

sought by the White House, which supports Eckstein’s recollection of the phrasing of Babbitt’s comments more so than it supports Babbitt’s;

- Babbitt’s testimony before the Senate Committee was internally inconsistent on the issue of whether he said the decision was needed promptly or within a set time frame, undermining the credibility of his claims to recall the precise wording of the disputed elements of the comments;
- In a related way, Babbitt has acknowledged repeatedly that he has virtually no recollection of the disputed meeting (or his earlier contacts with Eckstein), yet he insists on his recollection of certain words – and he once admitted that even as to those words, concerning timing, that he has no clear recollection of what he did or did not say;
- Babbitt has acknowledged that he knew that the decision was ready to be released by about the time that he first spoke with Eckstein during the week of July 14, and he conveyed to Eckstein that he – Eckstein – needed to see Duffy right away;
- Duffy told Eckstein early that week that the meeting Eckstein was seeking had to be on July 14 and could not be delayed until the next week, as Eckstein wanted, indicating the time pressure that existed when Babbitt referred Eckstein to Duffy;
- The denial decision letter in fact was already done by July 14, the decision having been made at least a couple of weeks earlier, and the final format of the letter having been determined by early that week; indeed, on July 13 Interior inadvertently notified the opponent St. Croix tribe that the application was being denied, and earlier that week Skibine had e-mailed the IGMS about the need for this decision to “go out ASAP,”⁸¹⁶ before Assistant Secretary Deer would travel to Wisconsin on a trip scheduled for that same week – so the timing of the actual decision release plainly mattered;
- Ickes’s staff was in touch with Babbitt’s staff repeatedly during the course of Interior’s review of the application, including with reference to the June 12 Congressional delegation letter that specifically requested Ickes to communicate the Members’s concerns to Babbitt; though Babbitt denies that he knew these facts at the time, it could still be argued these are simply more facts that probably were brought to Babbitt’s attention at the time which he now cannot recall, but which then inspired his pretext for ushering Eckstein out of his office;

⁸¹⁶E-mail from George Skibine to Milona Wilkins, Tom Hartman, Paula Hart and Tina LaRocque, July 8, 1995.