



Roan-1914

THE BERKSHIRE HILLS SANATORIUM  
NORTH ADAMS, MASS.  
WALLACE E. BROWN, M.D.  
PROPRIETOR

North Adams, Mass. 1  
December, 1914.

Rosser & Brandon & R. R. Arnold,  
Attys. for Leo M. Frank.

Gentlemen:-

After considering your communication, asking that I recommend executive clemency in the punishment of Leo M. Frank I wish to say, that at the proper time, I shall ask the Prison Commission to recommend, and the Governor to commute Frank's sentence to life imprisonment. This, however, I will not do until the defendant's application shall have been filed and the Governor and Prison Commission shall have had opportunity to study the record in the case.

It is possible that I showed undue deference to

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the opinion of the jury in this case, when I allowed their verdict to stand. They said by their verdict that they had found the truth. I was still in a state of uncertainty, and so expressed myself. My search for the truth, though dilligent and earnest, had not been so successful. In the exercise of judicial discretion, restricted and limited, according to my interpretation of the decisions of the reviewing courts, I allowed the jury's verdict to remain undisturbed. I had no way of knowing it was erroneous.

After many months of continued deliberation I am still uncertain of Frank's guilt. This state of uncertainty is largely due to the character of the Negro Conley's testimony, by which the verdict was evidently reached.

Therefore I consider this a case in which the chief magistrate of the state should exert every



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effort in ascertaining the truth. The execution of any person, whose guilt has not been satisfactorily proven to the constituted authorities, is too horrible to contemplate. I do not believe that a person should meet with the extreme penalty of the law until the Court, Jury, and Governor shall all have been satisfied of that person's guilt. Hence, at the proper time, I shall express and enlarge upon these views directly to the Governor and Prison Commission.

However, if for any cause, I am prevented from doing this, you are at liberty to use this letter at the hearing.

Very truly,

A handwritten signature in cursive script, reading "L. J. Roan". The signature is written in dark ink and features a prominent, sweeping underline that extends across the width of the signature.