

How Sen. Sam

By Henry Mitchell
Washington Post Service

Washington

On the eve of hearings dealing with election corruption, Senator Sam J. Ervin Jr. (Dem-N.C.) returned to the capital from a trip to Maine for what must be the crowning responsibility of his long career.

The Caucus Room of the old Senate Office Building, where 220 reporters and 250 of the general public will be squeezed in well before the hearings start, is the same room in which Ervin began his career in 1954 as a leader in the Senate censure of the late Senator Joseph McCarthy.

As Ervin got off the plane yesterday, he had none of his usual amusing stories to tell "No, and Mrs. Ervin says she's going to stop laughing unless I get some new ones" — but reflected on more solemn things.

McCARTHY

Of the old McCarthy hearings he said, "You know, I had just been in the Senate a few days.

"I didn't understand about McCarthyism, though I'd heard the word. I had been a judge on an appellate court (the Supreme Court of North Carolina) which is about as near an ivory tower as you can get. I had no idea at first of the evil McCarthyism had done, until these hearings."

A wag once said the thing that turned Ervin into a lion at those hearings, when he demanded that the Senate

show "the manhood to stand up to Senator McCarthy" — was simply that McCarthy had once called Ervin "a handmaiden of Communism."

Ervin did not appreciate being called a Communist, or, for that matter, a handmaiden.

HEARINGS

But as he rode to his office from the airport yesterday, his perspective seemed to be on great vistas and the sweep of history. The Watergate hearings, he felt, have a very simple purpose, however momentous or explosive its effects may be:

"The purpose is to determine whether a conspiracy

was conceived and hatched between White House aides and the Committee for the Re-election of the President to disrupt and pollute the process by which presidents of the United States are chosen."

The entire election activity is under investigation, and the hearing may take a year (the committee must report to the Senate by next February 28, but additional time will certainly be granted if needed).

There have been no charges of election crimes on the part of the Democrats, so far as Ervin has heard. "but if anybody has any information to that effect, that will be heard too," he said.

"I inserted a very peculiar clause into this committee's objects—'either to prove or disprove— wrongdoing.'"

INNOCENCE

It is true, he said, that if the testimony seems to establish the innocence of any of the men now tarred with the Watergate brush, the Ervin committee will be quick indeed to say so.

Ervin
Became
a
Lion

"One of the most terrible things is to be unjustly condemned, whether by a court or by congressional hearings.

"I wouldn't want to be tried, myself, by a judge who had made up his mind of my guilt or innocence, so of course I have never com-

mented on any of the people at these hearings. I sincerely hope the evidence will fail to prove the President had any involvement in the matter, but we do not know."

President Nixon has called Ervin "a great equal lawyer," and Ervin's interest in individual rights and justice on the bench made him what Senate Majority Leader Mike Mansfield called "the conscience of either party."

chair the hearings with the respect of the senate as a whole.

"My mother used to say when I was a boy, 'Sam, don't try to reform people. Remember there is a lot of good in them, and try to bring out that good.'" Ervin recalled.

"As you know, I like poetry — I had an older sister who was crazy about poetry and I got to like it too. One of my favorite poets was Walter Malone — he was a police judge in Memphis. He once wrote something I have always remembered, in 'To a judge' — a line that we are all 'fellow travelers to the tomb.'

"Another thing that's stuck in my mind was something an old black man said, I think in one of Dale Carnegie's books. He said he had learned to cooperate with the inevitable, and that's what I try to do.

"No point borrowing trouble from tomorrow, or holding regrets for yesterday. Live one day at a time. That's good advice. There was a time when I was far

from calm, and I got an ulcer.

"I read what causes ulcers and I changed. Some things you can't change. It took me a long time, but now I live one day at a time and it's better."

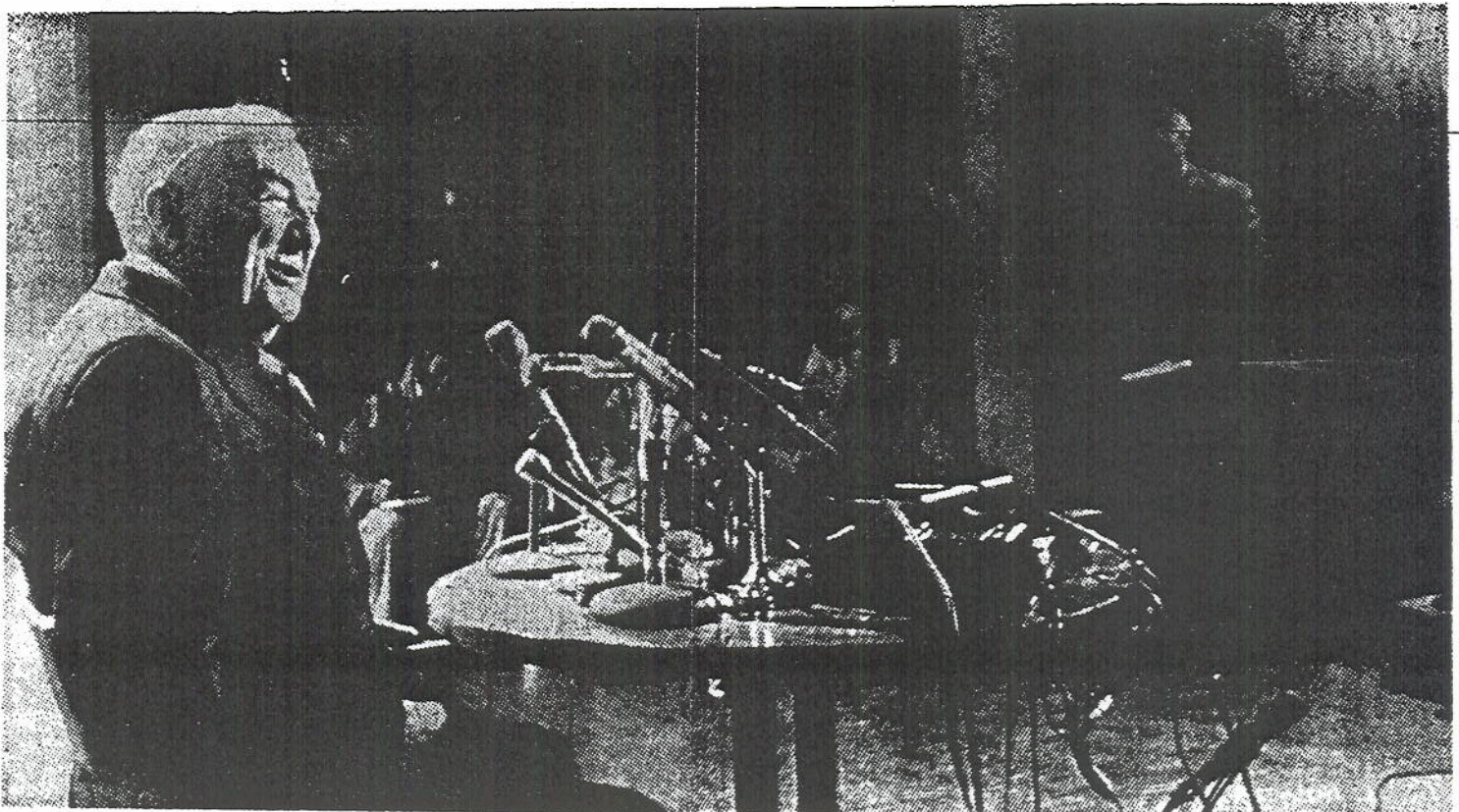
LAW

He continued, "When I was 15, my father (a Morganton, N.C., lawyer) set me to reading Blackstone's commentaries. That is still the best way to learn the law, though nobody reads Blackstone any more.

"My father was a fiery man — my mother was much calmer, and I think now I take after her — and the thing he most taught me was to fear the oppression of government.

"The most precious value of civilization is the right of a citizen under the constitution not to be unduly oppressed by his government.

"There are people that wouldn't steal a penny of your money but who would steal your vote. That is a



UPI Telephoto

SAM ERVIN AT A NEWS CONFERENCE THE DAY BEFORE THE WATERGATE HEARINGS
The 76-year-old legislator said he tries to 'cooperate with the inevitable'

queer kind of morals," Ervin said.

"It has always amazed me that that view would be held by men of high education ~~and every opportunity to develop~~ not only mentally but morally."

The car had stopped at the old Senate Office Building and the 76-year-old senator finished his thought without haste. he has learned not to feel harried, he said.

In due time he opened the door and walked neither slow nor fast toward a gaggle of television people waiting for him.