

# BURNS SAYS HE CAN SOLVE FRANK CASE

## Mary Phagan's Slayer Left a Plain Track and He Will Get Him.

### BELIEVES FRANK INNOCENT

#### Finding It Hard to Get at Conley—Jail Officials Won't Permit Interview Without Counsel.

Special to The New York Times.

ATLANTA, March 18.—William J. Burns announced this afternoon that there was no question that he would be able to clear up the element of mystery that has surrounded the murder of little Mary Phagan from the beginning, and he indicated that he believed Leo M. Frank was innocent of the crime for which he is under sentence of death.

"The track of the murderer of the little girl is plain," the detective said. "Every criminal, especially a murderer, leaves a track—some trace of his operations—that points to him unerringly. In some cases the track is plainer and the trail easier to follow than in others, but in all of them the track is there. In the Phagan case there are many things that point to the murderer. I have found the trail and my work now will be to follow it to its conclusion."

The detective took occasion to express his belief in Solicitor Dorsey's honesty of purpose in prosecuting Leo Frank for the crime.

"I don't believe Mr. Dorsey would have prosecuted Frank unless he had really been convinced that the man was guilty of the murder. The one fault that could be found with the prosecution, in my opinion, is that they possibly made the mistake that is so often made. One man is seized upon as the perpetrator of the crime, and all the work is done with a view to connecting him with it rather than to get at the truth of the case. I have known detectives—and there are thousands of the kind—who formulate a theory of a crime and then distort incidents and almost commit murder sometimes to make the facts of the case fit the theory. Their motives are excellent, no doubt, but their zeal is misdirected. Sometimes it is better to wait till indignation has subsided and then look at a thing sanely and calmly. I am glad to see the chief of the city detectives says he will co-operate with me, or rather I am glad he will let me co-operate with him."

While he refused to discuss detail points of the case, Mr. Burns did remark that he considered as very important the evidence which H. F. Becker, now of New York, formerly master mechanic of the pencil factory, is reported as being able to give. Becker is ready to testify regarding the paper on which one of the notes was written, that it was a piece of trash paper which had been used months before the murder.

Burns will be permitted to see the negro, Jim Conley, who was sentenced to a year's imprisonment as an accessory after the murder, only in the presence of the negro's attorney, W. M. Smith. Attorney Smith to-night issued a written order to the jail officials forbidding them to admit Burns to Conley's cell unless the attorney accompanied the detective.

"I am willing for Burns to see Conley," said Attorney Smith, "but I don't intend to permit any third degree methods to be used on the negro. I intend to see that Conley is protected in his legal rights, and whenever he is interviewed by Burns I shall be present."

Counsel for Frank, in announcing that the extraordinary motion for a new trial virtually was completed and would be filed the latter part of this week or the first of next, intimated that far more sensational grounds than those already made public would be cited.

The grounds generally known include the repudiation of his testimony by Albert McKnight; the assertion by Dr. H. F. Harris that the hair found on the lathe on the second floor was not that of Mary Phagan; the discovery that the pad on which one of the murder notes was written was one which had been written on in 1909 and probably never had been in Frank's office, but more probably had been found in the basement by the murderer; the claim by George Epps that his evidence was framed by John Black; the affidavit by Mina Formby that her sensational statement against Frank before the trial was suggested by Detectives Chewing and Norris and was not true in any particular, and the declaration of Mrs. J. B. Simmons that she heard screams from the factory basement at a time after the State contended that Mary Phagan had been slain by Frank on the second floor.

Among grounds yet to be made public several are said to involve young factory girls who testified against Frank at the trial.

Many letters demanding a new trial for Frank were published to-day.

Prof. J. Lustrat, who occupies the Chair of Languages at the University of Georgia, writes:

Public feeling such as prevailed in Atlanta at the time of Frank's trial has caused in France an innocent man to be sent to Devil's Island, where, month after month, he had to suffer torments worse than death. I do not claim that Frank is innocent, but I claim that he ought to be given a fair chance to prove his innocence.

E. H. McMichael, Speaker pro tem. of the Georgia House of Representatives and member of the Legislature from Marion County, writes:

There was a thirst for the blood of the murderer of Mary Phagan. So intense was this feeling that the very atmosphere in and

about the Court House was charged with the sulphurous fumes of anger. I was in the Court House several times during the trial, and the spirit, the feeling, the thought of the crowd affected me. Without reason I found myself prejudiced against Frank. Prejudiced, not from facts and testimony, but by popular belief and hostile feeling manifested by the crowd.

Frank may be guilty, he may be innocent. Certainly he has not had a fair trial. Let's give him one. The Constitution of our State guarantees to every man, white or black, high or low, Gentile or Jew, an absolutely fair trial.

Leo Frank, since first he was lodged in the Tower charged with Mary Phagan's murder, has received dozens of letters from people he never knew and many of them have expressed admiration for his attitude toward his prosecution. The limit was reached to-day, however, when he received a letter from a man in a small Alabama town, who declared that he had just named his first-born baby Leo Frank.

Frank wouldn't give the man's name. The prisoner laughed with some of his friends to whom he read the letter.

"The idea of a man naming his child for a man who has twice been condemned as a murderer was so ludicrous," Frank explained, "that I couldn't help laughing."

Besides telling Frank about the youthful namesake the father wrote the prisoner that he had just written a letter to the President of the United States, urging him to intervene in the case, so that Frank could have another trial.

Thomas E. Watson, once Populist nominee for the Presidency, in the current issue of his weekly Jeffersonian, bitterly attacks The Atlanta Journal for its editorial demanding a new trial for Frank. The article is headed: "The Frank Case—When and Where Shall Rich Criminals be Tried?" It says in part:

The editorial in the Atlanta Journal bears the modest headline, "Frank Should Have a New Trial." The case is still pending; Judge Ben Hill knows that he will soon have to pass upon an extraordinary motion for a new trial; hence, Judge Ben Hill is peremptorily, abruptly, and insolently told what he must do. Not only has Judge Hill received the orders of the Atlanta Journal, but the Justices of the Supreme Court are notified that they had better be prepared to bend to the rod. Who is paying for all this?

According to law and to uniform practice, Frank has had a fair trial and has been justly condemned. Where shall our murder cases be tried? Are the newspapers to do it? Are the pulpits to do it? If so, let us try all of them the same way. Let us not have one law for the rich and another for the poor.