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On Violence
as a means
of obtaining ~~our~~
rights.

SPEECH BY: ROBERT MORGAN, ATTORNEY GENERAL

TO: WOMAN-IN-ACTION COALITION FOR THE REDUCTION OF VIOLENCE

DURHAM, NORTH CAROLINA - OCTOBER 13, 1969

It is most fitting that you as a group of concerned women should be troubled by the rising tide of violence and disrespect for law and ~~order~~ ^{justice} which plagues our state and nation today. The record of crime, massive violence and riots is too well known to need further elucidation.

For those who follow the news media know that during the past year alone mob violence and riots have accounted for nearly one hundred deaths, injuries to thousands of persons and millions of dollars worth of property burned and destroyed in our cities and town.

When respect for law and order in our nation has deteriorated to the point that a witness confronts investigating Senators with a call for violence and says that city riots are but a "minute example" of what

will happen if his demands and those of his group are not met - and then attempts to justify such lawlessness and violence on the basis of the American Revolution - it is indeed time for every concerned American to face the challenge.

You are to be commended for your program designed to encourage and bring about greater respect for the law, and your support of all just efforts to prevent violence. You have taken a positive approach, and it is only through positive actions that we can ever hope to solve any of our problems. It is simple enough to blame, to find fault and to criticize. But it is much more difficult to find answers and to instill respect for law and order. I admire such organizations as yours because you have seen a need and you are trying to do something. Because of your study and actions, people will respect, listen and value your judgment as you work to make our nation one of laws rather than one of men.

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Perhaps, there was no need clearer to Colonial Americans than that of a representative government worthy of the respect of its citizens and to which they could go for relief from the tyranny and oppressive burdens placed upon them. They knew that only through a representative government could individual liberties be secured. And from those early Americans we of today know that there was a time in our history when violence was necessary to destroy the oppression of the tyrant and create a just society. We know this because it is true that our nation was founded through the use of just such violence. But those who would attempt to justify their lawlessness today on the basis of the American Revolution must in all good conscience look to the conditions that roused our forefathers to revolution. They will find that they were very special conditions and do not now exist nor will they ever again in these United States.

In the words of the Declaration of Independence, Americans had endured a long train of abuses

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General

and wrongful use of power designed to subject individuals to absolute despotism. Colonial Americans time and time again sought relief for their wrongs - sought relief from oppressive burdens, but all without any success.

There was no government "of the people, by the people, and for the people" to whom they could turn. There was no representative government and no means by which men could peacefully right the wrongs which existed in the system under which they were forced to live. Law was imposed from without, and though the British Crown gave lip service to the rights of men, no one honored those rights.

So Colonial Americans had no choice but to resort to violence. And their violence was justified, for they were abused and were offered no means whereby their injustices could be corrected. Our forefathers fought a great revolution to create a representative government which now insures all citizens of this

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nation that they never again will have to resort to violence to correct social or economic injustice or change the direction of national or local government.

But there are persons in America today who feel they have been abused and also must resort to violence to halt their abuses. These individuals purport to believe their government is unjust for it has failed to completely and totally eliminate abuse and create a perfect society. But I contend that it is unreasonable to expect any government, no matter how conceived, to guarantee that its citizens shall always be free from any abuse, though we would welcome such a guarantee. Unfortunately, the truth of the matter is that all of us are the subjects of abuse from time to time.

So since even a just government cannot guarantee that its citizens will always be free from any abuse, the next best thing it can do is provide adequate means of redress when such abuses occur.

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For this reason we have established a system of courts - a judicial system - to which individuals can carry their grievances and obtain relief.

These judicial systems, like our government itself are not perfect. But they are the best that our people have been able to create during nearly two centuries of representative government. These judicial systems seek to serve the cause of justice, and in doing so seek to protect the individual and preserve local autonomy. And we as civilized men put our grievances before the courts for we believe as John Locke that "wherever law ends, tyranny begins".

We in America have a just government. It cannot guarantee complete freedom from all abuse, but it can, and does, provide redress designed in every way to protect the rights of the individual. That this is so can easily be seen when one remembers the Bill of Rights and recent judicial decisions.

The courts today are interested in protecting

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freedoms and the rights of the underprivileged, the indigent, the disadvantaged, and other minorities. In fact our courts have tried so hard to protect the rights of the individual that some people sincerely contend that criminals are being protected at the cost of society itself and that minorities are being promoted at the expense of the majority.

But whether we agree or not, I think we all believe that to respect individual rights does not mean we must condone, and even give official sanction to all acts, whether lawful or not, of our fellow citizens.

The constitutions of both the United States and North Carolina guarantee the people a right to assemble peaceably, to consult for their common good, to instruct their representatives, and to petition the government for redress of their grievances. Recent history shows that our government responds to such petitioners - sometimes slowly, but always in good faith.

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Many such responses will stand as monuments to human rights and will continue to represent an affirmation of faith in human dignity.

Where such peaceful and orderly means of redress are available to the people as they are in our state and nation today, no man needs to turn to violence and lawlessness as a form of protest. So I, as a lawyer of some seventeen years and as a legislator of more than ten years, would say to those persons in this nation who feel they have just grievances - and there are such persons of all races - that they should take new inspiration from the Declaration of Independence, for although that document was conceived in violence, it cautions prudence and it advocates violence only in the face of conditions that do not now exist in America, nor will ever exist again.

Americans with just grievances who believe they must resort to violence for redress are misled - some by ignorance, some by passion, and some by the

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General

deliberate agitation of disgruntled individuals who would be unhappy in any society that they were not masters of.

Such ignorance should be fought with education; such passion should be fought by the good-faith redress of ~~whatever~~ just grievances, ~~they may have~~. And those disgruntled individuals who provoke lawlessness and violence for the love of strife itself should be sought out and prosecuted to the fullest extent of the law, for they are criminals and should be punished.

And it seems to me that the punishment of fomentors of riots ought to be of as much public interest as the damage these rioters do. It is significant that United States Senators investigating ~~last summer's~~ city riots appear to be arriving at the conclusion that failure to punish agitators is a major cause of the violence that has swept America.

In the words of our late president John F. Kennedy, "Our nation is founded on the principle that

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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."

We Americans must remember that where there is an honest difference of opinion, one side or the other must yield. *"That great bourn of all common sense: compromise."* ~~And~~ the fact that we temporarily have been overruled, gives us no right or privilege to impose our will on the majority by force - by violence or lawlessness. To do so would be to deny the basic concepts of democratic principles and representative government.

Americans are free to disagree with the law, but not to disobey it. For in a government of laws and not of men, no man, however prominent and powerful, and no mob, however unruly or boisterous, is entitled to defy the law.

ROBERT
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So when persons resort to violent protest and lawlessness, civil democratic society has no choice but to defend itself. Such defense whenever possible must take the form of legal action against the offenders, but when violence simulates a state of way, it is no longer protest; it is rebellion - and nothing short of rebellion - and then we have no choice but to respond with force, for then the law of self-preservation prevails.

Our constitution gives no man the right to disrupt society in an effort to force his representatives to grant what he wishes. To grant that right would be to destroy civil society itself, since in the words of Winston Churchill, "Civilization means a society based upon the opinion of civilians. It means that violence, the rule of warriors and despotic chiefs, the conditions of camps and warfare, of riot and tyranny, (must) give place to parliaments where laws are made, and independent courts of justice in which over long periods these laws are maintained".

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Such civilization must be preserved, and will be preserved in our state and nation. Such violence must be suppressed - legally if possible, but forcefully if necessary.

If we are to live as civilized men, these individuals with just grievances must be prevailed upon to petition for redress through channels always open in our representative government. And disgruntled minorities must be prevailed upon to resort to democratic methods of conviction if civil society is to survive. And if they cannot be prevailed upon to do so, they invite force, for as John Stuart Mill has said, 'liberty, as a principle cannot exist where men are not capable of being improved by free and equal discussion.'

And now, as you pursue your goals of encouraging greater respect for law and order, ^{and preventing violence} may I respectfully suggest that you attempt to impress upon the hearts and minds of the people these eternal principles.

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First: 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.

Second: Americans are free to disagree with the law, but not to disobey it. For in a government of laws and not of men, no man, however prominent and powerful, and no mob, however unruly or boisterous, is entitled to defy the law.

Third: To those who feel that they have just grievances our representative government provides a judicial system to which they can turn for relief, and this system and the government itself have been quick to respond to injustices.

Fourth: Lawlessness and violence may never be justified on the basis of the American Revolution for the Colonial Americans had no representative government to turn to, nor a judicial system that was willing to respond to their petitions.

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Fifth: Those disgruntled individuals who provoke lawlessness and violence for the love of strife itself must be sought out and prosecuted to the fullest extent of the law, for they are criminals and should be punished as such.

Sixth: The court trials of fomentors of riots and violence ought to be as much public interest as the damage these rioters do. Such news coverage should hold up to public scorn people who vent their injustices through abominable practices and serve as a deterrent to others.

Public sentiment is a powerful weapon on the side of law and order, for as Abraham Lincoln once said, "In this and like communities, public sentiment is everything. With public sentiment, nothing can fail, without it, nothing can succeed".

Thank you for allowing me to share a small part in your efforts, and I trust that what I have said will

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15

contribute to your ultimate goal of ~~creating greater~~
~~respect for law and order.~~

*preventing violence and creating a
better understanding between ^{the} people
in your community.*

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