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FREEDOM OF INFORMATION

Q. Now that Congress has overridden the FOI veto, ~~what~~ does the President consider it law?

A. Of course he does. There is no controversy over ~~the~~ veto on this legislation. The President recognizes that Congress has acted and he will certainly do what is required of him now that his veto has been overridden.

Q. The President sent up some amendments following his veto. Does he intend to pursue passage of these as an amendment to the new law?

A. ~~Well,~~ The President has made no decision, but there is a possibility he may consider asking Congress to take up one or more of these amendments. As he stated in his veto message, he has very serious ~~a~~ reservations about some of the provisions.



Q. Does the President plan to go to church on Thanksgiving Day?

A. As far as I know, nothing is settled on that yet, but I suggest you contact Sheila Weidenfeld. I have also learned that none of the Ford boys will be returning home to have Thanksgiving dinner with the family.

Q. Will the President brief Senator Jackson on the details of his talks with the Russians?

A. ~~As you know, the President met with the bi-partisan Congressional leaders today and the Chairman and Ranking Minority members of the Committees which are particularly concerned with his meeting with the General Secretary. We posted that list last night. At present, there are no specific plans for additional briefings, but I would expect that other Members of Congress will be given this information.~~

Yes. NSC guy today.



October 18, 1974

SUBJECT:

FREEDOM OF INFORMATION ACT

In this open Administration, how can the President justify vetoing the amendments to the Freedom of Information Act?

GUIDANCE: The President supports the aims and purposes of the legislation, as his veto message explicitly stated. His opposition in vetoing the bill is based on three elements in the legislation having to do with the Executive Branch.

The President wrote the Conferees about all three of these items in his letter of August 20. The Conferees made some changes in the conference report in an attempt to meet the President's objections, but did not change the language in the legislation, and that is what is crucial to the Executive Branch. The investigative and intelligence function of the Executive Branch depends on the appropriateness and sanctity of classification of documents.

In the first objection, all the President is asking is that weight be given to an agency's classification of a document. The Conferees put this in the conference report, but did not change the language of the bill. We feel the Executive Branch is the one with the expertise in document classification, and this provision, as written in the legislation, would violate Constitutional principles.

The second point has to do with administrative problems involved in doing file searches of investigatory files. The importance here has to do with the amount of effort and time which must be put into doing line-by-line searches of hundreds of thousands of documents. For example, in the past, there has been a request of an individual to review all of the investigations of the Communist Party. That is two million documents, and would take an estimated 225 agent-man years. We feel that a search done for a private interest, authors or historians, should be paid for by the person making the request. This is not an individual asking for his own file, but a document search of items of historical interest which involves massive amounts of time and effort. The President has asked that some changes be made in this provision, so that we can avoid making entire law enforcement function of the Federal government be spent doing file searches.

(More)

The third problem is the amount of time an agency has in complying with a request. The bill provides for ten days, with another ten day extension. The President is asking for a little more flexibility so an agency doesn't have to go into court if they go over their original ten days.

The President states in his veto message that he wants this bill back with these three items corrected.

with 2-3 days

*Sending new legislation
today or tomorrow, FOI Act
without these 3 provisions*

JGC



October 2, 1974

SUBJECT:

FREEDOM OF INFORMATION ACT

Has the President made any decision on the Freedom of Information Act amendments?

GUIDANCE: The President is still in the process of reviewing the bill and the letter sent to him by Senator Kennedy and Congressman Moorhead.

The President is very concerned about several provisions one of which gives judges the ultimate right to determine what the classification of a certain document should be. This has been with the Executive Branch, and this is a major concern of the President.

In addition, the President is also concerned about a provision whereby if a person wants to search out a document and have it analyzed, who pays for such a search and analysis. Under the pending bill, it is my understanding that the FBI, for example, would search out the document, and then give a paragraph by paragraph analysis. The cost for the search must be compensated, while, under this pending bill, the cost for analyzing the document is born by the government. We feel that in lengthy documents, where analysis could be very complicated and detailed and take a great deal of time, that expense should be charged to the individual seeking the document.

However, the President has made no final decisions on the amendments to the Freedom of Information Act.

(See Guidance of September 26.)

JGC

September 26, 1974

SUBJECT:

CONFEREES AGREE ON FREEDOM
OF INFORMATION ACT

The Senate-House Conferees have agreed on compromise legislation to strengthen the Freedom of Information Act. According to Senator Kennedy and Rep. Moorhead, several changes have been made in response to a letter from President Ford.

Is the compromise worked out by the conferees on the Freedom of Information Act acceptable to the President?

GUIDANCE: As you know, in August President Ford reviewed that bill and sent letters to Senator Kennedy and Congressman Moorhead, the leaders of the conferees, outlining his position on the amendments. The President has just received a reply from Congressman Moorhead and Senator Kennedy on possible areas of compromise. Therefore, the President, along with his staff, now are in the processing of reviewing those changes to see if it is acceptable. We will not be able to give you any final word until that review is completed.

Basically, does the President support the Amendments to the Freedom of Information Act or does he oppose them?

GUIDANCE: In his letter, the President expressed his concern for improving the Freedom of Information Act and believes that the time is right to reassess this profound and worthwhile legislation. The President also stated that no other recent legislation more closely encompasses his objectives for open government than the philosophy underlying the Freedom of Information Act.

However, the President pointed out that there are significant provisions in the bill which concern him and he outlined several of them.

What are some of those concerns?

GUIDANCE: I suggest you read the letter because it is very detailed and somewhat technical in places, and we can make the letter available.

Can you provide us with Senator Kennedy's letter to the President?

GUIDANCE: I'll see if I can get that letter for you.

September 24, 1974

SUBJECT:

PRESIDENT'S POSITION ON THE
FREEDOM OF INFORMATION ACT
AMENDMENTS

The Conferees are about ready to report out Freedom of Information Act Amendments. What is the President's position on the Freedom of Information Act Amendments?

GUIDANCE: As you know, in August President Ford reviewed that bill and sent letters to Senator Kennedy and Congressman Moorhead the leaders of the Conferees, outlining his position on the Amendments. The President has just received a reply from Congressman Moorhead and Senator Kennedy on possible areas of compromise, so we'll be working with the Conferees to get a bill that is acceptable to the President.

Basically, does the President support the Amendments to the Freedom of Information Act or does he oppose them?

GUIDANCE: In the letter, the President expressed his concern for improving the Freedom of Information Act and believes that the time is right to reassess this profound and worthwhile legislation. The President also stated that no other recent legislation more closely encompasses his objectives for open government than the philosophy underlying the Freedom of Information Act.

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