

# STONE'S ANSWERS IN SENATE DON'T SATISFY WALSH

## Wheeler's Counsel Says Today He Will Keep Up Fight on Nomination

### CONFIRMATION HELD UP IN THIS SESSION

#### Attorney General Named for Supreme Court Quizzed in Open Session

(By United Press Wire.)  
WASHINGTON, Jan. 29.—(Continued from page 1.)  
The nomination of Attorney General Stone to the Supreme Court appeared as expected an easy matter. The nomination of the same will be reported to Senator Burton K. Wheeler.

Senator Thomas J. Walsh, counsel for Senator Wheeler, announced that his motion was unchanged by Stone's argument that his proceedings against the Montana Reservoir are founder upon legal grounds.

Walsh's opinion was shared by other prominent members of the Judiciary Committee, who privately expressed the opinion that "Stone's testimony does not make any difference."

The committee, which is recommending the Stone nomination at the special request of the Senate, will deliberate on the matter on Monday. At that time certain documents relating to the Wheeler case are expected to be presented by the Attorney General.

The question has now arisen in the minds of observers as to whether any action on the Stone nomination is possible before Congress adjourns March 4—five weeks from yesterday.

Assuming full responsibility for the government's intention to indict Senator Burton K. Wheeler, of Montana, for alleged conspiracy to obtain fraudulent oil and gas prospecting permits on public lands, Harlan P. Stone, Attorney General, appeared before the Senate Judiciary Committee yesterday in open session.

After a review of the history of the Supreme Court and the Senate, history has been narrated, with such a dramatic effect.

The cross-examination of Mr. Stone, following his reading of a prepared statement, was conducted by Senator Wheeler and was so thorough that it is thought to be sufficient to bring the case to trial.

Wheeler's Case Dismissed  
Mr. Stone answered some questions relating to the case and declared to an array of others which he obviously feared would expose the truth of the case, Senator Wheeler, the man whose indictment is sought, had and intended.

Mr. Stone told how on coming into the office of Attorney General, he had decided to investigate the charges against Senator Wheeler to be made immediately of that which had been prepared under the regime of Attorney General Liver M. Danchick, his, therefore, instructed Assistant Attorney General, of Buffalo, to go into the case.

On Mr. Stone's return from Buffalo, he reported that the case was not "desirable" as a case of using the mails to defraud on which Mr. Wheeler had been indicted in Montana, but also that in the course of a "preliminary" investigation there had been a conspiracy to obtain fraudulently permits for prospecting which might result in depriving the government of oil and gas on public lands.

Accepts Full Responsibility  
He declared this proceeding at the Department of Justice had been "a full accord with both the letter and spirit of the Constitution and laws of the United States and with the highest conception of the due and orderly administration of justice."

"For it is still emphatically, 'I accept full personal responsibility,' through apparently passing the buck to the hands of Senator Walsh, and through leading back of himself, also asked questions, Mr. Stone kept his temper and answered all questions save some which he regarded as trifling and 'too cheap' on the details of the proposed indictment.

It developed that Mr. Stone himself desired the open session. In itself no moment as to cause widespread comment.

Major Favorable Impression  
The general opinion of Senators afterward was that Mr. Stone had made a splendid impression and that the committee will again make a favorable report to the Senate on the nomination to the Supreme Court.

In the meantime, Senator Walsh, who has been sought to know that the Department of Justice had worked to delay the trial of Senator Wheeler on the Montana indictment, and now had written to delay it still longer the public in the District of Columbia had taken to the streets.

The matter of the nomination of Stone was that Senator Walsh declared the readiness of Senator Wheeler to go to trial at Great Falls as soon as a jury could be impaneled there. Mr. Stone and his counsel were skeptical, but might not have been so if they had been so.

The nomination is that it will be made a 2-2 split, one Judge Theobald of Idaho, and in the Great Falls.