

Hells Canyon Examiner Tells Lawyers To Stop Debating For The Benefit Of The Press

By JOHN KAMPS
WASHINGTON (AP)—Power Commission Examiner William J. Costello ruled Wednesday a masculine attorney will not have to apologize to his feminine opponent for remarks made at the controversial Hells Canyon hearing.

Instead, Costello urged them to get to work and spend less time debating for the benefit of the press.

Costello's rejected motions by Mrs. Evelyn Cooper, attorney for public power groups, asking that R. P. Parry, Idaho Power Co. lawyer, be ordered to apologize or be disqualified from the Power Commission hearing on the company's applications to build three dams in the Snake River. He also

rejected a motion that remark Parry made Tuesday be stricken from the record.

Parry accused public power lawyers of stalling after Mrs. Cooper sought to reserve the right to recall a company witness for cross-examination. Mrs. Cooper represents groups favoring construction of a federal dam at one of Idaho Power's proposed sites on the Idaho-Oregon border.

Costello lectured lawyers in these words:

"While counsel and perhaps the examiner as well are tempted, and at times apparently irresistibly drawn to forensic endeavors, these interim remarks consume valuable time and will have no bearing upon the result. The time

spent in the preparation and delivery... of quotable remarks may be spent with more profit on study in preparation of the testimony and the exhibits which will comprise the record in this matter.

"The American public reads its daily newspapers with relish, but it is vastly more concerned with the proper and lawful disposition and wise use of its valuable water resources.

"Each of us involved in this process... has an important public duty to perform for the commission as the body charged by law with the decisions in this field of resource management.

"Our duty is to perform the best service in this field of fact-finding within our powers.

"... It would appear that the incidental remarks of counsel directed to each other... will have only minor importance in the final analysis, if indeed they have any importance at all."

The lawyers clashed heatedly after Mrs. Cooper requested the right to recall an Idaho Power witness for cross-examination. She has made several such requests during the hearing which began July 7, contending she hasn't had time to prepare an affirmative case for the federal proposal.

Parry protested that such intermittent cross-examination would place the company in an "impossible" and "intolerable" situation, and work a hardship on witnesses.

Mrs. Cooper said she had asked

a 90-day postponement early in the hearing and had been doing some preliminary cross-examination in an effort to cooperate "to the extent I am able."

The red-haired attorney, trembling and almost in tears, said she had worked "close to 400 hours" on the case in the past month. She said she had been unable to engage an engineer to aid her until recently.

"If our cooperation to that extent precludes a fair hearing, we will have to take the position of not participating further in the cross-examination of witnesses," Mrs. Cooper declared.

Parry said Mrs. Cooper and C. Girard Davidson have been in the case since early last June.

Mrs. Cooper, he added, should be familiar with Hells Canyon since she was a special assistant to former Secretary of the Interior J. A. Krug and Oscar Chapman, both advocates of the federal Hells Canyon Dam.

Parry termed Davidson "probably the best equipped lawyer in the United States" for questioning witnesses on the subject of power in the Pacific Northwest.

Davidson, he pointed out, is a former assistant secretary of the interior, former Bonneville Power Administration official, and author of a report on the power potential of the Columbia River Basin.

Davidson has not appeared at the hearing for several weeks.

Parry said Mrs. Cooper also had

had assistance from Leland Olds, former Federal Power Commission chairman and Albert Ullman and Byron Brinton, both of Baker, Ore., officials of groups favoring a federal Hells Canyon Dam.

Ullman was here for several weeks, but has returned to Baker, Brinton is here.

Parry said voluminous reports from the Army Engineers and Reclamation Bureau and records covering the Columbia Basin, "one of the best documented rivers in the country," are available to the intervenors.

Parry declared it is "an exaggeration of the greatest extreme" for the intervenors "to contend so persistently" that Idaho Power is "here pushing around these peo-

ple who are giants in the field."

"We certainly are getting a travesty if, by the procedure that has gone on here, we can be thrown into... turmoil... I think it is time to bring the matter to a head, that we get a definite program so that it can be presented in an orderly and expeditious manner."

Mrs. Cooper said Parry's statement should be stricken from the records on grounds it was contemptuous. Examiner Costello said he would not strike it.

Mrs. Cooper renewed her request later and demanded that Parry be ordered to apologize or be disqualified from the hearing. She declared Parry's conduct "bordered on a breach of the ethics of the legal profession."

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