

Department's preliminary inquiry that he did not know if he addressed timing in his statement about Ickes during the meeting with Eckstein, and that he did not recall saying anything to Eckstein about timing. When confronted with the inconsistencies in his testimony at the same interview, Babbitt conceded that he really was not sure if he had only said Ickes wanted a decision or whether he had also added that Ickes wanted a decision promptly or within a specific time period. It is noteworthy that Babbitt can recall no other detail of his meeting with Eckstein, other than the formulation of his statement about Ickes on which he has been unshakeable.

Moreover, Babbitt was insistent in his Senate testimony that he said nothing to Eckstein to indicate that he had actually communicated with Ickes. Not all his answers, however, were consistent on that score. As recounted above, in framing a question about what Babbitt intended to convey to Eckstein, Sen. Thompson stated as a predicate fact "[y]ou told [Eckstein] that Mr. Ickes was *in touch with you* on it and wanted you to make a decision."⁸⁰⁹ Secretary Babbitt responded with one word: "Right." Babbitt strenuously denied elsewhere that he said anything to Eckstein indicating that Babbitt and Ickes had communicated about the Hudson application or were otherwise in any way "in touch" about it. Babbitt's inconsistency on the subject, coupled with Eckstein's consistent and corroborated recollection, further supports the conclusion that Babbitt's testimony on the subject was false or mistaken.

4) Babbitt Fully Understood the Meaning of the Senators' Questions

Assuming all the other elements of perjury were present, a perjury charge based on Secretary Babbitt's testimony would not be barred on the basis of vagueness, because the

⁸⁰⁹*Id.* at 244 (emphasis added).