

THE WHITE HOUSE

WASHINGTON

August 15, 1974

MEMORANDUM FOR: THE PRESIDENT
FROM: ROY L. ASH
KEN COLE
WILLIAM E. TIMMONS

Attached are decision and information memoranda that deal with the most pressing policy issues before Congress that now confront you.

If you think it worthwhile, we would welcome an opportunity to discuss these measures with you.



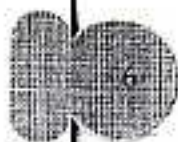
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*into presents problems -
how serious are the
objections, [copy]*

MEMORANDUM FOR: THE PRESIDENT
FROM: ROY L. ASH INFORMATION
SUBJECT: Freedom of Information Act Amendments
(H.R. 12471)

The Report of the Conference Committee on the Freedom of Information Act Amendments is imminent. The Committee is due to meet tomorrow (August 13) to resolve a final point of disagreement.

The probable amendments raise a number of serious administrative, financial, and Constitutional problems including provisions which would: set stringent deadlines for agency responses to requests for information; permit the award of attorney fees to successful plaintiffs in litigation over withheld information; permit in camera judicial examination of any withheld information (including classified information) to determine whether the information is appropriately withheld, with the burden of proof on the agency; limit the present law enforcement exemption to instances such as a clear invasion of personal privacy; and require court imposed sanctions against officials who withhold information "without a reasonable basis in law."

The Conference Committee will be requested to delay for one week its final meeting so that the conferees may have the benefit of your views prior to completing their report. Hopefully this process will permit further accommodation and make the bill more acceptable. This course is preferable to a decision now on whether to veto or approve the bill.

The Conference Committee is awaiting the President's position on this legislation. Justice, OMB and your staff are working on a Presidential letter outlining Administration objections to provisions of this bill. Timmons feels strongly that it will be impossible to clean up sufficiently and a veto is required. Ted Kennedy, John Moss and others will delay a week as a courtesy but have indicated they will not change provisions.