

HENRIETTA RODMAN LOSES ON APPEAL

Her Suspension by Education
Board Upheld by State
Commissioner Finley.

HE SUGGESTS CLEMENCY

Believes That School Commission-
ers Might Well Have Overlooked
the "Mother-Baiting" Letter.

Special to The New York Times.

ALBANY, June 8.—The appeal of Mrs. Henrietta Rodman de Fremery, usually known as Henrietta Rodman, was dismissed and her suspension by the New York Board of Education from Nov. 13, 1914, to Sept. 1, 1915, without pay, was affirmed today by Dr. John H. Finley, Commissioner of Education.

Charges were preferred against Henrietta Rodman de Fremery for publishing in a New York paper a letter which characterized the action of the Board of Education in its consideration of the teacher-mother cases as "mother-baiting," saying that the "object of the game was to kick the mothers out of their positions in the public schools."

After reviewing the case in detail, Commissioner Finley says in his decision:

"This letter takes its significance from the fact that it was written by one who, as a member of the great body of teachers accepting appointment to serve the State under the Board of Education, has incurred responsibilities of fidelity and honor which may not be lightly evaded. These responsibilities involve no abridgment of freedom in speech, but they do carry an obligation of respect, fairness, and scrupulous regard for the truth. And the more intelligent the teacher the more influential, the more skilled in expression, the higher is the obligation.

"Her alleged offense which, under ignorant or impulsive or irresponsible authorship, might have been ignored, becomes serious because of her very competency and position among the teachers and pupils. What might be considered 'misconduct' on the part of one less discerning and less capable in expression, may in one of such relatively high competency become 'gross misconduct,' that is, 'relatively great' misconduct, for I understand 'gross' in this connection to connote the degree or gravity of the misconduct.

"The board was sitting in a judicial capacity for the determination of a policy with respect to the continuance of certain teachers, and, while the State Commissioner of Education was obliged to reverse the decision which was reached by the board in this very matter, he is none the less bound to give the board every possible protection in the free exercise of its judgment within the wide discretion rightfully accorded to it by the State.

"Those serving the public in such high capacity are naturally and often subject to unjust criticism for which there is no practicable remedy. I am of the opinion that in this case it would have been well to ignore this comment. It would in time have brought its own condemnation.

"But since the letter was noticed I feel bound to respect the measures taken by the board within its discretion, for the protection not alone of itself but also of the schools which are intrusted to its care.

"I believe that the end sought would at the time have been accomplished by an expression of censure or by a sentence less severe, and, while I suggest that the board, even at this late date, might well consider a reduction of the term of suspension, I am unwilling to make an order which would impair the authority or discretion of the board in this matter."

Miss Rodman was suspended for ten months, from Nov. 15, because of her letter, a suspension amounting in money to \$1,800. She made this comment on Dr. Finley's decision last night:

"Dr. Finley's decision was very much

what I had expected. It will probably meet with the approval of most people. The ideal for which I stood was one not understood or generally accepted by the community yet. It is that the individual owes his loyalty to the community as a whole rather than to an individual employer.

"I have never justified my own method of criticizing the Board of Education. In fact, I have expressed my regret at the lack of courtesy and restraint in the letter. But there was no question of the accuracy of the charge of cruelty and injustice I brought against the Board of Education in the letter. That the Board of Education is upheld for punishing me for the form of my criticism in view of the courage I showed and the accuracy of the statement seems to me unfortunate, but only what was to be expected. I do not think, however, that the action of the Board of Education would be sustained by public opinion at any time in the future that a similar case came up.

"The teachers of several of the schools have protested to the Board of Education against its action in my case and the Teachers' League asked for a rehearing, which was refused by the board. Even Dr. Finley's decision expresses the opinion that the punishment is disproportionate to the offense."

JAIL ANTI-FRANK WITNESS.

Mrs. Nina Stevens Says Atlanta Police Led Her Into Perjury.

Mrs. Nina Stevens, who said that she made several affidavits in the case of Leo M. Frank, was convicted yesterday before Justices Herrman, Collins, and Freschi of running a disorderly resort. She was fined \$100 with an alternative of thirty days in jail, and for lack of the amount of the fine she was sent to the Tombs.

Mrs. Stevens told the Court that she made an affidavit in Atlanta to show that Frank was a degenerate. Later, she said, she came to New York and told the truth, which was to the effect that the Atlanta police had plied her with whisky until she did not know what she was doing and thus got her to sign the affidavit. She said that for several months the Burns Detective Agency paid her a certain amount each week to keep track of her.

Mrs. Stevens was arrested on May 27 on a warrant issued by Chief Magistrate McAdoo, charging her with maintaining a disorderly resort in a house on West Fifty-second Street. She pleaded guilty, but yesterday withdrew her plea and announced that she wished a trial.

The only affidavit in the Frank case of the nature described by Mrs. Stevens was made by a woman who said she was Mrs. Nina Formby. She came to New York in February, 1914, and recanted her affidavit, asserting that she had made it under duress.