

FRANK INNOCENT, SAYS JUDGE POWELL

Ex-Member of Georgia Court of Appeals Urges Gov. Slaton to Extend Clemency.

OBSERVED TRIAL CLOSELY

Helped Judge Roan Prepare Instructions to Jury, and Quotes Him in Prisoner's Favor.

Special to The New York Times.

ATLANTA, Ga., May 21.—Judge Arthur G. Powell, a former member of the State Court of Appeals, has written to Governor Slaton and the Prison Commission, declaring his conviction that Leo M. Frank did not murder Mary Phagan. As an intimate friend of the late Judge Roan, who presided at Frank's trial, Judge Powell also asserts that Judge Roan did not believe Frank was guilty.

Judge Powell's letter to Governor Slaton and the Prison Commission in part is as follows:

Gentlemen: I feel it proper to make this statement:

I was an intimate friend of Judge Roan. If he were living I would not attempt to speak for him. Since his mouth is closed by death, I feel that it is due to him and to Frank that I should give you the benefit of what I know of how he felt as to the defendant's guilt.

Frequently during the trial he advised with me, sending for me often to come to the courthouse. I cannot, with brevity, detail the conversations I had with him. The substance of what he told me is, that he did not believe the defendant to be guilty. He expressed this opinion, in substance, to me at various times during the trial.

Also, at his request, I prepared portions of his charge to the jury. I mention this fact merely to show that I had opportunity of intimate knowledge of the state of his mind. Why, with these views, he did not grant the new trial, which from his conversation with me I fully expected him to grant, I do not know and cannot explain. I had known Judge Roan for a number of years, and I can say he was not himself during the trial and afterward.

I was present in court a number of times during the trial, and kept up with the evidence. I had no interest in it. If I was theoretically interested it was on the side of the State, as my partner, Mr. Hooper, was engaged in the prosecution. What I saw of the trial convinced me that the defendant was innocent. To any critical mind there must be grave doubt of his guilt. As a citizen of the State, permit me to say that I hope he will be pardoned or that his sentence will be commuted.

I have recently been in various parts of South Georgia, and have been surprised to find how strong and practically unanimous the sentiment there is against his being hanged, though there was considerable feeling against him in that section at the time of the trial.

A. G. POWELL.

Supplementing his letter, Judge Powell said he understood other prominent lawyers would write letters asserting their belief that Frank was not guilty, or at least that his guilt had not been sufficiently established.