

The original documents are located in Box 7, folder “Congressional - Hearings Roundtable” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.

Copyright Notice

The copyright law of the United States (Title 17, United States Code) governs the making of photocopies or other reproductions of copyrighted material. Gerald R. Ford donated to the United States of America his copyrights in all of his unpublished writings in National Archives collections. Works prepared by U.S. Government employees as part of their official duties are in the public domain. The copyrights to materials written by other individuals or organizations are presumed to remain with them. If you think any of the information displayed in the PDF is subject to a valid copyright claim, please contact the Gerald R. Ford Presidential Library.

Humphrey



June 19, 1975

Dear Senator Humphrey:

Thank you for your letter of June 13 regarding the Administration's policy not to allow Executive Branch personnel to participate in panels with non-governmental witnesses before Congressional Committees. In support of the positions taken by Dr. Ravenholt and Dr. Peterson when they were invited to appear before your Subcommittee to participate in such panel discussions, I can confirm that they acted in good faith.

It is understood that various Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate with these endeavors. However, he has expressed to the Cabinet his concern about the newly developing practice on the part of certain Subcommittees to request participation by an Administration representative in a panel or seminar involving non-governmental participants. This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branch seek and exchange information and opinions from and with each other's representatives. It is a departure in which the President, on principles of comity, does not concur. However, the President sees no problem in having two or more Executive Branch witnesses appear at the same time before a Congressional Subcommittee, but without non-governmental witnesses, if appropriate arrangements are made in advance of the hearing.

I should also point out that he has requested that Executive witnesses, or representatives on their behalf, prior to the hearing date, contact the Committee in reference to the format of the hearing because it is felt in this way that any questions that might arise in reference to the format of the hearing can be satisfactorily resolved.

The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of



Congress, but believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,

Philip W. Buchen
Counsel to the President

The Honorable Hubert H. Humphrey
United States Senate
Washington, D.C. 20510

PWB:BNR:ns

bcc: Jack Marsh
Max Friedersdorf
W.T. Kendall



JOHN SPARKMAN, ALA., CHAIRMAN
TOM H. HILL, MONT.
FRANK CHURCH, IDAHO
STUART HYMINGTON, WYO.
CLYBORN FELL, R.I.
DALE W. MC GEE, WYO.
GEORGE MC GOVERN, S. DAK.
ROBERT M. HUMPHREY, MINN.
DICK CLARK, IOWA
JOSEPH R. BIDEN, JR., DEL.
CLIFFORD P. CASE, N.J.
JACOB K. JAVITS, N.Y.
HUGH DODD, PA.
JAMES B. EASTLAND, MISS.
CHARLES A. PERCY, ILL.
ROBERT F. GRIFFIN, MICH.
HOWARD H. BAKER, JR., TENN.

United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, D.C. 20510

PAT M. HOLT, CHIEF OF STAFF
ARTHUR M. KOHL, CHIEF CLERK

June 13, 1975

The Honorable Philip W. Buchen
Counsel to the President
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

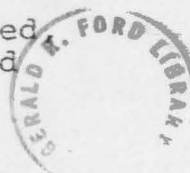
Dear Mr. Buchen:

On June 10, 1975, I received a letter from Mr. John E. Murphy, Deputy Administrator of the Agency for International Development, stating that an employee of that Agency, Dr. R. T. Ravenholt, would not participate in a panel of non-governmental witnesses before the Subcommittee on Foreign Assistance of the Foreign Relations Committee, which I chair. Both Dr. Ravenholt and the private witnesses were to discuss population planning problems in the developing world. In his refusal to allow Dr. Ravenholt to appear, Mr. Murphy stated that "...the Executive Branch prohibits us from authorizing Agency personnel from appearing jointly with nongovernmental witnesses before Congressional Committees."

On June 12, 1975, my office was informed that another government witness scheduled to testify before the Subcommittee, Dr. Russell W. Peterson, Chairman of the Council on Environmental Quality, would not appear for the same reasons cited in Dr. Ravenholt's case.

I understand that the Executive Branch position on this matter was promulgated in a letter to the Secretary of State from Mr. James E. Connor, Secretary to the Cabinet. In that letter, Mr. Connor states that the President is concerned that appearance of Executive Branch witnesses with private individuals "...profoundly alters the traditional testimony relationship between the executive and legislative branches of government."

After careful consideration of the issues involved I decided that I should not ask Dr. Ravenholt and Dr. Peterson to appear as individual witnesses



The Honorable Philip W. Buchen
June 13, 1975
Page 2

before my Subcommittee. I have concluded, after consulting with the office of the Senate Legislative Counsel, that neither the doctrine of executive privilege nor the doctrine of separation of powers supports the refusal of such officials to testify on the basis of an objection to the format of a hearing.

Accordingly, I would appreciate knowing whether the Administration intends to pursue this policy and, if so, on what legal grounds it is based. A statement of the President's position on this matter will be useful to the Committee on Foreign Relations in determining what further steps should be taken.

In view of the critical importance of this issue, I would appreciate an early response.

Sincerely,



Hubert H. Humphrey
Chairman
Subcommittee on Foreign Assistance



THE WHITE HOUSE

WASHINGTON

June 12, 1975

MEMORANDUM FOR:

JACK MARSH

THRU:

MAX FRIEDERSDORF

FROM:

WILLIAM T. KENDALL

SUBJECT:

"Panel" and "Roundtable" type
Congressional hearings

WARNING! Senator Humphrey is about to raise the roof about the government witnesses we cancelled out for tomorrow's hearings before his Foreign Relations Subcommittee. Russ Peterson at CEQ and an AID witness were to appear on a panel with public witnesses to discuss population control and food problems. Humphrey's guy called to try to get this policy set aside in order to hold the hearings. I told him we could not change the policy. Humphrey is going to make an issue of it and write to the President asking for an explanation. I told Dan Spiegel (his guy on the subcommittee) that we would be more than happy to reply. Spiegel says they probably will not go public with the letter which I may pick up later this evening. Senator Case is ranking on the committee. His man, Steve Bryant, says there will be a little huffing and puffing about the issue but not to worry about it.

I think we ought to go to the Leadership and explain it to them because it will obviously keep coming up.



Muskie



(5)

THE WHITE HOUSE
WASHINGTON

May 28, 1975

Dear Mr. Chairman:

In behalf of the President, I am responding further to your letter of May 15 which was previously acknowledged by Mr. William T. Kendall of the President's staff.

In support of the position taken by Dr. David Rall when he was invited to appear before your Subcommittee to participate in a panel discussion with persons from outside of the Government, I can confirm that Dr. Rall acted in good faith.

It is understood that Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate. However, he has expressed to Heads in the Executive Branch his concern about the newly developing practice on the part of certain Subcommittees of Congress to request participation by an Administration representative in a panel or seminar involving also non-governmental participants. This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branch seek and exchange information and opinions from each other's representatives. It is a departure in which the President does not concur. However, the President sees no problem with having two or more Executive Branch witnesses appear at the same time, but without non-governmental witnesses, before a Congressional Subcommittee if appropriate arrangements are made in advance of the hearing.

I should also point out that he has requested that Executive witnesses prior to the hearing date, or representatives on their behalf, contact the Committee in reference to the format of the hearing because it is felt in this way there can be satisfactorily resolved any questions that might arise in reference to the format of the hearing.



The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of Congress, but believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,

Philip W. Buchen

Philip W. Buchen
Counsel to the President

The Honorable Edmund S. Muskie
Chairman, Subcommittee on
Environmental Pollution
United States Senate
Washington, D. C. 20510



United States Senate

COMMITTEE ON PUBLIC WORKS
WASHINGTON, D.C. 20510

May 15, 1975

The President
The White House
Washington, D.C.

Mr. President:

The Subcommittee on Environmental Pollution is presently conducting oversight hearings to assess the implementation of the Clean Air Act. On Tuesday, May 13, the Subcommittee received testimony from scientists regarding the impact of auto pollutants on public health.

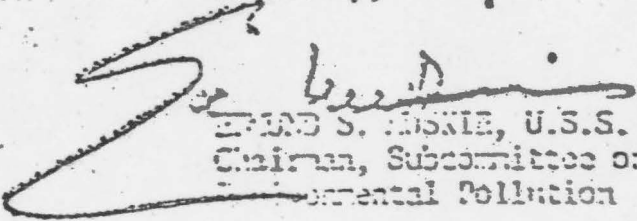
Dr. David Rall, Director of the National Institute of Environmental Health Sciences, was not allowed to testify before our Subcommittee as a participant in the panel with the other scientists. The reason given was that a memorandum had been issued, at your direction, stating that governmental witnesses were not to appear on panels with non-governmental witnesses.

As a result, the Subcommittee did not have the benefit of Dr. Rall's participation with other scientists in response to technical questions that were discussed by other members of the panel. While the Subcommittee did hear Dr. Rall because of the importance of his expertise, I would not want our decision to permit him to testify as a separate witness to be construed as endorsement or acceptance of the stated policy.

If this, in fact, is Presidential policy, it is important that such a policy be documented because it would obviously effect the usefulness of Congressional hearings. I therefore request that you supply a copy of any documentation of this policy to all Members of the Senate Public Works Committee as soon as possible.

Thank you for your cooperation.

Sincerely,


EDWARD S. BROOKE, U.S.S.
Chairman, Subcommittee on
Environmental Pollution



Back-
ground

GERALD R. FORD LIBRARY

Dear Mr. Secretary:

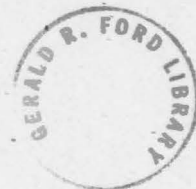
You will recall at the last Cabinet meeting there was a discussion of the procedures whereby Executive Branch witnesses appear before the Senate Budget Committee.

It was pointed out that the Committee appears to be developing new formats for soliciting information. One such technique is the seminar approach whereby the Executive Branch witness engages in a dialogue with the Committee in a relatively informal setting. This format is one which seems to enjoy the support of the Members of the Committee.

There is a variation of this approach, however, which raises serious questions. The format involves a joint appearance by an Executive Branch witness with one or more non-governmental witnesses. In some cases a panel of non-governmental witnesses would also participate in the conversations between the Executive Branch witness and the Committee. The President is concerned that such a procedure profoundly alters the traditional testimony relationship between the executive and legislative branches of the government.

The President has no objection to the seminar-type of hearings as they have been conducted so far, but he does not wish Executive Branch witnesses to appear jointly with non-governmental witnesses. Of course, this restriction does not apply to joint appearances with other witnesses from the Executive Branch where, prior to the hearings, there has been an agreement for such joint appearances.

I would appreciate it if you would advise your sub-Cabinet members and others from your Department who have occasion to testify on the Hill of this policy. If a question occurs, you should direct your inquiry to me or to the Office of Congressional Relations.



MARCH 28, 1975

Dear Mr. Secretary:

You will recall at the last Cabinet meeting there was a discussion of the procedures whereby Executive Branch witnesses appear before the Senate Budget Committee.

It was pointed out that the Committee appears to be developing new formats for soliciting information. One such technique is the seminar approach whereby the Executive Branch witness engages in a dialogue with the Committee in a relatively informal setting. This format is one which seems to enjoy the support of the Members of the Committee.

There is a variation of this approach, however, which raises serious questions. The format involves a joint appearance by an Executive Branch witness with one or more non-governmental witnesses. In some cases a panel of non-governmental witnesses would also participate in the conversations between the Executive Branch witness and the Committee. The President is concerned that such a procedure profoundly alters the traditional testimony relationship between the executive and legislative branches of the government.

The President has no objection to the seminar-type of hearings as they have been conducted so far, but he does not wish Executive Branch witnesses to appear jointly with non-governmental witnesses. Of course, this restriction does not apply to joint appearances with other witnesses from the Executive Branch where, prior to the hearings, there has been an agreement for such joint appearances.

I would appreciate it if you would advise your sub-Cabinet members and others from your Department who have occasion to testify on the Hill of this policy. If a question occurs, you should direct your inquiry to me or to the Office of Congressional Relations.



He would expect that in most cases prior
and cooperation with the Committee and staff before a
hearing will resolve matters of the type raised in this
letter, thereby leading to a mutually satisfactory
arrangement for appearances which complies with these
guidelines.

Sincerely,

James E. Connor
Secretary to the Cabinet

The Honorable William E. Simon
The Secretary of the Treasury
Washington, D. C.

JEC:ckb

IDENTICAL LETTERS TO ALL MEMBERS OF THE CABINET
SENT THIS DATE



The President: I understand that there have been some problems in appearances before the Senate Budget Committee. Jim Schlesinger and Jim Lynn have had experience with the Committee, and I would like to ask for their observations after Jack Marsh has had an opportunity to explain.

Jack Marsh: There has been an attempt by Senator Muskie to establish new guidelines and new methodology in developing witnesses. His desire has been to go to a seminar type approach, almost a talk show technique. In talking with witnesses about budget items and about programs, they have attempted to mingle Administration and outside witnesses. When you go into the committee you are confronted with an outside expert who can test and probe you. If you have any doubt about whether or not you should appear, please check with 'Max or me' and we will be glad to assist you in this. It is very difficult for a Cabinet officer, even more difficult for a sub-Cabinet officer, to go up anticipating a traditional committee format and then suddenly find himself being challenged by an outside expert.

Jim Schlesinger: The Secretary mentioned he had some experience with this since he was scheduled to go up to appear with Warnecke. It's the Secretary's feeling that the President's budget should be presented to the Congress by the Cabinet officer responsible. An executive agency should not be treated as just another pressure group. This format seems to be an attempt to indicate that the Executive Branch is in the same category with the Navy League or the Women's Political Caucus or any other of a number of pressure groups which might testify on the Hill. The principal responsibility, or one of the principal responsibilities, given to a Cabinet officer by his President, is to present the budget for his department and offer testimony to that fact in a confrontation with committee members only.

Secretary Weinberger: Along that line, HEW has had several invitations and has declined them all. Two have been relative to the budget and one on a specific program item, but feeling is that it becomes a show and not the kind of thing in which the department wants to participate.

The President: The Budget Committee is not the forum for the tough questions anyway. The Sub-Committee really is the place where the experts are prepared to handle the tough questioning. The members on the Budget Committee don't prepare themselves adequately or won't take the time to prepare themselves to become experts, they are using the outside witness as their expert and it appears that they aren't doing their homework. It's the President's feeling that you should not participate in the Budget Committee as the current format indicates and as you have indicated here today. Jack Marsh and Jim Connor will prepare a letter to be sent under the President's signature so instructing you.



THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE
WASHINGTON, D. C. 20201

APR 17 1975

Honorable James E. Connor
Secretary to the Cabinet
The White House
Washington, D. C. 20500

Dear Mr. Connor:

Thank you for your letter of March 28 outlining the President's policy with respect to Congressional hearings.

It has been my policy not to permit Departmental witnesses to appear jointly with non-governmental witnesses. We have on several occasions testified with other Executive Branch witnesses on matters under the jurisdiction of two or more Federal Agencies.

I intend to continue this policy and will consult with Committees and staff in order to reach a mutually acceptable agreement when requests are made to testify with non-governmental witnesses.

Sincerely,

[Handwritten signature]
Secretary



March 24, 1975

MEMORANDUM FOR:

JACK MARSH
DON RUMSFELD

FROM:

MAX FRIEDERSDORF

SUBJECT:

Round Table Format at the Senate Budget
Committee Hearings

We monitored the Jim Schlesinger appearance before the Senate Budget Committee hearings on Friday where the round table format was used with opposing witnesses confronting the Administration witness.

It apparently went alright because despite Cranston's insistence, Senator Muskie prohibited the opposition witness, Charles Schultz, from engaging in debate with Secretary Schlesinger.

This could set a dangerous precedent and Senatorial restraint cannot be counted upon in future hearings. Perhaps we should develop a policy on this and it could be an agenda item on a future Cabinet meeting and/or Jim Connor may want to check with the Cabinet members individually to ascertain their views.

Our observation is that it does not put any restraint on Senators from posturing, and could add considerably to the disadvantages of Administration witnesses.

cc: Jim Cannon
Jim Lynn
Jim Connor



THE WHITE HOUSE

WASHINGTON

June 13, 1975

TO: BILL KENDALL

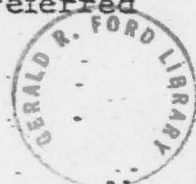
FROM: JIM CONNOR 

Attached is some material which relates to the problem of Executive Branch appearances before the Senate Budget Committee. Included are:

1. March 24 memo from Friedersdorf to Marsh and Rumsfeld discussing Secretary Schlesinger's appearance and the "possible dangerous precedent" it might set.
2. A portion of the minutes of the Cabinet meeting of March 26, 1975, at which the matter was discussed, showing the President's wishes in the matter (please do not distribute this material to anyone, it is included only for your information).
3. A copy of my letter to the Cabinet members expressing the President's wishes as to appearances by Executive Branch witnesses. The letter was cleared by Jack Marsh.
4. A copy of Cap Weinberger's response of April 17th.
5. Correspondence with Senator Muskie on the issue.

All inquiries which have subsequently come into my office from the Departments (there have not been many) have been referred directly to Max Friedersdorf for discussion.

Attachments



Leppert to talk
 to Ranking Minority
 Member - re
 (roundtable hearings)

AUG 25 1975

THE WHITE HOUSE
WASHINGTON

August 22, 1975

*Roundtable
file*

MEMORANDUM FOR: JACK MARSH

FROM: PHILIP BUCHEN *P.W.B.*

SUBJECT: Testimony before the Senate
Committee on Budgets

At the Senior Staff meeting today, Jim Lynn reported that Senator Muskie as Chairman of the Committee on Budget would be asking Alan Greenspan and Jim to testify along with Alice M. Rivlin who is Director of the Congressional Budget office.

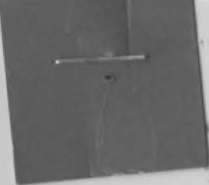
Jim expressed the view that he had no personal objection to appearing jointly with Ms. Rivlin but that to do so might undercut the policy we have tried to maintain of not allowing Administration witnesses to appear jointly before Congressional committees with non-Administration witnesses.

Your views on this matter would be appreciated.

cc: Jim Lynn
Alan Greenspan

I concur





Thursday 9/4/75

10:30 I called and read this over the phone to Dudley
since he had a time problem on it.

Copy of Mr. Marsh's memo has been sent to Dudley -- red tag.

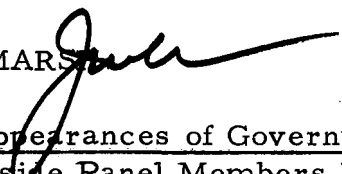


THE WHITE HOUSE

WASHINGTON

September 4, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSHALL 

SUBJECT: Joint Appearances of Government
and Outside Panel Members Before
Congressional Committees

I think we should still make an effort to try and enforce the rule we have in reference to appearances before the Committees of Congress by Administration witnesses together with outside witnesses.

Let me refer this to Max and let me have Charlie Leppert go up and talk with the Ranking Minority Member on this Subcommittee to see what we can do about this.

cc: Max Friedersdorf



THE WHITE HOUSE

WASHINGTON

September 2, 1975

MEMORANDUM FOR: JACK MARSH

FROM:

PHIL BUCHEN

P.W.B.

Attached is a copy of the memorandum to me from Dudley Chapman concerning a possible exception to our policy against joint appearances of government witnesses with nongovernment witnesses before Congressional committees.

Please advise on how you would like me to handle the reply.



Wednesday 9/3/75

11:30 Dudley is quite anxious to get an answer on this. The hearing is tomorrow.

He said he was called by Mr. Kamm, who said that they had put the same question to our Congressional Relations people who said they didn't think demographers fell within the policy -- so apparently Congressional Relations people have acted on their own and indicated a "go-ahead" on this.

*Mr. Buchen
asked that
this be
expedited
please*



THE WHITE HOUSE

WASHINGTON

August 29, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DUDLEY CHAPMAN *DC*

SUBJECT: Request for Exception to Policy
Against Joint Appearances of
Government and Outside Panel
Members before Congressional
Committees

In March of this year, the President adopted a policy that members of the Executive Branch should not appear jointly with persons outside the Government in panels before Congressional Committees. This was in response to a growing Congressional practice to invite outside experts to appear jointly with Government witnesses and engage them in debates. This put Government officials in the awkward position of having to confront outside specialists in free wheeling confrontations. In rejecting Congressional requests for further appearances of this kind, our letters have premised the policy on comity and the President's preference for the traditional method of exchange between the Executive Branch and the Congress.

The attached letter at Tab A from Representative William A. Barrett, Chairman of the Subcommittee on Housing and Community Development of the House Committee on Banking, Currency and Housing requests an exception to that policy for a hearing to be held next week. This request can be distinguished from the situation that gave rise to the above policy. The panel consists only of technicians, both governmental and nongovernmental. Since only relatively low-level technical specialists are involved, there should be no risk of embarrassment by confronting high-level executive officials with outside specialists.



I believe this distinction has merit and that it would strengthen the viability of the President's policy. That policy is obviously unpopular on the Hill and lacks a firm legal basis. By allowing an exception in cases in which only government technicians of low rank are involved, the Congressional interest in having sessions of this kind might be realized in a meaningful way, while saving senior officials from the embarrassment of such confrontations. I have attached a response for your signature that would adopt this distinction.

Attached at Tab B is the other letter from Chairman Barrett that Tod Hullin forwarded to me. It makes no express reference to the policy, though we may have to raise the objection. If so, the contrast between permitting the appearance of technicians while simultaneously refusing as to senior officials should clarify our position.



THE WHITE HOUSE

WASHINGTON

August 29, 1975

Dear Mr. Chairman:

Thank you for your letter of August 28, 1975, in which you request an exception to the President's policy that Federal officials not appear on panels before Congressional committees at the same time as nongovernmental witnesses.

The basis on which you request this exception which Mr. Kamm of the Subcommittee staff elaborated to Mr. Chapman of my staff by telephone, is that the Federal officials involved are technical specialists rather than senior policy-making officials. I understand from this that the individuals involved will be speaking basically as technicians rather than a spokesman for the Executive Branch. In these circumstances, principles of comity governing exchanges between executive and legislative branches do not apply.

On the basis of this understanding, your request for a joint appearance is granted for the purpose of permitting Mr. Forstall and Mr. Beals to participate in a panel of demographers dealing with the interpretation of current population trends. This permission is not truly an exception to the President's policy, but a clarification of its intended scope. It does not in any way detract from the principle that Federal officials who appear as spokesman for the Executive Branch should not appear jointly in panels including nongovernment personnel.

Sincerely,

Philip W. Buchen
Counsel to the President

The Honorable William A. Barrett
House of Representatives
Washington, D.C. 20515



THE WHITE HOUSE

The Honorable William A. Barrett
House of Representatives
Washington, D.C. 20515

A



WILLIAM A. BARRETT, PA., CHAIRMAN
LEONOR K. (MRS. JOHN B.) SULLIVAN,
MO.
THOMAS L. ASHLEY, OHIO
WILLIAM S. MOORHEAD, PA.
ROBERT G. STEPHENS, JR., GA.
FERNAND J. ST GERMAIN, R.I.
HENRY B. GONZALEZ, TEX.
PARREN J. MITCHELL, MD.
JAMES M. HANLEY, N.Y.
WALTER E. FAUNTROY, D.C.
LINDY (MRS. HALE) BOGGS, LA.
JERRY M. PATTERSON, CALIF.
HAROLD E. FORD, TENN.
JOHN J. LAFALCE, N.Y.
LES AUCCOIN, OREG.
THOMAS M. REES, CALIF.
GLADYS NOON SPELLMAN, MD.

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

OF THE

COMMITTEE ON BANKING, CURRENCY AND HOUSING

NINETY-FOURTH CONGRESS

WASHINGTON, D.C. 20515

August 28, 1975

GARRY BROWN, MICH.
J. WILLIAM STANTON, OHIO
JOHN H. ROUSSELOT, CALIF.
CHALMERS P. WYLIE, OHIO
STEWART B. MCKINNEY, CONN.
JOHN B. CONLAN, ARIZ.
RICHARD KELLY, FLA.
CHARLES E. GRASSLEY, IOWA
GERALD R. McMURRAY,
STAFF DIRECTOR

225-7054

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Buchen:

The Subcommittee on Housing and Community Development of the Committee on Banking, Currency and Housing has scheduled a series of hearings on the President's 1974 Report on National Growth and Development. The preliminary schedule for these hearings is enclosed.

As you will note, the first session of that hearing is planned as a panel of demographers dealing with the interpretation of current population trends. Two of those involved, Mr. Forstall and Mr. Beals, are officials in the Executive Branch, and two, Mr. Morrison and Mr. Pushkarev, are associated with non-Federal quasi-public organizations. We are now informed that a recent White House policy forbids Federal officials to appear on panels before Congressional committees in conjunction with non-Federal witnesses.

Without questioning the merits of the overall policy, we would like to seek an exception to permit Mr. Forstall and Mr. Beals to appear on our panel together with their non-Federal colleagues. The subject matter involved is quite technical with few immediate implications for Federal policy. However, I do feel that the interaction among the panel members is essential to help the Subcommittee members understand the range of choices in public policy matters resulting from differing demographic assumptions.



Mr. Philip W. Buchen

2

Mr. Sylvan Kamm of the Subcommittee staff has discussed this matter with Mr. Dudley H. Chapman of your staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Barrett". The signature is fluid and spans across the width of the typed name below it.

William A. Barrett
Chairman

Enc.



8/26/75

PRELIMINARY SCHEDULE
OF THE
HEARINGS ON THE PRESIDENT'S 1974 REPORT
ON NATIONAL GROWTH AND DEVELOPMENT
September 4, 5 and 8

First day - September 4 - Thursday

9:30 to 11:00

Interpretation of Current Demographic Trends

witnesses:	Mr. Calvin Beals	447-8717
	Economic Development Division	
	Economic Research Service	
	U.S. Department of Agriculture	
	Room 496	
	500 12th Street, S.W.	
	Washington, D.C. 20250	(confirmed)
	Mr. Peter Morrison	213 393-0411
	The Rand Corporation	
	1700 Main Street	
	Santa Monica, California 90406	(confirmed)
	Mr. Richard Forstall	763-5161
	Chief, Demographic Statistics Branch	
	Population Division	
	Bureau of the Census	
	Room 2324, Building 3	
	Washington, D.C. 20233	(confirmed)
	Mr. Boris Pushkarev	
	Vice President for Research & Planning	
	Regional Plan Association of New York	
	235 East 45th Street	
	New York, N.Y. 10017	(confirmed)

11:00 to 12:30

MultiState Organizations

witnesses:	Dr. William Bowden	919 549-8167
	Executive Director	
	Southern Growth Policies Board	
	Box 12293	
	Research Triangle Park, N.C. 27709	(confirmed)



Mr. Arthur Ristow 617 223-6381
 New England Regional Commission
 53 State Street
 Boston, Massachusetts 02109 (confirmed)

Mr. George Thiss 612 373-3724
 Executive Director, Upper Midwest Council
 Federal Reserve Bank Building
 Minneapolis, Minn. 55480 (confirmed)

Representative of Western 505 827-2221
 Governors' Regional Energy
 Policy Office being invited

2:00 to 3:30

States

witnesses: Honorable Thomas Salmon 802 828-3333
 Governor
 State Capitol Building
 Montpelier, Vermont 05602 (confirmed)

Mr. John W. Abbott 415 391-7544
 Executive Secretary
 California Tomorrow
 681 Market Street
 San Francisco, Cal. 94105 (confirmed)

Mr. William H. Wilcox 717 787-7160
 Secretary
 Department of Community Affairs
 215 South Office Building
 Harrisburg, Pennsylvania 17120 (confirmed)

Delegate Robert E. Washington 804 625-7829
 Chairman, Community Affairs
 Task Force
 National Conference of State Legislatures
 300 Boush Street
 Suite 400
 Norfolk, Virginia 23510 (invited)

9:30 to 11:00

Councils of Government and Other
Metropolitan Organizations

witnesses:	Mr. Dale Bertsch	513 223-6323
	Executive Director	
	Miami Valley Regional Planning Commission	
	Suite 500, DACO Building	
	333 West 1st Street	
	Dayton, Ohio 45402	(confirmed)
	Mr. Milton Miller	301 383-5830
	Chairman, Regional Planning Council	
	701 St. Paul Street	
	Baltimore, Maryland 21202	(confirmed)
	Mr. Jack Simmers	813 533-5611
	Chairman, Central Florida	
	Regional Planning Council	
	Post Office Box 60	
	Bartow, Florida 33830	(confirmed)

11:00 to 12:30

Cities - Center Cities which have lost population

(invitations being issued)

2:00 to 3:30

Counties with Growth Management Programs

Mr. Ralph McClure	801 328-7541
Chairman	
Salt Lake County Board of Commissioners	
City/County Building	
Salt Lake City, Utah 84101	(confirmed)
Mr. Rufus Phillips	703 691-2321
Fairfax County Supervisor	
1437 Balls Hill Road	
McLean, Virginia 22102	(confirmed)
Dr. Royce Hanson	589-1480
Chairman, Maryland-National	
Capital Park and Planning Commission	
Room 212	
8787 Georgia Avenue	
Silver Spring, Maryland 20910	(invited)
Mr. John Lynch	206 344-4100
Director	
Department of Budget and Program Planning	
King County Courthouse	
Seattle, Washington 98104	(invited)

Third day - September 8 - Monday

9:30 to

Commentators

Mr. Ralph Widner
Director, Academy for
Contemporary Problems
Battelle Memorial Institute
Columbus, Ohio 43201 614 421-7700 ext. 200
(confirmed)

Mr. James L. Sundquist 797-6057
Brookings Institution
1775 Mass. Ave., N. W.
Washington, D. C. 20036 (confirmed)

Herbert M. Franklin, Esq. 452-9309
Potomac Institute, Inc.
Metropolitan Housing Project
1025 Connecticut Ave., N. W.
Suite 707
Washington, D. C. 20036 (confirmed)

David B. Walker 382-3221
Assistant Director
The Advisory Commission
on Intergovernmental Relations
726 Jackson Place, N. W.
Washington, D. C. 20575 (confirmed)

11:00 and remainder
of the day

The Administration

(invitation issued to the Vice President as Chairman
of the Domestic Council to designate witnesses to
represent the Administration)

B



WILLIAM A. BARRETT, PA., CHAIRMAN
LEONOR M. (MRS. JOHN B.) SULLIVAN,
MO.
THOMAS L. AHLEY, OHIO
WILLIAM S. MOORHEAD, PA.
ROBERT G. STEPHENS, JR., GA.
FERNAND J. ST GERMAIN, R.I.
HENRY B. GONZALEZ, TEX.
PARREN J. MITCHELL, MD.
JAMES M. HANLEY, N.Y.
WALTER E. FAUNTROY, D.C.
LINDY (MRS. HALE) BOGGS, LA.
JERRY M. PATTERSON, CALIF.
HAROLD E. FORD, TENN.
JOHN J. LAFALCE, N.Y.
LES AUCCIN, OREG.
THOMAS M. REES, CALIF.
GLADYS NOON SPELLMAN, MD.

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

OF THE

COMMITTEE ON BANKING, CURRENCY AND HOUSING

NINETY-FOURTH CONGRESS

WASHINGTON, D.C. 20515

GARRY BROWN, MICH.
J. WILLIAM STANTON, OHIO
JOHN H. ROUSSELOT, CALIF.
CHALMERS P. WYLIE, OHIO
STEWART B. MCKINNEY, CONN.
JOHN B. CONLAN, ARIZ.
RICHARD KELLY, FLA.
CHARLES E. GRASSLEY, IOWA
GERALD R. McMURRAY,
STAFF DIRECTOR
223-7054

August 21, 1975

The Vice President of the United States
Washington, D.C. 20510

Dear Mr. Vice President:

Under the provisions of part A of the Urban Growth and New Community Development Act of 1970, the President is directed to file a biennial Report on Urban Growth with the Congress starting in February, 1972. Since the legislation requiring the preparation of the Report was initiated by our Subcommittee, we have felt it appropriate to hold oversight hearings on the Report in order to determine how interested public and private groups view its substance as an expression of Administration policy. Two days of hearings were held on the President's first Report on June 6 and 7, 1972. The President's second Report was submitted to the Congress in December, 1974. We have scheduled the hearings for September 4, 5 and 8, 1975.

Since by statute the preparation of the Report is the responsibility of the Domestic Council, we felt it appropriate to request you, as Chairman, to designate the Administration's witnesses. We respectfully request that the Administration be prepared to have its representatives appear on September 8 at 11:00 a.m. Since I understand HUD was assigned the role of lead agency, it may be appropriate for someone familiar with its work on the Report be a part of the group of witnesses to appear on behalf of the Administration.



Also, we have taken note of the recent publication Costs of Sprawl which was jointly sponsored by HUD, CEQ and EPA. Since the findings of this study do appear to have some significant relation to urban growth issues we would also appreciate having the opportunity of discussing the study with appropriate representatives of the three sponsoring agencies.

The staff of the Subcommittee has already discussed the hearings with Mr. Richard L. Dunham and we will be sending him a schedule of the Subcommittee agenda.

Sincerely,



William A. Barrett
Chairman

- 1 - Honorable Thomas L. Ashley
- 1 - Mr. Richard L. Dunham - Enc.
Deputy Director
Domestic Council
The White House
Washington, D.C. 20500



THE WHITE HOUSE

WASHINGTON

September 2, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHIL BUCHEN *P.W.B.*

Attached is a copy of the memorandum to me from Dudley Chapman concerning a possible exception to our policy against joint appearances of government witnesses with nongovernment witnesses before Congressional committees.

Please advise on how you would like me to handle the reply.



THE WHITE HOUSE

WASHINGTON

August 29, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DUDLEY CHAPMAN *llc*

SUBJECT: Request for Exception to Policy
Against Joint Appearances of
Government and Outside Panel
Members before Congressional
Committees

In March of this year, the President adopted a policy that members of the Executive Branch should not appear jointly with persons outside the Government in panels before Congressional Committees. This was in response to a growing Congressional practice to invite outside experts to appear jointly with Government witnesses and engage them in debates. This put Government officials in the awkward position of having to confront outside specialists in free wheeling confrontations. In rejecting Congressional requests for further appearances of this kind, our letters have premised the policy on comity and the President's preference for the traditional method of exchange between the Executive Branch and the Congress.

The attached letter at Tab A from Representative William A. Barrett, Chairman of the Subcommittee on Housing and Community Development of the House Committee on Banking, Currency and Housing requests an exception to that policy for a hearing to be held next week. This request can be distinguished from the situation that gave rise to the above policy. The panel consists only of technicians, both governmental and nongovernmental. Since only relatively low-level technical specialists are involved, there should be no risk of embarrassment by confronting high-level executive officials with outside specialists.



I believe this distinction has merit and that it would strengthen the viability of the President's policy. That policy is obviously unpopular on the Hill and lacks a firm legal basis. By allowing an exception in cases in which only government technicians of low rank are involved, the Congressional interest in having sessions of this kind might be realized in a meaningful way, while saving senior officials from the embarrassment of such confrontations. I have attached a response for your signature that would adopt this distinction.

Attached at Tab B is the other letter from Chairman Barrett that Tod Hullin forwarded to me. It makes no express reference to the policy, though we may have to raise the objection. If so, the contrast between permitting the appearance of technicians while simultaneously refusing as to senior officials should clarify our position.



Dear Mr. Chairman:

Thank you for your letter of August 28, 1975, in which you request an exception to the President's policy that Federal officials not appear on panels before Congressional committees at the same time as nongovernmental witnesses.

The basis on which you request this exception which Mr. Kamm of the Subcommittee staff elaborated to Mr. Chapman of my staff by telephone, is that the Federal officials involved are technical specialists rather than senior policy-making officials. I understand from this that the individuals involved will be speaking basically as technicians rather than a spokesman for the Executive Branch. In these circumstances, principles of comity governing exchanges between executive and legislative branches do not apply.

On the basis of this understanding, your request for a joint appearance is granted for the purpose of permitting Mr. Forstall and Mr. Beals to participate in a panel of demographers dealing with the interpretation of current population trends. This permission is not truly an exception to the President's policy, but a clarification of its intended scope. It does not in any way detract from the principle that Federal officials who appear as spokesman for the Executive Branch should not appear jointly in panels including nongovernment personnel.

Sincerely,

Philip W. Buchen
Counsel to the President

The Honorable William A. Barrett
House of Representatives
Washington, D.C. 20515



WILLIAM A. BARRETT, PA., CHAIRMAN
LEONOR K. (MRS. JOHN B.) SULLIVAN,
MO.
THOMAS L. ASHLEY, OHIO
WILLIAM S. MOORHEAD, PA.
ROBERT G. STEPHENS, JR., GA.
FERNAND J. ST GERMAIN, R.I.
HENRY B. GONZALEZ, TEX.
PARREN J. MITCHELL, MD.
JAMES M. HANLEY, N.Y.
WALTER E. FAUNTROY, D.C.
LINDY (MRS. HALE) BOGGS, LA.
JERRY M. PATTERSON, CALIF.
HAROLD E. FORD, TENN.
JOHN J. LAFALCE, N.Y.
LES AUCCOIN, OREG.
THOMAS M. REES, CALIF.
GLADYS NOON SPELLMAN, MD.

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

OF THE

COMMITTEE ON BANKING, CURRENCY AND HOUSING

NINETY-FOURTH CONGRESS

WASHINGTON, D.C. 20515

August 28, 1975

GARRY BROWN, MICH.
J. WILLIAM STANTON, OHIO
JOHN H. ROUSSELOT, CALIF.
CHALMERS P. WYLIE, OHIO
STEWART B. MCKINNEY, CONN.
JOHN B. CONLAN, ARIZ.
RICHARD KELLY, FLA.
CHARLES E. GRASSLEY, IOWA
GERALD R. MCMURRAY,
STAFF DIRECTOR
225-7054

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Buchen:

The Subcommittee on Housing and Community Development of the Committee on Banking, Currency and Housing has scheduled a series of hearings on the President's 1974 Report on National Growth and Development. The preliminary schedule for these hearings is enclosed.

As you will note, the first session of that hearing is planned as a panel of demographers dealing with the interpretation of current population trends. Two of those involved, Mr. Forstall and Mr. Beals, are officials in the Executive Branch, and two, Mr. Morrison and Mr. Pushkarev, are associated with non-Federal quasi-public organizations. We are now informed that a recent White House policy forbids Federal officials to appear on panels before Congressional committees in conjunction with non-Federal witnesses.

Without questioning the merits of the overall policy, we would like to seek an exception to permit Mr. Forstall and Mr. Beals to appear on our panel together with their non-Federal colleagues. The subject matter involved is quite technical with few immediate implications for Federal policy. However, I do feel that the interaction among the panel members is essential to help the Subcommittee members understand the range of choices in public policy matters resulting from differing demographic assumptions.



8/26/75

PRELIMINARY SCHEDULE
OF THE
HEARINGS ON THE PRESIDENT'S 1974 REPORT
ON NATIONAL GROWTH AND DEVELOPMENT
September 4, 5 and 8

First day - September 4 - Thursday

9:30 to 11:00

Interpretation of Current Demographic Trends

witnesses:	Mr. Calvin Beals	447-8717
	Economic Development Division	
	Economic Research Service	
	U.S. Department of Agriculture	
	Room 496	
	500 12th Street, S.W.	
	Washington, D.C. 20250	(confirmed)
	Mr. Peter Morrison	213 393-0411
	The Rand Corporation	
	1700 Main Street	
	Santa Monica, California 90406	(confirmed)
	Mr. Richard Forstall	763-5161
	Chief, Demographic Statistics Branch	
	Population Division	
	Bureau of the Census	
	Room 2324, Building 3	
	Washington, D.C. 20233	(confirmed)
	Mr. Boris Pushkarev	
	Vice President for Research & Planning	
	Regional Plan Association of New York	
	235 East 45th Street	
	New York, N.Y. 10017	(confirmed)

11:00 to 12:30

MultiState Organizations

witnesses:	Dr. William Bowden	919 549-8167
	Executive Director	
	Southern Growth Policies Board	
	Box 12293	
	Research Triangle Park, N. C. 27709	



Mr. Arthur Ristow 617 223-6381
 New England Regional Commission
 53 State Street
 Boston, Massachusetts 02109 (confirmed)

Mr. George Thiss 612 373-3724
 Executive Director, Upper Midwest Council
 Federal Reserve Bank Building
 Minneapolis, Minn. 55480 (confirmed)

Representative of Western | 505 827-2221
 Governors' Regional Energy |
 Policy Office being invited

2:00 to 3:30

States

witnesses: Honorable Thomas Salmon 802 828-3333
 Governor
 State Capitol Building
 Montpelier, Vermont 05602 (confirmed)

Mr. John W. Abbott 415 391-7544
 Executive Secretary
 California Tomorrow
 681 Market Street
 San Francisco, Cal. 94105 (confirmed)

Mr. William H. Wilcox 717 787-7160
 Secretary
 Department of Community Affairs
 215 South Office Building
 Harrisburg, Pennsylvania 17120 (confirmed)

Delegate Robert E. Washington 804 625-7829
 Chairman, Community Affairs
 Task Force
 National Conference of State Legislatures
 300 Boush Street
 Suite 400
 Norfolk, Virginia 23510



9:30 to 11:00

Councils of Government and Other
Metropolitan Organizations

witnesses: Mr. Dale Bertsch 513 223-6323
Executive Director
Miami Valley Regional Planning Commission
Suite 500, DACO Building
333 West 1st Street
Dayton, Ohio 45402 (confirmed)

Mr. Milton Miller 301 383-5830
Chairman, Regional Planning Council
701 St. Paul Street
Baltimore, Maryland 21202 (confirmed)

Mr. Jack Simmers 813 533-5611
Chairman, Central Florida
Regional Planning Council
Post Office Box 60
Bartow, Florida 33830 (confirmed)

11:00 to 12:30

Cities - Center Cities which have lost population

(invitations being issued)

2:00 to 3:30

Counties with Growth Management Programs

Mr. Ralph McClure 801 328-7541
Chairman
Salt Lake County Board of Commissioners
City/County Building
Sale Lake City, Utah 84101 (confirmed)

Mr. Rufus Phillips 703 691-2321
Fairfax County Supervisor
1437 Balls Hill Road
McLean, Virginia 22102 (confirmed)

Dr. Royce Hanson 589-1480
Chairman, Maryland-National
Capital Park and Planning Commission
Room 212
8787 Georgia Avenue
Silver Spring, Maryland 20910 (invited)

Mr. John Lynch 206 344-4100
Director
Department of Budget and Program Planning
King County Courthouse
Seattle, Washington 98104 (invited)



Third day - September 8 - Monday

9:30 to

Commentators

Mr. Ralph Widner
Director, Academy for
Contemporary Problems
Battelle Memorial Institute
Columbus, Ohio 43201 614 421-7700 ext. 200
(confirmed)

Mr. James L. Sundquist 797-6057
Brookings Institution
1775 Mass. Ave., N. W.
Washington, D.C. 20036 (confirmed)

Herbert M. Franklin, Esq. 452-9309
Potomac Institute, Inc.
Metropolitan Housing Project
1025 Connecticut Ave., N.W.
Suite 707
Washington, D.C. 20036 (confirmed)

David B. Walker 382-3221
Assistant Director
The Advisory Commission
on Intergovernmental Relations
726 Jackson Place, N.W.
Washington, D.C. 20575 (confirmed)

11:00 and remainder
of the day

The Administration

(invitation issued to the Vice President as Chairman
of the Domestic Council to designate witnesses to
represent the Administration)



Also, we have taken note of the recent publication Costs of Sprawl which was jointly sponsored by HUD, CEQ and EPA. Since the findings of this study do appear to have some significant relation to urban growth issues we would also appreciate having the opportunity of discussing the study with appropriate representatives of the three sponsoring agencies.

The staff of the Subcommittee has already discussed the hearings with Mr. Richard L. Dunham and we will be sending him a schedule of the Subcommittee agenda.

Sincerely,



William A. Barrett
Chairman

1 - Honorable Thomas L. Ashley

1 - Mr. Richard L. Dunham - Enc.
Deputy Director
Domestic Council
The White House
Washington, D.C. 20500



Thursday 9/4/75

10:30 I called and read this over the phone to Dudley
since he had a time problem on it.

Copy of Mr. Marsh's memo has been sent to Dudley -- red tag.

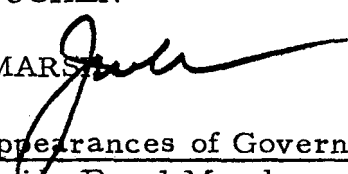


THE WHITE HOUSE

WASHINGTON

September 4, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: JACK MARSH 

SUBJECT: Joint Appearances of Government
and Outside Panel Members Before
Congressional Committees

I think we should still make an effort to try and enforce the rule we have in reference to appearances before the Committees of Congress by Administration witnesses together with outside witnesses.

Let me refer this to Max and let me have Charlie Leppert go up and talk with the Ranking Minority Member on this Subcommittee to see what we can do about this.

cc: Max Friedersdorf



THE WHITE HOUSE

WASHINGTON

September 2, 1975

MEMORANDUM FOR: JACK MARSH

FROM: PHIL BUCHEN *P.W.B.*

Attached is a copy of the memorandum to me from Dudley Chapman concerning a possible exception to our policy against joint appearances of government witnesses with nongovernment witnesses before Congressional committees.

Please advise on how you would like me to handle the reply.



MEMORANDUM
OF CALL

TO:

Eva

☐ YOU WERE CALLED BY— ☐ YOU WERE VISITED BY—

Dudley Chapman

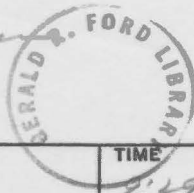
OF (Organization)

☐ PLEASE CALL → PHONE NO. *725*
CODE/EXT. *725*
☐ WILL CALL AGAIN ☐ IS WAITING TO SEE YOU
☐ RETURNED YOUR CALL ☐ WISHES AN APPOINTMENT

MESSAGE

re his message re exception

*I policy executives
appearing on Panel.
Did Mr. Buckner*



RECEIVED BY

DATE

TIME

pad

9/3

9:49

THE WHITE HOUSE
WASHINGTON

Dudley
wants
to know
what happens
to his paper



Pending

Wednesday 9/3/75

11:30 Dudley is quite anxious to get an answer on this. The hearing is tomorrow.

He said he was called by Mr. ~~Kamm~~, who said that they had put the same question to our Congressional Relations people who said they didn't think demographers fell within the policy -- so apparently Congressional Relations people have acted on their own and indicated a "go-ahead" on this.

To Mr. Marsh
Mr. Bucher
asked that
this be expedited!



THE WHITE HOUSE

WASHINGTON

September 2, 1975

MEMORANDUM FOR: JACK MARSH

FROM:

PHIL BUCHEN *PWB*

Attached is a copy of the memorandum to me from Dudley Chapman concerning a possible exception to our policy against joint appearances of government witnesses with nongovernment witnesses before Congressional committees.

Please advise on how you would like me to handle the reply.



THE WHITE HOUSE

WASHINGTON

August 29, 1975

MEMORANDUM FOR: PHIL BUCHEN

FROM: DUDLEY CHAPMAN *llc*

SUBJECT: Request for Exception to Policy
Against Joint Appearances of
Government and Outside Panel
Members before Congressional
Committees

In March of this year, the President adopted a policy that members of the Executive Branch should not appear jointly with persons outside the Government in panels before Congressional Committees. This was in response to a growing Congressional practice to invite outside experts to appear jointly with Government witnesses and engage them in debates. This put Government officials in the awkward position of having to confront outside specialists in free wheeling confrontations. In rejecting Congressional requests for further appearances of this kind, our letters have premised the policy on comity and the President's preference for the traditional method of exchange between the Executive Branch and the Congress.

The attached letter at Tab A from Representative William A. Barrett, Chairman of the Subcommittee on Housing and Community Development of the House Committee on Banking, Currency and Housing requests an exception to that policy for a hearing to be held next week. This request can be distinguished from the situation that gave rise to the above policy. The panel consists only of technicians, both governmental and nongovernmental. Since only relatively low-level technical specialists are involved, there should be no risk of embarrassment by confronting high-level executive officials with outside specialists.



I believe this distinction has merit and that it would strengthen the viability of the President's policy. That policy is obviously unpopular on the Hill and lacks a firm legal basis. By allowing an exception in cases in which only government technicians of low rank are involved, the Congressional interest in having sessions of this kind might be realized in a meaningful way, while saving senior officials from the embarrassment of such confrontations. I have attached a response for your signature that would adopt this distinction.

Attached at Tab B is the other letter from Chairman Barrett that Tod Hullin forwarded to me. It makes no express reference to the policy, though we may have to raise the objection. If so, the contrast between permitting the appearance of technicians while simultaneously refusing as to senior officials should clarify our position.



Dear Mr. Chairman:

Thank you for your letter of August 28, 1975, in which you request an exception to the President's policy that Federal officials not appear on panels before Congressional committees at the same time as nongovernmental witnesses.

The basis on which you request this exception which Mr. Kamm of the Subcommittee staff elaborated to Mr. Chapman of my staff by telephone, is that the Federal officials involved are technical specialists rather than senior policy-making officials. I understand from this that the individuals involved will be speaking basically as technicians rather than a spokesman for the Executive Branch. In these circumstances, principles of comity governing exchanges between executive and legislative branches do not apply.

On the basis of this understanding, your request for a joint appearance is granted for the purpose of permitting Mr. Forstall and Mr. Beals to participate in a panel of demographers dealing with the interpretation of current population trends. This permission is not truly an exception to the President's policy, but a clarification of its intended scope. It does not in any way detract from the principle that Federal officials who appear as spokesman for the Executive Branch should not appear jointly in panels including nongovernment personnel.

Sincerely,

Philip W. Buchen
Counsel to the President

The Honorable William A. Barrett
House of Representatives
Washington, D.C. 20515



WILLIAM A. BARETT, PA., CHAIRMAN
LEONOR K. (MRS. JOHN B.) SULLIVAN,
MO.
THOMAS L. ASHLEY, OHIO
WILLIAM S. MOORHEAD, PA.
ROBERT G. STEPHENS, JR., GA.
FERNAND J. ST GERMAIN, R.I.
HENRY B. GONZALEZ, TEX.
PARREN J. MITCHELL, MD.
JAMES M. HANLEY, N.Y.
WALTER E. FAUNTROY, D.C.
LINDY (MRS. HALE) BOGGS, LA.
JERRY M. PATTERSON, CALIF.
HAROLD E. FORD, TENN.
JOHN J. LAFALCE, N.Y.
LES AUCOIN, OREG.
THOMAS M. REES, CALIF.
GLADYS NOON SPELLMAN, MD.

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

OF THE

COMMITTEE ON BANKING, CURRENCY AND HOUSING

NINETY-FOURTH CONGRESS

WASHINGTON, D.C. 20515

August 28, 1975

GARRY BROWN, MICH.
J. WILLIAM STANTON, OHIO
JOHN H. ROUSSELOT, CALIF.
CHALMERS P. WYLIE, OHIO
STEWART B. MCKINNEY, CONN.
JOHN B. CONLAN, ARIZ.
RICHARD KELLY, FLA.
CHARLES E. GRASSLEY, IOWA

GERALD R. McMURRAY,
STAFF DIRECTOR

225-7054

Mr. Philip W. Buchen
Counsel to the President
The White House
Washington, D. C. 20500

Dear Mr. Buchen:

The Subcommittee on Housing and Community Development of the Committee on Banking, Currency and Housing has scheduled a series of hearings on the President's 1974 Report on National Growth and Development. The preliminary schedule for these hearings is enclosed.

As you will note, the first session of that hearing is planned as a panel of demographers dealing with the interpretation of current population trends. Two of those involved, Mr. Forstall and Mr. Beals, are officials in the Executive Branch, and two, Mr. Morrison and Mr. Pushkarev, are associated with non-Federal quasi-public organizations. We are now informed that a recent White House policy forbids Federal officials to appear on panels before Congressional committees in conjunction with non-Federal witnesses.

Without questioning the merits of the overall policy, we would like to seek an exception to permit Mr. Forstall and Mr. Beals to appear on our panel together with their non-Federal colleagues. The subject matter involved is quite technical with few immediate implications for Federal policy. However, I do feel that the interaction among the panel members is essential to help the Subcommittee members understand the range of choices in public policy matters resulting from differing demographic assumptions.

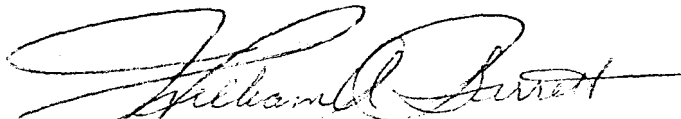


Mr. Philip W. Buchen

2

Mr. Sylvan Kamm of the Subcommittee staff has discussed this matter with Mr. Dudley H. Chapman of your staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Barrett".

William A. Barrett
Chairman

Enc.



Mr. Philip W. Buchen

2

Mr. Sylvan Kamm of the Subcommittee staff has discussed this matter with Mr. Dudley H. Chapman of your staff.

Sincerely,

A handwritten signature in cursive script, appearing to read "William A. Barrett".

William A. Barrett
Chairman

Enc.



8/26/75

PRELIMINARY SCHEDULE
OF THE
HEARINGS ON THE PRESIDENT'S 1974 REPORT
ON NATIONAL GROWTH AND DEVELOPMENT
September 4, 5 and 8

First day - September 4 - Thursday

9:30 to 11:00

Interpretation of Current Demographic Trends

witnesses:

Mr. Calvin Beals 447-8717

Economic Development Division
Economic Research Service
U.S. Department of Agriculture
Room 496

500 12th Street, S.W.

Washington, D.C. 20250

(confirmed)

Mr. Peter Morrison

213 393-0411

The Rand Corporation

1700 Main Street

Santa Monica, California 90406

(confirmed)

Mr. Richard Forstall

763-5161

Chief, Demographic Statistics Branch

Population Division

Bureau of the Census

Room 2324, Building 3

Washington, D.C. 20233

(confirmed)

Mr. Boris Pushkarev

Vice President for Research & Planning

Regional Plan Association of New York

235 East 45th Street

New York, N.Y. 10017

(confirmed)

11:00 to 12:30

MultiState Organizations

witnesses:

Dr. William Bowden

919 549-8167

Executive Director

Southern Growth Policies Board

Box 12293

Research Triangle Park, N.C. 27709

(confirmed)



Mr. Arthur Ristow 617 223-6331
 New England Regional Commission
 53 State Street
 Boston, Massachusetts 02109 (confirmed)

Mr. George Thiss 612 373-3724
 Executive Director, Upper Midwest Council
 Federal Reserve Bank Building
 Minneapolis, Minn. 55480 (confirmed)

Representative of Western | 505 827-2221
 Governors' Regional Energy |
 Policy Office being invited

2:00 to 3:30

States

witnesses: Honorable Thomas Salmon 802 828-3333
 Governor
 State Capitol Building
 Montpelier, Vermont 05602 (confirmed)

Mr. John W. Abbott 415 391-7544
 Executive Secretary
 California Tomorrow
 681 Market Street
 San Francisco, Cal. 94105 (confirmed)

Mr. William H. Wilcox 717 787-7160
 Secretary
 Department of Community Affairs
 215 South Office Building
 Harrisburg, Pennsylvania 17120 (confirmed)

Delegate Robert E. Washington 804 625-7829
 Chairman, Community Affairs
 Task Force
 National Conference of State Legislatures
 300 Boush Street
 Suite 400
 Norfolk, Virginia 23510 (invited)



9:30 to 11:00

Councils of Government and Other
Metropolitan Organizations

witnesses: Mr. Dale Bertsch 513 223-6323
Executive Director
Miami Valley Regional Planning Commission
Suite 500, DACO Building
333 West 1st Street
Dayton, Ohio 45402 (confirmed)

Mr. Milton Miller 301 383-5830
Chairman, Regional Planning Council
701 St. Paul Street
Baltimore, Maryland 21202 (confirmed)

Mr. Jack Simmers 813 533-5611
Chairman, Central Florida
Regional Planning Council
Post Office Box 60
Bartow, Florida 33830 (confirmed)

11:00 to 12:30

Cities - Center Cities which have lost population
(invitations being issued)

2:00 to 3:30

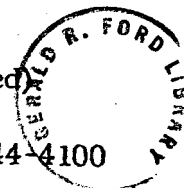
Counties with Growth Management Programs

Mr. Ralph McClure 801 328-7541
Chairman
Salt Lake County Board of Commissioners
City/County Building
Sale Lake City, Utah 84101 (confirmed)

Mr. Rufus Phillips 703 691-2321
Fairfax County Supervisor
1437 Balls Hill Road
McLean, Virginia 22102 (confirmed)

Dr. Royce Hanson 589-1480
Chairman, Maryland-National
Capital Park and Planning Commission
Room 212
8787 Georgia Avenue
Silver Spring, Maryland 20910 (invited)

Mr. John Lynch 206 344-4100
Director
Department of Budget and Program Planning
King County Courthouse
Seattle, Washington 98104 (invited)



Third day - September 8 - Monday

9:30 to

Commentators

Mr. Ralph Widner
Director, Academy for
Contemporary Problems
Battelle Memorial Institute
Columbus, Ohio 43201 614 421-7700 ext. 200
(confirmed)

Mr. James L. Sundquist 797-6057
Brookings Institution
1775 Mass. Ave., N. W.
Washington, D. C. 20036 (confirmed)

Herbert M. Franklin, Esq. 452-9309
Potomac Institute, Inc.
Metropolitan Housing Project
1025 Connecticut Ave., N. W.
Suite 707
Washington, D. C. 20036 (confirmed)

David B. Walker 382-3221
Assistant Director
The Advisory Commission
on Intergovernmental Relations
726 Jackson Place, N. W.
Washington, D. C. 20575 (confirmed)

11:00 and remainder
of the day

The Administration

(invitation issued to the Vice President as Chairman
of the Domestic Council to designate witnesses to
represent the Administration)



WILLIAM A. BARRETT, PA., CHAIRMAN
LEONOR V. (MRS. JOHN B.) SULLIVAN,
MO.
THOMAS L. WHLEY, OHIO
WILLIAM S. MOORHEAD, PA.
ROBERT G. STEPHENS, JR., GA.
FERNAND J. ST GERMAIN, R.I.
HENRY B. GONZALEZ, TEX.
PARREN J. MITCHELL, MD.
JAMES M. HANLEY, N.Y.
WALTER E. FAUNTROY, D.C.
LINCOLN (MRS. HALE) BOGGS, LA.
JERRY M. PATTERSON, CALIF.
HAROLD E. FORD, TENN.
JOHN J. LAFALCE, N.Y.
LES AUCCOIN, OREG.
THOMAS M. REES, CALIF.
GLADYS NOON SPELLMAN, MD.

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON HOUSING AND COMMUNITY DEVELOPMENT

OF THE

COMMITTEE ON BANKING, CURRENCY AND HOUSING

NINETY-FOURTH CONGRESS

WASHINGTON, D.C. 20515

GARRY BROWN, MICH.
J. WILLIAM STANTON, OHIO
JOHN H. ROUSSELOT, CALIF.
CHALMERS P. WYLIE, OHIO
STEWART B. MCKINNEY, CONN.
JOHN B. CONLAN, ARIZ.
RICHARD KELLY, FLA.
CHARLES E. GRASSLEY, IOWA
GERALD R. McMURRAY,
STAFF DIRECTOR
225-7034

August 21, 1975

The Vice President of the United States
Washington, D.C. 20510

Dear Mr. Vice President:

Under the provisions of part A of the Urban Growth and New Community Development Act of 1970, the President is directed to file a biennial Report on Urban Growth with the Congress starting in February, 1972. Since the legislation requiring the preparation of the Report was initiated by our Subcommittee, we have felt it appropriate to hold oversight hearings on the Report in order to determine how interested public and private groups view its substance as an expression of Administration policy. Two days of hearings were held on the President's first Report on June 6 and 7, 1972. The President's second Report was submitted to the Congress in December, 1974. We have scheduled the hearings for September 4, 5 and 8, 1975.

Since by statute the preparation of the Report is the responsibility of the Domestic Council, we felt it appropriate to request you, as Chairman, to designate the Administration's witnesses. We respectfully request that the Administration be prepared to have its representatives appear on September 8 at 11:00 a.m. Since I understand HUD was assigned the role of lead agency, it may be appropriate for someone familiar with its work on the Report be a part of the group of witnesses to appear on behalf of the Administration.



Also, we have taken note of the recent publication Costs of Sprawl which was jointly sponsored by HUD, CEQ and EPA. Since the findings of this study do appear to have some significant relation to urban growth issues we would also appreciate having the opportunity of discussing the study with appropriate representatives of the three sponsoring agencies.

The staff of the Subcommittee has already discussed the hearings with Mr. Richard L. Dunham and we will be sending him a schedule of the Subcommittee agenda.

Sincerely,



William A. Barrett
Chairman

1 - Honorable Thomas L. Ashley

1 - Mr. Richard L. Dunham - Enc.
Deputy Director
Domestic Council
The White House
Washington, D.C. 20500



*Roundtable
Hearings*

September 30, 1975

Dear Mr. Chairman:

This is in response to the telephone inquiry of September 26, 1975, from Ms. Helen Hits of your staff concerning the Administration's policy not to allow Executive Branch personnel to participate in panels with non-governmental witnesses before Congressional Committees.

It is understood that various Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate with these endeavors. However, he has expressed to the Cabinet his concern about the newly developing practice on the part of certain Subcommittees to request participation by an Administration representative in a panel or seminar involving non-governmental participants. This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branches seek and exchange information and opinions from and with each other's representatives. It is a departure in which the President, on principles of comity, does not concur. However, the President sees no problem in having two or more Executive Branch witnesses appear at the same time before a Congressional Subcommittee, but without non-governmental witnesses, if appropriate arrangements are made in advance of the hearing.

I should also point out that he has requested that Executive witnesses, or representatives on their behalf, prior to the hearing date, contact the Committee in reference to the format of the hearing because it is felt in this way that any questions that might arise in reference to the format of the hearing can be satisfactorily resolved.



The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of Congress, but he believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable Fernand S. St Germain
Chairman, Subcommittee on Financial
Institutions
Committee on Banking Currency and Housing
House of Representatives
Washington, D.C. 20515

VCL:BUCHEN:plr

bcc: Philip Buchen



Roundtable
hearings

September 30, 1975

Dear John:

We feel it is important to alert you to the growing proliferation of requests from Congressional Committees and Subcommittees for Executive Branch personnel to participate in panels with non-governmental witnesses before Congressional Committees. The latest of these requests was from Chairman Fernand St Germain of the Subcommittee on Financial Institutions. The following is the substance of the reply sent to Chairman St Germain today which sets forth the Administration's position with respect to such requests. I believe it will be helpful to you in handling any comments you may be called upon to make on this issue.

It is understood that various Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate with these endeavors. However, he has expressed to the Cabinet his concern about the newly developing practice on the part of certain Subcommittees to request participation by an Administration representative in a panel or seminar involving non-governmental participants.

This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branches seek and exchange information and opinions from and with each other's representatives. It is a departure in which the President, on principles of comity, does not concur. However, the President sees no problem in having two or more Executive Branch witnesses appear at the same time before a Congressional Subcommittee, but without non-governmental witnesses, if appropriate arrangements are made in advance of the hearing.

I should also point out that he has requested that Executive witnesses, or representatives on their behalf, prior to the hearing date, contact the Committee in reference to the format of the hearing because it is felt in this way that any questions that might arise in reference to the format of the hearing can be satisfactorily resolved.



The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of Congress, but he believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable John J. Rhodes
Minority Leader
House of Representatives
Washington, D.C. 20515

bcc: Philip Buchen

VCL:BUCHEN:mlg



*Roundtable
Hearings*

September 30, 1975

Dear Bob:

We feel it is important to alert you to the growing proliferation of requests from Congressional Committees and Subcommittees for Executive Branch personnel to participate in panels with non-governmental witnesses before Congressional Committees. The latest of these requests was from Chairman Fernand St Germain of the Subcommittee on Financial Institutions. The following is the substance of the reply sent to Chairman St Germain today which sets forth the Administration's position with respect to such requests. I believe it will be helpful to you in handling any comments you may be called upon to make on this issue.

It is understood that various Subcommittees of Congress have sought to use somewhat innovative techniques in the conduct of their hearings, and the President has encouraged Government witnesses to cooperate with these endeavors. However, he has expressed to the Cabinet his concern about the newly developing practice on the part of certain Subcommittees to request participation by an Administration representative in a panel or seminar involving non-governmental participants.

This practice, he believes, constitutes a substantial departure from the traditional manner in which the Legislative and Executive Branches seek and exchange information and opinions from and with each other's representatives. It is a departure in which the President, on principles of comity, does not concur. However, the President sees no problem in having two or more Executive Branch witnesses appear at the same time before a Congressional Subcommittee, but without non-governmental witnesses, if appropriate arrangements are made in advance of the hearing.

I should also point out that he has requested that Executive witnesses, or representatives on their behalf, prior to the hearing date, contact the Committee in reference to the format of the hearing because it is felt in this way that any questions that might arise in reference to the format of the hearing can be satisfactorily resolved.



The President continues to call for full cooperation by representatives of his Administration with the Committees and Subcommittees of Congress, but he believes that such cooperation depends upon mutual respect by the Legislative and Executive Branches of the Federal Government in their regard for each other.

Sincerely,

Vernon C. Loen
Deputy Assistant
to the President

The Honorable Robert H. Michel
Minority Whip
House of Representatives
Washington, D.C. 20515

bcc: Philip Buchen

VCL:BUCHEN:mlg

