

The Weather

Maximum yesterday.....45
Minimum today.....21

MEDFORD MAIL TRIBUNE

Predictions

Fair and warmer tonight and Sunday.

Daily—Fourteenth Year. Forty-ninth Year. MEDFORD, OREGON, MONDAY, JANUARY 5, 1920. NO. 242

DRY ENFORCEMENT LAW IS UPHELD

LAST HOPE OF WETS IS DISPELLED

Supreme Court Declares Volstead Prohibition Enforcement Act Constitutional—Beer Containing 2.75 Per Cent Alcohol Held Illegal—Court Divides On Question Five to Four—Day, Vandeventer, Clark and McReynolds Dissenting.

WASHINGTON, Jan. 5.—The prohibition enforcement act, defining as intoxicating any beverage containing one-half of one per cent or more of alcohol was declared constitutional today by the supreme court in an opinion in which the court divided five to four.

Proceedings brought by Jacob Ruppert of New York to enjoin the government from prohibiting the sale of 2.75 per cent beer were ordered dismissed.

Ruppert's case was brought under the war time act. He alleged that 2.75 per cent beer was non-intoxicating, but that the Volstead act by limiting the alcoholic content prohibited the sale of beer manufactured under regulations prescribed under the Lever food control act by President Wilson.

In deciding the New Orleans and Baltimore cases Justice Day in a unanimous opinion held that the manufacture of beer containing 2.75 per cent alcohol was legal until the enactment of the Volstead act.

Indictments brought against the Standard Brewery at Baltimore and the American Brewing company at New Orleans for manufacturing 2.75 per cent beer before the war time prohibition enforcement act became effective were ordered dismissed.

WASHINGTON, Jan. 5.—The supreme court today declared constitutional sections of the Volstead prohibition enforcement act prohibiting the manufacture and sale of "beer, wine or other intoxicating malt or vinous liquors," containing one-half of one per cent or more of alcohol.

Beer containing 2.75 per cent of alcohol is illegal under the war time prohibition act, the supreme court decided today.

Dismissal by the lower court in New York of injunction proceedings brought to restrain government officials from interfering with Jacob Ruppert, a brewer, in the manufacture of beer, containing approximately 2.75 per cent alcohol, was sustained.

Associate Justice Brandeis, who rendered the opinion of the court, said the right of congress to suppress the liquor traffic was not an implied power, but a power expressly granted.

The court divided, 5 to 4. Associate Justices Day, Vandeventer, Clark and McReynolds dissented.

Under the war emergency congress has a right to stop immediate sale of intoxicating liquor, the court held. Justice McReynolds in a dissenting opinion said that the eighteenth amendment had not yet come into effect and that the federal government had no general power to prohibit the manufacture and sale of liquor.

Justice McReynolds took the position that the war emergency under which national prohibition was made effective had passed.

"If the war power of congress to effectively prohibit the manufacture and sale of intoxicating liquors in order to promote the nation's efficiency in men, munitions and supplies is as full and complete as the police power of the states to effectively enforce such prohibition in order to promote the health, safety and morals of the community," the majority opinion says. "It is clear that the Volstead act is violated as is rendered immaterial the question whether plaintiffs' beer is intoxicating. For the legislation and decisions of the highest courts of nearly all of the states establish that it is deemed impossible to effectively enforce either prohibitory laws or other laws merely regulating the manufacture and sale of intoxicating liquors, if liability or inclusion within the law is made to depend upon the issuable fact whether or not a particular li-

(Continued on Page Two)

LETTISH ARMY BREAKS BOLSHIEVIK FRONT DVINA DISTRICT, REDS Routed

COPENHAGEN, Jan. 5.—Dispatches from Riga today declare Lettish troops have broken the bolshevik front along the Dvina. Numerous prisoners have been taken, together with much booty, it is asserted.

Two divisions of Letts, supported by Baltic landwehr, attacked the bolsheviks on a wide front, the dispatches say. The attack was pressed, the red lines pierced and the Dvina crossed. The advance continues, the bolsheviks retreating rapidly.

REPUBLICAN WOMEN MEET WITH WILL H. HAYS IN CHICAGO

CHICAGO, Jan. 5.—Nearly one thousand republican men and women from fourteen central west states were here today for the first of a series of three two-day conferences arranged by Will H. Hays, national chairman, for January. The second will be held in Denver January 8 and 9, and the third in San Francisco January 12 and 13.

Women are to take a prominent part in these gatherings, according to party leaders who are planning their national campaign on the supposition that the national suffrage amendment will be ratified in time to give all women votes at the November election.

Mrs. John Glover South, chairman of the women's division of the republican national committee; Mrs. Medill McCormick, former chairman of the women's division; Miss Mary Garrett Hay, chairman of the women's national executive committee and Mrs. Margaret Hill McCarter of Kansas, were among the speakers named at the conference here.

The Chicago conferences will be open forums with Miss Hay presiding. Mrs. Frank Dodson, state chairman of the republican women's committee in Iowa; Mrs. Manley L. Fosseen, Minnesota state chairman; Mrs. John Pratt, New York, member of the committee and ways and means; Mrs. Augustus Willson, wife of the former governor of Kentucky; Mrs. Harry B. Keefe of Lincoln, Neb., and Mrs. A. E. Sangster of Sheboygan, Wis., were among the prominent women who came here for the meeting.

State chairmen from Kansas, Kentucky, Michigan, Wisconsin, Iowa, Florida, Missouri and Montana were among those here.

MANY KILLED BY EARTHQUAKE IN MEXICO SATURDAY

MEXICO CITY, Jan. 5.—Ten states were shaken by the earthquake which on Saturday night destroyed at least two villages and caused many deaths in the state of Vera Cruz. These states were Mexico, Puebla, Vera Cruz, Oaxaca, Guerrero, Morelia, Jalisco, Tlaxcala, Hidalgo and Queretaro. They stretch from the isthmus of Tehuantepec in a northwesterly direction nearly 500 miles and from the Gulf of Mexico to the Pacific.

Reports received up to 11 o'clock last night indicated the center of the seismic convulsion was in the neighborhood of Mount Orizaba, a volcano about seventy miles west of Vera Cruz on the line between the states of Vera Cruz and Puebla. It was in that neighborhood that the most serious damage was done. Teocelo, a village 35 miles northeast of the volcano, has been virtually destroyed, and a similar fate befell Coatzacoahuacan, a small hamlet in that neighborhood. Wires were torn down but it is said there were many casualties in both towns.

Fifteen shocks were experienced at Cordoba, a city ten miles east of Orizaba, where eleven were distinctly felt.

RADICALS TO FIGHT U.S.A. DEPORTATION

Large "Slush Fund" Available for Reds in Fight to Stay in This Country—5,000 Persons Arrested in All. But More Are Wanted—3,000 Held for Deportation—Congress Asked to Take Quick Action On Deportation Measure.

WASHINGTON, Jan. 5.—Radicals taken in the government raids on the communist and communist labor parties have all machinery set for fighting desperately against deportation. It was announced today at the department of justice. Lawyers have been engaged in practically every city where raids were made and officials predicted they would take advantage of every technicality until their clients actually were aboard vessels bound for their native lands.

The two parties which the department is attempting to disperse are known to have a "slush" fund. Assistant Attorney General Garvan declared and large amounts have been made available for legal defense and bail.

Reports of more arrests dribbled into the department today.

Red Leader Jailed

NEW YORK, Jan. 5.—Gregory Weinstein, chief of staff for Ludwig C. A. K. Martens, self-styled ambassador to the United States of the Russian soviet republic, was arrested on a deportation warrant today by agents of the department of justice. Weinstein, according to department of justice officials, is the most influential Russian communist, next to Martens, in America.

WASHINGTON, Jan. 5.—Although nearly 5,000 persons have been arrested since the latest radical raid was started last Friday night, department of justice agents over the country today still were seeking members of the communist and communist labor organizations who thus far had escaped the general dragnet.

Apparently New York and Chicago were the chief centers of activity. Several hundred warrants were yet to be served in the metropolis.

3000 Held for Exile

Nearly 3,000 of those arrested have been held for deportation proceedings and because of the congestion now at Ellis Island, all of them cannot be concentrated there. Immigration officials would not discuss reports that they would ask the war department for the use of either Camp Mills or Upton, N. Y., as a concentration camp.

Congress had before it today the request of Attorney General Palmer that it take prompt action on a bill proposed by him several months ago and designed to enable the government to deal with citizens found to be engaged in radical activities. There is no federal law under which they can be dealt with.

Hundreds of citizens were taken in the raids Friday and Saturday and these must be turned over to the state authorities for trial.

SPARKS FROM THE WIRE

The Northeastern Singing association of New York has adopted a resolution protesting against "the unjustified and illegal interference of members of the American Legion" with musical performances given by its society.

The French crown jewels, including the "regent" diamond, worth 15,000,000 francs, are to be brought from Bordeaux and again exhibited at the Louvre. They were taken from the Louvre in 1914 when the Germans' advance threatened the capital.

EXPECT PRESIDENT TO KILL 3D TERM RUMOR AT DEMOCRATIC DINNER

WASHINGTON, Jan. 5.—President Wilson will send "an important word of greeting" to the democratic dinner on Jackson day, January 8, it was announced today at the White House.

There was wide conjecture as to whether the president would discuss the third term question. On this White House official were silent but some of the president's friends have insisted throughout that he would not be a candidate under any circumstances. They regard it as probable that he will make this clear in his message.

AMBASSADORS ACTION PARIS IS CURTAILED

Hugh C. Wallace U. S. Ambassador Asks Change in Supreme Council Procedure—Not Include U. S. Officially in Findings Until Decision From Washington Is Received.

PARIS, Jan. 5.—Hugh C. Wallace, American ambassador, was reported yesterday to have asked the supreme council of the peace conference to change the formula referring to the powers participating in the council from the "allied and associated powers" to the "allied powers." This report was not strictly correct, it was learned today.

Ambassador Wallace, it is said, has not asked for the term "allied and associated powers," but merely requested that when "questions arose which involved the United States, this formula, including the United States, be not used in documents until he had time to get a decision from Washington on such questions.

PARIS, Jan. 5.—Hugh C. Wallace, American ambassador to France, has asked the supreme council to precede future decisions of the council with the formula "allied powers," instead of "allied and associated powers, which has been used in the past, according to the Echo de Paris. "This," says the newspaper, "marks the determination of the United States not to participate officially in decisions to be reached in Paris. Washington, while declining the responsibilities of the supreme council, continues to be represented at its sessions. How can Mr. Wallace's role be defined? He is not a plenipotentiary. Witness or observer is the accepted term."

Pleasure at the presence of an American representative who will keep Washington informed as to events until the United States resume their places on the council is expressed by the newspaper, which says: "Nothing can be definitely concluded without President Wilson's assent beforehand. So the council is supreme only in name. Sovereignty belongs to Mr. Wilson, who inhabits not the White House, but Mount Olympus.

"It is inevitable that a dilemma will arise. The United States will be obliged to take responsibilities corresponding to her action, or she will renounce this role. It is hoped this absurd situation may be averted by speedy ratification of the treaty according to the program of Senator Lodge, followed by return of America to her rightful place in the settlement of European affairs."

Can't Sell Sugar

WASHINGTON, Jan. 5.—The federal trade commission today held that the selling of sugar in combination with other goods to force purchasers to buy other things in order to obtain sugar was an unfair method of competition and ordered the Caledonia company of Chicago, to cease the practice.

2000 Delegates Present

COLUMBUS, Ohio, Jan. 5.—More than 2,000 delegates, representing the 400,000 soft coal miners of the United States assembled here today for the convention which is to discuss the

COAL MINERS YIELDED TO INEVITABLE

Convention of Coal Miners Addressed by President Lewis—While Submitting to Government Action Protested in Hearts Against the Injustice Workers Protest Against Operators' Discrimination Against Leaders in Recent Strike.

COLUMBUS, Ohio, Jan. 5.—International officers of the United Mine Workers of America in agreeing to declare the recent miners' strike at an end, "decided to submit to the inevitable, though protesting in our hearts against what we believed to be the unjust attitude of our government," according to the report of acting President John L. Lewis and Secretary Treasurer William Green at the special miners' convention here today.

The report reviews the miners' controversy from the date of the Cleveland convention in to the present time.

The international officers state that "high hopes" are entertained that the decisions to be reached by the commission of three, appointed by President Wilson "will be fair and just as to meet with the general approval of our membership."

Members of the commission are highly praised.

Issue of Supremacy

International officers, the report states, realized "better than the membership of our unions, the purpose and determination of the federal government and decided to accept the plan proposed by President Wilson, which called for an immediate increase of 14 per cent. The original demands of the miners called for an increase of 60 per cent in wages.

At the time the acceptance was made, the report continues, it was pointed out to the miners' leaders that the strike had passed from a mere controversy between operators and miners over a question of wages, to an issue between the supremacy of law and the ability of the government to enforce its mandates and decrees.

"In other words, it was no longer a controversy between employer and employe, but instead a test between the strength of a group of working men and the government itself."

The report states that at the time of the Cleveland convention, when the strike order was tentatively issued, "no one could foresee the turn events have taken and the necessity in meeting the new and unexpected situations which have arisen. It has been found quite impossible to follow the rigid and inflexible policy laid down at the Cleveland convention."

Not Aware of Lever Law

The Lever law, a war time measure, is still in effect. Under its provisions the government exercises its war time powers and was fully supported by the judicial, military, legislative and executive branches of the government.

"We are confident that it was not generally understood by our membership that these war time measures were still in effect or that the Lever act denied our membership the right to strike or applied to them in any way whatsoever.

"We have endeavored to meet the most trying situations ever presented to the officers of a labor organization in a broad minded constructive way. We could not afford, at any time, to substitute feeling for judgment when our reasoning powers dictated a right course of action. We would be unfit to lead you or act for you if we did not decide in a crisis to follow a policy which our best judgment convinced us could best protect the interests of our vast membership and those dependent upon them. We have made our decisions based upon existing circumstances and facts. We are confident that time will vindicate our every act and justify the course we have pursued."

PRINCE VON BUELOW KICKED OUT OF ITALY TO LUCERNE, SWITZ.

ROME, Jan. 5.—(Havas.)—Prince von Buelow, former German ambassador and recently sent to Italy on a diplomatic mission, has been informed that his presence in this city is undesirable for the reason it could cause trouble for the Italian government, according to newspaper reports here. As a result he will spend the winter at Lucerne, Switzerland.

DANIELS EXPLAINS MEDAL AWARD TO CHAIRMAN PAGE

WASHINGTON, Jan. 5.—With the reconvening of congress today the chairman of the senate and house naval committees were to confer on the question of a joint investigation of the whole subject of naval decorations around which has centered a sharp controversy in the navy department.

When the first awards were announced some weeks ago, Chairman Daniels of the senate committee, asked Secretary Daniels for a report, which has been forwarded. The secretary supplemented this with a letter, published today, in which the theory of the awards was explained.

Mr. Daniels dwelt at length on the reasons for awarding distinguished service medals to the commanders of ten of the eleven American warships and transports sunk by submarines and mines during the war. He declared that "when we shall have forgotten the distinguished and honorable service of able and devoted officers ashore, the splendid courage of the men who met the shock of the submarine shells unafraid, will remain as a living glory and an honorable incentive to future naval heroes."

Important Problems

Besides the treaties with Germany and with Austria, international problems to be considered at the resumed session include the proposed alliance with France, the Panama canal settlement with Colombia, treaties with Poland and possibly, Turkey and numerous measures dealing with the war changed conditions of American commercial and financial relations abroad.

Important domestic legislation awaiting action includes the railroad reorganization bill and the oil, gas and phosphate land leasing bill, both of which are in conference; army reorganization, shipping legislation, control of undesirable aliens and on scores of other subjects.

Many investigations also have been arranged for by both the senate and house. Among them will be inquiries into war expenditures, the Mexican situation, bolshevik activities, coal situation, federal trade commission and the Ford-Newberry election.

Another feature of the substitute would provide law for the settlement recently effected between the department of justice and the packers, divorcing the latter from all business except meat packing.

The livestock commission would issue certificates of registration to packers, stockyards and other operators in the meat industry and be authorized to revoke their certificates for violation of its orders or defined unfair business practices.

Penalties for violation of the commission's orders would be imprisonment from six months to five years and fines of from \$500 to \$10,000.

The committee decided to reopen its hearings, inviting Attorney General Palmer to appear next Wednesday to tell the committee of the settlement with the packers. On Thursday the committee will hear representatives of the packers and on Friday representatives of the federal trade commission.

LONDON, Jan. 5.—Sir Frank Cavendish Lascelles, British ambassador to Germany from 1895 to 1908, died here today. He had been minister to Rumania in 1886 and to Persia in 1891 and ambassador to Russia in 1894.

CONGRESS IS BACK AGAIN TALK STARTS

Attempts to Secure Some Sort of Compromise On Peace Treaty Are Again Resumed—No Concrete Plan Agreed Upon—Endless Talkfest Expected to continue—Sedition Bill Considered—Important Matters to Come Up Present Session.

WASHINGTON, Jan. 5.—Congress met promptly at noon today after a two weeks recess over the holidays with the treaty of Versailles still the foremost of the great array of subjects with which the national lawmakers were expected to deal before adjournment, probably just before the presidential election next November.

Private conferences initiated during the holidays looking to some sort of a compromise in the treaty fight were continued and renewal of debate on the senate floor was expected at any time. No concrete plan under which the senate would resume formal consideration of the subject had been agreed upon, however.

In the senate today the sedition bill by Senator Stirling, republican, South Dakota, had the ring of way.

WASHINGTON, Jan. 5.—Returning to work today after two weeks holiday congress faces one of the busiest sessions in history. In addition to innumerable domestic matters there are international questions of far-reaching import that must be settled, including the treaty of peace with Germany and Austria.

Adjournment is not expected before fall and the only break in the long session that members can look forward to is the brief recess that will be taken coincident with the holding of the national party conventions in the summer.

Important Problems

Besides the treaties with Germany and with Austria, international problems to be considered at the resumed session include the proposed alliance with France, the Panama canal settlement with Colombia, treaties with Poland and possibly, Turkey and numerous measures dealing with the war changed conditions of American commercial and financial relations abroad.

Important domestic legislation awaiting action includes the railroad reorganization bill and the oil, gas and phosphate land leasing bill, both of which are in conference; army reorganization, shipping legislation, control of undesirable aliens and on scores of other subjects.

Many investigations also have been arranged for by both the senate and house. Among them will be inquiries into war expenditures, the Mexican situation, bolshevik activities, coal situation, federal trade commission and the Ford-Newberry election.

Another feature of the substitute would provide law for the settlement recently effected between the department of justice and the packers, divorcing the latter from all business except meat packing.

The livestock commission would issue certificates of registration to packers, stockyards and other operators in the meat industry and be authorized to revoke their certificates for violation of its orders or defined unfair business practices.

Penalties for violation of the commission's orders would be imprisonment from six months to five years and fines of from \$500 to \$10,000.

The committee decided to reopen its hearings, inviting Attorney General Palmer to appear next Wednesday to tell the committee of the settlement with the packers. On Thursday the committee will hear representatives of the packers and on Friday representatives of the federal trade commission.

LONDON, Jan. 5.—Sir Frank Cavendish Lascelles, British ambassador to Germany from 1895 to 1908, died here today. He had been minister to Rumania in 1886 and to Persia in 1891 and ambassador to Russia in 1894.