

ORAL HISTORY 01-76-12 PT. 3

Senator Sam Ervin

University of Alaska campus

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Bartlett Lecture Program

William Wood welcomed everyone to the Bartlett Lecture Program. He talked about praises for the Alaska Constitution. He said Senator Sam Ervin will be talking about the U.S. Constitution today. He introduced Sam Ervin.

Sam Ervin said it was a great privilege to be in the state of Alaska. The potential of Alaska is unlimited. He served in Congress with Bob Bartlett and thought he was one of the finest human beings. Bartlett loved Alaska, but also loved every other portion of the United States and was a great American. Bartlett enjoyed the affection and admiration of those who had the privilege to work with him. Ervin talked about retiring from the Senate.

Ervin told a story that explained the reason for the confusion in Washington. He told a story from the beginning of the century about two citizens. McDowell and Hennessy, who were both cross-eyed bumped into each other one day. One of them asked the other why he didn't look where he was going. The other one said it wouldn't make any difference because you don't go where you are looking. He said in Washington many people in high places don't look where they are going and the others don't go where they are looking and that accounts for the confusion. He said not everything in Washington isn't in a state of confusion. He told two stories. They had a republican congressman from Wisconsin named Frank Keefe and he had a caustic tongue. Frank didn't like democrats and a recently elected democrat from Wisconsin in particular. In those days the un-American Activities Committee was engaged in investigating communism. There was a congressman from New York, Vito Marcantonio who was reputed to be a communist. They had a resolution up one day to give 50,000 dollars of additional appropriation to the House un-America Activities Committee to further investigate communism. The young congressman from Wisconsin got up and read a very vigorous speech against the resolution. Somebody called for roll call and the call was sustained. It was apparent to the young congressman that if he voted like he spoke then he was likely to be recorded on the roll call that he voted with Vito Marcantonio. After making this very vigorous speech against the resolution he then voted for the resolution. After the roll call Frank Keefe rose and said Mr. Speaker in my old age I'm getting just a little bit deaf. Keefe said Mr. Speaker I couldn't hear how my able and distinguished and illustrious colleague from Wisconsin voted on this resolution. The speaker Sam Rayburn said he is recorded as in favor of the resolution. Frank Keefe said Mr. Speaker it is evident that the speech that my colleague made in opposition to this resolution was no more convincing to himself than it was to the intelligent members of this House. Sam Ervin said now I have told you what the republicans have said about the democrats and now he will tell them what the democrats said about the republicans. Ervin said when he got to Washington to serve in the House in 1946 his next door neighbor was congressman Charles La Follette

from Evansville, Indiana. Ervin got to know La Follette pretty well and learned there were two classes of people that he didn't like. The first were southern democrats and the second were orthodox republicans. Ervin said La Follette was the most liberal person he has known to be in the Republican Party. La Follette decided to run for the Senate in Indiana where they nominate in a convention. He went to Indiana and made speeches abusing the republican bosses and whose hands he was seeking the republican nomination for the United States Senate. When the convention met the inevitable happened and La Follette was soundly defeated. He then issued a statement to the press to the effect that he had decided that the Republican Party was not the vehicle by which progressive legislation could be obtained and therefore he was going to sever his connection with the Republican Party on the expiration of his term in the Congress. He said however he could not possibly be a democrat until the Democratic Party could get rid of its southern appendages. La Follette was back on the House floor the next morning. Congressman John Rankin from Mississippi arose and read a statement to the House concerning La Follette leaving the republicans, but not joining the democrats. Rankin said this reminds him of a friend of his down in Mississippi who loved to go to old cemeteries and read the epitaphs on the gravestones. Rankin's friend would always carry a pocket of chalk when he went into the cemetery so he could rub the chalk of indistinguishable lettering on the gravestones and make them readable. On one occasion Rankin's friend found the following epitaph: Pause thou stranger passing by, as you are now so once was I, as I am now you soon will be, but pause for death and follow me. Rankin said when his friend read that epitaph he felt like Rankin after he read Congressman La Follette's statement about leaving the Republican Party and not joining the democrats. Rankin's friend reached in his pocket and brought out a piece of chalk and wrote these words under that epitaph: To follow you I'll not consent, until I find which way you went.

Ervin said we have the greatest country on Earth. And the greatest possession of this country is not the vast domain and not the industrial empire. He said our greatest possession is not the army and navy. Our greatest possession as Americans is our Constitution. Eleven years before the Constitution was drafted and twelve years before it became effective the Continental Congress adopted the Declaration of Independence. In mid-June 1776 Richard Henry Lee of Virginia had introduced a resolution declaring that the thirteen original states of colonists were free and independent. The Continental Congress established a committee of five members (Benjamin Franklin, Roger Sherman, John Adams, Robert Livingston, and Thomas Jefferson) to write a document explaining in the event that Lee's resolution was adopted why the original colonist states had severed their political ties to England. On Jul 2, 1776 Henry Lee's resolution was adopted proclaiming America to be free and independent. Two days later the committee reported to the Continental Congress and they made public the Declaration of Independence. It had been written largely by Thomas Jefferson. It had slight changes by the committee of five. This Declaration of Independence is America's most eloquent state paper. It sets forth in detail why the thirteen original states were separating themselves from England and what they had done in an effort to bring about a reconciliation with England. The Declaration of Independence has very little philosophy in it. It does have "We hold these truths to be self-evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." Ervin said this portion of the Declaration of Independence caused in effect a pledge which the Continental Congress made to the American people that the Constitution which should be adopted for the government of America should secure to all Americans the right to pursue happiness. He said this is a very intrinsic phrase. The meaning of the

pursuit of happiness is very simple. Every man (in the generic sense) has certain absolute needs. As a physical being man needs food, clothing, shelter and material things. As a human being he longs for a measure of dignity and respect. As a political being man longs to have a voice in government. As an intellectual being he longs to use his brain freely without restraint. And man wants to have the privilege of worshipping his own God in his own way. The effort and quest for the satisfaction of these needs and ambitions is the pursuit of happiness.

The men who wrote our Constitution redeemed the pledge which the members of the Continental Congress had made to them when they adopted the Declaration of Independence. They set forth in the Constitution in varying phraseology the five great freedoms to enable all Americans to pursue happiness. They were willing to recognize an economic truth - the Earth yields nothing to man except the products of his own labor. They also recognized psychological truths in respect to labor. They knew that Adam's curse is an unchanging and unchangeable law of life. They adopted a constitution whose phrase that government should not deny any person life, liberty, or property except by due process of law. In the phrase liberty they gave to every American the right to pursue the occupation of his choice without the consent of government. They also recognized that free men cannot be induced to produce goods or services of value without incentive. The incentive which they secured for America to produce goods and services of value was the constitutional right that they retain a fair share of fruits of their labor for themselves, their families and the causes they hold dear. This is the free enterprise system. This has worked so well it has made America the greatest force and the greatest economic power the Earth has ever known. The first of the five great freedoms that the Constitution secures for us is economic freedom.

The men who wrote our Constitution recognized that man does not live by bread alone. Man has human desires for dignity and respect. They added a second freedom for Americans to secure happiness. It might be called individual freedom. They decreed in the Constitution that no American should be subject to unreasonable personal restraints and imprisonment. They secured for us the great writ of habeas corpus in the Constitution that any American would have a right to contest before a judicial tribunal. They gave the average American the right to travel anywhere within the borders of our land. The American people are the most mobile on Earth. He said people in Alaska will see more and more people visiting this portion of the Earth. He talked about the beauty of Alaska. They gave man the right to marry, establish a home and raise children. As a part of the freedom they may take any course of action to help him to successfully pursue happiness as long as he does not interfere with the pursuit of happiness on the part of others.

The Constitution they framed gave every American the right to have a voice in the government which rules over him. Under the first amendment every American has the right to peaceful assembly and to petition government for redress of grievances. The men who created our Constitution realized some great truths about government and man. He recommends everyone reads George Washington's farewell address which included a discussion of the separation of the three powers of government. He discussed how this relates to Watergate. He said this shows the wisdom of the founding fathers of dividing the powers of government. Ervin discussed the government of laws. The authors of the Constitution were determined that we would have a government of laws rather than a government of men. He said one of the things that came out of Watergate was a decision by the Supreme Court that the president was subject to the laws just like all the rest of the people.