

ON LAW AND LAW ENFORCEMENT

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ROLE OF LAW ENFORCEMENT

I'm sure you all know that the subject of law enforcement is one which is of continuing interest and concern to me. My life in North Carolina and in Washington as your Senator has been tied directly to the actual activity of law enforcement and to the creation of the laws which set the boundaries and goals of law enforcement. It's a pleasure to speak on this subject with you tonight.

Despite the excessive criticism of the late 1960's and the revelations of certain impropriety during the 1970's, I believe that most Americans appreciate and understand the importance of law enforcement to our society. My personal view is that law enforcement is the best guarantee a free society has of retaining its freedom. I say this because we live in an imperfect

world where the exercise of our freedoms is often threatened
by the actions of others. We must insure that the majority who
seek to live their life as law-abiding citizens and to pursue
their daily lives are not intimidated or placed in fear by the
actions of others. It is the law and the law enforcement official
which provides the measure of safety we need.

While I want to address the concept of crime prevention
tonight, I also want to reaffirm and restate my convictions.
I believe in effective and responsible law enforcement. I
believe in just laws which are clear and explicit and are guides
to good action. I believe that we must support and assist the
law enforcement effort for it to be truly effective.

I think you know that my record in North Carolina reflects
my convictions. In order to overcome inefficient law enforcement,

we instituted a program of officer education. We did this at a time when many officers had inadequate training. We did this because education is the best means of insuring that an officer has the tools to do his job and that he does it in such a way that he does not infringe on our freedoms. There were no real training facilities and SBI agents often had to be loaned to local offices to assist law enforcement efforts. There were no minimum standards for law enforcement officers. We were lucky, with a good deal of work, to push for the creation of the Criminal Justice Academy which I am proud to say operates as one of the most effective training centers in the country. We established minimum educational and training standards, requiring up to 160 hours of broad training. One effort, I am particularly proud of was the establishment of a State crime laboratory. This needed

part of our law enforcement effort has proven to be invaluable.

And, you, of the Exchange Club, should be justly proud of the contribution you made to this effort. The donation of two mobile crime labs to the SBI at a time when none existed was both forward-thinking and a demonstration of the citizen involvement which I feel is essential to effective law enforcement efforts.

It is essential that law enforcement at the local level be effective and to be effective and responsible requires in my estimation three things: public support, proper equipment and resources and sufficient education and training. I have in the past and I shall continue in the future to insure that all three requirements are available to the local law enforcement people.

ROLE OF THE FEDERAL GOVERNMENT

It is now my pleasure to serve in the Senate of the United States and I am proud to represent North Carolina there. I have not forgotten my feelings about law enforcement and I am attempting to do what I can there to encourage positive steps in law enforcement.

One of the things we do in the Senate is to pass laws and I know you're familiar with that process. I have continued to be concerned about the laws we pass and their impact on law enforcement. I feel that it is incumbent upon a Senator to review a piece of legislation to see if it is good on paper and then to look beyond that to see if it will be workable in the field. To that end, I have tried to insure that laws are clearly drawn and state only a narrow purpose or objective.

One recent piece of legislation which should be of interest to you is the Criminal Code Revision bill.

This legislation sought in a truly monumental effort to recodify the federal criminal code which is currently spread out through fifty titles of the United States Code. Naturally in any effort to recodify decisions must be made which inevitably change the existing law. Personally, I did not favor many of these changes and I said as much to the sponsors of the bill, Senators Kennedy and Thurmond. I do feel that the revision and recodification will benefit law enforcement efforts and will strengthen the tools available to prosecutors and law enforcement officers.

One improvement is a section of the Senate passed version which provides stiff penalties for offenses such as murder or

rape if they are committed while the accused is free under bond.

To me there is something outrageous and unthinkable about seeing a person accused of rape set free and then to see him commit another rape while he is awaiting trial. The new code I believe will demonstrate society's judgement that this must not continue with impunity.

The code was passed on January 30th and now goes to the House for consideration. Chances are that the House will not have the bill ready until next year and that means we in the Senate will take the measure up again. Since one objection to the bill was that it was reported out hastily and without time for proper consideration, I welcome the opportunity to look at it again and to have your inputs. There is plenty of time for discussions and I'm sure that you will want to let Congressman Neal to have your views on the bill.

I shall continue my efforts to insure that our laws, at the federal level, do not impede the good work at the State and local level. I don't want to see infringement on State jurisdiction and I want State efforts to be encouraged where they are doing the job. I'd sure appreciate your continued support in doing this job.

Another charge of a Senator is to oversee the federal agencies which have law enforcement responsibilities.

There have been many rumors circulating about the future and fate of the Law Enforcement Assistance Administration, LEAA. LEAA has had a mixed review. Many municipalities in North Carolina have had excellent dealings with LEAA and have found the assistance and working relationship quite valuable. On the other hand, there

been much complaint about excessive red tape, although that criticism is not restricted to the LEAA alone, and of too many "strings" or requirements on the federal grants. The talks about reform center on Attorney General Griffin Bell's concept of an in-house, federal research agency which also makes a limited number of grants. I believe in federal assistance to worthwhile and progressive law enforcement efforts. I don't believe that federal money should be used, however, to encourage actions which the federal government feels that local government should take. Assistance not control should be the motto of federal grant programs. Whatever the future of LEAA, I'll do my best to insure that local law enforcement efforts are assisted where they need help and where they are attempting to do a better job.

The most crucial law enforcement issues I have been directly involved with in the Senate are those relating to our intelligence agencies, including the FBI.

I was on the original "Church Committee" which investigated the practices of all the agencies, and I am on the permanent Intelligence Committees. Let me say a few words about what we have been doing, for it has to do with federal responsibility toward the Constitution and the law.

We have two basic responsibilities. First, we have to constantly review the work of the intelligence community, providing what is called Congressional oversight. The Congress has a duty to see to it that the activities of the Executive Branch comply with the law, and the main reason we got into trouble with intelligence was that Congress wasn't doing this adequately.

Therefore, the intelligence groups really had carte blanche to do as they pleased, or to do as the White House told them.

We have to have intelligence, and I think it has to be the best in the world. But our Constitution provides that the branches of government provide each other with checks and balances. The framers of the Constitution had had enough experience with government to realize that power, without check and review, would simply get out of hand.

So a great deal of the work I have been doing in Washington, as a member of the Intelligence Committee and as chairman of the Subcommittee on Investigations, has gone on behind closed doors. We are carefully monitoring the actions of the CIA and all the other agencies, for the first time.

My work has to be secret, for a good reason. You will

recall that when CIA Director Richard Helms was brought to court, the charge against him was one of failing to tell the truth to a committee of Congress.

But Helms said, with good reason, that he felt he could not tell the whole story to that committee, because he had taken an official oath to protect the secrets entrusted to him. He felt that if he was completely frank with Congress, the story might leak, and might well compromise our intelligence.

That sort of thing is what we are trying to prevent now. In the Intelligence Committee, we are trying to create an absolutely secure environment in which people like Helms can testify and inform the Congress of what they are proposing to do, without jeopardizing the life of one of our agents overseas.

The second reason we got into trouble over intelligence was that there was no basis in law for governing the actions of agencies. Richard Helms was criticized, after the fact, for following procedures and taking actions which were within the unwritten, unexamined rules of the game, at the time.

Therefore, the other part of our work on the Intelligence Committee during the past year has been to draft legislation which would make sure America can carry on intelligence, and to do so within the letter of law. Last Thursday, we introduced the product of our labors -- the Intelligence Reorganization and Reform Act of 1978. The legislation will be debated for some time to come before Senate action on it, so you will be hearing about it. Basically, what it tries to do is give a charter to the organizations which gather intelligence, describing what each is charged with doing, and how it can and cannot

go about it.

One of my greatest hopes is that the stature and effectiveness of the FBI will be improved by what we are doing.

As you are well aware, I was shocked by what I learned about this agency while on the Church Committee, and I criticized the FBI. This was a very unpopular thing to do, and it brought me no pleasure.

But I felt I had to speak out. Silence, when the law is being broken by those sworn to uphold the law, is no virtue in a public official. Burglaries, illegal wiretaps, mail surveillance, provocateuring, and attempts to ruin people's reputations by spreading deliberate falsehoods were carried out, by orders from the top, in the name of a vague concept of "national security." Actions amounting to harassment were

taken against Americans who could not be suspected of being the agents of foreign powers, or ever prosecuted in a court of law for criminal violations.

I objected to this as a lawyer, as a former attorney general, and as a firm supporter of law and order.

Recently, we have heard a little more about what was going on at FBI headquarters. We have heard accusations that the funds and manpower of the bureau were misused, serving as a home maintenance and remodeling service for the top management.

Soon, the FBI will have a new director. Judge Webster was confirmed Thursday night by the Senate. It is my hope that he will provide the kind of leadership the people, and the FBI professionals in the field, deserve to have. I want to see the

FBI return to being thought of as the world's best and most uncorruptable law enforcement agency, and to deserve it.

What we have learned from all this, at the federal level, is that no man can be above or outside the law. Those who think they can break the law in order to bring someone else to justice do nothing more than undermine the principles they are sworn to uphold.

We have learned, as well, that in a free and Constitutional society, we have to learn to be effective while playing by our own rules, even when we are engaged in the business of clandestine international operations and intelligence.

There is no essential conflict between liberty and security. People say we must give up some of our liberties to be safe. But I say that a people which does not have both liberty and security will soon have neither one.

ROLE OF THE CITIZEN

There can be no effective law enforcement without public support. I believe that this is the case plain and simple. Now effective law enforcement means several things to me; it means responsible and restrained law enforcement; and, it means law enforcement that "does the job." I don't think any police officer in the State will tell you that he can do his job all alone.

I am pleased with what I have seen taking place in North Carolina in terms of citizen involvement in self-protection and crime prevention. So much of our crime is aimed at individual homeowners and so much can be done by those same individuals acting together to protect themselves and to prevent crimes. The COMMUNITY WATCH program of the Department of Crime Control and Public Safety has been especially effective and I believe

that it is the kind of program we need. Citizen involvement in law enforcement efforts and in community-based neighborhood programs is beginning to pay off.

The results have been dramatic. About 1000 community watch programs have been set up in about 50 North Carolina counties. Wherever they have operated, a reduction in burglaries and other property crimes have been noted. Forsyth County reported a 50% drop in burglaries with the large number of programs operating there.

There have been many unexpected benefits from the Community Watch programs. Care and concern for the elderly citizens who so often are lost within our own communities has been increased. The programs have restored to our cities and towns a sense of "neighborhood" which has been lost to many. Person to person contact for the purpose of preventing crime has proven to

be beneficial in and of itself. Perhaps, a further product of increased community involvement may be stronger neighborhoods and families and a resulting change in the conditions which have been a source of the criminal acts.

Right here in Lexington, I've heard of the good work of Patrolman Charles Harrison. After receiving some funds from the Law Enforcement Assistance Administration last September, he began to organize community groups into watch teams. While it's hard to gauge success at this early time, I understand that the community response has been excellent and I want to wish Patrolman Harrison and the people of Lexington the very best in this effort. I'm proud of these type of programs and of the citizens who become involved. Sheriff McCrary of Davison County is also involved in this program and I want to mention his work as well.

Crime always has been a local problem. Its solution has to be local as well, and that solution depends in the final analysis on the interest that is shown by such programs as Neighborhood Crime Watch, and the meeting we are having today.

But there is more to it than that. I have been convinced, by my experiences in the law, that the most crucial item in preventing crime is speedy justice. William Ernest Hocking once said this: "Only the man who has enough good in him to feel the justice of the penalty can be punished; the others can only be hurt."

There are, of course, people who have no sense of right and wrong, who are not likely to change. But the accused who is not brought swiftly to trial will surely lose any sense that the penalty is just. A criminal justice system which is

so overloaded that it cannot render justice swiftly cannot be effective. A person who has committed a crime may well have enough good in him to see the justice of the penalty, but, in most cases, only if the penalty comes swiftly. If too much time passes between crime and sentence, the effect will be nil, for the criminal will surely start to see himself as the victim.

I urge you, therefore, to see to it your local and state justice system is adequately financed and staffed to maintain the law in your community. You have a responsibility to see to it that your tax money is spent on an effective justice system, and not wasted on one which can only hurt, but not punish those who commit crimes.

In conclusion, let me say I believe all of us, those who work in Washington, and those who work in Lexington, are constantly involved in maintaining a law-abiding society. It is essential to our survival to do so. I want to end by quoting Alexander Solzhenitsyn, whose book, The Gulag Archipeligo, was one long outcry against a system which has completely ~~demeaned~~ the law, and made it the willing tool of the state.

He said:

We have to condemn publicly the very idea that some people have the right to repress others.

And let me interject -- repress them either by abuse of authority or by crimes of violence or theft.

In keeping silent about evil, in burying it so deeply within us that no sign of it appears on the surface, we are implanting it, and it will rise up a thousandfold in the future. When we neither punish nor reproach evildoers, we are ripping the foundations

of justice from beneath new generations.

His message is clear. No just man needs to be afraid
to attack crime. And, moreover, for the sake of his children,
he had better not.