

FRANK RESENTENCED SAYS HE'S INNOCENT

**Makes an Impressive Address
in Court and Also Issues a
Statement to the Public.**

LAW OFTEN ERRS, HE SAYS

**New Affidavits Depended Upon to
Obtain Another Trial—Execu-
tion Set for April 17.**

Special to The New York Times.

ATLANTA, Ga., March 7.—Leo M. Frank was sentenced to-day by Judge Ben Hill to be hanged on April 17 in the Fulton County tower. As he heard the Judge's words Frank turned to a friend and quietly said: "That is my birthday." He was born on April 17, 1884, in Paris, Texas.

The solemn formality was made the more impressive by a remarkable address to the court by Frank. The prisoner showed none of the agitation or nervousness that might have been expected from a person in his tragic position.

He spoke calmly and steadily. His voice rose as he declared his innocence, and asserted that he would be a "blood sacrifice" in the event that the State insisted on the forfeit of his life. At the height of his address, his language was eloquent but controlled.

At the close of his brief speech he said he felt kindly toward those who had prosecuted him and prayed that God would deal leniently with them in their terrible error.

As he concluded with the words, "I am now ready that sentence be pronounced upon me," Judge Hill, who had been listening attentively to the prisoner and observing his demeanor, drew the formal document of sentence toward him and read from it the dryly worded legal phrases that ordered Frank to the hangman on April 17.

Attorney Arnold announced that in extraordinary term a motion for a new trial would be made on the ground of newly discovered evidence. He said the motion would contain many of the affidavits which had been made public recently.

Frank spent the forenoon with his friends in the Tower. At 10:55 o'clock he was led from his cell by Deputy Sheriff Plennie Miner and was taken to the Thrower Building. He was ushered into Judge Hill's court at exactly 11 o'clock. The regular session of court had been adjourned some minutes before and there were hardly more than a score of persons loitering around the building.

Reuben Arnold and Leonard Haas, of counsel for the defense, met Frank in the court room. Solicitor Dorsey had entered the room some time before. Attorney Arnold said that he had no intention of asking for a life sentence instead of the death penalty.

"Leo Frank, stand up," commanded Judge Hill as soon as order had been obtained. "Is there any reason why sentence should not be pronounced upon the prisoner at this time?" continued the Judge. "Mr. Arnold, have you anything to say?"

Attorney Arnold replied: "No, but I believe Mr. Frank wishes to say a few words."

Prisoner Addresses the Court.

Frank arose and made this impressive statement to the Court:

"May it please Your Honor, I wish the Court to understand that I am speaking impersonally and without any feeling for my own fate.

"I know full well that Your Honor has had naught to do with the various vicissitudes with which my case has been hedged. But I wish to say in your presence, and in the presence of the Supreme Being, whose eye now is upon us, that I am innocent of the murder of little Mary Phagan, and I have no knowledge of how it occurred.

"Law, as we know it, Your Honor, is but the expression of man's legal experience. It is but relative. It tries to approximate justice. But, being man-made, is fallible. In the name of the law many grievous errors have been committed—errors that were colossal and irretrievable. I declare to Your Honor now that the State of Georgia is about to make such an error.

"The law says that when one has lost his life through the violence of another the perpetrator of the deed must answer with his own. Let me be just. But the law does not say deal gently with those who have erred against me.

"If the State and the law say that I must give up my life, then I must forfeit it, a blood sacrifice. I reassert that I am innocent and the future will prove it.

"Your Honor, I am now ready that sentence be pronounced upon me."

It was an eloquent and impressive statement. All in the courtroom felt it. Judge Hill hesitated a moment, adjusted his glasses, and then drew toward him the formal document which bore the death sentence. He began its reading in formal tones, and at its conclusion named the date on which Frank was to be put to death.

Issues Public Statement.

At 7 o'clock to-night Frank issued the following:

To the People of Atlanta:
I am condemned. The shadow of physical death does not dismay me. If such be my end I shall go to it without fear and without qualm. I am a man born to face and endure that which the chance of fate may bring. If my attitude, which I know and which God knows comes from the consciousness of innocence, is thought by the unfair and by the unthinking to be hardihood and brag, I cannot help it.

To those who would give a man a square deal, and to those who in their hearts with sympathy repeat "Judge not, that ye be not judged," but the simple old, always true and immortal golden rule, "Do unto others as you would have others do unto you." I say, that moral death is my terror. I have lived in the open. I have told the truth. I have taken my chances. I have made some success. I brought order out of some chaos. I had a good name. I persuaded a good woman to share my fate. I met daily those with whom I did business or those with whom I had social relations and without reproach. My schoolmates and college fellows say that I was decent. My business associates that I was honest.

Was all this fabric reared on sand? Was I smarter than everybody else to deceive all of them all of the time? No, I was not.

In the sight of God and in His name, by the honor which I hope will be restored to me, by everything which a man may hold sacred, I swear that I am innocent of crime.

Am I asking commutation of sentence? I am not.

Only Asks Fair Trial.

Am I asking pardon for something that I did not do? I am not. Am I asking favorable interpretation of uncontroverted evidence? I am not.

I am asking at your hands that of which, in time, every person may stand in need; that which is square, is right, is necessary; that without

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which the dark ages would return and witchcraft again become a religion—a fair, square trial—with nought extenuated, and with naught set down in malice, and to that I have a right.

Am I to be sacrificed to political necessity? Am I to be a victim simply because some previously accused of crime have gone unpunished, and therefor somebody must be convicted of something?

Is it not true that if I were guilty before, and was properly proven so, it is easily possible by the same processes and by the same witnesses to prove it again? Is it not true that if I am not allowed to disclose to the world the dastardly conspiracy which has enmeshed me and am therefore hanged—then when truth outs, as truth has always done, every man, be he high or low, will stand in danger of that law which visits the sins of the father upon the children?

People, can you afford to take this responsibility? Are you not giving yourselves a chance when you give me a chance?

The Formby Affidavit.

The Formby woman has repudiated her affidavit—that document, which damned me irretrievably in the eyes of the public. This denial exists. This denial is true in spite of excuses and quibbling. Why was that first terrible affidavit used on the public, but not used on the trial? Why was it permitted to be circulated, to affect public opinion and to do its dirty work, without compelling those responsible for obtaining it to come out in the open and vouch for it? I know and you know, it was because it was feared that it would then and there be repudiated as it has now been. Is there any other reason possible in the light of the recent revelations?

Why is Conley kept concealed from every person desirous of learning the truth? Simply to keep him out of sight of any one but those who trained him until after I am dead. That is why, and you who read this know it.

I believe that I am entitled to a new trial, a fair trial. Let those who have the right to pass on it know that I

should have one, and I believe that I will get it. I am not pleading for my life. I am asking for a fair, square deal, with naught extenuated and naught set down in malice.

LEO M. FRANK.