

DECIDE NOT TO ASK A PARDON FOR FRANK

Lawyers Agree to Seek a Com- mutation of Sentence to Life Imprisonment.

Special to The New York Times.

ATLANTA, Ga., April 21.—Over the strong protest of Leo M. Frank, his attorneys have decided not to ask the Prison Commission to pardon their client, but will urge that the death sentence be commuted to imprisonment for life. This decision was reached today at a conference in which Frank took part.

Frank insisted, as he has done since his conviction, that he did not want to ask for commutation, as such a plea might be construed to mean that he had been justly convicted, and this, Frank said, he would never admit.

"I am not asking for mercy," Frank is quoted as saying. "I am innocent and have been unjustly convicted. What I want is justice and vindication."

Although Frank's attorneys are fully confident their client is innocent of the murder of Mary Phagan, for which he was convicted, they feel that in the face of the adverse action of the various courts of appeal they could hardly hope for a pardon.

They have decided that it is best to ask for commutation, and they believe that the request will be granted by the Prison Commission, especially as the late Judge L. S. Roan, who presided over Frank's trial, at the conclusion of the trial was in doubt as to Frank's guilt.

The plea for a commutation to life imprisonment will be based on the ground that this is the alternative penalty prescribed by law for the crime of which Frank was convicted, and that such a commutation will give him the benefit of any doubt as to his guilt and afford him the opportunity for time and future developments to determine whether he is innocent, as he and his friends maintain.

All of the Atlanta attorneys who have represented Frank in the various phases of his fight for life will, it is said, continue in the case until his application for clemency is finally passed on by the Governor.

In the event that Frank's petition is filed with the Prison Commission within a week it will not be set for hearing before the May term, which begins on Monday, May 2. There is possibility that the hearing may go over to the June term. It was said at the Capitol that the commission would hardly call a special session to hear the petition.

The interest throughout the United States in the case is evidenced by the telegrams and letters now being received by Governor Slaton and the Prison Commission. As soon as the United States Supreme Court decision was announced people all over the country began sending telegrams and letters urging clemency for Frank. The number of these messages increases daily.

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