

FRANK'S LAWYERS AMEND THEIR PLEA

Move to Strike Out Affidavits
Which Ragsdale and Barber
Repudiated.

HIS CASE NOT INJURED

Detective Burns Says Defense Is
Complete — Frank, in State-
ment, Assails Police.

Special to The New York Times.

ATLANTA, Ga., April 28.—The defense in the case of Leo M. Frank today washed its hands of the Rev. C. B. Ragsdale, the Baptist minister, and R. L. Barber, a member of Ragsdale's Church, who made affidavits that they overheard a negro identified as Jim Conley confess that he murdered Mary Phagan, and who were said to have repudiated the affidavits.

Attorneys Reuben R. Arnold and Luther Rosser, counsel for Frank, obtained from Judge Ben Hill an order striking from the extraordinary motion for a new trial the amendment setting up the Ragsdale affidavit as a part of the grounds for a new hearing. Frank's attorneys took this action when they learned Ragsdale had made an affidavit for Solicitor Dorsey, in which he repudiated the affidavit made for the defense. The Solicitor says, however, that he will insist on "showing up the entire transaction." Solicitor Dorsey refuses to make public Ragsdale's repudiating affidavit.

Ragsdale, it is said, swore the "confession" affidavit was a deliberate "frame-up," and made charges of bribery involving several hundred dollars.

Judge Hill in allowing the motion to strike out the Ragsdale and Barber affidavits ordered that the original affidavits of the two men be made a part of the court record in the case. This action presumably was taken by the court as a basis for perjury charges. It is said that when the hearing of the extraordinary motion in the Frank case, which will be resumed on Friday, is completed the Grand Jury will begin an investigation of the whole case, looking into all charges and counter charges of the perjury and subornation of perjury.

Messrs. Rosser and Arnold seemed greatly surprised at Ragsdale's repudiation of his "confession" affidavit, and insisted that both Ragsdale and Barber volunteered their evidence for the defense. Ragsdale and Barber said in their affidavits that they had heard a negro confess that he murdered a girl in the pencil factory. Barber even identified Jim Conley as being the negro. They brought their stories to Frank's lawyers, and presented character in-laborations from prominent men, Dr. John E. White and Dr. J. M. Pierce, testifying to the straightforwardness of Ragsdale, and George E. Knott in-dorsing the reliability of Barber.

Frank's Lawyers Indignant.

"We are after only the truth in this matter," said Attorney Arnold. "We won't stand for false evidence if we know it, and for this reason we obtained the order to strike the Ragsdale matter from the extraordinary motion. When a man will swear in an affidavit to a certain statement of facts, or supposed facts, and then turn around and repudiate what he said under oath, I don't think the court or any fair-minded man would want to consider him in the case at all. That is why we wish to wipe from the record all reference to Ragsdale. He made this affidavit of his own volition and was recommended to us as a man of truthfulness and honor. If he swore falsely, he alone must bear the responsibility. We want nothing to do with him.

"Since the State set the example for lying by placing Jim Conley on the stand it seems that all of the liars in Georgia are trying to break into this case.

Detective William J. Burns was not disturbed by the Ragsdale episode. He said the preacher's repudiation of his affidavit would have no bearing on the hearing nor any other evidence in the hands of the defense.

"We have evidence enough right now to convict Jim Conley of the murder of Mary Phagan without any confession from the negro," he said. Frank's attorneys issued the following signed statement:

On Thursday, April 23, 1914, there appeared at the office of L. Z. Rosser, in the Grant Building, two men who professed to have important information in reference to the Frank trial. One of these represented himself to be a preacher and the other a former member of his flock.

These two men were unknown to either of us. Neither of us had ever seen or heard of them before. L. Z. Rosser took the affidavits of these men. He put them to the test of the most thorough cross-examination of which he was capable. There was no effort to lead them, to add to or color their story. On the contrary, they were given to understand clearly that Frank's counsel wanted only the truth, and in taking their affidavits we were seeking nothing beyond just what they knew and knew accurately.

The affidavits were prepared in their presence, almost their very words being taken by a competent and honest stenographer. After the affidavits had been typewritten they were carefully read to each of the witnesses and sworn to before a disinterested notary public.

Neither one of us dreamed that they were acting corruptly, but believed that they were acting from pure motives, to correct the wrong of their former silence.

Gave High References.

They were asked to give the names of their friends and associates, as the law required. They gave promptly some of the most correct and upright men in the city of Atlanta. Some of these men were promptly seen in an effort to determine whether the men were what they seemed and represented themselves to be. The result was in keeping with their claims. Some of the best men in Atlanta vouched for them, and we felt justified in presenting their story to the court.

It has come to our ears this evening that both these men now recant, and claim they framed up their story. If these rumors be true, we denounce the perfidy of our men with all the vehemence of our natures. In this Frank case we have never wanted anything but the truth; have never made use of anything but what was believed to be the truth. We have believed, and now profoundly believe, in Frank's innocence, but even that conviction has never induced us to say one word that the whole City of Atlanta could not hear, nor to do anything that the whole State of Georgia could not see.

If these rumors are true, we will at once cut these perjured witnesses out of this case, just as we have in the past, and just as we will in the future

every fact and circumstance that even squints at unfairness or perjury.

In proof that we did not act even credulously and inadvisably in this matter, we submit copies of affidavits of men who vouch for the character of these men.

L. Z. ROSSER,
HERBERT HAAS,
LEONARD HAAS,
REUBEN R. ARNOLD.

Having announced that he was amply prepared to combat the amendment to the motion for a new trial by Frank's attorneys, Solicitor Dorsey, in all probability will go before Judge Ben Hill to-morrow and ask the court to reopen the hearing on Thursday morning—a day earlier than previously agreed upon.

Frank Issues Statement.

Leo M. Frank issued this statement to-day:

To the People of Atlanta:

The City of Atlanta has grown to its present greatness and must depend for its future growth upon young men like myself who, reared in other places, but hearing of the greatness of Atlanta, come here to cast their fortunes with its people.

When six years ago I left my former home in Brooklyn, where I was raised, to come to Atlanta to help build up a new enterprise that would increase its prosperity and give employment to many people, I accepted the opportunity gladly and came without any foreboding of evil.

I supposed that so long as I lived a decent, upright life, and did my duty that no harm would come to me anywhere. I did not suppose that there was a place in the United States where a man could not get fair play. Suddenly, like a bolt of lightning from a clear sky, this terrible calamity came upon me. I was at work on a Saturday afternoon in my office where I had a right to be, where it was my duty to be, when a young girl was foully murdered in the same building. As to how she was killed or who killed her, I knew not more than a man ten thousand miles away.

I was arrested and put on trial, or rather what was called a trial. The minds of the people, already infuriated by the brutality of the crime, were driven to madness by the whispered word that I was a pervert and a degenerate of the foulest type. I became an object of detestation and loathing. The whole city, except a few faithful friends, turned away from me in disgust and abhorrence. People said: "Even if he is not guilty of the murder, he ought to be hanged." Under such circumstances it was impossible for me to get a fair trial.

No Chance for His Life.

As one of the lawyers expressed it, I had as much chance for my life as a canary bird in a basket of cats. No wonder that the judge of the court certified that he feared for my life and the lives of my attorneys should the jury acquit me. No wonder one of the jury was moved to tell a friend that if they had freed me not one of the jury would have left the courthouse alive.

And now, here at the last hour, comes Newport A. Lanford, head of the detective department, after Mr. Burns had cornered him, and serenely announces that the charge of perversion never entered into the case; that neither the State nor the Police Department ever claimed, or did now claim, that I was a pervert, and that the charge was injected into the case by my own lawyers.

Evidently he considers the people of Atlanta an aggregation of asses. But was there ever such effrontery? After using this charge in every way conceivable to railroad me through to the gallows, after the solicitor had made it the chief subject of his nine-hour speech, after the Supreme Court has affirmed the verdict principally on that ground, he now says it did not enter into the case. I say it was the whole case.

It is deeply significant that simultaneously with the withdrawal of the charge of perversion against me Mr. Burns has come into absolute proof through letters written in Conley's own hand that he is a vile degenerate and practiser of unnatural crimes which the law of this State punishes by life imprisonment in its penitentiary. These letters are in his possession, and are open to the inspection of any men in Atlanta who want to look at them. Is it possible that I am to be hanged on the word of a creature like this? Is it possible that my life of decency is to weigh as nothing? Is it possible that this city has in it so little of the spirit of fair play?

Am I not stating the truth when I say that the withdrawal by Chief Lanford of the charge against me of perversion puts my case in a new and entirely different light? Is it not a circumstance that should appeal most powerfully to the courts in my application for a new trial? Is there a man in Atlanta who would deny that the charge of perversion was the chief cause of my conviction, or deny that the case, without that charge, would be an entirely different question?

LEO M. FRANK.