

FRANK SURE TRUTH WILL YET BE KNOWN

May Come Too Late to Save His
Life, "But You Cannot Exe-
cute Vindication."

APPEALS FOR FAIR PLAY

Invokes "Atlanta Spirit" as Counsel
Apply to Supreme Court Justice
Lamar for Writ of Error.

Special to The New York Times.

ATLANTA, Ga., Nov. 21.—Leo M. Frank, who is under sentence of death for the murder of Mary Phagan, and in whose behalf at Washington today a motion was made before Justice Lamar for a writ of error to bring his case before the United States Supreme Court, issued the following statement tonight:

"To the Public—The latest decision in my case by the Georgia Supreme Court has placed the bar, as I understand it, against further airing of the case in the Georgia courts.

"Unequivocally, and as firmly as I can, I want again to reiterate my absolute innocence of the awful crime charged against me. I have no knowledge of it. I have fought hard and I have toiled long for a chance to establish this. My able and loyal attorneys have four times petitioned the courts for another trial, but to no avail, though only in one trial was I pronounced guilty, and that by a jury surrounded by an atmosphere reeking with prejudice and mob violence, where calm, impartial, and judicial consideration was impossible, and the Judge who presided at the trial and who instructed the jury that I must be proved guilty beyond a reasonable doubt expressed publicly the fact that he was not convinced of my guilt.

"I am innocent, and it was my purpose to prove it so that my vindication might result from another trial in this State. Four times, using all resources that were fair and fit, have I cast myself on the bosom of the courts and pleaded in the accustomed way for the exercise on the part of the courts of that discretion that is vested in them. I was not asking for anything without the pale of reason and justice. I just wanted a chance; not alone for life, but for name and honor. It was not asking the courts to rule specially for me. I asked for those things only which have in the past been granted to all, high and low, and which are based in the very fountain springs of human right, human law, and human justice. I have fought fair and in the open, but to date victory has not crowned my efforts. I am still working and hoping to the end that the matters in this case may assume their true perspective and that liberty and rehabilitation which rightfully should be my portions are meted out to me.

Invokes "Atlanta Spirit."

"I have trusted and still trust that this community, which has the fine traditions and precedents of the past to guide it, will not allow so gross, so colossal an injustice to be done me. Consider how grievous such a thing as a judicial error would be and what a commentary on the intelligence of this community.

"It is strange to me that a community which boasts, (and rightly so,) of such a dynamic force for good as the 'Atlanta spirit,' should so blood-thirstily desire the undoing and annihilation of a human life. It would be far more consistent, in view of the many inconsistencies and doubts in this case, to desire to build up, to conserve, to be cautiously just, to investigate. The situation, which has resulted from an over-hasty and unreasoning antagonism, is almost unbelievable. The fabric reared upon so instable a foundation at this time is casting its sinister shadow over me.

"Can it be that the law and our system of its administration are so inexorable that truth and innocence may never be heard after once the die is cast? Is the door forever closed and the way barred? Is the technical fineness of the law to forever preclude a hearing of facts, and human right to be trampled beneath the judicial feet? If this be so—and I cannot yet believe it—then our twentieth century civilization is but a myth and the divine spark in each human breast a fairy tale. Then, in truth, we hark back hundreds of years in human progress to when the arena and thumbs down was the last word of the law.

"It just cannot be that way. The revolving years of twenty-odd centuries must have brought a juster heritage than a condition barbaric in its essential details.

Has Told the Truth Throughout.

"I have thought hard and worked long to illuminate the truth and my innocence. I have concealed nothing. I submit that no word or act of mine, either in the courts or in the press, is inconsistent with my innocence.

"I have operated where all who would might see and learn the truth. Nor do I intend at this time to enlarge on matters that must be familiar to all who have followed my case. The issue is clear cut between a negro criminal who in this case perjured himself many times and has an unsavory reputation and myself. I have never yet been trapped in a lie or caught in a misstatement in this case, because I am innocent and have told the truth, the whole truth, and nothing but the truth.

"I have proved my character and reputation to be good. I have lived an upright life. It ought not to be hard for an enlightened community to see clearly through the issues and facts of this case. In my opinion, 90 per cent. of those who express themselves as to my guilt are ignorant of the facts in the case.

"I have hoped, and I still hope that I may yet be vindicated by this community, and that my innocence may be universally acknowledged. The harm and injustice done me was begotten in this community and it can right the wrong. Certainly there could be no weakness in this; it would bespeak American virility and sense of a square deal. I hope that this vindication may come and the full truth of this awful tragedy be bared to the light before death overtakes me.

"If I am gathered to my fathers then I trust that my vindication may come, and my name be restored during the life-time of my dear parents and loving wife.

"That my vindication will eventually come I feel certain. Whether I will live to see it, I cannot tell. I am human enough to want to live to see it, for it is my right and due. But I may not; I may suffer death. Still, one thing is sure; the truth cannot be executed. Vindication may be long in coming, but it will come. With this knowledge, death itself has little terror to me, for it is said, he who is innocent within is armed without."