

You point out that the Department was not represented by witnesses at the corps' public hearing conducted on February 21, 1968.

After you point out that the objections of the experts, as they had been funneled into Secretary Cain, had been withdrawn, would you show me in your letter any reference to the fact that Secretary Cain—after listening to the experts, and their opinions as to how conservation and recreation would be adversely affected—in fact in April reversed his position and said that it was the position of these experts that the conservation and recreational values would be adversely affected?

Mr. BLACK. Well, there is no reference to that.

Mr. VANDER JAGT. Anywhere in your letter?

Mr. BLACK. In the first place, it was an internal intradepartmental communication. It was not communicated to me. It was communicated only by happenstance, I would say, to General Woodbury in terms of sending him a copy of it because Dr. Cain wanted to know where the permit was that was going to come over to my attention. But there was certainly no effort to conceal that from the Corps of Engineers and General Woodbury was well aware of it. He did, in fact, have a copy of the Cain memorandum. The fact that I did not outline it in here didn't occur to me.

In the second place, under our memorandum of understanding with the corps, I don't believe it was material. I may be incorrect, but I think that the machinery that we were operating under would not have required the official and formal recognition of the fact that Secretary Cain had sought—again sought—the judgment of the Fish and Wildlife Service and was acceding to their judgment.

Mr. VANDER JAGT. It is your position, Mr. Secretary, that Secretary Cain's reversal of his reversal was not material?

Mr. BLACK. I don't think that it was material.

Mr. VANDER JAGT. Then why was it material when Secretary Cain, totally out of the blue, reversed the policy of the Department of Interior that had been in effect for a number of years?

Mr. BLACK. Are you referring now to the October 10, 1967, reversal?

Mr. VANDER JAGT. Right. That reversal was material and totally reversed the long-standing policy of the Department of Interior. But then, when he reversed his reversal and went back to the original position that had been carefully arrived at through the experts, you say that isn't a material consideration?

Mr. BLACK. I think the first one was material because of the circumstances and the keen interest involved in this—

Mr. VANDER JAGT. What were the circumstances that made it material?

Mr. BLACK. The very keen interest of Members of Congress, for one thing.

Mr. VANDER JAGT. Had Members of Congress lost their interest when he reversed his reversal?

Mr. BLACK. No; I suspect that had something to do with the reversal of the reversal.

Mr. VANDER JAGT. Why is it material when he decides it is all right to go ahead and let the filling go on, and not material when he decides it shouldn't go on?

Mr. BLACK. Well, when I used the word "material" I was using it in the context of the discussions, my discussions, with General