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NAGS HEAD  
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The 94th Congress is rapidly coming to an end. We hope to adjourn October second, and we will not be back until the people have had their say about our work, by voting in the November election. The membership of the entire House of Representatives will have to re-apply for their jobs. Thirty-two members of the Senate will also find out what the people have been thinking about them these six long years.

Judging from my own mail, I think many of them are going to find out that the people expect Congressmen to behave. In several instances, the willingness of public officials to live within the law has come into question, and the people will not stand for it.

I doubt seriously there is going to be a bushel-basket turnover.

Most of the 535 members of Congress are honest, and loyal to the Constitution. And I think the people will understand that press coverage of Congressional misconduct is exaggerated. A Senator's office budget goes mostly for staff salaries, office supplies, and the like, and stories which try to picture this as some kind of personal expense account by which we contrive to live high are just not true. The people are not so gullible as to fall for that. But they will not miss examples of real misconduct or lawbreaking, and they will not tolerate it.

No one can seriously expect the people to want to obey the law if the people who pass the legislation set themselves above the law. You know from your own experience that the rare cases of lawbreaking by a policeman make it hard for every other officer on the force to speak

with authority out there on the street.

No. Every man or woman who holds a public trust must be the living example of willingness to bend to the dictates of law. And not only is it a moral issue. It is a practical issue--that's the only way you can do your job. All of us depend in the final analysis on the respect of the people. One ideal which all of us here are sworn to protect is that of "equal justice under the law." And that means we must strive to treat the black and the white, the conformist and the dissident, the poor and the powerful with the same firm and fair even-handedness. This will remain the best country, with the best justice system on earth as long as its citizens, and especially its law enforcement officers, act in accordance with their noblest instincts, which will inevitably lead them to do their

duty to each other and to the nation.

There is a great goodness in the hearts of our ordinary people in this country that makes them extraordinary. Sometimes the taking of an oath is taken lightly, but the words of an oath, such as the one you all took at the beginning of your tours of duty, and the one I took upon entering the United States Senate, are usually the simplest, clearest, most direct words of legal writing anybody can come up with. After years of law school and practice and going through millions of words of legal writing, I can tell you that you often wish that every law could be as clear in its intent and in its wording as an oath of office.

I am reminded of an incident that took place in a little county seat town up in the mountains of North Carolina. This was back

in the forties, just after the war. The town had elected a new mayor, who was a kind-hearted fellow, a good man in many ways. Now he had a tendency to drink a little, but otherwise he was a good mayor. There was nothing the mayor enjoyed more than going down to the town square in the evenings, where he'd sit on a little bench they had outside the police station. He'd sit there and talk to everybody and sip out of a pint bottle of something that he carried in his pocket. He'd sit there and listen to the crickets singing on a long summer evening, and he'd talk to whoever was around, and as the evening wore on, if there wasn't anybody around, he'd keep talking anyway. But he was a well-intentioned man, and when he saw all the boys coming back from the war after serving their country, he tried to help them get jobs in the community when he could.

They had a vacancy on the police force, and this mayor went to one of the returning veterans and he said, "How would you like to be a policeman?" Well, this boy was honored that he'd been asked and said he'd like to be a policeman, but he asked one question--"Would I have to swear anything?"

The mayor said, yes, that he'd have to swear to enforce the law. Now this boy was very religious, and to him, the worst thing anybody could do was to swear falsely or to go back on an oath and he said "If I swear it, I'll do it." And the mayor swore him in as a policeman.

A few days after he had started work, it came the new policeman's turn for the night shift. Just about nine o'clock, here came the mayor ambling down the sidewalk, casting a rosy glow along the street. He

sat down on the bench outside the police station, pulled out that pint bottle of something, and got real comfortable.

Well his new policeman came out of the little station and saw him sitting there and he said to the mayor "Can a man take a drink on the streets of this town?"

The mayor said, "Nope."

The policeman said, "Why Not? No harm in it is there?"

And the mayor said "Nope---" and he grinned real big and said, "But for some reason, it's agin' the law."

The policeman said, "That's good enough for me," and he took the mayor gently by the arm and started leading him away.

And as they were walking off toward the jail, the mayor grinned and shook his head and said, "You don't know who I am do you?"

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The policeman said, "You could be the President of the United States and it wouldn't make any difference to me."

Well the mayor began to see that this boy was in earnest and he stopped and drew himself up as straight as he could and said with great indignation, "I am the damned mayor." And the boy just looked him right in the eye and said "I am a damned policeman." And he took him on to jail.

Now, don't you think that policeman is going to be respected in that town, and obeyed when he gives an order? Don't you think any jury chosen from that town is going to believe his testimony? I feel sorry for any lawyer who has to challenge him as a witness.

Many of you will recognize this as an old theme of mine. The first speech I ever made to the SBI when I became Attorney General was



on this topic. I told the SBI agents that they were expected to live within the law themselves. There was to be no such thing as a burglary to get evidence. The slower, legal route of getting a search warrant was to be followed. Breaking the law to enforce the law would be grounds for dismissal.

Since I went to Washington, I have had to continue to speak out on the need for incorruptable law enforcement organizations. I have had to criticize the FBI, because of what I found out on the Senate Intelligence Committee. I have not done it for political purposes. It has been a very unpopular thing to do, and the few votes you would get by attacking law enforcement I have absolutely no desire to have.

I know there are some people who wonder if Robert Morgan has changed his mind about law and order. I haven't changed my mind. I am not

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saying anything now that I didn't say to my own SBI agents many years ago. I did say, in a speech up in Asheville, that the FBI was "rotten to the core." That was a strong statement, but it took a strong statement. And I said it because of my lifelong interest in Quality Law Enforcement, not because I have lost that interest.

I am not yet satisfied the FBI admits that its methods were wrong.

It is the same old story--believing you can do anything you want because your cause is just. Let me read you from a speech given last month by Special Agent Edward J. Tulley. He is in charge of one of the categories of training within the FBI, and he said this:

"The FBI is certainly on the ropes. This, of course, is caused by our own inexcusable internal corruption and, of course, the attack on our investigative techniques. None of us in law enforcement have

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any interest in defending the possible wrong doing of any colleagues.

On the-other hand, to attack a person involved in tactical warfare  
against what we have historically referred to as the enemy to our way of life  
is inexcusable."

That's the problem in a nutshell. There seems to be an idea within the leadership of the FBI that illegal acts in violation of the Constitution were justified because they were used against enemies of the American way of life. One field agent told me, yes, their methods were wrong -- but they only used them against "rattlesnakes."

Of course, the FBI decided who the rattlesnakes were. They indicted, tried, convicted, and punished people on whom they could not make a case which would stand up in court. And I think you might disagree with some of their decisions as to who was a rattlesnake.

As you know, a lot of the Klan chapters in North Carolina in recent years were started by the FBI as part of its program to identify "Dangerous characters" and to disrupt and harrass the membership of the original Klan. One poor fellow got harrassed who was not a member of either the real Klan or the fake FBI Klan. All he did was buy a raffle ticket. He happened to win a car from the Klan.

This man's only action was to enter and win a raffle being sponsored by an organization under attack by the FBI. By doing so, he identified himself to the FBI as someone liable to overthrow the government. To the FBI, it was as if he had been indicted, and then convicted, and then he was punished. His punishment was an IRS audit.

And I don't think there was ever a clearer example of good and bad police work as the night the FBI's attempts to sow dissention between the old Klan and their own fake klaverns had finally led nearly to bloodshed. The two groups were heavily armed and angrily faced off across a road. One side held the members of the original Klan; on the other side were the members of the fake FBI Klan, including its agents' provocateurs. Probably the only reason violence did not erupt was the known presence of several agents of the State Bureau of Investigation who were prepared to enforce the law in case the confrontation got out of hand. They were the only law enforcement officers present.

So here you have the State Bureau of Investigation agents doing good police work, ready to enforce the law should a crime be committed.

Yet the reason the crime was about to happen was the result of FBI

agitation. I don't think there is any doubt as to which law enforcement agency was acting responsibly.

Which one was contributing to law? Which one was keeping order?

For too long, it has been the case that if you said "Law and Order" some people thought you meant something else. Some people don't seem to be able to say "Law and Order" without a sneer in their voices.

Because some people have misused them, these three innocent, direct, clear words have been burdened down with a heavy weight of misconceptions, misinterpretations, and prejudices.

I think its time we rehabilitated those three words. There's nothing wrong with the ideal that they express so concisely, and there's nothing wrong with saying things in their simplest way-- so I would like to be able to say I am for "Law and Order" and have

people understand what that means.

For too long, people have thought that if you were for "Law and Order" it meant you were against minorities, or against peaceable dissent, or against the rights of citizens, or that you secretly thought any number of other things when you said "Law and Order." What we are against, is the breaking of the laws of our land by anyone.

No one can stand above the law.

The organization chart of the United States Government does not have the name of a person at the top of it. At the top, in the box designating the supreme authority in this land there is not the name of a public official, but the name of a body of law -- the Constitution. The lines of authority go down from that to the President, to the Congress, to the Supreme Court. We literally do not have a government of men,

but of laws. The founding fathers took the name of a man off the top of the chart, replacing the words "his Royal Highness, the King", with the words "The Constitution."

No man, no human being stands above this document. I believe the people will see to it no one can set himself above the law for very long. They will not tolerate a Congressman who abuses his office; I do not think they want their law enforcement agencies to do anything but play by the rules.

That FBI official I quoted before called in his speech for activism by law enforcement personnel. He was speaking to a group of sheriff's deputies down in Louisiana.

"You and I," he said, "are of the warrior class. It is time for us to be heard, it is time for us to cry the battle alarm, it is



time to test the strength of those who demean our heritage.

"We are the ones who must make proper attitudes dominate. We are the ones who must rout out from all levels of government those bureaucrats whose lack of understanding brought us to the point where we are today."

I say the man is wrong. We can't have classes in this country. You are not of the warrior class, and I am not a member of any ruling class just because I am in the Senate. If we are members of any class, it is that which serves the people by either writing or enforcing the law which keeps us safe.

We will do our jobs, not by forcing proper attitudes on the people, but by writing more competent law or by doing solid police work. We will not do it by breaking the law even as we write it,

or carry it out.

Our country cannot afford either Congressmen who break the law or law officers who take the law into their own hands. Both the mayor and the policeman up in that mountain town took an oath to do neither one. Our example, for the well-being of our society, must be the policeman who would not forget that oath, no matter what.