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PARDON DENIED FOR LEO FRANK IN 1913 SLAYING

By FAY S. JOYCE

ATLANTA, Ga., Dec. 22— The State Board of Pardons and Paroles today denied a posthumous pardon to Leo M. Frank, a Jewish factory superintendent who was convicted of the murder of a girl in Atlanta in 1913 and who was lynched two years later by a furious mob in one of the nation's worst outbursts of anti-Semitism.

The board chairman, Mobley Howell, said the Jewish organizations that had sought the exoneration of Mr. Frank failed to show beyond any doubt that he was innocent. The board reviewed the case after a man who had worked at the factory presented new information.

In a written statement today, Mr. Howell said, "After an exhaustive review and many hours of deliberation, it is impossible to decide conclusively the guilt or innocence of Leo M. Frank. There are many inconsistencies in the accounts of what happened."

Gov. Joe Frank Harris, who had said he believed the evidence supported a pardon, told The Associated Press today he was confident that "the decision was reached with all proper consideration of the petition and the facts available in the case."

The board's decision disappointed those who had hoped to clear Mr. Frank's name. "If a corpse 70 years moldering can cry, Leo Frank's is weeping today," said Nathan Perlmutter, national director of the Anti-Defamation League of B'nai B'rith, founded largely in response to the Frank lynching.

"The decision not to pardon Leo Frank in the face of the eyewitness accounts of the lynching atmosphere in that courtroom, where people were yelling 'Hang the Jew, hang the Jew,' and the bureaucratic inability to understand what happened in that trial is in itself a bureaucratic lynching of justice."

Dale M. Schwartz, the leading attorney for those seeking the pardon, said, "I can't understand why, when every historian who has studied the case, and the main players including the trial judge and the governor who commuted his sentence felt he was innocent, how the pardon and paroles board can call this inconclusive." **Supporters Consider Options**

Jewish leaders in Atlanta said they would search for ways to appeal the board's decision, but several said the only recourse they believed they had was to re-apply to the board later when its composition had changed.

The five-member board announced its decision by news release and sent a staff member, Silas Moore,

to a news conference to field questions. Mr. Moore would not disclose whether the board's ruling was unanimous.

Mr. Frank was convicted of murdering Mary Phagan, a 13-year-old employee of the National Pencil Company. In a lengthy trial, Jim Conley, who was the factory's janitor and the chief prosecution witness, testified that he disposed of Miss Phagan's body for Mr. Frank, taking it to the factory basement via the elevator.

When John Slaton, then governor of Georgia, commuted Mr. Frank's death sentence after conducting a separate investigation of the crime, a mob kidnapped Mr. Frank from prison, took him to a tree near the Phagan home and hanged him. Armed mobs roamed streets, forcing Jewish businesses to board up windows and doors. About half the 3,000 Jews in Georgia fled, and others were targets of a boycott.

Witness Came Forward

Last year Alonzo Mann, who at the time was a 14-year-old office boy, told reporters he had seen the janitor carrying the limp, unconscious Miss Phagan down the stairs of the factory on the day of the murder. He said he had kept quiet because Mr. Conley had threatened to kill him if he told what he knew.

Mr. Mann's statement prompted the Atlanta Jewish Federation, the Anti-Defamation League and the American Jewish Committee to seek Mr. Frank's exoneration. But the parole board said Mr. Mann's statements only prove the elevator had not been used, and added no new evidence.

Mr. Mann, now 85 years old, attended the news conference today. His hand resting on a cane, he said, "I know deep down in my heart and what I saw, that Frank did not do this."

Charles Wittenstein, Southern counsel for the Anti-Defamation League, said: "The state of Georgia was badly compromised by the conviction and the lynching. They had a chance to do something about that and they failed, and the whole country will know they failed."