

Dr. CAIN. No.

Mr. McCLOSKEY. You did not comply with the law in that report of October 10, then, did you, sir?

Dr. CAIN. The law—

Mr. McCLOSKEY. Did you or did you not?

Dr. CAIN. I did not.

Mr. McCLOSKEY. You did not?

Dr. CAIN. It had been complied with by the earlier action of the Bureaus long before I was Assistant Secretary.

Mr. McCLOSKEY. This was a new report, though; was it not, sir? In 1964, when the Department had made its report to the Corps of Engineers, it had included a report based on the surveys and investigations, and it had been opposed to the fill; had it not?

Dr. CAIN. Right.

Mr. McCLOSKEY. Now, when you reversed that decision with a new report of October 10, 1967, was that report based on surveys and investigations?

Dr. CAIN. It was not.

Mr. McCLOSKEY. Now, going on to February, when the proposed hearing was held before the Corps of Engineers: it was your action, individually and personally, which caused no such investigations and reports to be presented at that meeting; was it not?

Dr. CAIN. If you mean, did I order personnel of the two Bureaus not to testify, that is not true. I stated that we had discussed it and decided that there was no need to appear at this hearing.

Mr. McCLOSKEY. Now, when you made that decision, and when you wrote your letter of January 30 to the Corps of Engineers stating, "we do not need to present testimony," were you familiar at that time with the burden of the law upon you to base your report on investigations and surveys conducted by the Fish and Wildlife Service?

Dr. CAIN. I was familiar with the Coordination Act, but I did not interpret it in the way you are now interpreting it.

Mr. McCLOSKEY. When did you first interpret your duty, sir, as based on the report of surveys and investigations?

Dr. CAIN. Well, after the October 10 decision, when there had followed many discussions of this problem, I did ask the Director of the Bureau of Sport Fisheries and Wildlife to have two or three of his river basin type personnel go take a new look at it. I did do that. And they went out there. They made no new studies, but they looked around and made an observational report, which in effect was identical in spirit and meaning with the 1964 report.

Mr. McCLOSKEY. Then let me go to April 8, 1968. On April 8, you renewed your interest. And I quote from your letter of April 8:

I will be happy to reverse myself if B[ureau of] S[port] F[isheries and] W[ildlife] makes a strong case and if N[ational] P[ark] S[ervice] can give me evidence of the important values * * *.

Now, I take it, sir—

Dr. CAIN. This was my slip up; yes.

Mr. McCLOSKEY. You had not flip-flopped yet. This was on April 8 when you said you would change if a strong case could be presented to you. And I assume that that case would be based on investigations and surveys as required by the law. Now, sir, between April 8 and April 10, did the Bureau of Sport Fisheries and Wildlife make a strong case to you for that change?