

# LEO FRANK'S FATE UP TO GOV. SLATON AS FINAL ARBITER

**Present Governor Must Decide Last Appeal Unless He Himself Places Decision on Gov.-Elect Harris.**

**DATE OF EXECUTION  
IS SET FOR JUNE 22**

**As Gov. Slaton's Term Does Not Expire Until June 26, He Is Now Final Judge and Jury.**

That Governor John M. Slaton will become the final judge and jury in the case of Leo M. Frank seems to be assured in the developments of yesterday.

Judge B. H. Hill, with Frank in court, sentenced him yesterday to be hanged Tuesday, June 22.

The only person in the world who can take the responsibility for final action from the shoulders of Governor Slaton will be Governor Slaton himself.

By delaying the execution of Frank to a date which will carry it over to the next administration, Governor Slaton can place the final executive disposal of the case in the hands of his successor, Governor-elect Nat E. Harris.

Governor Slaton's term expires with the inauguration of the new governor, which, if precedent is followed, will take place on Saturday, June 26, following the assembling of the legislature on Wednesday, June 23. The new governor is always inaugurated on the Saturday following the day on which the new general assembly convenes.

Since the date of execution is fixed for Tuesday, the 22d, the prison commission, which will first hear the application for clemency, must take up the question for consideration prior to that time—unless the governor, in the meantime, grants a respite, postponing the date for the enforcement of Judge Hill's order.

#### **Force of the Recommendation.**

When the prison commission acts, its recommendation goes to the governor, with no force of authority other than as a recommendation—whether it be for mercy or otherwise.

When the commission makes its report to the governor, he takes up the question as a de novo proposition, with power of accepting or overturning any recommendation it makes.

In other words, and in the last analysis, Governor Slaton becomes the final judge and jury in the case—unless it be that Governor Slaton himself puts the settlement of the question into the hands of his successor, Governor-elect Harris, as he has the power to do.

#### **The Sentence Yesterday.**

A dramatic incident of the Frank proceedings before Judge Hill Monday morning was the collapse of Mrs. Frank, who fainted in her seat as the death edict was uttered. Mrs. Frank had been tearful throughout the proceedings, and wept audibly as her husband stood before Judge Hill to deliver his short address to the court.

Mrs. Frank was quickly revived, however, and removed from the courtroom on the arms of friends. She later visited the prisoner at the Tower, coming in an auto with friends.

"May it please your honor," Frank began as he arose to speak prior to receiving his final sentence, "again I stand before you. Again I can but reiterate that I am innocent of the murder of Mary Phagan. I have absolutely no guilty knowledge of that tragic occurrence.

#### **Asserts Innocence.**

"I am innocent of this charge, and I assert that the record of the evidence conclusively proves this. No appellate tribunal has ever passed upon this evidence. The only judge who has ever heard it stated that he had the most serious doubts as to my guilt.

"My execution will not avenge Mary Phagan's death. A life will have been taken for a life; but the real culprit will not have paid the penalty. I will suffer for another's crime.

"My trust is in God, who knows that my protestations of innocence are the truth. At some future day the whole mortal world will realize it. It is the knowledge that God knows it now, and that the world will know it some day, that inspires me, as I stand before your honor, and as I face the future."

#### **Supplementary Statement.**

Later in the afternoon Frank issued to the newspapers a supplementary statement, which follows:

"Anything else I might say at this time would be but an elaboration of my words to the court. Yet I am fully alive to the fact that my position is most precarious. It is a situation which is so far removed from anything that my life and mental attitude could have bespoken. It is hideous, but at the same time, so unreal, so incongruous.

"It is fundamental in human life to want to live. This desire to exist is ingrained in all of us—it is the basic morality of all that live. To those who have the proper ideals of living, life without honor is insufferable. This is the message of theology and ethics. In the light of the whole truth I know and the Almighty knows that the morality of my position in this case is unassailable.

"This being so, my complete exoneration of the terrible charge lies in the future. When that day arrives I will be vindicated, and, if I am alive, I will be enabled to enjoy freedom and honor.

"Therefore I want to live. The full truth and all of the facts of the case, when they come to light, as some day they will, will prove to the world that my assertion of innocence is the truth.

"The legal arena is closed to me. The bar is placed forever against me. Yet the issue of guilt or innocence has been before but one court, that in which the jury sat. All subsequent appeals were made upon alleged legal and juridic errors; not upon the facts or the evidence. Since the jury heard the case, no court of inquiry or review has sifted the evidence. No decision of any appeals court undertook to predicate an opinion on the record of the testimony and evidence. The doubt of the trial judge as to my guilt still remains.

(Signed) "LEO M. FRANK"

Frank, following his resentencing, was carried to the jail in an automobile. He resumed his task of reading the immense pile of letters that made up his morning's mail. More than 1,500 letters come to him and his wife each day, he stated, and it is a task, indeed, to read them all.