

'Let Us Praise This Rare Man'

In 1925 the North Carolina legislature considered and rejected a bill to forbid teaching Darwinism or "any other evolutionary hypothesis that links man in blood relationship with any lower form of life." An opponent of the bill, a 29-year-old state legislator, just a country lawyer, said: "I don't see but one good feature in this thing, and that is that it will gratify the monkeys to know they are absolved from all responsibility for the conduct of the human race."

Half a century later, Sam J. Ervin Jr., looking back on 20 years in the U.S. Senate, could be forgiven if he concluded that there is no form of life lower than man. Although his entire Senate career, which is in its final hours, has been lustrous, it has been bracketed by, and is symbolized by, his service on two select committees which had to deal with some of the basest men ever coughed up by the American political process.

In 1954, Ervin was appointed to replace a senator who had died. On June 11 he was sworn in by Vice President Richard Nixon. On June 17 Sen. Joe McCarthy ended his hearings about whether the U.S. Army was soft on communism.

On Aug. 2 the Senate established a select committee to report on Resolution 301: "Resolved, that the conduct of the senator from Wisconsin, Mr. McCarthy, is unbecoming a member of the United States Senate, is contrary to senatorial traditions, and tends to bring the Senate into disrepute."

Vice President Nixon appointed

seven senators to the committee, including the newest senator, the former associate justice of the North Carolina Supreme Court. On Oct. 3 McCarthy attacked Ervin and the two other committee Democrats as "unwitting handmaidens" of the Communists. On Nov. 15 Sam Ervin said in the Senate:

"The issue before the American people transcends in importance the issue before the Senate. The issue before the American people is simply this: Does the Senate of the United States have enough manhood to stand up to Sen. McCarthy? . . . The honor of the Senate is in our keeping. I pray that senators will not soil it by permitting Sen. McCarthy to go unwhipped of senatorial justice."

On Dec. 2, 1954, the Senate censured McCarthy.

Nineteen years later, as chairman of another select committee, Ervin's manliness made the Senate seem more manly than it was. In his role as chairman of that Watergate Committee, he may have been the last man born in the last century to become a hero in this century.

Nixon and McCarthy were impostor conservatives. Both had the true radical's disdain for due process and other limits. But most conservatives, unlike Ervin, did not acknowledge their special duty to break the impostors.

Late in his career, because of Watergate and because of his astringent opposition to government invasion of citizen privacy, Mr. Sam became a hero to American liberals. But modern liberalism, both in theory and in practice, is diametrically opposed to his constitutional conservatism.

Liberals have tried to suggest that there is an incongruity, if not a contradiction, between Ervin's gritty opposition to McCarthy and Nixon, on the one hand, and his equally gritty opposition to federal civil rights legislation, on the other. In fact, a constitutional conservative frequently must be an "opposing man." And the consistent theme of Ervin's great "oppositions" was this: Our government is—or, at any rate, once was and should be again—a government of precisely enumerated, carefully delegated and strictly limited powers.

Ervin's constitutional conservatism, a doctrine of unblinking hostility toward unchecked power, led him to oppose well-intended civil rights policies, as well as mean-minded men, when they involved putting federal power to uses not explicitly sanctioned by the Constitution, strictly construed.

Thus Sam Ervin, who always has been better than the Senate he ennobled, is a living rebuke to liberals, who have consistently opposed his conception of government, and to lesser conservatives, who failed to stand with him against impostors.

So now, as he takes leave of us, let us praise this rare man whose fame, though great, does not match his great virtues, a man every bit as fine as his nation affectionately thinks he is.

Washington will be diminished by his departure. But the bittersweet sense of loss we feel is the price we pay for having had for so long, but not nearly long enough, the pleasure of his enlarging company.