

COUNSEL FOR FRANK TO ASK A REHEARING BY SUPREME COURT

**First Step in New Battle to
Save Life of Prisoner Con-
victed of Phagan Murder,
Will Be Taken Today.**

BURNS TO INVESTIGATE MARY PHAGAN MURDER

**"Its Mysterious Features
Appeal to Me, and I Want
to Learn the Truth," He
Says.**

Leo Frank knows nothing of the decision of Detective William J. Burns to investigate the Phagan murder. That is, he knows nothing except what he has learned from the newspapers. This he told friends who visited him late Wednesday afternoon.

"I hope Burns will investigate it," he is quoted as saying, "and find the truth I am awaiting."

It is generally conceded that Burns will not be associated with the prisoner's defense. His investigation, it is said, will be conducted independently. Police officials and Chief Lanford, of the detective department, united Wednesday in expressing satisfaction at the coming of the famous detective.

The announcement that counsel for Leo M. Frank will this morning ask the supreme court for a rehearing; the statement of William J. Burns, detective, that inside of ten days he will return to Atlanta to make a personal investigation of the Phagan murder, and a letter to the press, given out by the prisoner in the Tower, were the chief developments of yesterday in the Frank case.

The first gun in the new fight to save Leo Frank from the doom of death to which he has been consigned by two Georgia courts—the superior and supreme—will be fired this morning early when the defense will make a motion before the supreme court for a rehearing.

All Wednesday afternoon Attorneys Luther Rosser and Rube Arnold, counsel for the defense, assisted by Leonard Haas, were closeted in the office of Mr. Arnold reviewing the two sets of opinions handed down by the supreme court in its decision Tuesday.

It is rumored that they have prepared in the neighborhood of fifty grounds for their new motion. Neither would state the most important of these grounds. Mr. Rosser declared, however, that the dissenting opinion of Justices Fish and Beck were not their strongest argument.

Make Motion This Morning.

The motion will be made this morning. It is the object of the defense to lose no time in their final battle. Just what action Solicitor Dorsey will take is not as yet known. Attorney General Thomas Felder, however, will combat the effort to gain a second hearing. He is taken automatically into the Frank case as prosecutor when it comes into the realm of supreme court.

Rosser and Arnold were silent on the subject of the report that William J. Burns, the famous detective, had been called into the case. The only words of the senior counsel were:

"I know nothing about Burns and his plans.

"We are going to plead for a rehearing," he stated. "Beyond that I will say nothing."

"On what grounds?" he was asked.

"I will not say at present. The motion is now being transcribed stenographically."

"How many grounds will there be?"

was another question.

"I will not say that, either."

"Will there be a hundred or more?"

"No; not that many."

"Fifty?"

"I will not say."

It was therefore presumed that there would be in the neighborhood of fifty

or less protests to Tuesday's decision.

Last Desperate Plea.

The decision of the supreme court and the dissenting and affirming opinions contained therein were gone through with a fine tooth comb by the attorneys Wednesday. For hours they sifted it thoroughly, extracting its weaknesses and strength, combining them in a desperate plea for their client's life and exoneration.

For considerable while the conference was resumed at nightfall, when Attorney Haas conversed with Rosser in the latter's office. The bulk of the work preparing the new motion was completed in the afternoon, and by

night, and by this morning, it is expected to be in thorough readiness for presentation.

The prisoner spent a busy day in the Tower, receiving a number of callers. During the early morning Rosser and Arnold called upon him for the first time in considerable while. At that time he gave them a written statement for the press, which he had prepared upon receipt of the supreme court's verdict.

The conference between attorneys and client was held in secret. Frank's wife called during the day, remaining with him for hours. She has been a constant visitor at his cell, and is spending her time with relatives, the family of A. E. Marous. She was tearful Wednesday upon emerging from the jail on her departure.

Prepared by Frank.

In reference to the statement, Rosser said, as he handed it to newspaper men:

"Not a soul on earth had a thing to do with this but Frank. If it is well, all praise is due to him. Otherwise, he alone will be responsible."

The statement created widespread interest. It was based upon the ground that the writer of the murder notes, found upon the scene when the body was discovered, was guilty of Mary Phagan's slaughter. There was nothing caustic in any of its expressions.

News to Dorsey.

Solicitor Dorsey stated last night, when told by a reporter for The Constitution that Frank's counsel would file a motion today for a rehearing, that it was news to him, and that it was the first intimation he had received of any such probable action.

"One way or the other, however," he said, "I feel assured that the supreme court will not grant a new hearing. It looks to me like a hopeless effort."

Dorsey further stated that he probably would not be informed of the motion for rehearing unless it was granted. Unless the supreme court permits a new hearing, he said, he will probably never receive any official information of the action.

"Do you know anything of Detective Burns' connection with the case?" he was asked.

"Positively nothing," he answered, "except what I have read and have been told."

"Then the report is untrue that you or your office has hired Burns?" was put to him.

"It certainly is."

Burns to Make Probe.

William J. Burns, the famous detective, who lectured at the Baptist Tabernacle last night, will return to Atlanta within a week's time and enter actively into an investigation of the Leo M. Frank case, in the hope that he can clear up many points which to him seem cloudy.

As yet he has not accepted employment at the hands of Frank or his friends, and it may be that he will not be employed by anyone. The case appeals to him as one of extraordinary interest, and he wants to go to the very bottom of it. He will come to Atlanta and go over the ground thoroughly. He will not trust to assistants. He will make his investigation at first-hand.

As yet Mr Burns has not had time to go over this case thoroughly, and he will not express an opinion on it until he has done so.

Shortly after his arrival in Atlanta, he was approached by friends of Frank, and had a long conference with them. The upshot of this conference he would not disclose, but he stated that he had not as yet accepted employment, and would not do so, in all probability—that his interest in the case was purely personal; that the elements of mystery appealed to him.

Up to a few days ago Mr. Burns knew little or nothing of the details of the case. At the time his name was so prominently connected with it he was in Europe, and had not been in communication with anyone in regard to it. His first knowledge of the case was that imparted to him by a friend of Frank while on the way over from Europe.

Will Return to Atlanta.

Mr. Burns was seen by a Constitution reporter at the Georgian Terrace. He talked freely.

"Within a week or ten days I shall return to Atlanta, and spend several days here: I will take up the Frank case, go over it thoroughly and see if something has not been left undone. I will not enter into the case with any idea of influencing anyone; I do not do business that way. What I shall seek for is the truth."

"I do not know enough of the case to express an opinion of it at the present time. My first knowledge of it was when I was returning to this country from Europe. One of Mr. Frank's friends, a Mr. Strauss, gave me some of the details of it, and endeavored to get me interested. I could form no opinion of the man's innocence from what he told me. I haven't time on my present visit to Atlanta to go into the case at all thoroughly. I shall need to start at the very beginning, and by the process of elimination seek to arrive at the truth. I do not say the case has not been well handled. I do not know. I do know that many detectives are crooks and grafters of the worst sort, and that they frequently muddle up a case and obscure the truth."

Mr. Burns held a long conference with friends of Frank during the afternoon. He will go from here to Tallahassee in Florida, and then return to Atlanta.

Here is Frank's statement in full:

By Leo Frank.

Out of deference to the wishes of my attorneys, and respect to the high tribunal which has been considering my case, I have refrained from public expression in the premises. Today these limitations and restraints do not exist, and I feel free to unbosom myself in the matter, as I have naught to conceal or extenuate.

While there rests upon me at this

date the shadow of a sinister cloud, I confidently believe that a ray of light will break through this cloud and illuminate this sad affair with truth, and that I will stand vindicated of the dire accusation against me in the eyes of all men. My faith in men is unshaken, my faith in my fellow citizens of Georgia steadfast, my faith in God supreme.

I can truthfully say that there rests no bitterness or recrimination in my heart against those who, with the authority of the law behind them, have enmeshed me, an innocent man, in the meshes of the law's machinery. I feel that they all have made a great mistake—a mistake which I trust has been unwittingly committed, and the error of which I hope they may soon see. I feel toward them like the great Nazarene, who said: "Forgive them, Father, for they know not what they do."

Doesn't Ask for Pity.

A fabric reared upon a foundation of sand and a case upon a basis of error cannot, and will not stand the acid test of reason, truth and fairness. I don't ask for pity, for sympathy or for quarter; I stake all on the truth. That alone is unshakable, uncrumbling and lasting! I feel, confidently, that the truth will out; that God will not let an innocent man suffer for the crime of another; that "the truth is on the march!"

Let us pause a while and let the light of common sense pass in review over this case. I know that the rank and file of our citizens are willing to withhold judgment until the last chapter of the Frank case has been written.

There is one fact—one undeniable fact—connected with this case that lifts it from the realm of mystery and places it in the category of just plain, dastardly, ordinary, brutal murder. I refer to the two notes which were found by the body of little Mary Phagan.

Unquestionably, without any gratuitous additions, the person that wrote those two notes killed Mary Phagan. There can be no doubt of that, nor do I think any fair-minded and just person will doubt it. I wish that every Georgia citizen had a copy of these two notes, and could study them for and by himself. I think the light of truth in this lamentable affair would then begin to break through.

Notes Brand the Slayer.

The two notes form a piece of evidence which is in a class by itself. They cannot be twisted or rattled on the witness stand, nor can any amount of third degree coercion, star chamber session or training make them change what they indelibly will always proclaim to the world—that the hand that wrote those two notes tied the cord around poor little Mary Phagan's neck.

The study of these notes must show the truth. One cannot dodge it if he undertakes to look at the matter fairly. It is a case of where "he who reads may learn" the truth.

The study of the notes brings up another ridiculous, though sinister, element of the case—Jim Conley. I am not going into Conley's story in detail, for the facts concerning him are too well known to the general public for me to dilate upon them. His tale is replete with incongruities and impossibilities.

His acts, even according to his own testimony, on the tragic April 26, 1913, are not of a nature to inspire the confidence and belief of the reasonable thinking human beings who aim to do justice.

Conley's Story Impossible.

I say with the assurance of my innocence that the truth, the ultimate unchangeable truth, that must vindicate me in the eyes of the world, that the simple facts show that Jim Conley's recital is not alone a vicious lie, but was impossible.

In the last analysis, the public, seeing clearly through the maze of conflicting and conflicting emotions, will recognize the truth, and cry out for fair play, and decency will be vindicated. Good people of the state of Georgia will never be a party to a judicial murder and stand aloof and watch a man wrongfully done to death. Truth must out, common sense and decency be victorious.

My statement at the coroner's inquest has never been changed, disproven or yet in even a minor detail, and yet I am condemned on Coley's statement, a statement that has been altered and changed to suit each new phase in the working up of the case against me. Detective Scott swore to this on the stand.

The lamentable conditions prevailing at my trial were born of excitement and sensation. I feel secure that the great mass of the people will cry out for the full measure of justice to be given me and fair play meted out to me.

That is all I ask. More I do not want!

"The truth is on the march!"