

"Whenever the waters of any stream * * * are proposed or authorized to be * * * modified for any purpose whatever * * * by any public or private agency under Federal permit or license, such department or agency first shall consult with the U.S. Fish and Wildlife Service, Department of the Interior * * * with a view to the conservation of wildlife resources by preventing loss of and damage to such resources * * *"

The Cain-Corps of Engineers' correspondence is a square violation of the Coordination Act. Congress wanted the Corps of Engineers to consult with the non-political career people of the Fish and Wildlife Service. Instead, the Corps consulted with Assistant Secretary Cain. Mr. Cain, Assistant Secretary for Fish and Wildlife and Parks, proceeded to sell them both down the river—in this case the Potomac—when he erroneously reported that "we" did not oppose the Hunting Creek fill application.

6. *The Congressmen again protest.*—Assistant Secretary Cain, despite the record of the protest by Congressmen Moss, Saylor, and Reuss, against the fill, did nothing to inform the Congressmen of his October 10, 1967, change of heart. This, incidentally, is one of the many things we hope this subcommittee will ask Assistant Secretary Cain to explain. He was invited to be present and testify at the hearings today, but we understand he told the staff investigator he would be out of the country in Japan. We urge that he be promptly called to testify. The three Congressmen concerned got wind of Assistant Secretary Cain's action some weeks later. On November 16, 1967, Congressman Moss wrote Assistant Secretary Cain, asking whether the Department of the Interior was, in fact, flipflopping. On November 24, 1967, Assistant Secretary Cain replied to Congressman Moss:

"This responds to your letter of November 16 concerning the withdrawal of this Department's objections to the proposed fill and bulkhead in the mouth of Hunting Creek in the city of Alexandria, Va.

"While it is true that this Department interposed objections to both the original applications and the revised applications, the conservation values which would have been affected were relatively minimal. I understand that objections on conservation grounds were filed, nevertheless, in support of opposition to the proposed development from other governmental sources. However, much of the opposition has been withdrawn and it seems to us to be the sensible course of action to withdraw our objection to the revised applications, since it was made primarily in support of those who, in part at least, have now changed their minds."

This letter of Assistant Secretary Cain's so shocked Congressman Moss that Congressman Moss wrote Assistant Secretary Cain back on January 3, 1968: "In all candor, sir, I must confess that I find your letter totally unresponsive to the questions contained in my communication to you.

"I assume the original action of opposition was based on careful studies of the effect upon wildlife (I was not aware that recreation fell within your purview in the Department). If my initial premise is correct, then certainly there must be some sort of study upon which you based your subsequent action. Or is it your intention to tell me that you made 'a judgment' without any additional studies by the experts of the Fish and Wildlife Service?"

To this Assistant Secretary Cain replied to Congressman Moss on January 11, 1968: "In reply to your letter of January 3, I can tell you that I did make a judgment without any additional studies of the fish and wildlife values at the site."

Congressman Reuss, who heard of the reversal by Mr. Cain in early December 1967, wrote to the Secretary of Interior on December 8, 1967. Reuss' letter referred to the proposed fill as "outrageous":

"Three days ago I was called by an officer of the Corps of Engineers who informed me that the Interior Department's objections had been withdrawn and the corps was considering issuance of the permit sought by Howard P. Hoffman Associates, Inc., possibly without any public hearings. I was surprised, since I had heard nothing from the Department about a change of position, and incredulous since the reasons for opposing the fill are as valid now as ever.

"Subsequently I obtained a copy of a November 24, 1967, letter to Congressman John Moss from Assistant Secretary of Fish and Wildlife and Parks, Stanley A. Cain, who stated that 'I understand that (Interior Department) objections on conservation grounds were filed * * * in support of opposition to the proposed development from other governmental sources. However, much of the opposition has been withdrawn and it seems to us to be the sensible course of action to with-