

STATEMENT BY: ROBERT MORGAN
ATTORNEY GENERAL

DATE: JUNE 14, 1974

WHEN I ANNOUNCED MY CANDIDACY FOR THE UNITED STATES SENATE, I PROMISED THE PEOPLE OF NORTH CAROLINA THAT I WOULD RESIGN AS ATTORNEY GENERAL IN SUFFICIENT TIME FOR THE EXECUTIVE COMMITTEES OF BOTH PARTIES TO SELECT CANDIDATES FOR THE REMAINDER OF MY TERM.

THIS MORNING, I AM SUBMITTING TO GOVERNOR HOLSHOUSER AND SECRETARY OF STATE EURE MY RESIGNATION AS ATTORNEY GENERAL TO BE EFFECTIVE ON MONDAY, AUGUST 26, 1974 AT 8:00 A.M.

LAST WEEK, I CONTACTED MANY OF MY FRIENDS AND SUPPORTERS ADVISING THEM THAT I PLANNED TO ANNOUNCE THIS WEEK THAT I WOULD RESIGN AS ATTORNEY GENERAL EFFECTIVE SEPTEMBER 15. THIS WAS MY INTENTION UNTIL LATE YESTERDAY AFTERNOON WHEN I WAS ADVISED THAT GOVERNOR HOLSHOUSER, ACTING THROUGH HIS APPOINTEES TO THE STATE BOARD OF ELECTIONS CAUSED A RESOLUTION TO BE ADOPTED BY HIS APPOINTEES STATING THAT THEY WOULD NOT PRINT THE NAMES OF ANY CANDIDATE FOR

ATTORNEY GENERAL ON THE GENERAL ELECTION BALLOT UNLESS
THOSE NAMES WERE CERTIFIED TO THEM AFTER I HAD ACTUALLY
LEFT OFFICE.

THIS ACTION ON THE PART OF GOVERNOR HOLSHOUSER'S
APPOINTEES IS THE MOST OBVIOUS KIND OF POLITICAL SKULL
DUGGERY.

AS YOU KNOW, THE LAW REQUIRES THAT THE STATE BOARD
OF ELECTIONS HAVE THE GENERAL ELECTION BALLOTS IN THE
HANDS OF THE COUNTY ELECTION OFFICIALS BY SEPTEMBER 5
FOR THE USE OF THOSE VOTING ABSENTEE BALLOTS. THE LAW IS,
IN MY OPINION, CLEAR THAT I COULD TODAY TENDER MY
RESIGNATION TO BE EFFECTIVE AT A FUTURE TIME, CREATING
THEREBY A VACANCY THAT WOULD ALLOW EACH PARTY TO SELECT
ITS CANDIDATE AND BALLOTS TO BE PRINTED PRIOR TO THE
DATE THAT I LEFT OFFICE. THE ARBITRARY ACT OF THE
BOARD OF ELECTIONS MAKE IT IMPOSSIBLE FOR THE BALLOTS
TO BE PRINTED PRIOR TO THE SEPTEMBER 5 AS THE LAW REQUIRES
WERE I TO RESIGN AS ORGINALLY INTENDED ON SEPTEMBER 15.

IN TAKING THIS ACTION, THE GOVERNOR'S APPOINTEES
DISREGARDED THE ADVICE OF THEIR LEGAL COUNSEL AND REFUSED
THE REQUEST OF ONE BOARD MEMBER (A DISTINGUISHED LAWYER

AND A FORMER CHAIRMAN OF THE STATE BOARD FOR FOUR YEARS)
THAT HE BE ALLOWED TIME TO STUDY THE MATTER BEFORE IT
WAS PUT TO A VOTE.

THIS ACTION OF THE BOARD OF ELECTIONS WHEN VIEWED
IN THE LIGHT OF GOVERNOR HOLSHOUSER'S UNPRECEDENTED
STATEMENT ON MONDAY APPOINTING SOMEONE TO A VACANCY
THAT DID NOT EXIST IS NO DOUBT A PART OF A WELL-PLANNED
SCHEME TO TAKE OVER AT THE EARLIEST POSSIBLE DATE THE
ATTORNEY GENERAL'S OFFICE AND THE STATE BUREAU OF
INVESTIGATION.

THE ACTIONS OF THE STATE BOARD OF ELECTIONS LEFT
ME WITH TWO CHOICES. FIRST, I COULD HAVE CHALLENGED AND
VACATED THE ACTIONS OF THE GOVERNOR AND HIS APPOINTEES
IN THE COURTS; OR SECONDLY, I COULD HAVE RESIGNED AT
AN EARLIER DATE. I HAVE DECLINED TO FOLLOW THE FIRST
COURSE BECAUSE I DO NOT BELIEVE THAT THE ELECTION OF MY
SUCCESSOR SHOULD BE CLOUDED BY LENGTHY LITIGATION IN THE
COURTS THAT MIGHT POSSIBLY DRAG ON TO THE EXTENT THAT
ALL OF THE PEOPLE MIGHT WELL BE DEPRIVED OF THEIR
ULTIMATE RIGHT TO CHOOSE MY SUCCESSOR. I HAVE CHOSEN TO
RESIGN PRIOR TO SEPTEMBER 5 TO INSURE THAT EVERY PERSON

DESIRING TO VOTE IN THE GENERAL ELECTION CAN HELP TO
CHOOSE MY SUCCESSOR DESPITE THE ACTION OF THE BOARD OF
ELECTIONS.

BETWEEN NOW AND AUGUST 26, I LOOK FORWARD TO
CONTINUING MY WORK AS ATTORNEY GENERAL. I AM PROUD OF
THE PROFESSIONAL STAFF WE HAVE ASSEMBLED IN THE
DEPARTMENT OF JUSTICE AND THE WORK WE HAVE DONE IN THESE
LAST FIVE AND A HALF YEARS.

TO THE PEOPLE OF NORTH CAROLINA, I MUST EXPRESS
AGAIN MY APPRECIATION FOR THEIR CONFIDENCE IN ALLOWING
ME TO SERVE AS THEIR ATTORNEY GENERAL.