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Office of the White House Press Secretary

THE WHITE HOUSE

TEXT OF REMARKS BY THE PRESIDENT
TO BE DELIVERED AT THE
SOCIETY OF PROFESSIONAL JOURNALISTS/SIGMA DELTA CHI
PHOENIX, ARIZONA

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 laxy "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.

(MORE)

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 in practice, 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 agency's classification if he found the plaintiff's position to be reasonable. 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 government's 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.

(MORE)

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 FBI'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 which 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 93d 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:

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