| | | |
|---|---|---|
| Mezvinsky | Rinaldo | Stuckey |
| Michel | Roberts | Studds |
| Milford | Robinson, Va. | Sullivan |
| Miller | Robison, N.Y. | Symington |
| Mills | Rodino | Symms |
| Minish | Roe | Talcott |
| Mink | Rogers | Taylor, Mo. |
| Mitchell, N.Y. | Roncallo, Wyo. | Taylor, N.C. |
| Mizell | Rooney, Pa. | Thompson, N.J. |
| Moakley | Rose | Thomson, Wis. |
| Mollohan | Rosenthal | Thone |
| Montgomery | Rostenkowski | Thornton |
| Moorhead, Calif. | Roush | Tiernan |
| | Rousselot | Towell, Nev. |
| Moorhead, Pa. | Roy | Treen |
| Morgan | Roybal | Udall |
| Mosher | Runnels | Ullman |
| Moss | Ruth | Van Deerlin |
| Murphy, Ill. | Ryan | Vander Jagt |
| Murphy, N.Y. | St Germain | Vander Veen |
| Murtha | Sandman | Vanik |
| Myers | Sarasin | Vigorito |
| Natcher | Sarbanes | Waggonner |
| Nedzi | Satterfield | Waldie |
| Nichols | Scherle | Walsh |
| Nix | Schneebeli | Wampler |
| Obey | Schroeder | Whalen |
| O'Brien | Sebelius | White |
| O'Hara | Selberling | Whitehurst |
| O'Neill | Shipley | Whitten |
| Owens | Shoup | Widnall |
| Parris | Shriver | Wiggins |
| Passman | Shuster | Wilson, Bob |
| Patman | Sikes | Wilson, Charles H., Calif. |
| Patten | Sisk | |
| Pepper | Skubitz | |
| Perkins | Slack | Wilson, Charles, Tex. |
| Pettis | Smith, Iowa | |
| Peyser | Smith, N.Y. | Winn |
| Pickle | Snyder | Wolff |
| Pike | Spence | Wright |
| Poage | Staggers | Wyatt |
| Powell, Ohio | Stanton, J. William | Wydler |
| | | Wylie |
| Preyer | Stanton, James V. | Yates |
| Price, Ill. | | Yatron |
| Price, Tex. | Stark | Young, Alaska |
| Pritchard | Steed | Young, Fla. |
| Quie | Steele | Young, Ga. |
| Quillen | Steelman | Young, Ill. |
| Railsback | Steiger, Ariz. | Young, S.C. |
| Randall | Steiger, Wis. | Young, Tex. |
| Rees | Stephens | Zablocki |
| Regula | Stokes | Zion |
| Reid | Stratton | Zwach |
| Reuss | Stubblefield | |
| Rhodes | | |

NAYS—7

| | | |
|---|---|---|
| Broyhill, Va. | Landgrebe | Williams |
| Davis, Wis. | Minshall, Ohio | |
| Hosmer | Ware | |

NOT VOTING—29

| | | |
|---|---|---|
| Baker | Griffiths | Rarick |
| Boggs | Hansen, Idaho | Riegle |
| Brasco | Hébert | Roncallo, N.Y. |
| Camp | Jarman | Rooney, N.Y. |
| Conable | Jones, N.C. | Ruppe |
| Conlan | Kuykendall | Teague |
| Davis, Ga. | Mitchell, Md. | Traxler |
| Eshleman | Nelsen | Veysey |
| Gray | Podell | Wyman |
| Green, Oreg. | Rangel | |

So, two-thirds having voted in favor thereof, the bill was passed, the objections of the President to the contrary notwithstanding.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Hansen of Idaho.
Mr. Rooney of New York with Mr. Roncallo of New York.
Mr. Mitchell of Maryland with Mr. Davis of Georgia.
Mr. Rangel with Mrs. Green of Oregon.
Mrs. Boggs with Mr. Kuykendall.
Mr. Teague with Mr. Rarick.
Mr. Riegle with Mr. Nelsen.
Mr. Gray with Mr. Baker.
Mr. Jarman with Mr. Conlan.
Mr. Jones of North Carolina with Mr. Camp.
Mr. Traxler with Mr. Eshleman.
Mrs. Griffiths with Mr. Conable.
Mr. Ruppe with Mr. Wyman.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

## GENERAL LEAVE

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on the bill, H.R. 14225, just passed.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

## TRANSFERRING CONSIDERATION OF S. 2149 FROM COMMITTEE ON MERCHANT MARINE AND FISHERIES TO COMMITTEE ON ARMED SERVICES

Mrs. SULLIVAN. Mr. Speaker, I ask unanimous consent to have the Committee on Merchant Marine and Fisheries discharged from further consideration of the Senate bill S. 2149 and that it be referred to the Committee on Armed Services.

S. 2149 would amend title 10 of the United States Code to provide certain benefits to members of the Coast Guard Reserve, and for other purposes. It is my understanding that this arrangement is satisfactory to the chairman of the Committee on Armed Services.

The SPEAKER. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

## FREEDOM OF INFORMATION ACT AMENDMENTS—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on H.R. 12471, an act to amend section 552 of title 5, United States Code, known as the Freedom of Information Act.

The question is: Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The Chair recognizes the gentleman from Pennsylvania (Mr. MOORHEAD) for 1 hour.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is a rare experience for any Member of this distinguished body to lead off the debate in an effort to override a Presidential veto. In my almost 16 years of service here, it has never before been my responsibility to handle a legislative measure in this situation, under the procedures prescribed in section 7 of article 1 of the Constitution. It is an awesome task for any Member and one that requires the deepest reflection and most careful consideration of such a course of action.

A little more than 6 weeks ago when I stood here in the Chamber and urged approval of the conference report on H.R. 12471, the Freedom of Information Act amendments, it never occurred to me that a Presidential veto might be forthcoming. I explained in detail on that October 7 the changes agreed to by the House-Senate conferees, how they differed from the bill originally passed by the House on March 14 of this year, and the sincere efforts which the conferees of both parties made to accommodate the specific concerns raised by President Ford. I included at pages 34162-34164 of the RECORD the full text of the President's letter outlining these concerns and the text of our letter to the President detailing each of the significant modifications which we made to allay his concerns.

Other distinguished members of the conference committee, including the ranking minority member of the full Government Operations Committee, the gentleman from New York (Mr. HORTON), and the ranking minority member on our subcommittee, the gentleman from Illinois (Mr. ERLENBORN), spoke in strong support of the bipartisan compromise legislation which we had produced in almost 2 months of conference committee deliberations.

Every single House member of our conference committee had signed the conference report. Congress certainly went "more than half-way" to accommodate the President's views. We had been led to believe by administration officials that the Freedom of Information Act amendments would promptly be signed into law by the President since major Ford amendments were incorporated in the bill.

After all, he had so clearly stated upon assuming the Presidency that he and his administration were fully committed to a restoration of "open government." Surely, these amendments to the basic law to assure more "open government" within the Federal bureaucracy would provide to the President an early opportunity to prove to the disillusioned and still suspicious American public that, in fact, he really meant what he said that day on nationwide television. By signing into law with a flourish these much needed amendments to the Freedom of Information Act, he could strike a ringing blow for credibility in Government. By a stroke of the pen, he could have taken a giant stride forward to reverse the public's cynical distrust of governmental institutions and public officials. By an overwhelming bipartisan vote of 349 to 2, the Members of this body approved the conference report on H.R. 12471 and sent the bill to the White House, it having been unanimously approved by voice vote in the Senate a few days earlier. By our votes we spoke clearly for open government and for an end of excessive Government secrecy that has eroded public confidence in government, politics, and politicians. We overwhelmingly gave President Ford the golden opportunity to sign into law a bill to dramatically fulfill his 2-month-old pledge of open government in America—a bill on which our committee and this Congress had tediously worked 3 years and 4 months to finally produce in virtually unanimous bipartisan form.

Mr. Speaker, how on earth—we reasoned—could President Ford not avail himself of this golden opportunity to restore desperately needed confidence in Government by signing H.R. 12471 into law as soon as possible?

But alas, Mr. Speaker, something went awry on the way to the Presidential sign-

ing ceremony to proclaim the fulfillment of open government in the Ford administration. Incredibly, and to the amazement of virtually everyone concerned, President Ford vetoed H.R. 12471 on October 17, just prior to commencement of the congressional recess. The big question, Mr. Speaker, is, Why did he really veto the freedom of information open government bill?

Certainly, there is little evidence to answer that question to be gained from reading and rereading his veto message. We can only speculate as to what the real reasons might be. We do know that virtually all Federal agency bureaucrats opposed these amendments in our hearings, in written reports, and in their lobbying efforts against H.R. 12471. We do know that almost every segment of the Federal bureaucracy recommended that President Ford veto the legislation. We all have experienced the depth of commitment of the Federal bureaucrats to the principles of "open government" and have generally found it sadly wanting. We also know, Mr. Speaker, that 8 years ago, when the original Freedom of Information Act was passed by Congress—every single agency within the Federal bureaucracy also urged that President Johnson veto the measure. In that instance, President Johnson wisely disregarded the advice of the self-serving bureaucrats and promptly signed the bill into law. In his statement he said—and these words are particularly significant today in view of what has transpired during the past several years—

> This legislation springs from one of our most essential principles: A democracy works best when the people have all the information that the security of the Nation permits. No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest . . . I signed this measure with a deep sense of pride that the United States is an open society in which the people's right to know is cherished and guarded.

Mr. Speaker, I can only speculate on what bureaucratic advice President Ford—by contrast—relied upon to exercise his veto power over this needed legislation. It is clear from the wording of certain portions of his veto message—particularly those dealing with the permissive judicial review of classified material authorized in H.R. 12471—that there is little understanding of either the clear meaning of the language of these parts of the bill or the intent as spelled out in detail in the conference report to meet what was a previous misunderstanding on the President's part of such language. For example, the veto message states:

> As the legislation now stands, a determination by the Secretary of Defense that disclosure of a document would endanger our national security would, even though reasonable, have to be overturned by a District judge who thought the plaintiff's position just as reasonable. . . .

Mr. Speaker, this is just not true. The bill does not say that, it does not mean that, and no one familiar with the legislative history could ever imagine that Members of Congress could almost unanimously vote to write into law such an obviously dangerous provision.

The President went on to say in his veto message:

> I propose, therefore, that where classified documents are requested, the courts could review the classification, but would have to uphold the classification if there is a reasonable basis to support it. In determining the reasonableness of the classification, the courts would consider all attendant evidence prior to resorting to an in camera examination of the document.

Mr. Speaker, in the procedural handling of such cases under the Freedom of Information Act, this is exactly the way the courts would conduct their proceedings. An agency, in defending an action in Federal court that involves a Government document having classification markings, normally submits an affidavit to the court explaining the basis for the particular classification assigned to it as authorized under the provisions of Executive Order 11652 and the implementing regulations of the agency involved. The court would then review such affidavit to determine the proper use of classification authority. If there was doubt, or if the affidavit was not sufficiently detailed to permit a clear decision, the court can request supplementary detail from the agency involved.

It can discuss the affidavit with Government attorneys in camera, or employ other similar means to obtain sufficient information needed to make a judgment. Only if such means cannot provide a clear justification for the classification markings would the court order an in camera inspection of the document itself. If the examination and subsequent discussions of the affidavit from the agency indicate that the classification assigned to the particular document is reasonable and proper under the Executive order and implementing regulations, the court would clearly rule for the Government and order the requested document withheld from the plaintiff. But if the examination and subsequent discussions of the affidavit from the agency could not resolve the issue, the court could then order the production of the document and examine it in camera to determine if the classification marking was properly authorized.

Such discretionary authority for in camera review is authorized in H.R. 12471, and properly so, to safeguard against arbitrary, capricious, and myopic use of the awesome power of the classification stamp by the Government bureaucracy. Abuses of the classification stamp are well known. As former President Nixon said in issuing the present classification and declassification Executive order in March 1972:

> The many abuses of the securtiy system can no longer be tolerated . . . Unfortunately, the system of classification which has evolved in the United States has failed to meet the standards of an open and democratic society, allowing too many papers to be classified for too long a time. The controls which have been imposed on classification authority have proved unworkable, and classification has frequently served to conceal bureaucratic mistakes or to prevent embarrassment to officials and administrations . . .

Former Defense Secretary Melvin Laird also said in a 1970 speech:

> Let me emphasize my convictions that the American people have a right to know even more than has been available in the past about matters which affect their safety and security. There has been too much classification in this country.

Mr. Speaker, even if a district court ordered the release of a classified document in dispute, after following all of the procedural steps just described and including in camera review of the document itself, such decision may—of course—be appealed by the Government to the circuit court of appeals, and, if necessary, to the Supreme Court. I find it totally unrealistic to assume—as apparently the President's legal advisers have assumed—that the Federal judiciary system is somehow not to be trusted to act in the public interest to safeguard truly legitimate national defense or foreign policy secrets of our Government.

Similarly ludicrous legal arguments are made later in the veto message with respect to investigatory law enforcement files and time limits placed in the Freedom of Information Act for agency responses. For example, the veto message states:

> I propose that more flexible criteria govern the requests for particularly lengthy investigatory records to mitigate the burden which these amendments would otherwise impose, in order not to dilute the primary responsibilities of these law enforcement activities.

Mr. Speaker, no one wants to burden law enforcement agencies or to take their attention away from the difficult job of fighting the growing menace of crime in America. The language of section 2(b) of H.R. 12471 in no way places an undue burden on such agencies. The conference committee specifically took into consideration the potential problem that might be created within an agency if it received a request for the type of "particularly lengthy" records mentioned in the veto message. We wrote into the law a provision that additional time could be obtained by an agency in cases involving "a voluminous amount of separate and distinct records which are demanded in a single request." Obviously, the President's lawyers did not notice this part of the bill before drafting the veto message.

Moreover, Mr. Speaker, we also include language requested by the President in his August 20 letter to the conference committee to authorize the courts to grant a Federal agency additional time to respond to a request under the Freedom of Information Act if the agency is "exercising due diligence in responding to the request." Here again the veto message ignores specific language already included in the bill.

Mr. Speaker, as I have attempted to explain in detail during my remarks, this veto is without merit and represents a shocking lack of understanding of the workings of the present law, court procedures, and the clear language in the bill which has already dealt with the major objections raised against H.R. 12471.

As strongly as I know how, Mr. Speaker, I urge the Members of this House to join in voting "aye" to override this ill-advised veto of the Freedom of

Information Act amendments contained in H.R. 12471.

Let our voices here today make clear to the doubting citizens of America that Congress, at least, is totally committed to the principle of "open government."

By our votes to override this veto we can put the needed teeth in the freedom of information law to make it a viable tool to make "open government" a reality in America, not merely a preelection slogan to be erased by the pressures of secrecy-minded bureaucrats.

Mr. Speaker, during the past several days, I have inserted into the Appendix of the RECORD more than 20 articles and editorials from all parts of the Nation urging that Congress override President Ford's veto of H.R. 12471, the Freedom of Information Act amendments we will vote on today. Many of our House colleagues have also placed in the RECORD other editorials from papers in their own districts, also condemning the unwise veto and calling for an override.

At this point, Mr. Speaker, I would like to include another excellent editorial entitled "Congress Must Override Veto of Information Act Changes," from the November 7, 1974, issue of the Denver Post. The executive editor of the Post, Mr. William Hornby, is also chairman of the Freedom of Information Committee of the American Society of Newspaper Editors. I would like to express our appreciation to the officers and members of the many news media organizations who have helped spearhead the fight to preserve the public's right to know. They include the ASNE, whose president is Howard H. Hays, Jr., editor-publisher of the Riverside, Calif., Press-Enterprise; the National Newspaper Association, its executive vice president, Theodore A. Serrill, and William Mullen; Sigma Delta Chi, the Society of Professional Journalists; the Radio-Television News Directors Association; and the Association of American Publishers. Other national organizations participating in the effort were Common Cause; Public Citizen; the AFL-CIO and individual unions including the United Auto Workers and the American Federation of Government Employees' Government Employment Council; the American Civil Liberties Union; and the Consumer Federation of America.

Mr. Speaker, I also include the editorial today from the Washington Post entitled "Federal Files: Freedom of Information" and other timely editorials from the Jackson, Mich., Citizen Patriot; the Des Moines Register; the Philadelphia Inquirer; the Tuscon, Ariz., Daily Star; and the Wichita Falls, Tex., Times and the Wichita Falls, Tex., Record News:

[From the Denver Post, Nov. 7, 1974]

CONGRESS MUST OVERRIDE VETO OF INFORMATION ACT CHANGES

When Congress reconvenes after the election recess, it ought to act promptly—and decisively—to override President Ford's veto of essential amendments to the Freedom of Information Act.

The amendments, embodied in the bill H.R. 12471, are designed to improve the seven-year-old FOI law by removing bureaucratic obstacles in the way of freer public access to governmental documents.

Mr. Ford's veto of HR 12471 is in direct contradiction of his avowal of an "open administration." Further, his demands for more concessions from Congress on FOI amendments raise additional questions about the credibility of his openness pledge.

Congress has gone more than halfway to meet administration objections to the original FOI changes considered on Capitol Hill.

The House-Senate conference committee bill that emerged was a genuine compromise between congressional representatives and Justice Department experts.

Mr. Ford got four out of the five changes he recommended to the committee. Yet not only did Mr. Ford veto the final bill, but he added a new demand to his original proposals.

In his veto message, President Ford contended for the first time that lengthy investigatory records should not be disclosed on the grounds that law enforcement agencies do not have enough competent officers to study the records. He also restated his earlier demand that Congress should not give the courts as much power as the bill provides to decide on whether documents should be withheld for reasons of national security.

Mr. Ford's veto also prevented other improvements in the FOI law ranging from the setting of reasonable time limits for federal agencies to answer requests for public records to requiring agencies to file annual reports on compliance of the law.

The amendments to strengthen the FOI law represent a true consensus of Congress: HR 12471 passed the House with only two dissenting votes and there was no opposition in the Senate.

If Mr. Ford will not follow through on his open administration pledge, then Congress ought to do it for him by overriding his veto.

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[From the Washington Post, Nov. 20, 1974]

FEDERAL FILES: FREEDOM OF INFORMATION

Just before the election recess, President Ford used his power to veto and sent back to the Congress a piece of very important legislation, the 1974 amendments to the Freedom of Information Act. Those amendments were important because they strengthened a law that was fine in principle and purpose but poor in practical terms. The Freedom of Information Act had been enacted in 1966 in the hope of making it possible for the press and the public to obtain documents from within government to which they are entitled. Because of cumbersome provisions of the act, however, obtaining such information proved very difficult.

This year, after long hearings, much haggling between House and Senate and two resounding votes, a series of amendments was ready for presidential signature. They shortened the amount of time a citizen would be required to wait for the bureaucracy to produce a requested document. They removed some restrictions on the kinds of information that could be obtained; and they placed sanctions on bureaucrats who tried to keep information secret that should be released in the public interest. In light of President Ford's previous statements in support of openness in government, it was assumed that the President would welcome this legislation and sign it into law. Instead, sadly, Mr. Ford yielded to the arguments of the bureaucracy and vetoed the legislation.

Since then, a number of journalists' and citizens' groups have criticized that action by the President and urged Congress to override the veto. Today in the House and tomorrow in the Senate, those votes are scheduled to take place. We would urge a strong vote in support of the legislation, particularly in light of two recent disclosures made possible by the Freedom of Information Act.

Recently, a Ralph Nader-supported group on tax reform turned up the fact the Nixon White House instigated Internal Revenue Service investigations of social action groups on the left and in the black community. The absurdity of the exercise is illustrated by the fact that the Urban League was among the targets, lumped in as "radical" along with several social organizations that hardly merit either the label or the attention they were given by IRS. As we have had occasion to say in the past, the tax laws were not intended to be used for political harassment. The interesting point about these latest disclosures is that they were made possible by the utilization of the Freedom of Information Act.

In the same veil, the Justice Department released a report earlier this week on the operations of the counter intelligence operations of the FBI. Much of this information about the use of dirty tricks against the far left and the far right had been revealed earlier this year, again because of action taken under the Freedom of Information Act. Attorney General William Saxbe felt compelled, on the basis of what the Justice Department had been forced to release about the program, to order a study of what the FBI had done. Mr. Saxbe found aspects of the program abhorrent. But FBI director Clarence M. Kelley actually defended the practices of his predecessor, J. Edgar Hoover. This is a good example of how important it is that this country have a strong Freedom of Information law that will make it possible for the public to learn of such activities—and such attitudes on the part of officials in sensitive and powerful jobs—and to learn of them as quickly as possible.

The Freedom of Information Act is not a law to make the task of journalists easier or the profits of news organizations greater. It is, in other words, not special interest legislation in the sense that the term is ordinarily used. It is special interest legislation in that it is intended to assist the very special interest of the American people in being better informed about the processes and practices of their government. This is a point President Ford's advisers missed badly at the time of the veto. One of them is alleged to have said that if the President vetoed the bill, "who gives a damn besides The Washington Post and the New York Times?" The truth of the matter is that this legislation goes to the heart of what a free society is about. When agencies of government such as the FBI and IRS can engage in the kind of activity just revealed, it is serious business. That's why we should all give a damn—especially those who are to cast their votes today and tomorrow.

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[From the Jackson (Mich.) Citizen Patriot]

JOB NEEDS FINISHING

*Issue: Should Congress override President Ford's veto of a bill amending the federal Freedom of Information Act?*

Almost lost in the campaign rhetoric was the President's veto of a bill that had taken three years of cooperative work between congressmen, public groups, and the press.

It would have made the federal bureaucracy more responsible for classifying documents and refusing to open them to public inspection.

In its final form, the bill, amending the 1966 Freedom of Information Act, passed the Senate by voice vote because of the minute opposition, and the House voted 349–2 in favor of it.

Back in 1966, Congress established the policy of the public's right to know what and how well government was doing.

The present bill was opposed by several federal agencies, and as a result, President Ford proposed five modifications. Congress agreed to four of them.

Then President Ford, who launched his administration with a pledge of openness in government, vetoed the measure because Congress didn't grant him the fifth requested modification.

The bill does not jeopardize national se-

curity, safeguards having been built in. It does jeopardize overzealous bureaucrats who want to operate in their own private vacuums.

At issue between the President and Congress (and the various non-governmental backers of the measure) is a provision that would allow the courts to determine reasonableness of classifications.

As written, the bill would fill a chink in the 1966 act, by allowing persons to sue, then be bound by the court's ruling. It also establishes specific time limits on both parties so that no unreasonable time period would thwart the intent of the law.

Ford's position is that the amendments to the 1966 Freedom of Information Act would compromise military and intelligence secrets and diplomatic relations while placing unrealistic burdens on various agencies by setting time limits for response to requests for data.

However, nine specific exemptions are provided. They are secret national security or foreign policy information; internal personnel practices; information specifically exempted by law; trade secrets or other confidential commercial or financial information; inter-agency or intra-agency memos; personal information; personnel or medical files; law enforcement investigatory information; information related to reports on financial institutions; geological and geophysical information.

What it boils down to is that the employes of the various federal agencies don't like opening the doors to what's going on.

The Watergate-related activities, among others, prove there is good cause to fight such an attitude.

The President seems to have dumped his open-administration policy in favor of restrictions on the public as dictated by the bureaucracy and Cabinet.

We strongly urge Congress to override the veto when it resumes business later this month. After enacting this legislation by such an overwhelming majority, it would be irresponsible for Congress to do otherwise.

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[From the Des Moines Register, Nov. 5, 1974]

THIS SHOULD BE VETOPROOF

One of the first pieces of business for Congress after the election is to consider overriding President Ford's veto of the bill strengthening the Freedom of Information law. Since the House approved the bill by a vote of 349 to 2, and the Senate adopted it by voice vote with no dissent, there should be ample support for overriding the veto, whether a "veto-proof" Congress is elected or not.

All Iowa's congressmen voted for the bill, and we hope the delegation from this state will vote the same way.

The amendments are vitally needed to make the Freedom of Information law more effective and to live up to the political promises (including those of President Ford) for more open government. The ability of the Nixon administration to keep material secret during the Watergate scandal shows the importance of the reforms in the law to make information available to the public.

The most important amendment is one permitting court review of national security secrecy classifications. The law says that documents can be kept from the public if "specifically required by executive order to be kept secret in the interest of national defense or foreign policy." The U.S. Supreme Court ruled in 1973 that not even the courts could question the validity of secrecy stamps placed on government documents.

However, the court opinion invited Congress to change the law to authorize judicial review of such secrecy. Congress has now done this overwhelmingly, and President Ford has vetoed it.

President Ford evidently allowed himself to be argued into this position by the traditional secrecy hounds in the Defense Department, as well as officials in other departments who do not want the public prying into their affairs.

Other amendments in addition to the national defense item require agencies to respond more promptly to complaints filed under the act and establish formal procedures making it easier for the public to get answers to requests for documents.

President Ford's veto of this measure is indefensible and is a repudiation of his own pledge to the American people. It should be overridden decisively and promptly.

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[From the Philadelphia Inquirer, Oct. 21 1974]

CONGRESS SHOULD OVERRIDE THE FORD ANTISECRECY VETO

In 1966, when both houses of Congress passed the important but limited Freedom of Information Act, virtually every department in the executive branch urged a veto. President Johnson signed it into law. Somehow, government survived.

President Ford would have done well last Thursday to have followed the example. Instead, he vetoed an immensely important, widely supported and overdue bill to extend the 1966 act. His veto should be overridden by the Senate and House as an early order of business when they reconvene Nov. 18.

Since 1966, and intensely for most of the past four years, the earnest enemies of arbitrary secrecy in government have been laboring to broaden reasonably the 1966 law. The principal opponents have been the often faceless, nameless functionaries of government who by their nature seem to find it either too troublesome or too dangerous for the people of the United States to know what business is being done on their behalf.

Watergate and all its obfuscation, stonewalling and outright lying added fuel to the movement. Ultimately the Senate last June passed an amending bill by a vote of 64 to 17; the House passed a somewhat different version, 362 to 8.

Responding to pressures from executive agencies, and raising some conscientious concerns, President Ford last August submitted to the Congress written objections to the pending measure. A House-Senate conference committee made significant compromises and resolved conflicts. The conference-approved bill was passed 349 to 2 by the House and by unanimous voice vote in the Senate.

Then came Mr. Ford's veto, urged by every department of the executive branch except the Civil Service Commission and—somewhat astonishingly—the Department of Defense.

The President's veto message focused mainly on the bill's assignment to the judiciary the authority to rule on the appropriateness of secrecy classifications erected by executive agencies, and on enforcement provisions—including time limits on bureaucratic stalling and rather mild penalties for violating the law.

The same objections were raised by Mr. Ford in August. Serious attention was given them. Significant adaptations were made to avoid any possibility of excess.

We are convinced that the only real danger the final bill raised was to threaten the anonymous and arbitrary excesses of power often used by government servants to evade accountability. Mr. Ford's invocations of unconstitutionality and national security—especially in the aftermath of the Watergate experience—are not only flimsy in their logic; they are offensive in their insensitivity to public dismay.

With the Congress in adjournment, its members are at home, pursuing votes in an election year made tumultuous by the very concerns about government secrecy and unaccountability the Freedom of Information bill sought to help remedy.

Those legislators' constituents—you—would do well to demand how each of them will stand when it comes time in November to override Mr. Ford's unwise and ill-considered quashing of the public's right to know what its servants are doing in Washington's back stairs.

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[From the Tucson (Ariz.) Daily Star, Oct. 27, 1974]

THE INFORMATION VETO

The President has vetoed proposed amendments to the Freedom of Information Act that would have gone far in holding accountable the headless mass of federal bureaucracy. His veto must be overridden.

The amendments would have required agencies to keep an index of the tons of information they record each year for use by the consumer-taxpayer. It would have required agencies to produce information on request by general subject matter rather than much less-accessible file numbers. It would have provided for court review of each refusal of information.

Bureaucrats would be required to report annually to Congress the number of times information was withheld, by whom and why; whether appeals were made under the act and the outcomes of those appeals. The law was specifically applied to the executive department, the Pentagon, government corporations, government-controlled corporations and independent regulatory agencies. Those individuals who withhold information without firm basis would be subject to civil service discipline.

But President Ford was persuaded by the FBI, the CIA and others that such law would dangerously inhibit them in their work. They want to be totally exempted.

In fact, the amendments provide numerous safeguards to the conduct of active police investigation, foreign intelligence and counter-intelligence. Specifically exempted was information classified for national defense, information that would foul a criminal case, deprive a defendant of fair trial, constitute an unwarranted invasion of privacy, disclose the identity of a confidential source, disclose unusual procedures and techniques or endanger the life of an officer.

If all that failed there would be the courts to make the determination behind closed doors.

The American system of government can afford no isolated enclaves of nonresponsiveness—certainly not after the revelations of the past two years that the FBI and CIA have been employed for extensive political services.

The conduct of criminal law enforcement and legitimate foreign intelligence would not be hampered by the amendments. It would make agencies like the FBI and CIA, not used to being held accountable, accountable, and that is their real objection.

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[From the Wichita Falls (Tex.) Times, Oct. 31, 1974]

PRESIDENT BLOCKS RIGHT TO KNOW

Congressional improvements in the Freedom of Information (FOI) Act adopted in 1966, have been blocked with a veto by President Ford.

The Times, concerned with our readers' right to know, believes Congress should override the veto when it convenes after the election recess.

The President vetoed amendments to the FOI Act at the insistence of many federal agencies, including the Justice Department.

The measure went to the White House Oct. 7 after the House approved the conference report by the overwhelming vote of 349 to 2. The Senate had approved the conference report by voice vote Oct. 1.

The FOI amendments were approved by Congress to facilitate public access to information. The FOI Act requires the federal