

HIRAM JOHNSON TO FIGHT BOK PLAN

NEW YORK, Jan. 7.—The campaign organization of Hiram Johnson will be thrown into the balance in an effort to prevent acceptance by the republican party of either the world court or the Bok peace plan, George Henry Payne, eastern manager of the California senator's campaign for the presidency, announced today.

Mr. Payne declared that in his opinion, the Bok peace plan was in reality a move by President Coolidge's League of Nations friends to rush the country in a crazy and long discredited project.

PEACE PLAN IS AWARDED BOK'S \$100,000 PRIZE

(Continued From Page One)

That, if war is honestly to be prevented, there must be a right-about-face on the part of the nations in their attitude toward it; and that by some progressive agreement the manufacture and purchase of the munitions of war must be limited or stopped.

That while no political mechanism alone will insure cooperation among the nations, there must be some machinery of cooperation if the will to cooperate is to be made effective; that the real hope for bringing about the disavowal of war by the open avowal of its real causes and open discussion of them.

Decisions of U. S. Supreme Court

WASHINGTON, Jan. 7.—The appeal of the Ku Klux Klan in its suit to restrain publication of certain papers alleged to have been stolen from Klan headquarters in Atlanta was denied today by the supreme court.

WASHINGTON, Jan. 7.—The supreme court today granted the motion of the government to advance for hearing February 25 the case of Roland R. Pothier to determine whether the federal government had jurisdiction over Camp Lewis, Washington, in October, 1918, when Major Alexander P. Cronkhite was killed there by gunshot wounds. Although indicted for murder in the federal court for Western Washington, Pothier was released by the circuit court which held that Camp Lewis was not exclusively within federal jurisdiction.

WASHINGTON, Jan. 7.—The recapture of excess earnings clause of the transportation act was declared valid and constitutional today by the supreme court. The decision was handed down in a case brought by the Dayton-Goose Creek Railroad company of Texas, and in which a number of important railways joined, pleading that the provision would result in confiscation.

WASHINGTON, Jan. 7.—A wholesaler acting independently has the right to withhold his business from a manufacturer who sells to retailers in his territory and refuses to pay him the regular wholesale discount, without being guilty of unfair competition, the supreme court held today in the appeal of the federal trade commission in a case it had brought against Raymond Brothers-Clark company of Omaha, Neb.

PERMIT ROSEBURG TO BUILD CROSSING

SALEM, Ore., Jan. 7.—The public service commission has granted an application of the city of Roseburg for the construction of an overhead crossing over the Southern Pacific railroad in that city. Two-thirds of the cost will be paid by the city and one-third by the railroad company.

CHARGED WITH BUREAU GRAFT

(Continued From Page One)

was merely a pro forma actor in making the award, is indicated particularly by the telegrams that passed between him while he was on the west coast and General Cramer (Charles F. Cramer, the late general counsel of the bureau) and Acting Director Rogers in Washington.

As an example of what he characterized as "these corrupt transactions," O'Bryan made reference to the purchase of the hospital site at Livermore, Cal.

"The land was purchased," O'Bryan continued "for \$17,000 by Lucien B. Johnson, who after adding some minor improvements, sold the property to the government on the day he acquired title for \$108,000. Reference to the testimony of Johnson shows conclusively that fraud was committed. His income tax on its face is fraudulent. His sworn testimony as to disposal of the profits was brazen in its obvious insincerity. The purchase of this site was approved by Director Forbes upon the personal solicitation of General Counsel Cramer and against the advice of experts.

"In the employment of O'Brien, the architect, to whom \$100,000 in fees for plans that were worthless, will be found an extraordinary example of the misuse of government funds in the authority of office."

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as members "in an unofficial and consulting capacity" upon four of the most important social welfare commissions of the league, viz: Health, Opium, Traffic in Women and Children and Anthrax (Industrial Hygiene).

Our government is a full member of the International Hydrographic bureau, an organ of the league. Our government was represented by an "unofficial observer" in the Brussels conference (finance and economic commission) in 1920. It sent Hon. Stephen G. Porter and Bishop Brent to represent it at the meeting of the opium commission last May.

Our public health service has taken part in the serological congress of the epidemics commission and has helped in the experimental work for the standardization of serums.

Our government collaborates with the league health organization thru the international office of public health at Paris, and with the agriculture committee of the league labor organization thru the international institute of agriculture at Rome.

In February, 1923, Secretary Hughes and President Harding, formally recommended that the senate approve our adhesion to the permanent court under four conditions or reservations, one of which was that the United States should officially participate in the election of judges by the assembly and council of the league, sitting as electoral colleges for that purpose.

Unofficial co-operation from the United States thru the work of the league includes membership in five of the social welfare commissions or committees of the league, in one on economic reconstruction, and in one (Aaland Islands) which averted a war. American women serve as expert assessors upon the opium and traffic in women commissions.

Two philanthropic agencies in the United States have between them pledged more than \$400,000 to support either the work of the epidemics commission or the league inquiry into conditions of the traffic in women and children.

Increasing Co-operation.

The United States being already so far committed to united councils with league agencies for the common social welfare, all of which have some bearing upon the preservation of world peace, the question before us may take this form:

How can increasing co-operation between the United States and the organized world for the promotion of peace and security be assured, in forms acceptable to the people of the United States and hopefully practicable?

Co-operation.

Without any change in its present policy, already described, the United States government could, first, show its willingness to co-operate actively with other humane and reconstructive agencies of the league. To four of these agencies that government had already sent delegates with advisory powers. It could as properly accept invitations to accredit members with like powers to each one of the other welfare commissions. It has already received invitations from two of the latter.

It is, secondly, immediately practicable to extend the same kind of co-operation, whenever asked to do it, so as to include participation in the work of the commissions and technical committees of the labor organization. The record shows that such co-operation is already begun.

The single common purpose of all these committees is the collection and study of information, on which may be based subsequent recommendations for national legislation.

All conventions and resolutions, recommended by the first three congresses of the international labor organization, have already been laid before the senate of the United States and, without objection, referred to the appropriate committee. No different procedure would have been followed if the United States were a member of the labor organization of the league.

Adherence to the Permanent Court.

A third immediately practicable step is the senate's approval of the proposal that the United States adhere to the permanent court of international justice for the reasons and under the conditions stated by Secretary Hughes and President Harding in February, 1923.

These three suggestions for increasing co-operation with the family of nations are in harmony with policies already adopted by our government, and in the last case with a policy so old and well recognized that it may now be called traditional.

They do not involve a question of membership in the League of Nations as now constituted, but it cannot be denied that they lead to the threshold of that question. Any further step toward co-operation must confront the problem of direct relations between the United States and the assembly and council of fifty-four nations in the league.

League Employs No Force.

The practical experience of the league during its first three and a half years of life has not only wrought out, in a group of precedents, the beginnings of what might be called the constitutional law of the league, but it has also shifted the emphasis in activities of the league and foreshadowed important modifications in its constitution, the covenant.

At its birth the covenant of the league bore, vaguely in Article X and more clearly in Article XVI, the impression of a general agreement to enforce and coerce. Both of these articles suggest the action of a world-state which never existed and does not now exist. How far the present league is actually removed from functioning as such a state is sufficiently exhibited in its dealings with Lithuania and Poland over Vilna and their common boundary, and with Greece and Italy over Corfu.

Experience in the last three years has demonstrated probably insuperable difficulties in the way of fulfilling in all parts of the world the large promise of Article X in respect to either its letter or its spirit. No one now expects the league council to try to summon armies and fleets, since it utterly failed to obtain even an international police force for the Vilna district.

Each assembly of the league has witnessed vigorous efforts to interpret and modify Article X. In the fourth

assembly an attempt to adopt an interpretation of that article in essential agreement with the senatorial reservation on the same subject in 1920 was blocked only by a small group of weak states like Persia and Panama, which evidently attributed to Article X a protective power that it possesses only on paper. Such states, in possible fear of unfriendly neighbors, must decide whether the preservation of a form of words in the covenant is more vital to their peace and security, and to the peace and security of the world, than the presence of the United States at the council table of the family of nations.

As to Article XVII the council of the league created a blockade commission which worked for two years to determine how the "economic weapon" of the league could be efficiently used and uniformly applied. The commission failed to discover any obligatory procedure that weaker powers would dare to accept. It was finally agreed that each state must decide for itself whether a breach of the covenant has been committed.

The second assembly adopted a radically amended form of Article XVI from which was removed all reference to the possibility of employing military force, and in which the abandonment of uniform obligation was directly provided for. The British government has since proposed to weaken the form of requirement still further.

Articles X and XVI in their original forms, have therefore been practically condemned by the principal organs of the league and are reduced to something like innocuous desuetude. The only kind of compulsion which nations can freely engage to apply to each other in the name of peace is that which arises from conference, from moral judgment, from full publicity, and from the power of public opinion.

U. S. Leadership.

Another significant development in the constitutional practice of the league is the unwillingness of the league council to intervene in any American controversy, even though all states in the New World except three are members of the league.

This refusal became evident in the Panama-Costa Rica dispute in 1921 and in the quarrel between Chile, Peru and Bolivia, a quarrel which impelled the last two states to absent themselves from the third assembly, wherein a Chilean was chosen to preside.

Obviously the league intends to recognize the leadership of the United States in the New World precisely as the United States claims it. This is nothing less than the observance of an unwritten law limiting the powers and duties of the league council, defined in Article XI, of the covenant, to questions that seem to threaten the peace of the Old World. When the United States is willing to bring the two halves of the world together for friendly consideration of common dangers, duties and needs, it will be possible to secure, if it is desired, closer co-operation between the league organizations and the Pan-American union, already a potential regional league. It is conceivable that the family of nations may eventually clearly define certain powers and duties of relatively local significance, which may be developed upon local associations or unions. But the world of business and finance is already unified. The worlds of scientific knowledge and humane effort are nearly so. Isolation of any kind is increasingly impossible, and world organization, already centralized, is no more likely to return to disconnected effort than the United States is likely to revert to the Calhoun theory of states rights and secession.

Hopes of the League.

The operation of the league has therefore evolved a council widely different from the body imagined by the makers of the covenant. It can employ no force, but that of persuasion and moral influence. Its only actual powers are to confer and advise, to create commissions, to exercise inquisitive, conciliatory and arbitral functions, and to help elect judges of the permanent court.

In other words, the force of circumstances is gradually moving the league into position upon the foundations so well laid by the world's leaders between 1889 and 1907 in the great international councils of that period. The assemblies of the league and the congresses of the international labor organizations are successors to The Hague conferences.

The permanent court has at least begun to realize the highest hope and purpose of the second league conference.

The secretariat and the labor office have become continuation committees for the administrative work of the organized world, such as The Hague conference lacked resources to create but would have rejoiced to accept. The council, resolving loose and large theories into elegant and modest practice, has been gradually reconciling the league, as an organized world, with the ideals of international interdependence, temporarily obscured since 1914 by the shadows of the Great War.

No one can deny that the organs of the league have brought to the service of the forces behind those ideals an efficiency, scope and variety of appeal that in 1914 would have seemed incredible.

It is common knowledge that public opinion and official policy in the United States have for a long time, without distinction of party, been favorable to international conferences for the common welfare, and to the establishment of conciliatory, arbitral and judicial means for settling international disputes.

There is no reason to believe that the judgment and policy have been changed. Along these same lines the league is now plainly crystallizing, as has been shown, and at the touch of the United States the process can be expedited.

In no other way can the organized world, from which the United States cannot be economically and spiritually separated, belt the power of public opinion to the new machinery, devised for the pacific settlement of controversies between nations and standing always ready for use.

The United States government should be authorized to propose co-operation with the league and participation in the work of its assembly and council under the following conditions and reservations:

I. The United States accepts the League of Nations as an instrument of mutual counsel, but it will assume no obligation to interfere with political questions of policy or internal administration of any foreign state.

Maintain the Monroe Doctrine.

In uniting its efforts with those of other states for the preservation of peace and the promotion of the common welfare, the United States does not abandon its traditional attitude concerning American independence of the Old World and does not consent to submit its long established policy concerning questions regarded by it as purely American to the recommendation or decision of other powers.

Moral Judgment and Public Opinion Substituted for Force.

II. The United States will assume no obligations under Article X, in its present form in the covenant, unless in any particular case congress has authorized such action.

The United States will assume no obligations under Article XVI in its present form in the covenant or in its amended form as now proposed unless in any particular case congress has authorized such action.

The United States proposes that Articles X and XVI be either dropped altogether or so amended and changed as to eliminate any suggestion of a general agreement to use coercion for obtaining conformity to the pledges of the covenant.

No Obligations Under Versailles Treaty.

III. The United States will accept no responsibility and assume no obligation in connection with any duties imposed upon the league by the peace treaty unless in any particular case congress has authorized such action.

IV. The United States proposes that Article I of the covenant be construed and applied, or, if necessary, redrafted, so that admission to the league shall be assured by any self-governing state that wishes to join and that receives the favorable vote of two-thirds of the assembly.

International Law.

V. As a further condition of its participation in the work and councils of the league, the United States asks that the assembly and council consent—or obtain authority—to begin collaboration for the revision and development of international law, employing, for this purpose, the aid of a commission of jurists. This commission would be directed to formulate new existing rules of the law of nations, to reconcile divergent opinions, to consider points hitherto inadequately provided for but vital to the maintenance of international justice, and in general to define the social rights and duties of states. The recommendations of the commission would be presented from time to time in proper form for consideration, to the assembly as to a recommending, if not a lawmaking body.

Among these conditions Numbers I and II have already been discussed. Number III is a logical consequence of the refusal of the United States senate to ratify the treaty of Versailles, and of the settled policy of the United States which is characterized in the first reservation. Concerning Numbers IV and V this may be said:

Anything less than a world-conference, especially when great powers are excluded, must incur, in proportion to the exclusions, the suspicion of being an alliance, rather than a family of nations. The United States can render service in emphasizing this lesson, learned in The Hague conference, and in thus helping to reconstitute the family of nations as it really is. Such a conference or assembly must obviously bear the chief responsibility for the development of new parts of the law of nations, devised to fit changed and changing conditions to extend the sway of justice, and to help in preserving peace and security.

*Fifty-seven states, including Germany, are members of the international labor organization of the league. There are about sixty-five independent states in the world.

Coast Sugar Drops Again.

SAN FRANCISCO, Jan. 7.—The sugar refining companies here announced today a new base of \$8.80 a hundred pounds for cane and \$8.60 for beet refined sugar, a drop of 10 cents in each instance.

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THE PLAN IN BRIEF

Proposals
I. That the United States shall immediately enter the Permanent Court of International Justice, under the conditions stated by Secretary Hughes and President Harding in February, 1923.
II. That without becoming a member of the League of Nations as at present constituted, the United States shall offer to extend its present cooperation with the League and participate in the work of the League as a body of mutual counsel under conditions which:
1. Substitute moral force and public opinion for the military and economic force originally implied in Articles X and XVI.
2. Safeguard the Monroe Doctrine.
3. Accept the fact that the United States will assume no obligations under the Treaty of Versailles except by Act of Congress.
4. Propose that membership in the League should be open to all nations.
5. Provide for the continuing development of international law.

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