

And so this was the background on the 9th or 10th—actually on the 10th—of the circumstances under which I signed that letter which reversed the Department's position, which up to that time had been a position which had been expressed to the Corps of Engineers simply and wholly in the routine manner in which we normally performed, and that is, comment by the Bureau of Sport Fisheries and Wildlife on a permit application at the request of the Corps of Engineers. And also, as is customary here, the Bureau of Sport Fisheries and Wildlife consulted with the National Park Service, and they made their comments.

Now, I have the dates on these, if you are interested. On April 3, 1964, the National Park Service communicated with the Corps. And on April 14, 1964, the Bureau of Sport Fisheries and Wildlife communicated. And both of these Bureaus objected to the issuance of the permit. And this is in effect what I based my unilateral action on, on the 10th of October of last year, 1967.

Mr. JONES. There is a great deal of discussion about the Department of the Interior restraining the people in Wildlife and other agencies in the Department of the Interior from appearing at the hearing held by the district office of the Corps of Engineers in Alexandria. Would you like to give some comment as to their absence?

Dr. CAIN. Yes, sir; I would like to.

I read last night the record of the hearings of the first session before this committee. In that record a statement was made by Director Hartzog with respect to policy in the National Park Service. Over and beyond that, I would like to explain that the reason that representatives of these two bureaus, or of the Secretary's office, did not appear at the recent hearings in Alexandria was that the position was already clear, by means of, or as a consequence of, my letter in the most recent instance to the Corps of Engineers, and the earlier 1964 communications from the two Bureaus. And their positions have not changed.

Now, this was not an order by me in any sense for no one to appear; because I talked to the Bureau people, and it was a decision that was made that there really was no point in our going over there, because our position was already clear before the Corps of Engineers.

Mr. MOSS. Mr. Chairman.

Mr. JONES. Mr. MOSS.

Mr. MOSS. Doctor, I find it very difficult to reconcile your statement. The position is very clear before the Corps of Engineers. The position taken in April 1964 by both the National Park Service and the Bureau of Sport Fisheries was in opposition to the application.

Dr. CAIN. That is correct.

Mr. MOSS. The position taken by you in your letter of October 10, 1967, was in support of the application.

Dr. CAIN. That is correct.

Mr. MOSS. What clarity is there in that kind of position? The two agencies which are cited in the Coordination Act of 1958 are on record in opposition—a rather detailed record in opposition. And you as the Assistant Secretary are on record in support. Is that clear statement of position in the record?

Dr. CAIN. I assume so, for the following reason. And that is that the Bureau positions were on record, and the decision I had made was on record. Now, the question is, What would the Corps of Engineers