

PREFACE

A. The Mandate

On Feb. 11, 1998, Attorney General Janet Reno applied to the Special Division of the U.S. Court of Appeals for the District of Columbia Circuit for the appointment of an independent counsel “to investigate whether Bruce Edward Babbitt, Secretary of the Interior, committed a violation of federal criminal law in connection with his sworn testimony on October 30, 1997, before the Senate Governmental Affairs Committee, and to determine whether prosecution is warranted.”¹ Secretary Babbitt had testified before the Committee on matters relating to the application of three Wisconsin Indian tribes to have land taken into trust by the United States, and to conduct casino gaming on that trust land. The testimony focused on his July 14, 1995, conversation with Paul Eckstein, a long-time friend and colleague of Secretary Babbitt, hired as a lobbyist for the applicants. Attorney General Reno based her request on a conclusion that there were “reasonable grounds to believe that further investigation is warranted into whether Secretary Babbitt may have violated a federal criminal law other than a Class B or C misdemeanor or an infraction in connection with his testimony about his conversation on July 14, 1995.”²

On March 19, 1998, the Special Division issued an order granting the Attorney General’s request, and appointing Carol Elder Bruce as “Independent Counsel with full power, independent authority, and jurisdiction to investigate to the maximum extent authorized by the Independent Counsel Reauthorization Act of 1994, whether Bruce Edward Babbitt, Secretary of the Interior,

¹Application to the Court Pursuant to 28 U.S.C. § 592(c)(1) for the Appointment of an Independent Counsel, In re Bruce Edward Babbitt (Feb. 11, 1998), at 1.

²*Id.* at 4.