

WILL LEO FRANK BE TRIED AGAIN?

Lawyers Discuss Next Move in Case, Provided Prisoner Should Win in the United States Supreme Court.

In the event Leo M. Frank is given his freedom by the United States supreme court, will he be prosecuted in the Fulton superior courts on another charge?

This question is taking on wide significance now because of the rumor current in court circles that, in event Frank is liberated on the habeas corpus appeal, Solicitor Dorsey and his associates will make a strong effort to have him indicted before the grand jury on one of two charges—rape or perversion.

The report has reached such a point that there is widespread speculation upon it wherever attorneys gather. It is generally acknowledged that the prisoner can be legally arraigned a second time if either of the rumored charges are brought against him.

Fight Case to End.

The probability is made even more apparent by the attitude of Solicitor Dorsey. Although non-committal, he declared that the state was determined to fight the Frank case to the end. He likewise made this additional statement:

"I do not care, however, to anticipate what may be done by the state should Frank be liberated eventually in the proceedings now before the United States supreme court.

"As to what can be done, so far as I know, there is no law which would prevent action being taken against him on either the charge of rape or perversion."

He would neither deny nor affirm the report, however, that the prosecution had already determined to take such steps against the convicted man if the United States courts interposed.

The reticence of Pat Campbell and John Starnes, the police headquarters detectives who were named in the bill of indictment as prosecutor of Frank for Mary Phagan's murder, leads many to attach credence to the report. When asked if they had contemplated further prosecution of Frank if he obtained freedom, they declined to express themselves either one way or the other.

Can Be Tried Again.

That Frank can be brought before the courts on either of the two above named charges was admitted by Attorney Reuben Arnold, associate counsel for Frank's defense and one of the principals in the famous trial. Like Mr. Dorsey, he declared that there was no way of preventing action on these grounds.

The plea of former jeopardy, he said, would be to no avail. A new charge, in such circumstances, would have to be similar to the one on which he was convicted before a plea of former jeopardy could be instituted.

Mr. Arnold added, however:

"I hardly see where any unprejudiced jury, though, would convict Frank, or any other man, under such conditions. Prosecution would cease at such a point and become sheer persecution."