

LOCKED DOORS GUARD WITNESS WHO DECLARES FRANK INNOCENT; DETECTIVES KEEP ALL NIGHT VIGIL IN ORDER TO ARREST HIM

Witness Is Atlanta Man Who Says He Left City On Account of Threats

I. W. Fisher, Formerly a Railroad Employee Here, Upon His Arrival in Atlanta, Is Rushed to the Office of Luther Rosser in Grant Building and Has Remained There for Many Hours While Detectives and Reporters Wait Outside for Him to Leave.

MAN HE ACCUSES IS STILL IN ATLANTA;
HAS WIFE AND TWO CHILDREN IN CITY

Representatives of Pencil Factory Superintendent Are Now Engaged in Probing Story Told by Fisher and in Investigating Record and Actions of Man Who, According to Witness, Is Guilty of the Atrocious Murder of Pretty Little Mary Phagan.

All night long headquarters detectives scouted over the Grant building in an effort to lay hands on I. W. Fisher, now of Birmingham, formerly of Atlanta, who says Leo Frank did not kill Mary Phagan and accuses another Atlanta man of the crime, and who was held securely under lock and key in the offices of Luther Rosser on the seventh floor.

At 2:30 o'clock this morning the detectives had not been successful. Every exit to the building was closely guarded, every possible outlet cared for. Plainclothes men patrolled the entire structure every thirty minutes. Policemen hovered in the vicinity, ready to give aid at a moment's notice. It was a strategic battle between detective and lawyer, with the lawyer running a shade the better at time of going to press.

The detectives want to take the mysterious "witness" to police headquarters where they may investigate him on their own hook and to their heart's content. Attorneys Rosser and Arnold do not want such a thing to happen. Thus far, it hasn't.

Fisher arrived in Atlanta Sunday morning. He was taken immediately to the offices of Messrs. Rosser and Arnold. He hasn't seen outside the place as yet. He is temporarily, though voluntarily, under confinement. Just what the outcome will be, no one seems to know. Even Messrs. Rosser and Arnold say they dare not speculate.

His story exonerates Leo M. Frank, convicted of the Phagan murder, and accuses another Atlanta man whose name is being withheld. Attorneys Rosser and Arnold, they say, are investigating this man of their own accord. They declare they have asked headquarters detectives to assist them in the investigation. The headquarters men told the attorneys that they would use their own discretion in the matter. No investigation along that line has been put forth by the detectives up to date.

Fisher says—through Mr. Rosser and Mr. Arnold—that the rumor is false that he witnessed the murder. His story is to the effect that the man he accuses, who is a former acquaintance, came to him on the morning of the crime and told of an engagement he was alleged to have had with Mary Phagan at the pencil factory.

GAVE FISHER MONEY TO LEAVE ATLANTA

Later in the day, Fisher says, the man came to him, saying he "had played hell in general," and after confiding such secrets, gave Fisher an amount of money on which to leave the city, advising Fisher to depart immediately. Fisher says he acted accordingly, going to Tennessee and later to Birmingham.

He also states that the accused man has sent him liberal sums of money at intervals, always with the admonition to keep mum. Fisher's explanation of his confession is that the secret weighed so heavily on his conscience that he could hold it no longer, deciding last Friday night to pour it into the willing ears of Chief of Police Bodeker in Birmingham.

Both Mr. Arnold and Mr. Rosser say the man named in Fisher's story is still in Atlanta, that he has lived here all his life and is a man with a wife and two children. He is a man of moderate means, they say, who lives in a respectable neighborhood. They would not reveal his occupation or even the section of the city in which he resides.

Fisher's connection with the famous case has created a clash between Frank's defense and the detective department that is yet to be equaled. Late Sunday night Detectives Waggoner, Coker, Garner and John Starnes, the latter of who is one of the two prosecutors in the Frank trial, frankly told the two attorneys that they intended holding the Birmingham man as a material witness so that they might investigate him thoroughly. That is, if they could lay hands on him.

Mr. Arnold and Mr. Rosser replied fully as frankly that the headquarters men had no opportunity to lay hands on Fisher, and that they intended keeping him locked up in order to keep the detectives from making him a real prisoner. Both men intimated that, before they would allow Fisher to fall into the hands of the detectives, they would, of their own accord, issue a warrant against him and have him jailed on their responsibility.

At nightfall Sunday, Mr. Rosser called representatives of each Atlanta newspaper into his office for a statement of the situation. It was then that the Birmingham man's identity was first made known. Fisher was not permitted in the room during the statement. Neither were reporters allowed to see him.

NO ONE IS ALLOWED GLIMPSE OF WITNESS

He was kept closely hidden and even pleas from newspaper men to just get one curious glimpse at his features were turned down. Both attorneys admitted practically that they did not pin much faith to the man, and impressed upon the reporters that they did not stand sponsor for him or his story.

"We are merely investigating him," were their words. "Beyond that, we cannot speak our attitude, except to say that we have been afflicted by many, many cranks during the Frank case."

Each stated emphatically that the first they had known of Fisher was when newspaper men telephoned them of his detention in Birmingham at midnight Saturday. The first interest they took in his case, they stated,

was Sunday when they were called to their office to interview the man. Neither, they declared, had spoken more than a dozen words to him.

A stenographic statement was taken down from the "witness" by an attache of the office. Then he was put in his skyscraper confinement. Just how long he will stay there depends entirely upon the endurance of the shifts of detectives who are keeping watch downstairs, and the legal procedure which Messrs. Arnold and Rosser might employ.

Fisher is a man about 43 years old, who has a wife and three children living in Atlanta, it is said. He has the appearance of a day laborer and wears no collar. He needed a shave upon arriving in Atlanta, and he seemed nervous and irritable. A reporter who boarded his train at Austell suspected that he was addicted to drugs, and asked his escort if this was so. The answer was:

"No! He's been drinking, that's why he acts and looks that way."

His former Atlanta address will not be revealed by the attorneys, because, they explain, he lived near the man whom he accuses. They were old companions, the lawyers say, and to divulge his Atlanta residence would put the newspaper men on a trail entirely too warm.

Fisher was found, say the attorneys, through rumors that had come from Birmingham to C. W. Burke, an ex-detective, who is now connected with the Rosser and Arnold firm. The reports had it that Fisher had been telling of his self-acclaimed connection with the Phagan mystery. Burke, of his own accord, it is said, made several visits to Birmingham, finally locating the man. Just how Fisher was impelled to make the statement to Chief Bodeker is not known.

WITNESS CAME WITH BURKE

The report was erroneous that an Atlanta detective or attache of the sheriff's staff had been sent to Birmingham to bring Fisher to this city. He came voluntarily with Burke. They left Birmingham Sunday morning a little after midnight. An effort was made to throw newspaper men off their trail.

Atlanta, however, learned of the route. What followed was a merry comedy staged by newspaper report-

ers, a fair-sized army of them. When the Southern train in which Burke and the Birmingham man thought themselves safe from reporters, rolled into Austell, a squad of newspaper men who had traveled at midnight from Atlanta in automobiles boarded the cars.

Burke was astonished. His companion looked up with mild curiosity. Burke would not allow him to talk, and had but very little to say for himself. The newspaper men thronged around him in the day coach, where Fisher was smoking cigarettes.

"You fellows are going to queer the whole game," said Burke. "Leave us alone until it is time to give you the story. Then we'll do it without favor or partisanship."

The newspaper men continued to bombard Burke with questions. As the train passed through the Miller Union stock yards, it slowed down to "yard speed." Suddenly Burke, glancing through the window, exclaimed:

"Well, bo, this is Mount Zion. We leave."

Picking up his suit-case, the ex-detective led a hurried way toward the rear platform. A number of reporters fled toward the opposite platform, seeking to quit the train at the same time with Burke and his charge. Reporters scrambled from the running train, dropping from the car steps every ten feet or so.

As the train sped around the bend the reporters, picking themselves up from the cinders, looked around for Burke and the mysterious "witness." No Burke. No witness. Instead, they were aboard the train, chuckling over the clever ruse that had outwitted a number of newspaper men, and also rid themselves of their presence.

FISHER'S STORY OF CRIME

Dispatches from Birmingham last night give Fisher the name of "Robert W. Fisher," while his name is given out locally as I. W. Fisher. Chief Bodeker has stated to The Constitution correspondent in the Alabama city that Fisher told him he witnessed the murder.

Fisher's story, according to Bodeker's statement to The Constitution representative, was that he had seen the crime, and was offered a large sum of money to keep the secret and leave Atlanta. He refused, so the story goes, and was threatened, after which he decided it was best to leave.

According to the Birmingham story, Fisher kept the crime hidden because he thought Leo Frank would be acquitted. Upon hearing of Frank's conviction, he went to the Birmingham chief with his startling narrative. Bodeker, it is said in news dispatches, believes the man's story.

Fisher is a pipeman with the Louisville and Nashville railroad. He has been employed in that work since living in Birmingham. He has been away from Atlanta only three weeks, it is said. Much of his time was spent in Tennessee, mostly Chattanooga.

The Grant building all day Sunday was one busy little building. Reporters flocked over it like a convention of newspaper men. Headquarters detectives scouted here and there, watching every move in the expectation of finding Fisher so that they might carry him to headquarters.

No one was permitted to see him. Shortly after 6 o'clock, the night-watchman, J. H. Cook, took his stand in the center of the lobby, clapped his hands for order and was immediately surrounded by a crowd of reporters and detectives.

"Gentlemen," he said with official dignity, "we have stopped the elevators, it being stopping time, and we are going to close the building. The man whom you want to see is locked up on the seventh floor and there isn't a chance to get to him. The best thing for everybody to do is to go home."

With which he cut out the lights, leaving the lobby illuminated only by the glow of cigars and cigarettes and the frequent flare of matches. But nobody left. The crowd thinned out later in the night, but still many detectives and newspaper men remained to keep the vigil until dawn.

Fisher was furnished with food carried to him by Burke. Whether he slept or not is unknown.

Mr. Arnold and Mr. Rosser left the building shortly after 6 o'clock, leaving the office in charge of two young men connected with the firm, who did not even venture forth during the night, according to the report of reporters and detectives who kept their faithful watch on the seventh floor.

When asked why he did not obtain a warrant to arrest Fisher as a material witness, Detective John Starnes, who was in charge of the headquarters men at the Grant building, stated that he did not wish to be put in the attitude of trying to take a hand in the affairs of Frank's defense.

"We will get him, however," he said, "whenever he comes out of that office. We are not going to be unpleasant about it, and we do not want to create trouble. But we'll get him some way or other."

According to Detective Bob Waggoner, of headquarters, who was called into Mr. Rosser's office during the afternoon, the attorney requested Waggoner to investigate the man whom Fisher accuses. The detective says Rosser offered to put in his hands certain information and evidence on which he would work.

"I told him I would use my own discretion about the matter," Waggoner stated, "which resulted in Mr.

Rosser failing to give me the evidence or names."

It is understood that Detective Starnes, however, has been given the name of the man charged with the crime. Starnes will not talk on the subject, however. He says he intends to investigate all Fisher says.

One thing made particularly clear in Fisher's statement, which was delivered to reporters by Mr. Arnold and Mr. Rosser, is that the man accused by the new "witness" has never been attached to the National Penicil factory, in which the murder occurred.

Family Has Moved.

In a search last night to locate the family of Fisher, which he declared lives in Atlanta, a Constitution reporter developed the fact that the family of an I. W. Fisher once lived at 797 Marietta street. The house at that number is now vacant.

Neighbors stated that Mrs. Fisher, who used to live at 797 Marietta street had moved to 734 Marietta street with her two children "shortly after Fisher had left for Tennessee to obtain employment."

Inquiry at 734 Marietta street brought to light that a family by the name of Fisher lived at that address but none of the members of the family were in. A boarder declared that the husband was somewhere in Tennessee at the present time.