

Fish and Wildlife Service biologist, Dr. Uhler, had made a field examination of it in 1967, and again in January 1968, and found it prime waterfowl territory. I know this because I was along in the boats. I saw Dr. Uhler there. His examination was widely reported in the press at the time. His report was introduced into the February 21, 1968, hearing by me. I would hope that Assistant Secretary Cain would explain to the committee how he could make that statement that the Hunting Creek area "had not been looked at for several years."

On April 9, the Bureau of Sport Fisheries and Wildlife once again stood firm in its memorandum back to Assistant Secretary Cain. I won't read it all except the very strong conclusions:

Regardless of protestations to the contrary, granting this permit will have the effect of opening the way for a succession of similar actions both above and below the mouth of Hunting Creek.

And listen to this:

I make that positive statement in the full knowledge that it will be challenged as an opinion, which it is. It is an opinion, hardened after watching situation after situation in which the natural scene has become a victim of the "nibbling" phenomenon, one characteristic of which is that each "nibble" is used as justification for the next. * * * This action must be halted, but our reluctance to support a permit denial by the Corps of Engineers at Hunting Creek has made them question our position elsewhere on the Potomac.

I think we must urge the Corps not to grant this permit. We might say, as Webster did about Dartmouth College, that "It is a small thing, but there are those who love it!"

Hurrah for Director Gottschalk of the Bureau of Sport Fisheries and Wildlife.

Then—here the plot thickens—on April 10, 1968, Assistant Secretary Cain, confronted with the repeated findings of both the Fish and Wildlife Service and the National Park Service that this fill permit should not be granted, threw in the sponge. On that day he wrote a memorandum to all concerned, to the Secretary, to Under Secretary Black, to the Bureau of Sport Fisheries and Wildlife, the National Park Service, and Brigadier General Woodbury of the Corps of Engineers, saying:

Thank you very much for your report * * *. Your response is in effect a reiteration of the position of the Bureau back in 1964, and I agree that there has probably been little change since then.

I am in the position of having to accept your statements of the fish and wildlife values associated with the site and those regarding open space, scenic, and recreational values, and I do so gladly.

How gladly, in view of his activities later on in the afternoon of April 10, remains for the subcommittee to decide.

But this is what the memorandum said:

What this means is that I am now reversing the position that I took earlier * * *. I accept your professional judgment.

Let us look at what happened later that afternoon after the memorandum had been prepared.

Dr. Cain telephoned Brigadier General Woodbury, head of Civil Works for the Corps of Engineers, and informed the General that Dr. Cain had changed his position and was now going back to the historical Department of the Interior position opposing the fill permit. Dr. Cain told General Woodbury all about his memorandum which he had just written, and a copy of which was directed to General