UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

United States Court of Appeals
For the District of Columbia Circuit

FILED MAY 3 0 2000

Special Division

Division for the Purpose of
Appointing Independent Counsels

Ethics in Government Act of 1978, As Amended

In re: Bruce Edward Babbitt Division No. 98-1

Before: SENTELLE, *Presiding Judge*, BUTZNER and FAY, *Senior Circuit Judges*

RESPONSE OF SHAKOPEE MDEWAKANTON SIOUX, STANLEY R. CROOKS, GLYNN A. CROOKS, SUSAN TOTENHAGEN, PAUL KEMPF, KURT V. BLUEDOG AND WILLIAM J. HARDACKER
TO THE FINAL REPORT OF THE INDEPENDENT COUNSEL

On February 11, 1998, the Attorney General of the United States Janet Reno, applied to this Court pursuant to 28 U.S.C. § 592(c)(1), the Independent Counsel Reauthorization Act of 1994, for the appointment of an Independent Counsel to investigate whether Bruce E. Babbitt, Secretary of the Interior, committed a violation of federal criminal law in connection with his sworn testimony on October 30, 1997, before the Senate Governmental Affairs Committee, and to determine whether prosecution was warranted. On March 19, 1998, an Order of this Court was filed appointing Carol Elder Bruce, Esquire, as Independent Counsel to make such an investigation.

In connection with Ms. Bruce's investigation, on June 8, 1998, a Subpoena To Testify Before Grand Jury was served on the Custodian of Records for the Shakopee Mdewakanton Dakota Community, specifying a return date of June 30, 1998. The June 30, 1998 subpoena focused on documents relating to political contributions of the Shakopee Mdewakanton Sioux (Dakota) Community ("SMSC" or "Tribe") and to