

wanted to suggest that the decision was a “done deal” supports Eckstein’s assertion that Babbitt used language that created that impression.⁸⁰⁶

3) **Babbitt’s Testimony About the Eckstein Conversation Was Internally Inconsistent**

Moreover, Babbitt’s testimony about his conversation with Eckstein is internally inconsistent, raising doubts about Babbitt’s credibility. Babbitt testified in his opening statement before the Senate Committee that his recollection of the entire conversation is poor:

Mr. Eckstein then asked to meet with me. Against my better judgment, I acceded to that requests [sic]. When he persistently pressed for a delay in the decision, I sought to terminate the meeting. *I don’t recall exactly what was said*, but on reflection, *I probably said* that Mr. Ickes, the Department’s point of contact on many Interior matters, wanted the Department or expected the Department to decide the matter promptly. *If I said that*, it was an awkward effort to terminate an uncomfortable meeting on a personally sympathetic note, but as I have said here today, I had no such communication with Mr. Ickes or anyone else from the White House.⁸⁰⁷

Babbitt’s admitted uncertainty about the exact language of his conversation makes untenable his subsequent claim that he “definitely” did not say “that day” to Eckstein.⁸⁰⁸ Furthermore, one week later, Babbitt told investigators conducting an interview as a part of the Justice

⁸⁰⁶This conclusion is not undermined by Babbitt’s March 1997 conversation with his friend, Don Moon. Aware both that Eckstein had sworn in his January 1996 affidavit that Ickes told Babbitt to issue the decision on July 14, and that Moon would be seeing Eckstein shortly, Babbitt reportedly told Moon that Babbitt had merely invoked Ickes name because Eckstein is someone to whom Babbitt has a hard time saying “no.” Moon OIC Int. at 2. Whether true or not, this fact does not change the analysis of how distinctly Babbitt would recall the specific words he employed in that effort to soften the blow to his friend, and only reinforces the notion that Babbitt would want to convey that the matter was out of his hands before Eckstein ever came to see him.

⁸⁰⁷Babbitt Senate Test. at 239 (emphasis added).

⁸⁰⁸*Id.* at 241-42.