

draw 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 surely is one of the lamest justifications for governmental action I have encountered. As Congressman Moss and I observed in a joint statement yesterday, it is 'a virtual admission by the Department that it took a position involving its statutory duties without independently determining the validity and soundness of this position. This is an abdication of agency responsibility.'

"It is difficult to see how your Assistant Secretary for Fish, Wildlife, and Parks could permit a project which is so destructive of both wildlife and park values.

"I hope you will study this matter and affirm the position which has given the Department of the Interior such distinction under your administration that no private interest—whether the rapacious would-be developers of the Merrywood Estate, the fast-buck operators seeking apartments on the Glen Echo tract, or those ready to fill in the Potomac for profits—should be permitted to trample the public interest by destroying natural assets along the Potomac."

On December 22, 1967, Assistant Secretary Cain replied to Congressman Reuss:

"The Secretary has asked me to reply to your letter to him of December 8, which I am pleased to do.

"My letter to Colonel Rhea, District Engineer corps, Baltimore, on October 10 said, '* * * we have reconsidered our interests in this matter [the Hunting Creek fill applications], in the light of existing conditions in the area. We have concluded that the granting of the applications would not significantly affect recreation or conservation values in the Hunting Creek area. Accordingly, we withdrew the objections interposed to the granting of the permits in accordance with the revised applications.'

"In this matter I made a judgment, endeavoring to reach a balance among numerous interrelated values. In such situations there seems to be no action without consequences that are unsatisfactory to persons with particular values in mind."

Meanwhile, on December 12, 1967, Congressmen Moss and Reuss requested Assistant Secretary Cain and other representatives of the Department of Interior and Corps of Engineers to meet with them in Congressman Moss' office at 2353 Rayburn House Office Building. Assistant Secretary Cain was not present, but sent as his representative Mr. Travis Roberts of the Department of Interior. Congressmen Moss and Reuss requested Assistant Secretary Cain, through Mr. Roberts, to furnish them a complete list of all conversations, communications, and other contacts he or other Interior officials, to his knowledge, had had with representatives of the applicants for the fill permits. Since Assistant Secretary Cain had obviously not listened to Congressmen Moss' and Reuss' objection to the fill, the Congressmen were interested in knowing to whom he was talking on the other side. To this date Assistant Secretary Cain has not seen fit to disclose this information. This is another reason why we hope that Assistant Secretary Cain will be compelled to testify before this subcommittee.

7. The career men told not to testify.—On January 17, 1968, the Corps of Engineers set down the fill application for hearings at Alexandria City Hall on February 21, 1968. Congressman Reuss requested the U.S. Fish and Wildlife Service to send representatives to testify against the fill permit, and the professionals of the Fish and Wildlife Service appeared anxious to do so. Assistant Secretary Cain, however, instructed Fish and Wildlife Service and National Park Service personnel not to attend the hearings. On January 30, 1968, Assistant Secretary Cain wrote District Engineer Colonel Frank W. Rhea:

"I have talked with the people in the Bureau of Sport Fisheries and Wildlife and we believe that we do not need to present testimony at the hearing (your notice of January 17, 1968) on the application of Howard P. Hoffman Associates, Inc., for a bulkhead and filling permit in Hunting Creek at Alexandria, Va."

To have allowed the Fish and Wildlife Service and National Park Service to tell the truth at the February 21 hearing would obviously have undermined Assistant Secretary Cain's position, and he thus ordered them not to appear.

8. The February 21, 1968, hearing.—At the Alexandria hearing before Colonel Rhea on February 21, 1968, no one appeared for the Fish and Wildlife Service or the National Park Service. Congressman Reuss presented testimony on behalf of himself and Congressman Moss vigorously opposing the proposed fill, on both Fish and Wildlife and National Park Service grounds. Congressman Reuss included in his testimony personal reports of his inspection of the Hunting Creek estuary, both in 1964 and again on December 9, 1967. His testimony included eyewitness evidence that many hundreds of diving ducks and waterfowl were