

(246-J)

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) |
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| December 13, 1972 (letter from Chairman Reuss attached) | Mr. W. John Glancy, c/o Walker, Winstead, Cantwell & Miller, Attorneys and Counselors, Dallas, Texas | Mr. W. John Glancy | Request to testify on his contacts with the Justice Department, while he was a White House employee, re: modification of Federal District Court order in Armco Steel Corp. case. (See Form 11 dated October 20, 1971.) Hearings: "Mercury Pollution and Enforcement of the Refuse Act of 1899", December 21, 1972, Part 3, (See Form 1 dated November 15, 1972.) | Dec. 19, 1972 | Mr. W. John Glancy (letter attached) | "...As a matter of longstanding precedent, members of the President's staff do not appear before Congressional Committees to testify in regard to their work while on the President's staff. ..." |

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

FILE 246 :

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

HOUSE OF REPRESENTATIVES
CONSERVATION AND NATURAL
RESOURCES SUBCOMMITTEE OF THE
COMMITTEE ON GOVERNMENT OPERATIONS
Washington, D.C., December 13, 1972.

Mr. JOHN W. GLANCY,
Dallas, Texas

DEAR MR. GLANCY: The Conservation and Natural Resources Subcommittee of the House Committee on Government Operations will hold hearings on December 21, 1972, at 10:00 A.M., in Room 2247, Rayburn House Office Building, concerning the renegotiation in the fall of 1971 by the Justice Department of a court order issued on September 17, 1971, in the Government's action against the ARMCO Steel Company of Houston, Texas.

During our hearings on November 5, 1971, Justice Department officials indicated that there had been no direct communication between the White House and the Justice Department concerning the court order. On Nov. 15, 1972, it was revealed that a memorandum prepared by Mr. Martin Green—a section chief in the Justice Department's Lands and Natural Resources Division—disclosed that you, while a White House employee, had close contact with Justice Department officials concerning the court order.

In order that you may have an opportunity to comment on this matter, we invite you to testify at these hearings.

We would appreciate receiving, by December 18, confirmation that you will testify on December 21.

We shall welcome your views.
Sincerely,

HENRY S. REUSS,
Chairman.

JACKSON, WALKER, WINSTEAD,
CANTWELL & MILLER,
ATTORNEYS AND COUNSELORS,
Dallas, Tex., December 19, 1972.

Hon. HENRY S. REUSS,
Chairman, Conservation and Natural Resources Subcommittee, Committee on Government Operations, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN REUSS: Thank you for your letter of December 13, 1972, inviting me to testify at hearings to be held on December 21, 1972 by the Conservation and Natural Resources Subcommittee of the House Committee on Government Operations.

To confirm what I stated earlier today in a telephone conversation with Mr. David Finnegan of your Subcommittee's staff, I must respectfully decline the invitation to appear before your Subcommittee. As a matter of long-standing precedent, members of the President's staff do not appear before Congressional committees to testify with regard to their work while on the President's staff. This policy would preclude my testifying with respect to the matters outlined in your letter.

With best regards,
Yours respectfully,

W. JOHN GLANCY.