Avent's concerns, Ickes and his staff could recall no follow-up conversations or communications with Avent in August.

A few weeks later, on Aug. 18, Avent wrote another memo about potential Hudson fall-out, this time to White House Associate Counsel Cheryl Mills, with copies to Ickes and Lindsey, among others. Avent's memorandum attached a memo to Avent from applicant tribal leader Arlyn Ackley complaining that the decision was, among other things, a "political one" and not in accordance with applicable law. Avent notes that she "assume[s] this means they're [the applicants] building up to something."

The applicant group also pressed their case directly with the Interior Department. DuWayne Derickson called Thomas Hartman at home on Aug. 2 to find out what had happened with the application. Derickson says that he took contemporaneous notes of the conversation, and that those notes formed the basis for Ackley's Aug. 3 memo to Avent alleging staff disagreement with the Hudson denial. Derickson also called Hartman once more, after the initiation of the litigation. Derickson reports that the last was a brief call, in which Hartman indicated he was uncomfortable with Derickson's calling him at home at that point.

In the days immediately following the denial, Eckstein advised Havenick that they should take measure of the specific legal standard that would control any litigation challenging DOI's administrative decision on the Hudson application. Havenick agreed, and Eckstein then had two of his colleagues prepare a ten-page memorandum summarizing the applicable law. Eckstein forwarded the memo to Havenick on July 19. Eckstein advised Havenick in a cover letter that the better course would be to petition DOI for reconsideration of the decision. The legal memo suggested that such an effort "may give the Tribes the opportunity to put further political pressure