

ORAL HISTORY 01-76-12 PT. 2

Senator Sam Ervin

University of Alaska campus

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Bartlett Lecture Program

Senator Sam Ervin said our founding fathers gave us the Constitution. They intended it to endure for the ages as the rule for the guidance of government for public officials and the people alike. We sometimes think of America as being a comparatively young nation and yet our Constitution is now the oldest continuously existing instrument of government on the face of the Earth. It should endure for the ages. The Constitution has provisions in it whereby it can be amended to remove from it defects which may be discovered. In the second place the grants of power which the Constitution grants to government which it enshrines for the benefit of the individual and the limitations which it places upon government extend into the indefinite future. For that reason our Constitution should endure for the ages as a rule for guidance and government of offices and people alike. The third freedom given in the Constitution to enable us to pursue happiness is political freedom.

Ervin said God gave man a brain and placed him in surroundings which has challenges. This great university provides training and education to students to employ their intellect. He said you should try to learn something as long as you live. He said fortunate is a man or woman who adopts this as the principle of life. He said it is difficult to recognize the truth proclaimed by history. In the generations preceding the writing of the First Amendment the British government undertook by law to suppress the free use of the mental faculties by the men and women of England. They did not want dissent in the matters of government. They did not want dissent from religion as taught by the state church. England had the law of seditious libel. Under this law any Englishman who criticized the king, parliament, or the courts of any government official is guilty of seditious libel. Truth was no defense. This seditious libel law was brought to America by the colonists from England. There was a great struggle for freedom of the mind. The first amendment gives every American the right to think about anything a person wants to. This also included speaking or publishing as long as it did not false or libel another, constitute obscenity or obstruct the administration of justice or legislative bodies in their functions and did not incite others to commit crime. These are the intellectual freedoms that the Constitution gives us. The fifth great freedom operates in the field of religion. Mankind is innately religious and desires to worship God. The same forces to prevent Englishmen from having freedom of the mind prevailed in the field of religion. England had a state church and all Englishmen were required to worship in that church and to pay taxes to the support of that church. Our Constitution has a provision in it that no religious tests of qualification to hold office shall ever be recognized in the United States. Jefferson created a statute for religious freedom in Virginia. Ervin reads the epitaph that is found on the gravestone of Jefferson. Jefferson had fought for the creation of the University of Virginia. He had fought for intellectual and political and religious freedom.

Ervin said the five great freedoms of economic freedom, personal freedom, political freedom, intellectual freedom and religious freedom are the great freedoms which enable us to pursue happiness and gives to every American the opportunity to make anything of himself or herself that is desired. Ervin said there are many in America that dislike people to exercise these freedoms. He quotes Oliver Wendell Holmes. Ervin said the contest between freedom and tyranny never ceases. He quotes Rudyard Kipling from his poem Old issue. Ervin said the men who framed our Declaration of Independence and our Constitution created these freedoms for us, but have many enemies. The men through our Constitution gave us two warnings. The first is eternal vigilance is the price of liberty. The second is that a frequent recourse to fundamental principles is absolutely necessary to preserve the blessings of liberty. Ervin said in our bicentennial year we should take occasion to return to these fundamental principles. We should exercise eternal vigilance. Ervin quotes Judge Learned Hand's speech Spirit of liberty. Ervin said as Americans in the bicentennial year we should dedicate ourselves to make the love of liberty to burn and glow and live in the hearts of the men and women in our country. Ervin quotes Daniel Webster and Justice Sutherland. Ervin said the greatest obligation that rests on you and me as Americans is to be always ready to guard and defend these five great freedoms that enable us to pursue happiness. He believes this is the finest thing we can do for ourselves, our children, our children's children and our country.

William Wood invited people to ask Senator Ervin questions.

Sam Ervin said he would like to make them a promise and give them a warning. He would not plea the Fifth Amendment but he might plea ignorance. His warning arises from a speech that a politician was making. When the politician stopped to ask himself a question when someone from the audience spoke up and said don't do it because you'll sure to get a fool answer.

Someone from the audience asked a question about Richard Nixon. Ervin said he thought Nixon's trip to China was a very unwise thing. He talked about the powers that brought Nixon there were still in power.

A question from the audience about citizen responsibility and obligation. Ervin said there isn't anything in the Constitution about that but Congress was given the power to pass laws which puts responsibility on the people.

Question could not be heard. Ervin thinks too many officials spend time reading political platforms instead of thinking.

Question about Ervin voting against statehood for Alaska. Ervin said the Supreme Court of the United States has held that every state must be admitted into the union on the basis of equality with other states. He was in favor of statehood for Alaska, but he was not in favor of the provisions of the statehood bill. The statehood bill reserved the right of control over resources of Alaska for the federal government. It even gave the federal government the power to withdraw some of the land included in the state. That was compelling Alaska to come into the union on a basis which was inferior to that of every other state. Ervin thought it was a violation of the Constitution and felt that if Congress would reject that bill then Congress would pass a just and fair bill that gave the equality to Alaska that all the other states had enjoyed at the time of their admission into the union.

A comment from a member of the audience about land withdrawals in Alaska. Ervin said he thought the most appropriate remedy would be to work on Congress. He thought they might have to give them a lot of education so they would know what is fair.

Request from a member of the audience to comment on the Second Amendment. Ervin said the Second Amendment is somewhat confusing. The first part of it talks about a well-regulated militia bearing arms and the second part talks about the right to bearing arms. The Supreme Court has ruled that the only people who have the right to bear arms under this amendment are people in the militia or people that have arms that are suitable for a militia in times of war. He said if you disagree with that proposition you'll have to argue it out with the Supreme Court instead of him.

Question from a member of the audience about recent publications. Ervin said he has a respect for Bernstein and Woodward and related investigating the Watergate affair. He asked Bernstein and Woodward to come and visit him. He asked them what they suspected had happened and who they suspected was involved. It turned out they were right. He commented on the Final days. He felt that the American people are entitled to the truth regardless of what the truth is. Any man who takes the office of the president of the United States loses his right to privacy. He said Bernstein and Woodward were within their right to publish what they did.