

Special to The New York Times.

ATLANTA, Ga., Dec. 7.—Leo M. Frank received the news that the United States Supreme Court had refused permission for his attorneys to file a petition for a writ of error on the decision of the Georgia Supreme Court with no show of emotion but with the coolness that has characterized him ever since he has been in jail.

He was toying with a pencil and talking with friends when a reporter told him of the news. He was asked if he had heard of the decision of the court. He leaned forward eagerly.

"No," he said, "I haven't heard. What is it?"

He was told that the Supreme Court had denied the request of his attorneys to present a motion for a writ of error on the decision of the Georgia Supreme Court. The eagerness in Frank's eye gave way to astonishment.

"Is there any statement you wish to make?" he was asked. Frank smiled.

"No," he said. "Not now. Until I know the wording of the decision there is nothing that I can say. There is little left for me to say now. I had thought the Supreme Court would give me a chance."

Frank will be taken before Judge Hill tomorrow or Wednesday, and for the third time he will be sentenced to death. The decision of the United States Supreme Court leaves no further hope for Frank except the State Prison Commission and Gov. John M. Slaton.

As soon as the date for Frank's execution is fixed, his attorneys will apply to Gov. Slaton for a respite until the case can be brought before the Prison Commission. The commission has authority to look into the merits of the appeal for clemency and make a recommendation to the Governor. This recommendation the Governor can concur in or not, as he sees fit. The final word is his; he may either commute Frank's sentence or he may refuse to interfere with the sentence pronounced by Judge Ben Hill.

It is regarded as likely that Gov. Slaton will grant a respite, so that Frank's attorneys can make their representations to the Prison Commission. In the event that the commission refuses to recommend executive clemency Frank's attorneys and friends will undoubtedly go before Gov. Slaton in a final plea for the life of the condemned man.

Gov. Slaton reiterated today an interview which he gave to New York newspaper men when he was in that city recently.

"I did not know the case would ever reach me," he said, "and am familiar with it only in a general way. Without knowing, I presume that the next step of Frank's defense will be to ask me to grant a respite until the State Prison Commission can review the case and make its recommendations.

"Then I expect to review all the evidence and examine all the arguments, and not until I have done that will I form an opinion. I shall endeavor to insure justice as I see it upon a thorough investigation, as I should do in every case that comes before me, whoever the individual may be who is involved."

The Governor receives great numbers of letters in regard to Frank's case. Men and women from one end of the nation to the other are writing to him. Some explain their theories of the Phagan tragedy, many stoutly defend Frank, while others seek to prove his guilt by many methods of logic. Large numbers of these letters come from New York.

Henry Peeples and Herbert Haas, of counsel for Frank, refused today to comment on the decision, saying they would have no statement to make until they had heard from Mr. Alexander, who is in Washington. They said that the next step in the effort to get their case into the courts again would probably be determined at a conference to be held as soon as they had received definite information from Mr. Alexander.

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