

Introduction of The Honorable Sam J. Ervin, Jr.
BY Robert Morgan, Attorney General of North Carolina
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CENTURIES AGO, DIOGENES THE CYNIC SUPPOSEDLY WENT ABOUT THE STREETS OF ATHENS IN A NEVER ENDING SEARCH FOR AN HONEST MAN. TODAY, OUR SPEAKER IS AN UNCYNICAL NORTH CAROLINIAN WHO WOULD HAVE NO TROUBLE COMPLETING THE ATHENIAN'S FAMOUS LAMPLIT QUEST: HE SHAVES THE FACE OF AN HONEST MAN EVERY MORNING.

THE NORTH CAROLINA BAR IS INDEED PROUD AND HONORED TO COUNT THIS MAN, THE HONORABLE SAM ERVIN, JR., AMONG ITS MEMBERS.

AS EVERYONE IN THIS NATION KNOWS BY NOW, SENATOR ERVIN SAYS HE IS NOTHING MORE THAN A COUNTRY LAWYER. I HAVE NEVER QUARRELED WITH ANY NAME A MAN CHOOSES FOR HIMSELF AND WON'T BEGIN TO DO SO NOW; ESPECIALLY SINCE THIS CHOSEN NAME APPEARS TO ME TO BE SO FITTING.

SENATOR ERVIN IS A COUNTRY LAWYER IN THE FINEST TRADITION. HE CHARACTERIZES THE BEST ATTRIBUTES OF A COUNTRY LAWYER THROUGH HIS UNSWERVING HONESTY BOTH IN PRINCIPLE AND IN PRACTICE.

HE BEGAN HIS COUNTRY LAW PRACTICE IN 1922 IN MORGANTON AFTER GRADUATING FROM HARVARD LAW SCHOOL. FROM 1935 TO 1937 HE SERVED AS JUDGE OF THE BURKE COUNTY CRIMINAL COURT. HE WAS THEN NAMED A NORTH CAROLINA SUPERIOR COURT JUDGE, A

POST HE HELD UNTIL 1943. THEREAFTER HE SERVED FOR TWO YEARS AS A MEMBER OF THE BOARD OF LAW EXAMINERS. THROUGHOUT THIS PERIOD HIS WORK AT BAR, BENCH, AND BOARD WAS MOST DISTINGUISHED.

GOVERNOR WILLIAM B. UMSTEAD RECOGNIZED THE EXTRAORDINARY NATURE OF HIS JUDICIAL TEMPERMENT AND NATURAL INCLINATION TOWARD LAW AND JUSTICE BY APPOINTING SAM ERVIN TO THE NORTH CAROLINA SUPREME COURT IN 1948, WHERE HE SERVED WELL FOR SIX YEARS, CAPPING A DISTINGUISHED LEGAL CAREER. HIS OPINIONS FOR THE COURT AND OCCASIONALLY FOR HIMSELF AS JUDGE WERE REMARKABLE. HIS PHILOSOPHY AS A JUDGE WAS SUCCINCTLY STATED IN HIS DECISION IN A 1950 CASE, STATE V. WELCH.

"IT IS OUR PROVINCE TO DECLARE THE LAW, BUT NOT TO MAKE IT."

HE ADHERED TO THAT PREMISE, THAT JUDGES DECLARE RATHER THAN CREATE LAW, THROUGHOUT HIS TENURE ON THE SUPREME COURT. ALL HIS DECISIONS WERE APPROPRIATELY AND THOROUGHLY SUPPORTED BY AUTHORITY. THEY STILL BEAR THE UNMISTAKABLE MARKS OF A SCHOLARLY MIND, AN ARTISAN'S EYE, AND THE WISDOM THAT COMES FROM HONEST TOLL AND EXPERIENCE TRULY GAINED.

BESIDES THESE ATTRIBUTES, THERE IS SOMETHING MORE. OVER AND OVER AGAIN THE "COUNTRY LAWYER'S" COMMON SENSE AND EYE FOR TRUTH AND REALITY SHINE THROUGH ALL HIS DECISIONS. HE PUT IT WELL HIMSELF IN HIS CONCURRING OPINION IN STATE V. SCOGGIN, A 1952 CASE: WHEN HE SAID "JUDGES ARE NOT REQUIRED

BY LAW TO BE MORE IGNORANT THAN ALL OTHER MEN."

WE MEMBERS OF THE NORTH CAROLINA BAR HAVE MUCH TO THANK HIM FOR, FOR HIS CONTRIBUTIONS TO THE BODY OF THE LAW OF THIS STATE AND NATION AND FOR HIS EXAMPLE OF THE BEST THAT IS IN THE LAW AND LAWYERS,

I AM PARTICULARLY HONORED AND PROUD TODAY TO PRESENT TO YOU, OUR SPEAKER, THE HONORABLE SAM J. ERVIN, JR., SENIOR UNITED STATES SENATOR FROM THE STATE OF NORTH CAROLINA,