

Speech by

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*J. Morgan*

I am honored by your invitation to speak to this group here today, because though I now stand before you in the role of Attorney General of North Carolina, it was only a few months ago that I was still practicing my profession as a "county-seat lawyer." I think you will agree with me that it would be a rare privilege for a "county-seat lawyer to have the pleasure of addressing such a distinguished group as this one, comprised of attorneys from throughout the United States.

I am proud of this background though; for Justice Robert H. Jackson once pointed out that the country or county-seat lawyer is an American institution. I think he was right, for those of us from small towns have a unique opportunity to observe our society and study its structure----- to see how its groups interlock and interact---- for it is easy to keep the total community in view. *Stop*

Our circle of acquaintances takes in the whole community and embraces persons of every outlook and every color. We are seldom given the chance to specialize or to pick and choose

our clients. Likewise, we rarely decline service to worthy ones because they lack the ability to pay. Once enlisted for our clients, we take our obligations seriously, and give every power and resource to their cause.

To the county lawyer----- such as I was for some eighteen years--- the law is like a religion and its practice is more than a means of support; it is a mission. He, like any good lawyer I think, is not always popular in his community, but he is respected. Unpopular minorities and individuals often find in him their only friend and advocate. He, like all good lawyers, is too independent to seek popularity ----- he thinks of himself as a leader and lawgiver, not just a mouthpiece.

This has been my experience in the legal profession, for as many of you know, my tenure as Attorney General has thus far been short. But while serving as a practicing attorney----- a county-seat lawyer-----and especially as Attorney General, I have become firmly convinced that the legal profession has a vital role to play in resolving the perplexing social problems facing the people of our country today.

As attorneys we are sworn and devoted to the dispensation and maintenance of justice through law. This is fundamental to our profession and it is our responsibility to see that these ideals of our system of jurisprudence also become realities.

We must make ourselves available to the people and as their agents serve to the full extent of our abilities. It is not enough for us to surround ourselves with the air of great legal philosophers who serve as neither catalysts or active participants in solving immediate problems.

People of all colors are more conscious today than ever before of injustices which confront them and they expect the members of our profession to use their talents to alleviate them. We have responded in our office by proposing and establishing a Consumer Protection Division to make sure that both the consumer and the honest businessman are protected in their dealings in the marketplace. This direct involvement in the immediate solution of problems facing the man in the street, I feel, is one of our most important achievements during my six months in office.

Consumer fraud affects both the rich and the poor but it is particularly tragic when the unscrupulous operator preys upon the illiterate, the poor, and the elderly. These are the persons least able to afford a fleecing and also least able to protect themselves.

Now, I wish to turn to the topic of LAW, ORDER AND JUSTICE which I believe the three most important aspects of both our

democracy and our profession. These terms and their meanings are neither liberal nor conservative, black nor white, Republican nor Democrat. These terms and their meanings are NEUTRAL and should be viewed and applied equally and without favor.

First, let us look at the word "LAW". Law is the cornerstone to civilized society. President John Kennedy said, "A community without law is a shell." It is the MEANS by which order and stability are established and maintained. Thus, law should be neutral and equally APPLICABLE to all of its citizens regardless of race, creed or color.

Law is both positive and negative in its approach. It can bring into effect constructive programs which will benefit all members of society, and it can correct past injustices and rectify existing wrongs. Yet, law can and must bring criminals into the hands of justice and the proper authorities so as to protect law-abiding citizens from the pain and suffering which always result from criminal acts.

A corollary to this is the fact that we need to show more respect for the law ourselves. Every one of us contributes to the disrespect for the law in one way or another. Let me give you some examples: We show disrespect for law whenever we criticize judicial decisions in such a way as to imply that we do not think that they should be enforced, for a judicial decision is a point of law.

If we are to show respect for the law and have a government of laws rather than a government of men, these decisions--whether we like them or not--must be enforced. In our nation we are free to disagree with the law, but we are not free to disobey it.

We show disrespect for the law whenever we as parents set bad examples by our own disregard for law and excuse the minor offenses of our children.

We contribute to disrespect for law whenever we as newsmen give vivid coverage to criminal behavior, but only nominal coverage to arrests, prosecutions, and convictions, for we leave the impression that crime pays.

We contribute to disrespect for the law whenever we refuse to treat an ex-convict as an ordinary citizen after he has paid his debt to society, for we then drive him back to a life of crime.

We contribute to disrespect for the law whenever we fail to adequately compensate our policemen, teachers, clergymen and all others who might help us to deter crime.

But worst of all, we contribute to disrespect for the law whenever we fail to teach our children the fundamental principles upon which our system of government and especially our

judicial system are based, and especially whenever we fail to teach our children the moral ideals of our society. Thus, we should recognize our obligations both as lawyers and citizens in the maintenance of respect for the law.

ORDER-- order is neither conservative nor liberal--neither black nor white. It is color blind, for that tyranny which is the result in the breakdown of order makes no distinction in the color of the people whose rights are trampled as a consequence.

Order is essential for any democratic system to exist. Yet at the same time, the democratic system should work in such a way that it will be responsive to the many social changes which constantly beset any progressive nation such as ours.

JUSTICE--Justice through the law and the courts is a fundamental tenet in all civilized democratic countries and should always be the cornerstone of such societies. Justice must be a universal quality. It should be assured to all our citizens--not as a privilege of the few but as a fundamental right guaranteed to all.

Criminal justice is a necessity. The question today is "how can we improve criminal justice?" Like it or not, we are in a new day of law enforcement, a day when we cannot insure "justice for all" and meet the challenges of our time with under-trained, under-paid, and under-staffed law enforcement

agencies.

Law enforcement officials realize that in some ways recent Supreme Court decisions have made it more difficult to apprehend and convict alleged criminals. But we must help them see also that these decisions have not made law enforcement impossible. The effect of these decisions is to require greater training, wider use of scientific investigative techniques and employment of persons of sufficient training and understanding to apply such techniques.

By anyone's standards, these are turbulent times and though the vigorous enforcement of the criminal laws is imperative, such enforcement must be fair and impartial.

In short, criminal justice must be a blend of strict law enforcement and increased professionalism with equal and uniform application of the law.

I would like to add however, that many Americans think that the control of crime is solely the task of the police and the courts. In truth, crime cannot be controlled without the interest and participation of schools, businesses, private groups, and especially individual citizens. Our liberty and our security ultimately rest not on paper guarantees, but in the hearts, minds, and actions of the people. Unless the people take concerted action to change the general conditions

and attitudes that are associated with crime, no improvement in law enforcement and administration of justice will be effective.

The late President John F. Kennedy stated, "Our nation is founded on the principle that observance of the law is the eternal safeguard of liberty and defiance of the law is the surest road to tyranny. Even among law-abiding men few laws are universally loved, but they are uniformly respected and not resisted." I agree with that statement and consequently am an advocate of "strict law enforcement."

Only through a "strict law enforcement" will there be any respect for the law or the LEGAL PROFESSION. Our profession is built on a foundation of respect and high regard for law and justice. The quickest way to weaken that foundation is by allowing the law to be ABUSED and MISUSED or by allowing justice to become injustice. Our profession will fall into disrepute and crumble along with society itself if "strict law enforcement" is not the rule, rather than the exception.

What do I mean by "strict law enforcement"? I mean that when there is a violation of the law by ANY person, he should be subject to the punishment prescribed by statute. This should be the procedure in every case and it should be made clear to the public that this procedure will ALWAYS be carried out. It should also be made exceedingly clear that neither color, economic status, religion nor any other classification entitles



one to favored treatment. Once the law is broken, all men should be equal before the Bar of Justice to answer for his violation.

For the other side of "strict law enforcement" we must turn to the law enforcement officer. Certainly they deserve our support as long as the law is enforced equally and without favor. But, they also have the responsibility of living within the law and must caution themselves constantly to avoid treading upon the rights of others or violating laws in the overzealous conduct of their duties or in their eagerness to apprehend persons who have violated the law.

If there is in fact to be "strict law enforcement" as I advocate and a universal "will" to respect and obey the law, we must demand the same adherence to the law by law enforcement officers as by private citizens.

In conclusion, I would like to look with you to two important questions which blacks and whites often ask themselves and which often tend to polarize and divide.

1. Are all whites against freedom and equal opportunity for all?
2. Are all blacks bent on violent change?

Too often when riots and disorders are viewed on television or in reality, some whites conclude that all blacks are bent on

destruction. Too often when a white practices, in some form, outright racism, some blacks may say, "they're all alike and need to be burned out." Too often these simplistic approaches lead to the further widening of the chasm of race relations and delay a meaningful solution to the social problems that beset us.

In my opinion, it is the obligation of all black and white men of good will to begin to wash away the stereotypes of both races, to rise above black and white racism, to refute extremism, to demand respect for all men and to strive for right because right has no color.

Again it was President Kennedy who said, "It ought to be possible for every man to enjoy the privileges (and responsibilities) of being American without regard to his race or color."

Above all, this must be true of our system of criminal laws, of our judicial system, where justice must, by necessity, be the keystone.

Ladies and gentlemen, our work is cut out for us. We belong to a profession which has the potential for tremendous leadership in our day. We must seize the helm; we must see that "justice" is not just a hollow word; we must prove that the fears of the doubters are unfounded; that our democratic government is capable of constructive change and of coping with the problems of the

twentieth century. And, we must adapt our profession to the needs of our time and to meeting the pressing human and legal needs of our people.

Surely we realize today, as never before, that in this dynamic nation the search for liberty and justice will be a continuing one, that liberty and justice will not be easy to find but that the search must be continued though the road is often hard and rocky.