

# LEO FRANK'S PLEA FOR COMMUTATION TO BE HEARD TODAY

Solicitor Dorsey Has Not Yet Announced Whether He Will Make Oral Argument Against Clemency.

## COMMISSIONERS HERE READY FOR HEARING

Large Number of Delegations Will Appear to Make Appeals for the Prisoner. Chicago Party Arrives.

### PLEA FOR FRANK.

"The 200,000 women I represent do not argue the innocence or guilt of Leo Frank. Our plea is purely humanitarian. We feel that there is an element of doubt in the case, and we are supported by the expression from Judge Roan. We think that Frank should be given time to prove either his guilt or innocence. We plead that Georgia should not slay a man who is likely to be innocent of the crime with which he is charged. It is no time to quibble about the technicalities of the law.—Mrs. M. DeLaney Fisher, of Chicago.

Georgia's prison commission will meet this morning at 10 o'clock at the capitol for the purpose of giving a hearing to the petition for commutation from death to life imprisonment of the sentence of Leo M. Frank, condemned to die for the murder of Mary Phagan.

The length of the hearing is undetermined. Frank's attorneys believe it may be finished in a day, but others are of the opinion that it may last for several days, as there will be a number of delegations present to plead for the prisoner, and prominent Atlantans are also expected to make appeals.

When the hearing opens the defense will introduce the affidavit made by Judge L. S. Roan, now deceased, who told of the hostile atmosphere of the trial, and the reasons why he urged that Frank be not present when the verdict was rendered.

### Judge Roan's Letter.

It is also understood that a letter will be presented which was written by Judge Roan, in which he reiterates his doubt as to Frank's guilt and urges clemency.

Then William M. Smith, Conley's lawyer during the trial of the Frank case, is expected to testify that he now believes the prisoner innocent and his former client guilty. The records of the court in the different appeals made for Frank will also be presented.

The prisoner will be represented by ex-Congressman William M. Howard, who will review the case, and will stress the doubt as expressed by Judge Roan, by two state supreme court judges and by two United States supreme court judges.

### Dorsey's Course.

It is not known yet whether or not Solicitor Hugh Dorsey will make an oral argument before the board when it goes into session this morning.

Mr. Dorsey was asked Sunday if he anticipated appearing before the commission in support of his letter in reply to the recent notification of the board. He stated that his letter had fully covered details, but that he had

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not decided if he would make oral argument.

The only communication between the solicitor general and the prison commission in the present case, however, is the official notification of the Frank appeal, and the reply to it by Dorsey.

It has not been determined whether the sessions will be held in the auditorium of the prison commission on the third floor of the capitol building, or in the senate chamber, the latter of which will accommodate a much larger audience.

#### **Commissioners Here.**

The members of the prison board, R. E. Davison, Judge T. E. Patterson and E. L. Rainey, arrived in Atlanta Sunday. It is expected that three days or more will be occupied by the Frank hearing, after which the commission will take up the regular order of executive appeals.

There will be a large number of delegations to appear before the board on behalf of Frank, while it is stated that a gathering will come from Marietta to protest against commutation.

Bodies from Columbus, Savannah and other Georgia centers, from Chicago and other outside points, it is said, will gather at the hearing to protest against the hanging of Frank.

Frank himself, it is said, will not be in attendance upon any one of the sessions.

#### **Chicago Party Here.**

Bringing petitions and resolutions that bear more than a half-million names representing all parts of America, the Chicago delegation to appeal for the commutation of Leo M. Frank's sentence arrived in Atlanta last night and registered at the Piedmont.

The committee is composed of Joseph M. O'Connor, chief justice of the criminal branch, criminal court of Cook county, in which Chicago is situated; T. N. Higginbotham, director of the Marshall Field stores, of Chicago, capitalist and philanthropist; Mrs. M. DeLaney Fisher, prominent in the United Daughters of the Confederacy, and vice president of the Southern Women's club as well as an author of national repute, and W. L. Bauer, a well known criminal attorney, and secretary of the Chicago Leo M. Frank committee.

Petitions from twenty-seven cities, including Indianapolis, Ind.; Louisville, Ky.; Springfield, Ill., and Terre Haute, Ind., have been brought by the Chicago delegation. There are other petitions and resolutions from every state in the union, and some from British Columbia, Canada and Mexico. These petitions will be presented to the prison commission during its hearing of the Frank appeal which begins this morning at 10 o'clock.

On the Chicago petition are the names of all members of the Illinois Bankers' association; the lawyers' association of Illinois; forty superior court judges, two county judges, one probate judge, thirty-six circuit judges, forty-eight municipal judges and seventeen presiding members of the appellate division of Cook county.

#### **Opposes Commutation.**

Declaring that Leo M. Frank is guilty and should not be given clemency by the governor, Rev. A. C. Hendley, pastor of the Capitol View Baptist church, in addressing his congregation last night attacked the ministers who have joined in seeking for him a pardon.

He said the profoundest mind could not conjecture any reason why a few ministers of the gospel of Jesus Christ should forget their high calling to turn aside and ask a pardon for Frank.

"After a jury acceptable to both sides had passed sentence on the case, the ministers asked a pardon, which if secured, will mean no further use for jails, courthouses and other institutions that stand for justice and honor," said the minister. "Too long have the courts been in power to become dominated by the power of money. Sentiment cannot defeat justice. The voice of the masses has not been heard in this case.

"Frank has had every opportunity under the sun to prove his innocence, but thus far has failed.