

Speech by
Robert Morgan
Attorney General of North Carolina
Forsythe County Bar Association
May 5, 1969

LAW DAY SPEECH

I can't begin to tell you how pleased I am to be with you today as you celebrate Law Day here in Winston-Salem. I am honored by your very gracious invitation and delighted to have the chance once again to meet with friends who during the years -- and especially during the last several months -- have been so kind and considerate. It is refreshing, it is relaxing, it is truly a real pleasure to share this occasion with the distinguished members of the Forsythe Bar.

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This is the twenty-first year that Bar Associations throughout the United States have observed this occasion. This observance, created by a joint resolution of Congress and a proclamation by the President of the United States, each year acquires added meaning as we, the members of our

profession, rededicate ourselves to the purposes for which it was established and become more determined that we shall be a government of laws and not of men, that our society shall be based upon order rather than choas, and that rights and liberties shall be preserved and justice assured all men.

In our day these are difficult purposes to dedicate oneself to, for it appears that there is an increasing number of persons in our society who, if they had their way, would destroy the rule of law and substitute for it arbitrary will; who, if not deterred, would wantonly destroy established institutions without offering work-able replacements; who would ride roughshod over the rights and liberties of others in their eagerness to gain advantages for themselves.

I know that I need not even point out these facts to you, for no one is more aware of the strife which exists

in our society and the alarming situations on many of our college and university campuses than the members of the legal profession. You know the frightening implications of such conduct.

Our alarm does not stem merely from resistance to change. I do not believe there is a man or woman among us who wants to bind or fetter twentieth-century Americans with the traditions of the past, simply because they are traditions, or the patterns of life which ordered another day. Every generation deserves to be special, to have its own causes, to seek constructive change and to expect that society and its institutions be responsive to the needs of the day.

These are reasonable expectations of every generation and as reasonable men, we would not deny these things. But

reason also dictates that any change be peaceful change, brought about by acting within the laws of our Democratic society and within the reasonable restraints of the law. "Law is restraint and the absence of restraint is anarchy" (Cardozo).

The problems of recent days and months have not been confined to any one area of our State or to any one campus. You have had difficult situations here in this community and it behooves all of us not to inflame dry tinder by untimely and irresponsible statements. But certainly on this occasion, when we meet to honor the rule of law, we should resolve together that violations of the law will not be tolerated, regardless of cause or motivation; that the law will be enforced and that no place within our State will become a sanctuary for persons who willfully break the law, commit violent and provocative acts, and trample the rights of others. If we are to be responsible members of

the society in which we live and do credit to the profession we practice, we must so resolve.

Daniel Webster once said of the law: "It has honored us; may we honor it." Let us repeat that statement in our day, on this day, on "Law Day". Let us honor the law because no other human achievement deserves to be honored more. Great men have always understood that the law is the one great hope of civilization.

That law means order and that good order comes only through good law is a principle recognized by Aristotle. Goethe (gurt-ah) knew that only the law can bring freedom, and John Locke told us that "whenever law ends, tryanny begins."

So we should honor the law. It is proper that we honor it, just as it was proper for those ancient people who founded our civilization to honor such people as Solon and Moses,

because they were law-givers. It is imperative that we honor the law today because many of our people seem to have forgotten that the law deserves honor and that the continuation of our Democratic system demands it.

But as we do so, let us not forget that the honor which the law deserves most is not the honor of words but the honor of deeds, for as the ~~Apocryphal~~ St. Timothy said, "The law is good if men use it lawfully." The honor that the law deserves from all men is intense respect and obedience.

The people of our nation, especially, should honor the law. It is here that the noble conception of a government of laws rather than of men was first realized. It is here that the noble ideal of government receiving its just powers from the consent of the governed was first instituted. And it is here in this great land that the noble dreams of the equality of man, and of liberty and justice for all, have most nearly become truths.

I think ~~that~~ we all recognize that "equality and justice are the two distinguishing characteristics of American democracy" (Hutchins), that to be ruled by law this nation must give "equal and exact justice to all men, of whatever state of persuasion" (Jefferson), and that in this nation, without equality under the law, there can be no justice. For what is justice except giving every man his due?

I would not contend for one moment that our society is perfect, that injustices do not occur from time to time, and that on occasion the liberties of one are not transgressed by another. But I do believe with all heart that our system provides channels for the peaceful redress of grievances and that in America no man need defy the law or resort to destruction, violence or intimidation to achieve their reasonable desires, protect their rights, or alleviate their needs.

True Americans must all agree with Lincoln when he said that "there is no grievance that is a fit object of redress by mob", and with Theodore Roosevelt when he said that "obedience to the law is demanded as a right; not asked as a favor."

I do not believe any of us would agree with the statement of Dickens' Mr. Bumble who said that "the law is an ass and an idiot." However, if the law is to be honored as it deserves once again in this nation of ours, we must find some way to convince those who do agree with Mr. Bumble that the law is worthy of their respect. And we certainly should begin by making sure that we obey it and respect it ourselves.

To honor the law properly, we must be reasonable men of good will, for only when the law is reasonable, and fairness is kept foremost, will it command the respect it deserves. Only when the law punishes impartially those who disobey it

and recompenses injury with justice will it have the support of the people. As Lord Bryce has said, "Law will never be strong and respected unless it has the sentiment of the people behind it."

Let us not only teach respect for international and domestic law, but also respect for the moral law, for no system, however well-staffed or organized, no level of material well being for all will rid a society of disrespect for law if it lacks a widespread ethical foundation. A great American has said that "we were a God-fearing people at one time and proud of it" (Blatt). We must be that again if we expect to see respect for law prevail, for a law is nothing more than a rule dictated by reason.

Law certainly has been a gift of great benefit to men. It has shown men how to be moral, for our moral code is expressed in the law we call God's. It has shown us how to

be civilized, for as philosophers like Hobbes and Locke have shown, men without law are men who live in a perpetual state of war.

The law has shown us how to resolve disputes between men without resort to force, and it has shown us that men - like Solomon - can be wise and honest judges regardless of their personal inclinations.

In the words of one writer, (Johnson), "The law is the last result of human wisdom acting upon human experience for the benefit of the people." The law has shown us how to regulate our commerce so that the goods of life can be given to the greatest number, and it has shown us how to regulate our affairs so that we do not unduly interfere with the affairs of others.

Justice Learned Hand stated that "Justice is the tolerable

accommodation of the conflicting interests of society" and "equality and justice are the principles of freedom" (Page). In fact, it has been said that many of the difficulties of our day are the result of our attempts to accommodate under our Constitution, two conflicting values, each of which is fundamental (and necessary) to our way of life: the need for freedom to speak freely, to protest, to organize and to demonstrate; and the necessity of maintaining order so that other people's rights, and the peace and security of the State will not be impaired (Fortas).

Our laws do provide great benefits, and because of these benefits, if for no other reason, it deserves to be championed and obeyed. Those who reject them, in my opinion, are impractical and unreasonable.

Would we Americans have it any other way? What would life for the weak be like if the strong always prevailed?

What would life for the defenseless be like if commerce could not be regulated? And what would life for everyone be like if everyone else's affairs interfered with our own?

I submit that life would not be worth living. When Patrick Henry said "Give me liberty or give me death", he was calling for a government of law by calling for freedom from the tyranny of man, for although it is "man's capacity for justice that makes democracy possible, it is man's inclination to injustice that makes democracy necessary" (Niebuhr).

The law is man's noble possession and upon it all civilization is built. If civilization is to be preserved and advanced, the law must be honored by obedience, and this is what we must teach to those who for any reason, however glorious, would disrespect it or disobey it.

"Obedience to law is the only path to freedom" and "just as we expect the government to be bound by all laws, so each individual is bound by all the laws under the Constitution. He cannot pick and choose. He cannot substitute his own passion, however noble, for the rules of law." (Fortas). To do so is not reasonable, to do so is not practical, I submit.

I suppose I might be called a pragmatist for I believe that the ills of this world cannot be cured in unreasonable and impractical ways; unreasonable and impractical action can do little more than compound the illnesses of society.

Let us then by honoring and obeying the law, as it justly deserves, be an example to those unreasonable and impractical people who disrespect it and disobey it.

This indeed is the significance of setting aside a day

to honor the law. Honoring the law in this way is meant to show to our own citizens and to men throughout the world what sensible behavior demands. So today, all true Americans everywhere should repeat the American's Creed:

"We believe in the United States of America as a government of the people, by the people, and for the people; whose just powers are derived from the consent of the governed; a democracy in a republic, a sovereign nation of many sovereign states; a perfect union one and inseparable; established upon these principles of freedom, equality, justice, and humanity for which American patriots sacrificed their lives and fortunes. We therefore believe it is our duty to our country to live it, to support its constitution, to obey its laws, to

respect its flag, and to defend it against
all enemies."

Let us remember that "our best defense is not in
armaments, nor in science, nor in going underground. Our
best defense is in law and order" (Einstein). Our best
defense is insuring justice and equality for all people
and our greatest weakness is disrespect and disobedience
for the law.

Thank you.