

(9-W)

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)
2/10/72	Dr. Henry Kissinger Assistant to the President	Kissinger	A briefing before the Committee	2/28/73	John Dean III Counsel to the Pres.	- Position as member of the President's immediate staff. (Correspondence attached.)

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

FILE 9

Submitted by: (Comm/SubComm) Committee on

Foreign Relations

By: Carl Marcy
Title: Chief of Staff 54615
Extension

[Excerpt from the *Congressional Record*, Mar. 28, 1972, p. S4906.]

GROWTH AND INFLUENCE OF NATIONAL SECURITY COUNCIL

Mr. FULBRIGHT. Mr. President, several articles in the press recently have discussed the growth and influence of the National Security Council, and more specifically, Dr. Henry Kissinger, who controls the NSC, but not under the title of Executive Director. I, along with others, have raised the question of the wisdom of extending the immunity for accountability to the Congress, under the guise of Executive privilege to those in the White House, such as Dr. Kissinger, who appear to have the greatest influence upon the formulation of our foreign policy. This is a matter of fundamental importance to the conduct of our foreign relations, and in order to make clear the position of the Committee on Foreign Relations as well as the White House, I ask unanimous consent to have printed in the RECORD my letter of February 10, 1972, to Dr. Kissinger, and the reply thereto of February 28, 1972, signed by Mr. John W. Dean III, counsel to the President.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D.C., February 10, 1972.

HON. HENRY A. KISSINGER,
Assistant to the President for National Security Affairs, The White House, Washington, D.C.

DEAR HENRY: In view of the wide public exposure you have received as a result of your recent press and television briefings, I

wondered whether you might wish to reconsider your earlier reluctance to appear before the Committee on Foreign Relations. I doubt that the Founding Fathers contemplated that the Executive and Legislative branches should exchange views on foreign policy by reading press accounts.

Sincerely yours,

J. W. FULBRIGHT,
Chairman.

THE WHITE HOUSE,
Washington, D.C., February 28, 1972.

HON. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This will acknowledge receipt and thank you for your letter to Dr. Henry A. Kissinger dated February 10, 1972, which in his absence has been referred to me for response.

Consistent with long established principle and precedent, because of Dr. Kissinger's position as a member of the President's immediate staff he will be unable to accept your gracious invitation to appear before the Committee on Foreign Relations.

However, please be assured that we share your belief that the Executive and Legislative Branches should exchange views on foreign policy, and we are confident that such exchange can be carried out to the fullest extent by the constituted officers of the Executive Branch.

With warm regard.

Sincerely,

JOHN W. DEAN III,
Counsel to the President.