

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION
RATIFIED BILL

RESOLUTION 16
HOUSE JOINT RESOLUTION 1077

A JOINT RESOLUTION HONORING THE LIFE AND MEMORY OF FORMER
UNITED STATES SENATOR SAMUEL JAMES ERVIN, JR.

Whereas, Samuel James Ervin, Jr., was born in Morganton, North Carolina on September 27, 1896, one of ten children of Samuel James Ervin, Sr., a self-taught lawyer and Laura Theresa Powe; and

Whereas, Samuel James Ervin, Jr., attended the public schools in Morganton, The University of North Carolina at Chapel Hill, and, after a tour of duty in France during World War I during which he was twice wounded and decorated for valor, he attended Harvard Law School; and

Whereas, Samuel James Ervin, Jr., returned to Morganton in 1922 where he married his sweetheart, Margaret Bell, and started a law practice with his father; and

Whereas, Samuel James Ervin, Jr., was elected to represent Burke County in the 1923, 1925, and 1931 Sessions of the General Assembly; and

Whereas, Samuel James Ervin, Jr., was Judge of the Burke County Criminal Court between 1935 and 1937 when he was appointed to the Superior Court by Governor Clyde R. Hoey; and

Whereas, following the death of his brother Joseph W. Ervin in 1945, Samuel James Ervin, Jr., was elected to replace him in the United States Congress where he took his seat on February 4, 1946, and served for six months; and

Whereas, Samuel James Ervin, Jr., was appointed in 1948 as Associate Justice of the North Carolina Supreme Court where he served until he was appointed to the United States Senate on June 5, 1954, by Governor Umstead to replace Clyde R. Hoey who had died in office; and

Whereas, Samuel James Ervin, Jr., served in the United States Senate until January 3, 1975, when he retired from public service and returned to Morganton; and

Whereas, Samuel James Ervin, Jr., died in Winston-Salem on April 23, 1985; and

Whereas, Samuel James Ervin, Jr.'s wit, knowledge, and character are probably best expressed by some of the statements that he made during his long and illustrious public career:

During a debate in the General Assembly in which he helped defeat a bill that would have prohibited the teaching of evolution in the public schools, he said:

"Such a resolution serves no good purpose except to absolve monkeys of their responsibility for the human race."

In 1961, as Chairman of the Civil Rights Subcommittee of the Senate Judiciary Committee, he said during a filibuster on a civil rights measure:

"We will not fool history as we fool ourselves when we steal freedom from one man to confer it on another."

In describing laws enacted under the United States Constitution, he said:

"The only laws that can be enacted under the Constitution are laws which have an equal impact on all people."

In describing the United States Constitution, he often quoted British statesman William Gladstone, saying:

"The American Constitution is the most wonderful work ever struck off at a given time by the brain and purpose of man."

On President Nixon's initial refusal to let his aides testify in public before the Senate Watergate Committee, he said:

"Divine right went out with the American Revolution and doesn't belong to White House aides. What meat do they eat that makes them grow so great? I am not willing to elevate them above the great mass of the American people. I don't think we have any such thing as royalty or nobility that exempts them. I'm not going to let anybody come down at night like Nicodemus and whisper something in my ear that no one else can hear. That is not executive privilege. That is executive poppycock."

When President Nixon refused to yield the tapes made in his office, he said:

"As long as I have a mind to think, a tongue to speak and a heart to love my country, I shall deny that the Constitution confers any arbitrary power on any President or empowers any President to convert George Washington's America into Caesar's Rome."

About his retirement, he said:

"When I retired, I told my colleagues, 'I've given you trillions and trillions of dollars of good sound advice, and you've taken about fifteen cents worth of it. So I'm going home'."

Whereas, Samuel James Ervin, Jr., is remembered by the people of North Carolina and America, by the great and the not so great, by the Democrats and the Republicans, some of whom have said:

"He loved the Constitution more than any man alive. He protected it during its time of greatest crisis and helped write history for our State and nation. He will truly be recorded as a towering historical figure. And all North Carolinians will forever be proud of him."- James B. Hunt, Jr.

"A courageous giant has fallen, but America is far better because of his life, his dedication and his unfailing fidelity to principles that deserve to survive."- Jesse A. Helms.

"He was not only a great lawyer and a great judge, but he was a great patriot. The thing that always impressed me about him - you couldn't say he was a conservative, you couldn't say he was a liberal. He always voted how he thought was right."- Joseph Branch.

"People were always very respectful of the way that Senator Sam approached issues with general, genuine good humor. He didn't take himself overly seriously. That's a good standard for those of us in political life to keep in mind, that you take the issues seriously and don't take yourself too seriously."- James G. Martin.

"So many Americans - they'll never know what he did. I think about all those years before Watergate when he was doing the same things: protecting individual freedom, saying military personnel had rights, federal employees had rights...He was responsible for the entire bill of rights for the American Indians."- Rufus L. Edmisten.

"He once told me that religion is the most potent force in the universe. It is not a storm cellar to flee the storms of life. Instead, it is an inner strength that enables us to face the storms with peace and serenity."- Homer T. Rickbaugh, minister.

"He wasn't the type of person to talk down to anyone. The way he talked to an elected official or a senator was the same way he talked to someone...he met at the grocery store or someone he met on the street in Morganton."- Bob Ervin, Samuel James Ervin, Jr.'s grandson.

"He liked to talk about Burke County in the old days; the bootleggers and the characters that we had so many of. He just loved people and liked to talk to them. He knew every farmer, every sawmiller, every walk of life, that man did, and he took interest in them all. He was a true friend. He will be sorely missed."- Glenn Fox, Morganton barber.

Whereas, Samuel James Ervin, Jr., will be sorely missed;

Now, therefore, be it resolved by the House of Representatives, the Senate concurring:

Section 1. The General Assembly of North Carolina expresses its appreciation for the life and public service of Samuel James Ervin, Jr., and honors his memory.

Sec. 2. The General Assembly of North Carolina extends its deepest sympathy to the family and friends of Samuel James Ervin, Jr., for the loss of a beloved husband, father, grandfather, and friend.

Sec. 3. This resolution shall become part of the public records of this Session of the General Assembly and a copy of it shall be certified by the Secretary of State and transmitted to the family of Samuel James Ervin, Jr.

Sec. 4. This resolution is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of May, 1985.