

## SMITH'S CHANGE VOLUNTARY.

### Apparently Acting in Interest of Justice, Say Frank's Lawyers.

By Telegraph to the Editor of THE NEW YORK TIMES.

ATLANTA, Ga., Oct. 3.—The Frank case is in the Superior Court on an extraordinary motion for a new trial and a motion to set aside judgment.

William Smith represented the negro Conley, and more than any man had opportunities to know the guilt of Conley and the innocence of Frank. His present expressions come voluntarily from him and we have no reason to doubt that they are his honest opinions, and that he is giving publicity to them from a sense of justice and conscience. He does not in the remotest degree represent Frank, and has so far as we know no personal or selfish reasons for declaring Frank's innocence. We are not in the confidence of Mr. Smith, but he claims to have evidence supporting his opinion. (Signed)

L. Z. ROSSER,  
HUBERT HAAS,  
Of Counsel for Leo M. Frank.

## FRANK CASE SOON CLEAR.

### Smith's Discoveries Pave Way for Solution, Says Detective Burns.

Leo M. Frank's case in Atlanta has just entered upon a new phase which, it is believed by many, will result in finally clearing away the last threads of mystery surrounding the murder of Mary Phagan, the working girl killed in the now famous pencil factory on Confederate Memorial Day two years ago.

The principal witness against Frank was "Jim" Conley, a negro, who had been employed by the pencil factory and who swore that Frank requisitioned his assistance in an attempt to dispose of the girl's body in the basement of the building, after declaring that he had "struck her too hard" in the course of a struggle. Conley was convicted as an accessory, but received a short sentence as the direct result of his attorney's indefatigable efforts to prove him to be only a tool, and, incidentally to this, to prove Frank guilty.

Now this attorney, William M. Smith, declares that he believes Frank to be innocent. Probably Mr. Smith's conclusions go much further than this, for, if Leo M. Frank is guiltless, suspicion of guilt scarcely can rest on other than one person—the negro himself.

Attorney Smith's announcement that he now is ready to join hands with the Frank defense and assist this group of now celebrated lawyers in working for the freedom of their client heralds the addition to the Frank support, which has been of international extent, of the one man who probably can do more than any other.

Detective William J. Burns, whose connection with the case has resulted in many interesting developments, was jubilant when he learned that Attorney Smith had declared in Frank's favor.

"If any man in the world has been in a position to get at the whole truth of this extraordinary case," said he, "it has been William M. Smith. Conley is an extraordinary character, and Smith's belief in his accusation of Frank has been profound. From the start I have been convinced that sooner or later Attorney Smith would change his views as to the guilt of the brilliant young man who was convicted by his client's testimony, and I have believed that when this time came he would lose no time in making an announcement of it. During my work upon the case I came frequently into contact with Attorney Smith, and formed the highest opinion of his fairmindedness and desire to see exact justice done.

"Now that Attorney Smith has admitted the falsity of his earlier conclusions, I have no doubt that Solicitor General Hugh M. Dorsey, who prosecuted the case, securing Frank's conviction, soon will come to a similar conclusion and be led by his innate high-mindedness to a declaration as frank and fearless as that which Mr. Smith has made.

"Next to Mr. Dorsey, Chief of Police Beavers of Atlanta has been the most important among those fighting for the punishment of Frank, and I cannot see how Mr. Smith's declared conviction of Frank's innocence can fail to have a powerful effect upon his mind as well.

"If Conley's story is untrue, then there is nothing left disproved upon which to base an opinion that Frank killed Mary Phagan. And I am sure that as soon as Mr. Smith makes public his reasons for abandoning Conley and supporting Frank, all those who have indorsed the accusation will find themselves unable longer to cling to their old theory.

"My personal experience in Atlanta, where I worked as hard as I knew how for Frank, was full of unpleasant experiences, for the feeling ran higher there than I ever have known public opinion to run in connection with a murder case. But my belief in the fair-mindedness of Atlanta and of its public prosecutor and police chief is so strong that I now look confidently forward to a definite and announced change of front upon their part, which could be followed only by the speedy release of Frank.

"Frank has been the victim of dishonesty and public excitement. I was outrageously treated in Georgia because of sentiment worked up against me by men whose reputations would be sure to suffer in the event of the establishment of Frank's innocence. Enemies I had made in the course of other investigations probably did what they could to help the new enemies who at once sprang into being when I took hold of the Frank case.

"Now that Attorney Smith has had the courage to come out with his declaration of belief in Frank's innocence, I

have no doubt that the good people of Georgia will take the matter in hand and clear up the whole unpleasant situation. It may result in public revelation of one of the most astounding efforts to convict an innocent man which ever has been made in the history of our judicial procedure.

"To my mind Smith's withdrawal from the case can only mean one thing—that he has discovered the absolute facts of it. No person, after the excitement of the hue and cry after Frank died down, was in so good a position to get at these absolute facts as 'Jim' Conley's lawyer, for that Conley knew the truth I never have doubted for a moment."

Conley is as near the primitive man as often is discovered. The present writer was the first, and, probably, the only newspaper man to see him after he was locked up in Atlanta's now famous "Tower." During the interview Attorney Smith was present in the corridor beyond the bars and made no effort whatsoever to interfere either with the questions put to the prisoner or his replies.