

## "Senator Sam" Law expert?

Pamela Williamson  
Staff Writer

"Political, economic, religious, and intellectual freedom" are the fundamental freedoms which make it possible for America to endure as a free society."

So said the Honorable Senator Sam Ervin to an audience of alumni, faculty, and students as part of the University Day celebration on October 12. Such a noble statement is characteristic of the 77-year-old-bible-quoting, Constitution-citing hero of the "Watergate" investigation.

However, as the saying goes, "appearances," as well as statements, "can be deceiving."

For instance, of the Constitution, Ervin has been quoted as saying it is the "finest thing to come out of the mind of man."

The Constitution's Fifteenth Amendment, ratified February 3, 1872, says "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Section Two of this amendment provides that "The Congress shall have power to enforce this article by appropriate legislation." In exerting this latter power, Congress passed the Voting Rights Act of 1965.

After allowing thousands of Southern Blacks to be dog-bitten, water-hosed and police-brutalized out of the vote during the early sixties, Congress, in the aforementioned bill, suspended the use of literacy tests or similar voter qualification devices, and authorized the appointment of federal voting examiners to order the registration of Blacks in states and counties in which voter activity had fallen below certain specified levels.

Other provisions established criminal penalties for interference with voter rights, outlined a judicial recourse for delinquent state and local governments, and directed the Attorney General "forthwith" to institute proceedings against the use of state and local poll taxes as a qualification for voting. (Poll taxes were banned in federal elections by the 24th Amendment to the Constitution, which was ratified in 1964.)

In essence, The Voting Rights Act of 1965 put the full force of the law behind the Constitution's Fifteenth Amendment. However, "Senator Sam," the Constitutional expert, voted against the amendment.

Calling on his other area of expertise, Ervin told his University Day audience that "God grants liberty only to those who love her and are always ready to defend her." It is interesting to see how the Senator adheres to this idea in the area of civil rights.

The Civil Rights Act of 1964, signed into law by President Johnson, July 2, 1964, contained new provisions to help guarantee Blacks the right to vote and guaranteed access to public accommodations such as hotels, motels, restaurants, and places of amusement.

Assuming that Senator Ervin is correct in assessment of God's criteria for the granting of liberty, he is supported in the document where rests fame—the Constitution. Section One of the Fourteenth Amendment provides that "ALL persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States..." There is no categorizing of citizens on the basis of race.

This section further provides that "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States... nor deny to any person within its jurisdiction the equal protection of the laws."

In voting against the Civil Rights Act of 1964, "Senator Sam" causes a person to wonder at his reasoning, in light of his statement mentioned above. Either he believes that Black people do not love liberty and are not ready to defend it, or he has decided that God was a bit too liberal with his gifts.

The above examples are just a few of the inconsistencies between Senator Ervin's voting record and his publicized reputation for espousing freedom and justice for all Americans. The federal Constitution does not distribute rights on the basis of race. Therefore, a Constitutional expert should not try to do it either.

The Senator should be praised and encouraged in his valiant efforts to preserve American freedoms from perversion and abridgement through an investigation such as the one being conducted by the "Watergate" Committee.

However he cannot be praised and encouraged when he sacrifices the liberties and "inalienable rights" of ten per cent of the American population and approximately 24 per cent of his North Carolina constituency in order to gain and maintain political popularity. Or perhaps this is not his primary motivation at all.

If one believes that his Congressional voting record is a result of his expertise on the Constitution, they should give some thought to the opinion of one northern senator in reference to Senator Ervin: "There isn't anyone in the Senate who can match Sam Ervin on the Constitution as long as you don't go beyond the Twelfth Amendment." (ratified September 25, 1804).

### Inks needed

Urgently needed! Old copies of Black Ink, especially 1969, '70 and '71. The graduate library is in the process of compiling photostatic copies of back issues of the Black Ink. These copies will be returned.

Taxes  
Income taxes  
Every year due.  
Sales taxes.  
I pay these too.  
Luxury taxes.  
Maybe one or two.  
Black taxes  
On everything I do.

Don L. Lee



Senator speaking in Carmichael Auditorium. The "constitutional expert's" views on civil rights are questionable. Ervin is the chairman of a special Senate committee investigating the Watergate affair.

# Incarcerated Blacks Need our support

Valerie Batts  
Minister of Information

Bloods,

A severely crippling problem which Black America faces is the incarceration of its people. Jails across the country are filled with black folk, particularly black men.

Consider, for example, the N.C. Correctional system. Statistics on admission rates given, December, 1972 are as follows:  
Men: 6534 white Women: 63 white

Men 5645 black Women: 271 black  
remember too, that blacks are reported to be only 25 per cent of the state population.

I wonder if we understand the above stated problem. There are numerous sociological, psychological, economic and biological factors expounded by the "learned" in these respective fields, about why blacks and other minorities are lawbreakers in such numbers. The people may too ignorant, uncivilized, too poor to survive without crime, too unmotivated to pull themselves up, frustrated, hostile, lacking in self-appreciation, born with criminal minds, etc. etc.

It is not my objective here to dispute or elaborate on any of these theories. It is my sincere hope that our educational experience here at the university will allow us to individually reject (or accept ...) these various philosophies after investigation.

My concern is definitely, however, that we investigate; that we are moved beyond various intellectual discussions to checking things out. I want you to think about your physically incarcerated brothers and sisters. Face it bloods, we are all one.

It is distressing to witness the apathy we black masses have toward working the prisoners. How can we know what's happening if we do not deal with them? Every blood could learn a real lesson by merely corresponding with an

incarcerated brother or sister! In addition, each black student would be making a vital contribution to our liberation struggle, by communicating and creating a bond with another blood.

Let all of us think about it, especially those of us who have had some contact with black folks who have been or who are in prison. Why have these folks been locked up? Could you have done some of the same thing?

When a system of government is constructed by laws and norms unnatural to and ineffective for a large segment of its population it follows as a logical consequence, that there will be "law breakers" from that segment. I would go so far as to say that it is the natural tendency of these people to deviate. Those of us who have so far "adapted" to the existing societal laws and norms are then in effect behaving "unnaturally" in our dealing with them.

And I get into theorizing. The point I want to stress is this: black

folk in prisons across this state and nation need us and we need them. Our survival is in no way separate from theirs. All of us are studying, let us hope, to contribute our part in the development of a new world order; we surely cannot afford to adopt the role of our oppressor, seeing classes and categories among our people. Disassociation, toleration, and apathy toward our incarcerated brothers and sisters negate, in my mind, a black students belief in the fight for liberation and justice.

Bloods, please check it out. The BSM has access to names of prisoners in North Carolina's jails. Your correspondence with one by mail could mean the only letter for many prisoners. The off-campus staff wants a group of black students to visit the Hillsborough Correctional Institution weekly. Similar arrangements can be made at Central Youth and Polk prisons in Raleigh. The mechanisms are available for you to begin your investigation; will you?

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