Mr. REUSS. On that subject, are you familiar with the letter dated January 30, 1968, written by Assistant Secretary Cain to Corps of Engineers' District Engineer, Col. Frank W. Rhea, in which Secretary Cain said:

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 17th, 1968—on the application for bulkhead and filling permit in Hunting Creek at Alexandria, Va.

Did you get the idea that the Fish and Wildlife Service was in accord or opposed to the permit?

General WOODBURY. I cannot say, sir. I was not aware of that letter at the time.

Mr. REUSS. Paragraph 5 of the agreement of July 13, 1967, between the Department of the Interior and the Corps of Engineers says that the Chief of Engineers shall refer to the Under Secretary of the Interior all those cases referred to him containing unresolved substantive differences of views, and he shall include his analysis thereof for the purpose of obtaining the Department of Interior's comments prior to final determination of the issues.

Did you, in October 1967, submit to the Under Secretary of the Interior the Hunting Creek case so that you could get his decision on it pursuant to this July 13, 1967, agreement?

General WOODBURY. There was no occasion to submit it to him in October, sir. The process by which these differences were to be resolved was not started until October, after receipt of the letter from Secretary Cain.

Mr. REUSS. There were unresolved differences, however, in October 1967.

General WOODBURY. The unresolved differences in October 1967 basically were from objectors other than the Secretary of the Interior so far as we knew.

Mr. REUSS. No. In fact, the Park Service still objected, the Fish and Wildlife Service still objected. Secretary Udall still objected, as indicated by the letter that Staff Counsel Indritz read into the record this morning.

I just wonder why you didn't refer the matter to the Under Secretary of the Interior pursuant to this formal memorandum of July 13, 1967, back in October 1967?

General WOODBURY. You are suggesting that I should have gone behind the letter signed by Secretary Cain, to inquire into its validity. This I did not do.

Mr. REUSS. I will tell you what I don't like about this whole matter. It looks to me as if the only time you bothered to follow this memorandum was when you wanted to get a new person to authorize the fill. Under Secretary Black could OK the fill in April 1968. Back in October 1967 when you had Assistant Secretary Cain OK'ing the fill, even though he is not in the chain of command at all on this memorandum of understanding, you were quite ready to settle for that.

Now, if you think my suspicion ungenerous, I wish you would tell me why you think it is.

General WOODBURY. I think it is ungenerous sir, and I think, after I have explained the situation, you will think so, too. I hope you will.