THE WHITE HOUSE

WASHINGTON

October 16, 1974

MEMORANDUM FOR: THE PRESIDENT

FROM: KEN COLE

SUBJECT: FREEDOM OF INFORMATION ACT AMENDMENTS

The last day for action on H. R. 12471 is Saturday, October 19, 1974.

Background:

The Conference bill passed the Senate by voice vote October 1 and the House on October 7, 347 to 2. As your legal staff have indicated, the bill contains:

  (1)   a severely objectionable provision providing for judicial review of document classification (Tab I);

  (2)   overly strict administrative time limit provisions (Tab II); and,

  (3)   a section permitting search and disclosure of law enforcement agency investigatory files (Tab III).

A full description of the legislation with these three problem areas numbered in red is contained in the enrolled bill memorandum from OMB at Tab A.

Options:

1.   Sign the legislation. Recognize the political difficulties of opposing "Freedom of Information"; have a signing ceremony; and issue a signing statement which reinforces your Administration's interpretations of the judicial review of classified documents provision and expresses your intention to seek resolution of the constitutional issue in the courts.

2.   Veto the legislation and simultaneously transmit with your proposed changes. This should be preceded by a discussion with the senior

Conferees where you endorse all aspects of their bill but three, and ask that they work toward immediate passage of your virtually identical bill instead of attempting to override your veto. A draft veto message is attached for your consideration in this regard (Tab B).

Recommendation:

Sign legislation.

GRF. Veto legislation (Ash, Areeda, Buchen, Burch, Cole, Hartmann, Marsh, Timmons, NSC, CIA, State, Justice, Defense, Treasury).

Approve draft veto statement at Tab B. The Domestic Council, OMB, Bill Timmons, and the Counsel's office have approved. Theis is making final editting changes. OMB is preparing the draft legislation mentioned in the veto statement. _____

Disapprove draft veto statement. _____