

(246-G)

SURVEY FORM 11: REFUSALS TO APPEAR AND TESTIFY

Date of Request (1)	To whom addressed, and agency represented (2)	Person requested to testify (3)	Nature of testimony requested, nature of hearings, or other reason for which requested. (4)	Date of refusal (5)	Person authorizing refusal (6)	Reason given for refusal, documentation of refusal as available, and other remarks. (7)
October 20, 1971 (letter from Chairman Reuss attached)	Peter M. Flanigan Assistant to the President	Peter M. Flanigan, Assistant to the President	To testify at Subcommittee's October 21, 1971, hearing about White House actions concerning the dumping of toxic wastes by the Armco Steel Corp. into the Houston Ship Channel, in light of the September 17, 1971, Federal District Court order prohibiting such dumping.	Oct. 20, 1971.	John W. Dean, III, Counsel to the President (letter attached)	"As a long established principle and precedent, members of the President's immediate staff do not appear before Congressional committees to testify in regard to the performance of their duties on behalf of the President."

Separation of Powers Subcommittee Survey  
U. S. Senate, March 5, 1973.  
Contact: Joe L. Pecore, Asst. Counsel  
225-8421, 8422

Submitted by: (Comm/SubComm) Conservation and Natural Resources Subcommittee of House Committee on Government Operations

By: Phineas Indritz  
TITLE: Chief Counsel, Conservation and Natural Resources Subcommittee Extension 56427

FILE 246 :

HOUSE OF REPRESENTATIVES,  
CONSERVATION AND NATURAL RESOURCES  
SUBCOMMITTEE OF THE  
COMMITTEE ON GOVERNMENT OPERATIONS,  
Washington, D.C., October 20, 1971.

MR. PETER M. FLANIGAN,  
Assistant to the President  
The White House, Washington, D.C.

DEAR MR. FLANIGAN: The Subcommittee on Conservation and Natural Resources will hold a hearing on Thursday, October 21, 1971, on the current status of the new 1899 Refuse Act permit program and enforcement of the 1899 Act.

We are particularly interested in your briefing the Subcommittee on the actions taken or being considered by the White House concerning the dumping of waste by the Armco Steel Co. in the Houston channel, in light of the recent court order prohibiting such dumping.

The hearing will take place in Room 2003, Rayburn House Office Building, beginning at 2 P.M. We request that you testify then.

Sincerely,

HENRY S. REUSS,  
Chairman, Conservation and Natural Resources Subcommittee.

THE WHITE HOUSE,  
Washington, October 20, 1971.

HON. HENRY S. REUSS,  
Chairman, Conservation and Natural Resources Subcommittee, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge receipt and thank you for your letter of October 20, 1971 to Mr. Peter M. Flanigan, Assistant to the President, requesting that he appear before your Subcommittee to present testimony on October 21, 1971.

As a matter of long established principle and precedent, members of the President's immediate staff do not appear before Congressional committees to testify in regard to the performance of their duties on behalf of the President. This practice is, indeed, fundamental to the operation of our system of government.

Therefore, I wish to advise you that Mr. Flanigan respectfully declines the invitation to testify. However, we would be pleased to assist your Subcommittee in its work and to supply you with such information as you may request that will be appropriate to your Subcommittee's instant inquiry.

With kind regards,  
Sincerely,

JOHN W. DEAN, III,  
Counsel to the President.

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