

Sam J. Ervin, Jr. Oral History Interview – JFK#1, 5/17/1966
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Biographical Note

Ervin (1896 - 1985), United States Senator, North Carolina (1954 - 1974), discusses JFK's relationship with southern senators, the McClellan Committee, the Civil Rights Bill of 1963 and Ervin's opposition to the bill, among other issues.

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Oral History Interview

of

Sam Ervin, Jr.

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Sam J. Ervin, Jr. – JFK #1

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Oral History Interview

with

SAM J. ERVIN, JR.

May 17, 1966
Washington, D.C.

By Ronald J. Grele

For the John F. Kennedy Library

GRELE: Senator Ervin, do you recall when you first met John F. Kennedy?

ERVIN: Yes, I first met John F. Kennedy after I came to the Senate. I had known of him as a member of the House before that time, but that was the first time I ever made his personal acquaintance.

GRELE: What were your impressions of him at that time?

ERVIN: Well, I was always impressed, I think most of all, by his apparent vigor, notwithstanding the fact that when I first came to the Senate he was suffering a great deal with a back injury which he sustained in the South Pacific.

GRELE: What were your impressions of his service in the Senate at that time?

ERVIN: Well, he was a very studious and a very conscientious legislator. He must have done a great amount of research and given a great deal of reflection to the fields of legislation in which he was interested, which I would say were primarily concerned with matter of foreign policy and also, for a considerable period of time, with the question of legislation in the field of labor and in the field of labor-management relations.

GRELE: When you first came to the Senate, you and Senator Kennedy served on the Senate operations committee or the Government Operations Committee. Do you recall anything interesting or significant about his service in those years on that committee?

ERVIN: Well, that was one of the first committees I was assigned to. He and I, were in a sense, along with Senator Burke [Thomas A. Burke] of Ohio, were the freshman members of that committee. The thing that I recall the most was that at that time Senator McClellan [John L. McClellan], the ranking Democrat on the committee, was engaged in

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a very vigorous campaign in Arkansas and was not here, and the chairman was Joe McCarthy [Joseph R. McCarthy]. We had several little controversies with Joe McCarthy in which it fell to the lot of us freshman members of the committee to resist efforts of Senator Brewster [Owen Brewster] of Maine.

GRELE: Do you recall the specifics of that conflict?

ERVIN: Well McCarthy wanted us to approve Brewster and there had been some controversy about whether Brewster had authorized or directed the wiretaps as a senator while he was conducting an investigation here. Jack Kennedy – as I always called him – and Senator Tom Burke and I opposed his election as chief counsel because we felt that with these rumors and this about Senator Brewster’s connection with wire tapping, whether they were true or false, that they rendered his usefulness as counsel to committee doubtful. We were able to defeat that move.

GRELE: That was within the committee?

ERVIN: Yes.

GRELE: How would you describe John Kennedy’s political abilities at that time in accomplishing such an objective as a freshman member?

ERVIN: Well, I think that you could see his abilities in the field of politics grow constantly during the time he served in the Senate. When I first came to the Senate, he was not accustomed to mix much...

[Interruption]

GRELE: You were saying in the early days he didn’t mix well.

ERVIN: Yes.

GRELE: Did you notice him becoming more at ease in the Senate?

ERVIN: The first impression he made on me was that he was pretty much of an introvert, but as the time passed, I noticed a very rapid development in his capacity to deal with other people on a very congenial and very strong basis.

GRELE: What were his relations like with the southern members of the Senate?

ERVIN: I think southern senators, as a rule, were very

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fond of him. This is illustrated by the fact that he received a very strong vote from the southern senators who happened to be delegates to the Democratic National Convention in 1956. I recall, in that connection, a right interesting conversation I had with him and his brother Bobby [Robert F. Kennedy].

GRELE: Oh, really.

ERVIN: We were having a meeting of the North Carolina delegation on the day on which the vice presidential nominees were going to be placed in nomination. I got a statement that Senator Kennedy and Bob Kennedy wished to see me, and I went out of the caucus room. Bob Kennedy said that Jack had some pledges – of course, Massachusetts and certain of the New England states on the first ballot – and he had a very good assurance that a lot of votes would switch to him from New York and Pennsylvania on the second ballot and one or two other states, but that he had no prospects of any southern support and over the country generally didn't have much prospects of support. They asked me what I thought about his possibility of picking up some support in the South. Bob told me, in Jack's presence, that as it stood then, he was seriously contemplating not entering the race for the vice presidential nomination.

I told him that I thought that he would get a number of southern votes; that although Senator Kefauver [Estes Kefauver] was a leading candidate and Tennessee was considered to be southern, that the relationships between Senator Kefauver and southerners as a rule was not very close (that is, the political relationships, although the personal relationships were); and that I thought he would pick up a great many votes from the South.

And he did receive rather strong support from southern states. He would have received more if there had been more ballots after the decisive ballot. It looked like for a while that he was going to be nominated because Senator Gore [Albert Gore, Sr.] of Tennessee was also receiving some votes, but Senator Gore finally got up and withdrew in favor of Senator Kefauver. But Senator Jack Kennedy got a very powerful vote, and I think that that started him on his way to the presidency.

GRELE: Did he receive the votes of the North Carolina delegation?

ERVIN: No, he did not on that. He would have received them if there would have been subsequent ballots, but the North Carolina delegation was split in its votes. We gave an honorary ballot to our governor, and then we were free to go where we pleased and we split up then. But on the

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next ballot, I'm satisfied that Kennedy would have gotten, if there had been a third ballot, I think he'd have gotten very strong support from North Carolina.

GRELE: Do you recall who his supporters in the North Carolina delegation were in 1956?

ERVIN: I don't recall how the different individuals stood.

GRELE: Did you ever discuss with John Kennedy, when he was a senator, the "Southern Manifesto?"

ERVIN: I don't recall that I ever did.

GRELE: Did he ever discuss with you his reluctance to sign a similar northern manifesto?

ERVIN: No.

GRELE: Did he ever discuss with you his refusal to vote with the so-called liberal wing of the Democratic party on the jury trial amendment to the Civil Rights Bill of 1957?

ERVIN: Yes, he discussed that with me. As a matter of fact, I was the one that originated the idea of putting a provision in the bill to give a jury trial to those who were charged with criminal contempt. I had always felt very strongly in favor of jury trials. I was a practicing lawyer for fifteen years, well, eighteen years, and I also served as a judge, and I'm a great believer in jury trials. I have always felt that in a criminal contempt case there should be a jury trial because the person is punished just exactly like he would be for a criminal charge. The Constitution gives him the express right to a jury trial if he's confronted with a criminal charge, and I felt that the same right should be extended in connection with civil contempt.

Senator Kennedy, when I first discussed it with him, told me that he had a great deal of confidence in the judgment of certain members of the Harvard Law School faculty, and he was going to contact them and ask for their opinion. I remember one of them was Mark De Wolfe Howe.

Later, after that, this amendment was devised with the assistance of...I had offered an amendment, incidentally, before that in the Judiciary Committee [Senate Judiciary Committee], and got it adopted, but it was later voted out before the bill was presented.

There was a good deal of collaboration in the writing of the amendment. Senator O'Mahoney [Joseph Christopher O'Mahoney] of Wyoming had a great deal to do with it. We decided

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that it was better to let some non-southerners present it instead of southerners. So it was sponsored, as I recall it, by Jack Kennedy, Frank Church of Idaho, Joe O'Mahoney of Wyoming, and possibly several other senators. And Jack Kennedy made a very effective speech in the Senate for its adoption.

GRELE: We know that he was receiving advice against that particular vote. Did he ever express to you what effect he felt your advice had had upon him in his vote?

ERVIN: No. I can't say he did. He told me that, as I recall – and I believe he used the letter in his speech – he had received a letter from Mark De Wolfe Howe which thought that the adoption of such an amendment instead of being inconsistent with the stand for civil rights, would harmonize with it because it would give those charged with criminal contempt what is one of the basic civil rights, or should be.

GRELE: How did most southerners – if you feel that you can speak as one of the foremost southerners – view his position on civil rights in those days?

ERVIN: Well, southerners have always expected, apart from any question of idealism, that pragmatic politics in the northern states almost required a northerner to support civil rights, especially in states like Massachusetts where there's no acuteness of problem. So southerners never held that against Jack Kennedy, although we also knew that he was not a legally-trained man and constitutional points didn't have quite as strong an appeal to him as they would have to lawyers.

GRELE: You served with John Kennedy on the McClellan committee, the Senate Select Committee on Improper Activities in Labor-Management Relations. Do you recall his service on that committee?

ERVIN: That's really where I got to know him the best because we served on that committee for almost three years and we sat side-by-side in many of the investigations. It was out of those investigations that probably one of the greatest contributions he made as a legislator came. That was a rather unique experience. He had a great attachment to organized labor as long as organized labor acted in a proper manner. Notwithstanding the fact that he had apparently developed some strong political ambitions by that time, he didn't allow his ambitions to cause him to pull any

punches in dealing with corruption in labor affairs.

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GRELE: Did you notice any change in his thinking or his manner of approaching the problems of labor and management over that three year period?

ERVIN: Yes. I think that as he became knowledgeable, as the rest of us did, of the vast amount of corruption which existed in certain unions which were representing as bargaining agents several million Americans, that he became filled with what you might call a consuming zeal or desire to do something to protect the rights of the rank-and-file members of unions in cases where there were corrupt union leaders. Out of that, he first introduced a bill in collaboration with Senator Ives [Irving McNeil Ives] of New York, who later retired from the Senate. Then he asked me to cosponsor that bill the next session. He and I didn't agree on many of the aspects of the Taft-Hartley Act [Robert A. Taft, Fred Allan Hartley, Jr.], but he and I were in absolute, complete agreement with reference to the necessity of passing some laws which would protect the basic rights of union members against their leaders in cases they were corrupt.

So it was a result of that that the bill was introduced which outlawed a very outrageous procedure, that is the trustee process – at least put it where it was subject to review by the courts. Under the trustee process, an international union president could take and deny local unions the right to manage their own affairs, could take over their finances through the agents, those appointed by him and deny them the right to participate in their own affairs.

Also, he was instrumental in incorporating in that bill some provisions to protect union funds against embezzlement and to put the interest of fiduciaries on union officers that were charged with custody of those funds. Also, he was interested in getting provisions in the bill which would secure to the rank and file of the union members the right to elect their own officers and to be free from intimidation from corrupt leadership. So out of that came, I think, some very fine legislation.

He manifested on this committee great courage, complete devotion to the welfare of those who needed protection. And I said a moment ago, he was not a law-trained man, but with the assistance of Professor Archibald Cox of Harvard, he acquired a rather expansive knowledge of labor law and an understanding of the implications of labor law. On a number of occasions however, when some technical point would arise in the debate on the Senate floor, he would come and ask me to reply to the critics of the bill as to the legal aspects of the particular problem.

GRELE: Do you remember any of the particular times?

ERVIN: Well, I know one time that Senator Alexander Smith offered a very loosely-worded amendment relating

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to the duties of the union officer, which was so nebulous in character that it didn't define exactly what those duties were. It expressed the various fiduciary duties without specifying in what respect they were fiduciaries. He came and asked me what I thought about that amendment. I said, "Perhaps it's the window dressing more than anything else, but it seems to me that the bill ought to be in its present form and just spell out the duties specifically, as it does, and not be ruled a confusion in nature by a lot of meaningless words that sound good but mean nothing."

GRELE: I have been told that those....

ERVIN: I also know on one occasion that I told him on the same proposition in that bill that the right of jury trial should be put in that bill in case of criminal contempt, just like it had been put in the civil rights bill. And we put in, by unanimous consent, an amendment that I drew which gave the absolute right of trial by jury in all criminal contempts under the bill across the board, just like criminal trials in criminal cases. It was adopted unanimously, I might say, by the Senate.

GRELE: When you suggested this, did he have any reservations?

ERVIN: No. None whatsoever. No, he was, I think, a convert, if he wasn't already a believer in it, to the idea of the right to trial by jury as a result of the civil rights bill.

GRELE: I have been told that the McClellan committee hearings was the first time that John Kennedy had ever really come into contact with the type of person who came to testify before the committee and that he was shocked by their behavior. Does this square with your impression at the time?

ERVIN: Well, I would find it very difficult to assume, in the absence of any knowledge to the contrary, that he had ever lived under any circumstances that would have made it natural for him to come in contact with the type of people that came. Because we dealt there not only with corrupt union leaders who betrayed their trust, but we also dealt in many cases with underworld characters who had, to use the vernacular, muscled their way into the labor movement for what they could get out of it. As I look back upon what the evidence before the committee disclosed, it becomes almost unbelievable to me. I do know that Jack Kennedy was shocked by this testimony, as I was, and it shocked him to such an extent that he devoted a major part of at least two years in addition to service on the committee to try to get a bill which would prevent the abuse of

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union members either by corrupt union officers or by racketeers who had muscled their way in from the underworld.

GRELE: How heavily did he rely on his brother during those hearings?

ERVIN: Well, I think there was always a very close relationship between him and Bob Kennedy, an unusually close relationship. I think we all relied...Bob Kennedy did a very fine job as general counsel for the committee in conducting these investigations. He exhibited complete lack of any fear. He exhibited a complete indifference to the time and the energy he put in his work. And he was of material assistance not only to Jack Kennedy but to every other member of the committee. I think he relied very much on Bob's judgment.

GRELE: Was he given access above and beyond that access granted to other members of the committee?

ERVIN: No. I don't think he was. I think that the counsel and the investigatory staff of the committee were available at all times to all members of the committee for any information that they sought. And I don't know that Jack Kennedy was given any more access to it than the rest of us.

GRELE: You talked a little bit about the genesis of the Kennedy-Ervin bill on labor-management relations. When he came to you to ask you to cosponsor this bill, did you have any reservations about it?

ERVIN: No, I did not when he approached me, because he told me – I had a phone conversation which was when I gave my consent to cosponsor it – that the bill was to be a bill which would deal exclusively with the regulation of the internal affairs of the unions. And he told me that he realized that his views on the Taft-Hartley Act, which governed the external relationships of management and labor, were probably different. His original plan was to restrict...He said that he personally felt that there should be a two-package approach to the labor field: one of them, a bill to deal exclusively with the internal affairs of the unions in the primary interests of the rank-and-file members of those unions; and the other bill to regulate the relationship between management and labor. So I agreed to sponsor on that understanding.

Now, unfortunately, when the bill was introduced and referred to the [Senate] Labor and Public Welfare Committee, the Labor and Public Welfare Committee put in about forty-five amendments, most of which represented labor's attitude towards Taft-Hartley.

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GRELE: Were these so-called "labor sweeteners?"

ERVIN: Yes. At first, Jack Kennedy told me, I discussed it with him, and I said I couldn't go along with a lot of those amendments. And he said he had no objection to taking them out. So I went before the labor committee and urged them – I was not a member of the Labor and Public Welfare

Committee, but I went before the committee and urged them to eliminate all Taft-Hartley amendments, which they refused to do.

Then, I think, he was persuaded later to the view that it was necessary to keep those amendments that labor wanted in there, that had been put in by the committee, in order to get the support of labor in the passage of the other bill because many of the labor leaders were inclined to oppose any law regulating internal affairs of the unions. They said it wasn't necessary in many cases because unions could regulate themselves, and some of them rather resent it. And so I think he came to the view that if you left the labor sweeteners in there that they would support the bill.

When the bill came on the floor, I offered an amendment to strike them all out. I'm glad to say that I figured I achieved an actual victory, to some extent, in that I got twenty-nine votes out of ninety-six votes. I got the votes of everybody that had served on the labor committee, I think, except possibly Jack Kennedy's and Senator Capehart [Homer Capeheart], both Republican and Democratic. But unfortunately the Republican party took the position there that they wanted to do just exactly what I told Jack Kennedy they were going to do when they left those Taft-Hartley amendments in that everybody that wanted to amend the Taft-Hartley Act was going to use this bill, which was designed to be primarily a bill for the correction of the abuses inside the labor unions, for a vehicle for amendments to Taft-Hartley according to their wishes. That was the position of the Republicans and that was the position of some of the Democratic leadership, and so they were left in there. My prediction turned out to be correct. When the bill went to the House, the House put some very strong amendments in the bill, on the Taft-Hartley aspects of it, which organized labor certainly didn't like.

GRELE: I understand that you had a conversation with John Kennedy and Senator McClellan on this issue?

ERVIN: Yes. I'll tell you. The first time... When the bill came up as the Kennedy-Ives bill the first time, Senator McClellan and myself, along with Jack Kennedy and, I might say, with Senator Johnson [Lyndon B. Johnson], who was then the Democratic leader, accepted the view that they out to strike out practically everything you

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could that was not germane to the mere regulation of the internal affairs of the unions. For that reason, Senator McClellan and myself voted against many amendments to the Kennedy-Ives bill which we personally favored because we felt that the bill would be jeopardized if they tried to convert it into a vehicle for amendment of the Taft-Hartley Act.

Of course the bill did pass the Senate the first time with one or two labor amendments in it, but most of them were defeated by the votes, in many instances, of men like myself and Senator McClellan, who voted against the amendments we really would have liked to have had to the Taft-Hartley Act because we didn't think this bill was the proper vehicle for such amendments and it ought to be restricted in its purposes to the preservation and protection of the rights of the rank-and-file members of the union.

GRELE: When the 1959 bill was approved by the Senate, did you withdraw your cosponsorship?

ERVIN: No, I never did withdraw my cosponsorship, except, I have said this, that when they defeated my amendment to strike out all provisions relating to Taft-Hartley, I said that I thereafter would vote for such amendments to Taft-Hartley as might be proposed that I approved of, that I thought it was a mistake to convert the bill into a bill for the amendment of Taft-Hartley, but since it might be done, that I would vote for the Taft-Hartley amendments of which I approved, which I did.

GRELE: When the bill finally came back from the House as the Landrum-Griffin bill [Philip Mitchell Landrum, Robert P. Griffin], did Senator Kennedy then discuss with you his own feelings, whether he had made a tactical error in allowing these amendments or his impressions...

ERVIN: No. I don't think...His first approach to me, as I stated before, when I agreed to cosponsor the bill, was that there would be two packages: one bill restricted to internal affairs of the union, and the other restricted to the Taft-Hartley Act. He never expected me at any time to support the same amendments to the Taft-Hartley Act he did. And he, for a considerable period of time, had held to my view that it would be better to strike out all non-germane amendments because they were not germane to the main purpose of the bill. But somebody persuaded him he needed labor support to get the bill by, and it was for that reason that he would go along with these amendments.

He made a very strenuous effort in the conference committee, after the bill was converted and was called the Landrum-Griffin bill, to remove some of the amendments that had been placed in it

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in the House. There were certain compromises and so on in the conference committee, but he also was determined, regardless of his feeling about the Landrum-Griffin portion of the bill, that the abuses that had been disclosed by the investigation of the McClellan committee were so serious that it was highly important to get that bill at any price. So he did what he could.

I think sometimes that he compromised things that he felt strongly on, Taft-Hartley things, in order to get the bill through, with its protections for the rank-and-file members. The bill really deserves the name of the Kennedy bill more than anything else because the main thrust of the bill still remained to the end, the protection of the rank-and-file members. There was virtually no change in the House in those provisions that related to the internal affairs of the unions. The changes occurred in the provisions of the bill that related to the relationship between management and labor.

GRELE: Did he ever discuss with you his opinion on the McClellan “bill of rights,” the so-called McClellan bill of rights amendment?

ERVIN: I don’t recall that he ever did specifically. The McClellan “bill of rights” was enacted. I supported the McClellan “bill of rights.” I am not sure how Senator Kennedy....I have a notion that he voted for it.
Did he vote for it?

GRELE: Yeah.

ERVIN: But that was one of the few times that I’d say that a speech actually changed the sentiment of the Senate. I think that the speech which Senator McClellan made for the McClellan “bill of rights” was one of the most powerful speeches I’ve ever heard in my life, and since I’ve been a trial lawyer and a member of legislative bodies and a judge listening to a lot of talk, I’ve heard an awful lot of speeches. Of course, that was later watered down, and unfortunately the National Labor Relations Board used certain provisions of it to nullify some of the very salient provisions of the bill.

GRELE: After the passage of the bill and prior to the 1960 convention, were you contacted at all by John Kennedy or any one of his supporters to support him for the nomination?

ERVIN: No, not as far as I recall, because it was pretty well known that I was for Johnson, notwithstanding my admiration for Senator Kennedy.

GRELE: You attended the 1960 convention, didn’t you?

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ERVIN: Yes.

GRELE: What was the position of Governor Sanford [J. Terry Sanford] in the North Carolina delegation? He personally came out for John Kennedy in the delegation.

ERVIN: Yes. When the North Carolina convention met and named delegates, it was generally understood that the entire North Carolina delegation was going to support Lyndon Johnson. Nobody heard anything to the contrary until Governor Sanford came to Los Angeles and arranged for a press conference, which, of course, I think had been arranged between him and Bob Kennedy. [Interruption]

GRELE: Did Governor Hodges [Luther H. Hodges] know of the....

ERVIN: Not until later, so he says.

GRELE: What was the reaction in the North Carolina delegation to that press conference?

ERVIN: Well, a portion – about sixteen delegates, sixteen people out of seventy-five, I think – of the North Carolina delegation supported Governor Sanford. The rest of them were very much opposed to his actions, some of them bitterly so.

GRELE: What was your opinion of the 1960 Democratic platform?

ERVIN: Well, I was on the drafting subcommittee. I think they accepted one suggestion from me.

GRELE: Do you recall what it was?

ERVIN: It was some little modification about everybody being entitled to attend any kind of institution of learning they wanted to, which, of course, would have been chaos if it had been law. My opinion is on that that I never felt that I was more uselessly employed in anything than the time that I was sitting on the subcommittee because the platform was written out, in my opinion – I can't prove this, but I think it was written out and brought out there, a completed article, in the pocket of the chairman, Chester Bowles. It was virtually unchanged. And I think the platform group was picked there just to say amen to what had been written out. Those of us who didn't agree with all that was written out, we were heard very respectfully and very courteously by the other members of the committee, but as soon as we got through, they ran the

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steamroller over us.

I thought the platform was like most political platforms of modern days: it was rather hypocritical, which is true of all platforms, I think, that have been adopted, except the 1932 one which Roosevelt [Franklin D. Roosevelt] ran on the first time. For example, the 1960 platform promised to everybody in this country and everybody on the face of the earth, everything they wanted out of the federal treasury. I also contained a provision to balance the budget except in times of great financial adversity. It also had a provision out in there – this was added on...in effect, everybody agreed that the government was in no position to give pension to all the veterans of the First World War, regardless of their needs or regardless of their wealth, and yet they put something in there to deceive them into thinking that. That was done deliberately. I don't approve of that kind of thing. This platform was no great exception. In contrast to that, I was also on the platform drafting subcommittee of the Democratic National Convention in 1956. The chairman in that case was Representative John McCormack, now Speaker of the House. That platform was actually written by the members of the subcommittee, and there was an effort made to write a platform that was

reasonable and that all Democrats could stand on, instead of one as in the '60 convention that was written for the benefit of, fundamentally for Democrats from the northern states, rather than those in others.

GRELE: Did you feel at the time that the platform would be a vehicle for John Kennedy?

ERVIN: Well, I didn't think so much about that. I thought it was a platform that promised everybody everything, which does not make it an exception; most platforms are that way. I think that most political platforms, having observed them and studied them, of recent years are sort of exercises in hypocrisy and many of them exercises in duplicity. I'd like to illustrate a story on that.

When the Senate reconvened, Senator Joe Clark [Joseph S. Clark] of Pennsylvania introduced a resolution to amend the Senate rules to provide that nobody could be the chairman of a Senate committee unless his views in respect to the legislation his committee had jurisdiction over coincided with the provisions of the platform referring to such legislation.

I went over to the Senate floor, not intending to say a mumbling word. I sat and listened to him awhile, and I couldn't resist the urge to get up and say a few words, which I did. I said I didn't think his proposal would work, because, in the first place, the Democratic platform of 1960 promised everybody everything on the face of the earth out of the federal treasury and also promised to balance the budget, except in times of great

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adversity. I said, "Suppose the senator from Pennsylvania would introduce a bill to authorize the appropriation of an infinite amount of money. And suppose the chairman of his committee to which it was referred opposed it. The senator of Pennsylvania would say, "The chairman is against the Democratic platform because it promises all of this." The chairman would come up and say, "No, I'm not. The Democratic platform also promises to balance the budget. If your bill passes, you can't balance the budget."

And I said, "Futhermore, I have come to conclude that political platforms are written not to reveal but oftentimes to conceal." I said, "I remember 1928 when Al Smith [Alfred E. Smith], my candidate, was running for president on a platform to repeal the Eighteenth Amendment. The Republican candidate, Herbert Hoover, was silent in all languages he spoke on the subject. It finally became very embarrassing for the Republican National Committee that their candidate wouldn't take any stand on repeal. So they announced with great fanfare that he would make a speech on a little trip in Tennessee and make his position on repeal crystal clear." And I said, "In that speech he said this and this is all he said: 'Prohibition is a noble experiment.'" I said, "Those who favored repeal said, 'Why, Mr. Hoover says that it's an experiment, and an experiment is something which is tried and failed. Therefore he's for repeal.'" And other people said, "Why, Mr. Hoover said prohibition is noble and he's a noble man, and therefore he is for noble things, and therefore he is for retention of prohibition. So he is against repeal." And so what are you going to do with a platform when it says something like that, that prohibition is a noble experiment?

GRELE: You had one altercation at that platform committee meeting with Congressman Celler [Emanuel Celler]. Do you recall?

ERVIN: I don't recall specifically. Congressman Celler and myself disagree very strongly with respect to civil rights legislation, and we are always feuding and fussing and fighting in the most friendly and agreeable manner in that respect.

GRELE: I was going to ask you your opinion of the civil rights plank of that platform.

ERVIN: Oh, I thought it was very bad.

GRELE: For what particular reason?

ERVIN: Well, I think that all civil rights bills of modern vintage are bills which pick out one group of Americans and give them rights superior to those ever sought by or granted to any other Americans, at the

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expense of the whole entire body of Americans. For example, you have a typical illustration in this housing thing. Historically, all Americans have the right to sell their property to whom they please and to lease their property to whom they please. They have the right to select their own purchasers and their own tenants. That would be taken away from all Americans for the sake of twenty million Americans.

You have this fair employment practice, same thing. I feel that the most precious right of everybody is freedom. Well, the people who put their money and their talents in a business, in my own judgment, ought to have the freedom to select their own employees and to determine who among their employees merit promotion and who are so sorry they ought to be fired. And yet you have a civil rights bill that lets the federal government make these determinations for them solely for the benefit of 20 million of our inhabitants, while 190 million are robbed of their rights to these freedoms.

I don't think that you can solve these problems by passing laws; I don't think you can eradicate discriminatory intent by passing laws. And I think it's bad to deceive any group of our people into believing that they can law or legislate their way into economic or political or social heavens. I think that it is sort of like the old thing in Omar Khayyam, you know: the poet asks the wine seller what he bought with the money that he paid for the wine that was half as precious as the wine they were selling. I think they were selling precious freedoms that belong to everybody, and what they're getting is a very inferior mess of political pottage in exchange for them.

GRELE: At the convention, what was your opinion of the nomination or the selection of Lyndon Johnson as vice presidential candidate?

ERVIN: I felt that was a very wise decision on the part of Senator Kennedy. It was a very surprising decision on the part of many men, including many who had been backing him very strong, I think, who aspired to the nomination of vice president themselves. I think from the standpoint of pragmatic wisdom, it was a very wise thing because it got the support of a good many states that he otherwise might not have gotten.

GRELE: You campaigned with John Kennedy in North Carolina in 1960 at a particular time in the campaign when the debate over his religion was becoming particularly bitter with various statements by the Reverend Norman Vincent Peale. Did he ever mention this to you?

ERVIN: Yes. As a matter of fact, Congress came back in joint session we discussed the question. As a

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matter of fact, President Kennedy and myself made a TV film which was very widely used in North Carolina and (it may have been used in some other states, but I know in North Carolina because I saw it on a number of occasions myself) in which he and I discussed his religious affiliation and his feeling to the effect that there would be no conflict between his religion and the proper discharge of his duties as president. And during the campaign I made a statement which I think was used by the Democratic National Committee on some occasions that dealt with that subject, in which I said the Constitution of the United States gave everybody religious freedom. In his statement he agreed that everybody was entitled to worship freely. And also I pointed out that, in the statement, no religious test or qualification was to be required for public office, and I thought that anybody that would deny a man his vote for public office solely upon that basis was certainly out of harmony with the provision of the Constitution saying that no test should be prescribed because he was prescribing one.

GRELE: Did he ask you to make that movie together, the film clip?

ERVIN: I really don't know how the thing originated, who started it. It may have been the Democratic state committee of North Carolina, because they wanted us to discuss two subjects: They wanted me to discuss with Jack Kennedy the religious issue; and they wanted Jack Kennedy to discuss with Harold Cooley, the chairman on the House agricultural committee, his attitude toward the federal support programs. This very short TV interview dealt with those two subjects.

GRELE: Had you had any dealing with him on agricultural policy?

ERVIN: No. He was not primarily interested in agriculture until he became a candidate for president because of the fact that Massachusetts is not a great agricultural state and also New England, to a large extent, was not. So some of his votes in the Senate had been votes which were not in harmony with the votes of those in agricultural states, and it was thought well to clarify his position because of our tobacco industry and our cotton industry.

GRELE: Do you feel that you were selected to make the film with John Kennedy on his position and his religion because of your support of the barrier between church and state?

ERVIN: Well, I don't know. That may have had something to do with it. I never was told why they wanted it. While I'm unable to state who originated the

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idea, I'm inclined to surmise that it might have been the North Carolina democratic committee which used this TV recording very frequently.

GRELE: When he came to North Carolina, did he discuss Reverend Peale's attack on him?

ERVIN: No. I don't believe he mentioned it in the tour. He came to Greenville, North Carolina, in a plane. I introduced him to the audience there; he spoke there briefly. I guess there must have been about fifteen thousand people there or more. And then we flew to Greensboro, and he was welcomed by a great throng of people at Greensboro. About all they had there was – he may have made a speech three or four or five minutes long. Then he flew to Asheville, but the ceiling was too low, and he couldn't get down, so we didn't see the crowd there, but he made a talk to them by radio from the plane. And then we went to Charlotte and had a tremendous crowd in the Charlotte Coliseum. He made a very fine speech there. And then we flew from there to Raleigh, and he made a speech at Raleigh that night. His speech there, as I recall it, dealt largely with agricultural problems and things of that kind and of the problems of the country generally.

GRELE: What kind of a campaigner was he?

ERVIN: Oh, excellent. Despite his spinal injury, he was always apparently very strong physically. And his love for the outdoors, and especially for boating, got him in out in the sunshine, and he always looked the very picture of health. He had a tremendous amount of vigor and apparent physical stamina, notwithstanding his back injury. And then, on account of his youth, he had a very strong appeal to people. And he was, I think, a very sincere person. His sincerity impressed people, and he had a great deal of tolerance. In other words, we could disagree without being

disagreeable. He had a remarkable ability in that line, which stood him in a very good stead. He had, of course, one gesture with his right hand, as we're all familiar with, but he had a fairly effective, a rare degree of eloquence, and was, I think, very appealing to an audience because of his apparent sincerity. And he had a great sense of humor, which also stood him in good stead, which, I think, was illustrated at times in his speeches, but most frequently in his press conferences. I think his press conferences were masterpieces for that reason. With a little sense of humor he could answer some very serious problems very effectively.

GRELE: How much of a factor was his religion in North Carolina in 1960?

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ERVIN: I would say that it affected a good many voters because North Carolina is pretty strongly a Protestant state and it's pretty strongly opposed to any connection between religion and the government. He carried North Carolina by 68 or 9 thousand, as I recall. The ticket ran probably, I'd say the lead man on the ticket probably carried 275 thousand. That would indicate....Of course, his stand on civil rights bills affected him some. If he'd lived to run for a second term, I don't think he'd have lost any votes on the religious issue at all.

GRELE: After the election, were you consulted on any executive appointments?

ERVIN: Yes, as a rule, I was, in reference to the ones like the United States district judges, United States marshals, United States district attorneys.

GRELE: Did you have any problems with the White House over any of your nominees?

ERVIN: Yes, I had a problem. At the instance of Governor Hodges, Secretary Hodges, largely, Senator Jordan [B. Everett Jordon] and I recommended Malcom Seawell for what was United States district judge for the middle district. An attack was made on him because of his official actions as attorney general of North Carolina in connection with a very protracted and unfortunate strike of some textile plants in Henderson, North Carolina, and also because he wasn't sufficiently identified with the middle district (although he lived there and his law practice was in an adjoining county largely). Well, the president turned him down on account of the labor thing because the national labor organization, AFL-CIO [American Federation of Labor-Congress of Industrial Organizations] protested his nomination.

GRELE: You said Secretary Hodges also....

ERVIN: He also joined in the recommendation. In fact, he was the one that urged Senator Jordan and myself mostly to recommend him, although I would have recommended him anyway in all probability, because he is a very able man and I had served on the state supreme court with his father.

GRELE: Did you see the president on this?

ERVIN: Yes.

GRELE: Would that be the September 14, 1961 meeting with Senator Jordan?

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ERVIN: It was about that time because...If the president were still living, I would not say this, but just to set the record straight, as I see it: Senator Jordan and I went to the White House and talked to the president about this particular appointment of Malcolm Seawell. And he said that Mr. Meany [George Meany] had asked him not to appoint Malcolm Seawell. He also said that he was very much impressed by Malcolm Seawell's abilities, that the Department of Justice had informed him that he was apparently fully qualified from the standpoint of character and the standpoint of legal learning for the position, but that labor was very adamantly opposed to him, he thought. He told us at that time, he said, "I will talk to Mr. Meany and see if he will withdraw his objection." Then they notified me a few days later that Mr. Meany would not withdraw his objection, therefore he didn't feel that he should appoint him.

GRELE: Were you at all consulted either by the president or by the secretary over the appointment of Governor Hodges to the Commerce Department?

ERVIN: No. I don't recall. As a matter of fact, it is quite possible I would have been consulted, but when...There were some press items that indicated that he was under consideration, and I sent a telegram to President Kennedy prior to his inauguration, at Miami, Florida – as I recall, he was there – and I urged the appointment of Governor Hodges to the post of secretary of commerce. So there was no occasion for him to consult me about it.

GRELE: Other than the Civil Rights Act of 1963, what particular pieces of legislation were you involved in that involved you with the White House?

ERVIN: I don't recall more than once that I was ever asked by the White House during Kennedy's administration to vote any particular way on a bill, and I would say that only one time have I been approached by the White House to vote on a particular bill since President Johnson's been in. I attribute this to the fact that both President Kennedy and President Johnson knew me pretty well, and I know I have that trait which one's friends call firmness and one's enemies call obstinacy. I usually make up my own mind on things, so as far as arm twisting is concerned, I have never experienced any arm twisting.

GRELE: When the Civil Rights Act of 1963 was introduced, you questioned the attorney general rather closely on that bill. What was your impression of his comprehension of the issues involved?

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ERVIN: Well, I consider that for one of his age and experience that he did a pretty good job.

GRELE: How much did he rely on his advisors, like Burke Marshall?

ERVIN: Well, he seemed to answer most of the questions without the assistance of Burke Marshall. Sometimes he would ask him, but most of his answers were his own. Those didn't last as long as is popularly supposed because the committee never scheduled a meeting till 10:30 and was usually fifteen minutes late getting there and they had to quit at 12:00. So while we ran on for about ten or eleven days or something like that, it was equivalent to about a day and a half of what would be a normal committee meeting. However, I think the report, the hearing, is right interesting even in retrospect. I say that because a professor who has written a book on the subject – I don't know whether it will ever be published – was saying that that was one of the finest dialogues that he had found discussion on proposed legislation.

GRELE: What was the nature of your opposition to the Civil Rights Act of 1963?

ERVIN: Well, my opposition to the Civil Rights Act of 1963 – it was '64 when it was really enacted – was that some of it was unconstitutional and that all of it was unwise.

GRELE: Did you discuss this with President Kennedy at any time?

ERVIN: No. I never did.

GRELE: I have notings of several meetings that you had at the White House with the president. On March 18, 1961 you met with the president with what is described in the record book as "North Carolina group." Do you recall that meeting?

ERVIN: I don't know whether this was the time, but the National Committee, of course, was always, like myself, sort of short on funds. It didn't exactly level what you'd call an assessment but suggested a quota for the different states. And among others, they suggested a quota of fifty thousand dollars for North Carolina. And North Carolina, largely through the instrumentality of Burt Bennett, who was then state chairman, who borrowed the money – it was later repaid to him out of the receipts of the Jackson Day Dinner – or rather the committee borrowed the money, I guess,

on his endorsement. They raised fifty thousand dollars, the first in the nation. They came up there to present it to the National Committee. And

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John Bailey thought it was too good a thing to just confine it to the National Committee, so he arranged an audience with the president. And so the group that came up to present the check, along with Senator Jordan and myself and perhaps some from among the congressman, were visiting the White House. I think that must have been the occasion.

GRELE: How was John Kennedy in those early days of the White House in dealing with people?

ERVIN: Well, he was very congenial and very ebullient, very outgoing in his attitude.

GRELE: On April 27, 1961, you met at the White House with the president and the governor of North Carolina.

ERVIN: I'm trying to think what the occasion of that meeting was. It's sort of slipped my mind. I remember the meeting, and, as I recall, it was sort of a party held out in the Rose Garden because there were a great many North Carolina people who came up here, and the press was there in large numbers, the North Carolina press. It was to secure the president's approval of some program they had started in North Carolina, but I declare, my mind had played a trick on me.

GRELE: Well, pencil it in the margin of the transcript and we will include it in the final transcript.

On July 18, 1962, you posed for pictures, re-election pictures or campaign pictures. What were some of the problems of running in 1962 with John Kennedy as president?

ERVIN: Well, I would say that, as far as North Carolina is concerned, North Carolina was more conservative than he was from a standpoint of financial affairs. Although the North Carolina Democratic party has a great many people that would call themselves present day liberals, I would say the party as a whole, at that time, was more conservative than he was. So that presented some problems, and, of course, the advocacy of civil rights bills also presented some. I would say that President Kennedy had ideas that the federal government should be more of an activist in respect to many things than most North Carolina people believed. In other words, President Kennedy had a feeling, I think – I have never heard him express it this way. Like President Johnson, he was not a great expert in the field of the Constitution. I think to him that if it was something that he thought needed to be done, that the federal government ought to do it. The question of whether it was something allocated to state power or not didn't concern him too much. And he also felt that when the state failed to do something, even when it was

committed to the state

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power by our system of government, that the federal government was justified in stepping in and taking over the activity or whatever it might be. In other words, I think that, like most people who serve exclusively on the federal level in public office, they have a tendency to forget, really, the real purposes for states in our federal system.

[END TAPE I SIDE I]

[BEGIN TAPE I SIDE II]

GRELE: You met with the president on the question of textiles.

ERVIN: Yes, he was interested in the problems of the textile industry both as a congressman and also as a member of the Senate. He was very reluctant, however, to take any steps, drastic steps, by unilateral action to protect American textile industry against cheap imports from abroad. He recognized the threat of the importation of textile products which had been manufactured by cheap labor. He recognized that threat, and he was determined to solve the problem and he did do great work toward this solution by negotiation with the foreign textile nations. He was acutely aware of the problem. And was very desirous of doing something to solve it in a satisfactory manner and he did do very much to solve it by the negotiation with other countries.

GRELE: Is this the method that you would have urged or that you did urge?

ERVIN: I personally didn't urge it because I've always felt that when the Constitution says that Congress shall have the power to regulate foreign trade, that Americans should look to Congress for protection. I would have favored legislation which would impose a compensating import fee myself. But I say that because I'm not in charge of it. You know, you can always solve problems better in a field if you are not charged with any responsibilities for our foreign policy and the president does, so while I would have pursued a different course as a senator, it may be I would have taken this course if I'd been president, having responsibilities domestically and also responsibilities in foreign fields.

GRELE: That's the end of my questioning. Can you think of anything we missed?

ERVIN: Well, I'll say this, that I think one of the great tragedies of history was the assassination of President Kennedy. I'll never forget the day. I was down in the Senate lunchroom, eating lunch by myself; nobody was there. And I went up to the floor of the Senate; it was

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supposed to be in session. I had never seen it in the state in which it was. There was nobody presiding. There were no two senators talking to each other. Everybody that was there seemed to be walking to and fro to himself. And I went up to Senator Hollan [Spessard Lindsey Holland], and I said, "This is the most peculiar condition I've ever seen the Senate in." I said, "Why is it?" He said, "Haven't you heard the news?" And I said, "No." He said, "Well, President Kennedy has been shot, and the reports indicate that he may be near death." And he told me, he said, "One of the most painful experiences I had was they called me here and told me and asked me if Teddy [Edward M. Kennedy] was presiding, and they asked me to break the news to him."

GRELE: Do you have any final comments on John Kennedy or his place in history that you'd like to offer to the tape?

ERVIN: Well, I don't know exactly what his place will be in history, but I think that as long as those of us who knew him live, that he will always remain in our minds as a very vibrant, very eloquent, a very devoted, and a very shining personality. I think we will always remember him as a very sincere person, also as a person who is very tolerant, and a person who is very eloquent. I think his inaugural will live as one of the great inaugural addresses of history.

GRELE: Thank you very much, Senator.

[END OF INTERVIEW]

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