lack of emotion, but thereby able to weigh the value of testimony and reject the false. Several witnesses, one a clergyman, have made affidavits in favor of Frank, and have later made second affidavits that their first were false. Some witnesses have repudiated their first testimony against Frank and have later repudiated their repudiation. What's the matter? There is a psychological gold mine for those who can dig it. The case seems destined to be the most unique in the history of our courts. We hold no brief for Frank, but we think that a new trial would remove a blot from our record, for the uncertainty of guilt makes the conviction a national horror. Already there is bitter complaint as to the ease with which the rich murderer Thaw can have his case carried to the Supreme Court, while, even this was denied the poor man Frank on his first application. It is a pity his plea cannot be taken to a court and jury having no affiliations with the people of the locality of the crime.