

# FRANK JUDGE LEFT PLEA FOR CLEMENCY

Wrote That if He Lived He  
Would Appear Before Commis-  
sion in Prisoner's Behalf.

## OPPOSED DEATH SENTENCE

Attorneys Announce No Further  
Court Action Will Be Taken, but  
Clemency Plea Will Be Made.

*Special to The New York Times.*

ATLANTA, Ga., April 20.—A letter left by the late Judge L. S. Roan, before whom Leo M. Frank was tried and convicted, is expected to exert an influence in behalf of clemency for the prisoner when the latter's plea is heard by the State Prison Commission. In the letter Judge Roan wrote that he would appear before the commission in behalf of Frank if he lived until the case reached that body. This letter is in possession of Frank's attorneys and will be used by them in a petition for clemency. The attorneys refuse to make the letter public in advance of the filing of the petition. Witnesses to whom the Judge expressed his views will be called.

It is not known that any new evidence has been unearthed, and the Frank plea will rest largely on an analysis of the evidence already presented in the record of the court trial. The attorneys will argue that the question of Frank's guilt or innocence has been passed upon only once, at the original trial, where the court was dominated by the mob spirit. The other hearings of the case, they will assert, dealt with technicalities of the law, not with the issue of innocence or guilt.

That an effort to obtain a re-hearing of Frank's case by the United States Supreme Court is out of the question, and that the condemned man's last remaining hope lies in executive clemency, was definitely announced today by his attorneys. Attorney Alexander said:

"We will go before the State Prison Commission with an application for executive clemency. The application will be prepared as soon as possible without waiting for the mandate of the United States Supreme Court to be handed down to Judge Newman of the United States District Court. Under the law thirty days must elapse before the mandate can be handed down. I know of no effort to obtain a re-hearing by the United States Supreme Court."

There is much speculation as to

whether Solicitor General Dorsey will appear before the commission to oppose the plea for clemency. In the years he has held office Mr. Dorsey has never appeared in opposition to such a plea. He declined to make any statement today.

The rapidity with which the Frank defense has moved since the United States Court announced its decision makes it more probable that the case will reach Governor Slaton and not Governor-elect Harris, who takes office in June.