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OPENING REMARKS FOR SPJ-SDX PRESS CONFERENCE

PHOENIX, ARIZONA

NOVEMBER 14, 1974

Pres. Ottwell
Gene Pulliam

(ACKNOWLEDGEMENTS)

I UNDERSTAND THIS HOUR WAS FIXED FOR OUR MEETING NOT BY

MY PRESS SECRETARY, NOT BY THE NETWORKS, BUT RATHER IN ORDER TO

ENSURE THE ATTENDANCE OF ALL THE LATE STRAYS FROM THE LAZY "R" AND "G"

RANCH PARTY WHICH GENE PULLIAM PUT ON LAST NIGHT. GENE IS NOT ONLY

A GREAT HOST BUT A GREAT PUBLISHER AND I AM SURE I WILL NEITHER BE THE

FIRST NOR THE LAST SPEAKER AT THIS CONVENTION TO SALUTE HIM AS ONE OF THE

FOUNDERS OF SIGMA DELTA CHI, THE SOCIETY OF PROFESSIONAL JOURNALISTS.

BETWEEN BOB HARTMANN AND BILL ROBERTS OF MY STAFF AND

HALF OF YOUR WASHINGTON PROFESSIONAL CHAPTER IN THE WHITE HOUSE

PRESS ROOM, I AM HARDLY EVER OUT OF SIGHT OF ONE OF YOUR MEMBERS,

AND I MUST SAY I ENJOY THEIR COMPANY AND ADMIRE THEIR PROFESSIONALISM.

MOST OF THE TIME, ANYWAY.

IN DOING MY HOMEWORK FOR THIS VISIT, I WAS BROWSING THROUGH YOUR MAGAZINE, "THE QUILL", AND I READ AS FOLLOWS:

'NATIONAL S.P.J., S.D.X. PRESIDENT RALPH OTWELL IS ASKING LOCAL CHAPTERS TO CONTACT THEIR CONGRESSMEN TO URGE THEM TO OVERRIDE PRESIDENT FORD'S VETO OF A BILL TO STRENGTHEN THE FREEDOM OF INFORMATION ACT. OTWELL CRITICIZED FORD'S ACTION SAYING:

"FOR A PRESIDENT WHO IS PUBLICLY COMMITTED TO A MORE
OPEN AND HONEST ADMINISTRATION TO OPPOSE SIGNIFICANT REFORMS IN
FREEDOM OF INFORMATION LEGISLATION IS BOTH STARTLING AND
DISAPPOINTING.....PRESIDENT FORD'S VETO SUGGESTS HIS ADMINISTRATION
IS PURSUING A DISCREDITED POLICY OF COVER-UP AS USUAL."

FIRST I WANT TO ASSURE PRESIDENT OTWELL, THAT I HAVE NOT
COME HERE TODAY TO ARGUE, BUT TO ENLIGHTEN. IN FACT I MAY BE
THE FIRST PRESIDENT IN HISTORY TO COME ALL THE WAY TO PHOENIX JUST
TO HOLD A PRESS CONFERENCE. AND WHEN I GET HERE I FIND OUT THAT
DAN RATHER IS GOING TO GET THE LAST WORD ANYHOW.

BEFORE WE GO TO QUESTIONS I WOULD LIKE TO MAKE TWO
BRIEF OBSERVATIONS, BOTH OF WHICH BEAR ON THE BUSINESS OF THE CONGRESS
WHICH WILL BE RETURNING TO WASHINGTON NEXT MONDAY.

FIRST, ABOUT MY VETO OF THE FREEDOM OF INFORMATION ACT

AMENDMENTS. I THINK, INCIDENTALLY, THAT THE VETO IS A CONSTITUTIONAL POWER GIVEN THE PRESIDENT IN ORDER TO REQUIRE THE CONGRESS TO TAKE A HARD SECOND LOOK AT LEGISLATION WHICH THE PRESIDENT, WHO IS OBLIGED TO FAITHFULLY EXECUTE THE LAW, CONSIDERS TO BE UNWISE OR UNWORKABLE IN WHOLE OR IN PART. I REALLY DON'T THINK MY VETO SUGGESTS

"A DISCREDITED POLICY OF COVER-UP AS USUAL" ~~OR THAT THE FREEDOM OF~~

~~INFORMATION ACT, AS IT STANDS OR AS AMENDED, PLAYED OR COULD HAVE~~

~~PLAYED ANY PART IN UNCOVERING THE WATERGATE COVER-UP.~~ *Uncovering cover-ups has to* *That*
job was done without the help of any law but
by tough reporters and tough editors.

HOWEVER, BEFORE YOU ~~ALL~~ WRITE YOUR CONGRESSMEN TO
OVERRIDE MY VETO, I WOULD LIKE TO TELL YOU MY SIDE OF THIS STORY.

I DO SUPPORT THE FREEDOM OF INFORMATION ACT AND
MOST OF THE REFORMS CONTAINED IN THE CURRENT AMENDMENTS.

THERE ARE THREE AMENDMENTS, HOWEVER, THAT BOTHER ME BOTH ON
PRINCIPLE AND PRACTICALLY, AND THESE WERE THE BASIS FOR MY VETO.

I HAVE WRITTEN THE LEADERS OF BOTH SENATE AND HOUSE TO EXPRESS MY HOPE THAT WHEN CONGRESS RETURNS, INSTEAD OF TRYING TO OVERRIDE MY VETO, THEY WILL MAKE A FEW SMALL BUT SIGNIFICANT CHANGES IN THESE THREE SECTIONS AND SEND ME ANOTHER BILL WHICH I CAN AND WILL SIGN.

MY FIRST OBJECTION IS TO THE SECTION THAT WOULD

ALLOW ANY FEDERAL JUDGE TO EXAMINE PRIVATELY THE CLASSIFIED RECORDS

OF ANY GOVERNMENT AGENCY, INCLUDING OUR MOST SENSITIVE NATIONAL

SECURITY AND DIPLOMATIC SECRETS, AND REMOVE THE AGENCIES

CLASSIFICATION IF HE FOUND THE PLAINTIFF'S POSITION TO BE REASONABLE.

*In other words no credibility
was given to the Brits
decision.*

THIS WOULD OVERTURN A 1973 SUPREME COURT RULING WHICH LIMITED

JUDICIAL REVIEW TO THE DETERMINATION OF WHETHER OR NOT THE

INITIAL CLASSIFICATION WAS IN FACT CLASSIFIED ACCORDING TO LAW.

WITH ALL DUE RESPECT I DO NOT BELIEVE MANY FEDERAL JUDGES ARE
EXPERTS IN THE COMPLEX WEIGHING OF DEFENSE AND INTELLIGENCE NEEDS
FOR SECRECY. I ALSO THINK THAT TRANSFER OF THIS JUDGMENT FROM
THE EXECUTIVE TO THE JUDICIAL BRANCH OF GOVERNMENT MAY BE
UNCONSTITUTIONAL. MY PROPOSED MODIFICATION WOULD ACCEPT
JUDICIAL REVIEW BUT REQUIRE JUDGES TO UPHOLD THE ORIGINAL
CLASSIFICATION IF THERE IS A REASONABLE BASIS TO SUPPORT IT.

MY SECOND OBJECTION IS LESS DRAMATIC; IN MY VIEW ONE SECTION SETS UNREALISTIC TIME LIMITS ON THE GOVERNMENTS RESPONSE TO A REQUEST FOR A SPECIFIC DOCUMENT. I HAVE PROPOSED THAT THE 30-DAY DEADLINE IN CONTESTED CASES BE INCREASED TO A TOTAL OF 45 DAYS WITH EXTRA TIME FOR COMPLEX CASES AT THE OPTION OF THE COURT.

THE THIRD REASON FOR MY VETO WAS AN AMENDMENT GRANTING
PUBLIC ACCESS TO INVESTIGATORY FILES SUCH AS THE SO-CALLED RAW DATA
REPORTS OF THE FEDERAL BUREAU OF INVESTIGATION. FOR EXAMPLE,
I AM TOLD THERE WAS ACTUALLY PENDING BEFORE THE DEPARTMENT OF JUSTICE
A REQUEST FOR THE ENTIRE FILES ACCUMULATED BY THE LATE J. EDGAR HOOVER
IN HIS INVESTIGATION OF THE COMMUNIST PARTY IN THE UNITED STATES.
IF OPENING SUCH FILES HAD BEEN PROPOSED IN THE SO-CALLED McCARTHY ERA
YOU WOULD ALL HAVE DENOUNCED IT AS EXPOSING INNOCENT PEOPLE TO
VICIOUS RUMOR AND UNPROVEN SMEARS -- AND YOU WOULD HAVE BEEN RIGHT.

ON A PRACTICAL LEVEL, IT WOULD HAVE REQUIRED A BRAND NEW BUREAUCRACY AND MILLIONS OF MAN-HOURS FOR THE F.B.I. SIMPLY TO REVIEW THOSE FILES OF SEVERAL DECADES TO DETERMINE WHAT MIGHT NOW BE SAFELY MADE PUBLIC WITHOUT INJURING INNOCENT PARTIES OR COMPROMISING THEIR SOURCES OF INFORMATION.

I HAVE PROPOSED MORE FLEXIBLE AND REALISTIC GROUND RULES THAT
WOULD PRESERVE WHAT I CONSIDER TO BE THE ESSENTIAL CONFIDENTIALITY
OF INVESTIGATORY FILES OF LAW-ENFORCEMENT AGENCIES. I HOPE
THAT PROFESSIONAL JOURNALISTS WILL TAKE ANOTHER LOOK AT THIS
SECTION OF THE FREEDOM OF INFORMATION BILL AND SEE IF YOU DON'T AGREE
THAT THIS PANDORA'S BOX SHOULD REMAIN SHUT.

THERE IS A SECOND MATTER I WILL DISCUSS BRIEFLY
BEFORE THIS DISTINGUISHED SOCIETY, WHOSE MEMBERS I KNOW
HAVE A STRONG SENSE OF HISTORY-IN-THE-MAKING AS WELL AS AN
INSATIABLE INTEREST IN GOOD GOVERNMENT, BOTH OF WHICH I APPLAUD.
THAT IS THE VACANCY IN THE OFFICE OF THE VICE PRESIDENT.

I SUPPOSE I CAN PROPERLY CLAIM TO BE THE WORLD'S CHAMPION
EXPERT ON THE SUBJECT OF FILLING THE VICE PRESIDENCY UNDER THE
25th AMENDMENT. WHEN I SUDDENLY FOUND MYSELF NOMINATED FOR THIS
POSITION ON OCTOBER 12, 1973, I DID SOME RESEARCH ON THE DEBATE IN THE
HOUSE AND SENATE ON THIS IMPORTANT CONSTITUTIONAL AMENDMENT,
WHICH WAS PROPOSED BY THE CONGRESS IN 1965 AND RATIFIED BY THE
LEGISLATURES OF 47 STATES IN 1967. FRANKLY, I WAS CURIOUS AS TO
WHAT I MIGHT HAVE SAID ON THE SUBJECT, PARTICULARLY SECTION TWO WHICH
DEALS WITH VACANCIES IN THE OFFICE OF VICE PRESIDENT.

THE FACT IS I FOUND I HADN'T SAID ANYTHING IN
THAT DEBATE EXCEPT TO VOTE AYE. AND THE MAIN SUBJECT OF
DEBATE WAS THE MATTER OF DEALING WITH PRESIDENTIAL SUCCESSION
IN THE EVENT OF A PRESIDENT'S DISABILITY OR INABILITY TO DISCHARGE
THE DUTIES OF HIS OFFICE. THE REPLACEMENT OF A VICE PRESIDENT
WAS INCIDENTAL TO THIS, BUT IT SEEMS FAIR TO INFER THAT THE
FRAMERS, LIKE THE FOUNDING FATHERS, CONSIDERED THAT OFFICE TO BE
ESSENTIAL TO THE CONDUCT OF THE FEDERAL GOVERNMENT AND THE
ORDERLY SUCCESSION OF EXECUTIVE POWER IN ANY EMERGENCY.

IT IS IMPLICIT IN THE ADOPTION OF THE 25th AMENDMENT AS PART OF THE CONSTITUTION THAT A PROLONGED VACANCY IN THE SECOND OFFICE OF THE LAND IS UNDESIRABLE AS PUBLIC POLICY, AND THAT SUCH VACANCIES SHOULD BE FILLED AS PROMPTLY AS CAREFUL CONSIDERATION BY THE PRESIDENT AND THE CONGRESS WILL PERMIT.

IN MY CASE, DESPITE ONE OF THE MOST EXHAUSTIVE
INVESTIGATIONS EVER UNDERTAKEN OF ANYBODY NOT ON THE
F.B.I.'S TEN MOST WANTED LIST, THE CONGRESS MOVED EXPEDITIOUSLY
AND CONFIRMED ME WITHIN EIGHT WEEKS OF MY NOMINATION.
ALTHOUGH, I DO HAVE TO ADMIT, IT SEEMED A LITTLE LONGER THAN
EIGHT WEEKS TO ME.

WHEN I SUDDENLY FOUND MYSELF PRESIDENT ON AUGUST 9, 1974,
AND THE NATION AGAIN WITHOUT A VICE PRESIDENT, I MADE IT MY FIRST
PRIORITY -- ASIDE FROM THE CYPRUS CRISIS WHICH I WALKED INTO --
TO SEARCH OUT AND SELECT THE MOST CAPABLE AND QUALIFIED PERSON I
COULD FIND FOR THAT HIGH OFFICE. I FINISHED THIS TASK IN ELEVEN DAYS
AND SENT TO THE SENATE AND HOUSE THE NAME OF NELSON ROCKEFELLER OF
NEW YORK. THAT WAS ALMOST THREE MONTHS AGO AND WHILE I RECOGNIZE
THE NEED OF THE CONGRESS TO TAKE A MONTH OFF FOR CAMPAIGNING -- I
BELIEVE THE TIME HAS COME FOR THEM TO FISH OR CUT BAIT IN THIS MATTER.

I HAVE BEEN ASSURED BY SPEAKER ALBERT AND BY

SENATOR MANSFIELD, THE MAJORITY LEADER OF THE SENATE, THAT THEY WILL

MAKE EVERY EFFORT TO BRING THE NOMINATION TO A FINAL FLOOR VOTE BEFORE

THIS 93rd CONGRESS ADJOURNS SINE DIE IN DECEMBER. I AM DELIGHTED

TO HAVE THEIR COOPERATION BECAUSE I BELIEVE THIS IS WHAT THE CONSTITUTION

MANDATES AND WHAT THE AMERICAN PEOPLE WANT FROM THEIR REPRESENTATIVES.

I AM AS CONVINCED AS EVER THAT GOVERNOR ROCKEFELLER IS THE RIGHT MAN

FOR THE JOB AND I AM ANXIOUS TO HAVE HIM AS A WORKING PARTNER IN THE

GOVERNMENT.

FOR THE FUTURE, HOWEVER, I WILL PROPOSE TO
THE NEXT CONGRESS A RE-EXAMINATION OF THE 25th AMENDMENT,
WHICH HAS BEEN TESTED TWICE IN AS MANY YEARS, TO SEE IF THE
PROVISIONS OF SECTION TWO CANNOT BE TIGHTENED UP EITHER
BY ANOTHER CONSTITUTIONAL AMENDMENT OR BY PUBLIC LAW.

THERE SHOULD, BE A SPECIFIC DEADLINE BOTH FOR THE PRESIDENT
TO NOMINATE AND FOR THE CONGRESS TO CONFIRM A VICE PRESIDENT.
IF THIS REASONABLE PERIOD PASSES WITHOUT AFFIRMATIVE ACTION
THE CONGRESS WOULD THEN BE REQUIRED TO PROMPTLY BEGIN CONFIRMATION
HEARINGS ON ANOTHER NOMINEE. IT HAS BEEN SUGGESTED TO ME
THAT IF, BECAUSE OF A PARTISAN DEADLOCK BETWEEN THE PRESIDENT
AND THE CONGRESS, THE CONGRESS FAILS TO ACT WITHIN THE DEADLINE, THE
NEXT CONSTITUTIONAL SUCCESSOR -- PRESENTLY THE SPEAKER OF THE HOUSE --
SHOULD BE REQUIRED ACTUALLY TO ASSUME THE OFFICE OF VICE PRESIDENT.

ALTHOUGH I AM NOT PREPARED TO ADVOCATE SUCH A STEP, I MUST SAY
THERE IS REALLY NO WAY, DESPITE SECRET BRIEFINGS AND ALL THAT,
THAT ANYONE CAN BECOME EVEN PARTIALLY PREPARED TO TAKE OVER THE
DUTIES OF THE PRESIDENCY ON A MOMENT'S NOTICE, WITHOUT ALL THE
PARTICIPATION IN THE EXECUTIVE PROCESS THAT A PRESIDENT CAN EXTEND
TO HIS VICE PRESIDENT. IN THIS DANGEROUS AGE, AS THE 25th AMENDMENT
ATTESTS, WE NEED A VICE PRESIDENT AT ALL TIMES. AND I SPEAK AS ONE
WHO OUGHT TO KNOW.

NOW, I'LL BE GLAD TO ANSWER YOUR QUESTIONS: