

# COURT WILL DEPEND ON PUBLIC OPINION

No Military Force to Back New League Idea.

## SUPREME COURT IS CITED

Highest American Tribunal Obeyed Only Because of Popular Sentiment, Not of Power.

BY MARK SULLIVAN.  
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WASHINGTON, Nov. 10.—(Special.)—The fact that the league of nations, after being the dominant question in American politics for nearly two years preceding the election, instantly returns to the headlines in the same capacity is proof of the vitality of the idea. Inasmuch as America will be considering this subject for at least six months to come and perhaps longer it is desirable to make clear the distinction between what was rejected at the recent election and what will be presented for our approval after the new leaders have reduced their ideas to definite form.

**Court is Central Idea.**  
It would be roughly correct to say, in so confessedly tentative and incomplete a discussion as this is, that what the new plan contemplates is a world court which shall be to the nations of the world what the supreme court of the United States is to the states of our union. The court will not be the whole of the new plan, but the court will be the principal part of it, and the only part that will have any power.

There are a great many points of similarity between our supreme court and the court that is planned by those whose thought will be dominant in attempting to bring about the new associations of nations. The space here to go into these points of similarity, nor farther to describe this intricate plan, but one question which will arise in the minds of every one can be partly answered. It will be asked, what force will be at the command of this new court to enforce its decrees? What constable will it have, or what sheriff, or what marshal to compel a nation against which a decree is handed down to obey that decree? That question has been at heart of every discussion of the present league of nations and of every other proposed form of world association to enforce peace.

The league of nations frankly relies upon armies and navies to enforce its decrees, and that is precisely the feature of the league of nations which was deemed objectionable by its most violent critics. The idea that the American army or the American navy might be so used was the most successful appeal for popular support by those opponents of the league whose position was indorsed at the recent election.

As to the court which is embodied in the new plan, the answer to this question about a sheriff or a marshal or some other form of force is that the court is not to be allowed to have any force at its command. It is to have neither an army nor a navy nor a constable nor a sheriff nor a marshal.

At this point all who advocate and support the feature of force as a necessity to success in any league to enforce peace will probably throw up their hands. They will say that without some equivalent for sheriff or a marshal to enforce its decrees the new court will amount to nothing and will be helpless to keep the peace.

**Supreme Court Held Powerless.**  
The answer to those who favor the new world court, modeled upon the supreme court of the United States, will come as a surprise. It will come as a surprise even to many lawyers. The answer given is that in disputes between the various states of the United States our own supreme court has no force and no way of enforcing its decrees if a state should refuse to obey its decrees.

This is a fact that nearly all Americans have forgotten. It is so uniform a practice for our states to obey a decree handed down by the supreme court of the United States that we will take it for granted that the defendant states do so for the same reason that most of us obey the decrees of a court—that is, because of the power over our persons and our property that the ordinary courts have. The fact is that when one of our states sues another state in the supreme court, and when the decree is handed down that ends the matter, if the defendant state should choose to ignore the decree, there is no way for the supreme court to punish such contempt or overcome such a resistance.

**Public Opinion Sufficient.**  
Nevertheless, all our states do obey such decrees when they are handed down. They do so not through fear of any force that the court possesses, but solely because of the moral force of public opinion.

For example, within a very recent time the state of Virginia sued the state of West Virginia for a sum upward of \$10,000,000. The supreme court handed down a judgment in favor of Virginia. If West Virginia had not chosen to obey, the supreme court would have been helpless to enforce the decree.

In this very case, after a decree against West Virginia had been handed down, there was a period when real concern was felt lest West Virginia should refuse to obey and should take the position of publicly flouting the supreme court of the United States. During this period a good deal of thought was given to whether any way could be devised to prevent or punish such a contempt of the court's decree if it should occur. There is no way inherent in the law, but there was much speculation as to whether, aside from the law, some way could not be found for visiting upon a contemptuous defendant state the unpleasant results of that moral force which the court necessarily had to rely upon.

**State Obeys Decree.**  
In this case, however, West Virginia obeyed the decree of the court. The West Virginia legislature took appropriate action. Bonds were issued and the judgment was paid. This case is cited to illustrate how the supreme court of the United States functions in disputes between states. It is true that 100 years ago the very first decree that the supreme court of the United States handed down in a dispute between two states was wholly ignored by the defendant state, which in that case happened to be Georgia. That, however, was a mere incident in the growth and development of the supreme court to the point where its dignity and moral force is the equivalent of any army. In all the cases since this one, the defendant state has obeyed the decree and has done so, not through fear of armed force, but wholly because of the moral force of the decree and of the public opinion behind it.

preme court of the world, so to speak, assert that what happens between states within the jurisdiction of our supreme court would also happen as between nations within the jurisdiction of the new court. They do not propose to give to this new court any armed power to enforce its decrees. They say that the moral force of the decree and of the public behind it would be enough. If you reply that, theoretically, it would not be enough, their answer is that they do not concede this to be so and that if it should be so there is nothing to be done about it.

This article does not purport to treat the subject except in the most incomplete, tentative and possibly even inaccurate way. The plan is yet too tentative to be accurate or definite about it. However, it is not practicable to be as detailed in an article designed to aid popular understanding as in a technical discussion for lawyers. But the heart of the idea lies in this analogy between the supreme court of the United States and the proposed supreme court of the world.

## PINE OUTPUT INCREASES

PRODUCTION IN NORTHWEST FAR EXCEEDS DEMAND.

Shipments in September Represent Decrease of 1375 Cars Compared With Same Month in 1919.

SPOKANE, Wash., Nov. 10.—(Special.)—Production of member mills of the Western Pine Manufacturers' association in September, 1920, exceeded that of September last year by 9,746,645 feet, according to a report by A. W. Cooper, secretary-manager of the association, based upon returns from 49 mills this year and 51 last year. Total production in September of this year was 164,215,808 feet, as compared with 154,569,163 feet in the same month of 1919. Shipments in September, 1919, totaled 5246 cars, or 138,536,960 feet, and in September, 1920, 3881 cars, or 98,806,397 feet, representing a decrease of 1375 cars or 39,731,063 feet. Shipments less than cut in September, 1919, were 15,565,163 feet, while shipments less than cut in September, 1920, totaled 65,996,911 feet. Member mills are located in Washington, Oregon, Idaho and Montana.

Touching on the traffic situation, Mr. Knott said: "The embargo situation is somewhat relieved except in and around New York, where permits must be obtained by consignees before shipment. Consignees will experience very little difficulty in getting a permit if they can show that the cars will be promptly unloaded."

## FAMOUS TURFMAN DEAD

Veteran Racetrack Owner in Idaho Ends Picturesque Career.

BOISE, Idaho, Nov. 10.—(Special.)—John "Pony" Young, veteran racetrack owner in Idaho, is dead at the age of 89 years, and his passing removes from this life one of the most picturesque characters of the early days of the territory. Young was one of the early Indian fighters and was at Idaho City in the gold rush days. Later he located at Boise, where he established a racetrack, the center of which now is occupied by the site of St. John's Catholic cathedral. Young was in his element in those days and some of the races run on the track under his supervision became famous in the west. Many of the fastest horses participated and the stakes were high. The sky was the limit in betting.



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