

time he signed the affidavit, but did not add the information because he did not want to publish it, and he did not think it relevant to the purpose of the affidavit. Moreover, the evidence strongly suggests that Eckstein did not want to unnecessarily embarrass Babbitt with this revelation.<sup>509</sup> Eckstein testified that he was uncomfortable signing an affidavit, but that he preferred providing a “minimalist affidavit,” over which he had some control, to submitting to a deposition.<sup>510</sup>

### **3. Applicant Tribes Meet with IGMS Director Skibine and Staff Members on Dec. 3, 1996**

In the fall of 1996, members of the LCO tribe sought DOI assistance in preparing to renegotiate their compact with the state of Wisconsin. Because all of the Wisconsin tribal compacts were set to expire at about the same time, and the 11 tribes intended to present a unified front in their renegotiations with the state, LCO invited IGMS staffers to address all of the Wisconsin tribes at the LCO reservation. At the request of the applicant tribes, a separate meeting was set up at which Skibine and other BIA staff would meet with the applicant tribes on Dec. 3, the day before the larger meeting involving all the Wisconsin tribes.<sup>511</sup> Although the applicant tribes made clear to the IGMS that they wanted the separate meeting devoted to the

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<sup>508</sup>(...continued)  
1995, but the affidavit states he was retained on or about May 1.

<sup>509</sup>Eckstein reported that his understanding at the time was that the affidavit was going to be filed in support of a motion seeking additional discovery, and he testified that he believed the affidavit as it stood contained information sufficient for that purpose. Eckstein’s affidavit was filed Jan. 11, 1996, in support of a motion for summary judgment.

<sup>510</sup>Eckstein G.J. Test. at 140.

<sup>511</sup>One IGMS witness stated that there was never any intent on the part of DOI to give the applicant tribes a separate meeting.