2. The second area ignored by the Independent Counsel concerns the circumstances surrounding the giving of the contribution to the DNC by the Shakopees, the way the subject of raising issues at the meeting with Mr. Fowler came up, and the purpose of raising the adoption issue at that meeting.

a. There was no connection between the Shakopees making the contribution to the DNC and the issue concerning the adoption ordinance. The Shakopees had decided, prior to any meeting being contemplated, that they wanted to become more involved in the Presidential race in 1996 and wanted to support President Clinton because his policies were favorable to the Tribe. There was no thought or discussion at that time of trying to raise any issues in connection with making the contribution.

b. Shortly before the Shakopee's meeting at the DNC, a person from the DNC asked Mr. Collier for certain information in order to brief Mr. Fowler. This was quite normal for a person such as Mr. Fowler who meets with many people in the course of a day. One aspect of the information being sought was what issues the Tribe wanted to raise with Mr. Fowler. It was at this time that the idea came up to raise any issues with Mr. Fowler at the meeting. Accordingly, there was no preconceived notion that the best way to lobby the administration was to do it through the DNC in conjunction with the making of a contribution.

c. The Independent Counsel mischaracterize the nature of the issue being raised with Mr. Fowler. It was not an effort to have him intervene with the White House and thereby have the White House intervene with DOI to affect a substantive decision pending at DOI. The substantive aspect of the decision had already been dealt with through Mr. Collier's prior legal work with DOI in the months prior to the meeting with the DNC. Rather, the issue had taken on a political cast through the efforts of a group that opposed the Shakopee Tribe's leadership on this issue. The opponents had hired a close personal friend of President Clinton who was also the person who had been closely involved, politically, in the appointments of both Secretary Babbitt and John Garamendi, another official at DOI. There was concern by Mr. Collier and the Shakopees that this was an effort to have the matter affected by the use of this person's political influence. Because both Mr. Collier and the Shakopees believed that the matter, in the absence of