

# SMITH TO PROTECT CONLEY FROM GRILL BY WILLIAM BURNS

**Under Certain Conditions,  
However, Lawyer May Al-  
low the Detective to Have  
Talk With Prisoner in Cell.**

## **WANTS TO KNOW FIRST DETECTIVE'S ATTITUDE**

**Says He Will Insist Upon  
Being Present at Any In-  
terview — Barrett's Claim  
for Reward Denied.**

It is decidedly probable that Detective William J. Burns will not be permitted to quizz Jim Conley, the convicted accomplice in the Leo Frank case.

This was evident in an interview given out last night by William M. Smith, the negro's counsel. Smith stated positively to a reporter of The Constitution that he would not allow the famous detective to put his client under a sweating interrogation.

Also that Burns would not be permitted to interview Conley except in the presence of the prisoner's attorney. Besides this, it is said that the detective will have to agree to other conditions before he will even be admitted to the negro sweeper's cell.

### **Wants to Know Attitude.**

"Before I permit Burns to see Conley," Mr. Smith said last night, "I will have to satisfy myself that he is sincerely seeking to unearth the truth—and nothing but it. I will have to determine whether or not he is working to aid Frank alone. Also, whether or not he will act in absolute good faith."

Asked point-blank whether or not he would allow Burns to see the negro, Mr. Smith said he could not say one way or the other at present. It would be altogether according to circumstances, he declared.

"If circumstances are favorable," he told the reporter, "why, Burns will be permitted to question Conley."

It is said, although not verified, that the negro's attorney will request that the detective submit to Smith the proposed questions to be put to Conley. Smith would not say positively whether or not this was his plan.

"If I find that Burns is working in the sole interest of Frank," the attorney declared, "he won't have a chance to see my client. Throughout this case I have worked to get at the truth. Other than providing safety for the truth, I have no other interest at stake. I am not going to allow my client to be mistreated, however, nor his story warped."

"My association in the Frank case is to protect a client whom I know to be telling the truth. And I'm not going to permit his safety and his position to be jeopardized. I do not see where Conley can be benefited by throwing open the doors of his cell and permitting the public to walk in and torture him with every conceivable kind of question."

### **Will Protect Conley.**

"He must be protected. Frank took great care and pains to protect himself when Conley offered to visit Frank's cell and face him with Conley's accusations. We strove without avail to bring about the confrontation. But Frank would not allow it. Therefore, why should Frank—or any of his representatives, so far as that matters—be allowed to see the man to whom he refused an audience?"

If Burns convinces Conley's counsel that he stands on neutral and fair ground he will be permitted the desired interview, Smith declared.

It became known Wednesday that one of the first missions Burns wishes to accomplish upon returning to Atlanta on the Frank case is to question Conley. It is said that he will seek to use confession-eliciting tactics. This, however, it was stated by the negro's attorney, will not be permitted.

"I am not going to allow Burns to make it a 'fish-bait' proposition in event I permit him to see Conley," he stated.

Burns could not be reached for a statement last night. According to a telegram which he sent to The Constitution Tuesday night, he will be in this city some time this week—probably within the next day or so. Upon his return this time he will remain in town until his investigation is complete.

### **Conference Is Held.**

An interesting angle of recent developments in the Frank situation was a secret conference held Tuesday afternoon between Solicitor Dorsey and Attorney Smith. It is said to have lasted throughout the afternoon. Neither man would divulge its nature, refusing to discuss the subject.

It is said, however, that the two were going over certain phases of the newly discovered evidence in the hands of the defense, which is to be contained in the application for a new trial to be submitted somewhere in the neighborhood of April 10.

Friends of Leo Frank—and, it is understood, members of his counsel—are said to be responsible for the proposed interview of Burns with Conley. Burns' past record for obtaining confessions cheers Frank and his friends in the prospects of the planned interrogation.

Conley is guarded zealously in his cell in the Tower—which is located near Frank's—and no one but his attorney, Solicitor Dorsey and Detectives Starnes and Campbell are permitted to see him.

The fact that Robert P. Barrett, a mechanic, found bloodstains and strands of hair on the second floor in the latheroom of the National Pencil factory does not establish positive proof that Leo M. Frank killed little Mary Phagan on April 26.

This was the sentiment of members of council's claims committee after hearing a long argument from Lawton Nalley, an attorney, who appeared to claim the reward of \$1,000 offered by the city council for evidence to convict the party or parties guilty of Mary Phagan's death. Barrett based his claim to the reward on the fact that he first discovered the alleged stain of blood and strands of hair in

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the latheroom, and he attempted to prove that his discovery put the police on the trail of Frank and afterwards led to his arrest and conviction.

## **Must Give Absolute Proof.**

Barrett's claim to the reward will not be recognized by the city unless it is proven beyond a doubt that the bloodstains and hair threads brought about Frank's conviction. In fact, the resolution adopted by council explicitly provide that the money is to be paid to "the person who produces evidence which might lead to the arrest and conviction of the party guilty of Mary Phagan's death."

Detective Starnes, one of the prosecutors of Frank, told the committee that he chipped the bloodstains from the floor and introduced the evidence at the trial. He told the committee that Frank was suspected long before Barrett's stains were pointed out by Starnes. According to Detective Starnes, the stains were instrumental in proving that the murder was committed on the second floor of the factory, but he did not state the connection between the stains and threads of hair and the murder of the girl by Frank.

Barrett discovered the alleged spots of blood and the strands of hair several days after the discovery of the murder. Barrett reported his discovery to Lemmie Quinn, and Quinn reported to Darley. It was through Darley that the police were furnished with the information.

## **Why Frank Was Suspected.**

While Detective Starnes was before the committee, Chairman Jesse M. Wood asked him what the bloodstains and hair would show or prove without the aid of Conley, and he replied that Conley's testimony was largely relied upon to prove Frank guilty of the crime. Councilman Ashley asked if the detectives did not believe the man who first saw Conley wash his bloody shirt directed the attention of the police to Frank and Conley. Detective Starnes said that there were many things which caused the department to suspect Frank and Conley.

Refusal on the part of the committee to act on the demand of Barrett for the payment of the reward is taken as an indication that no action will be taken until the Frank case is finally decided. In fact, Attorney Nalley realized that the committee was not in a position to act on the reward, because he declared that he was perfectly willing to wait until the case is finally finished in the courts:

The committee has taken Barrett's application under consideration, but will give no decision until the case leaves the courts.