

Teapot Dome Trial May Produce No Convictions

No Question That Somebody Lied and Little Doubt of Crooked Deal, But Proving Perjury, Bribery, or Conspiracy in Legal Sense Another Matter

By DAVID LAWRENCE

Washington, Jan. 28.—Criminal prosecutions are threatened in the Teapot Dome scandal, but will they get anywhere?

That's the question the lawyers are doubtful about, no matter how highly skilled is the counsel employed by President Coolidge to try the cases.

An analysis of the record will show that the contradicted statements did not constitute perjury, as some of the important statements were not sworn to when made. Nor is it clear yet that any charge of bribery would hold, for nothing has been brought out to show a connection between the money that was passed and the subsequent making of contracts. All the financial transactions will be defended on the ground that they were "legitimate." And, strictly speaking, a loan is not a bribe for there is always the promise to repay the money.

What then will the lawyers do? The only basis for discussion is whether or not there was a conspiracy to defraud the United States Government. Under the conspiracy statute two or more persons—not one—must be found to have engaged in an effort to defraud the Government. But did the leases which were made injure the Government? The Senators who are at present harranguing on the subject insist that the Government came off worse in the transaction but when the cases come before a jury the prosecuting attorneys will have to prove that the effect—namely the injury to the Government—was a deliberate act on the part of principals. Did the oil people get together and secure their leases so as to benefit themselves and defraud the Government?

The oil men insist that when the experts get down to brass tacks it will be difficult to prove that the leases were actually to the benefit of the Government. If that is so, or if intent to defraud cannot be proved, the whole case will shiver down to misuse of power or negligence on the part of officials. Again and again in the war fraud cases under which several persons were indicted but few convicted the evidence showed misconduct due to ignorance or stupidity. But there is nothing in the law to punish a lack of brains. It's on that thin line of defense that many have escaped in the past and very little has been uncovered to make a conviction of anybody a certainty.

Besides the cases will drag in the courts and it may be a year or more before they can be brought to a climax. Meanwhile, the truth of the matter is, the case will not be tried to punish individuals. They will suffer as public opinion turns its fierce gaze upon them. The controversy will be tried after all in the political campaign of 1924. It will be the principal argument no doubt of the Democrats in their appeal to the people to turn the Republican party out of power on the charge of incapacity.

Until the Teapot Dome scandal broke loose there was very little on which to make an issue. Some of the Democrats felt they must oppose the Mellon plan with the Garner plan and force an issue on taxation. They had failed to excite the public sufficiently over the scandal in the veterans' bureau and in other lesser scandals and they seized therefore on the tax question as something which would engage the widest possible interest.

Now comes the Teapot Dome scandal—an old-fashioned political affair reminiscent of the Grant administration. The oil lease will probably be revoked but the Democrats will not stop there. They will broaden the resolution of inquiry so as to include an investigation of leases of public lands. This means the entire West will become interested and it is in the West the Democrats have hopes this year of securing enough electoral votes in combination with the South to repeat their victory of 1916.

President Coolidge stands apart from the Teapot Dome scandal. He wasn't in a position of responsibility when the leases were made. It is true two members of his present cabinet are under fire, but Mr. Coolidge has ordered special counsel employed and doesn't intend to shield anybody for political or personal reasons.

The Democrats, however, are not preparing to attack an individual—their campaign will not necessarily be directed against Mr. Coolidge—but they will bombard the Republican party and ask for an opportunity.

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