

# Fair Comment and Criticism

## THE DAILY NEBRASKAN

THIRTY-SIXTH YEAR

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### Whose Opinion Is 'Student Opinion'?

An earlier editorial began with the sentence: "The Nebraskan is supposed to reflect student opinion." A good mirror does not alter or distort the object it reflects, so another editorial indicated that the Nebraskan would continue without a professed policy "until experience dictated a change."

On this basis, the first editorials were written. An attempt was made to interpret student opinions, tack on accompanying arguments, then hold them up for discussion. The Student Pulse, we had hoped, would furnish an arena in which to drag out the main issues, clarify the arguments, and arrive at a fair conception of the opinions held by most students. But "student opinion" is too elusive an article to cast into type metal, so experience dictates a change.

Nebraskan editorials will continue in an attempt to interpret "student opinion" on those issues which are of greatest concern to the student body. But we will no longer lay claim to the title of "sounding board"; many issues demand that the column support a definite side. When the subject involves the interests of the university or the student body as opposed to another group, student interest will be our first concern. But on issues within the student body, the Nebraskan will pursue that policy it believes to be the right one, whether or not it represents the opinion of the majority of students.

In conjunction with this change of policy, we announce the formation of an editorial board of

seven students, which will determine any major points of issue. These associates include the two managing editors and four undergraduates in the school of journalism.

### Publicity Will Remove False Impressions

Whether or not the Student Pulse by G. W. M. proves that students value their "cooking hour" more than their studies makes little difference here; there will always be a lack of seriousness in a great part of any college population. But the mistaken impression held by the contributor and his parents, as well as any number of other alumni and citizens of the state, deserves the attention of every student.

The Student Union building has not and will not hinder the university's opportunities to secure new library and classroom buildings—if students will make the fact known. The union building is a student project. Student agitation made it possible; student assessments will finance that part of the cost not included in the government grant. No government donation was available for a new library, so the university is fortunate in securing the union building, if for no other reason than the added space in scattered classroom buildings now taken over by student activities.

That such an impression exists points again to the lack of contact between the university, the student body, and the state. An educational institution, it would seem, would be the first to realize that it is necessary to educate the people of the state to our needs before they are filled.

## Student Pulse

### Oppose the Union.

To the Editor:  
 At home last week, I was told by my parents that the alumni association was seeking to raise money through donations, to furnish the new union building. As the building will be used for primarily social purposes, dad's reaction was: "I think I'm going to chip in to give students another place to waste time, when they needed library and classroom buildings twice as badly. They have another guess coming."

The alumni, taking the far-sighted view that we need a library more than a union building, are right, and it seems an indictment of the student body as a whole that none of them take the same view. Instead, they hail this new monument to "the cooking hour" as the greatest thing that's come to the campus in years.

G. W. M.

### The Heat.

To the Editor:  
 Columnist Sarah Louise Meyer ostensibly attempting to startle her rather indifferent following, offered in the February 19th edition of the Daily Nebraskan, a reply to concerning sex and the unlightened university male. Charming, cynical, free-thinker Meyer subtly leaves the impression that in this case the horse and barn dog gag might be applied, and imparts to the entire episode the flavor of dull immorality usually associated with small boys and green apples.

As an interested and thoroughly unimpaired observer of the film, "For All Our Sakes," the writer can say with authority that the "lad" in question faints, not for the reason the columnist so delicately advanced, but because the room in which the film was projected could have been no more suffocatingly hot than the famous "Black Hole of Calcutta."

R. H. M.

### More and More About the Court.

As a believer in peace and harmony, may I ask for a cessation of the controversy over the Supreme Court which threatens to destroy the intellectual serenity of the Nebraska campus? Though this serenity is indistinguishable from torpor, we should prefer torpor to the disunity which follows in the wake of controversy. There are affairs of importance approaching on the Nebraska campus, i. e., the Junior-Senior Prom and the election of the Queen of May, which demand our undivided attention. As Abe Lincoln said at Valley Forge, "to the breach, fellow-countrymen." "United we stand, divided we fall." (One of the prerequisites to a discussion of the supreme court is a good quotation, or misquotation, from some eminent statesman. With these thoughts in mind, let us sum up the controversy concerning judicial reform, and then dismiss it from our minds for once and all.)

1. The president's measure provides for an increase in the size of the supreme court, an

increase which is dependent on the decision of the Justices over 70 to resign or retire. Any increase, however, is permanent, and the size of the court is not reduced by the subsequent retirement or death of Justices over 70. (There seems to be some confusion among the adherents of the plan on this point.)

2. The retirement provision calls for service of 10 years, continuously or otherwise, a phrase designed to catch the Chief Justice, Mr. Hughes, who has not had 10 years of continuous service.

3. The measure does not establish a compulsory retirement system (impossible under the "good behavior" clause of the constitution) or remove from the court the power to declare laws unconstitutional.

4. The belief that the president would appoint "rubber-stamps" to the court implies too little or too much wisdom to the executive. I don't know which. That he would attempt to appoint "liberals," no one doubts, but his success is not assured. President Wilson, who led his people into the glories of the "new freedom," appointed Justice McReynolds. President Coolidge appointed Justice Stone, a conservative who had adopted, or been forced into, a liberal position; and President Hoover appointed Justice Cardozo, the supporter of the New Deal. Certain suggested appointees of President Roosevelt are New Dealers whose liberalism does not go very deep: Attorney-General Cummings, Senator Joseph W. Robinson, even Prof. Felix Frankfurter. The security, comfort, and life-long tenure of a supreme court berth are dissolving powers enough to eat away the thin New Deal varnish which coats certain persons high in administration circles.

5. The provisions for "new blood" in the court are at the heart of the president's proposal, and thus the measure's fundamental purpose is to pack, or more accurately, repack, the supreme court. It is not certain that the court is behind in its work, or does not perform it thoroughly enough. It is even less certain that the remedy proposed would solve difficulties of overburdening, present or anticipated.

6. The situation to which the measure is directed is an accidental, since it depends on chance factors. No justice has died or retired during President Roosevelt's administration, and hence the movement which resulted in the two elections of President Roosevelt has had no opportunity to be reflected, directly, in the policies of the supreme court.

7. Though a conservative or reactionary court is a block to a progressive administration, a progressive or radical court is not a block to conservative administration, unless that conservative administration attempted to interfere with civil liberties. Generally speaking, conservative administrations seek to preserve the status quo, and the court even if it were so minded, could not exercise its negative veto over something which was not done. But a progressive administration attempts to alter the existing state

of affairs by positive legislation, and thus runs headlong into a court minded to retain the older order of things.

8. There are several views as to the nature of judicial review, of which we need mention but two. The classic, or conventional, view regards judicial review as an automatic process into which the judge's economic and political philosophy do not enter. This view is expressed by Justice Roberts in the majority opinion of the A. A. A. case where he explains that the justice sits down with the constitution in one hand and the legislation in the other and merely by comparing phrases determines if the proposed legislation is within the bounds of the constitution.

The second explanation of judicial review, variously called the sociological, scientific, or realistic, holds that the line of demarcation between what is constitutional and what is not is determined, not on strictly legalistic, or logical grounds, but according to the philosophy of the justice, according to his political, social and economic beliefs, according to his own idea of what legislation should be enacted.

These views are inconsistent with each other, but it is interesting that they are sometimes expressed by the same person in a single statement. Thus conservatives, who generally adhere to the former theory, explain that the process of judicial review is an automatic process which should be exercised by an independent (i. e., unaccountable) judiciary, and at the same time cry out that President Roosevelt is attempting to pack the supreme court with persons who hold his own political and economic philosophy. If the process is automatic, what has philosophy to do with it? Adherents of the proposed reform also attempt to merge these views: They ask for a continuation of judicial review on the ground that review is automatic in nature, and yet believe in packing the court. If the court automatic view of the judicial review is to be packed according to the review? Persons who hold the process usually turn to unanimous decisions of the court which review the constitution in nature, and yet believe in packing the court. If the court automatic view of the judicial review is to be packed according to the review? Persons who hold the process usually turn to unanimous decisions of the court which review the constitution in nature, and yet believe in packing the court. If the court automatic view of the judicial review is to be packed according to the review? Persons who hold the process usually turn to unanimous decisions of the court which review the constitution in nature, and yet believe in packing the court.

Though I have tried to make this discussion somewhat bi-partisan, I have no hesitation in making known my own line in the matter. I adhere to the sociological theory, am not convinced of the necessity of judicial review, but believe that if our court is to overrule the elected representatives of the people, its membership should be "packed" according to the trend of the times, as reflected in the regularly-held elections. One further point might be mentioned: The NRA decision is not as compelling as it is sometimes made to appear. First, there were two points at issue, the delegation of powers and the regulation of interstate commerce. Had the latter issue been considered separately we may well believe that the court would have been divided as it was in the AAA or the railroad retirement case. Secondly Cardozo's strong words "delegation run riot" must be set in their historical context. Cardozo had opposed the other justices in the preceding "hot oil" case on this very question of delegation of power, and it was only

natural that he should distinguish his apparent reversal of position between the hot oil case and the NRA case by sharp words.

—Thomas Larson.

Dear R. H. M.:  
 We are grateful for your defense of the unconscious attendee at the "For All Our Sakes" movie. We are grateful, too, for your calling our statements "delicate." And we are doubly grateful for this verification of the incident; many readers took it as a product of the imagination.

Our role in recounting the incident was merely that of the disinterested reporter. If there are any subtle insinuations in the piece they have been read into the story. Our conscience is free, my boy.

It was almost unbelievable the changes wrought in the Cornhusker ballroom for the Great Cathedral vespers Sunday. The party atmosphere of hilarity and noise, rowdiness and hanky panky was magically supplanted by a reverent, churchly stillness. It was not alone the physical transformation of the hall with velvet drapes, tall tapers, and the worshipful dignity of the entire service imbued the room and all within with a great peace.

We noticed many other disbelievers in the congregation. We are sure they were all moved in spite of themselves by the brief but meaningful worship. We glimpsed a great ideal in the achieving; religion minus the doodads and bias that too often strangle it. If that be orchids, Great Cathedralists, accept them from a humble admirer.

### Mrs. Osa Johnson to Lecture Here



Continuing alone the career of husband in all his travels in the explorer and lecturer she formerly of the Borneo Islands of the South Seas, carried on in collaboration with her husband, Mrs. Martin Johnson with Johnson's duty to stand guard with make a personal appearance at the rifle ready to stop charging coliseum Tuesday evening, March animals, when they approached 2, in connection with a showing of dangerously close to Mr. Johnson "Jungle Depths of Borneo," then he operated his cameras. Work-motion picture account of the mosting together in this fashion, the recent Martin Johnson expedition. Martin Johnson secured many re-Martin Johnson was killed recent-markable action pictures of wild life in an air transport crash which animals.

Mrs. Johnson survived. Mrs. Johnson appears under the Mrs. Johnson accompanied her auspices of Florence Gardener.

### AG-Y CLUBS TO HOLD THIRD JOINT SERVICES

Meeting Centered Around Study of 'Sunday of Passion Week.'

"Sunday of Passion Week" will be the theme of the third joint vespers service of Ag college Y, M. C. A. and Y. W. C. A. organizations, to be held Tuesday, Feb. 23, in the home economic parlors, beginning at 5 o'clock.

This meeting is one of a series of meetings which are centered around a study of Passion week, and which will continue until Easter. Leaders for the Tuesday meeting are Lillian Rowher, Marian Cushing, Wesley Dunn, and Donald Magland. Special music will be furnished by the combined Y. M. Y. W. choir.

### STAFF PRESENTS NEW FEATURES IN LATEST AWGWAN

(Continued from Page 1.)  
 is renovated with the use of capital letters on proper names, thus better enabling those concerned to find their cognomens. "Theater," "Entertainment," "On and Off the Campus" and a list of other features completes the issue.

Liberty is sponsoring a short story contest. So is the Awgwan. The editors announce that the sum of one dollar and fifty cents (\$1.50) will be given to the author of the best short story submitted. A candid camera contest is also being carried on.

Business Manager Charles Tanton states that many new and unusual ads will appear in this issue. During the Christmas vacation, Tanton went to New York as a guest of several companies which plan to do considerably more advertising in the Awgwan. Their ads, Tanton states, are now coming thru, and many new and unusual features appear in the current issue.

### MORITZ ANSWERS STUDENT QUERIES ON FOREIGN JOBS

(Continued from Page 1.)  
 ppines, now that the islands are approaching independence. Nebraska students interested in Puerto Rico are advised to teach in the Virgin Islands and may write to the governor there, whose headquarters are at St. Thomas.

"Anyone interested in the missionary schools under the supervision of the American Board of Foreign Missions of South America, Africa, China, and many of the islands will receive information thru the teacher placement bureau at the university," stated professor Moritz. Most of Nebraska teachers in the foreign service are in the Philippine public schools.

### MORTAR BOARDS TO HONOR 475 AT SCHOLARSHIP TEA

(Continued from Page 1.)  
 Gons, Mary Yoder and Erma Bauer, freshmen; Marilyn Peterson, Elsie Buxman and Rowena Swenson, awards; Barbara DePatron, invitations; Jeanne Palmer and Margaret Philippe, entertainment; and Elinor Clizbe, publicity.

In the receiving line for the tea will be Miss Amanda Hoopner, Mrs. Fred Coleman, national president of Mortar Board, and officers of the active chapter, Jean Wait, president; Mary Yoier, vice president; Elsie Buxman, secretary; Rowena Swenson, treasurer, and Erma Bauer, historian. Honorary members of Mortar Board who will pour are Miss Elsie For Piper, Miss Ada Westover, Miss Margaret Fedde, Dr. Eina Schrick, Miss Florence McGabe and Miss Kate Florida.

Members of Alpha Lambda Delta, freshman scholarship honorary, will assist with the serving.

### Browsing Among the Books

#### Poetry and The Physical

BY BERNICE KAUFFMAN.  
 To you who read A. E. Housman's "A Shropshire Lad" and liked it, who read "Last Poems" and liked it even better, and who are scouting about now, trying to get his posthumous volume "More Poems," we suggest the reading of the little book by him called "The Name and Nature of Poetry." It was originally a lecture delivered at Cambridge university, but has since been printed in book form.

Housman discusses what good poetry is and what good poetry is not with examples drawn from English poets. It is his contention that poetry is more physical than intellectual. His own reaction is: "Experience has taught me, when I am shaving of a morning, to keep watch over my thoughts, because if a line of poetry strays into my memory, my skin bristles so that the razor ceases to act."

As it wasn't earthly enough he breaks our pious notion of how poetry is written: "Having drunk a pint of beer at lunch—beer is a sedative to the brain—and my afternoons are the least intellectual portion of my life—I would go out for a walk of two or three hours. As I went along, thinking of nothing in particular, only looking at things around me and following the progress of the seasons, there would flow into my mind, with sudden and unaccountable emotions, sometimes a line or two of verse, sometimes a whole stanza at once, accompanied, not preceded, by a vague notion of the poem which they were destined to form part of."

### HUSKER DEBATERS GET TREAT AT CHICAGO'S HOBO COLLEGE.

(Continued from Page 1.)  
 bated that he would be allowed three minutes in which to present his side of the controversy. More than a dozen hoboes did present their opinions. Arguing questions dealing directly with the question of the debate to socialism and what tended to be communistic, the members of the International Order of Hoboes spoke freely and fluently of their ideas.

"These men were a friendly group but also a serious group," William Curtis said. "It was surprising the amount of information that these men possessed. They could talk unhesitatingly and could all express themselves freely. Particularly, their arguments centered around principles of life and they believed that the common man should have more liberty and freedom."

Educated in Chicago.

### PICKS 14 TO BEGIN COMMITTEE WORK PRESIDENT BAKER

(Continued from Page 1.)  
 that next year's class and classes following can succeed in establishing better class organization," Baker continued.

Unite Both Campuses.  
 "It is the work of this committee to unite the seniors of the city and ag campuses," remarked Baker. "The faculty has expressed its cooperation on any worthwhile program the senior class decides upon. They will be glad to work with us."

This committee on senior class organization will meet in the middle of this week, Baker added, in

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an attempt to work out this problem that confronts every senior class. "It is their wish at least to lay the foundation for future classes," Baker continued, "leaving something for the betterment of the university when we leave."

Due to the size of the senior class, Baker remarked, it would not be possible to have all seniors together in one time and at one place. Therefore, it will be the task of the senior committee already appointed to begin work. "Other committees will be appointed after the organization committee has met and laid its plans for the semester's work," concluded Baker.

### R. RAMSEY COMMENDS ALUMNI ATTITUDE ON STUDENT UNION FUND

(Continued from Page 1.)  
 wrote: "I understand you are raising money for a Student Union building. I think it is a fine idea." With the letter was his check for \$10.

Prof. M. D. Weldon, instructor in agronomy, does not favor a Union building. He would rather see a new library or classroom building erected. Only one dissenter was encountered by Secretary Ramsey on his tour. A wealthy Denver alumnus was still annoyed because he couldn't get a seat on the 50 yard line for the Pittsburgh game last fall. He finally tendered a \$3 donation which was declined.

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