

The original documents are located in Box 134, folder “July 20, 1974 - Speech, Virginia Bar Association, The Homestead, Hot Springs, VA” of the Gerald R. Ford Vice Presidential Papers at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

SNEAD
THE VIRGINIA BAR ASSOCIATION
THE HOMESTEAD, HOT SPRINGS, VIRGINIA

JULY 20, 1974

Att. Gen. Sullivan

*Gov. L. B. Harrison
Sec. L. B. Harrison
Congressman Downing
Attorney General*

I APPRECIATE YOUR GRACIOUS INVITATION TO MEET WITH MEMBERS
OF MY OWN PROFESSION.

COMMONWEALTH
THERE IS A GREAT TEMPTATION TO USE THE ~~STATE~~ OF VIRGINIA
AS AN APPROPRIATE FORUM FOR A DISCUSSION OF ONE OF MY FAVORITE
TOPICS --- CONSTITUTIONAL LAW. BUT, I HAVE BEEN WARNED THAT
LECTURING THE VIRGINIA BAR ASSOCIATION ON CONSTITUTIONAL LAW WOULD
BE LIKE TELLING GOD ABOUT THE CREATION OF THE WORLD. I HAVE NO SUCH
however
GRANDIOSE INTENTION. LET ME JUST SHARE SOME PERSONAL THOUGHTS
AS ONE LAWYER TO ANOTHER.



*Sec. J. D. H.
NSC*
*Serious effort
Came - free
Disengagement.*

*It is not easy to concede,
but she truth speaks
for itself*

NO STATE IS HEIR TO A GREATER LEGAL TRADITION THAN

VIRGINIA. ~~THE CHARTER GRANTED IN LONDON TO THE VIRGINIA COMPANY~~

~~IN 1606 EMBODIED THE BASIC PRINCIPLES OF ENGLISH FUNDAMENTAL~~

~~LAW.~~ IT SERVED AS A MODEL FOR OTHER, LATER COLONIES.



THE FIRST LEGISLATIVE ASSEMBLY EVER TO MEET IN THE
NEW WORLD CONVENED IN VIRGINIA IN 1619. BY THE SECOND HALF OF
THE EIGHTEENTH CENTURY, VIRGINIA'S LAWYERS WERE EXPERTS ON
CONSTITUTIONAL PRINCIPLES. THE VIRGINIA ASSEMBLY GAVE AN
EXAMPLE OF LEADERSHIP TO THE OTHER COLONIES BY ADOPTING
RESOLUTIONS PROCLAIMING THE RIGHTS OF SELF-GOVERNMENT AND TAXATION
ONLY BY CONSENT.



OMIT

- 4 -

[THE LAW WAS SO WELL GROUNDED IN VIRGINIA THAT, UNTIL

THE VERY EVE OF THE AMERICAN REVOLUTION, VIRGINIANS OFFERED

RESOLUTIONS ESPOUSING CONSTITUTIONAL VIEWS RATHER THAN REVOLUTIONARY

RHETORIC. WHEN VIRGINIANS DRAFTED A CONSTITUTION FOR VIRGINIA

AS AN INDEPENDENT STATE, THEY WORKED WITHIN THE TRADITION OF ALMOST

TWO CENTURIES OF CONSTITUTIONAL DEVELOPMENT. THE ARCHITECT OF

THE VIRGINIA CONSTITUTION, GEORGE MASON, HELPED STRUCTURE THE FREE

SOCIETY THAT IS TODAY'S COMMONWEALTH OF VIRGINIA.]



VIRGINIA GAVE AMERICA ITS FIRST LAW SCHOOL. ALSO, YOU CAN BE PROUD OF YOUR BAR ASSOCIATION. AT YOUR ASSOCIATION'S FOUNDING IN 1888, THE LAWYER WHO OPENED THE ORGANIZATIONAL MEETING COMMENTED ON WHAT HE DESCRIBED AS "THE MOST STARTLING EVILS AFFECTING OUR PROFESSION". HE SAID THAT THE STANDARD OF LEGAL ETHICS WAS "PERILOUSLY LOW" AND THAT "THE FENCES ARE ALL DOWN". HE EXPLAINED THAT THE PROFESSION HAD BECOME "A COMMON" AND THAT "SOME VERY STRANGE CATTLE NOW FEED UPON IT."



in our time

YOUR FOUNDER WAS TALKING ABOUT CONDITIONS IN 1888. BUTⁿ

THERE ARE STILL PROFESSIONAL PROBLEMS.

EVEN AS A LAWYER NO LONGER IN PRACTICE, I WAS TROUBLED WHEN
A NATIONAL MAGAZINE HEADLINED A REPORT ON AMERICA'S LAWYERS WITH
THE CAPTION: "A SICK PROFESSION". I AM AWARE THAT THE PROFESSION IN
OF POLITICS HAS BEEN DIAGNOSED AS EVEN SICKER. BUT WHAT ARE WE
TO SAY ABOUT LAWYERS WHO ARE ALSO POLITICIANS?



IT IS BAD ENOUGH WHEN ANYONE IN GOVERNMENT VIOLATES THIS
NATION'S CRIMINAL LAWS. IT IS EVEN WORSE WHEN THE OFFENDER HAS
BEEN EDUCATED IN THE LAW.

NEVERTHELESS, I AM NOT ABOUT TO APOLOGIZE FOR HAVING SO
MANY LAWYERS IN GOVERNMENT SERVICE. NOR DO I BELIEVE THAT GOVERNMENT
WOULD BE BETTER OFF WITHOUT LAWYERS IN POSITIONS OF PUBLIC TRUST
AND RESPONSIBILITY. I HAVE MORE RESPECT THAN THAT FOR THE LAW
AS A MORAL DISCIPLINE.



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 PUNISHED BY CRIMINAL COURTS,
BUT LAWBREAKING LAWYERS ARE---AND SHOULD BE---MADE TO FORFEIT
THEIR PROFESSIONAL RIGHTS.



I HOLD MY OWN LEGAL EDUCATION AND EXPERIENCE IN THE HIGHEST
REGARD FOR THE HELP IT HAS BEEN TO ME IN GOVERNMENT. I ALSO HAVE
THE HIGHEST RESPECT FOR WHAT THE STUDY AND PRACTICE OF LAW HAVE
MADE OF SO MANY FINE MEN I KNOW WHO HAVE SERVED OUR NATION WELL ---
NOT ONLY AS LEGISLATORS AND ADMINISTRATORS BUT ALSO AS JUDGES AND
PUBLIC PROSECUTORS.



WE HAVE DEVISED A SYSTEM OF GOVERNMENT THAT HAS PERMITTED
HUMAN FREEDOM TO FLOURISH FOR NEARLY 200 YEARS. THAT FREEDOM RESTS
and our basic respect for both.
UPON THE CONSTITUTION AND OUR LAWSⁿ. THE MAJESTY OF THE LAW LIES
IN THE FORCE IT EXERTS BEYOND THE WILL OF ANY SINGLE PERSON OR
GROUP OF PERSONS. FREEDOM SURVIVES BECAUSE NO ONE IS BENEATH THE
PROTECTION OF THE LAW, NO MATTER HOW LOW OR HIGH HIS STATION IN
LIFE. AND THE LAW RETAINS ITS DYNAMIC ESSENCE BECAUSE NO AMERICAN
IS ABOVE THE REQUIREMENTS OF THE LAW.



VIRGINIANS ARE ESPECIALLY AWARE FROM YOUR ILLUSTRIOUS
HISTORY THAT TRUE VALUES DO NOT GO OUT OF DATE. THE DECLARATION
OF RIGHTS OF THE STATE OF VIRGINIA, ADOPTED IN 1776, IS TIMELY
TODAY. ARTICLE 15 PROVIDES THAT "NO FREE GOVERNMENT, OR THE
BLESSING OF LIBERTY, CAN BE PRESERVED TO ANY PEOPLE BUT BY A
FIRM ADHERENCE TO JUSTICE, MODERATION, TEMPERANCE, FRUGALITY, AND
VIRTUE, AND BY FREQUENT RECURRENCE TO FUNDAMENTAL PRINCIPLES."



WE CANNOT RETURN TO FUNDAMENTAL PRINCIPLES FREQUENTLY
ENOUGH, NOR CAN I IGNORE THAT ARTICLE 5 OF THE SAME DECLARATION
SPECIFIES THAT MEMBERS OF THE LEGISLATIVE AND EXECUTIVE BRANCHES
SUBMIT THEMSELVES TO ELECTION AND NOT GET TOO FAR AWAY FROM THE
PEOPLE.



OUR FOREFATHERS WHEN THEY DRAFTED OUR FEDERAL CONSTITUTION
WANTED ONE PART OF OUR THREE CO-EQUAL BRANCHES OF THE
FEDERAL GOVERNMENT "CLOSE TO THE PEOPLE." SO, HOUSE MEMBERS
RUN EVERY TWO YEARS. THIS WAS A WISE DECISION.



Having campaigned ¹³
times, ² years, and ^{from} ^{with} ^{this}
believeing concept, ²

as Vice-President

I AM DETERMINED TO REMAIN CLOSE TO THE PEOPLE, TO THAT
END, I HAVE TRAVELED OVER 100,000 MILES SINCE BECOMING VICE

PRESIDENT. AS THE NATION'S FIRST "INSTANT" VICE PRESIDENT, I FEEL

AN OBLIGATION TO BE ESPECIALLY SENSITIVE TO THE VIEWS OF PEOPLE

IN EVERY CORNER OF THIS NATION. SOME COMMENTATORS HAVE SUGGESTED

THAT I REMAIN IN WASHINGTON AND ^{allegedly} DO MY HOMEWORK. MY ANSWER IS
^{is} in Philadelphia, in Los Alamos, in Watts, in Spokane
THAT MY HOMEWORK ~~IN~~ IN HOT SPRINGS, VIRGINIA, AND EVERY OTHER PLACE

IN OUR NATION WHERE PEOPLE ASSEMBLE TO PERFECT OUR SOCIETY.

We don't perfect our society only in
Washington, or Richmond, or Lansing or Sacramento.
The strength of our Society is in our People
in all 50 states.



they AS ~~WE~~ LOOK AT THE PAST, *they* ~~WE~~ SEE THE PRESENT. AS *They* ~~WE~~

they PERCEIVE THE PRESENT, ~~WE~~ PREPARE FOR THE FUTURE. ONE ASPECT OF

all of us THE FUTURE NOW INVOLVES ~~WE~~ PERSONALLY. IT PERTAINS TO THE

INDIVIDUAL'S RIGHT TO PRIVACY.



THIS ISSUE CAME HOME TO ME WHEN A LETTER ARRIVED AT
our *in Alex* *a Transplanted Virginia*
~~MY~~ RESIDENCE. IT WAS A NOTE FROM SOMEONE IN FLORIDA WHO HAD
savings *17 yr old*
ACCIDENTALLY RECEIVED THE BANK STATEMENT OF MY DAUGHTER, SUSAN,
THE GOOD SAMARITAN WHO FORWARDED SUSAN'S STATEMENT OBSERVED IN
HIS NOTE THAT "I GUESS THE COMPUTERS WILL GET US ALL DOWN
SOONER OR LATER."

*Her ^{9th} savings bank statement wasn't too
significant - a few hundred dollars.*

*But, it might have been some other
depositor whose financial privacy was
significant.*



*2 cite this ^{single} sample
as a lead in for
a special subject ¹⁶
Personal privacy.*

11 AS YOU MAY KNOW, I AM SERVING 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.



Law 2m

[AS LAWYERS WHO DEAL WITH GOVERNMENT AND BUSINESS, YOU

ARE AWARE OF THE EXTENT TO WHICH SENSITIVE INFORMATION ABOUT

INDIVIDUALS IS PROCESSED BY VAST ^{computer} INFORMATION SYSTEMS. ^{9/1 unfortunately} THESE

SYSTEMS ARE BEING USED WITHOUT ADEQUATE CONTROLS TO PROTECT

INDIVIDUAL PRIVACY. THEY ARE EXPANDING AT A RAPID RATE.

^{Whether we recognize it or not}
INFORMATION TECHNOLOGY IS REACHING INTO EVERYONE'S LIFE. THE

"1984" DEPICTED BY GEORGE ORWELL MIGHT NOT BE A FICTIONAL THREAT.]



TONIGHT I AM PLEASED TO REPORT THAT MEMBERS OF THE CABINET
AND OTHERS SERVING ON THE PRIVACY COMMITTEE ARE TAKING THIS PROBLEM
to act on staff recommendations.
VERY SERIOUSLY. OUR COMMITTEE MET ON JULY 10, A SPIRIT OF
1
DETERMINATION EMERGED. THERE WERE FORCEFUL RECOMMENDATIONS.



*The following relate to The federal governments
role & responsibility.*

of the federal govt
1

IT WAS PROPOSED THAT THE EXECUTIVE DEPARTMENT¹ ESTABLISH
SPECIFIC PROCEDURES AND GOVERNMENT-WIDE GUIDELINES TO SAFEGUARD
PRIVACY. AMONG THEM WAS A RECOMMENDATION THAT NO AGENCY ESTABLISH
AN AUTOMATED INFORMATION SYSTEM WITHOUT SPECIFIC ADHERENCE TO SUCH
GUIDELINES TO PROTECT THE CONFIDENTIALITY OF SENSITIVE INFORMATION
ABOUT INDIVIDUALS.

*The staff, after 4 months of study, had
found there was little ^{department} coordination or sensitivity.*



THE OFFICE OF CONSUMER AFFAIRS WAS ASKED TO PREPARE A

DRAFT OF A DECLARATION ON INDIVIDUAL RIGHTS TO PRIVACY IN

CONSUMER TRANSACTIONS. *with their computerized memory banks* BUSINESSES ¹ WOULD BE ASKED TO ADOPT *& implement*

this

~~IT~~ AS A VOLUNTARY STATEMENT OF FAIR INFORMATION PRACTICES.



OTHER MATTERS INCLUDED PROTECTIONS AGAINST INDISCRIMINATE
USE OF NAMES ON MAILING LISTS AVAILABLE FROM THE FEDERAL GOVERNMENT,
AND OF A POLICY FOR THE RELEASE OF INFORMATION ABOUT INDIVIDUALS,
AND SUPPORT FOR ADDITIONAL LEGISLATION TO PROTECT AGAINST VARIOUS
POSSIBLE ABUSES OF PERSONAL PRIVACY.



I FIND IT REASSURING THAT A HIGH-LEVEL COMMITTEE ON
PRIVACY HAS ALREADY SPURRED FEDERAL DEPARTMENTS AND AGENCIES TO
THINK AND ACT ON THIS ISSUE. ^{On the other hand} IT ^{maybe} WILL BE NECESSARY TO ENACT SOME
FEDERAL LEGISLATION *and the pertinent House &
Senate Committees are moving in ^{several} pertinent
areas of concern.*



BUT WE ALSO MUST RECOGNIZE THAT COMPUTERS AND
TECHNOLOGY ARE A FACT OF MODERN LIFE AND ARE WOVEN INTO EVERY
ASPECT OF OUR SOCIETY.



WE MUST NOT INHIBIT THE PROGRESS AND STIFLE ORDERLY
ADVANCES THAT MIGHT BE ACHIEVED IN THE STATE OF THE ART WHICH
WOULD BENEFIT ALL OF OUR CITIZENS.



however

danger of the

MOST IMPORTANTLY, WE MUST AVOID THE CREATION OF SOME

FEDERAL CZARISM, WHICH IN ITS EFFORT TO PROTECT PRIVACY,

ENDS UP INFRINGING UPON INDIVIDUAL LIBERTY, AND STATE

AND LOCAL RESPONSIBILITY.



Gov. Arthur

*Gov't big enough to give us everything
we want is big enough to take from us
everything we have.*

IT IS MY BELIEF THAT THE GREATEST SERVICE THE BAR
COULD GIVE WOULD BE TO CONSTRUCT A MATRIX WHEREBY WE RECEIVE
THE BENEFITS OF THIS TECHNOLOGY, CONSISTENT WITH OUR ~~FILE~~ ^{RULE}
OF LAW AND CONCEPTS OF INDIVIDUAL RIGHTS.



IN THIS WHOLE AREA THE BAR CAN PLAY A VITAL ROLE
OF LEADERSHIP NOT ONLY FOR PRIVATE INDIVIDUALS AND INSTITUTIONS,
BUT VERY IMPORTANTLY, FOR THE BUSINESS WORLD. THE BAR CAN BE
A CONTINUING COUNSELOR TO OFFER ADVICE AND GUIDANCE TO THOSE WHO
IN LEGISLATIVE BODIES MUST CONSIDER THESE ISSUES.



IF THE BAR BECOMES INVOLVED, PARTICULARLY IN WORKING WITH
THE STATE LEGISLATURES, I'M SURE IT WILL SUBSTANTIALLY LIMIT
THE NEED AND THE ROLE OF THE FEDERAL GOVERNMENT.



LET ME MAKE A SUGGESTION, PERHAPS THERE IS IN THE
VIRGINIA BAR A COMMITTEE ALREADY CONSIDERING THE AREA OF
PRIVACY, BUT IF THERE ISN'T, IT WOULD SEEM TO ME THAT SUCH
A COMMITTEE COULD PLAY AN INVALUABLE ROLE IN THE AREAS THAT
I'VE MENTIONED.



I THINK IT WOULD BE HELPFUL TO ESTABLISH A DIALOGUE BETWEEN

OUR NATIONAL COMMITTEE AND STATE BAR COMMITTEES BECAUSE OF THE

COUNSEL THEY COULD OFFER.



IT OCCURRED TO ME THAT THIS AREA MIGHT BE ONE IN WHICH
WE COULD THINK IN TERMS OF A UNIFORM MODEL CODE, FOR EXAMPLE,
SUCH AS THE ~~UNIFORM~~ COMMERCIAL CODE WHICH AS BEEN SO SUCCESSFUL
IN ACHIEVING UNIFORMITY IN LAW RELATING TO COMMERCIAL TRANSACTIONS
AMONG THE STATES. *Frankly,* ~~AGAIN, HOWEVER, I~~ THINK THIS IS AN AREA
WHERE WE NEED YOUR ADVICE.



of lawyers
THE THINKING OF THE EARLY VIRGINIA LAWMAKERS WENT INTO THE
Personal privacy, or the invasion thereof, has a constitutional basis.
ESSENCE OF AMERICAN CONSTITUTIONAL LAW. ¹ TODAY'S VIRGINIA LAWYERS

STILL CHERISH THE VALUES OF THE PAST. LET ALL THE NATION'S LAWYERS

STILL CHERISH THE VALUES OF THE PAST INTO THE VISION OF THE FUTURE.

AS LAWYERS, IT IS INDEED OUR HIGHEST RESPONSIBILITY AND
OUR MOST SACRED COMMITMENT TO BE LEADERS IN UPHOLDING THE VALUES OF
THE LAW.

I THANK YOU.

#####



REMARKS *By* VICE PRESIDENT GERALD R. FORD

THE VIRGINIA BAR ASSOCIATION

THE HONESTEAD, HOT SPRINGS, VIRGINIA

~~FRIDAY, SEPTEMBER~~ JULY 20, 1974

AM'S SUNDAY JULY 21, 1974
~~FOR RELEASE~~

I appreciate your gracious invitation to meet with members of my own profession .

There is a great temptation to use the State of Virginia as an appropriate forum for a discussion of one of my favorite topics --- constitutional law. But I have been warned that lecturing the Virginia Bar Association on constitutional law would be like telling God about the creation of the world. I have no such grandiose intention. Let me just share some personal thoughts as one lawyer to another.

No State is heir to a greater legal tradition than Virginia. The charter granted in London to the Virginia Company in 1606 embodied the basic principles of English fundamental law. It served as a model for other, later colonies .

The first legislative assembly ever to meet in the New World convened in Virginia in 1619. By the second half of the Eighteenth Century, Virginia's lawyers ~~and~~ experts on constitutional principles. The Virginia Assembly gave an example of leadership to the other colonies by adopting resolutions proclaiming the rights of self-government and taxation only by consent .

The law was so well grounded in Virginia that, until the very eve of the American Revolution, Virginians offered resolutions espousing constitutional views rather than revolutionary rhetoric . When Virginians drafted a Constitution for Virginia as an independent State, they worked within the



tradition of almost two centuries of constitutional development. The architect of the Virginia Constitution, George Mason, helped structure the free society that is today's Commonwealth of Virginia.

Virginia gave America its first law school. Also, you can be proud of your Bar Association. At your Association's founding in 1888, the lawyer who opened the organizational meeting commented on what he described as "the most startling evils affecting our profession". He said that the standard of legal ethics was "perilously low" and that "the fences are all down". He explained that the profession had become "a common" and that "some very strange cattle now feed upon it."

Your founder was talking about conditions in 1888. But there are still professional problems.
~~Your founder was talking about conditions in 1888. Yet we still have a few very strange cattle feeding on our common pastures in the year 1974.~~

Even as a lawyer no longer in practice, I was troubled when a national magazine headlined a report on America's lawyers with the caption: "A Sick Profession". I am aware that the profession of politics has been diagnosed as even sicker. But what are we to say about lawyers who are also politicians?

It is bad enough when anyone in government violates this Nation's criminal laws. It is even worse when the offender has been educated in the law.

Nevertheless, I am not about to apologize for having so many lawyers in government service. Nor do I believe that government would be better off without lawyers in positions of public trust and responsibility. I have more respect than that for the law as a moral discipline.

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 punished by criminal courts, but lawbreaking lawyers are ---and should be --- made to forfeit their professional rights .

I hold my own legal education and experience in the highest regard for the help it has been to me in government. I also have the highest respect for what the study and practice of law have made of so many fine men I know who have served our Nation well ---- not only as legislators and administrators but also as judges and public prosecutors .

We have devised a system of government that has permitted human freedom to flourish for nearly 200 years. That freedom rests upon the Constitution and our laws. The majesty of the law lies in the force it exerts beyond the will of any single person or group of persons . Freedom survives because no one is beneath the protection of the law , no matter how low or high his station in life . And the law retains its dynamic essence because ~~no American is above the requirements of the law .~~

Virginians are especially aware from your illustrious history that true values do not go out of dates.. The Declaration of Rights of the State of Virginia, adopted in 1776, is timely today. Article 15 provides that "no free government, or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles . "

We cannot ~~return~~ to fundamental principles frequently enough . Nor can we ignore that Article 5 of the same Declaration specifies that members of the Legislative and Executive branches submit themselves to election and not get too far away from the people.



WMM

TO REMAIN CLOSE TO

I am determined ~~to get as close as possible~~ to the people . To that end, I have traveled over 100,000 miles since becoming Vice President . As the Nation's first "instant " Vice President, I feel an obligation to be especially sensitive ~~to the views of people in every~~ corner of this Nation . ^{commentators} Some ^A have suggested that I remain in Washington and do my homework . My answer is that my homework is in Hot Springs, Virginia ; and every other place in our Nation where people assemble ~~to perfect our society~~ .

As we look at the past, we see the present . As we perceive the present, we prepare for the future . One aspect of the future now involves me personally . It pertains to the individual's right to privacy .

This issue came home to me when a letter ~~arrived~~ arrived at my residence . It was a note from someone in Florida who had accidentally received the bank statement of my daughter, Susan . The good samaritan who forwarded Susan's statement, ⁹ observed in his note that " I guess the computers will get us all down sooner or later . "

As you may know, I am serving as Chairman of the Domestic Council Committee on the Right of Privacy . The ~~Committee~~ 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 .

As lawyers who deal with government and business, you are aware of the ~~extent~~ extent to which sensitive information about individuals is processed by vast information systems . These systems ~~are being used~~ are being used without adequate controls to protect individual privacy . ~~They are~~ They are expanding ~~at a rapid rate~~ at a rapid rates . Information technology is reaching ~~into everyone's life~~ into everyone's life . The "1984" depicted by George Orwell might not be a fictional threat .





Tonight I am pleased to report that members of the Cabinet and others serving on the Privacy Committee are taking this problem very seriously. Our committee met on July 10. A spirit of determination emerged. There were forceful recommendations.

It was proposed that the Executive Department establish specific procedures to safeguard privacy. Among them was a recommendation that no

agency establish an automated information system ^{without specific advance guidelines to such} without adequate plans ^{guidelines} to protect the confidentiality of sensitive information about individuals.

The Office of Consumer Affairs was asked to prepare a draft of a declaration on individual rights to privacy in consumer transactions. Businesses would be asked to adopt it as a voluntary statement of fair information practices.

Other matters included protections against indiscriminate use of names on mailing lists available from the Federal government, ^{and} the need for development of more effective standards and guidelines to safeguard information about individuals, and support for additional legislation to protect against various possible abuses of personal privacy. *Crime / Woodard*

I find it reassuring that a high-level Committee on Privacy has already spurred Federal departments and agencies to think and act on this issue. *Completed*

Constant vigilance is essential to protect the right of privacy. Dangers are subtle. They often appear in the guise of increased benefits from collecting more detailed information about individuals when no adequate protections have been developed to assure accuracy of such information and to avoid its misuse.

The legal profession has a vital role to play in developing the law of privacy, in the courts, and in the Federal and State governing bodies. *LET US* ~~We must~~ join to face the challenge by devising new ways to protect individual privacy from encroachment. We must reassure citizens that their private lives shall not become "rolls of public tape" in a computer system.

Our action will generate new faith in our democratic society and make it more respectful of the personal freedoms of all citizens .

I am confident that our system of government retains the flexibility to react to conditions --- such as the computer threat to privacy ---that did not exist in 1776. Yet the spirit of 1776, as exemplified by the Virginia Declaration of Rights, remains viable. Let us look back to the concepts that ~~created~~ a government of laws --- not of men or computers. Let us look back and assess where we may have departed from cherished principles. And let us redeem those principles to move forward to a future that belongs to us if we claim it .

The thinking of the early Virginia lawmakers went into the essence of American constitutional law. Today's Virginia lawyers still cherish the values of the past . Let all the Nation's lawyers join with you in translating the values of the past into the vision of the future.

As lawyers, it is indeed our highest responsibility and our most sacred commitment to be leaders in upholding the values of the law .

I thank you .

Comp

REMARKS BY VICE PRESIDENT GERALD R. FORD
THE VIRGINIA BAR ASSOCIATION
THE HOMESTEAD, HOT SPRINGS, VIRGINIA
JULY 20, 1974

FOR RELEASE AM'S SUNDAY, JULY 21, 1974

I appreciate your gracious invitation to meet with members of my own profession.

There is a great temptation to use the State of Virginia as an appropriate forum for a discussion of one of my favorite topics -- constitutional law. But I have been warned that lecturing the Virginia Bar Association on constitutional law would be like telling God about the creation of the world. I have no such grandiose intention. Let me just share some personal thoughts as one lawyer to another.

No State is heir to a greater legal tradition than Virginia. The charter granted in London to the Virginia Company in 1606 embodied the basic principles of English fundamental law. It served as a model for other, later colonies.

The first legislative assembly ever to meet in the New World convened in Virginia in 1619. By the second half of the Eighteenth Century, Virginia's lawyers were experts on constitutional principles. The Virginia Assembly gave an example of leadership to the other colonies by adopting resolutions proclaiming the rights of self-government and taxation only by consent.

The law was so well grounded in Virginia that, until the very eve of the American Revolution, Virginians offered resolutions espousing constitutional views rather than revolutionary rhetoric. When Virginians drafted a Constitution for Virginia as an independent State, they worked within the tradition of almost two centuries of constitutional development. The architect of the Virginia Constitution, George Mason, helped structure the free society that is today's Commonwealth of Virginia.

Virginia gave America its first law school. Also, you can be proud of your Bar Association. At your Association's founding in 1888, the lawyer who opened the organizational meeting commented on what he described as "the most startling evils affecting our profession." He said that the standard of legal ethics was "perilously low" and that "the fences are all down." He explained that the profession had become "a common" and that "some very strange cattle now feed upon it."

Your founder was talking about conditions in 1888. But there are still professional problems.

Even as a lawyer no longer in practice, I was troubled when a national magazine headlined a report on America's lawyers with the caption: "A Sick Profession." I am aware that the profession of politics has been diagnosed as even sicker. But what are we to say about lawyers who are also politicians?

It is bad enough when anyone in government violates this Nation's criminal laws. It is even worse when the offender has been educated in the law.

Nevertheless, I am not about to apologize for having so many lawyers in government service. Nor do I believe that government would be better off without lawyers in positions of public trust and responsibility. I have more respect than that for the law as a moral discipline.

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 punished by criminal courts, but lawbreaking lawyers are -- and should be -- made to forfeit their professional rights.

I hold my own legal education and experience in the highest regard for the help it has been to me in government. I also have the highest respect for what the study and practice of law have made of so many fine men I know who have served our Nation well -- not only as legislators and administrators but also as judges and public prosecutors.

We have devised a system of government that has permitted human freedom to flourish for nearly 200 years. That freedom rests upon the Constitution and our laws. The majesty of the law lies in the force it exerts beyond the will of any single person or group of persons. Freedom survives because no one is beneath the protection of the law, no matter how low or high his station in life. And the law retains its dynamic essence because no American is above the requirements of the law.

Virginians are especially aware from your illustrious history that true values do not go out of date. The Declaration of Rights of the State of Virginia, adopted in 1776, is timely today. Article 15 provides that "no free government,

or the blessing of liberty, can be preserved to any people but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."

We cannot return to fundamental principles frequently enough. Nor can I ignore that Article 5 of the same Declaration specifies that members of the Legislative and Executive branches submit themselves to election and not get too far away from the people.

I am determined to remain close to the people. To that end, I have traveled over 100,000 miles since becoming Vice President. As the Nation's first "instant" Vice President, I feel an obligation to be especially sensitive to the views of people in every corner of this Nation. Some commentators have suggested that I remain in Washington and do my homework. My answer is that my homework is in Hot Springs, Virginia, and every other place in our Nation where people assemble to perfect our society.

As we look at the past, we see the present. As we perceive the present, we prepare for the future. One aspect of the future now involves me personally. It pertains to the individual's right to privacy.

This issue came home to me when a letter arrived at my residence. It was a note from someone in Florida who had accidentally received the bank statement of my daughter, Susan. The good samaritan who forwarded Susan's statement observed in his note that "I guess the computers will get us all down sooner or later."

As you may know, I am serving 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.

As lawyers who deal with government and business, you are aware of the extent to which sensitive information about individuals is processed by vast information systems. These systems are being used without adequate controls to protect individual privacy. They are expanding at a rapid rate. Information technology is reaching into everyone's life. The "1984" depicted by George Orwell might not be a fictional threat.

Tonight I am pleased to report that members of the Cabinet and others serving on the Privacy Committee are taking this problem very seriously. Our committee met on July 10. A spirit of determination emerged. There were forceful recommendations.

It was proposed that the Executive Department establish specific procedures and government-wide guidelines to safeguard privacy. Among them was a recommendation that no agency establish an automated information system without specific adherence to such guidelines to protect the confidentiality of sensitive information about individuals.

The Office of Consumer Affairs was asked to prepare a draft of a declaration on individual rights to privacy in consumer transactions. Businesses would be asked to adopt it as a voluntary statement of fair information practices.

Other matters included protections against indiscriminate use of names on mailing lists available from the Federal government, and a policy for the release of information about individuals, and support for additional legislation to protect against various possible abuses of personal privacy

I find it reassuring that a high-level Committee on Privacy has already spurred Federal departments and agencies to think and act on this issue.

Constant vigilance is essential to protect the right of privacy. Dangers are subtle. They often appear in the guise of increased benefits from collecting more detailed information about individuals when no adequate protections have been developed to assure accuracy of such information and to avoid its misuse.

The legal profession has a vital role to play in developing the law of privacy, in the courts, and in the Federal and State governing bodies. Let us join to face the challenge by devising new ways to protect individual privacy from encroachment. We must reassure citizens that their private lives shall not become "rolls of public tape" in a computer system.

Our action will generate new faith in our democratic society and make it more respectful of the personal freedoms of all citizens.

I am confident that our system of government retains the flexibility to react to conditions — such as the computer threat to privacy — that did not exist in 1776. Yet the spirit of 1776, as exemplified by the Virginia Declaration

of Rights, remains viable. Let us look back to the concepts that created a government of laws — not of men or computers. Let us look back and assess where we may have departed from cherished principles. And let us redeem those principles to move forward to a future that belongs to us if we claim it.

The thinking of the early Virginia lawmakers went into the essence of American constitutional law. Today's Virginia lawyers still cherish the values of the past. Let all the Nation's lawyers join with you in translating the values of the past into the vision of the future.

As lawyers, it is indeed our highest responsibility and our most sacred commitment to be leaders in upholding the values of the law.

I thank you.

#####