

case of Mr. Peter Flanigan could be obtained to make it possible for you to appear before our subcommittee on Tuesday, May 2, at 10 a.m. in room 2154, Rayburn House Office Building.

We look forward to a favorable response because we know that you could make a positive and significant contribution to the subcommittee's inquiry into this most important subject.

With best regards,

Sincerely,

WILLIAM S. MOORHEAD,
Chairman.

THE WHITE HOUSE,
Washington, April 29, 1972.

HON. WILLIAM S. MOORHEAD,
*Chairman, Foreign Operations and Government Information Subcommittee,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: Mr. David Young has requested that I thank you and reply to your letter of April 24, inviting him to testify before your subcommittee regarding his role in the development of the new security classification system and Executive Order 11652.

As you know, it is a well-established principle that officials of the Executive Office do not appear before congressional committees to present testimony regarding advice and assistance they render the President. I am sure you appreciate that this practice is indeed fundamental to the preservation of the constitutional doctrine of separation of powers. Your offer to limit the questioning of Mr. Young in order to preserve the doctrine is greatly appreciated. However, since his work related solely to rendering advice and assistance to the President, any testimony he could give would be inconsistent with that principle. Therefore, Mr. Young must respectfully decline your invitation.

I should also note that Mr. Young's situation differs significantly from the recent instance to which your letter makes reference, when Mr. Peter Flanigan appeared before the Senate Judiciary Committee to present testimony regarding his limited involvement in certain aspects of the ITT merger cases. Mr. Flanigan's testimony dealt with contacts he had with individuals outside the executive branch and was unrelated to any advice or assistance he rendered the President. As noted above, such were not the circumstances in the case of Mr. Young's role in developing the new classification system.

While Mr. Young will not be in a position to accept your invitation, we are confident that the departments concerned with the operation of the security classification system will be able to provide your subcommittee with the information it seeks.

With best regards,

Sincerely,

JOHN W. DEAN III,
Counsel to the President.

Mr. MOORHEAD. We will hear first from Mr. J. Fred Buzhardt, General Counsel of the Department of Defense, and then from Mr. William D. Blair, Jr., who will testify in behalf of the State Department.

We welcome you both again to this subcommittee. The testimony you have given us in the past has always been helpful and I am sure that it will also be helpful today.

We will now administer the oath to both of you gentlemen.

Do you swear that the testimony you are about to give this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BUZHARDT. I do.

Mr. BLAIR. I do.

Mr. MOORHEAD. Thank you.

Mr. Buzhardt, would you proceed?