

BAILEY RAPS STAND ON COURT REVISION

Answers Resolution Adopted by General Assembly Supporting President's Reorganization Plan

Washington. — "To the addition of six justices to the Supreme Court of the United States, I have most serious objections, upon considerations which I intend herein to set out — and I am more moved to do this because I am informed that the concurrent resolution was adopted without discussion or debate, and without a record vote," wrote Senator Josiah W. Bailey to the General Assembly of North Carolina upon receipt of a copy of the joint resolution of the General Assembly which proposed support of the measure by the President "making important changes in the Federal judicial system."

The resolution was adopted March 22 and was delivered to Senator Bailey April 15. In his letter to the General Assembly, Senator Bailey wrote that the changes proposed by the President in respect to the circuit and district courts he has no serious objection.

HAS BACKED F. D. R.
"The preamble of the resolution sets out only two considerations supporting it," Senator Bailey wrote, "and neither of them professes to touch the merits. One of them is that 'the recommendation of the President . . . presents an issue of great national importance to which the people of North Carolina and all other people of the United States are vitally concerned.' In this I concur; and since an issue of such importance is presented I am sure it ought freely to be discussed and debated. I may add that I have supported nine out of every ten of the President's principal recommendations (about 50 in number) to the Congress — and that I have gladly honored him for his great leadership in this most difficult period. I do not disagree with him willingly or without regret.

"The other consideration is that 'the people of North Carolina are strongly supporting the President of the United States in his recommendations to Congress and a great majority of the people of this State firmly believe that the enactment of such measure is vital to the future welfare of our people.' Not that the General Assembly finds merit in the measure, but that it believes a great majority of the people believe that its enactment is vital to the future happiness and welfare of our people! This is the only reason stated for the General Assembly's request."

Senator Bailey went on to say that we do not guess about public opinion in America—we ascertain it at the polls; this is the purpose of elections. "It is true that all questions are not submitted to the electorate, but the principal questions are submitted. The Democratic party submitted the pending issue in the campaign and election of 1936. . . . This section gave explicit assurance that recent legislative difficulties arising upon judicial decisions would be met by the accepted process of amendment to the Constitution—specifically a 'clarifying amendment,' such as will assure 'the power to enact laws which State and Federal legislatures . . . shall find necessary.' It also declares—thus we propose to maintain the letter and the spirit of the Constitution."

SAYS OPINION NOT CHANGED

Notwithstanding the General Assembly's expression of opinion as to public sentiment, Senator Bailey said that he is bound by the actual expression of public opinion in the election, November 7, in which he was elected. He said that he could not assume that public opinion had changed since February 5, and surely it could not have changed prior to that date. He stated that he considers it his duty to abide by the platform of his party, to maintain the unity and integrity of the Democratic party.

"If the President's proposal were more than a plan to provide for an adequate number of justices," he continued, "I could readily support it. But it is more. Beyond all cavil, it is more. One cannot escape the evidence. The resolution of the

General Assembly carries the evidence of this in that it declares that a majority of the people firmly believe that it is vital to their future happiness and welfare.' The President himself, having put the measure forward on February 5, as merely one to provide for an adequate number of justices, has since repeatedly made it known that the additional number is desired because he expects, by appointing six additional justices, so to reconstruct the court as to bring about a tenor of decisions upon legislative acts different from the decisions handed down in recent years by the court as now constituted, different likewise from the historic interpretation of the Constitution, utterly different from the interpretation of the President himself in 1930 in a formal address to the American people."

QUOTES FARLEY
"No one," he pointed out, "now disputes that the purpose of the proposal is so to expand the meaning of the Constitution as to give the Congress practically unlimited power, and consequently to restrict in proportion the powers reserved in the States and rights reserved in the people as individuals. The President has frankly made this plain—in his Victory dinner address to the American people . . . And, I may add, in passing that since these addresses were uttered, his political manager and personal friend, the Postmaster General, the Honorable James A. Farley, has publicly boasted of the President's control over Congress. 'We,' he said, 'will call the roll, and all will be O. K.' Having a Congress that will enact legislation, a Supreme Court is needed to square the Constitution with it in order that the will of the President may be supreme in our republic. It will be had whenever 'we' call the roll."

"Over against this I have no choice: I must exercise my office to preserve constitutional representative democracy."

Senator Bailey explained that Congress has the power to determine the number of justices, to provide the funds necessary to maintain the Court or to reduce them, to withhold funds necessary to enforce the decrees of the Court—"But I know that good faith with the oath to support the Constitution requires of a Senator that he shall not exercise those powers to affect the tenor of judicial determinations."

SAYS ASSEMBLY FAILED

"I am sure the General Assembly did not request me to support the bill referred to solely because the President recommended it," he wrote. "This might be inferred from the first paragraph of the preamble. But its record is far from being one of supine acquiescence. I recall that the President requested that the General Assembly ratify the so-called Child Labor amendment, which it refused to do; and also that the administration sent five bills to the General Assembly with representatives to urge their passage, and that of these five only one was enacted. No criticism is intended here. In the General Assembly as in the Congress, a legislator must do his duty as he sees it. The responsibility is upon him, and he cannot shift it either to President or to what he conceives to be the popular opinion. . . .

"If the powers reserved to the State of North Carolina ought to be impaired, if the rights reserved to the people in North Carolina, as individuals, are to be abridged, if the powers of President or Congress ought to be increased, there is a way provided, and that way is

Uncle Jim Says



Grasses and legumes check costly soil losses and help provide plenty of cheap feed for livestock.

the submission of an amendment to the Constitution for ratification by State conventions or State Legislature. The State itself must act the State and none other. This is the way the Democratic party proposed; it is the way the people approved in the election of 1936; it is the way the Constitution provides; it is the way to preserve democracy; and there is no other way for me."

Dance, Theatre Party Optional at Junior-Senior Banquet

Affair Open To Students From All Classes

ALUMNI ASKED

(From The Pioneer)
"Those who do not care to go to the dance after the junior-senior banquet may as in years past enjoy the picture at the Capitol theatre at the expense of junior class," stated E. K. Whitener, President of the junior class today.

In this manner those who do not dance will have entertainment provided for them after the banquet has ended. However few are expected to take advantage of the opportunity to journey to the cinema, as most of the guest undoubtedly will dance to the strains of either Jimmie Livingston's, Freddie Johnston's, or Jack Wardlow's orchestra. None of these outfits have been definitely chosen as yet.

The program of the affair as released today is as follows: banquet, seven to eight-thirty; dance, from nine to one, with intermission from eleven-thirty to midnight.

The Dance Committee hope to arrange a program dance before intermission, with the customary "cut" following the intermission. In this manner both the northern and southern students will enjoy their own style of dancing.

From present indications, judging by reservations to date, this dance will be the largest ever to grace the college gym. Alumni and other outsiders have been invited to this prom, and many are expected to be present.

The dance will be novel in the fact that freshman and sophomores, who in previous years would only attend a junior-senior on a bid, may now attend the dance upon payment of script.

The committee released by Mr. Whitener follow:

Publicity committee, Lawrence Zeger, chairman, Charles Clark, Naomi Rendleman, Elizabeth Manning; Ticket Committee, Henry Fairley, chairman, Dorothy Hedrick.

Decorations committee, Caroline Groff, chairman, Lawrence Leonard, Ralph Frantz, Arthur Geschwind, Lawrence Zeger, Edgar Barr, Lorene Graham, Jerry McMillan, Ida Whisenant, Joyce Lefler, Eugenia Sigmon; Menu-Favors, Charlotte Eves, chairman, Helen Arthur, Helen Craven and Dorothy Craven.

Invitations, Helen Baer, chairman, Marian Blodgett, Virginia Wyand Catherine Rabb, Rebecca Hedrick, Louise Snively, Alta Ruth Martin; Dance Committee, E. K. Whitener, chairman, Janet Brown, Brownie Fesperman.

Tickets at dance, E. K. Whitener, chairman.

Tickets at banquet, Carlton Brodbeck, chairman and Otho Moose.

Arrangement committee, Helen Arthurs, chairman, Charlotte Eves, Frances Hinkle.

New Group Of Student Government Officials



The recently elected student government officers, committee chairman, representatives, and editor are shown above as they posed for the Post photographer the morning following their election. They are, left to right, (front row) Lawrence Zeger, senator; Margaret Fink, senator and female representative to the Athletic Council; Eleanor Newman, secretary; Henry Fairley, vice-president; Edgar Barr, president; Ida Whisenant

senator; Charlotte Eaves, senator; Arthur Seschwind, Campus Day chairman; (back row) John Lundholm, senator; Dr. Donald Dearborn, faculty advisor; Dr. Milton Braun, faculty advisor; Charles Monroe, treasurer; John Church, runner-up for the treasurer's position; Fred Brown, senator; and David Scoblely, 26. (Photo by the courtesy of the Salisbury (N. C.) Evening Post.)

High Schools Compete In Clothing Contest

(From The Pioneer)

The annual clothing contest for the Home Economic classes of Salisbury and Rowan county was held in the college auditorium Thursday, April 15, at 2 o'clock. There were 95 competing for the three prizes which were presented by President Omwake.

The prize winners were: Edith

Lyerly, Granite Quarry, three dollars for best dress by first year student; Evelyn Linn, Landis, three dollars for best cotton or linen dress by second year student; Ruth Park, China Grove, four dollars for the best silk or wool dress by second year student.

Negro farmers in Moore County have organized a garden club to promote the growth of a home supply of vegetables among members of their race. The county agent of Watauga County has assisted in a survey of the county in regard to establishing rural electric lines.

Senior Class Names Whitener As Head

(From The Pioneer)

E. K. Whitener was unanimously re-elected president of the Senior Class for the coming year. Mr. Whitener is from Gastonia and is outstanding in student activities on the campus. Other officers of the Senior class for the next year are, Arthur Geschwind, vice-president; Ida Whisenant, secretary; Mary Brown Fesperman, unanimously elected treasurer.

BUILDING GAINS 87.2 PER CENT

(Continued from page one) crease of 32.1 per cent over February and 36 per cent over March, 1936.

In the first quarter of this year as compared with the same period of 1936, New York City building jumped from \$40,560,851 to \$81,795,839; Boston from \$1,900,011 to \$8,563,062; Detroit from \$5,993,351 to \$12,143,716; Chicago from \$3,946,258 to \$8,276,260; Los Angeles from \$10,868,266 to \$21,014,284, and Philadelphia from \$3,213,469 to \$10,913,151.

MANY VALUES NOT RECORDED HERE

3 DAY FOOD SALE

FRIDAY SATURDAY MONDAY

TAKE ADVANTAGE OF THESE VALUES

ROYAL ASTOR LARD	8 lb Carton	\$1.05
MEATS	PET OR CARNATION MILK, 3 tall or 6 small	19c
SLICED Bacon, lb . . .	ALASKA PINK SALMON, tall can . . .	10c
25c	40-60 WATT BULBS, each	5c
SMALL Wieners, lb .	10c ST. JOSEPHS WAVE SET, bottle . . .	7c
19c	WAXED PAPER, 10c roll	5c
TENDER Steak, lb	RICE, lb	5c
17c		
MIXED Sausage, lb .		
15c		
	Flour	24 lbs. 89c
	LASH BROS.	
	125 E. COUNCIL ST. WE DELIVER PHONE 9193	