

I have called for a congressional investigation of these recent sales and have expressed to President Ford my misgivings.

Is Egypt now committed to peace in the Middle East?

Do we even know whether Egypt's hungry will receive this food?

Even at 3 percent for 20 years, can Egypt repay these loans?

In addition to squandering scarce food—when Americans are paying up to 90 cents a pound for bread—we are subsidizing inefficient agricultural practices with these loans. A strong, self-sufficient economy in Egypt will not develop through reliance on hand-outs and lend-aways.

#### CHANGES IN LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. O'NEILL. Mr. Speaker, I wish to make an announcement concerning the schedule for the House of Representatives.

The following resolution that was listed under suspension of the rules today will not be called up, and that is House Resolution 1399, world food situation.

Further, Mr. Speaker, in addition to the program previously announced, the following measures will be considered under the suspension of the rules tomorrow:

H.R. 16757, extending the Emergency Petroleum Allocation Act of 1973;

H.R. 17434, to amend the National Wildlife Refuge System Administration Act of 1966;

S. 782, Antitrust Procedures and Penalties Act;

House Joint Resolution 1117, American Indian Policy Review Commission; and H.R. 12071, Forest Service fire protection contracts.

May I say further, Mr. Speaker, that this will fit into the program that has been presently scheduled. The Members will note on the whip's notice we scheduled business for Wednesday and the balance of the week. If we have not completed the program by Thursday of this week it is the intention of the leadership on both sides of the aisle to work on Friday. That is, it is our intention to complete the program for the week, and that if it has not been completed by Thursday night then there will be a Friday session.

May I also say that the leadership on both sides of the aisle had a meeting this morning, and for next week we will meet on Monday and Tuesday, and on conclusion of the business on Tuesday night, the House will adjourn for the remainder of the week, which is Thanksgiving week. That means we will be adjourned on Wednesday and Thursday, Thursday, of course, being Thanksgiving Day.

Then on the next Monday, which is December 2, there will be caucuses that day for both sides of the aisle, the Democrats and the Republicans. The Democratic caucus will go forward with the remainder of its program on Tuesday,

Wednesday and Thursday mornings if necessary.

We would also expect to have caucuses in the evenings of Tuesday and Wednesday, after the House has adjourned, if necessary. There will be legislative sessions on December 3, 4, and 5 but not on Monday, December 2.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 17, 1974:

Hon. CARL ALBERT,  
The Speaker,  
House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted on October 16, 1974, the Clerk has received the following message from the Secretary of the Senate: That the Senate has passed without amendment, H.J. Res. 1167, Making further continuing appropriations for the fiscal year 1975, and for other purposes.

With kind regards, I am,  
Sincerely,

W. PAT JENNINGS,  
Clerk, House of Representatives.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to the authority granted him on Wednesday, October 16, 1974, he did, on Thursday, October 17, 1974, sign the following enrolled bills and joint resolution of the House:

H.R. 13342. An act to amend the Farm Labor Contractor Registration Act of 1963 by extending its coverage and effectuating its enforcement;

H.R. 14217. An act to provide for increases in appropriation ceilings and boundary changes in certain units of the national park system, to authorize appropriations for additional costs of land acquisition for the national park system, and for other purposes;

H.J. Res. 1167. Joint resolution making further continuing appropriations for the fiscal year 1975, and for other purposes.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OCTOBER 17, 1974:

Hon. CARL ALBERT,  
The Speaker,  
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 5:38 P.M. on Thursday, October 17, 1974, and said to contain H.R. 12471, An Act to amend section 552 of title 5, United States Code, known as the Freedom of Information Act, and a veto message thereon.

With kind regards, I am,  
Sincerely,

W. PAT JENNINGS,  
Clerk, House of Representatives.

#### FREEDOM OF INFORMATION ACT— VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-383)

The SPEAKER laid before the House the following veto message from the President of the United States:

#### To the House of Representatives:

I am returning herewith without my approval H.R. 12471, a bill to amend the public access to documents provisions of the Administrative Procedures Act. In August, I transmitted a letter to the conferees expressing my support for the direction of this legislation and presenting my concern with some of its provisions. Although I am gratified by the Congressional response in amending several of these provisions, significant problems have not been resolved.

First, I remain concerned that our military or intelligence secrets and diplomatic relations could be adversely affected by this bill. This provision remains unaltered following my earlier letter.

I am prepared to accept those aspects of the provision which would enable courts to inspect classified documents and review the justification for their classification. However, the courts should not be forced to make what amounts to the initial classification decision in sensitive and complex areas where they have no particular expertise. 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. Such a provision would violate constitutional principles, and give less weight before the courts to an executive determination involving the protection of our most vital national defense interests than is accorded determinations involving routine regulatory matters.

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.

Second, I believe that confidentiality would not be maintained if many millions of pages of FBI and other investigatory law enforcement files would be subject to compulsory disclosure at the behest of any person unless the Government could prove to a court—separately for each paragraph of each document—that disclosure "would" cause a type of harm specified in the amendment. Our law enforcement agencies do not have, and could not obtain, the large number of trained and knowledgeable personnel that would be needed to make such a line-by-line examination of information requests that sometimes involve hundreds of thousands of documents, within the time constraints added to current law by this bill.

Therefore, I propose that more flexible criteria govern the responses to 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.

Finally, the ten days afforded an agency to determine whether to furnish a requested document and the twenty

days afforded for determinations on appeal are, despite the provision concerning unusual circumstances, simply unrealistic in some cases. It is essential that additional latitude be provided.

I shall submit shortly language which would dispel my concerns regarding the manner of judicial review of classified material and for mitigating the administrative burden placed on the agencies, especially our law enforcement agencies, by the bill as presently enrolled. It is only my conviction that the bill as enrolled is unconstitutional and unworkable that would cause me to return the bill without my approval. I sincerely hope that this legislation, which has come so far toward realizing its laudable goals, will be reenacted with the changes I propose and returned to me for signature during this session of Congress.

GERALD R. FORD.

THE WHITE HOUSE, October 17, 1974.

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

The question is: Will the House, on reconsideration, pass the bill H.R. 12471, the objections of the President to the contrary notwithstanding?

MOTION OFFERED BY MR. MOORHEAD OF PENNSYLVANIA.

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I move to postpone further consideration of the bill and veto message from the President on H.R. 12471, to amend the Freedom of Information Act, until Wednesday, November 20, and before moving the previous question on my motion I would like to address myself briefly to the President's veto action.

Mr. Speaker, I was shocked and dismayed by the President's unfortunate and ill-advised action on October 17 in vetoing H.R. 12471; the bill makes a series of strengthening amendments to plug loopholes in the Freedom of Information Act of 1966.

This bipartisan legislation, overwhelmingly approved in both the House and Senate after more than 3 years of oversight and legislative hearings, will help restore the confidence of the American public in their Federal Government by providing greater access to Government records. As we have dramatically witnessed during the Watergate tragedy, unnecessary secrecy and an almost paranoid desire to hide the business of Government from the people and their elected representatives brought about the most grave constitutional crisis in our Nation in more than 100 years.

Mr. Speaker, President Ford's pledge of "open government" made to the American people soon after he took the oath of office had indicated a recognition of the destructive effects of the "government secrecy mania" that helped bring about his predecessor's resignation. Less than 2 months ago, President Ford expressed to me, as chairman of the House-Senate conference committee on H.R. 12471, his commitment to "open government" and the Freedom of Information Act. In a letter dated August 20, 1974, he stated:

I share your concerns for improving the Freedom of Information Act and agree that

now, after eight years in existence, the time is ripe to reassess this profound and worthwhile legislation. Certainly, no other recent legislation more closely encompasses my objectives for open government than the philosophy underlying the Freedom of Information Act.

In that letter, Mr. Speaker, he raised certain questions about specific provisions of H.R. 12471, most of which had already been tentatively agreed to by the House-Senate conferees during earlier sessions of the conference committee. Nevertheless, we carefully studied President Ford's arguments, discussed them in subsequent meetings of the conference committee and did make a number of changes he requested in both the bill language and in the conference report to help allay his concerns. As I told the House when the conference version of the bill was finally acted upon and sent to the White House on October 7—

We have gone "more than half-way" to accommodate his views.

But 10 days later, he vetoed the freedom of information bill. It is now clear, Mr. Speaker, that congressional cooperation is not sufficient for the President, and only total capitulation to the White House viewpoint will suffice. I refuse to abdicate my duties as a Member of this House and hope that an overwhelming vote by our colleagues to override this senseless veto will make it clear to the President that cooperation is a two-way street.

As in the Watergate debacle, the umbrella of "national security" is now being raised in the veto message to cover the real reasons for the bureaucrat's opposition to the public's right to know. The message itself is filled with inaccurate statements, misconceptions, and warped interpretations of the bill language that raise questions as to whether anyone really knowledgeable about the law even took the trouble to read and analyze the provisions of H.R. 12471. Contrary to the President's expressed view, the bill would not in any way bare our Nation's secrets, nor would it jeopardize the security of sensitive national defense or foreign policy information.

Mr. Speaker, 8 years ago when Congress passed the original freedom of information bill, President Johnson was urged to veto the measure by every single Federal agency. Bureaucrats said that it was unconstitutional; some said it would bring the business of Government to a halt; others foolishly claimed that it would give away our vital defense secrets to foreign powers. But Lyndon Johnson was well versed in the ways of the Federal bureaucracy. He was not fooled by their rantings and ravings. He courageously rejected their silly arguments and signed the bill into law. In his statement he reaffirmed the people's right to know when he said:

No one should be able to pull curtains of secrecy around decisions which can be revealed without injury to the public interest.

This year the House and Senate approved the conference version of H.R. 12471 to add needed teeth to the original 1966 freedom of information law to plug loopholes used by Federal bureaucrats to hide information from the public. The

House rollcall vote was 349 to 2 and the Senate approved it by voice vote. During our hearings, every executive branch witness opposed any strengthening changes to the present law. The Nixon White House and Justice Department operatives lobbied vigorously in the other body in a vain attempt to kill the freedom of information legislation.

When H.R. 12471 was cleared by Congress and sent to the White House, the Federal bureaucracy predictably geared up an all out effort to persuade President Ford to veto it. As in 1966, almost every Federal agency recommended a veto. Many of the same old discredited arguments which President Johnson had rejected were dusted off and fed into the White House. Such overused cliches as "administrative burden," "flexible criteria," "compulsory disclosure," and the old reliable bureaucratic standby "national security" were all sprinkled throughout the veto message. Thus, President Ford succumbed to the old scare slogans of the bureaucrats, who apparently have so much to hide from the public.

But the obvious public need for truly "open government" must not be sacrificed on the altar of bureaucratic secrecy, suspicion, and meaningless slogans. The hard lessons learned from the tragic Watergate coverup must certainly result in some positive achievement to prove to the American people that Congress—at least—is sensitive and responsive to the fundamental need for "open government" in the conduct of our public business.

Mr. Speaker, our colleagues in the House will have the opportunity to vote to override this misguided Presidential veto of the Freedom of Information Act amendments on Wednesday, November 20 by the motion I have just offered. I stress the fact that this is not partisan issue that divides us along party lines. Our effort to override this veto is being led by both Republicans and Democrats on our Government Operations Committee, as shown by the "dear colleague" letter sent to all Members today and signed by: Chairman CHAS. HOLIFIELD; the ranking minority member of the full committee, the gentleman from New York (Mr. HONOR); by the ranking minority member of our subcommittee, the gentleman from Illinois (Mr. ELLSWORTH); and by myself, as chairman of the Foreign Operations and Government Information Subcommittee. With our letter we enclosed a reprint containing a representative selection of editorials from across the Nation urging that Congress override this veto. Every Member should have in his office a copy of this reprint and our letter.

Mr. Speaker, we urge our colleagues of both parties to join us in this fight for more responsible "open government." We trust that we can—by an overwhelming vote to override this veto—show the American people the sincerity of our pledge of truly "open government" and the willingness of Members of Congress to stand up and be counted on this vital issue.

Mr. Speaker, the "dear colleague" letter is as follows:

WASHINGTON, D.C.,  
November 18, 1974.

DEAR COLLEAGUE: A vote will be taken in the House on Wednesday, November 20, on overriding the veto of H.R. 12471, the Freedom of Information Amendments of 1974. We will vote "Aye"—to override—and hope you will join with us.

We have worked for more than 8 years in the bipartisan development of these amendments to the Freedom of Information Act. We received much detailed testimony about the issues raised in the veto message—both pro and con—and carefully worked to make certain our bill would protect the people's right to know without infringing upon the need for government secrecy in some areas.

The objections cited by the President in his veto message, therefore, were not new to us. They had also been called to our attention in the course of our conference sessions. We took them seriously and made changes, both in the language of the bill and in the conference report. We believe the President's objections were accommodated by these changes.

H.R. 12471 passed the House March 14 by a vote of 388 to 8, and the conference report won approval by a 245 to 2 roll call vote.

We believe the American people will have more confidence in their Federal government if we can enact these Freedom of Information Amendments into law over the President's veto. This legislation will help to restrain our civil servants and will help to make them more responsive to the people who pay their salaries.

The attached reprint of some of the representative newspaper editorials over the past several weeks—from all parts of the country—indicates the broad support for overriding the veto.

We suggest that President Ford must have listened more carefully to the bureaucracy than to the Congress and the people when he decided on his veto.

I hope you will join in voting to override the Freedom of Information Act veto on Wednesday, November 20.

Sincerely,

CNET HOLIFIELD,

Chairman, House Government Operations Committee.

WILLIAM S. MOORHEAD,

Chairman, Foreign Operations and Government Information Committee.

FRANK ROSTON,

Ranking Minority Member, House Government Operations Committee.

JOHN N. BALESTRONI,

Ranking Minority Member, Foreign Operations and Government Information Subcommittee.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois (Mr. BALESTRONI) be permitted to revise and extend his remarks at this point in the Record and that all Members may have permission to revise and extend their remarks on this subject.

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

There was no objection.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:  
WASHINGTON, D.C.,  
October 22, 1974.

Hon. CARL ALBERT,  
The Speaker,  
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 5:00 P.M. on Tuesday, October 22, 1974, and said to contain H. R. 11841, An Act to amend the National Wildlife Refuge System Administration Act of 1966 in order to strengthen the standards under which the Secretary of the Interior may permit certain uses to be made of areas within the System and to require payment of the fair market value of rights-of-way or other interests granted in such areas in connection with such uses, and a veto message thereon.

With kind regards, I am  
Sincerely,

W. PAT JENNINGS,  
Clerk, House of Representatives.  
(By BENJAMIN J. GUYMAN).

#### NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT OF 1966—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-332)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am withholding my approval from H.R. 11841, a bill which would amend the National Wildlife Refuge System Administration Act of 1966. I am advised by the Attorney General and I have determined that the absence of my signature from this bill prevents it from becoming law. Without in any way qualifying this determination, I am also returning it without my approval to those designated by Congress to receive messages at this time.

This bill would amend section 4(d) of the Act of October 15, 1966, by adding a new standard in determining the authority of the Secretary of the Interior to allow certain rights-of-way across lands of the National Wildlife Refuge System. This new standard would require the Secretary to review all reasonable alternatives to the use of such areas, and then make a determination that the proposed right-of-way use is the most feasible and prudent alternative for such purpose.

If we are to have adequate energy-transmission and communication facilities, we must have rights-of-way on which to locate them. Of course, when such lands have a special status as wildlife refuges or national parks, we must fully protect this status when portions of these areas are sought for use as rights-of-way.

However, I believe that such protection is properly provided under existing law which requires environmental impact review and further requires the Secretary of the Interior to determine that granting a right-of-way across a national wildlife refuge or national park

must be compatible with the purposes for which the park or refuge had been established. Only last year, Congress enacted legislation which had the effect of reiterating this protection in the case of refuges.

In short, our wildlife refuges are properly protected by existing law. We should avoid changes in the law that could create further obstacles and delays in the construction of vitally needed facilities, particularly those facilities designed to help meet urgent energy needs.

Accordingly, I am withholding my approval from H.R. 11841.

GERALD R. FORD.

THE WHITE HOUSE, October 22, 1974.

The SPEAKER. The objections of the President will be spread at large upon the Journal and the message and bill will be printed as a House document.

MOOTION OFFERED BY MR. DINGELL:

Mr. DINGELL. Mr. Speaker, I move that the message, together with the accompanying bill, be referred to the Committee on Merchant Marine and Fisheries.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman.

Mr. GROSS. This is to refer the bill, not the motion on the vote, but to refer the bill; is that correct?

Mr. DINGELL. If the gentleman will permit, the motion refers both the message and the bill back to the Committee on Merchant Marine and Fisheries, which originally had the legislation.

It is my intention and the intention of the chairman of the full committee that it will be appropriately given to the minority to have a bill on the floor without the features to which the President objected when we consider suspensions of the rules legislation tomorrow.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The motion was agreed to.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:  
WASHINGTON, D.C.,  
October 29, 1974.

Hon. CARL ALBERT,

The Speaker,  
House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 5:25 P.M. on Tuesday, October 29, 1974, and said to contain H.R. 14225, An Act to extend the authorizations of appropriations in the Rehabilitation Act of 1973 for one year, to transfer the Rehabilitation Services Administration to the Office of the Secretary of Health, Education, and Welfare, and for other purposes; to amend the Randolph-Sheppard Act for the blind; to strengthen the program authorized thereunder; and to provide for the convening of a