

Woodbury, who got it almost immediately. Dr. Cain admitted that his October 10, 1967, position, flip-flopping on the Department's earlier position was, in Dr. Cain's words, "naked and indefensible." He went on to say that both the National Park Service and the Fish and Wildlife Service continued firm in their opposition to the fill and that he was, therefore, reversing his stand.

But then listen to what General Woodbury of the corps told Dr. Cain over the phone: "I can get you off the hook on this. I'll refer the matter to Under Secretary Black." This is a new name in the proceeding; Under Secretary Black had nothing to do with the Hunting Creek affair up until this time. It illustrates the desperate search of both the applicants for the fill and the Corps of Engineers to find someone, anyone, in the Department of the Interior, who could give them a green light to continue with the fill.

Then 5 days later, on April 16, Dr. Cain sent General Woodbury of the Corps of Engineers the following memorandum which is fully intelligible only in connection with the events of April 10 which I have described. Here is the Cain-Woodbury memorandum of April 16:

You will remember that I talked to you on the phone late last Wednesday, April 10, 1968. After a meeting with representatives of the Bureau of Sport Fisheries and Wildlife and with my deputy and staff assistants that afternoon at which time they recommended unanimously to me that I reverse the position that I had taken earlier, I prepared the attached memorandum to Director Gottschalk.

That is the April 10 memorandum which I read from, a copy of which was sent General Woodbury presumably on April 10, saying "I give up, I reverse myself."

Then, Dr. Cain's memorandum continues: "I understood from the phone conversation"—that is, the Cain-Woodbury phone conversation shortly after Dr. Cain had written that memorandum—

that you would send the permit request over to Interior, following the procedure that was in the agreement between Secretary Resor and Secretary Udall. This would go to Under Secretary Black, according to the machinery of the agreement, but I understand from his office that it has not yet been received.

I interpolate at that point: There seems to be an almost indecent haste on the part of all concerned to get cracking on this paperwork. Then Dr. Cain goes on:

Perhaps you are awaiting a paper report from the Bureau, which is the normal reporting level. In that case, I am sending with this memorandum a copy of my memo to the Bureau, of April 10.

Incidentally, that is the same document which General Woodbury was sent on April 10.

The last paragraph of Dr. Cain's memorandum then says:

Under Secretary Black is anxious to get this issue resolved because he is getting numerous telephone calls on the matter.

The memorandum shows that copies were sent to the Under Secretary and others.

Now, let's relate this April 16 document to the events of April 10. According to the "machinery" developed on April 10, General Woodbury was to get Dr. Cain "off the hook" by writing to Under Secretary Black, asking him to OK the permit. Now, Secretary Cain, 5 days later, says:

I understand from Black's office that the Woodbury letter has not yet been received.