The original documents are located in Box 134, folder "June 7, 1974 - Speech, Georgia State Bar Association, Savannah, GA" of the Gerald R. Ford Vice Presidential Papers at the Gerald R. Ford Presidential Library.

Adams
Snow
Judge Walsh
Senators Mathias
Helms.

GEORGIA STATE BAR ASSOCIATION
SAVANNAH, GEORGIA, JUNE 7, 1974

THIS ANNUAL MEETING OF THE STATE BAR OF GEORGIA GIVES ME A WELCOME OPPORTUNITY TO MEET WITH MEMBERS OF MY OWN PROFESSION. IT GIVES ME A CHANCE TO SPEAK AS ONE LAWYER TO ANOTHER ABOUT SUBJECTS OF COMMON INTEREST AND MUTUAL CONCERN.

I love the Congress / my new job / but the legal profession is a chore

I CANNOT CLAIM THE SAME LONG EXPERIENCE THAT MOST OF YOU HAVE HAD IN THE PRACTICE OF LAW. COURT CASES AND REPRESENTATION OF CLIENTS INVOLVED ONLY A SMALL PART OF MY CAREER. BUT I KNOW THE CHALLENGES OF THE LEGAL PROFESSION. I FOUND OUT THE HARD WAY BY STARTING A LAW PRACTICE FROM SCRATCH.

SO, EVEN AS A LAWYER NO LONGER IN PRACTICE, I AM CONCERNED WHEN I SEE A RESPECTED WEEKLY NEWS MAGAZINE HEADLINE ITS RECENT REPORT ON AMERICA'S LAWYERS WITH THE CAPTION: "A SICK PROFESSION." THE CAPTION IS FOLLOWED BY A QUESTION MARK. THAT IS SOME CONSOLATION FOR US. BUT IF OTHERS ARE ASKING THE QUESTION, ALL LAWYERS MUST BE CONCERNED ABOUT THE STATE OF THE PROFESSION'S HEALTH.

MY SERVICE IN GOVERNMENT OVER THE LAST 25 YEARS SHIELDED ME FROM THE DIRECT THRUST OF PEOPLE WHO HAVE "BEEFS" ABOUT LAWYERS. YET, ALL OF US IN GOVERNMENT HAVE COME TO REALIZE THE LOW REGARD AND EVEN DISTRUST MANY AMERICANS SEEM TO HAVE FOR THEIR GOVERNMENT AS AN INSTITUTION. PUBLIC OPINION POLLS ARE REGULARLY REGISTERING THE DISMAY OF PEOPLE OVER UNSAVORY POLITICAL CAMPAIGN PRACTICES AND THE FAILURE OF ELECTED OR APPOINTED OFFICIALS, ONCE IN OFFICE, TO MEET THE EXPECTATIONS OF THEIR CONSTITUENTS.

not that I haven't had some experience with critics - but in the Congress they are constituents not clients,

BECAUSE OF THE PREDOMINANCE OF LAWYERS IN GOVERNMENT, THE CRITICISM OF GOVERNMENT ALSO HITS AT LAWYERS QUITE APART FROM THEIR FUNCTIONS AS PRACTITIONERS OR TEACHERS OF LAW. THIS IS UNFORTUNATE FOR THE LEGAL PROFESSION. IT IS BAD ENOUGH WHEN ANYONE IN GOVERNMENT VIOLATES THIS NATION'S CRIMINAL LAWS. BUT IT IS EVEN WORSE WHEN THE GUILTY ONE HAS BEEN EDUCATED TO KNOW OUR LAWS AND TO UNDERSTAND FULLY HOW THEY ARE SUPPOSED TO OPERATE.

NEVERTHELESS, I AM NOT ABOUT TO APOLOGIZE FOR HAVING NUMEROUS LAWYERS IN GOVERNMENT. NEITHER AM I ABOUT TO BELIEVE THAT GOVERNMENT WOULD BE BETTER OFF WITHOUT LAWYERS IN POSITIONS OF PUBLIC TRUST AND RESPONSIBILITY. I HAVE MUCH MORE RESPECT THAN THAT FOR LAW AS AN INTELLECTUAL DISCIPLINE AND, I WOULD ADD, A MORAL DISCIPLINE.

I HOLD MY OWN LEGAL EDUCATION AND EXPERIENCE IN THE HIGHEST REGARD FOR THE HELP IT HAS BEEN TO ME IN GOVERNMENT. ALSO, I HAVE THE HIGHEST RESPECT FOR WHAT THE STUDY AND PRACTICE OF LAW HAVE MADE OF MANY MEN I KNOW WHO HAVE COME TO SERVE THIS NATION WELL -- NOT ONLY AS JUDGES AND GOVERNMENT LAWYERS BUT AS LEGISLATORS, EXECUTIVES AND ADMINISTRATORS. LAWYERS OF GOOD EDUCATION AND PRACTICAL COMPETENCE ARE GENERALLY DISTINGUISHED FOR THEIR ABILITY TO BE RESOURCEFUL, INNOVATIVE, ORDERLY, AND DISPASSIONATE IN THEIR THINKING AND IN THEIR APPROACH TO PROBLEMS.

LAWYERS ARE ACCUSTOMED TO READILY COMPREHEND A WIDE RANGE OF FACTORS THAT HAVE GIVEN RISE TO A PROBLEM EVEN THOUGH THE SITUATION IS ENTIRELY NEW TO THEIR EXPERIENCE.

THE SAME ABILITY FOR OBJECTIVE ANALYSIS AND EFFECTIVE ORGANIZATION OF COMPLEX CIRCUMSTANCES WHICH BEAR ON A LEGAL ISSUE OF IMPORTANCE IS EQUALLY FUNCTIONAL IN GOVERNMENT SERVICE.

THIS COMMITTEE WAS APPOINTED BY THE PRESIDENT TO IDENTIFY THE FULL RANGE OF CHOICES WHICH THE NATION FACES IN BALANCING THE INTERESTS OF PERSONAL PRIVACY WITH THE INCREASING CLAIMS BY GOVERNMENT AND BUSINESS TO GATHER AND USE INFORMATION ABOUT PEOPLE. THE COMMITTEE IS DIRECTED TO MAKE EARLY RECOMMENDATIONS FOR ACTION TO ADVANCE THE RIGHTS OF PERSONAL PRIVACY.

AS LAWYERS AND AS PERSONS DEALING IN YOUR OWN RIGHT WITH GOVERNMENT AND BUSINESS, YOU ARE ALL AWARE OF THE EXTENT TO WHICH SENSITIVE INFORMATION ABOUT INDIVIDUALS IS DELIVERED INTO AND OUT OF VAST INFORMATION SYSTEMS. THESE SYSTEMS -- MANY OF THEM AUTOMATED -- HAVE BEEN PLANNED AND ARE BEING UTILIZED GENERALLY WITHOUT ADEQUATE CONTROLS TO PROTECT THE RIGHT OF PRIVACY. THE DEVELOPMENT OF INFORMATION TECHNOLOGY TO THE POINT WHERE PEOPLE EVERYWHERE ARE ROUTINELY BEING AFFECTED BY THE USE OF COMPUTERIZED DATA HAS CREATED A SERIOUS AND WIDESPREAD FEAR. IT IS A FEAR THAT THE "1984" DEPICTED BY GEORGE ORWELL IS NOT JUST A FICTIONAL THREAT.

FORTUNATELY, THE EXISTENCE OF A HIGH-LEVEL COMMITTEE ON PRIVACY HAS ALREADY SPURRED FEDERAL DEPARTMENTS AND AGENCIES TO THINK ANEW ABOUT PRIVACY ISSUES. ONLY A FEW WEEKS AGO PLANS FOR A HUGE NEW COMPUTERIZED INFORMATION SYSTEM IN THE FEDERAL GOVERNMENT WERE SHELVED, PARTLY AT MY URGING, SO THAT THE PROPER PRIVACY SAFE-GUARDS COULD FIRST BE DEVELOPED. THE CONTEMPLATED SYSTEM, KNOWN AS FEDNET, WOULD HAVE LINKED FEDERAL AGENCIES INTO A WIDE INFORMATION NETWORK WHICH, WITHOUT THE PROPER SAFEGUARDS, COULD HAVE ESCALATED THE FEARS OF PEOPLE OVER THE COLLECTION AND DISSEMINATION OF PERSONAL INFORMATION.

THE CONGRESS HAS PENDING BEFORE IT OVER 140 BILLS DEALING WITH PRIVACY ISSUES. LEGISLATION HAS ALREADY PASSED THE SENATE TO CONTROL THE MAINTENANCE AND USE OF SENSITIVE RECORDS ABOUT PUPILS IN OUR SCHOOLS. THIS SESSION MAY CONSIDER BILLS TO REGULATE THE INFORMATION PRACTICES OF THE FEDERAL GOVERNMENT AND THE COLLECTION AND DISSEMINATION OF CRIMINAL HISTORY RECORDS BY STATES AND THE FEDERAL GOVERNMENT.

a.m. June 7, Savannah

9:15 Arrive Main Ballroom
Announcement
Proceed to head table. Be seated

9:16 Introduction of the Vice President by Judge Adams

9:17 Vice Presidential remarks begin
FULL PRESS COVERAGE

9:37 Vice Presidential remarks conclude

9:38 Judge Adams closes meeting

9:39 DEPART enroute holding room

At the head table will be:

Judge F. Jack Adams and

Cubbedge Snow, Jr, president-elect of

the State Bar of Georgia

Representative Phillip Landrum
Judge Lawrence E. Walsh, President-Elect,
American Bar Association

CONTINUED VIGILANCE IS NECESSARY TO PROTECT THE RIGHT OF PRIVACY FROM DANGERS THAT OFTEN APPEAR IN THE GUISE OF HIGHLY BENEFICIAL DEVELOPMENTS IN APPLYING ADVANCES IN TECHNOLOGY AND TELECOMMUNICATIONS TO MAKE OUR LIVES MORE EFFICIENT AND PRODUCTIVE.

CABLE TELEVISION IS AN EXAMPLE. TECHNOLOGY NOW MAKES POSSIBLE TWO-WAY, INTERACTIVE COMMUNICATION IN CABLE TV SYSTEMS. THE CITIZEN IN HIS HOME WILL BE ABLE TO COMMUNICATE WITH HIS LIBRARY, BANK, SCHOOL AND PARTICIPATE IN SPECIAL MEETINGS OF HIS TOWN OR CLUB FROM HIS OWN LIVING ROOM. THE PRIVACY IMPLICATIONS FOR THE SUBSCRIBER TO SUCH SYSTEMS ARE ENORMOUS.

THE ADMINISTRATION IS CONSIDERING DRAFT LEGISLATION THAT WOULD PROHIBIT "SNOOPING" AND MONITORING OF COMMUNICATIONS ENTERING AND LEAVING A CITIZEN'S HOME VIA CABLE TELEVISION. IT WOULD FORBID DISCLOSURE OF IDENTIFIABLE INFORMATION ABOUT THE VIEWING HABITS OF SUBSCRIBERS TO CABLE TELEVISION SYSTEMS WITHOUT THEIR CONSENT. SUCH SAFEGUARDS ARE ESSENTIAL TO PREVENT THE ABUSES OF A "WIRED SOCIETY" AND TO ASSURE THAT ADVANCING TECHNOLOGY REMAINS THE SERVANT OF SOCIETY'S MOST CHERISHED FREEDOMS.

THE LEGAL PROFESSION HAS A VITAL ROLE TO PLAY IN DEVELOPING THE LAW OF PRIVACY, BOTH IN THE COURTS AND IN THE LEGISLATURES OF STATES AND THE FEDERAL GOVERNMENT. TRUE TO THE CAPACITIES OF LAWYERS FOR RESOURCEFUL, INNOVATIVE, ORDERLY AND DISPASSIONATE THINKING, YOU SHOULD BE COMING UP WITH NEW AND WORKABLE APPROACHES TO PROTECT THE RIGHT OF PERSONAL PRIVACY. WE VERY MUCH NEED TO PROVIDE ASSURANCE FOR OUR CITIZENS THAT RECORDS OF THEIR PRIVATE LIVES SHALL NOT BECOME "ROLLS OF PUBLIC TAPE" IN A COMPUTER SYSTEM. AS MUCH AS ANY SINGLE STEP, THIS WILL ENCOURAGE RENEWED FAITH IN OUR SOCIETY UNDER A DEMOCRATIC AND RESPONSIVE GOVERNMENT.

THE LEGAL RIGHT TO PRIVACY IS A FAIRLY NEW CONCEPT IN OUR COMMON LAW. IT WAS NOT UNTIL 1890 THAT SAMUEL WARREN AND LOUIS BRANDEIS, BOTH PRACTICING LAWYERS IN MASSACHUSETTS, PROPOSED IN A LAW REVIEW ARTICLE THAT CERTAIN COURT DECISIONS IN ENGLAND APPEARED TO RECOGNIZE THIS RIGHT WITHOUT HAVING LABELED IT.

IN 1905 YOUR OWN SUPREME COURT OF GEORGIA IN THE CASE OF PASEVICH v. NEW ENGLAND LIFE INSURANCE CO., 122 GA. 190, WAS ONE OF THE FIRST COURTS IN ANY OF OUR STATES TO RECOGNIZE THE EXISTENCE OF A DISTINCT RIGHT OF PRIVACY. IN ITS DECISION THE COURT GRANTED RELIEF TO A GEORGIA CITIZEN WHOSE NAME, PICTURE, AND FAKE TESTIMONIAL WERE USED IN THE DEFENDANT'S ADVERTISING. THIS GEORGIA DECISION THEN BECAME THE LEADING CASE IN THIS COUNTRY. IT SET A PERSUASIVE PRECEDENT FOR JUDICIAL RELIEF WITHIN AN OVERWHELMING MAJORITY OF AMERICAN JURISDICTIONS AGAINST PRIVACY INVASIONS OF VARIOUS TYPES.

HERE IS A NOTEWORTHY EXAMPLE OF HOW OUR JUDICIAL SYSTEM OPERATES TO MEET THE DEVELOPING NEEDS OF PEOPLE FOR PROTECTION OF INDIVIDUAL RIGHTS. IN THIS SENSE, THE LAW SHOWS ITS STRONG MORAL CONCERNS FOR WHAT IS RIGHT AND WHAT IS WRONG IN THE WAYS PEOPLE BEHAVE TOWARD ONE ANOTHER.

IN THE SAME WAY, THE LEGAL PROFESSION DEMANDS HIGH STANDARDS OF CONDUCT FROM ITS PRACTITIONERS. WE DEPLORE THE TOO NUMEROUS INSTANCES OF LAWYERS WHO HAVE VIOLATED THESE STANDARDS. BUT A WORTHY FEATURE OF OUR PROFESSION IS THAT IT MAINTAINS SYSTEMS FOR DISCIPLINING ITS MEMBERS. NOT ONLY ARE LAWBREAKERS MADE TO PAY THE PENALTIES SET BY CRIMINAL COURTS, BUT LAWBREAKING LAWYERS ARE MADE TO FORFEIT THEIR PROFESSIONAL RIGHTS.

EVEN VIOLATIONS OF STRICT CANONS OF ETHICS CAN BRING SUSPENSION OR DISBARMENT. YET IT IS NOT ALONE THE FORMAL MECHANISMS FOR SELF-POLICING THAT WE RELY UPON TO PRESERVE THE HONOR OF THE LEGAL PROVESSION. MORE SIGNIFICANT ARE THE CENTURIES-OLD TRADITIONS OF RESPECT AMONG THE VAST MAJORITY OF LAWYERS FOR LAW AS A MORAL DISCIPLINE.

WE RECOGNIZE THE LAW AS BEING WHAT SAMUEL JOHNSON TERMED "THE LAST RESULT OF HUMAN WISDOM ACTING UPON HUMAN EXPERIENCE FOR THE BENEFIT OF THE PUBLIC."

"FOR THE BENEFIT OF THE PUBLIC" ARE THE KEY WORDS, BECAUSE IT IS THE PURPOSE OF THE LAW TO OPERATE IN THE PUBLIC INTEREST THAT GIVES IT MORAL CONTENT. WE CAN ALL RECALL LANDMARK OPINIONS OF COURTS WHERE SKILLED AND THOUGHTFUL JUDGES HAVE CAREFULLY BALANCED ADVERSARY CLAIMS AND CONTENTIONS IN ORDER TO REACH A RESULT WHICH BEST SERVES THE PUBLIC INTEREST.

UNDER OUR SYSTEM OF LAW, WE DO NOT JUDGE THE PUBLIC INTEREST TO BE WHAT MAY ACHIEVE THE GREATEST IMMEDIATE GOOD OR BY WHAT MAY APPEAL AT THE TIME TO THE MOST PEOPLE. INSTEAD, WE APPLY ENDURING MORAL VALUES THAT CONCERN FUNDAMENTAL RIGHTS OF INDIVIDUALS.

THESE MORAL VALUES ARE EXPRESSED IN THE RINGING WORDS OF THE DECLARATION OF INDEPENDENCE AS THE "INALIENABLE RIGHTS" OF ALL MEN TO "LIFE, LIBERTY, AND THE PURSUIT OF HAPPINESS." THEY ARE GIVEN MORE SPECIFIC EXPRESSIONS IN OUR CONSTITUTIONAL BILL OF RIGHTS. BUT EVEN MORE IMPORTANT, THESE VALUES FIND THEIR SOURCE AND SUSTENANCE IN THE WILLINGNESS OF PEOPLE GENERALLY TO SUPPORT THE MORALITY UPON WHICH OUR SYSTEM OF LAWS DEPENDS. AS LAWYERS, IT IS INDEED OUR HIGHEST RESPONSIBILITY AND OUR MOST SACRED COMMITMENT TO BE LEADERS IN UPHOLDING THE MORAL VALUES OF THE LAW.

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DRAFT
PWB

~~Preliminary Draft of~~ Remarks
by
Vice President Gerald R. Ford
~~before the~~
Georgia State Bar Association
June 7, 1974

Georgia
Savannah, Ga.

FOR RELEASE ~~ON~~ DELIVERY AT 9:15 A.M. FRIDAY

This annual ~~m~~eeting of the State Bar of Georgia gives me a welcome opportunity to m~~e~~et with members of my own profession. It gives me a chance to speak as one lawyer to another about subjects of common interest and mutual concern.

I cannot claim the same long experience that most of you have had in the practice of law. Court cases and ~~R~~epresentation of clients ~~has~~ involved only a small part of my career. But I know the challenges of the legal profession. I found out the hard way by starting a law practice from scratch.

Omit

When I was fresh ~~out of Yale Law School~~, I did not go to work for an established firm. Instead, I joined with a friend who had also just graduated. We started a new firm in Grand Rapids, Michigan. It was a proud day when we had our two names painted on an office door. We mailed out a modest announcement to tell our friends that we were ready to receive clients.

Somewhat to our dismay, we found no great rush of people seeking our services. Grand Rapids had many fine lawyers of established reputation. It seemed that their clients were not ready to transfer allegiance and entrust their legal problems to neophytes in the profession. Little did people realize that what we lacked in experience we could make up in diligence. Unlike mature lawyers who are usually under pressure, we had plenty of time to give exhaustive

attention to even the most minor case. Of course, we could not often collect fees commensurate with the time we spent on a matter. But it was more important for us in those early days to keep busy and do careful work than to worry about being underpaid.

I suspect that my charges to clients over 30 years ago would look pretty meager compared to what they would be today had I continued in the practice of law. I, too, would be feeling directly the criticism that legal costs, like the costs of many vital services, are rising beyond the reach of many people who need the help of lawyers.

So, Even as a lawyer no longer in practice, I am concerned when I see a respected weekly news magazine headline its recent report on America's lawyers with the caption: "A Sick Profession." The caption is followed by a question mark. That is some consolation for us. But if others are asking the question, we must all be concerned as lawyers about the state of the profession's health.

My service in government over the last 25 years shielded me from the direct thrust of people who have "beefs" about lawyers. Yet, all of us in government have come to realize the low regard and even distrust by many Americans for government as an institution. Public opinion polls are regularly registering the dismay of people over political election campaign and the failure of elected or appointed officials, once in office, to meet the expectations of their constituencies.

Because of the predominance of lawyers in government, the criticism of government also hits at lawyers quite apart from their functions as practitioners of teachers of law. This is unfortunate for the legal profession. It is bad enough when anyone in government violates this Nation's criminal laws. But it

bear on a legal issue of importance is equally functional in government service.

Along with the need for appreciating the true nature and full ramifications of the sources of a problem, is the perception required to see what remedies are possible and most appropriate. A talent for such perception is the mark of a good legal mind. Government too often fails in its efforts, not from failure to recognize a problem but from faults in the remedies applied. This has been brought most forcefully to my attention in my role as

A lawyer recognizes that a new law or a new administrative regulation is not always the right way to solve a problem. He also is aware that an ill-conceived or poorly drafted law or administrative action can create more problems than it solves. The care and deliberation that must go into a well-conceived and well-drawn piece of legislation or into a workable executive or agency order often strains the patience of those eager to act. However, there is not a lawyer here who cannot recall how long he has sometimes had to work over a pleading or a contract before it met the tests of accuracy, completeness, and clarity while effectively serving the purposes intended.

Although in my present office I no longer deal directly with the planning and passage of legislation, I want to speak briefly on my role as Chairman of the Domestic Council Committee on the Right of Privacy. This Committee was appointed by the President to identify the full range of choices which the Nation faces in balancing the interests of personal privacy with the increasing claims by government and business to gather and use information about people. The Committee is directed to make early recommendations for action to advance the rights of personal privacy.

As lawyers and as persons dealing in your own right with government

and business, you are all aware of the extent to which sensitive information about individuals is delivered into and out of vast information systems. These systems -- many of them automated -- have been planned and are being utilized generally without adequate controls to protect the right of privacy. The development of information technology to the point where people everywhere are routinely being affected by the use of computerized data has created a serious and widespread fear. It is a fear that the "1984" depicted by George Orwell is not just a fictional threat.

Fortunately, the existence of a high-level Committee on Privacy has already spurred Federal departments and agencies to think anew about privacy issues. Only a few weeks ago plans for a huge new computerized information system in the Federal government were shelved, partly at my urging, so that the proper privacy safeguards could first be developed. The contemplated system, known as FEDNET, would have linked Federal agencies into a wide information network which, without the proper safeguards, could have escalated the fears of people over the collection and dissemination of personal information.

The Congress has pending before it over 140 bills dealing with privacy issues. Legislation has already passed the Senate to control the maintenance and use of sensitive records about pupils in our schools. This session may consider bills to regulate the information practices of the Federal government and the collection and dissemination of criminal history records by states and the Federal government.

Continued vigilance is necessary to protect the right of privacy from dangers that often appear in the guise of highly beneficial developments in applying advances in technology and telecommunications to make our lives more efficient and productive.

Cable television is an example. Technology now makes possible two-way, interactive communication in cable TV systems. The citizen in his home will be able to communicate with his library, bank, school and participate in special meetings of his town or club from his own living room. The privacy implications for the subscriber to such systems are enormous.

The Administration is considering draft legislation that would clarify Federal policy on the regulation of cable television. The legislation would prohibit "snooping" and monitoring of communications entering and leaving a citizen's home via cable television. It would forbid disclosure of identifiable information about the viewing habits of subscribers to cable television systems without their consent. Such safeguards are essential to prevent the abuses of a "wired society" and to assure that advancing technology remains the servant of society's most cherished freedoms.

The legal profession has a vital role to play in developing the law of privacy, both in the Courts and in the legislatures of States and the Federal government. True to the capacities of lawyers for resourceful, innovative, orderly and dispassionate thinking, you should be coming up with new and workable approaches to protect the right of personal privacy. We very much need to provide assurance for our citizens that records of their private lives shall not become "rolls of public tape" in a computer system. As much as any single step, this will encourage renewed faith in our society under a democratic and responsive government.

The legal right to privacy is a fairly new concept in our common law. It was not until 1890 that Samuel Warren and Louis Brandeis, both practicing lawyers in Massachusetts, proposed in a law review article that certain Court decisions in England appeared to recognize this right without having labeled it.

In 1905 your own Supreme Court of Georgia in the case of Pasevich v. New England Life Insurance Co., 122 Ga. 190, was one of the first courts in any of our states to recognize the existence of a distinct right of privacy. In its decision the Court granted relief to a Georgia citizen whose name, picture, and fake testimonial were used in the defendant's advertising. This Georgia decision then became the leading case in this country. It set a persuasive precedent for judicial relief within an overwhelming majority of American jurisdictions against privacy invasions of various types.

Here is a noteworthy example of how our judicial system operates to meet the developing needs of people for protection of individual rights. In this sense, the law shows its strong moral concerns for what is right and what is wrong in the ways people behave toward one another.

In the same way, the legal profession demands high standards of conduct from its practitioners. We deplore the too numerous instances of lawyers who have violated these standards. But a worthy feature of our profession is that it maintains systems for disciplining its members. Not only are lawbreakers made to pay the penalties set by criminal courts, but lawbreaking lawyers are made to forfeit their professional rights. Even violations of strict canons of ethics can bring suspension or disbarment. Yet it is not alone the formal mechanisms for self-policing that we rely upon to preserve the honor of the legal profession. More significant are the centuries-old traditions of respect among the vast majority of lawyers for law as a moral discipline.

We recognize the law as being what Samuel Johnson termed "the last result of human wisdom acting upon human experience for the benefit of the public."

"For the benefit of the public" are the key words, because it is the purpose of the law to operate in the public interest that gives it moral content. We can all recall landmark opinions of Courts where skilled and thoughtful judges have carefully balanced adversary claims and contentions in order to reach a result which best serves the public interest.

Under our system of law, we do not judge the public interest to be what may achieve the greatest immediate good or by what may appeal at the time to the most people. Instead, we apply enduring moral values that concern fundamental rights of individuals.

These moral values are expressed in the ringing words of the Declaration of Independence as the "inalienable rights" of all men to "life, liberty, and the pursuit of happiness." They are given more specific expressions in our Constitutional Bill of Rights. But even more important, these values find their source and sustenance in the willingness of people generally to support the morality upon which our system of laws depends. As lawyers, it is indeed our highest responsibility and our most sacred commitment to be leaders in upholding the moral values of the law.

REMARKS BY VICE PRESIDENT GERALD R. FORD
GEORGIA STATE BAR ASSOCIATION
SAVANNAH, GEORGIA
JUNE 7, 1974

FOR RELEASE ON DELIVERY AT 9:15 A.M. FRIDAY

This annual meeting of the State Bar of Georgia gives me a welcome opportunity to meet with members of my own profession. It gives me a chance to speak as one lawyer to another about subjects of common interest and mutual concern.

I cannot claim the same long experience that most of you have had in the practice of law. Court cases and representation of clients involved only a small part of my career. But I know the challenges of the legal profession. I found out the hard way by starting a law practice from scratch.

So, even as a lawyer no longer in practice, I am concerned when I see a respected weekly news magazine headline its recent report on America's lawyers with the caption: "A Sick Profession." The caption is followed by a question mark. That is some consolation for us. But if others are asking the question, all lawyers must be concerned about the state of the profession's health.

My service in government over the last 25 years shielded me from the direct thrust of people who have "beefs" about lawyers. Yet, all of us in government have come to realize the low regard and even distrust many Americans seem to have for their government as an institution. Public opinion polls are regularly registering the dismay of people over unsavory political campaign practices and the failure of elected or appointed officials, once in office, to meet the expectations of their constituents.

Because of the predominance of lawyers in government, the criticism of government also hits at lawyers quite apart from their functions as practitioners or teachers of law. This is unfortunate for the legal profession. It is bad enough when anyone in government violates this Nation's criminal laws. But it is even worse when the guilty one has been educated to know our laws and to understand fully how they are supposed to operate.

Nevertheless, I am not about to apologize for having numerous lawyers in government. Neither am I about to believe that government would be better off without lawyers in positions of public trust and responsibility. I have much more respect than that for law as an intellectual discipline and, I would add , a moral discipline.

(more)

I hold my own legal education and experience in the highest regard for the help it has been to me in government. Also, I have the highest respect for what the study and practice of law have made of many men I know who have come to serve this Nation well -- not only as judges and government lawyers but as legislators, executives and administrators. Lawyers of good education and practical competence are generally distinguished for their ability to be resourceful, innovative, orderly, and dispassionate in their thinking and in their approach to problems.

Lawyers are accustomed to readily comprehend a wide range of factors that have given rise to a problem even though the situation is entirely new to their experience. The same ability for objective analysis and effective organization of complex circumstances which bear on a legal issue of importance is equally functional in government service.

Along with the need for appreciating the true nature and full ramifications of the sources of a problem is the perception required to see what remedies are possible and most appropriate. A talent for such perception is the mark of a good legal mind. Government too often fails in its efforts, not from failure to recognize a problem but from faults in the remedies applied. This has been brought most forcefully to my attention in my role as Chairman of the Domestic Council Committee on the Right of Privacy. This Committee was appointed by the President to identify the full range of choices which the Nation faces in balancing the interests of personal privacy with the increasing claims by government and business to gather and use information about people. The Committee is directed to make early recommendations for action to advance the rights of personal privacy.

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(more)