

SPEECH BY: ROBERT MORGAN, ATTORNEY GENERAL  
TO: CATAWBA COUNTY DEMOCRATS,  
NEWTON, NORTH CAROLINA  
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"AMERICAN GOVERNMENT: THE CRISIS OF CONFIDENCE"

THESE ARE HISTORIC AND CRITICAL TIMES FOR OUR PARTY AND OUR NATION. IN A VERY REAL SENSE, WE ARE ONCE AGAIN IN THE MIDST OF TURMOIL WHICH MAY WELL TEST ~~WHETHER~~ <sup>WHETHER</sup> THIS NATION OR ANY OTHER NATION SO CONCEIVED AND SO DEDICATED CAN LONG ENDURE."

THE MOST POWERFUL INSTITUTION OF THE GOVERNMENT - THE PRESIDENCY - AND ITS OCCUPANT - THE PRESIDENT - ARE BOTH UNDER INVESTIGATION.

FOR THE FIRST TIME IN THIS CENTURY, THE HOUSE OF REPRESENTATIVES HAS BEGUN AN INVESTIGATION INTO THE CONDUCT OF THE PRESIDENT OF THE UNITED STATES.

WE MUST APPROACH THAT INVESTIGATION INTO THE PRESIDENT'S CONDUCT NOT AS DEMOCRATS BUT AS AMERICANS.

WHAT IS AT STAKE IS NOT THE ELECTORAL SUCCESS OR FAILURE OF THE OPPOSITION PARTY OR THE ELECTION VICTORIES THAT MAY COME OUR WAY.

WHAT IS AT STAKE IS THE CONFIDENCE AND TRUST THAT WE AS AMERICANS HAVE IN OUR GOVERNMENT.

WHAT IS AT STAKE IS THE CONFIDENCE AND TRUST THAT OUR FRIENDS THROUGHOUT THE WORLD HAVE IN OUR SYSTEM OF GOVERNMENT.

THIS CRISIS OF CONFIDENCE IMPERILS OUR LEADERSHIP ABROAD AND POISONS OUR POLITICS AT HOME.

SECRETARY OF STATE KISSINGER WAS ENTIRELY CORRECT IN OBSERVING LAST OCTOBER--DURING THE MIDDLE EAST ALERT-- THAT WE CANNOT HAVE A CRISIS OF AUTHORITY FOR MONTHS AND MONTHS WITHOUT THE NATION PAYING A PRICE ABROAD.

(AND, YET, ONLY THIS PAST WEEK-END WE READ IN OUR NEWSPAPERS THAT PLANS CONTINUE FOR A TRIP TO THE SOVIET UNION AND ANOTHER "SUMMIT TALK" ON ISSUES OF WAR AND PEACE. IN MY VIEW, DETENTE SHOULD NOT BE PURSUED FROM A POSITION OF WEAKNESS.)

AT HOME, THE PEOPLE HAVE LOST CONFIDENCE IN THE TOP ELECTED LEADER OF THIS COUNTRY.

PRESIDENTS HAVE FACED CRISES BEFORE.

PRESIDENTS HAVE BEEN UNPOPULAR BEFORE.

PRESIDENTS HAVE BEEN REBUFFED BY CONGRESS BEFORE.

BUT NEVER BEFORE HAS ANY ADMINISTRATION SO LOST TOUCH WITH THE PEOPLE.

THE ALLEGED CONSTITUTIONAL OFFENSES THAT LED TO THE IMPEACHMENT OF ANDREW JOHNSON WERE TRIVIAL COMPARED TO THE CHARGES THAT HAVE ACCUMULATED AROUND THE PRESENT ADMINISTRATION. THESE CHARGES GO FAR BEYOND THE CONSTITUTIONAL ISSUES RAISED BY IMPOUNDMENT AND EXECUTIVE PRIVILEGE. THEY INVOLVE THE VERY BASIC MORAL PRINCIPLES UPON WHICH THIS COUNTRY WAS FOUNDED - A RESPECT FOR THE TRUTH, A REGARD FOR THE INDIVIDUAL AND A DEDICATION TO THE RULE OF LAW.

WHAT IS UNIQUE IN THESE TROUBLED TIMES, SUGGESTS DR. ARTHUR SCHLESINGER, JR. IS THE LONG LIST OF POTENTIAL CRIMINAL CHARGES AGAINST THIS ADMINISTRATION.

THE INVESTIGATIONS IN PROGRESS SUGGEST THAT PRESIDENTIAL APPOINTEES WERE ENGAGED IN A MULTITUDE OF INDICTABLE ACTIVITIES:

IN BURGLARY;  
IN FORGERY;  
IN ILLEGAL WIRETAPPING;  
IN ILLEGAL ELECTRONIC SURVEILLANCE;  
IN PERJURY;  
IN SUBORNATION OF PERJURY;  
IN OBSTRUCTION OF JUSTICE;  
IN DESTRUCTION OF EVIDENCE;  
IN TAMPERING WITH WITNESSES;  
IN MISPRISION OF FELONY;  
IN BRIBERY;  
IN ACCEPTANCE OF BRIBES (FROM VESCO AND ITT);

IN CONSPIRACY TO INVOLVE GOVERNMENT AGENCIES  
(THE FBI, THE CIA, THE SECRET SERVICE, THE IRS, THE SECURITIES  
AND EXCHANGE COMMISSION) IN ILLEGAL ACTION.

THE PRESIDENT HIMSELF HAS DENIED THAT HE KNEW ABOUT THE  
WATERGATE AFFAIR, EITHER BEFORE IT OCCURRED OR DURING THE COVERUP.  
DESPITE THIS DENIAL IT IS BEYOND DISPUTE THAT THE PRESIDENT MUST  
BEAR THE RESPONSIBILITY FOR THE MORAL ATMOSPHERE THAT PREVAILED  
IN THE WHITE HOUSE.

THE CURRENT INVESTIGATION OF WHITE HOUSE INVOLVEMENT IN  
CRIMINAL ACTIVITIES ARISING OUT OF WATERGATE, THE ITT AFFAIR, AND  
CAMPAIGN FINANCING ABUSES MUST BE PURSUED IN AN INDEPENDENT AND  
OBJECTIVE MANNER. THIS IS NECESSARY NOT ONLY BECAUSE THE MEN WHO  
PERPETRATED CRIMINAL ACTS MUST BE PUNISHED, BUT BECAUSE OF THE  
DESTRUCTIVE IMPACT ON NATIONAL MORALITY AND RESPECT FOR LAW IF  
IT BECOMES KNOWN THAT ANYONE--BY VIRTUE OF HIGH POSITION--MAY  
ESCAPE THE RULE OF LAW.

THEODORE ROOSEVELT CALLED THE WHITE HOUSE A "BULLY PULPIT"  
AND FEW WILL DENY THAT, IN THIS ERA OF MEDIA OVERKILL, THE  
PRESIDENT'S MORAL STANDARDS HELP SET THE NORM OF POLITICAL AND  
SOCIAL BEHAVIOR FOR THE REST OF THE COUNTRY.

WHEN PRESIDENT TRUMAN ENCOURAGED HIS DAUGHTER, MARGARET, TO  
PLAY THE PIANO, CHILDREN ALL OVER THE COUNTRY BEGAN TO TAKE  
PIANO LESSONS.

WHEN GENERAL EISENHOWER GAVE HIS GRANDCHILDREN GOLF LESSONS, CHILDREN AROUND THE COUNTRY TOOK UP GOLF (AS WELL AS A LOT OF THE REST OF US),

IF THE AMERICAN PEOPLE BELIEVE, WHETHER RIGHTLY OR NOT, THAT CONCEALING CORRUPTION, TAMPERING WITH A PROSECUTION, AND BREAKING ONE'S WORD ARE "BUSINESS AS USUAL" IN THE WHITE HOUSE, WE WILL REAP THE HARVEST OF THIS DESTRUCTIVE SEED IN OUR PUBLIC MORALITY FOR YEARS TO COME.

IT IS FOR THIS REASON, AMONG OTHERS, THAT THE HOUSE OF REPRESENTATIVES AND THE SENATE MUST TAKE ACTION TO RESTORE CONFIDENCE IN GOVERNMENT.

THIS CAN BEST BE DONE BY ASSURING THE INDEPENDENCE OF AN INVESTIGATION INTO THE PRESIDENT'S FITNESS FOR OFFICE AS WELL AS THE ALLEGED CRIMINAL ACTIVITIES OF HIS SUBORDINATES. THE ACTION OF THE HOUSE IN BEGINNING AN INQUIRY TO DETERMINE WHETHER THERE ARE FACTS TO WARRANT IMPEACHMENT WAS QUITE PROPER. THE HOUSE JUDICIARY COMMITTEE SHOULD NOW PROCEED WITH FAIRNESS AND DISPATCH. FULL COOPERATION SHOULD BE OFFERED BY THE EXECUTIVE BRANCH IN ORDER THAT THE INVESTIGATION CAN BE COMPLETED.

I ALSO SUPPORT EFFORTS IN THE SENATE TO STRENGTHEN THE INDEPENDENCE OF THE SPECIAL PROSECUTOR FROM THE WHITE HOUSE. SEN. ERVIN'S PROPOSAL TO ESTABLISH A JUSTICE DEPARTMENT INDEPENDENT OF WHITE HOUSE CONTROL WARRANTS SERIOUS CONSIDERATION. ONE REASON I HAVE REFUSED TO RESIGN AS ATTORNEY GENERAL IS BECAUSE OF MY BELIEF THAT THE GOVERNOR SHOULD NOT CONTROL THE DEPARTMENT OF

JUSTICE. MR. JAWORSKI'S INVESTIGATION MUST BE ALLOWED TO PROCEED UNHAMPERED. HE MUST RECEIVE THE FULL COOPERATION OF THE WHITE HOUSE IN ORDER THAT THE COURTS AND THE PEOPLE MAY KNOW THE WHOLE TRUTH.

THE SPECIAL PROSECUTOR IS CONCERNED WITH CRIMINAL OFFENSES ONLY. IMPEACHMENT PROCEEDINGS, ON THE OTHER HAND, INVESTIGATE A WIDER RANGE OF MISCONDUCT WHICH RELATES DIRECTLY TO THE QUESTION OF THE PRESIDENT'S FITNESS FOR OFFICE.

NO CONGRESSISONAL INQUIRY IN THIS CENTURY HAS BEEN AS IMPORTANT AS THE CURRENT INQUIRY INTO THE PRESIDENT'S FITNESS FOR OFFICE.

WE MUST UNDERSTAND AND APPRECIATE THE IMPORTANCE OF THIS INQUIRY.

ONE BASIC PROBLEM PERSISTS IN UNDERSTANDING WHAT IMPEACHMENT IS. IMPEACHMENT IS NOT A CONCLUSION OF GUILT OR UNFITNESS FOR OFFICE. IMPEACHMENT, UNDER THE CONSTITUTION, IS ONLY THE ADOPTION BY THE HOUSE OF REPRESENTATIVES OF A SET OF CHARGES -- COMPARABLE TO AN INDICTMENT -- WHICH ARE PREPARED AFTER A FULL INVESTIGATION OF THE EVIDENCE. THE SENATE THEN SITS IN JUDGMENT ON THE CHARGES PRESENTED BY THE HOUSE. THUS, AS WE WOULD KNOW IT IN NORTH CAROLINA, THE HOUSE OF REPRESENTATIVES IS THE GRAND JURY, THE RETURN OF AN INDICTMENT IS IMPEACHMENT AND THE SENATE IS THE JURY THAT DETERMINES THE FITNESS OF THE PRESIDENT TO HOLD OFFICE.

TO CALL FOR BEGINNING THE IMPEACHMENT PROCESS, THEREFORE, IS TO CALL FOR AN INVESTIGATION. IT DOES NOT PREJUDGE THE PRESIDENT'S GUILT OR INNOCENCE. AND I WANT TO MAKE IT CLEAR THAT I MAKE NO SUCH JUDGMENT AS TO HIS GUILT OR INNOCENCE.

PUBLIC CONFUSION ALSO SURROUNDS THE TYPE OF BEHAVIOR WHICH WARRANTS IMPEACHMENT PROCEEDINGS. A GREAT MANY CONSTITUTIONAL SCHOLARS AGREE THAT A BILL OF IMPEACHMENT CAN BE BASED ON A FINDING OF CIVIL AND POLITICAL AS WELL AS CRIMINAL MISBEHAVIOR. THEY QUOTE ALEXANDER HAMILTON: "THE SUBJECTS OF ITS JURISDICTION ARE THOSE OFFENSES WHICH PROCEED FROM THE MISCONDUCT OF PUBLIC MEN, OR IN OTHER WORDS, FROM THE ABUSE OR VIOLATION OF SOME PUBLIC TRUST."

THE CONSTITUTIONAL TERM "HIGH CRIMES AND MISDEMEANORS" MAY, IT IS ARGUED, ENCOMPASS A WIDE VARIETY OF ACTIVITY INCLUDING CRIMINAL ACTS SUCH AS OBSTRUCTION OF JUSTICE AND BEING AN ACCESSORY AFTER THE FACT; CIVIL MISBEHAVIOR SUCH AS GROSS NEGLIGENCE IN THE APPOINTMENT AND SUPERVISION OF ONE'S AGENTS; AND POLITICAL MALFEASANCE SUCH AS ABROGATING THE SEPARATION OF POWERS.

BUT THIS INTERPRETATION IS NOT UNIVERSALLY ENDORSED, IN CONGRESS OR ELSEWHERE.

I WILL NOT PRETEND TO BE AN EXPERT IN CONSTITUTIONAL LAW, BUT I DO FIRMLY BELIEVE THAT IT IS PARAMOUNT THAT IMPEACHMENT SHOULD NOT BE USED FOR PARTISAN PURPOSES OR STEM FROM DIFFERENCES IN POLITICAL PHILOSOPHY. THE FOUNDING FATHERS CLEARLY INTENDED THAT LIMITS SHOULD BE PLACED ON OFFENSES WHICH COULD PROPERLY BE CONSIDERED IMPEACHABLE. ANY DEFINITION OF THESE LIMITS MUST ENCOMPASS BOTH THE SERIOUSNESS AND THE NATURE OF THE ACTS AND MUST REFLECT THE INTENTIONS OF THE FRAMERS, HISTORICAL PRECEDENTS, AND CONTEMPORARY STANDARDS OF MORALITY.

IMPEACHMENT, IN SHORT, IS NOT A STEP TO BE TAKEN LIGHTLY -- EVEN THOUGH IN FACT IT IS ONLY AN INVESTIGATION. AFTER ALL, THE INVESTIGATION DEALS WITH A MAN ELECTED BY THE SAME VOTERS WHO I AM ASKING TO ELECT ME. HE HOLDS THE MOST EXACTING AND CRUCIAL POSITION IN THE WORLD TODAY.

IT IS ONLY AFTER MUCH SOBER THOUGHT THAT I HAVE COME TO SUPPORT THE PRELIMINARY INVESTIGATION. I HAVE CONCLUDED

A) THAT THE CHARGES AGAINST THE PRESIDENT ARE SO GRAVE THAT THEY MIGHT BE GROUNDS FOR REMOVAL IF THEY ARE TRUE, AND

B) THAT THERE IS NO OTHER WAY TO PROPERLY ARRIVE AT THE TRUTH EXCEPT BY SUCH AN INVESTIGATION.

WE MUST UPHOLD THE PRINCIPLE THAT NO MAN, NO MATTER HOW IMPORTANT, NO MATTER HOW POPULAR, NO MATTER HOW CHOSEN, IS ABOVE THE LAW.

THE LAST POINT I WANT TO MAKE IS PROBABLY THE MOST IMPORTANT THING I COULD SAY ABOUT THE CRISIS WE NOW FACE.



BY TEMPERAMENT AND CONVICTION, I CANNOT AND WILL NOT ASSUME THAT ANY MAN IS GUILTY, NO MATTER WHAT THE CHARGES, UNLESS AND UNTIL ALL THE FACTS ARE PRESENTED IN AN ORDERLY, IMPARTIAL FASHION, WITH FULL SCOPE FOR REBUTTAL BY THE PRESIDENT. JUST AS THE RULE OF LAW APPLIES TO HIGHEST AND LOWEST CITIZEN, SO ALSO DOES AN ASSUMPTION OF INNOCENCE UNTIL PROVEN GUILTY.

SHOULD I AS A MEMBER OF THE UNITED STATES SENATE SIT AS A JUROR AT THE TRIAL OF THE PRESIDENT, MY VERDICT WOULD BE BASED ON THE EVIDENCE PRESENTED.

MY VERDICT WOULD BE GIVEN AS AN AMERICAN BOUND BY THE SACRED TRUST OF PUBLIC OFFICE AND NOT AS A PARTISAN PUBLIC OFFICIAL.

IF YOU WERE ON TRIAL IN THE SENATE OF THE UNITED STATES, OR IN THE COURTHOUSE AT NEWTON, YOU WOULD BE ENTITLED TO A JURY THAT WOULD LISTEN TO THE EVIDENCE AND THEN MAKE UP THEIR MIND BASED ON THE EVIDENCE. THE PRESIDENT OF THE UNITED STATES - BE HE DEMOCRAT OR REPUBLICAN - IS ENTITLED TO NO LESS.

TO THOSE WHO DEMAND THAT POTENTIAL JURORS IN THE SENATE DETERMINE THEIR VERDICT BEFORE THEY HEAR THE EVIDENCE, I WOULD SIMPLY SAY THAT SUCH AN ACT WOULD BE AS CONTRARY TO OUR SYSTEM OF GOVERNMENT AS ARE THE VERY ACTS WHICH GIVE RISE TO THIS CURRENT CRISIS.

THE EVENTS SURROUNDING THE PRESIDENTIAL ELECTION IN 1972  
HAVE SHAKEN THE VERY FOUNDATIONS OF OUR GOVERNMENT. THEY HAVE  
ROBBED THE PEOPLE OF THEIR TRUST AND CONFIDENCE IN  
GOVERNMENT.

WE MUST GO FROM HERE TONIGHT COMMITTED AS AMERICANS AND  
AS DEMOCRATS TO THE RESTORATION OF CONFIDENCE IN GOVERNMENT AND  
TO THE RETURN OF THE GOVERNMENT TO THE PEOPLE.

WE MUST BEAR THE GOOD NEWS THAT POLITICS CAN BE CLEAN, AND  
FUN, AND RESPONSIVE TO THE NEEDS OF THE PEOPLE.

WITH A FIRM RESOLVE TO GET THIS COUNTRY MOVING AGAIN  
AND AN ABIDING FAITH IN DEMOCRACY, THE SHIP OF STATE CAN BE  
RIGHTED AND THIS NATION CAN ONCE AGAIN HOLD UP ITS HEAD.