

Me 74-2098
23 September 1974

OGC Has Reviewed

MEMORANDUM FOR: Mr. Warner

SUBJECT : Veto Action on H. R. 12471

1. The attached is a proposed request for veto of H. R. 12471 which assumes the bill will be passed in its present form. I do not know if this is the format by which to advise OMB that we request a veto, but I will check this out between now and the time we finalize the message.

2. Bob Saloschin of Justice today repeats his belief that Justice will recommend veto. The FBI and the Office of Legal Counsel, now headed by Antonin Scalia, Bob Dixon's successor, are opposed to the bill, and the Deputy Attorney General, when last contacted by Saloschin sometime back, also was firmly in opposition. Saloschin assumes that Justice, if it recommends veto, will also prepare a Presidential message which would indicate the President's willingness to approve a bill from which the objectionable provisions have been deleted. Saloschin says he thinks too little attention has been given to the cost feature, specifically, the prohibition against fees for review.

The segment below is from a CIA memo dated 26 Sept 1974. It sums up a meeting of the Director of Central Intelligence, the CIA's General Counsel, the Attorney General, and Assistant Attorney General Scalia. During the meeting, Scalia brings up the impending amendments to the FOIA. The CIA officials say that the measure, if passed, should be vetoed, so Scalia tells them they "should move quickly to make our views known directly to the President." Not satisfied that his message had been fully received, Scalia called the spooks *later that same day*, "urging" them to make their wishes for a veto known to the Associate Director to the President, which they did.

4. Mr. Scalia brought up a new subject; he asked our views on possible veto of the Freedom of Information Act amendments, H. R. 12471. I informed him that OMB had polled us the day before by telephone, and I had indicated the Agency took a very strong position that this bill, if approved by Congress, should be vetoed. Mr. Scalia stated that, if we wanted to have any impact, we should move quickly to make our views known directly to the President. He indicated that neither State nor Defense would be recommending veto. Later in the day Mr. Scalia telephoned urging us to contact The White House, specifically Geoffrey C. Shepard, Associate Director. I contacted Mr. Shepard and stated our position. He indicated that, in their papers to go forward to the President, they had anticipated this would be our position, but appreciated our call and felt sending a letter to the President would be helpful.

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JOHN S. WARNER
General Counsel