

have prevailed for some duration. It would not be as impulsive as to be "yes" today and "no" tomorrow. And that is what this case has amounted to.

Dr. CAIN. Well, I know a good deal has been made of this. But I have also explained that my initial decision expressed in the 10th of October memorandum is the decision that I now have—that is compatible with the position of Under Secretary Black. And I have endeavored to explain my flip-flop.

Mr. JONES. As I say, in making that decision some time should have elapsed so that the parties concerned with public interest could have an opportunity to discuss the matter in the proper forum, because you might change your mind again. The idea is that once a decision is made—and that decision has lasted from 1954 until the latter part of 1967—it would be an ample warning, it would seem to me, that the Department would not make a change in the decision that they so steadfastly held to.

It seems to me—and I will suggest to the Corps of Engineers—that we should try to do something to get better machinery to protect the public interest in the decision arrived at through the understanding of the memorandum of July 13, 1967.

The committee will stand in recess until 1:30.

(Whereupon, at 12:25 p.m., a recess was taken until 1:30 p.m., of the same day.)

AFTERNOON SESSION

Mr. Moss (presiding). The committee will be in order. Will you return for just a few minutes, Dr. Cain?

I would like to ask you, looking now at the memorandum of July 13, 1967, at No. 5, of the section entitled "Procedures for Carrying Out These Policies"—the policies having been stated in the two preceding paragraphs—will you tell me what the "unresolved substantive differences of views" between you and the Corps of Engineers were at the time that you referred this matter to Under Secretary Black?

Perhaps if I lay a predicate for this it would be clearer. I can understand that at this time you were engaged in an interesting controversy with yourself.

STATEMENT OF DR. STANLEY A. CAIN—Resumed

Dr. CAIN. Yes, sir.

Mr. Moss. But I cannot find anywhere in the record of the testimony any evidence of a controversy with the Corps of Engineers.

Dr. CAIN. I think I can explain. The memorandum of understanding between the two Secretaries that you have referred to was designed to operate as follows: These questions as to permits are first considered at the field level—that is, the region or district which the application concerns. And there you have Corps of Engineers representatives on the one hand, and you have Interior representatives on the other. Now, the districts and regions do not necessarily coincide completely geographically, but they do coincide with respect to this spot. This mechanism is designed with, first, an effort to reach an understanding or an agreement with respect to a permit at the field