

To the Circus with the Organ Grinder

The moment was quintessential Sam Ervin. At the end of a morning's testimony by Nixon Campaign Aide Fred LaRue, Ervin leaned forward in his chair, his 76-year-old face a complexity of darting eyebrows, eyes intent but somehow distracted, and launched into a summary of what the Watergate hearings had taught him thus far. Haltingly, composing the phrases carefully in his mind, Ervin began in his broad Carolinian drawl: "Men upon whom fortune had smiled with beneficence and who possessed great financial power, great political power and great governmental power, undertook to nullify the laws of man and the laws of God for the purpose of gaining what history will call a very temporary political advantage. Those who participated overlooked one of the laws of God which is set forth in the seventh verse of the sixth chapter of the *Galatians*: 'Be not deceived; God is not mocked: for whatsoever a man soweth, that shall he also reap.'" A pause, and then the caucus room erupted into sustained applause.

With the customary swiftness of the McLuhan age, Sam Ervin has now entered American folklore. A Sam Ervin fan club has sprung up in California

and now has a national membership of 6,000. "Uncle Sam" T shirts, buttons and posters are on the market. The mailman hauls thousands of letters a day into Ervin's suite in the old Senate Office Building. One woman from Dallas even proposed marriage—and told the Senator that if he was not available, he could pass the note on to Tennessee's Howard Baker, the committee's other star.

As Ervin walks through the Capitol these days, tourists poke each other delightedly: "Look, it's him." Last week the Senator had his four grandchildren in town to attend the hearings. One evening he took them out to dinner at a restaurant on Capitol Hill and everywhere along the way he was stopped by people who wanted to shake his hand. A fundamentally shy man, Ervin is both pleased and embarrassed by all the attention. Said twelve-year-old Bobby Ervin, establishing that a talent for home-grown simile runs in the family: "It's like going to the circus with the organ grinder."

He has not endeared himself to everyone, of course. Critical letters have come in. Some Republican Senators are snarling about him from the background. Critics complain that Ervin is

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ERVIN'S GRANDSON BOBBY

more out to get Nixon than the truth. But his image of constitutional integrity, his country humor and deftly self-mocking senatorial grandiloquence have turned him into a major American personality.

The daily grind of hearings under bright television lights is hard even for younger members of the committee. Hawaii's Daniel Inouye, 48, feels fatigued at the end of the day and suffers from severe headaches. Ervin seems to be surviving well. He husbands his strength. Ervin and his wife of 49 years, Margaret, still live as quietly as ever in their two-bedroom apart-

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ment a few hundred yards from the Capitol. The Ervins have been forced to get an unlisted phone number. The Senator still goes to sleep at his customary 11 p.m. He gets up at 8, has a hearty breakfast and then, as always, walks to his office, which is ten min-

utes away. Since the hearings began, he has been accompanied around the Hill by two plain-clothes Capitol policemen. At first, the guards embarrassed him, but now he likes their help in getting through the crowds of summer tourists.

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Ervin makes no elaborate preparations for the hearings. He deliberately does not read the staff briefs on the witnesses' closed-door testimony. "I find it's better to hear the witness himself," says Ervin. Before the hearings, Chief Counsel Sam Dash does consult with the Senator on the witnesses and briefs him generally on their testimony. Unlike many committee chairmen, Ervin does not like to question witnesses at an early point in their public testimony. Instead, he waits for his colleagues to run through their questions. "When you're last," says Ervin, "you can segregate the wheat from the chaff."

Ervin is pleased with the way the committee runs as a unit, although many trial lawyers are less enthusiastic about its performance (see

THE LAW). The seven members prepare their lines of questioning more or less independently. Says Ervin: "It has worked out beyond my fondest expectations. There's been a minimum display of partisan feeling by the committee members." One reason for the nonpartisanship is that Ervin has worked closely with Howard Baker, the ranking Republican and vice chairman. From the beginning, every vote of the committee has been unanimous, except when Connecticut's Lowell Weicker voted against postponing the hearings during the week Leonid Brezhnev was visiting Richard Nixon.

As the Senate's self-appointed constitutional watchdog, Ervin, for all of his courtliness and mirth, approaches his investigation with a relentless seriousness. He told TIME's Neil MacNeil last week: "As an American who loves his country and venerates the institution of the presidency, I indulge the presumption that the President has no connection with the Watergate affair or its cover-up. Candor compels me to say that the President is making it very difficult to entertain this presumption if he withholds from the committee the records and the tapes which I believe contain information which is relevant to establish the truth of the Watergate affair."

SAM & MARGARET ERVIN

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