

FRANK RESENTENCED ASSERTS INNOCENCE

Verdict of Jury Did Not Speak Truth, as Evidence Was False, He Says.

DOES NOT FEAR DEATH

Says State Will Some Day Realize Mistake in His Execution — Must Die Jan. 22.

Special to The New York Times.

ATLANTA, Ga., Dec. 9.—Dramatically declaring his innocence and asserting that he is a victim of the mob spirit, Leo M. Frank, was today sentenced to be hanged on Friday, Jan. 22, 1915, for the murder of Mary Phagan. As Judge Ben H. Hill finished pronouncing sentence, the big clock in the Courthouse tower concluded the final stroke of twelve.

The courtroom was crowded when the clerk called for Frank to come before the bar. When asked the usual query by the court, if he had any reason to give why sentence should not be passed on him, Frank made the following statement:

"May it please your Honor, this is a momentous day—a day of far greater importance to the State of Georgia and to the majesty of the law even than to myself, for under the guise of the law, your Honor is about to pronounce words that will condemn to death an innocent man. Transcending in importance the loss of my own life is the indelible stain and dishonor resting upon the name of this State by reason of its judicially murdering an innocent man. The jury's verdict of Aug. 25, 1913, finding me guilty of the death of Mary Phagan, did not then and does not now speak the truth. I declare to your Honor and to the world that that verdict was made in an atmosphere seething with mob violence and clamor for my life—a verdict based on evidence absolutely false, which, under other circumstances, would not have been given a moment's credence.

"Your Honor, I deeply sympathize with the parents of Mary Phagan. The brute that brought so much grief upon them has plunged me into sorrow and misery unspeakable, and is about to accomplish my undoing.

"But this I know, my execution will mark the advent of a new era in Georgia, where a good name and stainless honor count for naught against the word of a vile criminal; where the testimony of Southern white women of unimpeachable character is branded as false by the prosecution, disregarded by the jury, and the perjured vaporings of a black brute alone accepted as the whole truth; where a mob crying for blood invaded the courtroom and became the dominant factor in what should have been a solemn judicial trial. Oh! shame—that these things be true.

"Life is very sweet to me. It is not an easy thing to give up the love of dear ones, of wife and parents, of ever loyal friends. Though this be true, death has no terrors for me. I go to my end in the full consciousness of innocence and in the firm conviction that, as there is a God in heaven, my full vindication must come some day. With the dawn of that day there will come to the people of Georgia a full realization of this horrible mistake, a mistake irretrievable—the execution of an innocent man, a victim of perjury, prejudice, and passion."

Frank entered the court room at 11 o'clock, having been brought quietly through a rear entrance of the court house, and brought up to the second floor on the prisoners' elevator. He was escorted into the court room through the prisoners' corridor, leading to a door which flanks the Judges' stand. Sheriff Mangum placed Frank at a table at which were seated his lawyers, all of whom shook hands with him.

As Frank entered, the crowd craned

their necks to see him and while they were staring Judge Hill entered. Officers were stationed at the doors and all through the crowd. Judge Hill instructed them to arrest any person who manifested the slightest evidence of approval or disapproval.

"Is Leo M. Frank in court?" asked the Judge.

Frank acknowledged his presence by rising.

"Have you or your attorneys anything to say before sentence of death is passed upon you?" asked the Judge.

Attorney Herbert Haas rose. "Mr. Frank has a statement to make, Your Honor," he said.

Frank, standing by his place at the table, faced the Court. His face was drawn and pallid, but his manner was calm and his voice firm, being heard in every part of the court room. Once he clenched his hands and raised them above his head. Two or three times he took his eyes away from the Judge and turned them on the crowd.

After finishing Frank hung his head and looked as if he had an impulse to say something more. The impulse changed to one last appealing look into the eyes of the Judge, and then he sat down. Judge Hill then passed the death sentence.

The Sheriff rose with a gesture to Frank, who followed. Several other deputies fell in behind and they walked out through the door by which they entered.

The sentencing of Frank makes the third time he has been condemned to die, sentence being pronounced on each occasion in a different court room.

It became known today, following the resentencing of Frank, that his counsel have planned still another move to get his case once more before the courts.

Lawyers who have followed the case and who know the steps which can be taken under the circumstances say they expect the move will be an effort to get the case before the United States Supreme Court on the ground that a spirit of mob violence prevailed at the trial, thereby depriving Frank of due process of law.

Frank did not know that he was to be sentenced today until he was told by a reporter. When the newspaper man entered his cell the condemned man was bending over his table, his head in his hands, reading a story by Arthur Train. He was surprised when told that he was to be sentenced within an hour.

"I did not know that," he said. "I had supposed that I would be informed in advance, or at least that my lawyers would have been notified, so they might in turn tell me."

The coming ordeal, however, did not take anything from the prisoner's accustomed cheerfulness.

"I am prepared to meet any end that the State may decree," he said. "From the manner in which events are moving along it would appear that the courts and the people are determined that I shall hang for a crime, which I declare before God I did not commit. But it would make it no easier for me to lose myself in despondency and despair.

"If that must be the tragic finish, I hope and expect it will find me no less courageous and no less a man than I am today. I never have given up hope, however, and never will give up hope, until I stand on the gallows, that the courts will come to a realization of the terrible mistake that is being made."

Half a score of relatives and personal friends visited Frank during the morning. His father came about 10:30 o'clock, and remained in the cell until the deputy sheriffs came to take Frank to the courthouse.

THINKS FRANK GUILTY, BUT—

Editor of The Augusta Chronicle Admits He Has a Shadow of Doubt.

In reproducing "at the request of a good friend and subscriber who lives in Maryland" an editorial on the Frank case from The Baltimore Sun, The Augusta (Ga.) Chronicle said editorially in a recent issue: "The Sun seems to be sincerely convinced of Frank's innocence—a view in all frankness which The Chronicle does not share." THE NEW YORK TIMES telegraphed yesterday to the editor of The Augusta Chronicle as follows:

Editor Augusta Chronicle:

Will you prepare for us a statement explaining in detail why you believe Leo Frank guilty? We shall be glad to get it by telegraph. NEW YORK TIMES.

In reply last night the editor of The Chronicle sent the following:

By Telegraph to the Editor of THE NEW YORK TIMES.