

Speech by  
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Cumberland Law School  
Birmingham, Alabama  
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It is certainly a pleasure for me to have an opportunity to come to Alabama and your campus to participate in the very fine program you have had here today. We were excited by your invitation for a number of reasons.

First of all, the Cumberland Law School enjoys an excellent reputation in my home state of North Carolina and you have many graduates practicing there. Many members of our Bar attended Cumberland when it was located in our neighboring state of Tennessee. Thankfully they returned to North Carolina to practice and to give our state the benefit of the training and skills they acquired.

I am pleased to say to you that these alumni have distinguished themselves in private practice and in service to their State as prosecutors, solicitors and judges. I could name many of them for you but two persons stand out in my mind: one is John C. Ragen, one of our most respected solicitors or state's attorneys, who recently completed a term of service on the Governor's Committee on Law and Order; the other is Judge William Bundy who just this week announced his retirement after many years of service on our Superior Court.

I, of course, did not attend Cumberland but received my professional legal training at Wake Forest University in North Carolina. While a student there, like many of you, I joined a law fraternity. I chose PHI ALPHA DELTA, and served as its Justice.

My interest in law fraternities, especially PAD, has continued and I was delighted to note in a recent alumni publication that the Cumberland Law School Chapter was selected as the Outstanding Chapter in America. This is an outstanding achievement for both the fraternity and the Law School here and I congratulate you. I know the work and service which went into winning this award for just two years ago, my old Chapter at Wake Forest earned this distinction.

It is a special pleasure to have received our invitation to come to your campus by a young man from a county which bounds my own and whose family I have known for many years. It pleases me to know that we are still sending you young men from North Carolina for legal training.

I think I should be honest and confess that I was really very surprised to receive an invitation to speak tonight. I couldn't imagine why an international law group would invite the attorney general of a state to speak on an occasion such as this.

I gave it a great deal of thought and finally decided that if I accepted my comments might be as inappropriate and out of character as those made by a little girl who came to my house trick or treating last Halloween night.

-----Halloween story-----

Thank goodness George assured me that I would not have to talk about international law but could choose my own topic, hopefully something a little more in line with my duties as the Attorney General of North Carolina.

As you know, I have been Attorney General of my State for only about a year. I came into office in a rather unusual way---at least unusual for my State---for I challenged an incumbent and won the nomination from him in the Democratic primary.

A lot of people thought it couldn't be done and to prove it they pointed to the fact that only one person holding a statewide office in North Carolina had been unseated this way during this century.

We proved them wrong by saying to the doubters, "Show me why it can't be done, and then we'll tell you how we intend to do it." We won but I tell you here tonight in all seriousness that we could not have done so without the active support of law students like yourselves. Let me explain how this happened.

For many years, the office of the Attorney General in North Carolina had been inactive. In comparison to some other offices, such as governor and legislator, it had appeared to require little more than a routine day-to-day performance of fixed and established duties, while at the same time other offices in our state government had required, and indeed demanded, the use of keen intellect, imagination, insight, courage, and strength in order to mold the broad policies of our government, meet the daily needs of our people, and plan for our future requirements. We felt this image was incorrect and we decided to put our heads together to see how we could correct it.

So one of the first things we did was call together a group of law students like yourselves at the University of North Carolina Law School for a brainstorming session. Their enthusiasm was overwhelming and ideas for activating the office poured out. We did the same thing at Wake Forest, my alma mater, and we talked with students from other law schools in the state.

We soon decided that in State government the office of Attorney General is the most important office to be held. George Washington wrote in 1789 that "The administration of

justice is the firmest pillar of government." (Letter to Randolph). And since justice within the state is uniquely the concern of the Attorney General, his office becomes a most important office in a free society and in a state which respects the individual rights and freedoms of its citizens and protects their mutual interests, for only when the Office of Attorney General is held by one sensitive to these will justice and liberty prevail.

In 1776, the founders of this nation held certain truths to be self-evident, and 1868, the people of North Carolina reasserted this belief when they adopted our State's Constitution. We hold that all persons are created equal, that they are endowed by their creator with certain inalienable rights, among which are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness. (Article I, Section I). And the wise founders of this nation further held that democratic governments are instituted among men to secure these very rights: establish justice, insure domestic tranquility, promote the general welfare, and secure the blessings of liberty for themselves and for all posterity. (Preamble, Constitution of the United States.)

It was our opinion that it is through the office of the Attorney General that these ends of democratic government are secured and we began to shape a platform which we thought would restore this top legal position in North Carolina to its rightful place of prominence in the day-to-day affairs of the people.

Let me tell you that the platform we presented in our campaign for making the Attorney General truly "the people's attorney" was primarily the product of the minds of young men and women like you in North Carolina. It caught the imagination of our people and it won the election for us.

Several of these young men have now graduated and serve on my staff in Raleigh. They know as I do that the system is subject to change, that government is susceptible to new ideas and that the ballot box is still a powerful weapon in our society. For this reason, I cannot agree with some of our more militant friends that change must be violent and that demonstrations and confrontations are the only way to strike a responsive cord.

I think it is easy for you to see now why I was delighted to come all the way to Alabama to visit a law school campus. I know the potential which you hold and I enjoy more than I can tell you having the opportunity to meet and exchange ideas with law students in any section of our country.

What sort of philosophy have I taken with me to the Attorney General's office in North Carolina? It is difficult for me to say except to say that I suppose I am strongly Jeffersonian--I believe that government should be close to the people, responsive to the people, and subject to the wishes of the people. Certainly, for government to be otherwise is for it to fail to meet the very purposes for its being.

I have tried to make my actions and my office conform to this concept for I believe that as those of us who hold the public trust do so that persons who fear "big government" will have little to fear.

Like most Attorneys General, our duties are many and varied. In a very real sense the Attorney General is the "people's attorney," and as the people's attorney, he is the legal advisor to the Governor, the Council of State, and all agencies of State government. He is the head of the Department of Justice and in North Carolina the leader of our chief state law enforcement organization, the State Bureau of Investigation, and the lawyer for the people of North Carolina in appeals in all criminal cases. He is the attorney for every user of electrical utilities and services, for every user of gas and transportation service in all proceedings before the Utilities Commission to fix the rates for those services. It is his

duty and responsibility to require, institute, conduct, and maintain or intervene in all such suits and proceedings as he deems necessary for the preservation of order, the protection of public rights, and the restraint of acts which are injurious to public health, safety, or morals.

Certainly, it is easy to see the potential for service in the office of the Attorney General. This pleases me and I believe it should please you for here is an opportunity for the legal profession, which often is the object of much public criticism, to come to the forefront in behalf of the ordinary, tax-paying citizen. It strengthens the legal profession in a state where the office of the Attorney General is a vigorous advocate for the people and the public interest. When we win the praise and approval of the people the entire legal profession is in a real sense the beneficiary.

We have done a lot of new things in North Carolina that I especially would like to talk with you about. We have initiated an intern program which will bring into our office this summer six rising third-year law students. These students will work closely with senior members of our staff on projects which will as well as bring new life and ideas to our office. This is a tremendous program, we think, for it offers budding



young attorneys an opportunity to see State government from the inside, to involve them in many of the vital legal issues which face us today, and hopefully will attract many of these students to government service after graduation from law school.

We have started in our office a program called "Youth and  
s and members of our  
Young people throughout the State to  
When you are really interested in them and why it is impor-  
Young people  
will not only talk  
they will also listen r and respect for law,  
the working out young people to  
respect and obey something which they really know very little  
about. So we called together some of the attorneys on our  
staff and prepared a series of presentations to be made in  
the schools to explain the criminal laws, the elements of  
the crimes and to foster understanding of our system of  
jurisprudence.

The North Carolina Bankers Association has provided funds to  
publish these materials for distribution to interested  
attorneys and civic groups throughout the State and soon they  
will be available for distribution. We already have made many

visits to the high schools ourselves and we have been amazed at how little these young people understand and how eager they are to know what our system of law and justice is all about.

We have established a private foundation to pioneer in areas where the traditional bounds of government and bureaucracy made it difficult for us to move. Eventually we hope to offer scholarships to needy law students, to expand the Youth and the Law Program, to obtain grants for research and service projects and to innovate in the area of crime prevention, especially among our young people.

We have revamped our State Bureau of Investigation, doubling its size and introducing modern criminal investigation and apprehension techniques. You would be amazed at the sophistication of the criminal community and the relative antiquation of methods many of our law enforcement agencies have been using to cope with the increasing crime problem.

We are establishing a statewide criminal information system so that criminal files will be centralized and available within seconds to any law enforcement officer within the State. Terminals are being located in sheriff's offices and police departments throughout North Carolina making readily

available such information as stolen vehicle files, driver and automobile registration, firearms records, stolen property reports and outstanding warrants.

Perhaps these things are interesting only to those of us who live in North Carolina. I don't know, but I do think that the fact that such programs geared to meet immediate needs of the people have been initiated by government at the state level and have proved effective is important. In my mind, it indicates that state government is a vital force in the governmental system of the nation and that if government is to be returned to the people that it will be at the state level.

In my state I have always been known as an advocate of state's rights but I have said time and time again that state's rights are for responsible states. There is little need for the people to complain about centralization of power in Washington when government at levels closer to the people, primarily the state, have failed to see the needs of the people or respond to them.

We have launched an aggressive consumer protection program in our office. Some have said that by doing so we are meddling

with the free enterprise system, that we are anti-business and that we have forsaken our conservative heritage.

Nothing could be further from the truth. We see the area of consumer protection as one where we can assert state's rights early in the game and keep federal control from centralizing north of the Potomac.

We think that if we respond quickly and effectively to public concern about consumer matters that we will be able to preserve state perogatives in this area of increasing public concern. Let me explain what I mean.

We have appeared as an advocate on behalf of the using and consuming public before state regulatory and rate-making boards and agencies.

Explain position we have taken with insurance and utilities.

Note the Metcalf Bill.

Note the Insurance Bill pending.

Comment of nationalization of the public utilities.