FOSTER DEATH - ARTICLES BY RUDDY, [redacted].

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A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Wednesday, April 5, 1995

Fiske Probe's Excavation Challenged

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—Doubts have arisen concerning the integrity of documents prepared by special counsel Robert Fiske's staff and the FBI in the investigation of the death of deputy White House counsel Vincent W. Foster Jr.

Two experts who worked closely with Fiske's staff and FBI agents searching the McLean, Va., park where Foster's body was discovered, have offered substantially different accounts of the events than what has been presented in official documents.

On April 4, 1994, 16 individuals from the FBI lab went to Fort Marcy Park "to conduct a search in the area where Foster's body was found," according to the Fiske report.

Searchers were looking for the bullet Foster allegedly had fired, bone fragments from a large exit wound and blood residue in the soil from a "large pool of blood." Neither the bullet nor bone fragments were found. The Fiske report gave no information about blood residue.

Their search, including their claim to have excavated the path where the body was said to have been found, had been cited as an example of the painstaking efforts made by Fiske's investigators to uncover facts surrounding the case.

EXCAVATION DISPUTED

But two members of the search team—Robert Sonderman, a National Park Service senior staff archaeologist, and Dr. Doug Owsley, a forensic anthropologist with the Smithsonian Institution—contradict that claim.

Sonderman accompanied the search party to ensure the historical site was protected and artifacts were preserved. Sonderman said he has extensive experience with metal detector searches and advised the FBI on how to lay out a search grid of the area. He was present when the ground was scanned by detectors and metal objects were flagged and subsequently unearthed.

Owsley's role was to assist in the search for bone fragments and to determine if such fragments were of human origin. He said he regularly works with the FBI.

Both men said that, because of their unique training and expertise, they spent the entire period of the search as a integral part of Fiske's team.

Both experts deny that the focal point of the investigation—the excavation of the pathway, including the area where the body was found—ever took place. They said there was superficial digging at the location—but only at specific flagged sites.

Sonderman also denies the search ended April 4, as noted in an FBI report. He said the project was unfinished by day's end and was therefore extended into the following day.

Concerning the search for bone fragments, Owsley said there was "no reason" for digging, because these types of particles should have been on the surface or lightly covered by brush and the like.

As for the claimed sifting, he said, this amounted to largely "raking" the ground.

Page 47 of the Fiske report claims "the area immediately beneath where Foster's body was found was searched by digging and hand-sifting the soil and other debris. FBI lab personnel excavated to a depth of approximately 18 inches, searching the soil with various screening methods."

An FBI report in the Fiske documents also claims the area was excavated.

It reads: "The entire area of the path where the body was positioned was excavated down to approximately 15-18 inches, the soil and roots removed and then meticulously hand searched by various screening methods."

These descriptions clearly imply that at least 22 cubic feet of soil was unearthed—weighing more than a half a ton—on the pathway alone, and then carefully sifted.

But Owsley remembered no excavation and recalled no cutting or removal of the root stems that proliferate in the area. A recent examination of the area revealed that the root stems on the pathway were undisturbed.

"It was an intensive survey," Owsley recalls, "but by no means the excavation that had been claimed. Sonderman also described the search as a "survey."

Owsley said the Fiske team concentrated its efforts not on the pathway where the body was said to have been found, but at the bottom of a hill where fragments might have been washed by rain and, on the other side of the hill's crest, where bone material from the back of Foster's head might have been thrown by the bullet's explosion.

"There was very little digging," Sonderman said. He told of Owsley's removal of "overburden," his term for the foliage and other surface material.

Sonderman remembered sifting of surface material only with a wire-mesh box with a 1/4-inch screen.

Sonderman confirmed Owsley's statement that no roots were cut.

"They (the FBI) worked around them," he said.

He added that investigators took great pains to protect the historic nature of the site and did not disturb the many root stems, even in the immediate area where Foster's body was said to have been found.

Asked if digging at the site went to the 15- to 18-inch mark claimed in the

Fiske report, Sonderman was emphatic: "No way."

Nor, according to Sonderman, did the investigators seem to feel a need to dig deeply. He recalled FBI lab personnel saying the fired bullet should have been found either on the surface or no more than an inch or two below the surface.

A report in the Fiske documents with hand-written notations bears out Sonderman's recollection—indicating that numerous bullets recovered at the site were found at depths of 2 to 4 inches.

In all, Fiske's staff collected 12 modern-day bullets from the area, as well as dozens of Civil War artifacts.

Fiske, in his report, gave no explanation as to how so many metal objects could be recovered in an area the Park Police claimed to have searched.

Fiske, asked about the discrepancy between his report and what the two experts said, declined to comment. He did say he stands behind the accuracy of his report.

Fiske's was not the first search of the site.

In a deposition before the Senate Banking Committee, Sgt. Robert Rule of the Park Police said that two days after Foster's death he, another detective and two technicians searched 30 square yards of the area where Foster's body was said to have been found.

NO MINOR MATTER

Former FBI agent William F. Roemer Jr. believes the discrepancies between the Fiske report and the testimony of Owsley and Sonderman is no minor matter.

"I'd certainly get to the bottom of this," said Roemer, who is the most decorated of all living former FBI agents.

Roemer, with 35 years of investigative experience, doubts the Fiske report was deliberately falsified.

Still, "the discrepancy can't be ignored," he said.

Echoing those sentiments is Thomas Scorza, a former federal prosecutor and current professor of legal ethics at the University of Chicago.

"It's real serious," he said. "It's not a small matter. An excavation is a very specific maneuver."

Scorza said that while many were present the day of the search, only one person wrote the report, which should have been reviewed by one or more supervisory personnel at the scene.

In cases like this, he said, he likes to believe inaccuracies are a result of "incompetence" rather than purposeful misrepresentation.

He suggested that reports of this nature are sometimes embellished.

"As a bureaucratic thing, a supervisory person does it with the motive to make their work look more thorough," Scorza said.

He said it is essential that investigators for Fiske's replacement, independent counsel Kenneth Starr, interview everyone at the park the day of the search and ask them point blank, "What happened?"

Scorza said discrepancies of this type are "worrisome" in light of other discrepancies, such as the matter of blood found under Foster's body.

ANOTHER CHALLENGE

In January, the Tribune-Review reported on the discrepancy between the medical examiner's observation of blood under Foster's body and the characterization of those observations in the Fiske report.

A key part of the June 30, 1993, Fiske report notes that: "At approximately 7:40 p.m., Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the scene to examine the body. At that point, Foster's body was rolled over and those present observed a large pool of blood located on the ground where Foster's head had been. Haut observed a large exit wound in the back of the skull."

But in an interview in January, Haut, the only trained medical professional on the scene that night, gave a markedly different account, recalling that when Foster's body was rolled over, he observed a small amount of blood on the ground.

"There was not a hell of a lot of blood ... ," he said, noting that "most of it had congealed" on the back of the victim's head. He added that what blood was visible, appeared "matted" to the back of the head.

According to pathology experts, a lack of blood could mean that the body was either moved to where it was found—or even that the deceased had died by means other than gunshot.

Haut's statements to the Tribune-Review, as well as a statement made to an FBI agent working with the Fiske investigators, indicate his observations may have been misrepresented in the Fiske report.

On April 12, 1994, according to Fiske investigation records, Haut told Fiske's FBI investigators that when Foster's body was rolled over, he saw "blood around the back of Foster's head," which he described as being "matted and clotted ... the volume of which was small."

On the critical issue of the amount of blood on the ground underneath the body, Haut's statement contains no reference to having observed any blood on the ground.

This would indicate that FBI agents never asked Haut about the matter or that his response was omitted.

Starr is currently conducting a grand jury investigation into Foster's death and has been reviewing the investigations of both the Park Police and the Fiske group.

Both probes ruled Foster died of a self-inflicted gunshot wound fired near a Civil War cannon at Fort Marcy on July 20, 1993.

But both of these rulings have been challenged by a number of authorities.

The issue of whether the excavation of the site took place has an important bearing on the current investigation by Starr, according to a source familiar with the investigation.

Fiske has accepted the Park Police report that Foster's body was found on a dirt path directly in front of what is known locally as the "second cannon," though several witnesses claimed the body was actually found some 200 feet away, closer to the "first cannon" in the park.

Starr's investigators have not taken seriously the disputed issue of the body's location partly because they believe that the second cannon site—even though it seems inconsistent with photographs showing heavy foliage around the body—"has changed significantly," a source close to the investigation said. One factor cited for the change in vegetation around the second cannon site had been the Fiske "excavation."

But others familiar with the pathway said it has been a dirt path etched by root stems—virtually devoid of vegetation for many years.

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A Special Report on the Vincent Foster Case

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Thursday, April 6, 1995

Prosecutor's Resignation Comes at Crucial Point in Foster Probe

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—The resignation of a key prosecutor for independent counsel Kenneth Starr challenges the integrity of a grand jury investigation into the death of Vincent W. Foster Jr., according to a Washington law enforcement source close to the probe.

The investigation had reached a critical state by mid-March when associate independent counsel Miguel Rodriguez quit after he was stifled by his superior in his efforts to conduct a full grand jury probe, according to a source. Rodriguez's superior is deputy independent counsel Mark H. Tuohey III, who is viewed by many in the Washington legal community as being above reproach professionally.

Rodriguez's departure came at a crucial juncture.

The source said that by the time Rodriguez left, or shortly thereafter, Starr's investigative team had progressed in several critical areas:

- Investigators had received new photographic evidence of a "significant" nature that was not available to investigators from the U.S. Park Police and the office of Starr's predecessor, former special counsel Robert Fiske.
- Strong evidence had emerged that the 1913 Colt revolver found in Foster's hand—the alleged "suicide" weapon—had been "moved or switched."
- Investigators had developed a clear theory that the body had been moved and had focused on the park's rear entrance.

Starr began using his Whitewater grand jury in early January to investigate Foster's death which occured on July 20, 1993.

Park police and Fiske concluded Foster committed suicide. Fiske further concluded the body had not been moved and cleared officials of possible obstruction in the investigation.

Fiske had been criticized for not including Foster's death in his grand jury probe of the Whitewater affair.

The Starr investigation has turned up discrepancies in the testimony of police and rescue workers called before the grand jury, according to several sources.

Despite significant developments in the case, Rodriguez left because he believed the grand jury process was being thwarted by his superior, the key source said.

In a full grand jury process, a prosecutor has complete subpoena power to call witnesses, subpoena documents, and is to seek out wrongdoing at all levels.

Typically, prosecutors "work their way up" beginning with the lowest officials. Prosecutors are not supposed to exempt individuals or groups of individuals, such as police, from prosecution, according to a legal expert.

REPUTATION

Rodriguez, an assistant U.S. attorney from Sacramento, joined Starr's staff early last fall and had been the lead prosecutor on the Foster case.

Rodriguez, who is in his mid-30's, has approximately seven years experience as a prosecutor and had gained a reputation as a hard-nosed, diligent prosecutor, especially on civil rights cases, said an FBI agent in California familiar with his work.

"He's the perfect lawyer for a case like this," the agent said, suggesting that if any cover-up existed, Rodriguez's cross-examination skills would be well suited for ferreting out the truth.

The agent also described Rodriguez as a "guy with a conscience. He could never play Pontius Pilate."

Rodriguez became critical of the investigation after he was denied the right to bring witnesses he deemed important before the grand jury, the source said.

Rodriguez also became frustrated because of delays in bringing witnesses before the grand jury. He believed the delays could allow park police and other officials to adjust conflicting testimony.

A recent published report stated that by mid-March, after three months of proceedings, about a dozen fire and rescue workers had been brought before the grand jury.

Reached at his Sacramento office, Rodriguez confirmed he left the Whitewater probe and returned to his post with the U.S. Attorney's office on March 20. He refused to explain his departure.

"Ken Starr is a great man and a great prosecutor. Beyond that, I cannot comment on any aspect of the on-going investigation," he said tersely.

Rodriguez also declined to provide biographical information on himself, such as his age or experience as a government prosecutor.

Tuohey confirmed Rodriguez's resignation, but said he couldn't comment on the reasons for the departure. He also refused to comment on the notion that Rodriguez left because he was not given full grand jury powers.

However, another person familiar with the Starr investigation has categorically denied the information provided the Tribune-Review as to the reasons for Rodriguez's departure.

"It's absolutely not true," the person said about Rodriguez being denied the right to call crucial witnesses.

"Absolute nonsense," the source said about allegations witnesses were being called too slowly.

Despite the contradictory statements of people close to the investigation, there are indications that a disagreement developed between Rodriguez and Tuohey.

According to the law enforcement source, Starr has given wide authority to his deputies with Tuohey heading up the

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Washington phase and William S. Duffey Jr. in Arkansas. Starr has taken great pains to not interfere in their handling of the respective parts of the investigation, the source said.

Tuohey is a highly respected former federal prosecutor, who also served during the Carter administration as a special counsel prosecuting former Rep. Daniel Flood of Pennsylvania. He is currently a partner at the law firm of Reed, Smith, Shaw and McClay where he handles white-collar criminal matters. In 1993-1994, he was president of the District of Columbia Bar Association.

According to several friends and associates, Tuohey is described as a congenial, fair, honest man.

Press accounts at the time of his selection by Starr last September noted that Tuohey's activism in Democratic party circles helped answer criticism that Starr, an active Republican, would be unfair.

The Washington Post reported that Tuohey "is close to some Clinton administration officials, including Associate Attorney General Jamie S. Gorelick, and last year hosted a party for Attorney General Janet Reno at his Washington home."

SIGNIFICANT QUESTION MARK

Thomas Scorza, a former federal prosecutor in Chicago and a professor of legal ethics at the University of Chicago, said Rodriguez's resignation in the middle of grand jury proceedings could be significant.

Scorza said that "It's very unusual for someone above the working prosecutor (Rodriguez) to call the shots in the investigation." During his 10 years as a prosecutor in Chicago, he couldn't recall an instance where the actual prosecutor was limited in his powers.

Scorza also termed serious the allegation that witnesses were not expeditiously called before the grand jury.

"That's how a practicing prosecutor wants it done," he said. "If you're questioning several people about the same thing, you want to get testimony before the grand jury quickly. That's how you find discrepancies and you discover something and the dominoes begin to fall."

Scorza said that if he, as a prosecutor, found that he had been limited in his grand jury powers, he would resign.

"I'd also go public with it," he said.

Reports of problems in the Starr investigation surfaced in early January as park police officers were first summoned to testify.

A Jan. 12 story by The Associated Press reported that lawyers for the park police had objected to Rodriguez's "tough questioning" of officers about their probe of Foster's death.

Several officers were upset because Rodriguez repeatedly read perjury statutes to grand jury witnesses, according to press reports of the proceedings.

"He (Rodriguez) was doing exactly what he should be doing," Scorza said. He based his remarks on personal experiences.

"The police always get upset," Scorza said of the prosecutor's repeated reading of the perjury statute.

He said it's necessary so witnesses don't later claim they didn't understand the significance of their testimony or the consequences of lying under oath.

Asked about his methods, Rodriguez said, "A law enforcement agent has to be held accountable to the same law as everyone else. If they aren't, faith and trust in a central institution in society is destroyed."

"There are some that say exposing corruption among police and officials is a bad thing because it weakens public confidence. In the short run, that may be true, but in the long term, it restores people's confidence and trust," he said.

PRESS REPORTS

January press reports about the grand jury proceedings and Rodriguez's handling of it, seemed to exacerbate the rift between Rodriguez and Tuohey, the source suggested.

The Associated Press report detailing police anger over Rodriguez's questioning said, "Rodriguez's boss, deputy Whitewater prosecutor Mark Tuohey, acknowledged there had been problems, though he declined to discuss them."

The story went on to quote Tuohey as saying Rodriguez would continue asking the questions in the grand jury probe.

According to the law enforcement source, Rodriguez and several members of the staff were unhappy that Tuohey had spoken to the press. They interpreted his remarks as a violation of a federal mandate that grand jury proceedings remain secretive.

Scorza said he found Tuohey's comments to be "odd," even if they didn't directly relate to the internal activities of the grand jury.

"Any prosecutor knows that when asked about anything relating to a grand jury proceeding, you can only say, 'I cannot comment on pending grand jury matters, period,'" Scorza said.

Tuohey said he was not commenting about the grand jury itself, but on complaints made outside the courtroom by attorneys for the police.

"I responded to The AP that aggressive questioning sometimes causes friction," Tuohey said.

Some staff members, including Rodriguez, bristled over other press reports that the Foster probe basically had been concluded. Some people were concerned that political maneuvering was dictating the outcome of the proceedings, according to the source.

On the day grand jury proceedings in the Foster case began in January, a Scripps-Howard wire story reported that Kenneth Starr had concluded Foster's death was a suicide and was preparing to close the case.

Recently, the Wall Street Journal and USA Today reported that despite the preliminary aspects of the grand jury proceedings, Starr had concluded the case was a suicide.

Last month, the Tribune-Review reported on a similar occurrence in the early stages of the Fiske investigation into Foster's death. For example, the Wall Street Journal reported in April 1994 that Fiske had ruled the death a suicide and was set to issue a report.

Fiske did issue a report several months later, but documents released this year demonstrate that the most basic elements of the investigation had yet to be completed by the time the Wall Street Journal reported the case closed.

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Wednesday, May 3, 1995

Policy Dispute Led to Shakeup in Foster Probe

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—The prosecutor and his top assistant assigned to investigate the death of White House deputy counsel Vincent W. Foster Jr. abruptly resigned earlier this year after sparring with their superior over how the grand jury probe of the case should proceed.

A Washington, D.C. law enforcement source close to the case says Miquel Rodriguez, an associate assigned to the office of Independent Counsel Kenneth Starr, called it quits when his supervisor, Deputy Independent Counsel Mark H. Tuohey III, allegedly:

- Insisted that witnesses before a grand jury probing Foster's death be allowed to review evidence prior to testifying. Rodriguez, noting several discrepancies in the case, feared these previews would give witnesses time to rehearse and perhaps alter their testimony.
- Refused a request from Rodriguez to decide which expert witnesses would be brought before the grand jury. Rodriguez wanted to summon independent experts—outside of the FBI—to explore inconsistencies in the case.
- Interfered with Rodriguez's desire not to use FBI laboratory and forensic analyses for the case. Rodriguez was disturbed by previous FBI work and sought to use outside agencies, according to the source.

These new details have surfaced since the Tribune-Review first reported on Rodriguez's resignation last month. The report cited a number of reasons for his departure including the fact that Rodriguez believed he was not allowed to conduct a full grand jury probe and that witnesses were not being called quickly enough, allowing them to possibly adjust testimony.

On March 20, Rodriguez pulled up stakes in Washington and returned to his position as an assistant U.S. attorney in Sacramento, Calif. His assistant, a paralegal, also resigned as a result of the disagreement with Tuohey, the source said.

Tuohey, former president of the Washington D.C. Bar Association, is heading up the Washington phase of Starr's investigation of the now infamous failed Arkansas Whitewater real estate dealings. As part of that probe, Starr is delving into the death of Foster, a close friend and counsel to Bill and Hillary Clinton, both involved in the Whitewater deal.

This week, a source close to Starr's Arkansas investigation said Rodriguez departed as a result of a "personality conflict" with Tuohey.

Both Rodriguez and Tuohey have declined to comment on the departure. Starr's office also has declined to comment on the issue.

POLICY DIFFERENCES

The Washington source disagreed that Rodriguez resigned over personality issues.

The source said it was the mounting policy disputes between Rodriguez and Tuohey over the handling of the grand jury probe that eventually led to Rodriguez's departure.

After the grand jury probe began in January, Rodriguez had the investigation moving quickly, the source said.

"They (Rodriguez and his assistant) had people quaking," the source said. The case was so sensitive that even Tuohey was unaware of Rodriguez's daily plans to interrogate witnesses before the grand jury, the source added.

Soon, press reports surfaced that the Park Police were complaining of tough questioning by Rodriguez. Thereafter, Tuohey took a more active role in Rodriguez's day-to-day work, the source said.

One significant policy difference stemmed from Tuohey's alleged insistence that witnesses be allowed to review evidence before they were brought before the grand jury, the source said.

Rodriguez, noting many discrepancies in the case, feared that previewing evidence would allow witnesses time to prepare and make their testimony agree with those who had already testified.

Rodriguez would not comment on this specific allegation. Tuohey also declined to comment.

WITNESS ISSUE

Perhaps the most serious disagreement between Tuohey and Rodriguez related to the issue of deciding which expert witnesses were to be brought before the grand jury to explain the inconsistencies and unusual circumstances of the case, the source said.

According to the source, Rodriguez made substantial progress in building a case that Foster's body had been transported to the park and that the gun found in his hand had either been "moved or switched" after the Park Police arrived.

Last week, the Western Journalism Center, a California non-profit organization that supports investigative journalism, issued a report on the Foster case compiled by two former New York police homicide experts.

Vincent Scalice and Fred Santucci reviewed the crime scene at Fort Marcy Park (where Foster's body was discovered), along with numerous reports, and had laboratory analyses conducted by nine of the nation's top forensic scientists, Dr. Richard Saferstein.

Their report concluded that homicide has not been ruled out in the death and that it was very likely that Foster's body had been transported to the park. The report also stated that the 1913 Colt found in Foster's right hand had likely been staged.

An official present at Fort Marcy Park on the night Foster died and who has testified before the grand jury, said he was shown enhanced photographs taken at the scene that suggested someone had moved Foster's hand.

Careful examination of the enhanced photos showed a glaring discrepancy, the official said.

Blades of vegetation protruded from between different fingers in separate photos—strongly indicating that someone may have moved the hand, thus tampering with the crime scene, the official added.

Rodriguez clashed with Tuohey over the issue of expert witnesses slated to testify to explain such inconsistencies before the grand jury, the source said. Rodriguez wanted to summon independent experts outside the FBI to explore inconsistencies revealed before the grand jury. He believed FBI experts were not interested in exploring

inconsistencies, the source said. Tuohey wanted to use only FBI laboratory and forensic experts, the source added.

Rodriguez again declined to comment. Tuohey described the idea that he didn't want to have experts explore inconsistencies as "absolutely ridiculous."

THE FBI

According to the source, Rodriguez developed grave doubts about the FBI's ability to properly investigate the case. For example, important photographic evidence, said to be unusable by certain FBI experts, was turned over by Rodriguez to an outside agency that produced remarkable results.

Eventually, Rodriguez would refuse the use of FBI labs or forensic experts in the case—another point of contention with Tuohey.

The FBI's role in the Foster case comes late. Agents were first assigned to the investigation of Special Prosecutor Robert Fiske early in 1994, seven months after Foster's death on July 20, 1993. Starr was later named to replace Fiske to investigate the Whitewater affair.

Some controversy of FBI handling of the case has surfaced, for example with a confidential witness.

The confidential witness—also the man alleged to have first found Foster's body—charged that FBI agents had badgered him, and that his testimony, such as not seeing a gun in Foster's hand, had been misrepresented in the Fiske report.

A number of other issues involving the FBI have raised eyebrows inside and outside the bureau.

For example, some of the agents assigned to the Foster case had little or no practical homicide experience.

Also, two FBI agents who worked for Fiske testified before the Senate Banking Committee, which conducted a day of hearings related to Foster's death last year.

They drew several conclusions about the death—a function generally considered outside the investigative role of the FBI.

Several FBI sources expressed surprise that one of the agents during the Senate hearings dismissed the importance of trace evidence—multi-colored carpet fibers found on most of Foster's clothing. No effort was made to track the source of these fibers. Homicide expert Scalice said "the highly suspicious fibers could be the most important evidence of the case."

Earlier this month, the Tribune-Review quoted sources as questioning whether an excavation said to have been conducted by FBI lab personnel at Fort Marcy Park actually occurred.

Statements made in FBI reports of the excavation were disputed by a Park Service archaeologist and Smithsonian anthropologist who were present when the excavation allegedly took place.

FBI interview statements contain numerous omissions on critical issues, like questioning Foster's associates about places Foster might frequent outside the White House.

A statement issued by former FBI Director William Sessions may explain Rodriguez's concerns about bureau behavior.

In February 1994, Sessions wrote that he had been fired the day before Foster's death, and that his firing effectively "compromised" the investigation of the death by the FBI.

The Justice Department gave jurisdiction in the investigation of the death to the Park Police over the FBI—a decision that has been widely criticized.

Sessions, known for his integrity and nonpartisanship, also stated that his firing was the result of a power struggle that had begun before Clinton took office. That struggle pitted the FBI director, seeking to maintain the FBI's political neutrality, against the Justice Department and White House.

Another development that may have affected the FBI's handling of the Foster probe in light of Rodriguez's difficulties was the resignation of the head of the FBI laboratory, Assistant Director John Hicks.

Hicks is highly regarded for modernizing the bureau's capabilities. Along with Sessions, he pioneered the FBI's entry into DNA analysis. Hicks retired early over several issues relating to the reorganization of the FBI implemented by Sessions' successor, Louis Freeh.

Soon after his appointment, Freeh quickly moved to reassign all special agents as specialists in FBI labs back into field investigations, sources confirmed.

Hicks opposed the reassignment on several grounds, including the fact that the removal left the labs staffed by technicians who he believed were more susceptible to political pressures.

Hicks, now affiliated with the Alabama State Crime Lab, declined to comment. Several bureau officials who served with Hicks on the Executive Committee confirmed the story.

Starr's Grand Jury

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—Independent Counsel Kenneth Starr's grand jury investigation of former White House Deputy Counsel Vincent W. Foster's death is on-going, one source reports.

The bulk of former Starr associate Miquel Rodriguez's work was taken over by Starr's chief trial counsel, Hickman Ewing, a well-respected former U.S. attorney from Memphis.

Recent news accounts have reported that Starr's office has been focusing its grand jury probe on documents removed from Foster's office, including a box apparently removed by a presidential aide.

But, the Washington law enforcement source said the office issue was "a diversion" form the serious issue of Foster's death.

The source denied that the removal of the box was a new development and said its removal was known by Fiske's staff early in their inquiry.

According to the source, he believes the internal problems in Starr's staff are partly a result of the "grand jury not knowing their full powers or how to use them."

An active and trained grand jury, "keeps the prosecutors on their toes," the source said. The source stressed the importance of the grand jury in this case because of the gravity of the issues involved, and the fact that certain law enforcement agencies may not want full disclosure of the facts.

The source said the Foster case is basically a civil rights one since it challenges the government as to whether justice was properly administered in a politically sensitive case. The source suggested that Harvard-educated Rodriguez, noted for his handling of civil rights cases, was extremely well suited for the case.

Also, the District of Columbia, strongly represented by minorities and African-Americans sensitive to issues of civil rights and law enforcement agencies, should make for a grand jury less willing to accept law enforcement testimony at face value, the source added.

"No one has to explain to an African-American that the police or the FBI can be politically pressured," the source said, noting the FBI's controversial record vis-a-vis the civil rights movement and Dr. Martin Luther King Jr.

Thomas Scorza, a former Chicago federal prosecutor and professor of legal ethics at the University of Chicago, suggests that difficulties between Miquel Rodriguez and Mark H. Tuohey III, if true, are "very serious."

He said he found it unusual that a supervisor would be telling a working prosecutor such as Rodriguez how to handle a case, or demanding a type of witness to be called.

Scorza agreed that some internal problems of a case can be helped if the grand jury is not used as a "rubber stamp."

He said the grand jury "has the ultimate power" in an investigation, which it can exercise through a number of "controls" on the prosecutor to ensure an investigation is thorough and proper.

Scorza outlined some of these sweeping powers:

- The active questioning of witnesses.
- The ability to subpoena witnesses. As a practical matter, the grand jury can't prepare a subpoena, but can vote to do so. If the prosecutor refused to consent, the jury can appeal to the supervisory judge.

  Scorza said the grand jury has a legitimate right, for example, to have both Rodriguez and Tuohey subpoenaed before them where could be questioned under oath to see if any interference in the proceedings took place. They can also vote to have expert witnesses brought that explain inconsistencies.
- The right to refuse to continue proceedings or to bring indictments.
- The right to vote for indictments. Scorza said as technical matter a prosecutor has to sign off on an indictment, and prepare the necessary forms, but nothing prevents a grand jury from voting indictments if they believe they discovered wrongdoing or a witness committed perjury. If the prosecutor doesn't comply, the jury can appeal to the supervisory judge.

  "Just imagine if it comes out a grand jury voted to indict and the prosecutor refused to," Scorza explained.
- The right to write their own report. If the grand jury believes the prosecutor was not thorough in certain areas, that inconsistencies were glossed over, or perceive any deficiencies, they can file a written report to the judge and ask it to be made public.

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Memorandum **Office of the Independent Counsel**

To : The File Date 4/4/95

From : Debbie Gershman

Subject: Meeting with Chris Ruddy

I met with Chris Ruddy on Saturday, April 1, 1995 from 4:00-6:00 p.m. at Kirby's Restaurant in West Little Rock. Chris is probably in his late 30's, has reddish brown hair and blue eyes.

Chris spoke a little about himself. He spent some time overseas - received his degree in Economics at a school in England. He also has a Masters in politics. Chris does not have a journalism background. He taught social studies at a school in New York. There was a lot of tension between the teachers and the principal at the school. Chris was voted president of the teachers' union and eventually got rid of the principal.

Chris' first experience in journalism involved a PBS documentary on the liberation of Buchenwald. The story came out at a time when the tension between the Jewish and black population in New York was very high. According to this documentary, black soldiers were the ones who liberated Buchenwald. Chris received a telephone call from a friend who said that the story was just not true. Chris started looking into the story, called some of the black soldiers who were part of the documentary and found out that they were in the war but did not, in fact, liberate Buchenwald. The soldiers informed Chris that they told PBS that they did not liberate Buchenwald but PBS ran the story that way. After more research, Chris publicly exposed the story as being untrue.

Next, Chris did some investigative reporting on the sterilization of dental instruments. It was discovered that simply dipping the instruments in alcohol did not kill the HIV virus. Now, all dentists heat sterilize the dental instruments.

The Foster investigation is the only thing Chris is working on at the present time. He became interested in this case because of all of the inconsistencies, unanswered questions and improper handling of the death scene.

Chris does not want to be put in the same category as Larry Nichols, Ambrose Evans Pritchard, Terry Reed, etc. Chris says he is different because he does not print anything until he thoroughly checks out the story. He is also not "held hostage"

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to a source - all of his sources are identified and therefore he doesn't have to promise to write something a certain way in order to keep a relationship going with a confidential source. I asked Chris if he believed in the conspiracy theory - that 30 or so deaths could be attributed to Bill Clinton. Chris said he doesn't believe that Clinton was responsible for all the deaths. However, he does think that there is something strange about all of those deaths, especially Jerry Parks.

Chris heard that no death scene photos were taken at Fort Marcy Park. He spoke with several detectives and law officers who said that every death is supposed to be treated as a homicide, not a suicide, and that death scene photos are always taken. Chris even had someone go to the Park Police photo lab to look for the negatives since all the negatives are kept on file there. This person found no negatives. Chris later learned that the film was underexposed and therefore not on file.

Chris was amazed that we hadn't interviewed Robert Reeves. Mr. Reeves is a black man who works at Fort Marcy Park. Supposedly, about 20-25 years ago, Mr. Reeves was walking through Fort Marcy Park, saw some trash laying around and started cleaning it up. He has been taking care of the park ever since. Reeves was not working the day Foster's body was found. Reeves told Chris that he knew of only one white van that came through the park and that it belonged to KDK(?) Construction. Reeves said that CW was known to be gay and was a frequent cruiser of the gay bars in town.

Chris was also bothered by the fact that our investigators didn't interview the neighboring homes around Fort Marcy Park. The only residence approached by our investigators was the Saudi Ambassador's home. There are several other homes in the area and someone may have heard or seen something that day.

Chris feels that Mr. Fiske may have been manipulated into saying the death was a suicide. A lot of standard procedure investigative work was not done. Witnesses were not brought before the grand jury and Chris feels that the investigation was not taken seriously. Chris spoke with Ellen Pollock who told him that Rod Lankler said the report would be done mid-April. Since the office had only opened in March, Chris took this to mean that Mr. Fiske had already made the decision that the death was a suicide. The pathologist panel wasn't hired until sometime in June. Chris spoke with Dr. Luke who told him that the pathologists only met together once to review the evidence.

There are two main areas that bother Chris:

(1) The location of the body. Different people remember the body being in different positions. There was no soil found on Foster's shoes. How could he have walked through the park and not gotten any dirt on his

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shoes? Why was the gun still in his hand? Some people say there was no blood. Others say that when the body was moved, there was a great deal of blood under the head.

(2) The exit wound. Chris spoke with a friend of Vincent Foster's in Little Rock who lifted the body from the casket to see the exit wound. This person said that there was a dime-sized hole at the base of the neck. This is consistent with an execution-style hit.

Chris said he heard that the team got together about two weeks ago and watched his "Death of Vincent Foster" video. Chris heard that Hick Ewing made the comment during that viewing that they got the left hand fact wrong. [When I briefed Brett Kavanaugh on this part of my conversation with Chris, Brett told me that they had gotten together to watch the video and Hick had spoken with Ambrose Evans Pritchard and told him that Foster was not left-handed. Chris and Ambrose speak often.]

I asked Chris what he thought about the death - did he believe Foster was murdered? Chris said he would not go so far to say that Foster was murdered; however, there were too many unanswered questions and inconsistencies to rule out anything.

I asked Chris what he was going to spend his time on after all of this is over. He said he doesn't know what he'll do, but he will quit investigative journalism. People are always trying to discredit him. Chris said he lost his job at the New York Post because of this and in the long run, his stories proved to be accurate.

Chris said that Mr. Fiske must have thought Hale was in danger because he had an FBI guard assigned to Hale when he was in town. Obviously, Ken Starr must believe the same as he has an FBI guard on Hale also.

Chris said he heard that Rod Lankler left the team abruptly and that he was told he was not welcome on the new team. I told Chris he was way off on that, that Rod had gone back to his law firm before Mr. Fiske was replaced. I explained that Rod's firm is very small, he is a named partner and had to get back to his firm. I told Chris that Rod would come in one or two days a week or whatever was needed for the investigation (under Mr. Fiske).

Chris asked if Rusty was still with our office. I told him that Rusty was back at his law firm. Chris said he thought that Rusty was one of the lawyers who stayed after Ken Starr took over. I said that Rusty was there through the transition but he also needed to get back to his law firm.

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I explained to Chris that everyone was on his/her own timetable in the investigation. Not everyone could commit to being a part of the investigation until the end. Each person made his/her own commitment for the time he/she could be away from his/her firm.

Chris asked how many attorneys there were. I said about 15. He said, "still?"

Chris said that he spoke with several people about Ken Starr and feels his is a very honest, honorable, good man. He also likes Mark Tuohey. Chris feels that this team is a lot more aggressive than the Fiske team and says the fact that there is a grand jury now is proof of that fact.

Chris thought that I was a Starr appointee. Someone told him that I had worked with Ken Starr for years. I told Chris that I actually started last March in Washington, DC under Mr. Fiske and transferred to Little Rock last August.

Chris feels that FOIA(b)(6)

Chris mentioned Dan Lassiter's retreat in Paron, Arkansas. He heard that drugs would be, and maybe still are, dropped from aircraft flying over the retreat. Chris mentioned to Ambrose Evans Pritchard at one time that he heard the government restricted the airspace over the retreat. Pritchard went ahead and put it in print. Chris investigated a little more and found out that that was not true. [When I was briefing Ken Starr, he mentioned that Congressman Leach has flagged Mena and drug activities as an area of potential interest.]

Chris said he is working on two stories which will be in print in the next week or two. He said we wouldn't like the stories but to tell Ken Starr that it's nothing personal. I asked Chris to fax us the stories when they are ready.

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Report on Foster Case

The Western Journalism Center continues its series on the death of Vincent Foster, by award-winning journalist Christopher Ruddy

In case you missed this story – we are reprinting it as a public service from Pittsburgh's *Tribune-Review,* Wednesday, January 25, 1995

Tribune-Review

Wednesday, January 25,1995

Foster's Death Site Strongly Disputed

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

As irregularities in the investigations of the death of Deputy White House Counsel Vincent W. Foster Jr. come to light, doubts are mounting over the location where U.S. Park Police say his body was found in Fort Marcy Park, Arlington, Va., July 20, 1993.

A park maintenance worker who was asked by a passer-by who discovered the body to call 911 has disputed key parts of the 911 transcript. That document shows the worker locating the body at what was subsequently designated the official location in the report of Special Counsel Robert Fiske.

The worker, Francis Swann, who never saw the body, was asked to make the call by a man driving a white utility van.

According to official reports, Swann and a co-worker were standing in the parking lot of a parkway maintenance facility, which is some two miles from the park, when the unidentified man drove up asking that they report the body to authorities. Neither of the men noted the license plates of the van.

Swann says he immediately went to a pay phone and made two calls. First he called Fairfax County's 911 service. Then he made a call to U.S. Park Police.

DISPUTED 911

In two separate interviews conducted with Swann, he reviewed transcripts of those calls. Both times he categorically denied statements attributed to him in the first of the two calls to Fairfax's 911, that quote him as identifying the location of the body near a "last cannon."

Following is an excerpt from the Fairfax 911 transcript:

Swann: There's ah, have ah, this is a body, this guy told me was body laying up there by the last cannon.

911 Dispatcher: Last what?

Swann: Huh?

Dispatcher: There's a body laying near what?

Swann: There's a man laying up there by the last cannon gun.

Dispatcher: Cannon.

Swann: Yes, they have cannon up there. Those big guns.

In both interviews, Swann emphatically denied that he could have used the term "last cannon," since he believed there was but one cannon in the park.

"He (the van's driver) said *a cannon*. There's nothing but one cannon up there," Swann insisted. "Just one."

There are actually two cannons in the park but Swann was unaware of the second one, which is in the northeast corner of the park obscured by brush and hilly terrain. Several of the officials who came to the park the evening of Foster's death were also unaware of that second cannon.

Swann was unaware the official Park Police located the body in front of that second or "last" cannon.

Swann is a veteran Park Service employee whose tenure dates back to the Kennedy administration, when he was assigned to maintenance at the White House. His recollection is important because it contradicts the police claim that Foster's body was lying 10 feet directly in front of the second cannon.

A growing number of observers dispute that. They position the body some 200 feet away in the general area of the "first" cannon – the only one most visitors to the park are aware of.

According to Fairfax County Police spokesman Warren Carmichael, the 911 tape in question was transcribed and given to the Fiske investigators. A copy of that transcript shows it was transcribed March 9, 1994, shortly after Fiske began his probe. An FBI report says agents took possession of the original tape April 21.

KEY WORD MISSING

In a Park Police memo of July 20, 1993, labeled "Sequence of calls and transmissions," a Park Police sergeant notes that at 6:03 p.m., minutes after Swann called Fairfax 911, a park service employee (Swann) called the Park Police "to say a white contractor-type van pulled into Turkey Run (maintenance facility) and a w/m (white male) advised them of a dead body by the last cannon in Fort Marcy."

But a careful read of the Park Police 911 transcript of Swann's call to that department shows that Swann, consistent with his recollection, had never referred to any "last" cannon, nor had he referred to a cannon in any way that indicated there was more than one.

This is the pertinent part of the police transcript:

Swann: He (the van driver) said you got a dead body down there at the Fort Marcys (sic).

Police: OK, did he (the van driver) say it was in the parking lot or back in the woods or –

Swann: He said it was back up there by the cannon.

Swann's recollection is also buttressed by the statements of numerous Fairfax County rescue workers interviewed by Fiske's staff. None of them said that, when they arrived at Fort Marcy Park that night, they were directed to a "last" or "second" cannon – even though the 911 dispatch reads to that effect today.

For example, paramedic George Gonzalez states in his deposition to Senate Banking Committee investigators, "the report (911 dispatch) was it (the body) was at the first cannon, excuse me, the report was that it was at a cannon."

Another rescue worker, Richard Arthur, said he reviewed the 911 dispatch after he returned to his McLean fire house. He described as "weird" the fact that the 911 dispatch didn't identify a specific cannon, and gave no other details as to the body's placement.

CW CHANGES LOCATION

Swann's statements draw the focus back on the van driver, an enigmatic figure whom the Fiske report names as the first person to discover the body. In that report, he is designated "CW," or confidential witness.

CW is also important because, if foul play was involved, police normally treat the person discovering the body as a suspect.

In the Fiske report, CW is key to corroborating the Park Police's placement of Foster's body directly in front of the "second" canon's barrel.

But since the report was issued, on June 30, 1994, CW has been saying something quite different.

"I'm going to say this," said CW in a taped telephone interview conducted by Reed Irvine, "I still recall him (Foster) being to the right of the cannon, not directly in front of it." Irvine is chairman of the conservative media watchdog group Accuracy in Media.

On the tape, which was made available to the Tribune-Review, CW was insistent that the body was not where the police said it was. Though not disputing it was near the "second" cannon, he said it was on a slope close to a maple tree to the right of the cannon.

CW told Irvine that FBI agents working under Fiske had persuaded him that the body was found on a slope directly in front of the cannon.

CW altered his account when confronted by

Irvine with the fact that the area directly in front of the second canon is a well-worn dirt path – inconsistent with the heavy foliage under and around Foster's body, as originally described by CW and other witnesses, and recorded on Polaroid photos.

An FBI analysis found no soil on Foster's shoes and clothing, strongly supporting the conclusion that the body could not have been in front of the second canon, where the soil is almost totally exposed and bare.

Greg Howland, a National Park Service historian for Fort Marcy Park, said that the dirt path on which Foster's body was said to have been found has for years been bare, shaded ground, etched by roots, etc.

Howland's description of that dirt path is consistent with a Gannett news report, as well as the statements of other knowledgeable persons. In his FBI statement, CW denies the dirt path even existed.

CW AND FBI

CW first came forward as a critical witness to G. Gordon Liddy, who hosts a popular syndicated radio talk show on Virginia's WJFK. Liddy says he first verified CW's credibility as best he could and then helped publicize CW's version of events.

CW told Liddy that when he discovered the body there was no gun in either hand. Officials say the body was found with a 1913 Colt revolver in the right hand.

Liddy said that once he began publicizing CW's account, FBI agents contacted him, asking to meet his witness. Liddy said that he persuaded CW – who intimated Foster had been murdered and that there was a high-level cover-up – to meet with the agents.

Apparently Fiske's staff was anxious to accept CW's account at face value, because the FBI agents working under Fiske never bothered to have park worker Swann, who made the 911 call, positively identify CW.

According to Swann, FBI agents never showed him a photo or a lineup to ensure they had the right witness, even though it was Swann who placed the critical 911 call.

Swann said he believed his co-worker, Chuck Stough, had identified CW. Stough refused to comment on this, stating, "I was informed by the FBI I can't disclose information."

In an FBI report of Stough's identification of CW, he states only that CW "could have been him."

The identification by Fiske's staff of CW appears to have been something of an afterthought – since CW was presented to Stough June 22, 1994, just a week before the report was released and over two months after Fiske had been treating CW as a credible witness.

A number of homicide experts said the failure of Fiske's investigators to have the identification made by Swann, who was the actual 911 caller, was an indicator of a less-than-thorough investigation.

"It's not enough," said Vernon Geberth, referring to the FBI's interviewing of Swann's co-worker rather than him.

"It's only common sense, you don't interview just one when two were present," he said, explaining that "you want the witness, the person who called 911 and said there was a dead body, to ID the man. It's basic police work."

Geberth, a former lieutenant commander in the New York City Police department who investigated over 5,000 homicides, stressed that "it's important to take each point to its ultimate conclusion. Apparently it wasn't done here."

Experts say that a positive identification and thorough investigation of CW should have been routine – especially since his testimony had major discrepancies.

CW BADGERED?

CW himself has taken exception to his testimony as represented in the Fiske report – but only after the report had been out a few weeks and evidence began to emerge that he, like the Park Police, seemed to have given the wrong location of the body.

"He was absolutely furious" when he read the Fiske report, said Liddy about CW.

And, although he says his life is in danger, CW has embarked on a bold, if anonymous, campaign to criticize the report, appearing on radio, television and before print journalists.

CW has said that FBI agents badgered him to change his testimony, asking him as many as 25 times if the gun he failed to see might have been hidden by foliage. The Fiske report states, "CW has further stated that the natural foliage in the area made it difficult to see Foster's hands."

Liddy, a former FBI special agent and supervisor whose program draws a large number of Washington law-enforcement professionals, feels that the FBI investigation was far below bureau standards. Liddy, based on information he obtained from sources in the bureau, has been critical of the assigning of senior FBI agents Larry Monroe and William Colombell to the case, pointing out that neither has substantive homicide experience.

Susan Lloyd, a spokeswoman for the FBI's Washington field office, provided no information on either agent's homicide experience, stating that because both agents had been assigned to the Independent Counsel's office, she could not comment.

FISKE FAULTED

Dismissing any suggestion that Colombell might have mishandled a witness, a ranking FBI source added, "He is known as a crackerjack investigator, a very successful field agent and field supervisor." He said Colombell has had a "distinguished" career, and approximately five years ago had been promoted from the Baltimore office to Headquarters.

Several former and current FBI sources rejected criticism of the two agents, both of whom are highly regarded, suggesting that higher bureau officials erred in allowing Fiske's staff to put the agents before the Senate Banking Committee, where the agents drew several conclusions about Foster's death. These conclusions, sources said, should have been offered by Fiske or his attorneys.

"It gave the appearance we were covering these things up," said another bureau source, who explained that bureau policy is not to draw conclusions, but to pass evidence to prosecutors.

Sources criticized Fiske and his staff for not giving the agents subpoena power and for not having them thoroughly investigate such essential matters as Foster's whereabouts on the day he died, possible motives for his suicide, and trace evidence on his clothing.

As for CW's complaints about badgering, several FBI sources expressed doubts, since he had gone through his witness statement line by line with the agents involved, and then signed it.

Irvine, who had championed CW, now finds his credibility "very dubious," and wonders, as do several experienced investigators, if CW is merely an innocent bystander or has deliberately been misleading federal investigators, for example, on the body's location.

Irvine questions CW's account on how he found Foster's body. CW said he entered the park to urinate and came upon the body – but to get to that site, he would have had to walk through 600 feet of heavily wooded park where there are many areas of seclusion.

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A Special Report on the Vincent Foster Case
Reprinted from Pittsburgh's *Tribune-Review*

Tuesday, June 13, 1995

Missing Briefcase Could Be Key in Solving Vince Foster Mystery

Editor's Note: Last week's announcement that nationally-renowned forensic scientist Henry C. Lee was reviewing evidence in the Vincent Foster death has renewed interest in the shooting of the White House aide. In this four-part series, investigative reporter Christopher Ruddy takes a look at the discrepancies and inconsistencies in the official reports of Foster's death.

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

Testimony would seem to indicate that a briefcase in the car of Vincent Foster was removed after U.S. Park Police arrived at his death scene July 20, 1993.

The briefcase, which may have carried important documents, was never listed on official evidence reports compiled by park police who conducted the first investigation into the White House deputy counsel's death.

Foster was found dead of an apparent gunshot wound to the head in Ft. Marcy Park. His unoccupied car, a 1989 Honda, was found in the park's parking lot.

Several witnesses—before and after the arrival of the park police—have claimed they saw a briefcase in Foster's car.

Park police spokesman Maj. Robert Hines said the police are sticking with their version that no briefcase was in the car. He suggested that witnesses may have seen something else that they thought was a briefcase.

The briefcase issue became a focus of serious inquiry in January before a federal grand jury sitting in Washington to probe Whitewater-related matters.

Associate Independent Counsel Miquel Rodriguez was seriously pursuing several apparent inconsistencies in Foster's death and the subsequent police investigation.

Rodriguez resigned in March, according to sources, because he believed his superior, Deputy Independent Counsel Mark Tuohey, was not allowing him to conduct a full grand jury probe into Foster's death.

Rodriguez declined to comment on the case, referring all inquiries on the matter to the Independent Counsel's office.

FIRST WITNESS

The arguments over the existence of a briefcase first surfaced during the investigation by Robert Fiske, the original Whitewater prosecutor.

According to documents from the Fiske investigation into Foster's death, the first witness to observe Foster's car at Ft. Marcy was a motorist who noted the car's Arkansas plates at approximately 4:30 p.m.

The motorist told the FBI last year that after exiting his vehicle for a brief time, he returned to his car and "he observed in this Honda a leather briefcase or leather folder on the passenger side seat."

Another witness, a van driver who Fiske claimed first discovered Foster's body and is now identified as CW, or the confidential witness in the Fiske report, reportedly told the grand jury that he, too, saw a briefcase in Foster's car.

According to a source familiar with the probe, at least two Fairfax County emergency workers present at Ft. Marcy also testified before the grand jury they saw a briefcase in Foster's car.

Paramedic Sgt. George Gonzalez told Fiske's investigators "The Honda contained a necktie, suit coat, and a black briefcase/attaché case."

Emergency Medical Technician Todd Hall also told the grand jury and Fiske's FBI investigators he saw a briefcase in the car, according to the source.

FOUR VERSUS FOUR

Another source familiar with new Whitewater Independent Counsel Kenneth Starr's probe admitted the briefcase discrepancy has not been pursued, stating "Four witnesses say there was a briefcase, four say there wasn't."

The four officials swearing there was no briefcase were all park police officers.

But Rodriguez, according to a source, disagreed with that view, believing "the police had everything to lose and the four other witnesses had no reason to lie," the source said.

Thomas Scorza, a former federal prosecutor and lecturer of legal ethics at the University of Chicago, suggested the briefcase is "important, not in an isolated way, but in the context of other discrepancies."

"I wouldn't say don't follow it because it's four versus four on the witness stand," he said. "When you have a pattern of these discrepancies, a prosecutor should pursue the matter vigorously."

PHOTO AND LEAKS

Other evidence indicated the presence of a briefcase. A Polaroid of Foster's car taken by park police showed a briefcase on the ground.

Early in the grand jury process, a high level source in the Starr investigation was quoted in an Associated Press report as detailing the probe's focus on the briefcase.

At the time, Rodriguez told associates that he believed the leak, a violation of grand jury secrecy rules, had seriously undermined the investigation by giving officials time to possibly prepare testimony.

During grand jury proceedings, the police claimed the briefcase in the photograph was likely their own, a carrying case for crime scene equipment.

Further questioning by Rodriguez of the police revealed that their carrying cases are colored tan or silver. An enhanced Polaroid showed a black leather case, the source said.

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A Special Report on the Vincent Foster Case
Reprinted from Pittsburgh's *Tribune-Review*

Wednesday, June 14, 1995

Foster Eyewitnesses Ignored

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

A couple present at Fort Marcy Park on the evening of Vincent Foster's death told the FBI last year that at least two individuals were in or around the White House aide's car shortly before his body was found.

The witness statements, which they claim were incorrectly recorded by U.S. Park Police, "were completely ignored" by the staff of former Independent Counsel Robert Fiske, a source close to Whitewater Independent Counsel Kenneth Starr said.

With the resignation of Associate Whitewater Counsel Miquel Rodriguez in March, Starr's staff has apparently also chosen not to re-investigate the matter.

The witness statements add to the several dozen inconsistencies and discrepancies in the suicide ruling, homicide experts say.

FIRST SIGHTING

Foster's body was found in the Civil War roadside park shortly after 6 p.m. July 20, 1993—approximately five hours after he had left the White House West Wing.

No one saw him alive, as far as authorities are concerned, from the time he passed a Secret Service checkpoint at 1 p.m. that fateful afternoon until his lifeless body was discovered at Fort Marcy.

The first firm sighting of his car was at approximately 4:30 p.m., by a motorist who entered the small parking lot off the George Washington Memorial Parkway, according to an FBI report.

The motorist noted a Honda with Arkansas plates in one of the first spots in the lot, fitting the location and description of Foster's car.

The motorist also observed another car, probably of Japanese make, parked several spots past Foster's car. The car was occupied by an individual described as a male in his late 20s, probably Mexican or Cuban, with a dark complexion.

When the motorist left his car to urinate in some nearby woods, he said the male occupant left his car and followed him, making the motorist "feel extremely nervous and uneasy."

The motorist quickly relieved himself and left.

KEY STATEMENTS

Shortly after 5 p.m. a couple who have sought to keep their identities secret drove up to the park to enjoy a late picnic.

Both told Fiske's FBI investigators just over a year ago that when they entered the parking lot there was only one car parked in the lot, and their descriptions are generally consistent with Foster's 1989 Honda and its placement in the lot.

The female visitor told the FBI she believed that "a white male was seated in the driver's seat" of the vehicle. She said he had dark hair and "could have been bare chested."

As the driver of the car, she had an unobstructed view of Foster's car, which was parked to her immediate left.

Her male companion told the FBI that he remembered the hood of the vehicle was up and a white male was standing near the hood of Foster's car. He was described as "mid to late 40s, appeared unclean and unkempt."

The male witness said he saw the unkempt man standing near Foster's car after they had backed into a parking spot, giving him a clear view of Foster's car to his right.

The couple said they sat in their car until about 6 p.m., and then exited the car to have their picnic. They first learned of a problem, they said, when emergency workers stumbled upon them during a search for the body shortly after 6 p.m.

MISREPRESENTATION?

The park police report gives a decidedly different representation of their accounts.

The scene investigation report, prepared by plainclothes investigator Cheryl Braun, contains the only witness statements of persons found in the park after police arrived. That report cites the couple as having observed "a small car with a man without a shirt sitting in it" who the couple was quoted as saying "left shortly after their arrival."

The man with the long blond hair who had the hood raised is described in this way: "The final vehicle they observed was a light colored older model that pulled in next to the deceased vehicle." The driver then pulled his hood up, went into the woods for a short time and then left.

After being shown the park police statement of her account, the female witness told the FBI that the police statement was not true, and did not match her recollection of what she told them.

The police statement implies that two cars, in addition to Foster's Honda, were observed by the couple, who saw persons either in a car or with the hood up.

The FBI witness statements make clear that the male and female both saw only one car, apparently Foster's, and individuals in or around it.

In two interviews this year, the female witness told the Tribune-Review that she stood by her account to the FBI, which she said is consistent with her

male friend's statement of seeing only one car parked in the lot.

The only other vehicle that parked in the lot while they were there was a white utility van. Fiske's investigators concluded the van driver was the first person to find Foster's body.

An older model car was driven into the lot, as noted in the police report, but contrary to that report never parked. The driver just turned and left, according to an FBI witness statement.

The female witness stated she has never been contacted by anyone on Starr's staff, nor has she or her friend been summoned before a grand jury.

A spokesman for the park police, Maj. Robert Hines, said Officer Braun was not available for comment on the case. He added that the park police stood by her report and the police report.

STATEMENTS OVERLOOKED

Fiske's 58-page report makes no mention of the witness statements, which were part of his investigation and released by the Senate Banking Committee this year.

According to a source close to the investigation, Rodriguez believed the witness statements were supportive of evidence Foster's body had been transported to the park.

No time has ever been nailed down for Foster's death, and the Fiske report concludes death could have occurred from the time Foster left the White House up until the time the body was found.

Other Witnesses Still Unexplained

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

The couple who saw persons in and around Vincent Foster's car at Fort Marcy Park were not the only persons ignored during the investigation of Whitewater prosecutor Robert Fiske.

To date, no one can account for several men seen wearing orange vests in the park, as well as park visitors who entered after police arrived.

According to a source familiar with the probe, several people entered during the night through a rear entrance and encountered park police. The police had not secured that entrance.

The officers also violated standard police procedure by not recording the names of the individuals who came into the park on the night of July 20, 1993.

And then there were the mysterious men wearing orange vests. A park police officer has acknowledged to Starr's inquiry that after police arrived at the park and well after the end of the workday, they discovered several men wearing orange vests who claimed to be park maintenance workers clearing a park trail.

The park police did not record their names or positively identify them.

(Sidebar Continued)

Fairfax County rescue worker Todd Hall was among the first at the scene.

Sources in Whitewater Independent Counsel Kenneth Starr's probe were aware that he told the grand jury that when he first arrived at the death scene, he thought he saw a man wearing an orange vest running from the body on a footpath just below the slope where Foster's was found. The man, Hall reportedly said, was running toward the rear entrance.

During grand jury proceedings, park police claimed they were unaware of the second entrance. Prosecutors had evidence, however, that police were regularly stationed at the rear entrance during the Gulf War, since the entrance is directly across the street from the Saudi Arabian ambassador's residence.

Park police spokesman Major Robert Hines said he was unaware of additional persons in the park and couldn't comment on the matter.

"Every investigation is not perfect. We are standing behind our investigation," he said.

A Special Report on the Vincent Foster Case
Reprinted from Pittsburgh's *Tribune-Review*

Thursday, June 15, 1995

Foster's Death: What and When Did the White House Know?

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

When it comes to the death of Deputy Counsel Vincent W. Foster Jr., the question remains: what did the White House know and when did they know it?

Another question: if Foster was not identified as a White House official until at least an hour and a half after police arrived, why were police officers associated with an elite federal unit on the scene within 45 minutes?

Evidence suggests that White House officials were informed of Foster's death July 20, 1993 at least an hour before they claim to have been initially notified.

Recently, Whitewater Independent Counsel Kenneth Starr apparently reopened an examination into the time discrepancy. His staff questioned an Arkansas trooper who received a phone call informing him of Foster's death from a White House staffer before the White House claims to have been officially notified.

The time discrepancy, apparent from public documents relating to the case, was first investigated by Miquel Rodriguez, who was Starr's lead prosecutor probing Foster's death. The discrepancy was first reported by London's Sunday Telegraph.

According to a well-informed source, Rodriguez believed the time discrepancy was an important clue in unmasking a possible cover-up into Foster's death. Rodriguez, an assistant U.S. Attorney in Sacramento, would not comment on the case and referred all calls to Starr's office.

The Tribune-Review reported Rodriguez resigned from the prosecutor's staff in March because he believed he was not allowed to explore inconsistencies and discrepancies before Starr's Whitewater grand jury in Washington.

SPECIAL FORCES

By January of this year, as the grand jury began taking a cursory look into Foster's death, Rodriguez found evidence that police officers associated with the U.S. Park Police's special forces—an elite unit with close ties to White House security—showed up at the park by 7 p.m., the source said.

These officers have never been identified in the police report, congressional reports or any FBI report.

U.S. Park Police spokesman Maj. Robert Hines said he was unaware of the presence of such officers. He said the special forces unit was the police's "SWAT team . . . involved in sensitive duties."

Rodriguez apparently believed the introduction of these elite officers to a crime scene seriously diminished park police claims that the death scene did not strike them as unusual, and that the White House was not notified until 8:30 p.m.

SECRET SERVICE MEMO

Earlier this year, the Senate Banking Committee released documents relating to the Fiske investigation into Foster's death, which was the original probe headed by Whitewater Prosecutor Robert Fiske.

One document, a Secret Service memorandum, was written on the night of Foster's death, a minute after 10 p.m.

Fosters body was found by officials shortly after 6 p.m. in the small Virginia roadside park just seven miles from the White House.

The memo states that at 8:30 p.m. Lt. Pat Gavin of the park police contacted Lt. Woltz, a uniformed member of the Secret Service. This is the official version of White House notification of Foster's death.

Strangely, no member of the president's entourage would be informed for another 45 minutes, until about 9:15, while the president was on the "Larry King Live" television program.

And if the official notification was indeed made by Gavin at 8:30 p.m., other testimony then becomes inconsistent.

Cheryl Braun, then a park police investigator, told Fiske's FBI agents that she searched Foster's car at about 7 p.m. and found his White House ID, at which point she asked an unidentified officer to call Lt. Gavin, the police shift commander on duty that night.

The officer apparently failed to do so, and Braun said she herself called Gavin between 7:30 p.m. and 7:45 p.m.

Gavin was unreachable for comment. He did tell Fiske's FBI investigators that he notified the White House within 10 minutes of being informed of Foster's White House ID—which still would have made the official notifica-

tion a half hour to an hour before the time mentioned in the Secret Service memo.

Gavin also told the Sunday Telegraph that he was notified not by Braun, but by park police investigator John Rolla.

And Rolla gives still another story as to the time he discovered Foster was a White House official.

Rolla, in his sworn deposition before Banking Committee investigators last summer, as well as in his FBI statement of last year, said he searched the car after the death scene had been cleared and the body removed to Fairfax County Hospital.

"I believe I went through the passenger's door first and lifted up the suit jacket, observed the White House identification with his picture and name on it," Rolla said in his deposition, directly contradicting Braun's version of events.

Rolla was explicit in saying this search was conducted after the death scene had been cleared.

Fiske placed the approximate time of the removal of the body from the scene at 8:45 p.m.—meaning Rolla didn't begin his search until after the official 8:30 p.m. notification time.

Hines was unaware of any discrepancy involving the time the White House was contacted. He said if there was a delay, it probably occurred because investigators "didn't think of suicide as a big deal."

He said police are trained to be sensitive to handling cases involving officials, but the officers, even with his ID, were unaware of Foster's level at the White House.

TROOPER'S VERSION

The Telegraph also reported that in an affidavit, Trooper Roger Perry states that on the night of Foster's death, while on guard duty at the Arkansas governor's mansion, he answered a call from Helen Dickey, an assistant to the Clinton family working in the White House.

Before being put through to Gov. Jim Guy Tucker, Dickey related to Perry that Vince Foster had killed himself.

"She told me that Vince got off work, went out to his car in the parking lot, and shot himself in the head," Perry recalled.

Perry, in his affidavit, states the call came from Dickey no later than 7 p.m. Arkansas time, 8 p.m. Washington time—a half hour before the White House claims to have been notified.

But Perry believes, based on the remembrances of others he notified after Dickey's call, her call may have come in much earlier, shortly after 6 p.m. Washington time.

Perry's recollection is buttressed by the sworn statement of State Trooper Larry Patterson and Lynn Davis, former head of the Arkansas State Police.

They both claim Perry contacted them immediately after receiving Dickey's call—and they both place the time before 7 p.m. Washington time—a full hour and a half before the White House claimed to have been notified.

Perry's remembrance of Helen Dickey's account of Foster being found dead in his car—a story he had told long before the Secret Service memo had been released—finds corroboration in the memo.

The Secret Service memo reads: "On the evening of 7/20/93, unknown time, U.S. Park Police discovered the body of Vincent Foster in his car. The car was parked in the Ft. Marcy area of Virginia near the George Washington Parkway. Foster apparently died of a self-inflicted gunshot wound to the head. A .38 caliber revolver was found in the car."

Foster was found, according to officials, 700 feet from his car near an old civil war cannon. Investigators for Fiske and Starr have deemed the memo's account "an honest mistake" according to one source.

Another source familiar with the investigation believes the "body-in-the-car" scenario may have been an initial attempt to cover up the unusual circumstances of death, considering Foster's body was found lying on a steep hill, in a neat position amidst dense foliage and brush. The source said it would be difficult to imagine that the circumstances of death of a high official would be so dramatically confused, and not verified by the Secret Service before being disseminated through the chain of command.

A Special Report on the Vincent Foster Case
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Friday, June 16, 1995

Fosters Death Discrepancies are Abundant: Did His Neck Suffer Trauma?

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

Independent Counsel Kenneth Starr's probe into the death of Vincent Foster has turned up some unsettling discrepancies in the case—including strong evidence that the White House aide may have suffered trauma or a wound to his neck.

Homicide experts say that in any investigation of a suicide, several inconsistencies and discrepancies should arouse suspicion.

In the case of President Bill Clinton's close friend, the inconsistencies and discrepancies number in the several dozens.

"Freak things can happen in violent death," explains Vincent Scalise, a former New York City homicide detective. "But the laws of nature cannot be suspended and inconsistencies don't range into the dozens as in this case."

The Tribune-Review reported that Associate Independent Counsel Miquel Rodriquez resigned from Starr's staff after he was thwarted in his efforts to investigate such inconsistencies.

Rodriquez was unavailable for comment and his office in Sacramento referred all calls to Starr's Little Rock office.

In addition to the several dozen inconsistencies, here are some significant problems Rodriquez turned up:

• NECK TRAUMA

A key element in the suicide ruling has been official reports noting the absence of additional wounds to Foster's body and no signs of struggle at the crime scene.

An independent pathology team for Special Counsel Robert Fiske also reached that conclusion after reviewing the autopsy and Polaroid photos of the scene. The only wounds on Foster's body, according to official accounts, was an entry wound in his mouth and an exit wound out the back of his head—consistent with a self-inflicted gunshot wound.

But photographic evidence unavailable to Fiske's pathology team may have led them to a different conclusion.

Rodriquez and other prosecutors reviewed the original Polaroids never used by the Fiske investigation. These originals were enhanced by a specialized lab outside the FBI.

One enhanced Polaroid showed what "appears to be a wound, puncture or other trauma" to the right side of Foster's neck, the source said.

Two emergency rescue workers, trained in the identification of wounds and other trauma, said the neck appeared to have suffered trauma when they first arrived on the scene.

A Fairfax County EMS technician, Richard Arthur, who was present at the scene on the night of Foster's death told the FBI last year that "he noted what appeared to be a small caliber bullet hole in Foster's neck on the right side just under the jaw line about half way between the ear and the tip of the chin."

Arthur has told the same story to Starr's investigation.

Lead Paramedic George Gonzalez told Fiske's investigators he thought he saw a bullet wound in Foster's forehead. After reviewing the new photographic evidence, Gonzalez told Starr's probe that the neck trauma is consistent with the appearance of Foster's body when he arrived at the scene, a source said.

"These wounds did not exist. The autopsy results, the photographs taken at the scene, and the observations made by park police investigators conclusively show that there were no such wounds," said Fiske in his 1994 report.

• PHOTOS DISTORTED

Investigators for Fiske said Arthur confused the wound with a contact blood stain on Foster's neck—a blood stain the FBI lab said was produced when Foster's jaw came into contact with his bloodied shirt.

An FBI blood splatter analysis identified the stain from a crime scene Polaroid.

But Rodriquez discovered that Fiske's pathology team, as well as the FBI lab, analyzed not the original photos, but third generation photos said to be distorted and obscured.

According to a well-placed source, the FBI, for unexplained reasons, first took Polaroid shots of the original 13 crime scene Polaroids.

After Polaroids were made of the Polaroids, the FBI lab then took 35mm picture shots of the second generation Polaroids.

It is the 35mm, third generation photos that were reviewed by the FBI and Fiske pathology team.

"Each time you make a copy, you lose definition," Fred Santucci said. "Polaroids aren't sharp in definition to begin with."

Santucci, a former New York City police homicide expert spent 15 years as a forensic crime scene photographer for the

department.

"The only thing I can think why this was done," Santucci said of the use of third generation photos, "is because someone wanted to hide something."

Santucci said a 35mm shot should have been taken of the original Polaroid. Another method is to use hi-tech computer scanning which allows for enhancement with little distortion.

Park police said that the crime scene photos taken by a 35mm camera were underexposed in the lab.

An autopsy prepared by a Virginia medical examiner makes no notation of wounds or trauma to Foster's neck. But a source who reviewed the autopsy photos said they show the right side of the neck depict "black crater-like indentions" where the scene Polaroid indicated trauma.

• NO FINGERPRINT SET

Despite Foster's position as a high federal official, with appropriate security clearances, the government claims to have no set of fingerprints for him, according to two sources close to the Starr investigation.

The fingerprints would be important for the investigation because eight unidentified fingerprints were found on Foster's 1989 Honda, a palm print was found on a note torn into 28 pieces and two fingerprints were found on Foster's gun.

Despite the claims of having no set of fingerprints, the FBI lab reports attached to the Fiske report seem to contradict this. In one report the FBI lab stated that latent fingerprints did not match ones found on the fingerprint card of Vincent Foster.

The park police report states that during the autopsy ". . . fingerprints were taken from the victim . . ."

A handwritten document in the police file states that on May 26 Fiske's staff acquired the fingerprint card [apparently from the autopsy] from the park police case packet. It was signed by FBI Agent William Colombell.

Apparently the autopsy fingerprint card was turned over to the FBI lab May 31. The FBI stated it could make no identification based on those prints since they were unusable.

The police and Fiske's investigations found no prints on any outside surface of the gun. During the FBI analysis for Fiske, the FBI found two prints, each under plates on the hand grip after they had been unscrewed.

Recently Starr's investigation has asked for an extensive search of Vincent Foster's late father's military records in St. Louis seeking his fingerprints in hopes of linking him to the gun.

The gun's ownership has been a glaring inconsistency in the investigation.

Both the park police and Fiske intimate the gun was passed onto Foster after his father's death. Yet, a grandson of Foster's father, intimately knowledgeable of his grandfather's gun, said the revolver did not match any he remembered.

• MISSING POLAROIDS

Glossed over by the official investigations are missing Polaroids taken by the second park police officer on the scene, Franz Ferstl.

Ferstl said he took the photos almost immediately upon coming to the crime scene.

He told FBI investigators for Robert Fiske that he believed he took seven Polaroids.

The park police have accounted for only 13 photos taken by two other officers. According to one source, Ferstl told the grand jury earlier this year that photos he was shown of the 13 Polaroids didn't match the scene he remembered.

For example, Ferstl said when he first came upon the body he found Foster lying on the ground with the palms of his hands up.

Current scene Polaroids show Foster's palms down.

A confidential witness who is said to have found Foster's body also claimed to have found Foster with his palms up.

Other evidence indicates Foster's hand was moved. New photographic evidence uncovered in the Rodriquez probe showed vegetation protruding through fingers that were different in another Polaroid of the same scene.

A Special Report on the Vincent Foster Case
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Monday, June 19, 1995

Ex-Prosecutor Can Show Apparent Cover-up in Foster Death Probe

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

If former Whitewater Associate Counsel Miguel Rodriguez went public with his experiences as a lead prosecutor, it could be a major embarrassment to the investigation for Independent Counsel Kenneth Starr's probe.

Rodriguez in March left Starr's Washington staff as the lead prosecutor examining the death of Vincent Foster.

He returned to his position as Assistant U.S. Attorney in Sacramento, Calif. Foster, counsel to President Clinton, allegedly took his own life by shooting himself in the head.

According to a source close to Starr's probe, Rodriguez could detail apparent efforts to cover up several major inconsistencies in the case, as well as mishandling of the case by federal park police and Special Counsel Robert Fiske.

Rodriguez has refused to comment on the case, and recently has referred all press inquiries to Starr's office.

Among the more serious situations Rodriguez could address, the source said, are:

- During the early part of Starr's investigation last fall, Starr's Deputy Independent Counsel, Mark H. Tuohey III, through remarks to Rodriguez and other staff members informed them he wanted the Foster case to be concluded. Rodriguez understood from these remarks that he was expected to conclude that Foster committed suicide.
- FBI agents assigned to Starr's staff sought to prevent a full independent probe into the death of the deputy White House Counsel by refusing to do investigative work relating to the case requested by Rodriguez.

Rodriguez's objections to the manner which he believed he was being forced to conduct his probe were chronicled in numerous memos-to-file which he circulated among members of Starr's Washington staff, the source said.

When Rodriguez insisted on conducting a painstaking review of the case, he met with stiff opposition from FBI agents assigned to Starr's probe, the source said.

STARR'S REVIEW

Details of the reasons for Rodriguez's departure continue to come to light, and provide some of the first glimpses of the Starr inquiry's handling of the Whitewater matter.

Within two months of taking the reins of the Whitewater probe in August 1994, Starr appointed Rodriguez to head up the Foster probe, which he promised would thoroughly review the work of Special Counsel Robert Fiske.

Fiske had been criticized in law enforcement circles and by several members of Congress for exempting Foster's investigation from his Washington grand jury inquiry.

On June 30, 1994, just a month before he was sacked by a three judge panel, Fiske concluded in a 58 page report that the then Deputy White House Counsel died on July 20, 1993 of a self-inflicted gunshot at the place he was found in Fort March Park, Va.

But according to a well placed source, Starr's mandate for a thorough investigation apparently conflicted with the desires of Tuohey, Rodriguez's superior.

Tuohey did not return a call for comment on the matter.

Tuohey, a former president of the D.C. Bar Association, has been heading up Starr's Washington phase of the Whitewater probe, and sources familiar with the probe say Starr has been unwilling to interfere with Tuohey's handling of the case.

Starr's appointment of Tuohey, an activist Democrat, was intended to offset criticism that Starr, a Republican, might use the inquiry for partisan gain. The Washington Post reported in 1994 that Tuohey "is close to some Clinton administration officials, including Jamie S. Gorelick, and last year hosted a party for Janet Reno at his Washington home."

Another factor which diminished Tuohey's appearance of independence is his friendship with former Special Counsel Robert Fiske. A source close to the probe believes that if Starr's inquiry found wrong doing in the Foster case, it would be extremely embarrassing to Fiske.

FBI RESISTANCE

Rodriguez encountered opposition to his efforts in the case early on from FBI

FOIA # none (URTS 16306) DocId: 70105096 Page 24

A Special Report on the Vincent Foster Case
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Wednesday, June 28, 1995

Grand Jury Examines Foster Matters

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—With Senate hearings into the handling of documents from the office of the late White House Deputy Counsel Vincent Foster set for mid-July, Independent Counsel Kenneth Starr's staff has been feverishly attempting to wrap up their investigation—which is already a year behind schedule.

News Analysis

This time last year, Special Counsel Robert Fiske was set to end his probe into the removal and handling of documents from Foster's office, giving a green light for the findings to be aired at congressional hearings last summer.

But within days of releasing his conclusions last July, Fiske balked and asked for more time. His report would have reportedly cleared White House officials of any wrongdoing, including Fiske's friend, resigned White House Counsel Bernard Nussbaum.

Congressional investigators told the Tribune-Review the apparent reason for the delay was that Fiske's staff admitted to the investigators that several key White House officials had never been interviewed, and were unavailable for interviews by congressional investigators.

For example, Fiske's staff had never interviewed Charles Easley, the White House staffer in charge of safe combinations, including Foster's.

In an interview earlier this year, Fiske wouldn't comment on the delay, saying only that he needed more time.

Despite the long lag time given to Independent Counsel Kenneth Starr, who took over for Fiske in August 1994, sources familiar with the probe suggest that Starr's probe been less than exhaustive.

"We were not given all the access we needed," one prosecutor familiar with Starr's probe said.

Another lawyer familiar with the inquiry said that all White House security personnel, including those in the Clinton's private residence, had not been interviewed by Starr's investigators, even though documents from Foster's office had been transported to the private quarters.

Three individuals who were working in the White House residence at the time of Foster's death, including one member of the Secret Service, told the Tribune-Review they had yet to be interviewed by anyone on Starr's staff.

Another member of the residence staff said they had understood that papers belonging to Foster had been stored in a converted office on the third floor of the White House residence.

Starr has been utilizing his Washington grand jury to review the handling of documents after Foster's death as well as the subsequent police death investigation.

SIGNIFICANCE OF DOCUMENTS

Papers taken from Foster's office shortly after his death have been considered a key element in unlocking the mystery surrounding his death. On the day of his death, Foster, according to official accounts, left his office at about 1 p.m. to violently take his own life at a roadside Virginia park just seven miles from the White House.

"That office, in any death investigation, would be considered part of the crime scene. Even more so because he died during the workday," former Army criminal investigator Gene Wheaton said.

Wheaton, a retired 25-year veteran of the Army's Criminal Investigation Division who has handled federal investigations—including homicides—is an expert witness who has looked in to the Foster case for a confidential party. He says it would be "essential" for investigators to know what Foster was working on to determine a motivation for his death.

Wheaton suggests that the quickness by which officials sought to enter Foster's office and tamper with the scene, only should "heighten investigator's concerns about the case."

The entire Whitewater scandal erupted on Dec. 20, 1993, when the Washington Times reported that three senior aides entered Foster's office just hours after his body was discovered on the night of July 20.

According to the Times, park police sources confirmed that Whitewater documents were removed from Foster's office. The White House quickly confirmed that Whitewater documents were among the first papers removed from Foster's office.

At the time, Foster was not only deputy White House counsel, but the Clintons' private attorney, privy to all of their dealings.

Since the Times report, the White House gave differing versions of what happened to papers removed from the office. First, the papers were said to have been handed over to the president's attorney. Later, it was revealed that Hillary Clinton ordered the papers be put into a closet in the private residence, where they remained for a week until they were handed over to her husband's attorney.

Both Fiske and Starr have made a painstaking effort to reconstruct the papers as they were when Foster left his office for the last time.

But a number of experts believe that may be futile because of the long delay in securing and sealing the office by law enforcement and the high number of people who entered the office without supervision.

Another suspicious aspect is what is missing from official inventories for the office.

"You become suspicious when papers relating to a hot-potato issue are not accounted for, and should be there," said Thomas Scorza, a former federal prosecutor and lecturer of legal ethics at the University of Chicago.

Inventories of Foster's papers compiled by White House staffers shortly after his death show no files relating to one "hot-potato" issue, the White House Travel Office brouhaha.

The White House has told congressional investigators the files relating to the Travel Office were in cabinets outside his office. But one investigator found that hard to believe because of Foster's intimate involve-

FOIA # none (URTS 16306) DocId: 70105096 Page 25

ment in the case, and the fact inventories of documents in his office showed files on cases that he was intimately involved with.

The House Committee on Operations is expected to open hearings into the Travelgate matter this fall. Foster's files will also be examined during those hearings, according to a staff member.

ACCOUNTABILITY

A separate issue relating to the files is an effort by officials to deny federal investigators access to Foster's office.

On the night of Foster's death, the park police requested that the White House secure and seal Foster's office. When police investigators arrived at Foster's office the morning after his death, they discovered this was not done.

The investigators were also denied access by the White House.

The police returned the following day and were not allowed independent access to the office, but stood by and watched as Nussbaum searched the office. FBI agents were told to sit outside the office in a hallway.

"It's a very serious issue," said William F. Roemer Jr., former lead agent for the FBI's Organized Crime Strike Force in Chicago and the bureau's most highly decorated living agent.

Roemer suggested that apparent efforts to thwart a federal criminal probe by denying access to federal investigators "raised the possibility of obstruction of justice."

"It's the tail wagging the dog," he said, arguing that the incident is an example of increasing Justice Department and White House interference in federal criminal investigations.

"The office should have been sealed immediately after it was known he (Foster) died. In earlier days, the FBI would have pursued this vigorously," he said.

Army investigator Wheaton agrees with Roemer.

"Determining which papers were taken may be impossible. At this point, the grand jury may only be able to hold officials accountable for interfering in a criminal investigation," Wheaton said.

According to Scorza, the issue of possible obstruction of justice has to be determined by examining "the intent of officials at the time, was there a purpose or a hidden motive by officials in blocking access."

Park police investigator Sgt. Pete Markland told the Washington Post earlier this year, "The whole search of that office was absurd," adding that he believed White House aides "obviously had something to hide."

Markland told the Post that Nussbaum claimed executive privilege in not allowing police the right to independently review the documents, which Nussbaum sorted himself.

"He should know better," Scorza said, adding that Nussbaum as White House counsel should have been aware that invoking executive privilege would mean that the documents "should have been sealed, each document initialed and catalogued and then handed over to judicial authorities for a determination."

Another matter the grand jury can weigh, Scorza said, was whether Hillary Clinton attempted to mislead investigators in "the very curious" way she "ordered documents from the office to the personal quarters."

Markland also told the Post that Nussbaum searched a briefcase twice declaring, "It's empty." Several days later, the White House claimed they found Foster's so-called suicide note in the same briefcase.

DELIBERATIONS

Whether the grand jury will bring indictments against officials for possible obstruction of justice is still an open question.

As a technical matter, prosecutors present indictments and must sign off on them. If a grand jury believes "there was intent to obstruct justice" on the part of officials, they have the right to vote for indictments without the consent of the prosecutors, Scorza said.

An indictment does not imply guilt. "It means there is evidence of a probable cause of a federal offense," Scorza said.

He emphasized that the grand jury does not decide on guilt or innocence, and that a trial is the fair and appropriate forum for that.

"If the grand jury were to hand down indictments in the case, I think they'd find a lot of people coming back to the witness stand to change their testimony," Wheaton speculated.

Aside from the serious issue of obstruction of justice in relation to the office, Wheaton believes that the grand jury also could seriously weigh indictments against officials for mishandling the death investigation of Foster "regardless of whether the case is a suicide or not."

Wheaton outlined some areas that the grand jury could review:

- Missing evidence – Crime scene Polaroids taken by a second police officer are missing and he says later photos don't match his recollection of the scene. Other 35mm photos were said to be underexposed in the police labs.
- Possible tampering with the crime scene – Photographic evidence supports contentions that Foster's hand was moved and the gun possibly tampered with after police arrived. Also, four witnesses, not members of the police, say a briefcase was in Foster's car. The police evidence report does not list a briefcase.
- Possible misrepresentation of witness statements.
- Evidence suggests that X-rays taken at the autopsy are now missing. The autopsy report and the police report state X-rays were taken but the medical examiner states the X-ray machine was broken.
- Discrepancies in sworn testimony as to the investigation and activities relating to the case.

A Special Report

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Friday, June 30, 1995

Doubts Cast on Whitewater Prosecutors

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

The staff of Independent Counsel Kenneth Starr's probe has become increasingly eclectic as time goes by.

In May, Starr's office hired O.J. Simpson defense team forensic expert Henry Lee to review the Vincent Foster death case.

This month, two U.S. attorneys who prosecuted the Waco-Branch Davidian case have joined Starr's Little Rock office.

The two lead Waco prosecutors, the husband-and-wife team of Ray and LeRoy Jahn (pronounced "Yawn"), were brought onto Starr's team as he attempts to bolster his staff with experienced prosecutors—apparently preparing for the prosecution phase of his Whitewater inquiry.

But, like the controversy that has swirled around the Waco case, that inquiry also has come to include the Jahns.

The Jahns have sterling resumes.

As career prosecutors with about 25 years of federal service, they first gained recognition for handling the assassination case of U.S. District Court Judge John H. Wood in Texas.

The Jahns have spent most of their tenure as federal attorneys working in the U.S. attorney's office in San Antonio, though they served a brief stint as staff attorneys to FBI Director William S. Sessions in Washington.

Over the years, the Jahns have developed a close association with Justice Department officials in Washington.

When the Clinton administration needed experienced prosecutors to handle one of the most politically sensitive cases—Waco—the Jahns were selected.

Asked if the Justice Department played a significant role in the Jahns' selection, former San Antonio U.S. Attorney Ron Ederer said, "There's no question about it, Washington was very much involved."

Ederer was the Bush-appointed U.S. attorney who served several months into the Clinton administration when the Waco incident began. The Jahns were tapped as the federal prosecutors for the case shortly after the Bureau of Alcohol, Tobacco and Firearms' Feb. 28, 1993, raid on the Branch Davidian compound.

"In the past, the Jahns have been successful as far as Justice was concerned," Ederer said.

Their close association with the Justice Department and their work on Waco, considered very important for the Clinton administration, appears to have posed no obstacle to their joining Starr's team, which has been investigating matters relating to the Clintons.

Former federal prosecutor Thomas Scorza, a lecturer on legal ethics at the University of Chicago, thinks the appointment of prosecutors close to the Justice Department "is something less than desirable" for an independent counsel's probe.

"It doesn't violate any rule of ethics and is not a conflict of interest," he said, "but it does seem picking prosecutors with strong connections to the Department of Justice is not the way to go."

Scorza noted that the "essence" of the independent counsel law was to have an independent investigation that doesn't answer to Justice or the President.

He believes that selecting prosecutors with "strong personal connections to Justice" undermines the spirit of the law.

Ray Jahn, contacted at Starr's Little Rock office, referred all questions about his appointment to Starr's press aide, but did say he did not see his association within Justice as a problem since "we're not the only people working here (on the staff) from Justice."

Starr's office refused to comment on the Jahns' appointment or the matters they may be handling.

The couple's ties with Justice Department officials were strengthened, according to FBI sources, after their stint as aides to Director Sessions, even though Sessions' last years were marked by difficulties with Justice and the White House.

In 1993, Sessions was fired by President Clinton.

According to sources familiar with the Jahns' work at the FBI, the couple quickly aligned themselves with Justice Department officials after joining Session' staff in 1992. Sessions and his wife believed that it was an effort to undermine the Director's position, sources said.

Eventually, Sessions asked the Jahns to return to San Antonio before their one-year contract expired.

Sessions didn't comment on the matter, but sources say Sessions and his wife who were friends with the Jahns for over two decades, have fallen out and no longer talk to the couple.

WACO CASE

After the Jahns returned to San Antonio, they eventually tried the Waco case.

"They (the Jahns) have a reputation for taking a mess like the Waco case and making sense of it," Houston attorney Mike DeGuerin said.

DeGuerin was the lead counsel for the 11 Branch Davidian survivors brought to trial and charged with conspiring to kill federal agents.

After a seven-week trial in 1994, the prosecution took a "big loss" according to DeGuerin, when a Texas jury found the survivors not guilty on the prosecution's two main charges, including con-

FOIA # none (URTS 16306) DocId: 70105096 Page 27

spiracy to murder federal agents.

DeGuerin felt then that the Jahns handled the government's case fairly, but said "the jury just wasn't going to buy a conspiracy theory."

DeGuerin suggested the Jahns' appointment to Starr's staff "raises some eyebrows."

The Jahns' handling of the Waco case has come under sharp criticism.

Author and columnist James Bovard wrote about the Jahns in a recent article titled "Feds Must Fess Up About Role in Waco":

"Federal Prosecutors were caught manipulating evidence at the trial. Prosecutors presented a transcript of tapes made from listening devices inside the compound in its last days, purportedly showing that the Davidians intended to commit suicide. But under cross-examination, the government's audio expert admitted altering the transcripts after meeting with the chief prosecutor."

Ray Jahn told the Tribune-Review that this allegation was a "bunch of beans" and said the defense team had full access to all of the tapes, amounting to over 100 hours of audio time, and the right to have them played.

DeGuerin, laughing, said while technically Jahn was correct, the defense team didn't have "200 people working the case" as the prosecution did, and the resources to examine all of the evidence thoroughly.

He said he was disturbed that the prosecution had omitted parts of the tapes that had the Davidians praying, and children screaming as tanks began knocking down the compound walls.

Sara L. Bain, forewoman of the jury and a San Antonio teacher, said she was concerned the prosecution was not "presenting all the evidence."

Bain cited the fact that a metal door, said by witnesses to have shown a barrage of bullets which the Davidians claimed demonstrated the ATF made the initial attack, was said to be destroyed in the compound's subsequent fire.

"The other metal doors were found, they didn't melt, some were even run over by tanks and were recovered," a suspicious Bain said.

DeGuerin agreed the door, a key point of evidence, was significant in its absence, but pointed out "I don't think Ray Jahn has any idea what happened to the door."

FOIA # none (URTS 16306) DocId: 70105096 Page 28

Hiring of Renowned Scientist Paves Way for Fresh Review

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

The recent hiring by Independent Counsel Kenneth Starr of renowned forensic scientist Henry C. Lee to review the death of Vincent Foster has once again raised nagging doubts about Foster's alleged suicide.

Lee, one member of a panel of forensic experts assembled by Starr, reportedly is already reviewing evidence.

The independent panel will be reviewing the results of the original park police investigation, as well as the conclusions of an independent panel used by Special Counsel Robert Fiske's probe. Both concluded Foster committed suicide.

"Usually, experts don't like overturning another expert panel's conclusions," said Vincent Scalice, a former New York City police homicide expert. Scalice has reviewed various aspects of the Foster case.

He believes the experts may feel differently about this case.

Scalice says he has "a high opinion" of Lee's ability, and thinks the new panel will not conclude Fiske's panel was wrong by coming to a different conclusion.

"There's more new information, evidence and testimony since the original review," Scalice said, adding "the new panel may just conclude differently based on new information."

Such new information might include photographic evidence unavailable to Fiske's team. One photo shows an apparent trauma wound to Foster's neck.

Additionally, grand jury proceedings this year produced a wealth of new information about the crime scene, a source said. At least 10 witnesses have also stated that FBI reports on interviews conducted by Fiske's staff did not accurately reflect their accounts.

Fiske's team also had several handicaps. Although the team included four eminent pathologists (two were employed by the federal government), Fiske never authorized a second autopsy.

It was also revealed at a Senate hearing that only two members of the panel bothered to view the crime scene at Fort Marcy, though they certified he died at the spot he was found.

Another factor helping Starr's panel is the increasing recognition of the high number of inaccurate suicide rulings around the country.

This issue was featured as the cover story in the prestigious American Bar Association Journal this month in an article entitled "Body of Evidence: When Coroners and Medical Examiners Fail to Distinguish Accidents from Murders from Suicides...."

"We're still living in the Dark Ages when it comes to death investigations," Dr. Michael Baden, the former chief medical examiner for the city of New York, told the Journal. "It's a national disgrace," he said.

Foster's autopsy was conducted by a Virginia medical examiner who has been challenged on two suicide rulings in recent years.

In one suicide ruling the murderer confessed. In a second case, a second autopsy showed the decedent may have been attacked before he died.

The empanelment of a new independent panel is one sign of a more assertive grand jury, and marks a reversal for Starr's Washington Deputy Mark Tuohey.

Tuohey, according to a source, had argued against a new panel early in the investigation.

FACSIMILE TRANSMISSION COVER SHEET *

Senator Faircloth
FYI.
I don't think
VWF death
can be "confirmed"
- HSprunt
11/26/95
1340 EST.

The Sprunts
3508 Watercrest Court
Farmers Branch, Texas 75234-2457 <Dallas MAPSCO 13H>

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TO: **Ambrose Evans-Pritchard**
(cc: Reed Irvine, Chris Ruddy, James Davidson)

FAX: **(202) 393 - 1335**

FROM: Hugh Sprunt

SUBJECT: The Gun the FBI Showed To Lisa Foster On 5/9/94.

Based solely on the text of the FBI interview it appears the FBI showed her a silver gun, not the Official Death Arkansas Army .38 Special

PAGES SENT: Four [Including This Cover Sheet]

TIME SENT: Saturday, November 25, 1995; 9:30 PM EST

COMMENTS: This fax will be a reprise of the matters we discussed this afternoon, but with some additional information added (I was able to reach Ambrose directly this afternoon, but not Chris or Reed). I am in the midst of reading the entire Senate Record (6th time or so!) for an significantly expanded CIR I will be doing with a release date of around 12/7 to 12/15. At Page 213 of the Senate Record, the Fiske Report is discussing the gun Lisa brought to DC with her in June 1993. On this point I looked ahead and reread Lisa's FBI Interview on May 9, 1994, Pages 1646-1650. The bold-face within the quotes below were added by me. If the points herein are "old news" to any of you, I apologize! I don't recall seeing this in print anywhere!

[A] "LISA FOSTER examined a revolver which had been brought to the interview by the interviewing agents. Foster examined the revolver, which had also been found at Fort Marcy Park on July 20, 1993, and stated she believed it may be a gun which she formerly saw in her residence in Little Rock, Arkansas" [1646].

It turns out she also "may have seen" the same gun in Washington, D.C.: **[B]** "LISA FOSTER recalls that as she was packing her belongings in Little Rock in preparation for coming to Washington, D.C., she found a handgun inside a travel trunk which had been packed by FOSTER prior to his departure for Washington. Specifically, as LISA FOSTER was packing in Little Rock, she came across a **silver-colored gun**, which she then packed in with her other property. When LISA FOSTER unpacked the gun [apparently we are talking about just one gun in this paragraphs of the FBI interview with Lisa], in Washington, FOSTER saw the gun and commented on it" [1647-1648].

Lisa's FBI Interview continues: **[C]** "LISA FOSTER also knows that FOSTER kept a gun in a closet in their home in Washington, D.C. LISA FOSTER was aware of the location of one gun inside her residence in Washington and she found that gun still in its usual location on the night of July 20, 1993. The gun which she found on that date was **not the silver gun** which she had earlier found in the trunk in Little Rock. **LISA FOSTER believes that the gun found at Fort Marcy Park may be the silver gun which she brought with her other belongings when she permanently moved to Washington**" [1648-1649].

There are a bunch of points that can be made in connection with the above three quotes. Here is the main one: It clearly appears, based on the words of the FBI interview report itself, that *the gun that the FBI showed Lisa Foster early in the interview and that the Bureau said was the gun from Fort Marcy Park was a silver-colored gun.* The "problem," of course, is that the official record indicates in *many* places (and in no uncertain terms; see the photographs too) that the gun found in Fort Marcy Park was dark-colored.

Lisa is certainly no gun expert, but she ought to know her *colors* (after all, she was able to describe Vince's Honda as "Taupe Gray!"). A silver-colored gun is vastly different (especially to someone inexperienced with guns like Lisa) from the dark color of the gun officially found at Fort Marcy. Note that *after* she examined the gun the FBI showed her, her FBI Interview has the Lisa statement in bold face in [C]. How could she believe that the "gun found in Fort Marcy Park may be the silver gun she brought with her" *unless* the gun that was just shown to her in the FBI interview was the one that was found at Fort Marcy Park was itself *silver-colored*?

***If* the FBI did indeed show Lisa a silver gun when it is clear that the official 'death' gun was dark-colored, well, guys, don't WE have a (pun intended) "smoking gun?!"**

Some further points: We know that when the FBI came into the case in early 1994 there was a pre-existing "problem" re the gun found at Fort Marcy Park. Per Lisa's USPP Interview [7/29/93] she could not ID the Fort Marcy gun: "She was presented with a photograph of the weapon found with Mr. Foster's body, but was unable to identity it" [2153]. I assume that the USPP showed Lisa the "official" dark-colored death gun but, given quote [C], the difficulty with the FBI interview above exists no matter what gun Lisa was shown. We also know from the handwritten notes of the USPP officer interviewing Lisa that she said, re the gun she was shown by the USPP: "Not the gun she thought it must be, silver, six-gun, large barrel" [2227; I have always assumed that this quote indicates that the gun she "thought it must be" was a large caliber silver revolver, *not* that the USPP showed her a silver gun]. It's clearly a "problem" if the wife knows something about the handguns in the home in LR and in the home in DC and is "unable to identify" the official death gun, right?

Did the FBI boldly try to rectify this "problem" by showing her the silver gun she had originally expected to be shown by the USPP by the simple expedient of showing it to her on May 9, 1994, and claiming it was the gun found at Fort Marcy? Would this have "worked?" Remember that until the day of her FBI interview, it appears that all Lisa had ever seen of the Fort Marcy Park gun was a photo of the gun shown to her on 7/29/93, over nine months previously (*probably* similar to the photo shown Sharon Foster Bowman, see 2436; a complete copy of John Sloan's letter, but no copy of the gun photo, is also at 2169).

[Note that the strange downward protrusions to the left of the grip of the revolver in the photo on page 2436 -- one of them certainly is the trigger -- "What about the other three?" Ambrose asked today. Clearly the photocopy of the gun at Page 2436 is not accurate in this respect. See the other photos in the record.]

Remember that Lisa was under psychiatric care (including administration of Prozac -- dosage unknown -- from a few weeks after Vince died (presumably *not* prior to her 7/29/94 USPP interview) at least until August of 1995 (per *The New Yorker* article). Who knows, maybe she would have admitted kidnapping the Lindbergh baby when the FBI interviewed her on May 9, 1995! Nonetheless the issue I raise remains: I can think of no "innocuous" explanation for what appears to be to be a rock-solid inference drawn from quotes [A, B, & C] above: the FBI showed her a silver gun and told her that this same silver gun was the one found at Fort Mary Park!

To cast the net a little wider: Note that attorney James Hamilton was present at both the USPP Interview on 7/29/95 and at the FBI interview on May 9, 1994. [Per Hubbell, Page 1746, he remembered "a call being made to Hamilton on the evening of July 20, 1993" (he did *not* say Lisa made this call! Ask yourself whether Lisa was the kind of girl who would sit down and call an attorney the night she's told her husband killed herself! But that's another story. . .)] Indeed, the FBI interview in effect states that Hamilton was a "participant" in the official interview of Lisa. Participant? "Now, Lisa, let me help you with this . . ."

Since Hamilton was present at both interviews, *he* has a problem (unless an innocuous explanation for the "silver gun" issue above can be found). If the FBI showed his client a silver-colored gun, stating it was the gun found at Fort Marcy Park, why did Hamilton not note that the gun being shown his client by the FBI was not the same gun as the gun in the picture shown his client by the US Park Police and raise hell?! Did he (and his client?) enter into some sort of de facto conspiracy with the FBI, at least on this point?

Furthermore, even if the USPP did show Lisa a picture of a silver-colored gun (as opposed to the official black/dark-colored death gun) at the prior interview (that is, the same gun it appears that the FBI showed her the following May), Hamilton probably knew by the time of the FBI interview from information available to him as the family attorney that the official death gun was a black/dark-colored one [he certainly should know by once the USPP and Fiske Reports were publicly available]. Why did he say nothing? Was only the FBI responsible for "puttying" the Prozac-laced Lisa? Just a thought. . .

Let's roll onward. If Lisa was shown a silver-colored gun by the FBI, where did the FBI get it from? Was the silver-colored gun in question the *same* silver-colored gun that Lisa remembered seeing in LR and in DC? All the more, how did the FBI get its hands on *that* gun? Note that Lisa had looked for it the night of the death and could not find it herself, even though she thought she knew where it was! Didn't Hubbell say he looked for a gun in the Foster home that night (1995 Senate Whitewater Hearings). Caliber? Serial number?

Another side issue: Were there two guns in the Foster House "officially?" Read [B] and [C] above again. Does, "specifically" relate back to the prior general statement? If so, that paragraph is discussing only one gun, not two (that is, not just the one in Vince's pre-packed trunk but also another one, the silver-colored one, that *she* packed herself). The Fiske report (Pages 213-214 of the Senate Record) also states that Lisa found a gun "different in appearance" than the gun she remembered [cleverly, the Fiske Report has no mention that the gun that *was* the one Lisa *thought* killed Vince was *silver* -- another of its many finesses!]

If we have only one gun officially in the house, how in heck did Lisa find another gun in the place she apparently thought the silver gun was located? Did someone not only lift the silver gun for future use, but *plant* a (dark-colored?) gun as well? I find this hard to believe, but this whole affair is weird! Perhaps there were two guns in the house prior to his death -- the silver-colored one that Lisa could not find and the other (dark-colored?) one that she did find the evening of July 20?

Let's also take a look at what we know was going on around the time of Lisa's 5/9/95 FBI Interview in which it certainly looks as if the FBI showed her a silver gun, saying it was the gun found in Fort Marcy Park. The next night, 5/10/95 was the night that Mr. Knowlton was confronted on Constitution Avenue and his Peugeot was smashed up with a tire iron (just prior to *his* second FBI interview -- the one in which the Bureau tried to shake his story). Perhaps Lisa's position called for a more subtle type of manipulation? We apparently have at least two bold moves by the Bureau (or its proxies) within a day or two in early May 1994.

I am not sure what to make of this next point. Remember that Sheila Foster Anthony in her FBI Interview [1571-1572] stated, after making it known that she understood the difference between a semi-automatic pistol and a revolver, that she "only recalls seeing a black-colored pistol [sic] from among the handguns owned by her later father. This pistol is the gun which ANTHONY and SHARON BOWMAN found while they were clearing their parents' house after the death of the elder Mr. Foster." VWF's dad died in 1991 -- apparently some guns were removed from the home before he died (by VWF and Sharon) and one was removed after he died (by Sharon and Sheila).

Sheila also stated [1570] that she had no personal knowledge regarding the gun that was found with the body. . ." On what basis did she know nothing about the official death gun? Did the Bureau show her the gun, did the Bureau show her a picture of the gun? What gun? The silver-colored one the Bureau apparently showed Lisa? The dark-colored official death gun? As nearly as I can tell, we do not know the answer to these questions. I mention Sheila's statements to the FBI since she did refer having recovered (with Sharon) a *black-colored* gun (though it was a pistol).

I also note that there is a fellow who has been posting on the 'net in connection with "the gun" named Michael Rivero. For some time now, he has been posting that he thought the Bureau showed Lisa a silver gun in her 5/9/95 interview. I remember reading some of his early stuff and finding it kind of iffy (that's why the CIR did not contain all the 5/9/94 Lisa interview data in this fax!).

I emailed him today and asked him to call me. He did so after I spoke with Ambrose today. Mike and I talked through the fundamental "gun" point herein in connection with [A, B, & C] quotes above and he agrees with me (he would say that I agree with him!). I can have him call you gentlemen if any of you would like, but we both think the words of the FBI interview report make the fundamental point quite clearly.

Warm regards as always,
Hugh Sprunt, BSI [Baker Street Irregular]

[HT -- this is a cleaned-up version of the fax I sent to the above addressees last night. It makes no new points, but should have fewer typos and be a little clearer. Chris never called me last night -- perhaps since he received his copy of this fax before he had time to call. *Rather than send copies to Dan Burton and Faircloth at this point, I thought I would fax a copy of this fax to Patrick Knowlton's attorney this morning. He might be able to make some use of it since there is the implication of some "shenanigans" [to use Hamilton's word form 60 Minutes] on the part of the FBI around the time that Knowlton's car was bashed up, the night before his second FBI interview.* Please let me know if you have any new thoughts! Sunday Morning , 11/26/95; 9:58 AM EST.]

* If the reader of this message is not the intended recipient, or agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail.

Determined to be an Administrative Marking

PAGE 05 H SPRUNT - ADVANTAX 214-484-7136 11/26/1995 14:01

FBI LABORATORY

CONFIDENTIAL

FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: ADIC, Washington Metropolitan Field Office

Date: June 13, 1994

FBI File No. 290-LR-35063

Lab No. 40525017 S QV EG UD VY

Reference: Communication dated May 23, 1994

Your No. 290-LR-35063

Re: MOLARK
MAJOR CASE #105

OO: Little Rock

Specimens received: May 25, 1994

Specimens personally delivered by Special Agent Russell T. Bransford on May 25, 1994:

Q128 One plastic vial containing twenty-nine tablets

Q129-Q130 Two vision prescriptions (3)

K4 Eighteen checks bearing purported known handwriting of VINCENT FOSTER (2)

Result of examination:

CHEMICAL ANALYSIS:

The 29 tablets in Q128 are consistent with 50 milligram trazodone tablets.

Page 1 (over)

Enclosures (4)

OIC 000788

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Post-it™ brand fax transmittal memo 7671 | # of pages ▸ 10
To Sandra Thielotu | From Hugh Sprunt
Co. FBI-more | Phone # 214 484 7136
Dept. Also me Think | Fax # UNF Beth without Be Continued
(I'll send you the rest today)

DOCUMENT: (but not described!)

Significant handwriting characteristics in common were observed which indicates the questioned writing on previously submitted Q1 (Laboratory Number 30730011 D/S UD UV) was prepared by VINCENT FOSTER, whose known writing is designated K4.

A qualified opinion is rendered in this case as the known writings of FOSTER are limited in quantity and not sufficiently comparable in word and letter combinations to the questioned writing on previously submitted Q1. → The "TORN NOTE"

It is suggested additional normal course of business writings prepared by FOSTER be obtained for comparison to the questioned writings.

K4 has been photographed.

OPTICAL EXAMINATIONS:

The vision prescription Q129 appears to be a duplicate prescription to specimen Q130 or vice versa. Specimen Q129, however, contains a prescription for contact lenses which is absent on specimen Q130.

The vision prescription represented by specimens Q129 and Q130 is consistent with the determined prescription of specimens Q3 and Q18 (Laboratory Number 40324038 S/D QV EG WK UD WP AL QW PT VY 2S AR).

DISPOSITION:

The submitted specimens are being returned herewith.

① Bureau is not sure "Torn Note" was written by FOSTER. Reasons: The same criticisms that were made of FBI & US Park Police Handwriting Analyses by the 3 private Handwriting experts at the 10/25/95 Press Conference at the White House*

Page 1
40525017 S QV

OIC 000789

② This was never done (at least not according to Publicly Available documents (would have been easy to do, too!)

* I was the "other" person on the dais with these 3 and Jim Davidson.

Hugh Sprunt
(214) 484-7136

FOIA # none (URTS 16306) DocId: 70105096 Page 34

SWIDLER & BERLIN
CHARTERED

JAMES HAMILTON
ATTORNEY-AT-LAW

DIRECT DIAL
(202)424-7828

FOR AMBROSE FROM: Hugh Sprunt 3 PGS FYI, 10/26 9:35

August 25, 1993

THIS WAS ONLY 2 WEEKS AFTER THE US Park Police INVESTIGATION closed. (BUT See LAST PP OF THIS letter!

(1) IF THE NOTE WAS indeed A Forgery AS The 3 EXPERTS SAID AT The DC PRESS CONFERENCE on 10/25/95, These TWO PORTIONS OF THE Letter TAKE on A WHOLE New meaning!

CONFIDENTIAL

Determined to be an Administrative Marking

BY HAND

The Honorable Janet Reno
Attorney General
U.S. Department of Justice
Washington, D.C. 20530

RECEIVED
93 AUG 25 P4:12

Re: Vince Foster Note

Dear Madam Attorney General:

(1) As counsel for the family of Vince Foster and in particular Mrs. Lisa Foster, I am writing to renew the family's strongly-felt request that the original torn pieces of Vince's note be returned to her.

In the family's view, this was a very personal note. While it dealt with business matters, Vince obviously did not intend that the note be given or shown to anyone at work. As you know, he tore up the note, depositing the pieces at the bottom of an old briefcase he owned. He thus did not intend that the note be maintained as a part of White House files. THAT ENDED UP AT The WHITE House

The family, of course, understood the need for the Park Police and the FBI to obtain and analyze the note. Now, however, the investigations into Vince's death are concluded and family members see no good reason why the note should not be returned to Mrs. Foster.

Vince did not leave any written communication to the family. The note is all there is that expresses his feelings during the last few days of his life. While his death always will remain inexplicable to the family, having the note in their possession will provide them great comfort. Please do not underestimate the depth of Mrs. Foster's feelings about this matter.

(1) The family appreciates the manner in which the Department and you handled the note during the investigations and particularly thank you for your decision not to release a photograph of the actual note. That clearly was the correct decision for all concerned. So also would returning the note to the family be the correct decision. This would recognize the

Given The Text of The NOTE HAD Been Released, what Additional STRESS/UPSET Would RELEASING A Photo or Photocopy Cause? (NOT MUCH IN MY OPINION)

1000 K STREET, N.W. • SUITE 300

human and family concerns involved, and would in no way interfere with the investigation of Vince's death, which are over.

Mrs. Foster and the rest of Vince's family very much appreciate your personal attention to this renewed request. (A)

Sincerely,

James Hamilton

James Hamilton
↳ member of The Clinton-Gore Transition Team

JH/cmb

cc: Mrs. Lisa Foster

(A) NOTE - IT APPEARS FORMAL EFFORTS WERE UNDERWAY TO OBTAIN THE ORIGINAL TORN NOTE even Sooner Than The 8/25/93 date of the HAMILTON LETTER.

(IF THE NOTE WAS FORGED IT WAS CLEARLY CRITICAL TO OBTAIN THE ORIGINAL OF THE NOTE - HENCE THE EFFORTS TO OBTAIN IT SHORTLY AFTER THE DEATH.)

Fair Comment

Watergate Has No "Foster" Children

By Hugh Sprunt

Why so little in the media about the suspicious death of White House Deputy Counsel Vince Foster? Perhaps putting some evidence regarding his death in a Watergate-like context will bring this question into focus. Assume you are Ben Bradlee, editor of the *Washington Post*. Vague rumors about the break-in at the Democratic National Committee Headquarters in the Watergate complex have begun to surface, and two of your reporters, "Woodward" and "Bernstein," come to you with an amazing story they are calling "Watergate." They tell you that they have located and interviewed someone who happened to be at the Watergate that night and apparently observed the burglars near the time of the break-in (Analogue: Virginia construction consultant Patrick Knowlton's damning report of what he saw at Fort Marcy Park on July 20, 1993, see **Insight**, Nov. 27). This witness saw the burglars clearly and can describe them in detail. This is particularly important since the burglars have so far managed to elude the authorities. The witness happens to be a supporter of Richard Nixon (and Knowlton's home sports Clinton/Gore campaign literature), but still wants to tell the truth about what he saw at the Watergate that night.

You learn from your reporters that, after the witness gave his eyewitness account to Nixon's FBI, the Bureau scheduled a second FBI interview solely to get him to change his story, something he refused to do (as Knowlton claims happened to him).

When the Watergate witness subsequently was served a subpoena to appear before the District of Colombia federal grand jury, he was harassed by more than two dozen individuals, on the street, in numerous threatening phone calls, and by people who illegally entered his apartment building at night (as Knowlton claims happened to him). Both Woodward and Bernstein personally observed this type of harassment numerous times over a three-day period and took photos of the intimidators and their vehicles (which is how reporters Chris Ruddy and Ambrose Pritchard-Evans personally have confirmed harassment of Knowlton in recent weeks). The license plate of one vehicle was traced by the reporters and belongs to the federal government.

Woodward and Bernstein also tell you of a copy of a handwritten note that they have obtained from a source within the Nixon White House. This note authorizes the Watergate break-in on national security grounds and appears to have been written and signed by President Nixon himself, at the insistence of those committing the break-in, who had demanded assurance that the break-in was not illegal. As managing editor, you have recently heard vague rumors about this note, but your sources in Nixon's FBI have told you that the note was an obvious forgery, and you thus far have printed nothing about the note's existence out of respect for the president (Inverted analogue: the FBI quickly decided that the torn "suicide note" belatedly found in Foster's briefcase was written by Foster himself.)

But Woodward and Bernstein have a copy of the FBI lab report on this note. The lab report indicates that the FBI is *not certain* the note is a forgery and suggests that more than one known sample of Nixon's handwriting be provided to the lab for comparison. Although weeks have passed, no additional samples of Nixon's handwriting were provided to the FBI lab. Finally, your reporters tell you that they hired three highly-qualified independent handwriting experts who examined the note, along with many known samples of Nixon's handwriting, and all three

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— Had this happened, Watergate would have been a minor crime story, briefly noted, then quickly and quietly entered.

experts are unanimous that the note is genuine: it was clearly written and signed by Nixon himself. (Inverted analogue: Three handwriting experts at a Washington press conference on October 25 announced that Foster's suicide note was forged.)

As managing editor of the *Washington Post*, would you think this story worth printing or would you tell Woodward and Bernstein that obviously it is the fabrication of a bunch of scurrilous left-wing kooks out to "get" President Nixon?

What if the actual Watergate events had been ignored by the mainstream media, except for CBS' Mike Wallace vilifying Woodward and Bernstein on *60 Minutes* for dreaming up a cockamamy Watergate conspiracy theory just to sell newspapers? (See **Insight**, "The Foster Coverage: A 60 Minutes Autopsy," Dec. 4.)

Hugh Sprunt, author of the Citizens Independent Report on the Foster death, is an attorney in Dallas.

This Catholic Moment Bears GOP Prospects

By Donald Devine

A silent revolution is taking place among American Catholics. For the whole modern era, Catholics and their clerical hierarchy have had an informal understanding with the Democratic Party and their supportive power groups, such as the labor unions. Recently, that alliance crumbled.

The Democratic-supported Supreme Court decision legalizing abortion in 1973, and the Republican Party platform's opposition to it in 1980, opened the riff. But it was the general disdain of the post-McGovern Democratic Party to seemingly all traditional moral, family and religious concerns that strained the relationship to the breaking point. With the October release of their pre-1996 election manifesto — *Political Responsibility: Proclaiming the Gospel of Life, Protecting the Least Among Us, and Pursuing the Common Good* — the bishops of the nation's largest religious institution have set a new direction. By this act, the United States Catholic Conference has declared independence from Democratic hegemony.

The bishops' new policy does not constitute an alliance with the Republican Party. Their statement is meant to confront both political parties: "We stand with the unborn and the undocumented when many politicians seem to be abandoning them. We defend children in the womb and on welfare. We oppose the violence of abortion and the vengeance of capital punishment. We oppose assault weapons in our streets and condoms in our schools." Talk about a carefully calculated challenge!

Republicans earned bragging rights among Catholics during the years Ronald Reagan was their leader. His pressure to maintain the ban against federal funding of abortions and extending it to the government's own health plan, his attempts to limit population-control programs, his appointments of judges, his speaking out for the values of "God, family, freedom, neighborhood and work," and his support of the platform — all, for the first time, showed GOP attention to Catholic concerns. Just as important, President Reagan had a compassionate way of explaining tough decisions and an Irish optimism that made Catholics understand even his economics.

But the 1994 election was the first to find a majority of Catholics voting Republican for the more localized and, thus more cherished, House of Representatives. The reason for the GOP's gain almost certainly was the aggressively libertine social policies of the Clinton administration on abortion, homosexual rights and condom distribution. The GOP did not gain a majority as much as Democrats lost it. To sustain the break, the Republican Party must be able to meet the bishops' challenge. Defensively, this means continued support of "the children in the womb," and opposition to the "violence of abortion" and the condom distribution in schools mentioned in the Conference's document. The movement to repudiate the Republican platform on abortion is the surest way to break this strongest link to the Catholic constituency and would dampen hopes for a permanent GOP majority.

Still, if they are to be successful, the Republicans must answer Catholic challenges on welfare, undocumented aliens, capital punishment and gun control. To win Catholics on these issues, the GOP must be able to translate their programs into the language of Catholic social philosophy. An exclusively economic voice will be a Babel and, unfortunately, that is now the dialect of most GOP leaders.

Fortunately, Republicans have an ally in Pope John Paul II, who has written that a market-driven economy is better, not because it is more efficient, but because it is more just than arbitrary distribution by political elites seeking majority favor. Gun control is wrong, not because the national government should protect shooters' or hunters' rights, but because it restricts the individual's right to defend himself or herself when the state cannot. Capital punishment should not be used to show toughness, but should be used if the community judges it appropriate to the severity of the offense. National power must be devolved not to save money but to break stifling welfare-state bureaucracies that do not allow problems to be solved locally and privately, whether for the domestic poor or undocumented aliens.

More than six decades ago, Pope Pius XI said, "It is wrong to withdraw from the individual and commit to the community at large what private enterprise and industry can accomplish; so too it is an injustice, a grave evil and a disturbance of right order for a larger and higher organization to arrogate to itself functions which can be performed efficiently by smaller and lower bodies." This so-called principle of subsidiarity has been reinforced by Pope John Paul II.

Republicans will not be able to speak to a permanent majority of Catholics — or other Americans — until they truly can say, and believe, that they are giving greater service to children and the poor and the weak by transferring programs from Washington to local, state or private sources. The bishops' policy therefore is a challenge to Catholics to help the Republicans complete the subsidiarity revolution by sending more government back to the states and the people, where the 10th Amendment says it belongs anyway.

Donald Devine is a former director of the U.S. Office of Personnel Management.

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Fair Comment

The Foster Coverage: A *60 Minutes* Autopsy

By Hugh Sprunt

On Oct. 8, 1995, Mike Wallace presented *60 Minutes*' lead segment, "What About Vince Foster?" Its purpose was to persuade the public that former White House Deputy Counsel Vincent W. Foster Jr. committed suicide where his body was found in Northern Virginia's Fort Marcy Park and that there is no evidence to support those who question the official "suicide verdict."

The primary objects of *60 Minutes*' derision were reporter Chris Ruddy and Strategic Investment LLC, the producer of a video that challenged the official suicide verdict. As *60 Minutes* accurately reported, recent polling indicates that "two-thirds of Americans still are not sure" that Foster killed himself at Fort Marcy Park.

Wallace introduced Foster's family attorney, James Hamilton, by saying that Foster was in a "clinical depression" caused by criticism of him in several *Wall Street Journal* editorials and by the failed nominations of Zoë Baird and Kimba Wood for U.S. attorney general. Hamilton merely said, "He was very unhappy about those nominations. He certainly had a tendency, I am told, to blame himself for those things." Hamilton's statement falls quite short of layman Wallace's secondhand diagnosis of "clinical depression." Nonetheless, Wallace said Foster "knew he had to see a psychiatrist for his depression."

What do government investigative documents reveal? Foster's sister, Sheila Anthony, an assistant attorney general, was interviewed by the FBI regarding Monday, July 19, 1993, the day before Foster's death. According to the FBI report, she said that "he [Foster] was feeling good and that the weekend had gone well. Foster said that he was not yet ready to see a psychiatrist [as Sheila had suggested to him the previous Friday] ... but he told Anthony that he had called his physician in Little Rock and had gotten a prescription."

What did longtime Foster family doctor and personal friend Larry Watkins say? The report of the FBI interview stated, "[Watkins recalled that] Foster sounded a little tired ... Watkins prescribed desyrel, 50 milligram tablets.... Watkins knew that it took 10 days to two weeks to take effect [as an antidepressant] but helps with insomnia, sometimes the very first day.... He felt it was important for Foster to start sleeping better and thought if he got some rest he would feel a lot better. He did not think that Foster was significantly depressed nor had Foster given the impression that he was 'in crisis.' From what Foster told him, Foster's condition sounded mild and situational.... Foster was not one to come to Watkins with stress-related problems.... Lisa [Foster's widow] told him that they had gone away and had a nice weekend on July 17-18.... He had the distinct impression ... that Lisa was taken completely by surprise by this."

These FBI interviews contradict *60 Minutes*' statements that Foster was in a state of "clinical depression" and that Foster "knew he had to see a psychiatrist for his depression." The FBI reports were publicly available eight months before the *60 Minutes* segment aired.

60 Minutes disparaged Chris Ruddy's reporting that the amount of blood

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was significantly less than expected, given that Foster had suffered a point-blank gunshot wound in the mouth from an Army Colt .38-caliber pistol firing high-velocity ammunition. Wallace told Ruddy, "You know and I know that there was blood all over the back of the shirt." Ruddy replied that "Dr. Haut [the only doctor to view the body at the official death scene], in his FBI report and his interview with me, said there was not a lot of blood behind the body." Wallace then said, "Dr. Haut says Chris Ruddy simply got it wrong." But according to Haut's FBI interviews: "Haut did not recall seeing blood on the decedent's shirt or face and no blood was recalled on the vegetation around the body.... Although the volume of blood was small ... the blood was matted and clotted under the head.... Haut believed that the wound was consistent with a low-velocity weapon."

Haut filed a routine written report with the medical examiner's office. Its contents have not been made public. Wallace did not see fit to examine either Haut's FBI interview report or Ruddy's taped interview with the doctor.

One of the major objectives of Ruddy's reporting has been to challenge official reports, including one authored by Robert B. Fiske Jr., the first independent counsel, who preceded Kenneth Starr. What does the Fiske Report say Haut saw?

"Dr. Donald Haut, the Fairfax County Medical Examiner, arrived at the scene to examine the body. At that point, Foster's body was rolled over and those present observed a large pool of blood on the ground where Foster's head had been."

But according to the FBI's report of its interview with Haut, not only was there no "large pool" of blood behind Foster's head (the volume of blood was "small"), but also what blood there was, was matted and clotted, not liquid. The FBI's Haut interviews support Ruddy and contradict both the Fiske Report and Wallace's statements.

60 Minutes made much of the fact that Ruddy and the *Strategic Investment* video reported that numerous carpet fibers were found on Foster's clothing by the FBI. What does Wallace have to say about the fibers?

Wallace told viewers: "The FBI and the U.S. Park Police say the fibers are not significant, that anyone who walks on a carpet picks up fibers, and since all of Foster's clothes were put in one bag, all of his clothes would probably have fibers on them. And Hamilton says that Foster's wife, Lisa, had just put new carpets in their home." (Hamilton: "Carpet fibers of those colors were found on Vince's clothing".)

However, according to the official record released earlier this year by the Senate, neither the FBI nor any other investigative body tried to match the fibers with carpeting in Foster's office, his home or anywhere else. Furthermore, according to the report issued by Rep. William F. Clinger Jr., a Pennsylvania Republican, "It would be impossible to determine when or where the carpet fibers found on Mr. Foster's clothing would have originated."

Thus, *60 Minutes* left its viewers with the impression that the carpet-fiber issue had been eliminated. *60 Minutes* did not bother to explore how Foster's shoes retained these carpet fibers after a day at the White House and after Foster's 750-foot walk over grass and dirt to the official suicide location in Fort Marcy Park.

Wallace told his viewers: "Officer Kevin Fornshill, who discovered the body, says the ground around Foster showed no signs that he had been carried," which appears to undermine the possibility that Foster had been carried to the park in a carpet. Actually, Fornshill, who encountered the body at 6:14 p.m., was the first *official*, but not the first *person* to find Foster's body. The first person to discover Foster's body was the so-called "Confidential Witness," or CW, who came upon the body at approximately 5:50 p.m. and was granted anonymity by Fiske.

Fiske considered CW a credible witness. However, during a deposition taken July 28, 1994 by Republican Reps. Dan Burton, Dana Rohrabacher and John Mica, CW provided information about what he had told Fiske's FBI agents that neither made it into the Fiske Report nor the subsequent Senate report. What did CW say in that deposition about the ground around the body?

CW: "It was walked completely flat. The [FBI] agents had known about this.... [There was] nothing in that [Fiske] report [about the trampled ground].... Did it [sarcastically] disappear or what happened?

Q: "Wait a minute. This is very important. You are saying you told the [FBI] agents this?"

CW: "Oh, I told them numerous times."

Q: "That the ground was trampled from the bottom of his feet all the way down the valley and over the hill?"

CW: "Completely flat."

Q: "Like somebody had been walking back and forth there?"

CW: "He [CW assumed Foster had done the pacing] had paced back and forth many times. At least a dozen times. You can't trample down that flat."

Q: "And they didn't put that in the [Fiske] report?"

CW: "Nothing in the [Fiske] report that I read."

Q: "Did you tell them [the FBI] about the trampled ... ?"

CW: "Absolutely."

Q: "Not once, but how many times?"

CW: "Minimum of three. Once here and twice at the site with them [FBI]."

The *60 Minutes* segment ignored CW's statements made in the deposition. Curiously, Fornshill repeatedly stated in his deposition taken by the Senate Whitewater Committee and to the FBI that he never saw the gun that officially was in Foster's hand when he found the body. CW also was emphatic in his own deposition that *he* never saw a gun in Foster's hand: "There was no gun in his hand. His — both palms were face up, thumbs out to the side."

Attorney Hamilton enjoys an excellent professional reputation, but *60 Minutes* did not reveal some of his professional experience. He served as assistant chief counsel to the Senate Select Committee on Presidential Campaign Activities in 1973-74. (the Watergate Committee) during which time presumably he made the acquaintance of former White House Counsel Bernard Nussbaum (Foster's boss at the time of his death) and First Lady Hillary Rodham Clinton, both of whom also were attorneys for the Watergate Committee.

Hamilton also served as Clinton-Gore Transition Counsel for Nominations and Confirmations in 1993, the year of Foster's death, and apparently vetted both Stephen Breyer and Ruth Bader Ginsberg for Supreme Court appointments. He therefore appears to have been intimately familiar with the legal needs of the administration and to possess the legal expertise required to address those needs.

Seen in this light, *60 Minutes*' segment did not provide its viewers with the information needed to answer the question, "What About Vince Foster?" Instead, after having reviewed the official documents, all of which were available to CBS, and having provided *60 Minutes* a copy of my *Citizen's Independent Report* on the death of Foster several weeks before the broadcast, I believe the question viewers should be asking is: "What About *60 Minutes*?"

Hugh Sprunt is author of the Citizen's Independent Report *on the Foster-death investigation and is an attorney and certified public accountant in Dallas.*

* HAMILTON WAS "OFFICIALLY" HERE OBY on WHOSE SOURCE? ← LISA BY PHONE THE NIGHT OF VWF'S death

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Hugh Sprunt's Citizen's Independent Report on the death of Vince Foster

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River House?

* This fifth release [S-03, dated October 8, 1995] corrects some typographical and grammatical errors and adds a modest amount of new material to the third release dated August 31, 1995, just as that release did for the first and second releases, dated July 20, 1995, and July 31, 1995, respectively. The fourth release [S-02CR, dated September 30, 1995] was provided to Reporter Chris Ruddy only, via a 3.5" diskette, in anticipation of the "60 Minutes" segment on the death of Vince Foster aired on Sunday, October 8, 1995.

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Foster Case:

Controversial Lee to Issue His Report

By Christopher Ruddy
FOR THE PITTSBURGH
TRIBUNE-REVIEW
NOVEMBER 24, 1995

WASHINGTON—Forensic scientist Henry Lee is soon to offer his opinions in the case of Deputy White House Counsel Vincent Foster. However, if his previous findings in high-profile cases are any indication, Lee's report is unlikely to lay to rest the issues surrounding Foster's manner of death.

Lee's appearance in August as an expert witness for O.J. Simpson's defense team has made the chief of the Connecticut State Crime Lab perhaps the world's most celebrated forensic scientist. And perhaps one of the world's most controversial.

Since late spring Lee has been preparing to issue a significant report for Independent Counsel Kenneth Starr relating to issues dealing with Foster's July 20, 1993, death. The Tribune-Review reported recently that Lee's findings from physical evidence will bolster government claims Foster died at the spot he was found in Fort Marcy Park.

According to sources close to the probe, Starr and his staff have been anxious to close their investigation into Foster's death in the wake of a cursory grand jury probe that took place earlier this year. They reportedly hoped Lee would do the trick. But criticisms of Lee since the Simpson trial have made that hope illusory.

Starr's then deputy, Mark H. Tuohey III, hired Lee after disclosures that primary Foster prosecutor, Associate Independent Counsel Miquel Rodriguez, resigned because of resistance from FBI experts to explore alleged problems in the case and the apparent unwillingness of Rodriguez's superiors to allow him to bring experts outside the FBI into the case.

Though Starr hired Lee knowing of his involvement as a defense witness in the Simpson case, Starr was apparently unprepared for the implications of Lee's controversial testimony there. In July, a source close to Starr's probe said Starr's staffers were under the impression that Lee would probably not testify at the trial.

However, Lee did testify and came under harsh criticism from FBI experts for his speculative testimony about bloodstain patterns found at the Ron Goldman-Nicole Simpson death scene.

For that reason, and the fact that Lee has limited the scope of his own inquiry, Starr hired the San Diego Medical examiner to review the autopsy findings in the Foster case.

WEIGHING IN

While drawing sharp criticism from members of the scientific community for his Simpson testimony, Lee again has demonstrated his willingness to weigh in on controversial cases.

He has a powerful reputation in the legal and scientific worlds. "He's the best, the very best," Carla Noziglia, former director of the American Society of Crime Laboratory Director, told the AP earlier this year.

But, other, especially in light of recent events, are less impressed.

John Hicks, who retired in 1994 as an assistant director of the FBI in charge of its crime lab, suggested in a telephone interview last month that Lee's opinion is far from gospel.

Hicks, now working for the Alabama State Crime Laboratory, is highly respected in the scientific community, and under FBI Director William Sessions pioneered the bureau's entry into DNA analysis. Hicks has also supervised crucial scientific work that led to convictions in the New York City World Trade Center bombing.

Asked about Lee's role as an expert witness at the Simpson trial, Hicks said the defense "spent a lot of time building him up as to be the world's greatest, bestest and mostest," but suggested that he fell short of that billing.

Lee "must have been embarrassed," Hicks said, "when he had two (FBI) experts come in and basically point out that what he said with certain things were most certainly not what he said they were."

Hicks criticized Lee's interpretation of several imprints of blood patterns which enabled Simpson defense lawyers to bolster their case that the murders were accomplished by more than one individual. Lee, for example, argued that one blood pattern found on an envelope could have been made from a shoe different than the one prosecutors claimed Simpson wore the night of the killings. But during his testimony Lee said his judgment was not definitive as to whether it was a shoe print.

"When he said, for example, that this appears to be (a shoe print), he was very careful. He said, I see an

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imprint. it may be a shoe print. I don't know if it is or not, but if it is a shoe print it's not (Simpson's shoe)," Hicks said, recalling Lee's qualified testimony.

FBI agents William Bodziak and Douglas Deedrich took the stand in September to dispute Lee's findings; Lee did not retake the witness stand to counter their conclusions. Deedrich, an expert on fabrics, said some of the blood patterns were more likely the result of fabric impressions rather than shoe impressions. Deedrich called Lee's research "inadequate" and suggested it had been "irresponsible" of Lee to have made any inferences about the blood patterns.

Lee subsequently held a press conference in Connecticut to defend his testimony. He said he had drawn no specific conclusion about the stains, and that defense lawyers may have exaggerated the significance of his opinions for Simpson's benefit.

He told the press he was sorry to have taken the case because the hardships it had imposed on him and his family were "not worth it."

Today Lee appears uninterested in discussing his Simpson testimony. He declined to address the matter, or Hicks' criticism, with the Tribune-Review last month before giving a speech at the City University Graduate Center in New York, saying that any discussion of the O.J. case was off-limits.

"I don't want to talk about it," he said. And in an hour-long slide show of his most famous cases, the Simpson case was not even mentioned.

CREDIBILITY

Hicks said Lee's O.J. testimony had cost him credibility "with a lot of people in the forensic community."

"I think he is definitely a hired gun," Hicks said, a criticism frequently made of witnesses.

Lee does not take money for himself for his cases. But expert witnesses typically can call a higher price for their services from the defense than the prosecution, and Lee received a significant fee for his work on the O.J. case. Lee summarily gave the fee to a scholarship fund and to the state crime laboratory he heads.

Lee also says he works for neither the prosecution nor defense, but rather seeks to present scientific truth.

Others suggest Lee is also interested in prestige and attention.

"I think he has an ego as big as his resume," Dr. Richard Saferstein said, noting Lee's 50-page plus *curriculum vitae*.

Saferstein, former head of the New Jersey State Crime Lab, was a regular commentator on the Simpson case for Geraldo Rivera's talk show, and is considered a leading forensic scientist. He is author of *Forensic Science* (Prentice-Hall) the standard text in the field.

Saferstein, who conducted tests for two homicide investigators hired by the Western Journalism Center to review aspects of the Foster case, suggests Lee's success can be partly explained because "he is close to being an entertainer."

Hicks agreed with that assessment and suggested that Lee's powerful personality sometimes clouds the serious scientific issues involved in a case.

"Henry is a very personable person, and it's easy to be drawn in by Henry, he's full of . . . stories, very enjoyable, and sort of an exciting person to listen to."

CONTROVERSIAL CASES

For sure, Lee has been involved in some complex, seemingly unsolvable cases. In 1986, Lee figured out a Connecticut murder case involving a husband who had put his wife through a wood chipper to destroy her remains. Lee was able to identify minute fragments of her bones, teeth and other body parts which helped police solve the case.

Though most forensic scientists confine themselves to the laboratory, Lee's generalist knowledge (he was a police officer before going into forensic science) has enabled him to be something of a Sherlock Holmes at crime scenes. He stresses during his presentation that he can be most effective when he visits the crime scene in its most pristine state before it has been bothered by detectives and others.

Other controversial cases in which Lee has played a role:

- The Levin killing, or better known as "the preppie murder" case of 1987. Lee was working for Robert Chambers' defense when Chambers confessed to the killing of young Jennifer Levin by strangulation during a sexual encounter in Central Park.
- William Kennedy Smith rape case. Lee was said to have played the lead role in helping Smith get acquitted of raping a Palm Beach woman in 1991. Lee told the jury that had the young lady really struggled or the grass as she was raped, grass stains should have been apparent on her pantyhose. None were, and in court, he produced a handkerchief soiled with grass stains after he had rubbed it against the same area of grass.

Hicks called Lee's handkerchief experiment "outrageous," saying it did not follow proper scientific methodology which would have entailed using the same fabric and making sure conditions, such as moisture, were the same.

Lee is apparently aware of such criticism, and during a recent speech answered his critics: "Give me a break, how many guys you know who carry panties in their pocket."

- The still-questioned 1991 death of Danny Casolaro, a free-lance journalist found dead in the bathtub of a West Virginia hotel of an apparent suicide. His family contested that ruling and said Casolaro was working on an expose of corruption in the federal government. Lee reviewed the case and said the death, based on blood splatter analysis, was consistent with suicide.

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A Special Report on the Fiske Investigation of the Death of Vincent W. Foster, Jr.

By Christopher Ruddy

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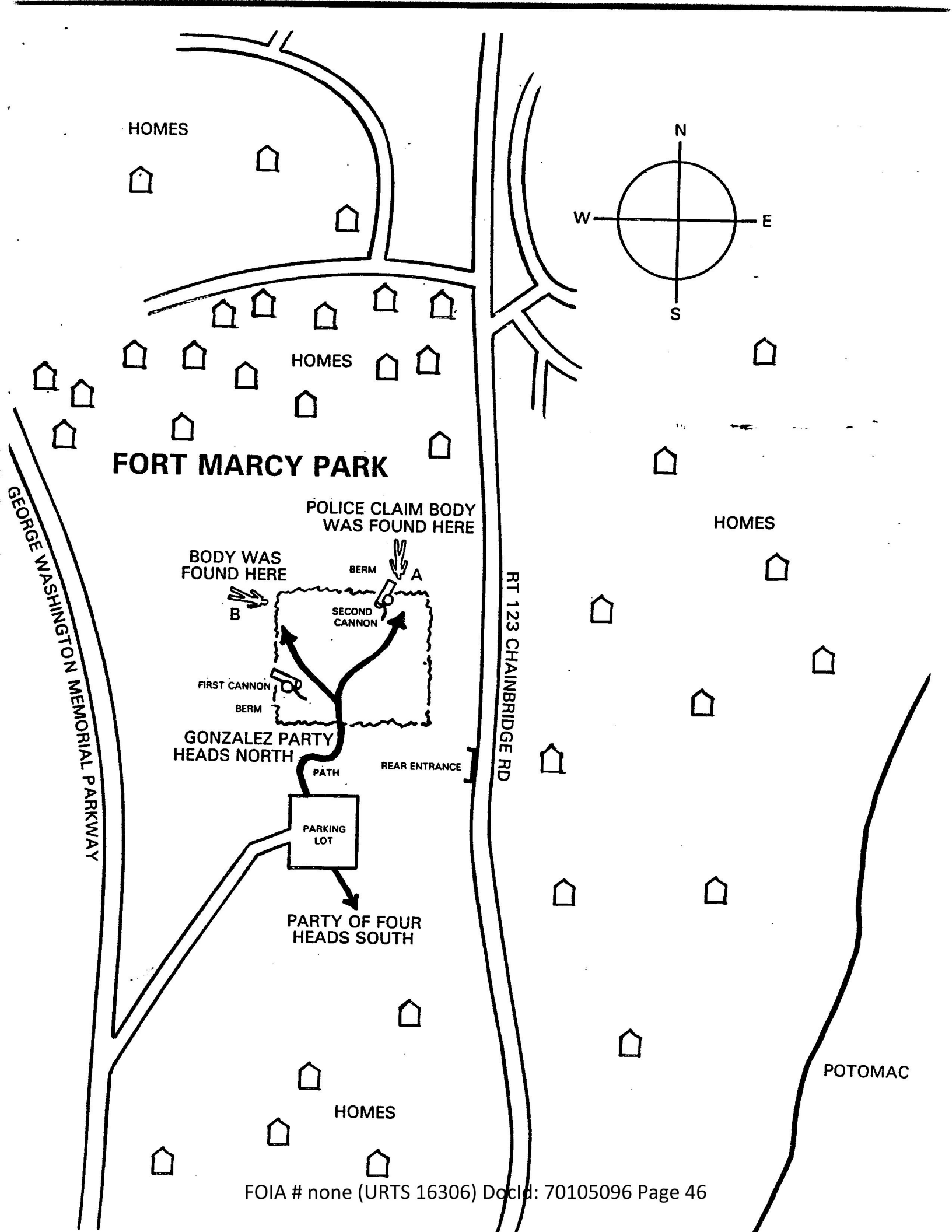
As a reporter for The New York Post, I authored a series of articles on the death investigation of Vincent Foster, former deputy White House Counsel.

Since the release of the Fiske report of June 30, 1994 on the Foster death investigation, I have received a number of requests for comment. Herein, lies my detailed analysis. I have chosen to produce this information in this manner since a newspaper format would be inappropriate, and the pending hearings make this information timely and important.

Christopher Ruddy
July 18, 1994



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"Stretch your talents, grasp beyond the closest branch, take a risk, stick your neck out, speak your mind, challenge the status quo and conventional wisdom. Do not just accept responsibility. Chase it down.

-Vincent W. Foster, Jr. May 8, 1993, Commencement Address, University of Arkansas Law School.

THE COVER-UP

When Sgt. George Gonzalez, a lead paramedic, reported for duty to cover for an absent member of Fairfax County (Va.) Fire & Rescue Station No. 1, on July 20, 1993, little did he know that fate would make him privy to one of the biggest cover-ups in American history.

For, just a couple of hours into that sweltering evening, Gonzalez, and at least 20 other officials, would have intimate knowledge of the spot where Vincent Foster's body was found in Fort Marcy Park -- and the subsequent knowledge that the Park Police participated in a cover-up by changing the location, in their official reports, by several hundred feet.

What Gonzalez and his fellow officials know could incriminate many of the federal officials involved in investigating the death of Foster, then deputy White House Counsel. There is powerful evidence that these officials obstructed justice by:

- issuing false reports.
- lying to the press and public.
- committing a number of other federal offenses, including intentionally misleading Special Prosecutor Robert Fiske, his staff -- and the FBI.

Revelation of this cover-up would also seriously impugn the credibility and legitimacy of the U.S. Park Police, whose forensic and physical evidence constituted a major part of the Special Prosecutor's report on the cause of Foster's death.

Late on a January night six months after Foster's death, Gonzalez detailed the circumstances of his death to this reporter; this unrehearsed testimony remains the most comprehensive, accurate and honest account of what happened

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at Fort Marcy Park in McLean, Va., following a 911 call reporting a lifeless body in that park.

In reviewing my notes of that interview, I noted that Gonzalez's recall of details was sharp. He remembered, for example, a Mercedes standing at the park's entrance with hazard-lights blinking -- something a police officer who followed him into the park couldn't remember. And Gonzalez vividly recalled the two small cars in the parking lot.

And Gonzalez's description of the crime scene -- the highlight of my first major article on the event in The New York Post, which is generally acknowledged to have prompted the probe by the Special Counsel Robert Fiske into Foster's death -- parallels the findings of that probe, as follows:

- Foster's body lay on the side of a hill, face-up.
- He wore suit pants, a dress shirt, but no tie or jacket.
- The top shirt was unbuttoned.
- A trickle of blood emanated from the side of the mouth.
- Flies were buzzing around his eyes and orifices.
- A gun was in his right hand.
- Every limb was straight, as if Foster was "ready for the coffin," in Gonzalez's words.

Everything Gonzalez said was in agreement with Fiske's findings -- except for two all-important details: the body's location, and who discovered it.

Gonzalez and the Fiske report are in agreement that at approximately 6 p.m. on July 20, 1993, Gonzalez's paramedic unit, consisting of himself and two other rescue workers, arrived at the parking lot of Fort Marcy Park, followed closely by Officer Kevin Fornshill of the Park Police. A Fairfax County fire truck carrying three other rescuers also arrived.

The rescuers quickly separated in the lot: Gonzalez, Fornshill and Todd Hall of Gonzalez's unit, took a looping northeast trail of the park; the four others took the south trail through dense brush and woods, moving away from the fort.

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Gonzalez's testimony and the Fiske report are in agreement that Gonzalez moved quickly up the park's northeast trail, a distance of about 200 feet, and entered the main clearing of the historic fort around which the park was established. Here, in the fort, there are two cannons, and Gonzalez came upon the first one and searched to the left of it, while Fornshill and Hall probed on the other side of the clearing.

Here we come to the part where Gonzalez's original account to me differs from what he subsequently told Fiske's staff.

Picture Fort Marcy, a small parcel of land wedged between two north-south thoroughfares: the George Washington Parkway on the west and Chainbridge Road on the east. Close to Chainbridge Road in the middle of the parcel, the wooded land rises to form a roughly squarish plateau measuring a few hundred feet in length and width; this is the original fort, one of a number that Pres. Lincoln authorized as a bulwark against attack of the Capital during the Civil War.

On two sides of this tiny fort the land falls away sharply, forming steep embankments, sometimes called berms. During the Civil War, numerous cannon sat perched overlooking the berms giving the defenders maximum effectiveness. Again, only two of these Civil War era cannon remain.

The first sits in the southwest corner of the square closest to the park's parking lot. The other rests in the opposite, northeast corner, hidden by brush and earthen mounds. They are referred to in the Fiske report as, respectively, the "first" and "second" cannon.

In that January interview, Gonzalez told me he moved past the first cannon and found nothing. But as he moved "at least 20 feet" along the west berm that the cannon overlooks, he came upon the body, lying on the berm itself.[This spot is now wildly overgrown because the park's grounds have not been maintained, as the main entrance to the park has been closed since December.]

But the Fiske report locates the body directly in front of the *second* cannon -- a couple of hundred feet away.

Moreover, Gonzalez told me that upon discovering the body he shouted to the two other searchers on his team, who, he said, were still in sight. That precludes them from being

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by the second cannon, which, as indicated above, was not visible from that spot.

Gonzalez told me he moved down the berm and checked Foster for life signs, closely examining his eyes and then his fingers, to see if they were cyanotic (pooling blood). They were. Foster was dead. And Gonzalez emphasized -- keep this detail in mind -- that it's important never to assume death but to carefully verify it.

The Fiske report has a significantly different version of the discovery, stating that "Officer Fornshill was the first to arrive at the body." And the location is given as approximately 10 feet in front of the *second* cannon.

The Fiske report has Gonzalez arriving after the two others had found the body. It then states that *Todd Hall* probed for life signs by checking Foster's pulse. Hall "found none," the report states.

Gonzalez now claims he never saw Hall check the pulse, but just assumed Foster was dead. He, the lead paramedic -- who, remember, had emphasized to me the necessity of verification -- now says Foster's condition was "obvious."

Gonzalez flip-flopped. Which version is true?

The evidence supports his original contention that the body was down the berm from the first cannon, a couple of hundred feet from where the Fiske report had it.

This is not a matter of verbal confusion; Gonzalez backed up his account of the events by drawing a map and sketching out in my notebook several diagrams of the scene. The map details the looping trail from the parking lot to the fort's main clearing, a distance of about 200 feet. He marked the cannon he saw as he moved to the left. He drew his path past the cannon some distance and marked an "x" as the point at which he found the body. He clearly stated the body was *not* in front of the cannon,
and remembered such a seemingly insignificant detail as a curve-shaped hollow at the top of the berm, which he drew in my notepad.

Gonzalez drew a picture of what he thought was a little used, brush-filled pathway down the berm where he said Foster's body was lying. He also drew a cross-section of the body on the berm, indicating that the feet of the body were pointed toward the George Washington Memorial Parkway, which runs parallel to the berm.

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A Park Police Officer present at Fort Marcy that night, speaking on condition of anonymity, corroborated Gonzalez's general description of the body and its location. He told me the body was well past the first cannon, motioning with his hand, as he indicated the body was not near the cannon. He, too, described Foster's feet as pointing toward the parkway.

If Foster's body was lying on the berm by the first cannon, it would be on an east-west alignment, with the feet pointing toward the parkway several hundred feet west.

If, on the other hand, it was where the Park Police and Fiske officially locate it, it would be on a north-south alignment, with the feet pointing north toward woods and an out-of-sight development of homes.

More unrehearsed testimony corroborates Gonzalez's original account and that of the above-cited unnamed Park Police Officer. Kory Ashford, an EMS technician who arrived before nightfall at 8:45 p.m. to place Foster's body in a body bag, claimed he didn't even remember seeing a cannon -- which is consistent with the fact that if Foster's body was where Gonzalez originally had it, the first cannon would have been off to the side, out of Ashford's direct line of sight, as he made the path from the clearing's entrance to the body. Were the body where the Fiske report had it, it is difficult imagining Ashford wouldn't have noticed the cannon, since it sits prominently over the berm where the body supposedly was.

The location of the body is disputed only because the Park Police curiously omitted what every death investigation requires: key crime scene photographs.

In my March 7 New York Post article, I noted that the Park Police had failed to take a "crucial crime scene photograph," or series of photos that would depict the entire crime scene, including shots of the *whole body and its surroundings*, as well as "relationship photos," pictures that would show where the body was relative to such landmarks as a cannon or the deceased's car, which was found in the parking lot.

"It's extremely important in an investigation [to have such photos] because it shows the body's position and other patterns which can never be re-created," said Vernon Geberth, a former lieutenant commander of New York City's homicide division. Geberth, author of the authoritative police text "Practical Homicide Investigation," noted that

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such indispensable photos, for one thing, allow police to re-create the scene of death and establish if homicide was staged to look like suicide.

That Post article was widely misinterpreted as stating the police had no photographs; this was not the case. The Park Police have claimed that these photos were taken, but the film was not properly developed. The Fiske report noted that 35 mm. shots were taken -- but they were "underexposed."

In the absence of these crucial photos, the police took 13 Polaroid photos, which show only close-up shots of Foster's body, according to a source who has seen them. One of these photos was leaked to ABC News; it showed Foster's right thumb inserted into the trigger guard of a .38 Colt lying next to his thigh. The photo also shows *thick quantities of vegetation* around the gun, hand and body.

This photo, as well as some that were not released, corroborate Gonzalez's original statements of the location of the body and undermine the Fiske report. The path on the berm directly in front of the second cannon is *devoid* of vegetation, and the sides of the pathway, where Foster's arm's supposedly reclined, has only small amounts of vegetation and foliage -- a condition inconsistent with the photos.

In early April, Fiske's staff excavated for a bullet in the place where they believe Foster's head lay, which was directly in front of the cannon. But film footage of the berm taken prior to the excavation indicates the path had no real foliage, and little plant growth on either side.

Further, a journalist who visited the site the day after Foster died says the berm does not match with the photo shown on ABC. John Hanchette, a reporter for Gannett Newspapers, was at the fort, together with another reporter, around 1 p.m. the day after Foster's death. Neither had any idea where the body had been discovered, so they began a search until they found what they believed to be the site.

"The [Park Police] were sloppy," Hanchette recalled in describing the area of the second cannon. "They left rubber [crime scene] gloves all over the place."

Hanchette said he and his colleague further confirmed the spot where they found a "blood stain in the dirt," which he said had dried. He said the spot was on the slope

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directly in front of the second cannon, just where the police claim Foster's body was found.

Hanchette remembers his colleague putting a stick into the dirt and confirming the color as "red." He assumes the blood to have been Foster's.

Asked if the photo released by ABC News matches the area where the blood stain was found, Hanchette replied: "No, it does not. I thought it [the photo] was fishy."

Hanchette said the photo was "too verdant" for the area he remembers seeing, where the landscape clearly shows bare ground.

Lieutenant Bill Bianchi of Fairfax Fire & Rescue was present when Kory Ashford put Foster's remains in a body bag. He told me he saw a blood stain "on the grass."

Yet Hanchette saw a blood stain on dirt, not on grass.

However, Gonzalez said -- and the Polaroids verify -- that the body was on top of vegetation.

The truth is that Foster's body *was* on top of grass on the berm by the first cannon. It left a residue of blood on the grass. The Park Police changed the location of the body in their official report. Furthermore, someone *re-created a second crime scene by the second cannon -- complete with blood stain.*

The Park Police Report, which hasn't been released, places the body in still *another*, third location. According to a source, that report, "Tab 46: The Initial Mobile Crime Lab Report of the Scene of Death," states that Park Police crime-scene technician Peter Simonello places Foster's body approximately 20 feet west of the cannon axle, in an east-west alignment. This contradicts Fiske's report, which said that the body was some 10 feet north in a north-south alignment.

These discrepancies point to an apparent attempt to falsify the facts relating to the body's discovery. Why?

We might look to Watergate -- where we still do not know for sure why the original burglary took place. We only know that it happened -- and that a massive cover-up ensued to hide the truth.

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Similarly here: We don't know yet why they changed the location of Foster's body; we just know that certain parties have falsified the location of Foster's body -- and that a concerted effort is being made to hide this fact and other truths.

Gene Wheaton, a former Army Criminal Investigation Division agent with 25 years experience in homicide investigations, suggests the key to understanding the cover-up is to place the events in the context of July 20, 1993.

Wheaton, who spent several weeks in Washington investigating the Foster case, says that the Park Police at Fort Marcy that night recognized that Foster "did not commit suicide." He suggests they may have wanted to move the official location in order to hide the real crime scene. "Maybe Foster's body, neatly arranged in the middle of knee-high brush, looked like a strange location to kill oneself," he speculated.

He also suggested that because the police did not find the bullet that went through Foster's head, they may have feared someone else would find it -- a possible explanation for the ruse of the second cannon site, complete with rubber gloves and a bloodstain.

As for Fiske, he attempts to substantiate the second cannon site through Park Police Officer Fornshill and a confidential witness identified as "CW" throughout the report. CW testified he found the body directly in front of the second cannon.

Wheaton thinks CW's testimony strains credulity. For example, CW claims he stopped at the park because he had to urinate badly -- and then walked several hundred yards through the heavily wooded park before doing so, accidentally coming upon the body.

CW claims he then told a park maintenance worker to call 911. (In an off-air interview with radio talk show host G. Gordon Liddy, CW was insistent that he did not see a gun in Foster's hand; according to Fiske's report he later said he wasn't sure -- an equivocation.)

The 911 call came about after CW left the park in his white van, and drove north on the parkway several miles from Fort Marcy to a park maintenance facility. He drove into the lot and encountered two park workers. CW told them he found a body in Fort Marcy and asked them to notify the Park Police. CW then drove off.

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One of the park workers, Francis Swan, called 911 and reported the discovery of a body.

A transcript of the 911 call quotes the park worker: "There's ah, ah, have, ah, ah, this is, is a body, this guy[CW] told me was a body laying up there by the last cannon."

The park worker repeated: "The last cannon gun."

Walking from the parking lot, the second cannon is the "last cannon." CW gave the wrong location of the body, which was by the first cannon.

If Foster's death was not a suicide, CW, by placing the body in the wrong location, would become a prime suspect for the police.

FISKE AND THE TRUTH

The facts about this case are not elusive; over 20 Park Police and Fairfax Fire & Rescue personnel are aware of the location of the body.

Yet the weighty "Report of the Independent Counsel in re Vincent Foster, Jr." does not contain the truth. Why?

For one thing, many of those present at Fort Marcy Park that night were probably not even asked about the body's location. And of those that were, perhaps they believed that telling the truth wasn't all that important on this seemingly minor point.

But there was a way that Fiske could have gotten to the truth on this "minor point."

"If they [Fiske's staff] were suspicious, it would amount to putting people under subpoena before a grand jury," said Vernon Geberth as to why the strong possibility of cover-up was not explored. "He [Fiske] accepted the fact it was a suicide from the beginning."

According to Geberth, standard police practice requires that every suicide investigation first be treated as a homicide investigation, until proven otherwise; why did

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Fiske not look into this alarming departure from standard police procedure?

In a press release accompanying the report, Fiske stated, quite obscurely and without explanation, only that the "investigation into Mr. Foster's death was not a grand jury investigation."

But Geberth, in commenting on the grand-jury process, said: "If he [Fiske] was inclined to believe there was a cover-up, you put everyone -- medical examiner, emergency medical workers, police, witnesses -- under subpoena to get sworn testimony under oath. What doesn't jibe with official reports, you charge those [who gave such false information] with either issuing false reports or perjury."

Fiske did in fact impanel two grand juries: one in Washington, one in Little Rock. *But the Washington grand jury heard no testimony concerning Foster's death investigation.*

Fiske, in his report, tells of extensive interviews his office conducted. And a footnote to that section attempts to justify his not using the grand jury in the way Geberth thinks it should have been used: It maintains that if those interviewed gave false answers to his FBI staff, they "would be prosecutable under Title 18, United States Code, Section 1001."

Section 1001 states that intentional lying or misleading federal investigators, such as those of the FBI, is a prosecutable offense. However, experts say, that code is rarely invoked and carries little practical weight.

"Thousand and one [Section 1001] is very, very, very, very seldom used," noted William F. Roemer, Jr., a 35-year FBI veteran who headed the Bureau's Organized Crime Strike Force in Chicago and is the FBI's highest decorated former agent. "I have never heard it applied. We never observed it."

"If Fiske had the power [of subpoena] and he didn't use it, something could be inferred from that," Roemer added. "I would certainly use the hammer, because sworn testimony is a powerful lever -- to put witnesses before a grand jury with the threat of perjury charges hanging over them."

"On the surface, it appears there could have been a lot of disinformation given [Fiske's] investigators," Wheaton added, agreeing with Roemer on the need for using a grand

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jury. Wheaton, who has read the Fiske report, suggested that using sworn testimony would lessen the possibility conflicting information might have been fed to the investigators to confuse them.

THE CORNERSTONE OF THE INVESTIGATION

Fiske's conclusions that Foster committed suicide rely heavily on an autopsy performed by the Virginia medical examiner, Dr. James Beyer, shortly after the body was discovered.

Nearly half of Fiske's almost 200 page report, incredibly includes 91 pages of resumes trumpeting the qualifications of his medical and pathology team. The actual report on Foster's death is only 58 pages. Even more incredible, the one resume that really counts is absent: that of Beyer himself.

A number of newspapers, including The New York Post, The Washington Times, and several Virginia newspapers, have seriously challenged Beyer's credentials and abilities.

Beyer, 76, has been under fire for two "suicides" he ruled on; in one case, medical evidence suggested the deceased had been attacked, and in the other case someone later actually confessed to killing the deceased.

That confession came about after the family of 21-year-old Tim Easley challenged Beyer's findings that the young man had taken his own life. At his funeral, the family noted and photographed a cut on Easley's hand that Beyer had not noted on the autopsy report.

"The cut on the hand is definitely ante mortem [before death], and I cannot understand how any competent forensic pathologist would miss it," said Dr. Harry Bonnell, who reviewed the case. Bonnell is chief deputy medical examiner of San Diego, Calif. "It is a classic 'defense' wound suffered while trying to avoid [a] knife" attack.

Beyer admitted, during an interview with me, that he saw the cut, and that he failed to note it. He said it was "consistent with a needle mark." (Would, say, a needle mark on Foster's body have been important enough to note?)

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Bonnell also challenged Beyer's assertion that Easley could have stabbed himself, noting that the trajectory of the knife was "inconsistent" with a self-inflicted wound.

In the other case -- one that has striking parallels to the Foster matter -- Beyer ruled that 21-year-old Tommy Burkett's death was "consistent with a suicide."

Burkett, like Foster, was found dead of an apparent gun shot through the mouth. After Burkett's survivors noticed that Beyer had failed to note a "bloody and disfigured ear" on his autopsy, they had the young man's body exhumed for a second autopsy, which was performed by Dr. Erik Mitchell, former chief of pathology for Syracuse, N.Y.

Mitchell found not only trauma to the ear, but other crucial evidence that Beyer had failed to note: a fractured lower jaw, which indicated the deceased may have been beaten first. That second autopsy also revealed that Burkett's lung had not been dissected, as Beyer claimed in his report.

Beyer, in several interviews with me, emphasized that the U.S. Park Police ruled the death of Foster a suicide. He did not.

His autopsy report doesn't say that the wound was self-inflicted; rather the cause of death is simply stated: "Perforating gun shot wound mouth-head."

Nevertheless, Beyer's report is the basis for Fiske's independent pathology report -- signed off by four prominent pathologists: "The post-mortem finding demonstrated in this case are typical and characteristic of such findings in deaths due to intentional, self-inflicted intraoral gunshot wounds."

The pathologists determined certain critical findings *based almost exclusively on Beyer's notations*: that there was no sign of a struggle or injury on Foster's body; that the bullet path described by Beyer was accurate in that it passed through Foster's brain stem and out the upper-rear of Foster's head, disabling the brain stem and causing instantaneous death(clinical death followed shortly after) with cardiovascular activity ceasing immediately; and that toxicology tests were accurate, and no drugs had incapacitated Foster.

Two critical issues -- the legitimacy of the Park Police's original investigation and the integrity of the autopsy report -- seriously undermine the credibility of the

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Fiske report on Foster's death. Despite the blatant discrepancies pointing to a cover-up, there has been, to-date, no indication that Fiske is taking any of the normal steps to resolve the case, such as exhuming the body or using subpoena power.

OTHER PROBLEMS IN FISKE'S FINDINGS

The Fiske report raises, and either casually dismisses or ignores other serious questions:

1. According to the evidence, Foster's head had to have assumed four distinct positions after his supposed instantaneous death. (The pathologists believe Foster's heart stopped almost immediately, which would explain the lack of visible blood on the front of his body.)

a) There was a blood stain on Foster's right cheek, presumably from touching his shirt, which the report said was blood-soaked in the shoulder.
b) The report said the head was tilted to the right because blood tracks had run from the right side of his mouth and nose.
c) The report also said because blood had run from the nose to where it was seen on the temple area above the ear -- in the sloping position he was perched on the steep berm -- the head would have had to be tipped slightly backward.
d) Finally the report notes the Polaroid photo shows to be looking generally "straight-up."

While Fiske accepts the premise that Foster's head was touched by what he believes to be an early observer. Even if this occurred, the evidence of four different head positions, is ignored.

2. Why, despite the claim that the investigation was thorough, were not elementary investigative practices followed?

Standard police procedure calls for questioning neighbors, passersby and everyone else in the vicinity of deaths that are even remotely suspicious. Apparently Fiske's staff failed to do this.

Several weeks ago, The London Telegraph reported that it had canvassed the many homes abutting and near Fort Marcy Park. The newspaper discovered that neither the Park Police nor Fiske's staff had ever conducted a house-to-house

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canvass. (The Fiske report notes only that it interviewed security personnel at the Saudi ambassador's residence, which is directly across the street from the rear entrance to the park. The Fiske report refers to the rear entrance as a "pedestrian" one, but motorists frequently park on the shoulder of the road by the rear entrance, and then enter the park.)

3. Why was the gun in Foster's right hand if, as The Boston Globe reported, he was left handed?

4. Why is evidence that might be conflicting left out from the Fiske report?

For example, Fiske treats CW as credible -- yet in his original testimony to G. Gordon Liddy he stated that he found a wine cooler bottle near the body and that he saw a wine cooler pack in Foster's car.

The Fiske report makes no mention of this seemingly significant testimony, nor does it explain why it was omitted from the list of official evidence.

5. Why were key observations by the emergency workers left out of their Fairfax official reports?

In a footnote, Fiske states that both Fairfax EMS workers Gonzalez and Richard Arthur doubted the suicide ruling because they believed they saw additional wounds on Foster's head and neck. Yet no mention was made, in their Fairfax County reports, of such wounds.

(In Gonzalez's discussions with me, he never mentioned the wound, citing primarily the issue of the lack of blood. "Usually a suicide by gunshot is a mess," he told me. "Have you ever had pork brains for breakfast?" he asked rhetorically, in making the point that there should have been a mess on Foster's face and shirt.)

6. Why does a lab report attached to Beyer's autopsy findings indicate no drugs were found -- yet, an FBI analysis found traces of an anti-depressant, as well as valium (benzodiazepine)?

7. Did the Park Police ever conduct a search for the bullet?

"Tab 55" of the Park Police indicates a search was conducted for the bullet and none was found -- yet, 9 months later when an FBI team searched the area near the second cannon where the police claim the body was discovered, 12

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contemporary bullets and 58 metal Civil War artifacts were found.

In March, 1994, Park Police told Congressman Robert Dornan they conducted a thorough sweep of the area with sophisticated metal detectors. Why was the FBI able to find so much metal in an area the Park Police said they had swept?

8. Why did Fiske's staff accept the fact that a note allegedly written by Foster was found in his office in his briefcase -- when the Park Police themselves, as reported in The New York Times, claimed they searched the briefcase and found no such note, seriously challenging the White House account?

9. Why did Foster check-out a White House beeper if he did not plan on returning? Who tried to contact him?

The Washington Post reported that it is not standard practice to carry a White House beeper, yet Foster's was found at Fort Marcy.

The Fiske report states that the beeper was found on Foster's person, but an official at Fort Marcy that night had told me the beeper was on the passenger car seat.

The Fiske report states that the beeper was found in the off position.

Yet a statement by Major Robert Hines, spokesman for the Park Police, directly contradicts the Fiske report.

"He[Foster] hadn't been answering it[his pager]," Major Robert Hines told media critic Reed Irvine in a taped interview on March 9. Hines also admitted that the White House "had been on that day[he died]" trying to contact Foster.

Curiously, the beeper is not listed on the official list of evidence of items handed over by the Park Police to Fiske's FBI staff.

10. How did Foster's glasses "bounce" 13 feet?

The police and Fiske say Foster's eyeglasses were found 13 feet below Foster's body on the berm. Because gunpowder was found on Foster's glasses, the Fiske report concludes that Foster's eyeglasses "were dislodged [from Foster's head or shirt pocket] by the sudden backward movement of Foster's head when the gun was fired, after which the glasses *bounced down the hill*[emphasis added]" -- all of this happened, mind you, while Foster was in a *sitting* position.

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A visit to the berm will show that the berm is not that steep to allow the glasses to slide(and remember they said the site had dense foliage).

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The explanations in the Fiske report still leaves the public with a high number of unusual occurrences, or a "preponderance of inconsistencies," as Wheaton calls them. Among them: the gun still in Foster's hand; a gun still not positively identified by his family; a gun with only two bullets(no matching ammunition was found in Foster's home); the lack of visible blood and the unusual, immediate cessation of the heart; the neat position of Foster's body; the lack of powder burns in Foster's mouth; no broken teeth despite the barrel having been placed deep into his mouth; the fact that Foster, a devoted family man, made no arrangements for his family, or even said a good-bye; the fact no one heard a shot;
the fact Foster had chosen a park he had never visited before; and the fact no soil was found on his clothes or shoes.

OBSTRUCTION OF JUSTICE

Fiske pledged that in addition to examining the issue of the alleged suicide, he was going to look into the serious charge that the White House had kept the FBI out of the investigation and had assigned it instead to the far less qualified and less-experienced Park Police.

Fiske, who curiously did not use the grand jury for this critical part of his investigation, devotes just a little over a half-page in explanation. While admitting that the circumstances of Foster's death could have come under FBI jurisdiction, he explained that since "a preliminary inquiry by the FBI ... failed to indicate any criminal activity, the FBI's inquiry into this matter was closed."

But in a two-page letter sent to me by Judge William Sessions, the former Director of the FBI, Sessions wrote that the FBI was kept off as the lead investigative agency because of a "power struggle [between] the FBI and the Department of Justice" at the time of his firing.

"The decision about the investigative role of the FBI in the Foster death was therefore compromised from the

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beginning," Sessions wrote, noting specifically that Foster's death took place "the day after my termination" and on the same day Judge Louis Freeh had been "proposed" as Director. Freeh took office several weeks later.

The day of Sessions' firing, The Wall Street Journal ran a lead editorial called, "What's the Rush?" It began: "So the gang that pulled the great travel-office caper is now hell-bent on firing the head of the FBI." The paper thought it strange that Sessions had to be fired -- when he had offered to resign once a replacement had been confirmed by the Senate.

Fiske doesn't seem to have turned up any obstruction issues, yet there seems to be no explanation for charges, such as those published in The Washington Times, that "Mr. Sessions' statement corresponds with those of current and former FBI and Justice Department officials who told the Times of interference by the White House and Justice Department in the Bureau's work in the Foster investigation."

Similarly, ex-FBI notable William Roemer said that "[Attorney General Janet] Reno and Clinton had undue influence. The FBI would normally be finding reasons to get involved in a high-profile case" like this.

And former CID agent Gene Wheaton concurs, describing the Park Police as being the "most pliable of federal law enforcement agencies."

When I asked the Park Police for a break down of their approximately 35 death investigations last year that were suicides, homicides or natural deaths, they could not provide that.

CONCLUSION

As soon as Fiske accepted the Park Police testimony at face value, the results of his report became inevitable. He chose not to use his subpoena power. He accepted the autopsy report without question.

With the same type of acceptance, Fiske would have us also believe that "there is no evidence that any issues related to Whitewater, Madison Guaranty or CMS played any part in [Foster's] suicide." Perhaps he is right: Whitewater had no connection.

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Perhaps he is wrong.

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In the end, we, the ordinary citizens are left at Vincent Foster's transitory resting place, Fort Marcy Park.

Fort Marcy brings us to the period of civil war when rivers of blood were spilled so that we might preserve our unique experiment in "government, of, by and for the people" -- one where justice would reign supreme and no man, no group of men, no matter how powerful or highly placed, would be above the law.

How paradoxical, how utterly tragic, then, if that tiny square of earth should now stand as a symbol of violation to that noble ideal.

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Mr. Robert B. Fiske, Jr.
Independent Counsel
FAX (501) 221-8707

Dear Mr. Fiske:

Thank you for responding to the questions that I asked via Michelle Corelli. Your replies give rise to additional questions, and Ms. Corelli has suggested that I put them in writing. Here they are.

A. The Pathologist Panel and FBI reports

1. Your response to my question about the disagreement between the FBI Lab and your panel of pathologists on the location of the blood stain on the right side of Foster's face is that both were looking at the same photos. However, this does not explain why the FBI Lab report locates the stain on Foster's right cheek and jaw and the pathologists place it on Foster's chin and neck. The body diagram on page 3 of the autopsy report confirms the FBI description. Would you authorize the release of the incident scene and autopsy photos to enable us to make our own judgment about which is correct?

2. You state that the FBI agrees with the pathologists that Foster's "head would have been moved at some point, probably by Emergency Service personnel who arrived at the scene." The FBI Lab report of May 9, attached to your report as the first exhibit, states, "The available photographs depict the victim's head not in contact with the shirt and therefore indicate that the head moved or was moved after being in contact with the shoulder. **The specific manner of this movement is not known.**" We interpret this to mean that the FBI, unlike the pathologists panel, was not willing to speculate about how the head was moved, who moved it and when it was moved. Since the FBI has declined to comment on the report, referring all questions to you, please supply us with any written statement from the FBI that supports your claim that the FBI agrees with the pathologists that EMS personnel probably moved Foster's head.

3. The first person who saw the body was CW and the second person was Park Police officer Kevin Fornshill, and both have said that the head was face up when they saw it, as did the EMS personnel. CW told G. Gordon Liddy that the FBI agents who questioned him asked several times if he was sure the head was face up and not turned to the right. It is my understanding that he stood by his

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original description. In light of the statements by both CW and Fornshill, how can you charge the EMS personnel with such unprofessional conduct as radically altering the position of the head? Your answer reads, "Neither Mr. Fiske nor anyone working with him felt the need to find anyone who would say that Mr. Foster's head was tilted to the side." Is this actually an admission that you made no effort to confirm the serious charge made against the EMS personnel by questioning all those who might have moved the head or seen the head being moved?

4. You state that the FBI "never concluded that Mr. Foster's body had been moved." Will you make available to the public the complete record of the investigation by the FBI agents working under you and Mr. Lankler, including their reports? Did these agents ever put in writing any comment or speculation that might explain the mystery of the bloodstain on the cheek?

5. Why didn't your report and the report of your pathologist panel discuss the significance of the dried blood drainage tracks, one extending from his nostril to his right temple area and the other from his mouth to below his right ear? Are these tracks not proof that Foster's head was in a face-up, tilted-back position prior to the arrival of the police and the EMS personnel?

B. The Park Police Report

6. Why has the Park Police report not been released? Can you do anything to get it released?

7. Why does your report accept without question the White House claim that the torn up note was found in Foster's briefcase in view of the insistence of the Park Police that those 27 pieces of yellow paper would have been found by their investigators if they had been in the briefcase when they examined it? Even if you think the Park Police were that incompetent, don't you agree that their claim at least deserves to be mentioned?

8. Are there any other significant differences in the findings of the Park Police report and your report?

9. A Park Police officer familiar with the evidence has told me that one good fingerprint was found on the torn-up note but that no effort was made to find out whose it was. Is this true, and if there was such a print, did you check it out?

C. The Gun

10. Your report says that Sharon Bowman was able to identify the gun as one that had belonged to her father from a photo. A Park Police officer familiar with the evidence told me that identification from a photo would be impossible. Was Mrs. Bowman shown photos of several guns, from which she picked the right one? Or was she simply shown a single photo identified to her as the gun found in Foster's hand and asked if she could identify it? If the latter, did your investigators try any more sophisticated ways of seeing if Mrs. Bowman could actually identify the gun?

11. At her press briefing on July 22, 1993, Dee Dee Myers stated that according to the AFT, it was "a little more difficult" to identify the gun "since it was an old weapon and didn't

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have a serial number." Your report states that there were two serial numbers on the gun. Did the AFT misinform Dee Dee Myers? Or was it necessary to raise the obliterated serial numbers?

12. Did anyone ever ask Mrs. Foster why she brought the gun to Washington if it was true, as you say in your report, that she was uncomfortable having a gun in the house and had asked her husband to get rid of it?

13. Since Foster evidently had a choice of weapons, shouldn't we be told more about the second gun which, according to your report, was found in the Foster home in Washington?

(a) What was its age, make, calibre and type?
(b) Was it traceable?
(c) Was it registered?
(d) Had it also come from his father's collection?
(e) Was there ammunition for the second gun in either of the Foster homes?
(f) Had Lisa Foster asked her husband to get rid of both guns?
(g) Were the Foster children aware of the existence of the second gun?
(h) Is there any obvious reason why Foster used the .38 Colt rather than this gun?

D. Motive

14. In making the case that depression brought on by Travelgate and the critical editorials in The Wall Street Journal explain why Foster committed suicide, have you not neglected to inform readers of your report of the substantial evidence that casts doubt on the theory you have embraced? The immediate reaction of everyone at the White House, from President Clinton on down, was that Foster's suicide was inexplicable, as these excerpts from the daily White House press briefings show. Even after information about his unhappiness emerged, you will see that this was dismissed as not sufficiently serious to explain his suicide. By omitting those contemporary judgments from your report, have you not engaged in revisionism that the evidence does not really support?

15. Here are some quotes from Dee Dee Myers press briefings that I would like you to comment on.

<u>July 22</u>

DEE DEE MYERS: "I'm not sure any investigation could ever determine why (he committed suicide). These things are mysteries.....It is a mystery, and I think the President made that very clear yesterday. It is a mystery...."

<u>July 27</u>

Myers was questioned about a Newsweek story reporting that Clinton had called Foster on Sunday, July 18. (This is evidently the same call that your report says was made on Monday night. Which night was it?)

BRIT HUME: Did he call him to "buck him up," as Newsweek suggested?

MYERS: He called to talk to him, I think -- a number of things. I think that he knew, as a number of people did, that Vince was having a rough time.

HUME: Wait a minute. That's the first time you've said that from this platform.

MYERS: No, it's not. I think what we have said in the past was that people have their ups and downs and that

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HUME: Well, you've acted like this was just---

MYERS: No, that's not true, Brit.

HUME: It is true, Dee Dee. Your tone has completely changed.

MYERS: Okay, I apologize. I'm sorry. It is not. Okay. Let me just try to say what I think -- what I said certainly on Thursday, which was that people -- there was absolutely no reason to believe that Vince was despondent, that he was in any way considering doing what happened. Nobody believed that. At the same time, I think that the Counsel's office had had its trials and tribulations. And I think a number of people in this White House have gone through -- have had good weeks and bad weeks. The communication department certainly hasn't been immune from that, and people have had troubles and had bad weeks. I think that was the sense of what we thought was happening. There was absolutely no reason to think that Vince was despondent. Nobody believed that.....

SARAH MCLENDON: This is the first time that you have told us that he had ups and downs.

MYERS: The Counsel's office had ups and downs, Sarah. And I think they have been well documented. I don't think we need to go through them here.

MCLENDON: Well, he wouldn't kill himself over this travel business. He wouldn't kill himself over The Wall Street Journal trying to get his picture.

MYERS: I would certainly never intimate that he would. There's no way we'll ever know why....

In answer to another question, Myers said: "There was just no reason to believe -- and I think Mack has said so and the President has said so and I have certainly said so -- that this was anything other than the routine ups and downs of what can be a very demanding job in this White House...

REPORTER: But this is the overriding theme, that he was depressed and despondent.

MYERS: No, that he was suffering -- I don't even want to say "suffering" -- you guys are reading too much into it -- that he was going through the kinds of ups and downs that people in the White House often do, that people in any kind of a demanding and visible job often do. I don't mean to suggest that there has been any further evidence to suggest that it was anything other than that.

REPORTER: Would it be fair to say that everyone who knew him well here thought he was discouraged, but no one thought he was suicidal?

MYERS: Absolutely.

What new evidence did you uncover that refutes Dee Dee Myers' strong belief that everyone in the White House who knew Foster well thought he was discouraged but no one thought he was suicidal?

16. Christopher Ruddy of The New York Post told me that he heard from a member of the White House staff that Mrs. Foster kept calling the White House to ask why her husband would have wanted to kill himself. Did your investigation turn up any evidence of such calls? Did Foster's executive assistant, Deborah Gorham, or any other White House staffer, tell you of any conversations with Mrs. Foster in the days immediately following Foster's death? If so, what was learned from these conversations?

17. Your report says that the slip of paper with the names of three psychiatrists was found in Foster's wallet, but at the July 29 briefing, Dee Dee Myers told reporters that this piece of paper

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was not found in either Foster's office or his car. She could not say where it was found. If it was found in his wallet by the Park Police on July 20, who withheld this information from the White House press office and why? Were the phone numbers as well as the names on the piece of paper? Was this in Foster's handwriting?

18. Reporters asked Myers about Foster's telephone logs, suggesting that they should be checked for clues that might cast light on his mental state and movements. We requested copies of these logs last December and were told that they had not been released and that the White House had raised executive privilege as a reason for not releasing them. Were these logs ever thoroughly checked by the Park Police and by your FBI investigators? Why haven't they been made public?

19. The Park Police told us they were never given access to Foster's most recent daily diary or appointment book. The Washington Times reported on July 20, 1994, that the diary was removed from Foster's office and turned over to Mrs. Foster's personal attorney. Veteran detectives tell us that the record of his appointments would be very important evidence. Has the diary been recovered and has it been checked out thoroughly for clues? Will the diary and the findings of the investigation be made public?

20. The debris the FBI lab found on Foster's clothing also provides clues as to Foster's whereabouts, activities and mental state in the hours before his death. You dispose of the blond hair and carpet fibers on his clothing, including his underwear, in a single sentence. You ignore the semen on his shorts and the red/dark pink fibers on his T-shirt, socks and shoes altogether. Did you make any effort to determine how the hair and fibers got on Foster's underwear and other clothing? If not, why not?

This does not completely exhaust the questions I have, but 20 is a good number to stop at, at least for now.

Let me just pass on one bit of information that might be of interest to you. You report that Dr. Beyer took no X-rays of Foster's head because his equipment was out of order. I have ascertained that a new mobile unit was installed in Dr. Beyer's office on June 15 and that the first service call was not made until Oct. 29. Dr. Beyer told me, as he told you, that the equipment was out of order. He was not telling the truth.

Sincerely yours,

Reed Irvine
Chairman

AIM REPORT

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Reed Irvine, Editor
Joseph C. Goulden, Associate Editor

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FISKE SHOWS HIS HAND

Robert B. Fiske, Jr., the New York lawyer recommended by White House Counsel Bernard Nussbaum and named by Janet Reno as Independent Counsel to investigate Whitewater-related allegations, has now demonstrated what many have suspected. He cannot be trusted to carry out an honest, exhaustive probe of the Whitewater-related allegations swirling around Bill Clinton.

Attorney General Reno long resisted using her authority to appoint an Independent Counsel, saying that anyone she appointed would be suspected of a pro-administration bias. Fiske, a liberal New York Republican, was chosen ostensibly to deflect that criticism. In the media he was described as a man of unimpeachable integrity who could be counted on to do a thorough job. However, not everyone accepted that. Fiske was a friend of then-White House Counsel Bernard Nussbaum, one of the Clinton aides he was going to have to investigate. He had been counsel for International Paper Corporation, a company that had big interests in Arkansas and which had sold land to Clinton's Whitewater Development Corporation. He came from the same law firm as Lawrence Walsh, the Independent Counsel who pursued Reagan officials involved in Iran-Contra as Captain Ahab pursued Moby Dick.

New York Times columnist William Safire was one who expressed his doubts about Fiske's integrity in blunt terms in his March 14 column. He wrote: "Non-independent counsel Robert Fiske, the Democrats' favorite Republican lawyer, is doing the job the Clinton Administration hired him to do: keep the Congress from holding public hearings into the 80's wrongdoing in Arkansas and 90's coverup in Washington....Fiske was chosen by the people he is investigating for good reason: he would actively help prevent dreaded hearings."

Fiske has done that and more. He has not only blocked hearings, but he has also sealed off access to documents that would have been useful, if not indispensable, to any investigation undertaken by the media. Just after Fiske was appointed by Attorney General Reno, a man who knows Fiske well was asked how Fiske would handle the assignment. He replied, "Fiske will do whatever he thinks is in the best interests of Robert Fiske. If he decides it is in his best interest to bury Whitewater, he will bury it. If he decides it is in his best interest to nail Clinton to the wall, that's what he will do."

FISKE FOOLS THE MEDIA

Our TV show, *"The Other Side of the Story,"* on July 6 covered the Fiske Report with guests Arthur Randall and Christopher Ruddy.

Videotapes of program #30 are available from AIM for only $13.95. To order, call 1-800-787-0044.

Fiske's "Report of the Independent Counsel In Re Vincent W. Foster, Jr." makes it clear that Fiske has decided that it is in his best interests to bury Whitewater. On July 1, The New York Times said the report "essentially embraced what has been the White House version of the circumstances surrounding the death last July of Vincent W. Foster Jr., the deputy White House counsel." Fiske said there was no evidence that Foster's death was anything other than a suicide or that his body had been moved. It denied that his suicide had anything to do with Whitewater, attributing it to depression exacerbated by three Wall Street Journal editorials not related to Whitewater.

Hewing To The White House Line

Fiske's report slavishly hews to the White House line on why, where and how Foster died. It even accepts without question a White House tale that the compliant Park Police rejected and that many of Clinton's friends in the media questioned.

He says on page 13 of his report: "The extent to which Foster was disturbed by Travel Office issues is reflected in a torn note found in his briefcase by Stephen Neuwirth on July 26, 1993, six days after Foster's death." The Park Police did not buy this explanation of the belated discovery of these jottings on a yellow legal pad that were put forth as evidence that Foster committed suicide. The Park Police spokesman declared emphatically that if this note, which was torn into 28 pieces, had been in Foster's brief- case, they would have seen it. Where did Mr. Neuwirth really find the note? How could it have been torn into 28 pieces and then reassembled without leaving any fingerprints? Is it true, as we

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have been informed by a Park Police source, that there was one good fingerprint but that the Park Police didn't try to find out whose it was? If so, did Fiske identify it? Why have the authorities refused to release a photocopy of the pieced-together note, claiming the family objects, even though the text has been made public? This has fueled suspicions that it may have been forged, suspicions not satisfied as long as only one FBI handwriting expert is cited as having certified that it was written by Foster. Handwriting experts don't always agree, and the refusal to let others examine the note remains inexplicable.

Fiske's Deliberate Deception

We cite Fiske's handling of the note because it is such an obvious indicator of his approach to this investigation that it should have been spotted even by reporters rushing to meet a deadline. It doesn't cast doubt on his principal conclusions. But we found in the Fiske report an attempt at deliberate deception which was made to support one of Fiske's three main conclusions: that Foster's body was not moved.

To reach this conclusion, Fiske had to overcome a problem that had baffled the Park Police—the pattern of bloodstains on Foster's face and shirt that was in conflict with the position of his head when his body was found and photographed by the Park Police. A bloodstain on Foster's face had apparently been made when his right cheek and jaw came into contact with his right shoulder. That part of his shirt had apparently been soaked by blood draining from his mouth and nose. The face coming into contact with the shirt created what is called a contact or transfer stain on the cheek and jaw. In addition to this large contact stain, there were two lines of dried blood called drainage tracks. One of these ran from Foster's right nostril above his right ear to his temple area. The other ran from the right corner of his mouth to the area below and behind the right ear. All these stains were observed in the photographs taken by the police.

What was baffling about these stains was that the contact stain on the cheek and jaw was inconsistent with the position of Foster's head when his body was found and when the photographs were taken. Everyone who saw the body in the park said Foster was lying on his back, legs outstretched, arms at his sides and head face up. A paramedic said he was laid out as if in a coffin. That position was consistent with the two blood drainage tracks, because contrary to some statements in the Fiske report and elsewhere, Foster was not lying head up on a 45-degree slope. He was lying on a gentle downward slope, and in the absence of anything to pillow his head, it would have tilted back far enough to allow blood from his nose to drain *downward* toward his right temple. What this position cannot explain is how blood from his nose and mouth soaked his right shoulder and how his bloodied shirt came into contact with his jaw and cheek.

Fiske and his panel of pathologists knew that the blood on the shirt and the contact stain on the cheek and jaw had to be reconciled with the face-up position of the head if their conclusion that Foster shot himself at the spot where he was found was to be accepted. To concede that the body may have been moved would not only require an investigation to determine who moved it and why, but it would even cast doubt on the verdict that Foster killed himself.

Fiske resorted to deliberate deception to solve this dilemma. There was an important difference between the way the FBI Laboratory and Fiske's panel of four pathologists dealt with this problem. The FBI described in some detail how the contact stain on the cheek and jaw must have been made by the face coming into contact with the blood-soaked shoulder of Foster's shirt at some time. It then said, "The available photographs depict the victim's head not in contact with the shirt and therefore indicate that the head moved or was moved after being in contact with the shoulder." It went on to say, "*The specific manner of this movement is not known.*" Here the FBI was admitting that it had no solution to the dilemma. It advanced no scenarios that might explain how the shoulder had been bloodied, how the head had pressed against it, and how it had ended up in a face-up position.

Fiske's pathologists agreed with the FBI lab memo that the contact stain (which they described as being on the right side of the chin and neck, rather than the cheek and jaw) was made by the head coming in contact with the bloodied shoulder. But unlike the FBI they adopted a theory to explain what had happened. Their report said, "For obvious reasons, the head must have been facing to the right when the body was found or have been turned to the right when the body was being examined at the scene. In either circumstance, blood accumulated in the nose and mouth...would have spilled over the face and soiled the right shoulder and collar of the shirt. The finding of the head facing forward and the right-sided blood stains are mutually exclusive." At this point the pathologists introduced their theory to solve the dilemma. They said, "***We conclude* that a rightward tilt of his face was changed to a forward orientation by one of the early observers before the scene photographs were taken."**

It is important to note that this conclusion, which is a serious reflection on the police and emergency personnel at the scene, is not based on one scintilla of evidence. There is no one who saw the body in Fort Marcy Park who said they ever saw the right side of the face resting against the shoulder. The pathologists adopted this theory only because they could not accept the alternative—the theory that the death occurred elsewhere and the body was moved to Fort Marcy. They explained, "The relatively pristine nature of the exposed skin surfaces of the deceased and of his clothing precludes any other scenario. Substantially greater contamination of skin surfaces and clothing by spilled and/or smeared blood would have been unavoidable had the body been transported postmortem to the place where it was found."

If Fiske were an objective, disinterested investigator he would have reported that the FBI and his pathologists agreed that the blood stains proved that Foster's face had at some time been in contact with his bloody shoulder, but that they did not agree on the explanation of how it came to be in the upright position in which all witnesses agreed it was found. He would have said that the FBI Laboratory had specifically said it was not known how this came about, but his panel of pathologists believed that one of the early observers moved the head from its position resting against the right shoulder to the upright position in which it was

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photographed by the police. In fairness to all who were made suspect by the pathologists' statement, he should have noted that not one of the early observers said they ever saw the head in anything but the position in which it was photographed.

That is not what Fiske did. He dealt with his difficult dilemma in his report with a statement that is carefully contrived to leave the impression that the FBI and the Pathologists Panel are in complete agreement on this issue and that it is a fact, not theory, that one of the early observers moved the head into its upright position. Here is his statement: "The FBI Lab concluded that the pattern of the blood on Foster's face and on Foster's shoulder is consistent with Foster's face having come into contact with the shoulder of his shirt at some point. Because Foster's head is not in contact with his shoulder in the photographs, the FBI Lab report concludes that Foster's head 'moved or was moved after being in contact with the shoulder.' Lab Report, at 9. The Pathologist Panel endorsed this conclusion, stating that 'a rightward tilt of his face was changed to a forward orientation by one of the early observers before the scene photographs were taken.' Pathologist Report, para. 7."

You will note that in quoting what the FBI said, he omitted this sentence that would have destroyed the illusion that the Bureau agreed with his pathologists about how the head was moved: **"The specific manner of this movement is not known."** He then tried to create the impression that they were in agreement both about the head being moved and who moved it by saying, **"The Pathologists Panel endorsed this conclusion, stating that 'a rightward tilt of his face was changed to a forward orientation by one of the early observers....'"** Note how the word **endorsement** is linked in this sentence to a statement diametrically opposed to what the FBI had said. By dropping the words **"We conclude that"** Fiske accomplished two things: (1) He preserved the illusion that the panel was endorsing an FBI statement about how the head was moved. (2) He left the impression that it was an established fact, not just a theory, that an observer had moved the head.

Here is how this statement might have been written by an honest investigator intent upon writing an accurate report. We pick up after the quote from the FBI report about the head having moved or been moved. "The FBI Lab stated, 'The specific manner of this movement is not known.' The Pathologists Panel endorsed the FBI statement that the head moved or was moved, stating, 'The finding of the head facing forward and the right sided blood stains are mutually exclusive.' Rejecting the possibility that Foster's body was moved to the spot where it was found because that would have resulted in greater contamination of his skin and clothing by spilled or smeared blood, the pathologists said, 'We conclude that a 'rightward tilt of his face was changed to a forward orientation by one of the early observers before the scene photographs were taken.' However, no one who saw the body in the park said they ever saw the head touching the shoulder, nor was anyone seen moving it."

We submit that this proves that Robert Fiske is not the honest, accurate, disinterested investigator he pretends to be. He has evidently decided that his best interests lie in producing reports that will satisfy the White House. The fact that he did not hold a news conference and expose himself to possibly embarrassing questions when he issued this report lends support to this conclusion. This is further strengthened by his rejection of requests by the House Banking Committee that he testify in the hearings the Committee is planning to hold. It is also significant that Fiske has failed to back up his report with any reports from the FBI except five FBI Laboratory memos, including one dated May 9, 1994, which is the source of the quotes above. This memo, attached to his report as exhibit #1, provides some very valuable information which Fiske has largely ignored. This demonstrates why it is important that Congress require Fiske to produce all the other FBI investigative reports that were part of his investigation. These may well cast additional light on the question of whether Foster's body was moved as well as whether or not he was suicidal.

Fiske's Pathologists Challenged

There are three serious problems with the conclusion of Fiske's pathologists' claim that Foster's head must have been moved by one of the early observers on the scene. One is that everyone who saw the body, beginning with CW (confidential witness), the man in the white van who came across it by chance when he went into the park to relieve himself, said that the head was face-up. That was confirmed by the first police officer to find the body. That means that if anyone moved the head, it had to be CW, whose identity is still secret. The FBI found him to be credible. It is hard to imagine any reason why this uninvolved citizen, who was terrified because thought he had stumbled onto a murder, would do anything as dangerous as altering the position of the head, leaving fingerprints that might result in his being accused of a capital crime.

But there is also physical evidence that could prove that the body was face up when CW spotted it. The position of the head when the blood was draining from the nose and mouth can be determined from the only two blood drainage tracks on Foster's face described by the FBI memo. One extended from the right corner of the mouth back toward and below the right ear. The other ran from his right nostril, over the right cheek toward the temple area and above the right ear. This means that the draining of the blood from the nose and mouth occurred while Foster's head was face up and tilted back. CW said he saw what appeared to be dried blood on Foster's lips and nostrils, which suggests that the tracks were made before he appeared on the scene.

The pathologists must have recognized that the drainage tracks were not consistent with their theory, because they chose to ignore them. All they said about them was, "There were linear blood stains coursing across the right side of the face, emanating from the nose and mouth."

We were told last March that the FBI had concluded that Foster's body was moved. We thought then that it was probably because of the lack of dirt on his shoes. That lack of "coherent soil" on the shoes has now been confirmed by the FBI lab memo, but the blood stains are obviously better evidence. The pathologists' claim that it would be impossible to transport the body without spilling blood all over has been

disputed by a medical examiner and emergency room surgeon we consulted. Both agreed that it would be possible to confine the blood if someone wanted to do it.

Where Was Foster?

Fiske's report gives no indication that any effort was made to find out where Foster spent his last hours alive. The May 9 FBI Laboratory memo suggests that he probably wasn't walking in the woods reciting Hamlet's soliloquy. It reports that semen was found in his shorts, that blond/light brown human hairs, not his own, were found on his T-shirt, pants, belt, socks and shoes, that six different colors of carpet fibers were found on his jacket, tie, shirt, shorts, pants, belt, socks and shoes and that a number of red/ dark pink wool fibers were found on his T-shirt, socks and shoes.

Fiske's report mentions the hairs and carpet fibers, saying only, "The FBI Lab determined that Foster's clothing contained head hairs dissimilar from his own, and carpet type fibers of various colors." It made no mention of the items of clothing on which the hairs and fibers were found, including his underwear, nor did it mention the semen on his shorts. The semen does not prove sexual activity, since it is not uncommon for persons who die a violent death to excrete seminal fluid. But other investigative experts have told us this is highly important evidence and that it should be checked out.

There is nothing in the report that indicates that this was done. It had been rumored that Foster and other high Clinton administration officials from Arkansas had rented an apartment where they could go to play cards and relax. Mike McAlary of the New York Daily News, in a story on March 14 based on leaks that accurately predicted what Fiske's report would conclude two and a half months later, reported that Foster's clothes had been bagged by the Park Police and preserved. He said, "If for some reason they need to be looked at, say to find imagined carpet fibers from an equally imagined safehouse, they can be vacuumed and searched." The "imagined" carpet fibers have now been found. Did Fiske look for the safe house? His report does not say.

Missing Reports, Missing Motive

In the March-B AIM Report we asked our members to tell Fiske they wanted him to release the complete report of the FBI investigators who worked for him as well as other relevant material. We feared he would report that everything was fine but provide a minimum of supporting evidence to back it up, which is what he has now done. His report refers to a number of the interviews that were conducted, but only to those that support his conclusions. No summaries, much less transcripts, of the important interviews are provided. Fiske himself interviewed President Clinton for 90 minutes and Hillary Rodham Clinton for an hour. Not one word is reported about what, if any, light they were able to cast on Foster's death and its possible relation to Whitewater or other Clinton scandals. Both were close to Vincent Foster. Upon hearing of Foster's suicide the President indicated that he had no idea why his dear friend would have taken his own life, saying, "We'll never know why this happened." Mrs. Clinton is reported by *The New Yorker* to have said, "Of a thousand people I know, he's the last I would expect to commit suicide."

On July 23, 1993, Foster's brother-in-law, former Congressman Beryl Anthony, was asked by The Washington Times about a report from an unidentified source close to the family that Foster had been despondent for two weeks and that he had discussed this with him. Anthony's response was, "That's a bunch of crap. There's not a damn thing to it." The same day, Dee Dee Myers, White House spokesman, told reporters, "There was no reason to believe he was despondent." Communications Director Mark Gearan said he had seen no changes in Foster's demeanor and that he had never indicated that "anything was out of the ordinary." Betsy Pond, the White House Counsel's personal secretary, said "she had noticed nothing strange about Foster and would be surprised to learn he had contacted a doctor about being depressed, even though he had done exactly that."

To make the case that Foster was severely depressed and that this was what drove him to suicide, Fiske relies on statements by three people: Foster's wife, his sister Sheila Anthony (who is Assistant Secretary for Legislative Affairs in the Justice Department and wife of former Congressman Beryl Anthony) and Larry Watkins, the physician in Arkansas who prescribed an anti-depressant drug, trazadone, for him on July 19. This is a very mild anti-depressant. They said he complained of being depressed and under some stress, but his activities and the observations of his friends and numerous co-workers make it clear that he was not suffering from clinical depression, which is defined as depression that prevents one from engaging in normal activities for at least six months. By not including even a representative sample of statements by those who said Foster was performing normally, Fiske has succeeded in persuading journalists, who are all too willing to suspend their critical judgment, that depression is a good explanation for Foster's death.

In the absence of the backup reports of all the interviews which would permit experts in suicidal depression to offer informed judgments, this conclusion is as unsatisfactory as Fiske's ready acceptance of the "suicide" note, the supposition that someone mischieviously moved Foster's head, and the turning of a blind eye to the blond hairs, carpet fibers and semen on Foster's underwear. Fiske's report has answered two big questions: (1) Where does Fiske think his best interests lie? (2) Should Fiske be removed from the Whitewater investigation?

What You Can Do

It appears that AIM will have to place an ad on the op-ed page of The New York Times to get out the truth about Fiske's report as we did about Paula Jones. If you agree and wish to contribute to help us pay the $16,800 this will cost, please return the enclosed card with your contribution.

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NOTES FROM THE EDITOR'S CUFF

By Reed Irvine

AIM Report

July-A 1994

THIS IS THE MOST IMPORTANT AIM REPORT I HAVE EVER WRITTEN. AIM HAS TAKEN the lead over the years in exposing important stories that the media have suppressed, overlooked or simply gotten wrong. The suppression of the Paula Jones and Charlette Perry stories, the hyping of the phony "October Surprise" allegations and the media's censorship of the videotape of the Rodney King beating are recent examples that come to mind. Our expose in this issue of the dishonesty of the Clinton administration's chosen "independent" counsel, Robert B. Fiske, Jr., is more important than any of these. It shows that the investigation of the Whitewater scandals has been entrusted to a man who has revealed in his very first report that he cannot be trusted to carry out this assignment with integrity. What is most frightening is that the media, virtually without exception, have failed to expose this. Not only have they failed to undertake any careful analysis of Fiske's report on the death of Vincent Foster, but they have created the impression that anyone who does that analysis and exposes its flaws should be dismissed as demented. As we found in other cases in which we have made a frontal attack on the arrayed artillery of the mainstream media, even conservative columnists and talk show hosts have been reluctant to stick their necks out and join in exposing the fraud being perpetrated by the media.

FISKE'S REPORT VALIDATING THE WHITE HOUSE LINE ON VINCENT FOSTER'S DEATH was, as we expected, accepted without question as gospel by all the media. The New York Post, which had done so much to expose the flaws in the investigation by the Park Police, found no fault with Fiske's blessing of the Park Police findings. When Fiske leaked word to ABC News and the New York Daily News last March that his report would do just that, the Post took flight. The editors pulled investigative reporter Christopher Ruddy off the story. When the report was finally issued, two months later than the leaks predicted, the Post reported it without any critical analysis. The Wall Street Journal, which had helped publicize the suspicions and had demanded the appointment of a special counsel to investigate them, declared itself satisfied with Fiske's findings. In a lead editorial on July 5, it said, "The bulk of the report is devoted to forensic evidence on the events surrounding Vincent Foster's death. Here the report is extensive and persuasive. Barring some unimaginable new disclosure, we find no reason to doubt that the former deputy White House counsel committed suicide in Fort Marcy Park, as first reported. This should end much mystery and speculation, and here Mr. Fiske has performed a public service."

AL HUNT, FORMER WASHINGTON BUREAU CHIEF AND NOW COLUMNIST FOR THE WALL Street Journal, said on "Capital Gang" on CNN: "On the Vince Foster thing, yes. It's only the kind of Captain Queeg conspiratorialists who will stay in there. It's over. It's exactly what Mr. Fiske said it was." Syndicated columnists Jack Germond and Jules Witcover sounded a similar note, writing that Fiske's report would settle the matter for all but the crazy conspiracy theorists who say the Holocaust never happened. Time's Margaret Carlson said, "You must believe now that everything to the contrary was ginned up by the right wing, that he was murdered and his body moved. And that the legitimate press picked up on that at all shows that we have no standards any more." Michael Isikoff, the former Washington Post reporter who moved to Newsweek after fighting with his editors over their suppression of the Paula Jones story, co-authored a Newsweek story which said: "Fiske's report knocks out the most sensational piece of the Whitewater puzzle, but it is only a start in what will be a long and complex investigation."

THIS AIM REPORT SHOWS THAT A CAREFUL ANALYSIS OF FISKE'S REPORT ON FOSTER'S death reveals that Fiske cannot be relied upon to carry out a relentless search for the truth in the assignment he has been given. We present compelling evidence that he arrayed the evidence to support his predetermined conclusions, altering it when it didn't fit. Fiske has provided answers to ten questions that have given rise to suspicions about how Foster died. These include: the relative paucity of blood, the gun still in his hand, the failure to find the bullet, the way the body was laid out, as if in a coffin, and the lack of powder burns inside Foster's mouth. Independent experts we have consulted agree that it is not impossible that each of these things happened even though some of them were of low probability. The combination of several possible but improbable situations tends to put a strain on one's credulity.

LET'S GRANT THAT IT'S POSSIBLE THAT THE GUN DIDN'T FLY OUT OF HIS HAND AFTER he fired it because his thumb was caught in the trigger guard. It's possible that this gun had been part of his father's collection, even though it is a typical "drop" gun, favored by those who want a gun that can't be traced. It is possible that his sister could have identified this gun from a photo as one that belonged to their father, even though Foster's teen-age children could not recall ever having seen it. It is possible that Foster kept this gun around the house as a *second* handgun, even though he had no ammunition for it except for the two rounds in the cylinder when he shot himself. It is possible that he loved this 1913 gun made up of parts from two different weapons so much that he insisted on keeping it around the house, along with another weapon, violating the laws of the District of Columbia, even though his wife says it made her uncomfortable to have a gun in the house. It is possible that he took this gun from his home and that it wasn't detected by the guards in their routine search of his car when he entered the White House grounds. It is possible that he handled and fired the gun without leaving any fingerprints on it. It is possible that not a trace of blood adhered to the gun when he pressed it against his soft palate and fired it. It is possible that firing the .38 caliber gun in his mouth left no visible powder burns inside the mouth and no detectable powder on his face. Fiske and his renowned experts have said all of this was possible.

IT IS POSSIBLE THAT THE EMERGENCY MEDICAL SERVICE PERSONNEL WHO SAW THE body were struck by the fact that there was relatively little blood because Foster's heart had stopped pumping as soon as the bullet penetrated his brain, even though the heart is not controlled by the brain, and because the blood quickly settled down to his extremities even though he was lying on a gentle slope, not on a 45-degree slope as Fiske's pathologists stated in their report. Perhaps it is possible that he could have written a note by hand and then torn it into 28 pieces and deposited them in his briefcase without leaving a fingerprint on any of the 27 pieces that were found six days after his death. It is possible that the Park Police could have examined the briefcase carefully and not seen those 27 pieces of yellow paper. The Park Police deny that possibility, and many have trouble believing it, but it doesn't give Fiske the least pause. It might be possible, as originally claimed, that after shooting himself, Foster fell on his back with his legs extended, arms at his side and head straight up, but now we know that the blood stains indicate that his head, at least, was in a different position.

IT MAY EVEN HAVE BEEN POSSIBLE, I SUPPOSE, THAT FOSTER WAS ABLE TO HIDE HIS suicidal depression from all his co-workers, including the President. It is perhaps possible that he decided to commit suicide despite the fact that his sister was flying in that night for a family reunion, that he had an appointment to see the President the next day, and that James Lyons, a friend of the President's, was flying from Denver to see him.

BUT HOW LIKELY IS IT THAT THESE AND OTHER ODDITIES WOULD ALL OCCUR TOGETHER in a single case which is also beset by some things that are clearly impossible and others that are highly suspicious? It is impossible for Foster's head to have fallen on his shoulder, picked up a contact blood stain on his cheek and then righted itself into the face-up position in which it was found. It is impossible to believe that the first man who found the body turned the head upright. It is impossible to believe that a deeply depressed, suicidal Foster, picked up blond hair and multicolored carpet fibers on his underwear and other clothing by driving to the White House, spending the morning there and then driving around Washington, not seeing anyone he knew, and ending up in Fort Marcy Park. It is difficult, if not impossible, to believe that President and Mrs. Clinton were genuinely eager to find out why and how Foster died in view of the fact that they did not insist that the investigation be carried out by the FBI, not the Park Police, and then conspired in or tolerated the removal of evidence from Foster's office, the obstruction of the investigation, and the suppression for over ten months of the police report and the autopsy report.

ADD TO ALL THIS THE SELECTION AS SPECIAL COUNSEL TO CARRY OUT THE INDEPENDENT investigation a man who (a) assigns top priority to delaying investigations by Congressional committees, (b) after five months of work issues a superficial 58-page report padded with 100 pages of filler to make it look more weighty, and (c) refuses to subject himself to any questioning, even by Congress. Now is the time to turn the Whitewater investigation over to a genuinely independent counsel. That can be done if the three judge panel empowered to name an independent counsel under the recently re-enacted statute decide to reject Attorney General Reno's recommendation that they appoint Fiske. The public and the judges must be made aware of the information in this report. That's why we must run an ad on the op-ed page of The New York Times like the one we ran on Paula Jones. Please return the enclosed card if you agree.

FOIA # none (URTS 16306) DocId: 70105096 Page 75

(1) (AR 15 FIRE)

(2) Cant 11 slope - 45° slope

(3) Friction descension

(4) Fingerprints on the rope

Western Journalism Center

FOR IMMEDIATE RELEASE:

For more information,
call Joseph Farah
at 916-852-6300

'60 Minutes' to challenge Foster probe

The only reporter in the country working full-time investigating the death of White House deputy counsel Vincent Foster will be the target of a "60 Minutes" segment by Mike Wallace this Sunday night.

Wallace's producer, Bob Anderson, leaked to the New York Daily News that the intent of the CBS News piece is to "attack, debunk and pretty much dismantle the notion that Foster was murdered and that the murder was covered up at the highest levels of government." Though Ruddy has never suggested Foster was murdered, Anderson revealed that his work will be the focus of the "60 Minutes" report.

"We expect that Ruddy and his backers will come back at us," Anderson told the Daily News. "They will say they raised dozens of questions," while Anderson acknowledges that "60 Minutes" only mentions a few of them.

Ruddy, a former reporter for the New York Post now with the Pittsburgh Tribune-Review, is an associate of the Western Journalism Center, a non-profit, tax-exempt corporation that sponsors investigative reporting projects.

FOIA # none (URTS 16306) DocId: 70105096 Page 77

For Immediate Release

October 8, 1995

Contact: Joseph Farah
The Western Journalism Center
916-852-6300

CBS "60 MINUTES" Whitewash on Foster Doesn't Make It

This evening CBS "60 Minutes" aired a segment, narrated by Mike Wallace, in an attempt to close the case on the controversy of Vincent Foster's death.

"They failed," Joseph Farah, Executive Director of the Western Journalism Center stated. The WJC has supported the investigative reporting of Christopher Ruddy, a journalist with the Pittsburgh Tribune-Review.

Ruddy, the lone American journalist investigating the death and official investigations into the late White House lawyer's death, was a key a target of Wallace's "60 Minutes" hatchet job.

"Anyone with half a brain could see they didn't do what Ruddy has done--compare the known facts to expert forensic opinion," Farah said. Instead they had to manipulate and edit Ruddy's lengthy interview and distort the facts of the case.

They did not even mention that Independent Counsel Starr says the investigation is on-going, and has forensic scientist Henry Lee looking into the case.

Farah detailed some of the key elements of the "60 Minutes" hatchet job:

1. Foster was right-handed, Ruddy reported Foster was left-handed.

Wallace never mentioned that it was the Boston Globe which first reported Foster was left-handed. Ruddy, in fact, is the first to have reported Foster was right-handed. Ruddy told "60 Minutes" in March of this year that Foster was right-handed.

2. 60 Minutes gave credence to Dr. Haut, the medical examiner, when he contradicted what Ruddy had reported: that Haut had seen little blood at the death scene under Foster's body.

In a tape recorded interview with Haut, Haut told Ruddy, ***"There was not a hell of a lot of blood on the ground.*** Most of it had congealed on the back of his head." Ruddy told Wallace during his interview that he had the tape.

Was Wallace interested in the tape, or confronting Haut with it to ask him why he changed his story? Apparently not. Wallace didn't even confront Haut with his statement to the FBI, which is not consistent with the story he is now giving "60 Minutes."

The bottom line is this: "60 Minutes" and Mike Wallace didn't want to find the the truth, it just wanted to use Haut to rebutt Ruddy and cast doubt on his reporting.

The amount of blood under the body should not be in dispute, if the police had the scene photos. The investigator who took those particular Polaroid's says they are missing. Just

like the 35mm film, another set of Polaroid's and the X-rays taken at the autopsy. "60 Minutes" could have asked what happened to this critical evidence, but they didn't.

3. Carpet fibers found on Foster's body were the result of walking across carpets and that Foster's house had just been carpeted.

Nice try. Carpet fibers of seven different colors were found on almost every piece of clothing, including Foster's underwear. They don't get swept up from walking across carpets, as Wallace asserted. ***If this important trace evidence could be from the Foster home, why weren't they matched to it by the FBI?*** If the fibers could be from anywhere, as Wallace also asserted, why conduct the test in the first place?

The really crucial aspects of Ruddy's investigation were omitted by "60 Minutes": seven leading forensic experts say the powder burns on Foster's hand are inconsistent with suicide; the gun found in Foster's hand was never positively identified as being his; Foster's eyeglasses were found 19 feet from his head; two witnesses said they saw two men(not Foster) in and around Foster's car--one with the hood up, just before the police arrived; Foster's car keys were not found on his body in the park. The Park Police never handled the case properly, and the record shows Fiske accepted the police investigation at face value.

"These are just a few of the items Ruddy has detailed in almost two years on this case, asking the type of questions Mike Wallace and '60 Minutes' can't or are afraid to," Farah said. "Even ABC's 'Nightline' had to admit Ruddy had raised legitimate questions about the case," Farah added.

"60 Minutes" also omitted the very serious statement former FBI Director William Sessions made last year, stating that the investigation into Foster's death was "compromised" from the beginning. "Wallace couldn't even mention this because if the original investigation was 'compromised', then the center piece of Wallace's argument --that the case is closed because the official investigations say it is, falls," Farah explained.

Also shocking was the fact that Wallace withheld key evidence that Foster's body was moved: the FBI lab found not a trace of soil on Foster's shoes, despite a 700 foot trek through the park. Wallace had good reason not to mention this. ***Wallace admitted to Ruddy during their off-air interview he had found soil on his own shoes he tested after taking the same walk while at Fort Marcy Park.***

"No evidence," Mike, or just no evidence you think the American people should know about.

Christopher Ruddy is available for media interviews by calling 916-852-6300. His reports are available from the Western Journalism Center at 1-800-WJC-5595.

10/10/95 09:15 ☎501 221 8707 INDEP COUNSEL →→→ OIC DC 005/008

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PITTSBURGH
Sunday Tribune-Review
Oct. 8, 1995

AT THE BORDER

Customs Service falters with drug interdiction

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

■ U.S. flounders in efforts to stop speed smuggling. Story A9

WASHINGTON — The federal fiscal year ended just one week ago, and annual statistics being compiled by the U.S. Customs Service will show the amount of cocaine seized at our borders has plummeted by nearly 40 percent since President Clinton took office.

According to a Customs spokesman, in the first 11 months of Fiscal 1995 the federal service interdicted 144,000 pounds of cocaine.

At that rate, Fiscal 1995 will have produced the lowest amount of cocaine seized in the past five years, little more than half of the amount seized during the Bush administration's last fiscal year, 1992.

Experts and sources in Customs say the drop-off in seizures of cocaine — the Big Daddy of the illegal narcotics trade — is largely the result of a Clinton administra-

PLEASE SEE DRUGS/A10

DRUGS FROM/**A1**

tion shake-up of Customs enforcement's senior staff, dramatic cuts of Customs' enforcement budget, and de-emphasis of Customs' role in stopping illegal drugs at the nation's borders.

The changes come as statistics show the use of cocaine and other illegal narcotics is on the rise again, reversing a downward trend from earlier this decade.

"I would think that cuts in enforcement have resulted in an increase in the supply, distribution and usage of cocaine," said John Bellizzi, executive director of the International Narcotics Enforcement Officers Association, which includes agents of Customs and the Drug Enforcement Administration.

One high-ranking Customs enforcement official, requesting anonymity, told the *Tribune-Review*, "Enforcement people are all depressed because this administration does not want us to have authority, and doesn't want us to have operational money."

The source also indicated the numbers may be worse than they appear, having been boosted late this summer by one unusually large interdiction: a plane loaded with 24,000 pounds of cocaine in San Diego.

According to this year's National Drug Control Strategy, published by the White House's Office of National Drug Control Policy, a de-emphasis of interdiction at the borders began in 1993 after a National Security Council memorandum argued for "a shift away from past efforts that focused primarily on interdiction in transit zones to new efforts that focus on interdiction in and around source countries."

(2)

Soon thereafter, President Clinton signed a Presidential Decision Directive implementing the new policy, which some say has effectively clipped Customs' wings.

Of seven key areas where federal money is spent to control drugs, such as drug treatment and education, interdiction is the only area to have seen its funding cut.

"While all other agencies involved in drug interdiction will require additional resources in FY 1996, the U.S. Customs Service will not," reads the National Drug Control Strategy.

According to the Office of National Drug Control Policy, Customs has borne the brunt of cuts in interdiction funding. The service's 1994 budget was $572 million; it will drop to $500 million under the president's proposal for Fiscal 1996.

The cuts have particularly affected Customs' aviation and marine units, which had been credited with earlier successes in cutting the drug flow.

Another indicator of failing enforcement is a precipitous drop in the number of drug-related arrests by Customs since 1992. For the first 11 months of Fiscal '95, Customs made 6,389 drug-related arrests, compared to 9,600 such arrests in the previous 12 months.

Customs itself seems unable to explain the drop in cocaine seizures.

"There's no figuring out the trends," said spokesman Dennis Shimkoski. He noted that marijuana statistics have gyrated over the past several years without any particular explanation. As to whether cuts in enforcement funding have

FOIA # none (URTS 16306) DocId: 70105096 Page 81

(3)

> 'I would think that cuts in enforcement have resulted in an increase in the supply, distribution and usage of cocaine.'
>
> — John Bellizzi
> EXECUTIVE DIRECTOR, INTERNATIONAL NARCOTICS ENFORCEMENT OFFICERS ASSOCIATION

thwarted efforts to interdict cocaine, he said he "couldn't speculate."

MEXICAN BORDER

The most telling sign of diminishing Customs enforcement effort is at the Mexican-American border. The Office of National Drug Control Policy calculates that about 70 percent of all cocaine coming into the United States comes across that border.

Sen. Diane Feinstein, D-Calif., has been the administration's fiercest critic on drug interdiction policy, particularly as it relates to California's shared border with Mexico. In a letter to Treasury Secretary Robert Rubin (Customs is an agency of the Treasury Department) in August, Feinstein pointed out that in 1993 Customs seized four tons of cocaine at the border.

But since Customs fully implemented a new policy in 1994, "not a single pound of cocaine was confiscated from more than two million trucks that passed through three of the busiest entry points along the southwest border," Feinstein wrote.

That new policy, referred to as the "line release program," allows cargo shippers that are considered low-risk to be whisked through the border, bypassing inspections.

The program gives the special status to drivers and entire trucking lines that have gone through extensive background checks. Administration officials have promoted the program as consistent with the North American Free Trade Agreement, which calls for freer access across borders for signatory nations.

Earlier this year, Feinstein told the *Los Angeles Times* that the program had to be re-evaluated. She questioned whether "increased trade and reduced border control is worth increased narcotics shipments."

Feinstein spokeswoman Susan Kennedy said that since the senator made her criticism, Customs made "a number of refinements" to the program that the senator is reviewing.

Last month, Customs Commissioner George Weise slapped a moratorium on new applications for shippers and trucking companies to participate in the program. Weise admitted that the program has a defect: it allows smugglers to place narcotics on trucks that are part of the program.

As an answer to critic's complaints and a drop-off in seizures, this past February Customs initiated Operation Hardline, which added agents and introduced more rigorous inspections along the U.S.-Mexican border. Despite the media hoopla over Operation Hardline, sources familiar with Customs activity on the border said the emphasis remains on "trade and facilitation," and Customs enforcement personnel are not encouraged to do rigorous inspections.

FOIA # none (URTS 16306) DocId: 70105096 Page 82

(4)

Staffing at border crossings is still said to be short-changed. At the El Paso station, for example, a source said the site remains 17 positions below its full authorization.

The lax Mexican border inspections are symptomatic of falling standards at all entry points, a ranking Customs official said.

Previously, inspectors conducted random checks of arriving air passengers, as many as 10 percent of any given flight. They also performed occasional "blitz" inspections, checking 100 percent of all arriving passengers from a particular plane.

For the most part, Customs has abandoned that system in favor of an Advanced Passenger Information System. Under the new system, passenger lists are checked against a Customs database of potential smugglers, and individuals are targeted for inspection before the plane even arrives.

But one official said the system is faulty because the database is incomplete and can't really predict potential smugglers. It also depends on foreign airline personnel inputting proper and honest information about the passenger's name and date of birth.

Concerns have been raised by a number of new administration proposals to relax border inspections, the most radical of which were in Vice President Al Gore's National Performance Review aimed at "reinventing" government. One proposal called for an open border between the United States and Canada.

In August, Customs announced that it had rejected some proposals, including the open border with Canada. However, some of the task force's proposals were accepted and are being tested at Miami International Airport, which has been designated as a "Reinvention lab."

One idea that was first called "the upper-crust program" exempts first-class and business-class passengers from Customs inspections. One congressional staffer found the notion laughable. "What's stopping a drug dealer from buying a first-class ticket?" he asked, noting the small expense compared to the value of smuggled drugs.

While drug-transporting individuals — sometimes called "mules" — usually carry a small volume of drugs, their cargo is extremely valuable. A pound of pure cocaine can have a market value of $1 million. That price tag explains why "mules" have taken extraordinary means to hide drugs from Customs, for example by swallowing small condoms filled with cocaine.

The changes at Customs "are only one indication the Clinton administration is not making drug control a priority," said John Walters, who was acting director of the Office of National Drug Control Policy during the early days of the Clinton administration. "Clinton hasn't provided the leadership, and has cut monies, authorization and drug control as a priority across the board."

Paul Harvey News Radio Broadcast
October 27, 1995
11:50 AM, EDT

PAUL HARVEY SCOLDS MEDIA FOR FOSTER REPORTING

PAUL HARVEY: Hello American. This is Paul Harvey. Stand by for news.

If you watched the TV program "60 Minutes" October 8th, you came away with the impression that the Vincent Foster death story, rather than investigating the facts, that "60 Minutes" was making fun of the investigators.

Well a veteran newsman agrees with you, [Joe] Goulden, who was Washington Bureau Chief for the Philadelphia Inquirer, says the "60 Minutes'" segment on Foster was at best lazy journalism and at worst a whitewash.

Reed Irvine of Accuracy in Media has presented "60 Minutes'" Mike Wallace with what it calls an award for journalistic malpractice.

Irvine notes that the program did not examine such evidence as:

- The bullet which has not yet been found
- Foster's eyeglasses which were found 19 feet from his head
- Two strange men who were seen in and beside Foster's car 30 minutes before the body was found
- The Secret Service was notified at least an hour and a half earlier than the time the White House says

Those questions were ignored says AIM because they did not fit the conclusions that the program's producers wanted you to reach.

New York and D.C. news media have been eager to dismiss this Foster death story as quickly as possible and unfortunately much of the nations news media parrots those.

RUSH LIMBAUGH Radio Broadcast
October 26, 1995
1:05 PM, EDT

Foster Note A Forgery

RUSH LIMBAUGH: ...There is news also, ladies and gentlemen. It didn't get a lot of widespread notice yesterday. Only on the Reuters wire has this story run. It was buried in USA Today, also in maybe a couple of small stories in some other papers. But you might be interested in it.

Three handwriting specialists presented some analysis at a news conference of the note found in Vince Foster's briefcase after he was found dead on July 20th. And these three handwriting experts said that it appeared the note was not written by Foster, but that it was a forgery.

You hadn't heard this, Mr. Lamond? See, here Mr. Lamond who comes to work in a subway every day and reads other people's papers while they are reading them at the same time, reads his own paper, works at a radio station widely known as one of the most informed sources of news and didn't know this until just now when his host mentioned it to him. It means it wasn't very readily accessible in the sources that you accessed today. Right?

Three handwriting experts. I'll tell you who they are. One's from the New York City Police Department, Vincent Scalice. Oxford University manuscript expert Reginald Alton. And Boston PI, Private Investigator, Ronald Rice. They said that comparisons with the letter Foster had written had enough differences in style and letters to conclude the suicide note was not written by Foster. John Bates, an associate counsel with Kenneth Starr, said that the investigation of the Foster episode is open and ongoing, [and] I'll add with my own emphasis, despite the "60 Minutes" story.

So three hand writing experts: "It's a forgery."

Page 001
501 221 8707 DEBBIE GERSHMAN
10/20/93 06:07:33 VIA FAX

NEW YORK POST
LATE CITY FINAL
RSDAY, OCTOBER 28, 1993 Sunny today, low 40s, partly cloudy tonight, 50-53. / Details, Page 61 50¢

Plot thickens

THE cloak and dagger intrigue behind the death of Deputy White House Counsel Vincent Foster got murkier yesterday. Murder-theory proponent James Dale Davidson, editor of financial newsletter Strategic Investments, hired three forensic experts to analyze a photocopy of the famed suicide note that was found torn into 28 pieces in his briefcase. Reginald Alton, a handwriting expert from Oxford University; Vincent Scalice, a former NYPD detective and ID expert; and Ronald Rice, a criminal handwriting expert, each independently determined the note to be a forgery based on comparisons with other specimens of Foster's writing. Announcing the findings, Davidson said, "It's just one more indication that Vincent Foster did not commit suicide."

10/30/93 08:48 202 501 221 8707 INDEP COUNSEL 003

Re: Vincent W. Foster, Jr/From London's Sunday Express/
29 October 1995/For more info contact Joe Farah at
916-852-6300

10/28/95 22:11:08 VIA FAX 501 221 8707 DEBBIE GERSHMAN Page 001 002
10/28/95 20:51 FAX ->
10/30/95 09:47 ☎501 221 8707 INDEP COUNSEL 004

'AIDE'S DEATH COULD BE AS DAMNING AS WATERGATE'

Quiet British professor who could destroy Bill Clinton

REBEARCH: Professor Alton in his study

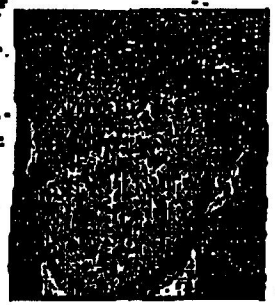
By Cliff Hanley

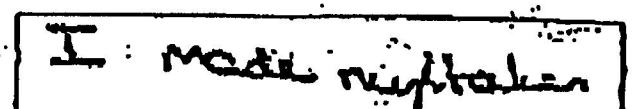
HE IS more at home in an English county, digging his vegetable patch, watching cricket and studying the handwriting of the great poets.

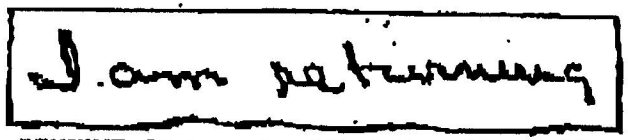
But 75-year-old Oxford Professor Reginald Alton is the man who could bring down President Clinton.

He has declared as a forgery the suicide note supposedly written by senior White House aide Vincent Foster — a friend of the Clintons who was found with a bullet wound to his head.

And as Professor Alton flew back to Britain yesterday he said: "There's so


CLINTON: Threat


FAKED? The 'suicide note' allegedly left by Foster


GENUINE: An example of Foster's real handwriting

FOSTER: Shot dead

was linked to the so-called Whitewater affair.

He had been a partner at the Rose Law firm in Little Rock, Arkansas, with Hillary Clinton at the time her husband was Gover-

press coverage and concluded: "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."

At the Whitewater hearings

ten completely differently," he said. "Foster would write it in one continuous stroke. In the note, the writer uses three strokes.

"Foster is also what I call a 'natural swaggerer' — his letters

FOIA # none (URTS 16306) DocId: 70105096 Page 87

10/28/95 22:12:86 VIA FAX 581 221 8787 DEBBIE BERSHMAN Page 002
10/28/95 20:51 FAX 003
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HE IS more at home in an English county, digging his vegetable patch, watching cricket and studying the handwriting of the great poets.

But 75-year-old Oxford Professor Reginald Alton is the man who could bring down President Clinton.

He has declared as a forgery the suicide note supposedly written by senior White House aide Vincent Foster — a friend of the Clintons who was found with a bullet wound to his head.

And as Professor Alton flew back to Britain yesterday he said: "There's so much about the case I can't talk about.

"The forgery is as nothing compared to the evidence of all sorts of dark deeds and Iggery-pokery bubbling under the surface.

Damning

"When the truth comes out it will be totally shocking if it appears the state has just done away with an inconvenient man.

"If Clinton's administration falls because of this, it won't only be because of our findings.

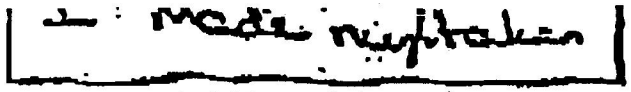
"Some of the people I met there believe it will be as damning as Watergate.

"If it is, it will be as equally damaging to the collective psyche of the nation and the trust it puts in its leaders."

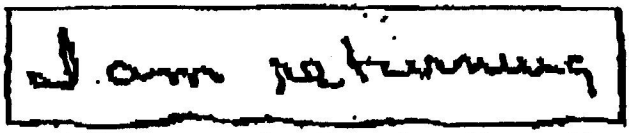
Last week the donnish emeritus fellow of St Edmund Hall at Oxford University — who Americans regard as a character from a P.G. Wodehouse novel — said the suicide note supposedly written by Foster was a forgery.

His pronouncement rocked America and fuelled speculation that Foster, found dead in 1993, was murdered. Foster, a close friend of Bill and Hillary Clinton, was linked to the so-called Whitewater affair.

CLINTON: Threat



FAKED? The 'suicide note' allegedly left by Foster



GENUINE: An example of Foster's real handwriting

FOSTER: Shot dead

He had been a partner at the Rose Law firm in Little Rock, Arkansas, with Hillary Clinton at the time her husband was Governor of Arkansas.

The company has been accused of buying cheap land and after obtaining building planning permission, selling it on at much higher prices.

There were also rumours that Foster and Hillary had had an affair.

But just at the time the Whitewater scandal was looking as if it might turn into Clinton's Watergate, Foster's body was found on parkland outside Washington with a pistol in one hand and a bullet wound to the head.

No note was found near the body nor in Foster's office. But six days later Bernard Nussbaum, a White House legal counsel and friend of the Clintons, produced one on yellow lined paper. The writer, purported to be Foster, regretted the mistakes he had made, complained of hostile press coverage and concluded: "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport."

At the Whitewater hearings last summer, senators expressed amazement that the note could have been overlooked. Some accused White House staff of obstructing the investigators on behalf of Mr and Mrs Clinton.

Conspiracy theorists believe Foster was murdered because he knew too much.

At a Washington press conference last Wednesday the professor of calligraphy — more used to verifying the handwriting of poets like John Donne and Shelley — declared the note to be a forgery.

The professor, who made his findings with two other international handwriting experts, said last night it was obvious it was a fake almost as soon as he received it at his Oxford home and compared it to 12 other samples known to be written by Foster. "For example, the 'b' is written completely differently," he said. "Foster would write it in one continuous stroke. In the note, the writer uses three strokes.

"Foster is also what I call a 'natural swaggerer' — his letters have lots of elegant flourishes.

"The forger failed to spot this until about the tenth line, when he suddenly started using Foster's wide, saucer-shaped loops.

"Foster's hand is firm, fluid and constant. The forger's is inconsistent and his slopes are uneven."

Now James Dale Davidson, the editor of Strategic Investment who called the experts in, is passing their conclusions to Kenneth Starr, the Whitewater committee's special prosecutor.

Loved

And Alfonse D'Amato, chairman of the Senate Whitewater Committee, is to study a request from Republicans to subpoena Mrs Clinton to give evidence.

The professor — married since 1944 to French-born Jeanine, and with two grown-up sons and six grandchildren — is a much-loved figure on the campus, where he is known simply as Reggie.

Most days he can be seen in his garden in baggy corduroy trousers, an old blazer and a battered hat.

He was extremely put out that the press conference organisers insisted he wore a suit.

"When the truth comes out it will be totally shocking if it appears that the state has just done away with an inconvenient man"

SUNDAY EXPRESS

A Special Report from the Pittsburgh *Tribune-Review*

Sunday, October 29, 1995

You should read this entire story. BK

Foster Case: Park Witness Appear Before Starr's Grand Jury

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON, D.C.—A man who says he was at Fort Marcy Park on the evening Vincent W. Foster Jr. died was served a subpoena last week to appear before Independent Counsel Kenneth Starr's Whitewater grand jury at noon Wednesday.

Since being served the subpoena, Patrick Knowlton appears to have been monitored around his Pennsylvania Avenue residence in Georgetown under a massive surveillance operation.

A week ago, Ambrose Evans-Pritchard of London's Sunday Telegraph reported details of Knowlton's account of a tie-in to the Foster case. Knowlton was apparently the first person to see Foster's automobile in the parking lot at Fort Marcy.

The Telegraph reported that Knowlton was "stunned" when he was shown a report in his interview with FBI agents working for former Special Counsel Robert Fiske. His statements had been falsified, the Telegraph reported.

Knowlton agrees with part of the FBI statement; that he arrived at the Fort Marcy parking lot on July 20, 1993, at about 4:30 p.m. Foster's body was found more than an hour later.

DETAILS AT THE PARK

Knowlton said that the first car he saw in the lot, a Honda, was parked to his immediate left and had Arkansas plates. He said he parked his car a few spaces from the Honda, and observed another car, a blue sedan with a young man sitting in it, who gave Knowlton what he said was a menacing look. Knowlton described the man as in his 20's and possibly Mexican or Cuban.

As Knowlton quickly relieved himself by a nearby tree, the Hispanic man got out of his blue sedan and stood leaning over the roof of the car.

Frightened, Knowlton said he quickly left the park, but mentally noted some of the contents of the Arkansas Honda, including a suit jacket and a briefcase. He called the Park Police later the same night after he heard on the news of Foster's death.

The police took a brief statement from him over the phone, which they included in their report though they spelled his name wrong.

But Knowlton told the Telegraph that a key statement attributed to him by the FBI during the Fiske investigation was "an outright lie." The FBI agents who interviewed him wrote, "Knowlton could not further identify this individual (the Hispanic man) and stated that he would be unable to recognize him in the future."

SHARP MEMORY FOR DETAILS

In point of fact, Knowlton said he has a haunting memory of the man. With the assistance of a police artist provided by the Telegraph, Knowlton even produced a sketch of the man. The composite sketch was published in the Telegraph.

Knowlton, who owns a trading business, says—and his friends agree—that he has a sharp memory for details. Knowlton told the Telegraph that interviewing FBI agents Larry Monroe and William Colombell went to extraordinary lengths to convince him he saw a blue Honda of recent vintage with Arkansas plates. Knowlton insisted that he saw an older model brown Honda with Arkansas plates.

According to experts familiar with the case, Knowlton's testimony could be critical on several points:

- If Foster did not commit suicide, Knowlton likely could positively identify the person somehow involved in the attorney's death. Key forensic and circumstantial evidence led two New York police investigators to conclude that "overwhelming" evidence indicated Foster's body was moved to the park. One source close to Starr's probe has suggested that the man Knowlton saw may have been there to "secure" the lot. A rear

FOIA # none (URTS 16306) DocId: 70105096 Page 89

entrance to the park is close to where the body was found and could have, some theorize, been the actual point of the body's entry.

- He possibly could demonstrate that the FBI covered up key elements in the case.
- He possibly could indicate that another car with Arkansas plates, similar to Foster's, was placed in the park to leave potential witnesses with the impression Foster was in the park earlier than he was. A nagging problem with the case is the large amount of unaccounted-for time—five hours from the time Foster left his office until his body was found.

Last Thursday, Knowlton said an FBI agent with Starr's office showed up at his door to serve him with a subpoena, one of several the agent said he had to deliver that day.

WITNESS BEING WATCHED

Since then, Knowlton has been aware that he is being watched.

"He called me and said that he and a female friend had been passed twice that evening by two men in a dark sedan who gave menacing looks at Patrick," reporter Pritchard said.

On Thursday night, this reporter visited Knowlton at his residence and noticed no unusual activity outside.

Knowlton appears to be a stable, credible professional. His friends in the building describe him as a rather normal person who seems beset in the middle of something larger.

He knows little of the larger issues of the Foster controversy and was unaware of the political overtones of the case. His foyer wall proudly sports a "Clinton-Gore" campaign bumper sticker.

Knowlton and a female friend recounted Thursday's events.

Knowlton said that while taking his daily walk for a newspaper, he encountered more than a dozen men, all wearing suits, who would be walking toward him or coming from behind, then would give him a sudden, purposed stare.

His female friend said he has no history of paranoia.

To verify Knowlton's account, he agreed the following day to take his daily walk with this reporter.

The surveillance was apparent, almost from the instant we exited his apartment.

He was approached again and again by the same men: dark suits, soft-soled shoes, each carrying a note pad or newspaper. And as they passed us, each gave a pointed, timed stare at Knowlton.

After crossing the first intersection, a man crossing the same street from the other side met us at the sidewalk. He looked at Knowlton and shook his head in an awkward gesture.

Another man, short and Middle Eastern looking, passed us and stared. After he passed, his walk slowed considerably and he made some comment to an African-American man casually dressed and carrying shopping bags—an individual we already had passed who had also given us "the stare."

The short man appeared aimless after passing us—a phenomenon repeated by the others.

Several cars appeared to trail us. In one white Honda with Virginia tags, two dark men with mustaches appeared to make no bones about their surveillance. They first caught our attention as we crossed the intersection, and both gave us a menacing stare.

The car entered a traffic circle, and instead of carrying on, circled back and came alongside, stopping in the middle of the road just yards in front of us. The occupants began to manipulate their mirrors to watch us along the sidewalk.

SIMILAR CIRCUMSTANCES

In all, at least two dozen and possibly three dozen people were encountered under similar circumstances from the time Knowlton left his apartment until he returned.

He said he recognized two of them from the day before.

We then took a drive around the block; no one appeared to follow us. But when we first entered the car, a pedestrian came alongside and noticeably checked the car's front and rear license plates.

Knowlton took out a camera and photographed the man, who quickly moved his hand toward his face.

After midnight that evening, Knowlton called Pritchard to say his apartment doorbell had been rung but no one answered when he asked who was there. Then there were four immediate knocks on the door.

Pritchard said that the license plate Knowlton noted from Thursday had checked out with a law enforcement source of Pritchard's as being a federal government vehicle.

His source suggested Knowlton was "being warned, or there was an attempt being made to destabilize him before he appears before the grand jury," Pritchard recounted.

Knowlton's lawyer has contacted the FBI to complain. There has been no return call.

STARR CATCHING UP

The subpoena is one indication that Starr may be playing catch-up; the Telegraph reported that three critical crime scene witnesses had never been called before his Washington grand jury—though Starr says he has been actively investigating the case for more than a year.

In addition to Knowlton, Starr had never brought in two witnesses who said that when they entered Fort Marcy's lot they saw two men—not Foster—in and around his Honda just before the body was found. One man, described as having long blond hair, was said to have stood in front of the car with the hood up, as was reported in the Tribune-Review months ago.

FOIA # none (URTS 16306) DocId: 70105096 Page 90

The failure to aggressively examine these major discrepancies seemingly corroborates earlier reports that Starr's lead Foster prosecutor, Miquel Rodriguez, resigned after being thwarted by his superiors in conducting a full grand jury probe into the death.

Starr's possible passivity with the Foster case seems to have taken some notice on Capitol Hill.

A leading Republican member of the Senate's "Whitewater" Banking Committee said Thursday night that he was "disappointed" with Starr's work, which he described as embarrassing. The senator, previously believed to have been a supporter of Starr's, said Starr is motivated by a desire to be on the Supreme Court. He added, as it stands now, that any notion of Starr getting on the court "is finished."

THE ORANGE COUNTY Register

ORANGE COUNTY, CALIFORNIA SUNDAY, OCTOBER 29, 1995 $1.10 ■ INDEX AND SECTION GUIDE

THE FOSTER FORGERY?

NEW YORK — The biggest bombshell yet in the still-puzzling death of one-time White House Deputy Counsel Vincent Foster exploded at the Willard Hotel in Washington last Wednesday. Three veteran handwriting analysts told reporters that Foster's so-called "suicide note" is a fake.

The financial newsletter *Strategic Investment* asked Reginald Ernest Alton, Ronald H. Rice, and Vincent J. Scalice to compare the note to 12 known examples of Foster's handwriting from the files of the White House, the U.S. Park Police (which led the initial probe into Foster's death), and a friend of Foster's in Little Rock. Working independently over three months, the analysts reached the same conclusion: Vincent Foster's alleged note and his known papers "reflect the unconscious writing/printing habits of two completely different people," in Rice's words.

These gentlemen share 70 years of combined expertise in handwriting and document analysis. Rice is a board certified handwriting examiner who has reviewed papers in such cases as those of serial killers Ted Bundy and the Boston Strangler. CNN recently asked him to analyze documents written by O.J. Simpson.

Vincent J. Scalice, also board certified, has spent the last 22 years as an NYPD forensic document examiner and expert witness in hundreds of civil and criminal cases. Citibank and Chemical Bank are among those for whom he has performed such services.

For 30 years, Reginald Alton has lectured on handwriting analysis at Oxford University. He has worked on criminal matters and, like a good Oxford don, has judged the veracity of literary manuscripts by such authors as C.S. Lewis, Percy Bysshe Shelley, and Oscar Wilde.

"The forger," Alton said by phone, "was probably using bits and pieces of Foster's documents, but he doesn't understand the way Foster writes." This is evident even to the untrained eye. Foster used the cursive form of the letter "I" when referring to himself in his known documents. In the "suicide" note, the letter "I" stands capitalized, as stiff as a steel beam. The letters "Th," as in "These" and "Those," are joined together with a loop over the "h." In the "suicide" note, they appear repeatedly as two separate, distinct elements.

There are subtler anomalies as well.

"Foster's hand is fluid, fluent, and highly cursive," Alton said. "Where possible he'll make a complicated letter in one stroke rather than two or three. The so-called suicide note, in fact, makes 'b' in three quite deliberate strokes." Added Alton, "The spaces are not the same. The slope is uncertain."

DEROY MURDOCK

Handwriting aside, the note's contents don't signal suicide.

"It makes no mention of intentional harm to one's self," Scalice observed in his written report. "Significantly, there is no mention of characteristic statements of departure

For More Info Contact: The Western Journalism Center/916-852-6500

Orange County Register Oct. 29, 1995

the unsigned, undated, fingerprint-free note.

"If you tear a note, it obscures all of the characteristics that are in the normal handwriting: the way one letter is joined to another, the way words run along a line, the way margins are registered," Alton said. "This is enough to make one suspicious."

U.S. Park Police and one-time Whitewater Special Prosecutor Robert Fiske both concluded that Foster wrote the note. But they rendered their verdict after a rather cursory investigation. The Park Police called on U.S. Capitol Police Sergeant Larry Lockhart to examine the note. Lockhart, who is not a board-certified handwriting analyst, compared the note to just one other sample of Foster's writing. Federal guidelines require scrutinizing a dubious document against at least four known writing samples. Fiske relied on the FBI, which examined a one-page document and two checks Foster wrote. According to an Oct. 25 *Pittsburgh Tribune-Review* article by reporter Christopher Ruddy, the FBI lab found Foster's checks and the "suicide note" to be an "inconclusive match."

for loved ones, the putting of affairs in order, or a motive for suicide."

Instead, the note is primarily a list of Foster's complaints about his professional life. It concludes: "I was not meant for the job or the spotlight of public life in Washington. Here ruining people is considered sport." While it suggests that Foster was overwhelmed and perhaps despondent about his duties, nothing approximates the "Goodbye, cruel world" tone one would expect from someone on the verge of gunning himself down.

Two days after Foster's death, then White House Counsel Bernard Nussbaum (who later resigned under an ethical cloud) searched Foster's briefcase and reportedly declared, "It's empty." Four days later, the "suicide note" was found in the same satchel, torn into 27 pieces. The 28th piece still is missing from

At mid-week, meanwhile, the Senate Special Committee on Whitewater was preparing to subpoena White House records including logs of phone calls among White House staff, Hillary Clinton, and her private associates immediately following Foster's demise. "We can no longer rely on so-called good faith efforts to get documents" from the White House, Committee Chairman Sen. Alfonse D'Amato, R-N.Y., lamented. Added committee member Sen. Lauch Faircloth, R-N.C.: "It's like skinning a hippopotamus with a letter opener to get anything out of this White House."

Several readers have asked me how they can help move the Foster and Whitewater investigations forward. I would offer three suggestions:

- ▶ Contact your local papers, TV and radio stations, and the broadcast networks. Tell them to cover these growing stories.
- ▶ Write the Sacramento-based Western Journalism Center. It supports reporter Christopher Ruddy's valiant investigative journalism in this area. Tell them to keep digging.
- ▶ Contact your members of Congress. Tell them the still-worrisome death of Vincent Foster deserves thorough public hearings and an honest inquiry worthy of this republic.

Mr. Murdock is a free-lance writer and the president of Loud & Clear Communications, a marketing and media consulting firm in New York City.

The Forged Suicide Note

I made no attempt from yesterday, whatsoever and previously.

I did not knowingly violate any law or standard of conduct

No one in the White House, to my knowledge, violated any law or standard of conduct, including any action in the travel office. There was no effort to benefit any individual or private group

The FBI had no theory related to the RC

The press is coming up the illegal leaks they received from the travel staff

The Cafe has lied and prevaricated to knowledge and fabricated a conspiracy

The Union office played no part in costs incurred, future advantage of Kiki Caruso

The public will never believe the lies of the Clinton and the legal staff

The WSJ editor lied without conscience

I was not proud to be on the political payroll of public life in Washington. Here ruining people is considered sport.

A Note Actually Written by Foster

VINCENT W. FOSTER
WASHINGTON, D.C.

6/18/93

Dear Executive Co. —

I am returning your check No. 0472058
which I received in error. It was sent by
the father. As reflected by the enclosed
the order that was entered was submitted
by mother. As reflected by the enclosed
I believe I arranged the visits
w—.

Please read your records

Sincerely

Vincent W Foster

Determined to be an Administrative Marking

CONFIDENTIAL

K1

The Sunday Telegraph
The Sunday Telegraph Magazine
London,
OCTOBER 29, 1995
NO. 1794

Key witness in Foster case 'is being harassed'

by Ambrose Evans-Pritchard in Washington

DAYS after his name was disclosed by *The Sunday Telegraph*, a key witness in the investigation into the death of the White House aide Vincent Foster has been issued with a subpoena to appear before the federal grand jury in Washington and claims to have been spied on.

Patrick Knowlton says he was at Fort Marcy Park in Virginia on July 20, 1993, the day that Mr Foster's body was found. Last week, he helped prepare an artist's sketch of a menacing man who he believed could have been on look-out in the park.

The sketch has aroused keen interest at the offices of Independent Counsel Kenneth Starr, who is investigating the Foster death. In the past six weeks, FBI agents have been combing the crime scene to find a bullet or other evidence that might prove that Foster shot himself at the spot where his body was found.

Mr Knowlton was interviewed by the FBI in the [illegible] during the earlier investigation of Robert Fiske. He claims the FBI misrepresented his statements in critical ways. The Fiske Report, released in June 1994, made no mention of his encounter with the possible suspect.

In an alarming development, Mr. Knowlton alleges that he has been subjected to a campaign of intimidation since receiving his subpoena on Thursday morning. He claims to have been followed on Thursday and Friday.

Two witnesses observed this harassment and said it appeared to be an orchestrated effort. Christopher Ruddy, a reporter for the *Pittsburg Tribune-Review*, was with Mr Knowlton on Friday afternoon. He said he observed a surveillance operation that must have involved at least 30 people as they walked around the streets of Georgetown.

"I've never seen anything like it before," said Mr Ruddy. "They are obviously trying to terrify this man."

Mr Knowlton got the licence plates of three vehicles that appeared to be part of this operation. *The Sunday Telegraph* has tracked one of the [illegible] to the US

FOIA # none (URTS 16306) Docld: 70105096 Page 96

October 25, 1995
For Immediate Release

For more info: Anne Dunne
410-576-0900

Press Conference Today:

OXFORD EXPERT DECLARES FOSTER NOTE A "FORGERY"

At a press conference today, a world renowned forensic handwriting expert from Britain's Oxford University, along with two American forensic experts, will give the results of their examination of a copy of a torn note. The torn note was found in the briefcase of former Deputy White-House Counsel Vincent W. Foster, Jr. shortly after his death.

Leading the panel of forensic experts, a prominent British authority, who has lectured on handwriting, manuscripts, and forgery detection at Oxford University for over thirty years, will offer his findings: the torn note is a forgery. The Oxford expert has ruled on a number of celebrated cases, and has flown into Washington for the press conference today.

Two other prominent forensic document examiners will offer their findings, illustrations, and detail the improper handling and investigation of the note by federal authorities.

James Dale Davidson, Editor of Strategic Investment, a prestigious financial newsletter, organized today's conference. Mr. Davidson will open the conference with a statement.

WHEN: Wednesday, October 25, 1995
TIME: 10AM Sharp
PLACE: WILLARD HOTEL(Crystal Room)
14th Street and Pennsylvania Ave
(across from Press Building)

Written reports will also be available to the press. A question and answer session will follow the panel's presentations.

FOIA # none (URTS 16306) DocId: 70105096 Page 97

From: Western Journalism Center / *Joseph Farah* / *(916) 852-6300*

Associated Press national wire story on Foster case follows.
Pittsburgh Tribune-Review reporter Christopher Ruddy broke the story.

Friday, October 20, 1995 — Associated Press

WASHINGTON (AP) — Whitewater prosecutors have hired the chief medical examiner of San Diego to review findings in the death of deputy White House counsel Vincent Foster.

Dr. Brian Blackbourne said Friday he would be meeting with Whitewater prosecutors in Washington and that he is weeks away from reaching any conclusions about the Foster matter.

Blackbourne joins Dr. Henry Lee, a forensic scientist who testified at the O.J. Simpson trial. Lee was hired by Whitewater prosecutors in May to examine the physical evidence and photos taken in the Foster death.

Two earlier investigations concluded that Foster died of a self-inflicted gunshot wound to the head. His body was found July 20, 1993 in a Virginia park outside Washington.

Blackbourne's hiring was first reported in Friday editions of the Pittsburgh, Pa., Tribune-Review.

Breaking the News Again

Friday, October 20, 1995 — Pittsburgh Tribune-Review

New Face Emerges in Probe of Vincent Foster's Death

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON — Whitewater Independent Counsel Kenneth Starr has hired San Diego Chief Medical Examiner Dr. Brian Blackbourne to re-examine the death . . .

The WASHINGTON POST
the following day

Saturday, October 21, 1995 — Washington Post

Medical Expert Hired in Foster Probe

Associated Press

Whitewater prosecutors have hired the chief medical examiner of San Diego to review findings in the death . . .

Wednesday On The Web (http://www.pacg.com/pvbr/).

WEDNESDAY ON the WEB

A DIFFERENT KIND OF WEEKLY NEWS AND VIEWS CYBERMAGAZINE

EDITORIALS

THERE THEY GO AGAIN! -- 60 MINUTES: A TRIUMPH OF BIAS OVER TRUTH

It's an old trick every journalist knows-- when you want to slant a story to come out the way you want it to, find sources known to be friendly to your viewpoint who'll say what you want them to say, and stay away from people who insist on revealing things that contradict your slant.

If you're a TV journalist, you can go even further; you can interview unfriendly sources and edit the tapes, leaving out whatever contradicts your bias. Or you can leave the entire interview on the cutting room floor.

Nobody is better at this than the people at 60 Minutes. They proved it with their totally misleading broadcast dealing with Alar -- a chemical used at the time by apple growers. Challenged by apple growers and others who pointed out some very inconvenient facts, they went back and did a second piece, even more misleading than the first.

They did it again in a totally misleading piece that besmirched the reputation of General William Westmoreland -- a piece castigated by CBS itself after an internal investigation turned up hanky panky in the production.

More recently, they got in a lot of trouble with American Catholics when they aired the petulant gripes of a small group of dissidents from Catholic teaching and presented them as typical of the views of the laity in America, which demonstrably they are not.

Well, they're at it again. Obviously smitten with William Jefferson Blythe Clinton, the ultra-liberal 60 Minutes bunch set out to whitewash the blatantly obvious cover-up in the matter of the death of Vincent Foster, Bill C's good buddy and White House counsel, and Mrs. William Clinton's former good and dear friend and law partner.

The Foster case is potential dynamite. The official investigation was a farce, as anyone looking at the results of both the Government probe and the almost laughable conclusions of former independent counsel Fiske quickly learns.

Last week, in discussing the Foster case, we noted that Big Media's attitude was either one of hands-off the case or of categorizing anyone who questions the official line as an incorrigible kook.

After all, if the whole truth about the mysterious death of Vincent Foster was to become known it could easily spell the end of the Clinton Administration and sound the death knell of the loony liberalism to which most Big Media is committed. This, of course, must be avoided at all costs, even if the media has to aid and abet a cover up.

Five days later, Mike Wallace and his cronies weighed in on the skeptic-bashing side. The 60 minutes crew pulled out all the stops, editing interviews, ignoring facts that contradicted their you're a-wacko-conspiracy-theorist-if-you-question-the-official-findings line.

In our Media Monitor section, with the help of two well informed critics of the official probe, we take a close look at the way 60 Minutes manhandled what could be the defining episode in the dreary presidential saga of William Jefferson Blythe Clinton.

TAX CUTS --WHO GETS WHAT?

The rich, it is said, get richer, while the poor have more children. This old saw comes to mind everytime we hear some dazed Democrat screech about Republicans wanting to give tax cuts to the rich.

Given the fact that by far the largest chunk of the $284 billion tax break the GOP is planning is the $500 per child tax break for parents, and if indeed the poor have more children, shouldn't this be called a tax cut for the *poor*?

After all, the more kids you have the more money you'll get back from Uncle Sam.

This latest excursion into class warfare borders on the criminal. The Democrats and their allies in big labor know darned well that linking Medicare and Medicaid and welfare reform to tax reform is about as sleazy a tactic as their charges that the GOP wants to cast the elderly, the sick and disabled and the disadvantaged young into the outer darkness where there is weeping and wailing and gnashing of teeth for the lowly, and unrestrained glee from all those GOP fat cats watching their plight from their mansions.

And the media doesn't help matters when they chatter about "cuts" in Medicare when they know that it is NOT being cut -- that only the *increase* in Medicare is being reduced by a few percentage points.

The Republicans are doing exactly what they said they'd do if given control of Congress. The public believed them, gave them control, and you can bet the American people are pleased with how the GOP are keeping their promise to reduce big government, stop wasteful spending and give the people back some of the money Uncle Sam has been taking from them thanks to a thoroughly corrupt and now discredited Democratic Party-controlled Congress.

FOIA # none (URTS 16306) DocId: 70105096 Page 100

Class warfare just plain doesn't work anymore, and the scoundrels engaging in it are going to discover that fact a year from next month.

MEDIA MONITOR

In a blistering assault on the 60 Minutes broadcast they called "Mike Wallace's Fake Foster Probe," media Critics Reed Irvine and Joseph Goulden exposed Wallace's assertion that he had "dealt with," the most important questions about the case as nothing but a sham.

Here are key excerpts from the column which Accuracy In Media's Reed Irvine graciously supplied to Wednesday On The Web:

"On October 8, as the FBI was heading into its fifth week of an exhaustive search for the bullet that killed former White House deputy counsel Vince Foster, "60 Minutes" aired a vicious attack on Christopher Ruddy, the reporter who forced the reopening of the Foster investigation in January, 1994, six months after the White House thought it was buried for good.

"Ignoring the fact that FBI agents were literally making a shambles of Fort Marcy Park in their inch-by-inch search for the missing bullet, Mike Wallace claimed that there are no valid grounds for questioning the theory that Foster Committed suicide in the park."

Noting that Wallace ended the Foster segment of the program by declaring the evidence supported only one conclusion: that Foster killed himself in the park, Irvine and Goulden charged that Wallace's claim he had dealt with the most important questions about the case was "false."

"There are a number of questions for which there are no answers that are consistent with the suicide in the park theory. Wallace ignored all of them," they wrote.

"The only question Wallace addressed that is relevant to the ongoing debate over Foster's death is the claim that the small amount of blood observed at the scene is one of several indicators that he did not die in the park. The fact that there was little blood was noted by the medical technicians who found the body. One of them, Sgt. George Gonzalez, told the FBI that 'there was not much blood at the scene for the manner in which the victim died.' Corey Ashford, who lifted the body by the shoulders, cradling the head, said he 'did not recall seeing any blood and did not recall getting any on his uniform or his disposable glove.'

"'60 Minutes' ignored them, focusing on Dr. Donald Haut, the part-time county medical examiner who approved the removal of the body. Chris Ruddy has Haut on tape saying 'There was not a hell of a lot of blood on the ground.' Wallace asked Haut if he told Ruddy 'there was an unusual lack of blood at the scene.' He said 'No,' saying that there was 'plenty of blood' for Foster to have died there, creating an illusion that Ruddy had misquoted him."

But, the columnists noted, Haut also told the FBI that the amount of blood was small, and that he didn't recall seeing blood on Foster's shirt or face or any blood on the vegetation around the body.

"Dr. Haut concluded from this that a low velocity bullet had been used, but the spent cartridge case in the gun in Foster's hand was stamped 'HV,' meaning high velocity.

FOIA # none (URTS 16306) DocId: 70105096 Page 101

Mike Wallace didn't mention all this because the small amount of blood, together with an absence of skull fragments, brain tissue and blood spatter and the fatal bullet, means there is no forensic evidence to prove that Foster shot himself in the park. That is why the FBI has spent a month looking for the missing bullet."

We are also indebted to Joseph Farah, founder and director of the Western Journalism Center which has both supported Ruddy's investigative reporting and retained veteran homicide experts to examine the evidence.

Farah shared his outraged reaction to the scandalous 60 Minutes whitewash with Wednesday On The Web.

60 Minutes, Farah said, made an attempt to close the case on the controversy of Vincent Foster's death.

"They failed," he said.

"Anyone with half a brain could see they didn't do what Ruddy has done -- compare the known facts to expert forensic opinion. Instead they had to manipulate and edit Ruddy's lengthy interview and distort the case.

"They didn't even mention that Independent Counsel Starr says the investigation is on-going and has forensic scientist Henry Lee looking into the case."

Among Farah's criticisms of the 60 Minutes broadcast:

- Wallace said that Foster, who is right handed, was left handed.

"Wallace never mentioned that it was the Boston Globe which first reported Foster was left-handed. Ruddy, in fact, is the first to have reported that Foster was right handed.

- 60 Minutes took Dr. Haut's testimony that contracted Ruddy's assertion that Haut had seen little blood at the alleged death scene under Foster's body.

"In a tape recorded interview with Haut, Haut told Ruddy "*There was not a hell of a lot of blood on the ground.* Most of it had congealed on the back of his head.' Ruddy told Wallace during his interview that he had the interview on tape.

"Was Wallace interested in the tape, or confronting Haut with it to ask him why he changed his story? Apparently not. Wallace didn't even confront Haut with his statement to the FBI which is not consistent with the story is now giving 60 minutes.

"The bottom line is this: '60 Minutes and Mike Wallace didn't want to find the truth, it just wanted to use Haut to rebut Ruddy and cast doubt on his reporting.'

- Farah added that the amount of blood wouldn't be a point of controversy had not the photographs of the scene mysteriously disappeared along with a 35mm film, another set of polaroids and autopsy X-rays.

"60 Minutes could have asked what happened to this critical evidence, but they didn't," Farah said.

- Wallace claimed that carpet fibers found on Foster's body could have come from walking across carpets and that Foster's house had just been carpeted.

"Nice try," Farah said. "Carpet fibers of seven different colors were found on almost every piece of clothing, including Foster's underwear. They didn't get swept up from walking across carpets as Wallace asserted. If this important evidence could be from Foster's home, why weren't they matched to it by the FBI? If the fibers could be from anywhere, as Wallace asserted, why conduct the test in the first place?

- "The really crucial aspects of Ruddy's investigation were omitted by 60 Minutes: seven leading forensic experts say the powder burns on Foster's hand are inconsistent with suicide; the gun in Foster's hand was never positively indentified as being his; Foster's eyeglasses were found 19 feet from his head; two witnesses said they saw two men (not Foster) in and around Foster's car -- one with the hood up, just before police arrived; Foster's car keys were not found on his body in the park. The Park Police never handled the case properly, and the record shows Fiske accepted the police investigation at face value.

"These are just a few of the items Ruddy has detailed in almost two years on this case, asking the type of questions Mike Wallace and 60 Minutes can't or are afraid to. Even ABC's Nightline had to admit Ruddy has raised legitimate questions about the case.

- '60 Minutes also omitted the very serious statement former FBI Director William Sessions made last year, stating that the investigation into Foster's death 'was compromised' from the beginning. Wallace couldn't even mention this because if the original investigation was 'compromised' then the center piece of Wallace's argument -- that the case is closed because the official investigations says it is, falls," Farah said.
- "Also shocking was the fact that Wallace withheld key evidence that Foster's body was moved: the FBI found no trace of soil on Foster's shoes, despite a 700 foot trek through the park. Wallace had good reason not to mention this. Wallace admitted to Ruddy during their off-air interview he had found soil on his own shoes he tested after taking the same walk while at Fort Marcy Park.

"'No evidence,' Mike, or just no evidence you think the American people should know about?" Farah asked.

Reed Irvine asked Wallace in a phone call to cite just one piece of forensic evidence that supported the suicide in the park theory.

"He ducked and he dodged," Irvine reported. "After we asked the question literally ten times, he said 'I'll tell you what I'll do. I'll put it in writing." When we reminded him of that promise the next day, he asked "What do you mean by forensic evidence?'

"This is one of the country's best known investigative reporters? As mike himself might say, 'Give us a break!'"

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OFFICE OF THE INDEPENDENT COUNSEL
TWO FINANCIAL CENTRE, SUITE 134
10825 FINANCIAL CENTRE PARKWAY
LITTLE ROCK, ARKANSAS 72211

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The Sunday Telegraph

FOREIGN NEWS

THE SUNDAY TELEGRAPH OCTOBER 22, 1995

Foster mystery: a key witness ignored by the FBI

Death in the park: is this the killer?

reveals the face

by Ambrose Evans-Pritchard in Washington

THAT face. Thin and pointed, with menacing eyes. It has haunted Patrick Knowlton for more than two years. He can still remember the Hispanic features exactly as they were on July 20, 1993, the day he stopped at a secluded Virginia park for a quick pee in the bushes. The man was on watch, guarding something. He looked the type who was fully capable of killing.

Hours later, Knowlton heard on the news that a close friend of President Clinton had been found dead in the same park. The victim was Vincent Foster, the Deputy White House Counsel, one of the close-knit Arkansas group.

Knowlton, a construction consultant, called the US Park Police. He thought he had vital information.

Perhaps he had seen a murder suspect. But the police did not seem to be interested. They took a few details in a desultory chat over the telephone. Nobody came to see him.

His statement in the police report was full of mistakes. Even his name was spelled incorrectly.

In the spring of 1994 he was interviewed by the FBI. It was during the early phase of the investigation by Independent Counsel Robert Fiske. He claims that the FBI tried to badger him into changing his story.

When *The Sunday Telegraph* showed him police and judicial summaries of his testimony — which he had not seen — he was stunned, saying his statements had been falsified.

As he tells the story, he stopped at Fort Marcy Park at 4.30pm on July 20. There were two cars in the car park. One was a brown Honda Accord with Arkansas licence plates, subsequently identified as Foster's car. The other was a blue sedan, possibly a Japanese make. There was a man in his twenties sitting inside it with a manicured appearance. He lowered his window and gave Knowlton a threatening look.

"I was worried about getting mugged, so I left my wallet under the seat," said Knowlton. "As I got out I heard his car door open and I thought 'Oh sh*t', this is it, the guy's coming after me'. But he just stood there leaning over the roof of the car, watching me... When I came back I looked at him and I thought something's going to happen to me unless I get the hell out of here. I really thought he might kill me."

His FBI statement says that Knowlton "could not further identify this individual and stated that he would be unable to recognise him in the future".

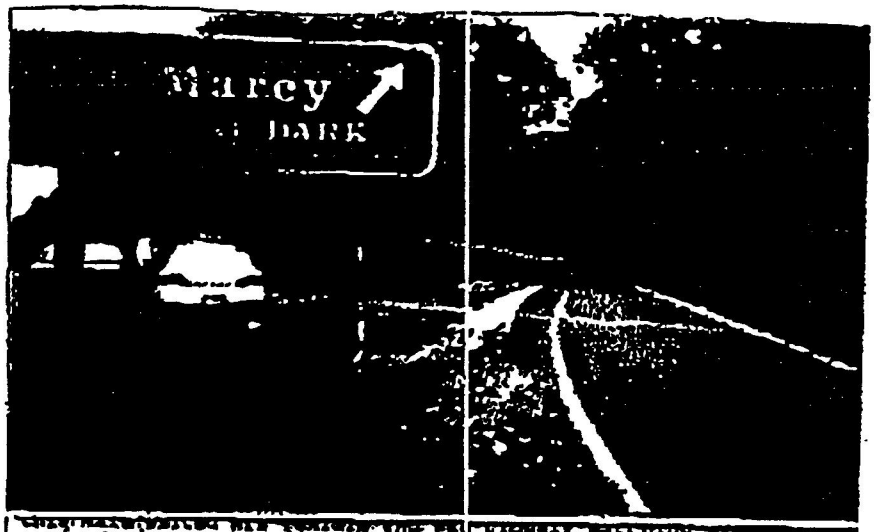
"That's an outright lie," he said, angrily. "I want it on the record that I never said that. I told them that I could pick him out of a line-up."

The Sunday Telegraph asked if he would be willing to help with an artist's sketch of the suspect. He agreed. Since the US judicial authorities have failed to take the initiative, we have decided to do it ourselves. The sketch above is drawn by an experienced police artist.

Knowlton was the first eye witness to look into Foster's car. He saw a briefcase on the front passenger seat. "I

FOIA # none (URTS 16306) Docu#:A01050096 Page 105

# of a possible murderer



proceeded into the park to urinate. He further mentioned that this male was staring at him making him, . feel extremely nervous and uneasy. He could not further identify this particular individual nor his attire and stated that he would be unable to recognize him in the future.

Determined to be an Administrative Marking

into the parking space. The hood of the vehicle was up and a white male was standing in the vicinity of the vehicle. He described the white male as in his mid- to late 40's, approximately six feet in height, medium build, long blonde hair and beard, appeared unclean and unkept.

From FBI documents: Knowlton says the statement above is wrong and he would recognize the man he saw. And despite the couple's statement (left) the Fiske Report says they saw 'nothing unusual'

CONFIDENTIAL

Confusion or cover-up? The FBI virtually ignored the testimony of one witness at the death scene in Fort Marcy Park and the Fiske Report overlooked the Bureau's own evidence. Right: Foster had close links with Hillary Clinton

remember thinking these people from Arkansas must be real stupid to leave a briefcase on the front seat," he said. (The US Park Police claim that no briefcase was found in the car. Foster's briefcase later turned up at the White House.) He also noted that the driver's seat was forward, which would be strange for a man of 6ft 4in.

Knowlton's FBI statement

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PAGE 3

says that the blue sedan had Virginia licence plates. "That's not true," he said. "I never said that. I told them I didn't see the tags." What is even more bizarre is that the FBI tried to convince him that Foster's car was blue, not brown. (According to the official record, Foster's car was light brown or taupe.) They showed him a photograph of a blue Honda with Foster's Arkansas number plates. It was a newer model Honda, with a gloss paint, fancy wheels, and a dent in the back — a totally different car.

"They went over it about 20 times, telling me that this was Foster's car," said Knowlton. "But I was quite adamant about it. I saw what I saw, and I wasn't going to change my story."

The official report on the death of Vince Foster, released by Robert Fiske in June 1994, cites Knowlton's testimony on subsidiary issues but makes no mention of the encounter with the menacing man in the blue car. Not a single word.

Kenneth Starr, who took over as Independent Counsel when Fiske was sacked by a panel of judges in 1994, seems content to let his predecessor close the book on this. Starr's investigators have never talked to Knowlton. The federal grand jury has never summoned him to give sworn testimony.

Knowlton is not the only witness to have had vital testimony suppressed by the Fiske Report. Fiske also neglected to mention the devastating information given by a couple found at the park when the police first arrived, shortly after 6pm. The couple, both Washington professionals, had been sitting in their car in the car park, chatting to each other, from about 5-5.30pm. The only other car in the lot was Foster's brown Honda.

"The hood of the vehicle was up and a white male was standing in the vicinity of the vehicle," says the FBI statement of the man. "He described the white male as in his mid- to late 40's, approximately six feet in

height, medium build, long blonde hair and beard, appearing unclean and unkept[sic]".

The woman told the FBI she saw Foster's Honda in the car park. "A white male was seated in the driver's seat of this particular vehicle," said her statement. "She believed the occupant had dark hair and could have been bare-chested."

The eyewitness account of this couple, is arguably the most crucial testimony in the entire Foster case. The couple were the only crime scene witnesses, apart from Knowlton, with important and relevant information. They told the FBI they saw two men tinkering with Foster's car. The Fiske Report says that neither individual "observed anything unusual".

This is astonishing, as is the fact that Knowlton vigorously disputes the FBI's and the park police's accounts of his testimony as a witness.

The woman told *The Sunday Telegraph* that she has never been called before the grand jury.

She had a brief chat with a prosecutor for the Starr investigation last winter but has not been asked any further questions.

It has been reported in the US press that Kenneth Starr is wrapping up the Foster case, and is expected to reach a ruling of suicide within the next few weeks.

This is baffling news. How can a serious prosecutor come to a definitive conclusion before he has called the most important crime scene witnesses before the grand jury?

How can he rule suicide without even beginning to explore leads that point in the direction of foul play and possibly murder. Mr Starr is a man of integrity and high standing.

He is not a man who would throw away his reputation so lightly. Or is he?

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10825 FINANCIAL CENTRE PARKWAY
LITTLE ROCK, ARKANSAS 72211

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From the Pittsburgh *Tribune-Review*

Thursday, October 26, 1995

'New' Evidence in Foster Case Would Strain Credibility

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—Don't be surprised if evidence suddenly surfaces "proving" that Vincent Foster Jr.'s lifeless body was not moved to Fort Marcy Park, the place where his remains were found, a law enforcement source here has told the Tribune-Review.

Federal authorities are said to be desperate to close the investigation into Foster's death of July 20, 1993. But proving that Foster died by his own hand in Fort Marcy has been a daunting task.

The source said that the investigation can be closed with credibility if "it can be demonstrated that Foster died in the park; that his body was not moved" to the park from another location. The notion that Foster's body was moved has gained some interest based on key evidence and the opinion of independent homicide experts.

A piece of primary evidence cited in hypothesizing that the body was moved are Foster's shoes.

The FBI lab found the shoes did not have a trace of soil on them — even though Foster allegedly walked more than 700 feet through the park to the spot where his body was found. No soil, and the FBI omitted any mention of grass stains that experts say should have been on the shoes as well.

The source said that the addition of "dirt and grass stains" on the shoes — while at this point raising the serious issue of evidence tampering — would be powerful evidence linking the late deputy White House counsel to the suburban Washington park where his remains were found.

FBI agents have been handling the investigation for Independent Counsel Kenneth Starr, and have had custody of such physical evidence as Foster's clothing and shoes. The source suggested that key evidence could be tampered with to help officials make the conclusion Foster was alive in the park, and then died there.

Bullet Missing

The issue of the shoes would be muted if investigators had been successful in finding the bullet that caused the attorney's death. But that hasn't happened, despite tremendous effort.

The Park Police said they conducted a search; then came the FBI under former Special Counsel Robert Fiske. In early September, Starr had the FBI conduct its most exhaustive search yet, fruitlessly digging up much of the park.

Experts say that planting a bullet in the park would be a much more complicated task than simply tampering with the shoes.

Meanwhile, two former New York homicide investigators concluded in their own report issued last April for the Western Journalism Center that the "overwhelming evidence" indicated Foster's body had been transported to the park.

What evidence? The detectives noted failure of almost two dozen people at the scene to note blood splatter above the area where Foster's head lay; the missing bullet; the statement of the medical examiner that the exit wound appeared to be "matted" and "clotted;" blood drainage tracks inconsistent with the position in which the deceased was found; and the finding of carpet fibers of many colors on most of his clothing and underwear.

Other circumstantial evidence, they said, pointed to a possible movement of the body. No one saw Foster alive at the park. Two witnesses in the park told the FBI that they saw two unidentified men in and around Foster's Honda just before the police arrived to investigate the death.

One man, with long blonde hair, was said to be standing in front of Foster's car with the hood up. Meanwhile, Foster's car keys were not found in his pockets at the park.

Foster's Shoes

But, the former New York homicide experts said the strongest indication the body was moved was the fact the FBI lab found "not one trace of coherent soil" on Foster's shoes.

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'NEW' EVIDENCE, page 2

The detectives also noted that the FBI lab didn't mention any evidence of grass stains on his shoes, which they said should have been apparent to the naked eye.

Even Mike Wallace of CBS television's "60 Minutes" took the test himself this summer, retracing Foster's steps through the park. He said he had found some soil on his shoes.

In March of 1994, the New York Post reported that an emergency worker on the scene thought Foster's shoes appeared "very clean" for the circumstances. The Post also reported the Park Police had never conducted an analysis of his shoes and clothing.

Subsequent events corroborated those reports. FBI agents working for Fiske took possession of Foster's shoes and clothing from the Park Police soon after Fiske began his probe in 1994. Fiske asked the FBI lab to conduct the proper tests.

In a report dated May 9, 1994, the FBI, after conducting a microscopic analysis of Foster's shoes, found they "did not contain coherent soil."

Fiske downplayed the importance of this in his report by stating that "the FBI lab found small particles of mica on much of Foster's clothing, including his shoes." The tiny, silvery flecks of mica are found abundantly in Fort Marcy's soil. But the New York homicide detectives found soil always mixed with mica on shoes they tested.

They also noted that sand-like particles of mica are found covering vegetation all over the park. The detectives concluded in their report that mica particles on Foster's clothing, in the absence of soil, supports a conclusion that Foster's body was lying on dense foliage and vegetation only — evidence still consistent with the body having been placed in the park.

Missed Soil?

Could the FBI lab have simply overlooked some soil on Foster's shoes? Despite the FBI's original search for trace evidence, so meticulous it yielded the mica flecks, authorities still could claim the sudden discovery of soil and grass stains — linking Foster to the park — as just a "simple oversight," said the Washington law enforcement source.

Other experts question how the FBI could have missed soil particles in their lab.

"I think it's very unlikely," John Hicks said. Hicks, recently retired as the Assistant FBI Director in charge of the agency's crime lab, explained that under normal FBI procedure the shoes would undergo rigorous inspection in the microscopic analysis unit, where the technicians are "very thorough . . . very, very thorough, and meticulous."

He indicated that the FBI lab, as a procedural matter, looks for minute particles of trace evidence, making it very difficult to simply overlook small amounts of trace evidence such as specks of soil. "They would use microscopes that magnify anywhere 30 to 100 times," Hicks, who is currently affiliated with the Alabama State Crime Lab, said.

Dr. Richard Saferstein agrees with Hick's evaluation. Saferstein, former head of the New Jersey State Crime Lab, is the author of the authoritative text on forensic science. Saferstein conducted the laboratory tests for the investigation by the former New York homicide detectives.

"The probability would be next to zero," Saferstein said of the FBI missing soil in the original analysis. He said shoes, unlike garments, are "probably the easiest surface to work with" for the laboratory collection of trace evidence.

The FBI's facility, however, has recently had its validity questioned. Last month Supervisory Special Agent Frederic Whitehurst with the FBI crime lab went public with charges that the FBI had altered, tampered or fabricated evidence in a number of important cases unrelated to Foster's.

Meanwhile, late last spring forensic scientist Henry C. Lee, who testified as a key defense witness in the O.J. Simpson trial, was brought in by Independent Counsel Starr.

According to a source close to the probe, Lee will evaluate physical evidence, including Foster's clothing, and several photos.

He will probably not make a determination whether the death was a suicide. But his findings will be key to learning whether Foster's body was moved to Fort Marcy.

WTOP 1500 am News Radio Washington, D.C.
Broadcast at 9:30pm October 25, 1995

"Someone forged the torn-up suicide note that was discovered after White House lawyer Vincent Foster was found with a fatal gunshot wound or at least so say a group of handwriting experts.

Three handwriting specialists presented analysis of the note, found in Foster's briefcase, after the Deputy White House Counsel was found dead July 20th, 1993, in a park near Washington.

They said that it appeared the note was not written by Foster but was a forgery.

Oxford University manuscript expert Reginald Alton,
[Alton's Voice]
'We've got a man here who can reproduce what is on the paper, reproduce the shape that is on the paper, but doesn't know how it was made, to put it on the paper.'

U.S. Park Police and former Independent Counsel Robert Fiske concluded that Foster had committed suicide and that he had written the note. But his death had given rise to some conspiracy theories that Foster was murdered. The note, said to have been written days or weeks before Foster died, was not a classic suicide note according to the experts in the sense of saying, good bye to the world."

END

WTOP is Washington's all-news radio station.

A Death That Won't Die

The investigations into Vince Foster's demise have revealed a hodgepodge of contradictions, inaccuracies, and unresolved mysteries. One leading reporter on the case explains why we may never know what happened.

Despite mounting political pressures, things seemed to be looking up for Vince Foster personally in the days and weeks before his death on July 20, 1993. His family had arrived from Little Rock, putting an end to the deracinated bachelor life he had been leading in Washington since the beginning of the year. The first to come was his daughter Laura, brimming with filial devotion.

"I have a distinct memory of him celebrating Laura's birthday and bringing her to one of our Friday night movies," said Hillary Clinton. "He had his arm around her and they looked so happy. He seemed very happy that finally he was going to have his family back."

His wife, Lisa, came a little later with their two sons Vincent and Brugh. They crowded together in a little Georgetown house, trying to get by on the greatly reduced salary that Vince was earning as Deputy White House Counsel.

He was clearly making an effort to control his workaholic habits. In mid-July he went on a weekend trip to the Eastern Shore in Maryland with his wife, allowing himself the rare luxury of a full two-day break. On Monday, July 19, the day after they returned to Washington, he tried to get home early in time for the family meal, although his idea of early turned out to be a quarter to eight. Lisa had hoped he would make it back an hour earlier, she told the FBI. She had prepared a dinner of scallops.

That evening President Clinton called to invite him over to the White House to watch a film—*In the Line of Fire*, as it happened. They talked briefly about "operational problems at the White House" and they agreed to meet two days later, according to testimony given by the president. But Vince excused himself from coming over to see the film. He wanted to be with his family. After supper he chatted to his youngest child Brugh about an idea they had for buying a boat.

The next day, July 20, Vince's sister Sharon Bowman was coming up from Arkansas with her daughter Mary. Vince was planning to take his niece to lunch at the White House as a special treat. When the Bowmans arrived that evening Vince was already dead. His body had been found near a Civil War howitzer in Fort Marcy Park, not far from the headquarters of the CIA.

The consternation was general. "Mrs. Foster nor other relatives, or friends were able to provide any insight as to why Vincent Foster would take his life," wrote Park Police detective John Rolla, after visiting the Foster residence that night. At the White House they were equally perplexed. President Clinton described Foster as the "Rock of Gibraltar"

Ambrose Evans-Pritchard is Washington correspondent for the London Sunday Telegraph.

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immediately after the death and said that his suicide was inexplicable.

It was several days later that the so-called "suicide note"—torn into at least twenty-seven pieces, without leaving fingerprints—appeared in Foster's briefcase several days after it had already been searched. Unidentified sources were cited in the major newspapers noting that Foster had been losing weight. The investigation of Independent Counsel Robert Fiske pointed to this weight loss in concluding that Foster was depressed. But medical records show that Foster gained a few pounds during his time at the White House. He weighed 194 lbs. in December 1992 and weighed 197 lbs. at the autopsy.

During the Fiske investigation the FBI found traces of Trazodone in Foster's blood at a concentration of 0.06 ug/ml. The Fiske Report cites this as key evidence indicating depression. But the Report does not mention that the family doctor, Larry Watkins, had prescribed the drug to help Foster combat insomnia, not depression. Watkins told the FBI that he "did not think that Foster was significantly depressed."

The Fiske Report states that Foster's colleagues could see signs of deterioration in his state of mind. It says that "Deborah Gorham, his Executive Assistant, confirmed that Foster's productivity dropped significantly in the last few weeks of his life." But I have been unable to find anything in her FBI or Park Police statements that would support such an assertion. On the contrary, Gorham's FBI statement says that "she did not see anything in Foster's behavior that would indicate a distressed state of mind."

As for the family: Fiske never took statements from Foster's children, not even from Laura who accompanied her father into work on the day of his death. This is not to dispute claims that Foster was going through a rough patch. Lisa Foster told investigators that her husband was under "a great deal of stress." But she also told the *New Yorker* recently that she did not realize he was depressed. Being under strain and being clinically depressed are not the same thing.

Fiske was highly selective in the way he used testimony. In some cases, his judgment is nothing short of amazing. His report said, for example, that a couple found at Fort Marcy Park when the police arrived had not "observed anything unusual." In fact, one of them told the FBI that she saw a bare-chested man in the driver's seat of Foster's car. The other remembered seeing a man with long blond hair and a beard outside the car with the hood up. This was crucial testimony from the *only* witnesses found at the crime scene—a very important snippet of evidence. And yet it was ignored.

Foster was found dead with a .38 caliber Colt revolver in his right hand, according to the U.S. Park Police. But the first person to discover the corpse, known as the "Confidential Witness," says that he did not see a gun. Asked if he were certain, he said under oath to an ad-hoc congressional delegation headed by Rep. Dan Burton (R-Ind.): "As sure as I am standing here. I am absolutely and totally unequivocally, the palms were up. I looked at both palms. There was nothing in his hands." He said that the FBI badgered him into saying that it was possible the gun was hidden from view by dense foliage. He also took issue with a photo leaked to ABC News that showed Foster's right thumb trapped in the trigger guard, saying "that is not a picture of what I saw."

The Park Police were swift in concluding that the death was a suicide. "It seems to me that we made that determination prior to going up and looking at the body," said detective Cheryl Braun, the senior investigator at the scene. This violated standard police practice. All deaths of this kind are to be treated as homicides until there is enough evidence to rule out murder. But the suicide ruling crimped further investigation. It was cited by the Justice Department as grounds for backing off its original pledge to conduct a vigorous investigation in July 1993. It also kept the FBI at bay. As a practical matter, of course, the FBI could have taken over the case had it wished. But FBI Director William Sessions, who had been under political pressures of his own, was sacked on July 19, the day before Foster's death. His replacement, acting director Floyd Clarke, chose not to assert FBI authority. Sessions has since said that the Foster investigation was "compromised from the beginning."

The gun was a 1913 Colt made up from parts of two separate weapons. It was too old to trace. Foster's fingerprints could not be found. Nor could the bullet. No matching ammunition was found in Foster's homes. The gun was never positively identified by the family. There has been a good deal of confusion about this. It is said that the vintage Colt was an heirloom from Vince's father. But Vince's nephew, Lee Bowman, who used to go hunting with his grandfather and knew the gun well, did not recognize it. He told the FBI that he "didn't remember the black handle and the dark color of the metal."

As for Lisa Foster, it is puzzling that she is now telling the *New Yorker* that the gun belonged to Vince. The Park Police Report is quite categorical that she could not identify it. "She was presented with a photograph of the weapon that was found with Mr. Foster's body, but was unable to identify it." The hand-written notes of the Park Police detectives say "not the gun she thought it must be." She had been expecting it to be a "silver, six-gun, large barrel" revolver that Vince had brought up from Arkansas. But it was not.

Typically, a .38 caliber revolver makes a deafening noise. Yet nobody heard a shot. There are a number of residential houses close to the spot where Foster's body was found. Yet Fiske's investigators never bothered to canvass these houses to see if anybody had heard a shot.

Much that has emerged publicly about the case is the result of work by investigative reporter Christopher Ruddy. It was Ruddy who broke the original set of stories in the *New York Post* in January and February 1994 that revealed a possible cover-up in the Foster case, and it is he who has kept the story alive in the *Pittsburgh Tribune-Review*. Ruddy cites homicide experts who say that Foster must have fired the gun with both hands clutched over the cylinder, given the unusual pattern of gunpowder on Foster's

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hands. This would have been a near impossibility.

Two homicide detectives, who performed their own two-month investigation into the Foster case earlier this year, issued a report concluding that the crime scene had "likely been staged," with the gun placed in Foster's hand to make it look like a suicide. This report, funded by the Western Journalism Center in California, was prepared by Vincent Scalice and Fred Santucci, both veteran homicide experts from the New York City Police Department.

Their report concludes that "a high probability exists that Foster's body was transported to Fort Marcy Park." They were struck by the fact that Foster must have walked 700 feet into the park, yet the FBI lab tests found no soil on Foster's shoes. In a simulated experiment their model re-enacted the scene and was found with abundant soil on his shoes. The Fiske Report notes that there was mica on Foster's shoes. But this proves nothing. His body was found lying on vegetation that was covered with flecks of mica, and particles were found all over his clothes.

The Scalice Report said that blood tracks on Foster's face at the time the body was discovered meant that his head must have been moving around after death, assuming four different positions. The carpet fibers on Foster's clothes have never been explained. FBI agent Larry Monroe testified in Senate hearings that "they most likely came from his residence or office," but tests were not conducted because "we had overwhelming evidence to reflect that it was a suicide."

The investigation of Independent Counsel Robert Fiske pointed to this weight loss in concluding that Foster was depressed. But medical records show that Foster gained a few pounds during his time at the White House. He weighed 194 lbs. in December 1992 and weighed 197 lbs. at the autopsy.

The autopsy report of Virginia's Assistant Chief Medical Examiner James C. Beyer says that the bullet made an exit wound of 1 inch by 1 1/4 inch in the back of Foster's head. Yet no skull fragments or brain matter were ever found. The Fairfax County paramedics who arrived early on the scene were struck by the lack of blood and several have stated that they did not see an exit wound. Sgt. George Gonzalez said in his deposition that "there was very little blood for an accident such as this," adding, "I didn't see an exit wound."

Although some have testified to seeing blood on Foster's body, a curious number of people at the scene have not. Corey Ashford was one of the rescue workers who helped put the body in a bag for transport to the morgue. His FBI statement says that he "lifted Foster from behind the shoulders, cradling Foster's head. Ashford did not recall seeing any blood while placing Foster in the bag." His colleague Roger Harrison told the FBI that he also "did not recall seeing any blood on Foster and did not recall seeing any blood on individuals handling the body."

Richard Arthur said he did not see an exit wound in the back of the head. In his FBI statement he said Ashford told him later that "Foster's head was intact and he had not observed any exit wound." Arthur filed an incident report which classified the death as a homicide.

Yet the Fiske Report does not mention any of this. Instead it says that when Fairfax County Medical Examiner Dr. Donald Haut arrived on the scene, "Foster's body was rolled over and those present observed a large pool of blood located on the ground where Foster's head had been. Haut observed a large exit wound in the back of the skull."

This is not what Haut told the FBI. His statement reads, "No blood was recalled on the vegetation around the body. . . . although the volume of blood was small, Haut did recall that the blood was matted and clotted under the head." He did not describe the wound but said he "believed it was consistent with a low velocity weapon." (Haut remembered a case in which a much more devastating wound had been caused by a smaller caliber weapon.)

Furthermore, the doctor who certified death at the Fairfax Hospital did not see an exit wound. According to his FBI statement, Dr. Julian Orenstein of the Fairfax Hospital lifted the body by the shoulders "to locate and observe the exit wound in the decedent's head." An unsuspecting reader would deduce from this elliptical wording that Orenstein had in fact seen the exit wound. But he told the London *Sunday Telegraph* that this was not the case. "I never saw [an exit wound] directly. I didn't spend too much time looking back there. My suspicions weren't aroused."

Fiske relied on the testimony of two Park Police officers who said they saw a large amount of blood when the body was rolled over. He chose to discount the contrary testimony of paramedics who handled the body, and he finessed the observations of the key doctors. The dispute over the exit wound could be resolved by examining X-rays, but there do not seem to be any, even though Dr. Beyer signed the autopsy report with a check indicating that X-rays were taken. Beyer is also quoted in the Park Police Report saying that the X-rays showed there were no metal fragments in Foster's skull. Now Dr. Beyer says that X-rays were never taken because the machine was out of order.

Will Kenneth Starr do a better job than Robert Fiske? It is too early to tell. On the positive side, he has at least employed a grand jury (though a very limited one). Fiske never did this. But the *Pittsburgh Tribune-Review* has reported on some ominous signs. The lead prosecutor investigating the Foster death, Miguel Rodriguez, resigned in March after running into interference from the head of Starr's Washington operation, Deputy Independent Counsel Mark Tuohey. Rodriguez was prevented from pursuing critical leads.

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according to the *Tribune-Review*, and Tuohey made it clear to him that he favored a quick ruling of suicide.

In a disturbing twist, Rodriguez found that he could not trust the FBI investigators to do their job. The FBI lab had concluded that a set of crime scene photos were unusable. But he knew this to be absurd so he sent the film to a private laboratory, which had no trouble enhancing the photos. They reveal, according to Ruddy, that the gun in Foster's hand was being moved around after the Park Police had arrived, with blades of grass protruding between different fingers in different photos.

The *Tribune-Review* also reported that a set of Polaroid photos had been deliberately blurred by the FBI. Rodriguez was able to obtain original copies which showed that Foster had a wound or bruise in the neck that had been dismissed as a blood "contact stain" in earlier reports, and was not mentioned in the autopsy report.

Mark Tuohey resigned at the beginning of September. Deputy Independent Counsel Hickman Ewing, who is based in Starr's Little Rock office, has effectively taken over the handling of the Foster case. There are signs that he intends to do a much more thorough job. In mid-September the FBI conducted a blitz at Fort Marcy, searching high up in the trees for the elusive bullet. At last things are being done that should have been done two years ago.

As for the family, Fiske never took statements from Foster's children, not even from Laura, who accompanied her father into work on the day of his death.

But it may be Sen. D'Amato who succeeds in cracking open the whole case. D'Amato is leading yet another investigation into the case, and he suspects that the inner circle of the Clintons may have been notified of Foster's death far earlier than they claim. The *Sunday Telegraph* explored this theme last April. This author reported that the Park Police may have found Foster's White House ID on the front seat of his Honda Accord before 6:45 p.m., yet the official notification of the Secret Service took place almost two hours later at 8:30 p.m. Interestingly, the Secret Service Memorandum says that the "U.S. Park Police discovered the body of Vincent Foster in his car." A clerical error?

Dr. Donald Haut told me that everybody knew Foster was a White House official by the time he arrived at the park. (The Fiske Report claims this was at 7:40, but he told the FBI that it was 6:45 p.m.) "They all knew right away," he said. A Fairfax County rescue worker who left the park at 6:37 p.m. told me, "We all knew that it was a White House official when we left." He also said that he was under strict gag order from his superiors and asked not to be identified. Rescue worker James Iacone also knew that Foster was a White House official when he returned to his station before 6:45 p.m., according to an FBI report.

How do the Park Police explain the delay? They say it was a communications mix-up. Investigator Cheryl Braun, who found Foster's White House ID, told the FBI that she gave instructions to another officer to pass on the word to the shift commander. This officer, who is never fully identified, allegedly forgot to do so. Braun then made the call herself at roughly 7:30 p.m. This still leaves almost an hour unaccounted for. In any case, the shift commander, Lt. Pat Gavin, inadvertently contradicted her story. He told the *Sunday Telegraph* that he was informed by another officer on the scene, John Rolla.

An Arkansas State Trooper, Roger Perry, has signed an affidavit stating that he learned of the death suspiciously early, definitely before 7 p.m. Central Time. He says that he was on duty that afternoon at the governor's mansion in Little Rock when Chelsea Clinton's former nanny, Helen Dickey, called from the White House to convey the bad news. "She was kind of hysterical, crying, real upset," said Perry. "She told me that Vince got off work, went out to his car in the parking lot, and shot himself in the head."

After receiving the call, Perry telephoned several other people in Little Rock to relay the news. One of them was Trooper Larry Patterson. Another was Lynn Davis, former commander of the Arkansas State Police. They have both issued affidavits swearing that they learned about Foster's death before 6 p.m. Central Time, a full hour and a half before the official notification.

Sen. D'Amato says he intends to get to the bottom of this bizarre story. He has issued subpoenas for Trooper Perry and Helen Dickey. If this mysterious telephone call did in fact take place, the White House has a colossal problem on its hands. Dickey insists that she did not learn about Foster's death until 10 p.m. at night, when she was watching TV on the third floor of the White House residence. But what if there are phone logs that suggest otherwise?

It is not the purpose of this article to explain what happened to Vincent Foster on July 20, 1993. I do not have any answers. I only have questions. Was Foster in fact depressed? What evidence is there to prove that Foster shot himself with the gun that was found in his hand? What is to account for the discrepancies in testimony between the Park Police and the medical personnel at the park? When did the White House really learn about Foster's death? Was testimony by the only witness near the crime scene misrepresented by the Fiske Report? These are just a sampling. Those who have followed the case closely can doubtless think of dozens of discrepancies that need to be cleared up.

In the end it may be established beyond all doubt that Foster died by his own hand in Fort Marcy Park. But until there is a proper investigation, we will never know the truth. □

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The Washington Times

A Special Report on the Vincent Foster Case
Reprinted from Pittsburgh's *Tribune-Review*

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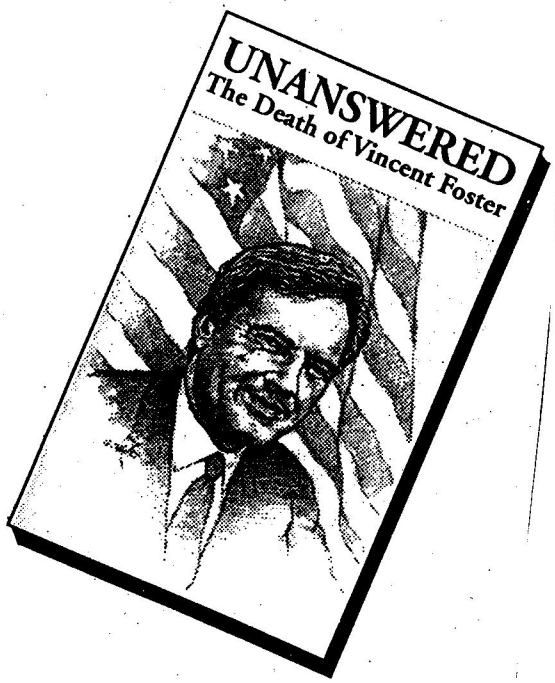

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Pieces Missing From Whitewater Puzzle

EDITOR'S NOTE: This is the first installment of a two-part series of articles by reporter Christopher Ruddy concerning the infamous Whitewater probe, an ongoing federal investigation that has ensnared a number of top-ranking Clinton administration officials. Today, Ruddy writes not only about the probe, but also its relationship to the death of White House counsel Vincent Foster.

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—Don't be surprised if "Whitewater" revelations from the office of independent counsel Kenneth Starr exceed the expectations set by inside-the-Beltway cognoscenti.

In seven months, Starr has already surpassed the expectations set for former special counsel Robert Fiske by getting Webb Hubbell to plead guilty to two felony counts and act as a cooperating witness.

This January, Starr rode roughshod over Fiske's conclusions on White House counsel Vincent Foster's death by convening a grand jury to look into the case.

News Analysis

Already, word is that Starr's Washington team has found several major discrepancies in testimony after bringing approximately a dozen police and emergency rescuers before the grand jury under oath.

On the Arkansas side, sources say to expect many more indictments.

Starr's staff is dealing with no ordinary set of scandals.

They touch upon both the president and first lady. What might be considered just shady business dealings, "Arkansas mores," as The New York Times termed them, remains perfectly unacceptable behavior for many Americans who hold high standards for the first family.

To be sure, Starr's staff has followed the money. The recent guilty plea of real estate salesman Chris Wade and the indictment of Neal T. Ainley, former president of Arkansas' Perry County Bank, for not reporting cash disbursements to Clinton's 1990 gubernatorial campaign, are indications of that.

Starr's investigation has kept a narrow focus on his jurisdiction, sources say, and hasn't gotten into the racier allegations that Bill Clinton's Little Rock was a modern-day Dodge City, complete with drug running, money laundering and murder—something that has proliferated through a spate of direct mail operators and a Jerry Falwell video.

Yet Whitewater has become a nagging boil on the body politic. And while it doesn't have the daily sensational reports of the O.J. Simpson trial, its cancer, relegated to the national sections of the newspapers, continues to fester.

If Whitewater is such a trifling matter, as its naysayers claim, why has its tentacles ensnared so many top officials: Bernard Nussbaum, counsel to the president, Hubbell, associate attorney general, Treasury' Roger Altman and Jean Hanson, not to mention missing characters from the Washington stage: Josh Steiner, William Kennedy III, Phillip Heymann, Michael Espy, David Watkins, Lloyd Bensten and, of course, Foster.

A post-scandal "autopsy" may someday demonstrate that the firing of 92 U.S. attorneys and later, FBI director William Sessions, the day before Foster's sudden death—were directly related to the amorphous scandal. Some Whitewater pundits believe the 92 attorneys were actually fired to cover the immediate firing of Little Rock's U.S. attorney, who was replaced by Paula Casey, a longtime friend of Bill Clinton. Sessions has stated his firing led to a "compromised" investigation into Foster's death.

No, it certainly isn't a trifling matter. But it isn't a simple scandal, like bounced checks at the House Bank. Instead, it's something murky—like the ambiguous S&L scandal of the late 80s, with which Whitewater shares some conection. Remember, Clinton's partner, Jim McDougal, was chairman of the failed Arkansas S&L Madison Guaranty.

If one wanted to pick a scandal that would not stay on the public's radar screen: Whitewater the land deal would be it.

The 15-year-old North Arkansas land development deal is not going to tempt Oliver Stone as a prospect for his next movie project.

The problem with the Clintons, according to a White House source, is that instead of addressing any of the real issues, "they put the press on these wild goose chases; the McDougals, Madison, Whitewater." Inevitably, the press goes on the chase, and to the Clinton's chagrin, "it keeps blowing up on them. (The press) keep digging up different information and it doesn't go away."

What then is the real Whitewater story? The story may have been in the files of Vincent W. Foster.

BEGINNING OF WHITEWATER

To decide if the 50-50 land partnership deal between Bill and Hillary Clinton and Jim and Susan McDougal is a simple diversion, one must review Whitewater's rise as a national scandal.

Whitewater first surfaced in mudslinging during the 1992 Democratic presidential primaries. It went nowhere.

It was first reported in The New York Times in April 1992.

But, for the most part, the media ignored the story.

During the presidential campaign, it was not an issue.

After Vincent Foster died on July 20, 1993, it still was not raised as an issue.

The Clintons had been in office for almost a full year when on Dec. 20, 1993, The Washington Times ran a page 1 story headlined, "Clinton Papers Lifted After Aide's Suicide." The story detailed the late-night entry of three top White House aides into Foster's office on the evening he died.

The Washington Times reported, "the Park Police investigators familiar with the Foster inquiry say the Whitewater documents were among those taken from the office by White House officials..."

Foster, in addition to being the No. 2 White House lawyer, was personal attorney to the Clintons, privy to all their dealings.

So the key question remains: What were those White House aides looking for in Foster's office on the night of his death?

The question remains unanswered.

The White House took the unusual step of admitting that Foster was working on the Whitewater partnership papers.

"Whitewater Files Were Found in Foster's Office, White House Confirms," was the headline in the Washington Post two days after the Times ran its story.

At the time, the Whitewater deal was perfect bait for a hungry press believing some scandal on Foster's desk drove him to suicide.

It was an old scandal.

It had already been investigated by The New York Times and the Bush campaign and turned up no smoking guns. And, as Mrs. Clinton told the Associated Press just days after the Dec. 20 Times revelations, "I am bewildered that a losing investment ... is still a topic of inquiry ...I just think what we've said is adequate."

If Whitewater is a diversion, then the deep, dark secrets of the real scandal could be buried with Foster or in files that were in his office.

ENTER MR. FISKE

No one could have imagined press reaction to revelations of Whitewater files in Foster's office at the time of his death.

Perhaps it was subtle and subconscious among the press: If a man commits suicide, violently and suddenly, without even saying goodbye to his wife and three kids, there must be something about Whitewater that drove him to it.

But a search of the Nexis on-line library for the word "Whitewater" shows that with the December revelations, the press reaction was seismic. Were the ever-growing number of news stories and editorials perhaps spurred by Foster's death or perhaps by a feeling among the press that stories like Troopergate were too easily brushed aside?

The press may well have overreacted and Whitewater may prove to be unconnected with Foster's death.

The cascade of press interest reached a feverish pitch in mid-January, when a reluctant President Clinton was dragged into having his attorney general select a special counsel. At this point, the independent counsel law had lapsed, and Attorney General Janet Reno would make the selection herself, not having to bring the matter before a three-judge panel.

At face value, Robert Bishop Fiske Jr. was a superb choice. A top-notch New York criminal attorney, he once served as U.S. attorney for New York's southern district.

He was well received by Republicans and Democrats.

Beyond superficialities, there were obvious conflicts of interest that should have raised immediate red flags.

Fiske had a close professional relationship with White House counsel Bernard Nussbaum, himself a New York lawyer. Both had recommended each other for jobs.

According to press accounts, Fiske recommended to Nussbaum Louis B. Freeh to take over the FBI—whose selection was made without looking at any other candidates. Freeh is a long-time Fiske protégé.

No matter that Nussbaum's involvement in RTC contacts, or his entrance into Foster's office and later his refusal to allow park police to enter Foster's office, touch on some of the most sensitive issues relating to Whitewater. Fiske cleared Nussbaum of any wrongdoing.

Fiske had other conflicts. His New York firm represented International Paper Co., which had sold land to the Whitewater partnership.

Fiske had also successfully represented BCCI figure Clark Clifford. The Wall Street Journal has argued that Whitewater was interrelated with the BCCI scandal of the 1980's.

By all appearances, Fiske had a full-fledged investigation underway by mid-February. By March, he had a plea agreement with David Hale, a key figure in the enlarging scandal.

Hale, a former Little Rock municipal judge, was charged with using his company to defraud the Small Business Administration of loans intended for minority and disadvantaged individuals. One of those loans was given to Susan McDougal. Susan and her husband, Jim McDougal, were partners with the Clintons.

But the McDougal loan was just one of a multitude of financial dealings, including the illegal use of SBA funds, in which Hale's company, Capital Management Services, was involved. A subpoena for documents in Hale's office identified 27 companies federal authorities suspected of wrongdoing.

According to one source, Hale could incriminate as many as two dozen individuals. He was treated as a star witness by Fiske and at that time was removed to a remote part of Arkansas and put under continuous FBI protection, an arrangement that lasted until shortly after Fiske was fired.

By the time Fiske was fired in August 1994, Hale had never appeared before a grand jury. Instead, he served as "a tour guide" for Fiske's team of prosecutors probing official corruption in Arkansas, according to a source.

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In a interview last week, Fiske would neither confirm nor deny the story of FBI security for Hale, or whether he had been put before the grand jury. But he did say that in the prosecution of any case, a witness would be called only "at the stage of an investigation (when) testimony is complete and accurate."

FOSTER, HALE AND FISKE

At the same time, a parallel investigation was taking place in Washington. A grand jury was empaneled to review Resolution Trust Co. contacts relating to Madison Guaranty bank.

Exempted from both the Little Rock and Washington grand juries was the death investigation of Vincent Foster—though the fact that related files were in his office at the time of his death was a casual factor for the whole investigation.

Fiske's failure to use a grand jury in the Foster case, is considered the major blunder of his investigation—and has been the talk of law enforcement circles in Washington since it was first revealed with the issuance of his report on Foster's death on June 30, 1994.

His failure to use a grand jury was first reported in "A Special Report on the Fiske Investigation into the Death of Vincent W. Foster Jr." published on July 18, 1993 by this author.

Instead, Fiske conducted what he described as a homicide investigation, headed by a former homicide prosecutor Roderick Lankler. Like Fiske, Lankler, a Republican, is a noted New York attorney.

The Fiske team promised to explain the manner of Foster's death, and if it was suicide, the motivation.

In the end, Fiske's report was short on substance and long on puff, filled as it was with nearly a hundred pages of medical resumes, except the one for the medical examiner who actually conducted the autopsy.

Despite the Fiske report, great uncertainty about the death remained for two primary reasons: Foster's body was never exhumed; Fiske did not use the power of subpoena behind the investigation.

The result of the less-than-rigorous investigation is that numerous holes appear in Fiske's report and has likely led to Starr's recent convening of a grand jury into the matter.

Fiske concluded with certainty that "no evidence" indicated "Whitewater, Madison Guaranty, [David Hale's Capital Management Services], or other personal matters of the president or Mrs. Clinton were a factor in Foster's suicide."

Hale's linkage with Foster's death has been a matter of much speculation. A subpoena for documents at Hale's office was issued on the day of Foster's death. Fiske downplays its significance because the subpoena was actually served the following day and its contents were purportedly secret.

It is a large assumption that in the clubby world of Arkansas' judicial system, and Foster's position as a top federal official, he would not have known of the development.

Recently, the Senate Banking Committee released a two-volume set of documents of the Fiske and police investigations of Foster's death.

Amazingly, the set includes no interview statement with David Hale.

Though Hale and his company were allegedly a major focus of Fiske' probe into Foster's death—and he concluded neither had anything to do with it, FBI agents testifying before the Senate Banking Committee seemed baffled when questioned about contacts between Hale, his attorney and Foster. In fact, the agents had to promise to respond by letter after the hearings to the senators' queries on the matter.

In a letter dated Aug. 3, 1993, an FBI agent assigned to Fiske's staff responded to the Banking Committee that the staff "found no evidence that Foster" had information of the warrant.

Missing from the Fiske report is one important fact, according to a source close to the Fiske investigation. Just a week to 10 days before he died, Foster attempted to make contact with David Hale.

Why was Foster trying to contact Hale?

According to this source, both Hale and Foster knew each other on a professional basis. This omission in the Fiske report adds further weight to the argument that it was unbalanced, and its conclusions preordained.

Even though any information Hale had about Foster would not be subject to grand jury secrecy rules, Fiske said he could not discuss information gathered by the FBI relating to Hale.

Well before the search warrant for Hale's offices was issued on July 20, many in Arkansas were well aware that federal authorities had been probing Hale and his company. Hale claims his company actually worked hand-in-hand with Bill Clinton's political machine—improperly giving loans at the behest of Clinton.

This month, a cover story in the Arkansas Democrat Gazette, "FBI Dangled Bait, but Hale Didn't Bite," reported that "a federal sting operation attempted to ensnare ... David Hale several months before Hale went public with allegations about President Clinton ..."

According to the March 11 report, in the summer of 1993, before the July 20 subpoena, an undercover FBI agent sought to involve Hale and his company in a $10 million money-laundering scheme. Hale declined to participate.

This report raises the question that federal officials may have attempted to entrap Hale early on in an effort to diminish his credibility before the subpoena was served and before Hale's allegations about Clinton surfaced.

Hale may not have been a liability to just Clinton, but a number of figures in Arkansas including the Clinton's personal attorney, Vincent Foster.

Some of the answers to the puzzling scandal may remain buried with Vincent Foster. But other answers, seemingly simple, were omitted from the results of Robert Fiske's investigation.

4 of 4

A Special Report on the Vincent Foster Case
Reprinted from Pittsburgh's *Tribune-Review*

Tuesday, September 26, 1995

Clinton Security Chief's Murder Still Unsolved

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

At the Little Rock Police Department the murder of Jerry Luther Parks might as well have never occurred.

Odd, since the killing has gained folklore status on the "Clinton Chronicles," a video viewed by millions. The death is also a major selling point for direct-mail operators who hawk newsletters. Talk radio remains abuzz about the enigmatic death.

Today marks the second anniversary of the murder of Parks, the security chief of President Clinton's campaign headquarters in Little Rock in 1992 and 1993.

"I can't find him in my computer," Lt. John Hutchinson, Little Rock police spokesman said. "Are you sure it's a Little Rock case?"

Hutchinson, his memory refreshed about Parks, promised to check on the status of the case with his homicide unit.

The details of the murder are not in dispute: Early Sunday evening on Sept. 26, 1993, parks was returning to his suburban Little Rock home, making a left turn on Arkansas Highway 10, when, without warning, a white Chevrolet raced into the intersection from behind.

An assassin jumped from the passenger seat of the Chevrolet and fired his 9mm pistol, hitting Parks at least seven times.

He died soon thereafter, his body sprawled across the highway. Parks' effort to use a pistol he had begun keeping between the front seats of his car were apparently futile.

Despite several eyewitnesses to the killing, Parks' death remains unsolved.

"The case is at a standstill. The investigators have exhausted all their leads. There's no new information," Hutchinson reported after checking.

Hutchinson would not permit the detective handling the case to speak to a reporter, and a call to Little Rock Police chief Louie Caudell was referred to Hutchinson.

FAMILY UNHAPPY

Parks, a former Arkansas police officer, private investigator and the owner of a security firm whose services were used by the Clinton-Gore campaign, left behind his wife, Jane, and 24-year-old son Gary. Neither is happy about the police's handling of the case.

Save two feature articles on the case in the Sunday London Telegraph by its intrepid Washington correspondent Ambrose Evans-Pritchard, Parks' death and the allegations made by the Parks family have been ignored in the mainstream press.

The Telegraph reported in March 1994 that Mrs. Parks and her son feared Parks had been killed because of incriminating information he had gathered on Clinton. Clinton's own relationship with Parks remains murky, though Clinton had appointed Parks to the state police's Board of Private Investigators and Security Firms in 1987. His company had a contract for security services at the building used by the Clinton campaign, and later the campaign contracted with Parks directly.

Parks, at the behest of an anonymous third party, had been keeping surveillance on Clinton for five years beginning in the mid-1980s when the governor's brother, Roger, lived temporarily in an apartment in the same complex as Parks. Mrs. Parks managed the complex and had an office that was once a bedroom in the apartment used by Roger Clinton.

"During the time (Mrs. Parks) worked next to Roger's apartment, she could hear the conversations in B107 very clearly," the Telegraph reported, adding, "Gov. Clinton was a frequent visitor." Parks told the Telegraph that drug use took place in the apartment often, and at one point she saw cocaine on a coffee

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table.

Mrs. Parks is suffering from multiple sclerosis and has declined to comment on the case to the Tribune-Review. Her friend, Little Rock attorney Harvey Bell, said her health condition is "serious" and she is under a doctor's orders to "disengage" from the case and the controversy. As for the police's handling of the case, Bell said, "Nothing's been done."

Gary Parks, a former Navy submariner, still finds that irksome. Both he and his mother allege that an investigative file on Clinton compiled by his father may have led to his demise. They say that just weeks before Parks' murder, their home was burgled in a sophisticated operation which included cutting phone lines. Taken was the investigative file (which allegedly included photos) stashed in the master bedroom.

The Parks family seems to have some credibility with Sgt. Clyde Steelman, the detective handling the case.

"If they say that some files were missing, then I can tell you those files were missing," he told the Telegraph last year. "The Parks family aren't lying to you."

To be sure, Parks had dealt with a number of shady characters through his business, casting a wide net over those who may have wanted him dead. The Parks family has offered no evidence to support insinuations about the president. The family has also charged that the Clinton connection has prevented a proper police investigation.

Lt. Hutchinson didn't deny the charge, saying in a plain-spoken manner, "I don't know." He also admitted that despite having witnesses, the police never completed composite sketches of the perpetrators.

FOSTER DEATH

Parks' murder took place just over two months after the suicide of White House counsel Vincent Foster on July 20, 1993. This would be simple coincidence, were it not for more allegations made by the Parks family.

Gary said his father became noticeably agitated immediately after Foster's death, and suggested just a day after the suicide that Foster had been murdered.

Parks soon began carrying a gun, even taking it with him to his mailbox. He also carried a cellular phone and checked in with his wife five or six times a day—something he had never done before. He changed his typical route home and began taking medication to sleep.

Parks, according to his family, had a major disagreement with the Clinton-Gore campaign, complaining he had not been paid for his company's services months after the election. Parks had borrowed tens of thousands of dollars to meet his payroll while his invoices to the campaign went unpaid, the family said.

Campaign officials claimed to Parks that he had in fact been paid. An inquiry into the matter, Parks told his family, indicated that someone had improperly diverted campaign funds, and with apologies he was promised full restitution.

Despite the promise, Parks' son said the payment didn't come easy, and led to some wrangling with the campaign in the months after Clinton was inaugurated.

How Foster possibly plays into this is unclear. What is clear is that Foster and Parks were well aware of each other. An associate of Foster's in Little Rock said that Foster had once recommended Parks as a private investigator.

Foster's death has been looked into by Independent Counsel Kenneth Starr, but a homicide investigation has never taken place as police procedure demands.

Starr, unwilling to fully investigate Foster's death, seems unlikely to begin examining Parks' murder.

A source close to Starr's investigation said that at the request of Mrs. Parks, one of Starr's Little Rock prosecutors met with her and Bell at a Little Rock McDonald's for coffee in the past year.

"It certainly should have been jumped on, if there's a hint that the two cases may be related," explained veteran homicide investigator Vernon Geberth.

Geberth, former lieutenant commander of New York's Bronx homicide task force, is the author of the authoritative text on death investigations, Practical Homicide Investigation.

"If someone's telling they are related, I would expect it would be picked up as part of the investigation," he said, noting that federal authorities, having investigated Foster's death first, should have looked into the matter.

New York Times columnist William Safire on PBS's Charlie Rose Program, September 19, 1995, discussing Vincent Foster.

CHARLIE ROSE: Whitewater.
WILLIAM SAFIRE: That's off the— everybody's agenda at the moment.
CHARLIE ROSE: Yeah.
WILLIAM SAFIRE: And it's one of these fascinating things that's cooking underneath. Nobody's covering it. Nobody's paying attention. But there is a special prosecutor who is working on it and getting indictments.
CHARLIE ROSE: Ken Starr.
WILLIAM SAFIRE: Right. And I remember in Watergate — which is not comparable to the criminal elements in Washington are to be compared with civil elements in Whitewater.
CHARLIE ROSE: And one ha—
WILLIAM SAFIRE: But, but for a time there, everything went underground, and the, the media wasn't covering it, months at a time, and then suddenly, bang! And I think we'll see a lot more of Whitewater before long.
CHARLIE ROSE: What do you believe about Vince Foster? Because you wrote a column, calling it the can of worms.
WILLIAM SAFIRE: Well, I believe the investigation was a farce.
CHARLIE ROSE: By Robert Fiske [?]?
WILLIAM SAFIRE: That, too, but the original—
CHARLIE ROSE: That, that's another one. Okay.
WILLIAM SAFIRE: —one by the—
CHARLIE ROSE: By the Park Police.
WILLIAM SAFIRE: —by the Park Police.
CHARLIE ROSE: And they were thwarted, you believe—
WILLIAM SAFIRE: Well—
CHARLIE ROSE: —by other members of the government.
WILLIAM SAFIRE: I know members of the Park Police who are nice guys, and if you have a cat up a tree, you would turn to these men first, you know, before the FBI, before anybody.
CHARLIE ROSE: Because they're good at that?
WILLIAM SAFIRE: They're, they're great at it. They— psychologically, they get the cat down.
CHARLIE ROSE: Yes.
WILLIAM SAFIRE: But if they see a body—
CHARLIE ROSE: Catnappers, they're good.
WILLIAM SAFIRE: But if they see a body on the grass, their first reaction is "Get them off the grass." It's not—
CHARLIE ROSE: They're not like homicide detectives.
WILLIAM SAFIRE: Right. And they didn't look for the bullet, and there's a lot of contradictory testimony. Now, there are some conspiracy theorists there, immediately derogated on [?] who doubt whether he was a suicide. And they, they darkly hint at murder.
CHARLIE ROSE: But clearly you don't buy that.
WILLIAM SAFIRE: I don't fall into the trap of making an assumption that is totally unprovable and thereby casting a shadow over all of Whitewater. What we do know is here is a man who is working on the Whitewater file, who became terribly depressed and who may well have killed himself.
CHARLIE ROSE: Probably, people say.
WILLIAM SAFIRE: But a lawyer who left no suicide note, who went to a park across the river when he had a park available in his back yard, and whose files were then spirited away and we, to this day, don't know how much they were sanified. Now, there's a lot of chicanery involved there. And we saw, finally, when there were hearings, people were giving conflicting testimony. Somebody was lying. Maybe several people were lying. You couldn't just say everybody was, was right because they— the conflict of testimony was blatant. And so I would say you'd have to say "to be continued" on that.
CHARLIE ROSE: His wife says he wasn't worried.
WILLIAM SAFIRE: Well—
CHARLIE ROSE: His wife says he was not worried about Whitewater. He might have been worried about other things, including the travel scam business, but not Whitewater.
WILLIAM SAFIRE: I don't think she was privy to the information that we're looking for, the files of Whitewater.
CHARLIE ROSE: Let me see— hear you carefully. You would not eliminate as a possibility the fact that Vince Foster was murdered?
WILLIAM SAFIRE: I would not have operated immediately on the assumption of suicide, as the Park Police did. When a dead body is found who is the Assistant Counselor for the President, you immediately look for foul play. It may turn out to be suicide, but you immediately move in on— as if it was homicide.
CHARLIE ROSE: There is evidence that he was depressed, clearly.
WILLIAM SAFIRE: Mm-hm.
CHARLIE ROSE: I mean, so there is also on the other side the evidence—
WILLIAM SAFIRE: They're no—
CHARLIE ROSE: —of serious depression, which leads people to commit suicide.
WILLIAM SAFIRE: There's a strong likelihood that he committed suicide.

FOIA # none (URTS 16306) DocId: 70105096 Page 123

A Special Report on the Vincent Foster Case

Who Broke the Story First?

The Search for the Bullet

BY CHRISTOPHER RUDDY
in the Pittsburgh *Tribune-Review* on August 6, 1995

"Starr's staff plans to have the FBI conduct another search for a bullet at Fort Marcy. Two previous searches, first by the Park Police and then by the FBI under Fiske, didn't find the fired projectile—one of many nagging inconsistencies with the Foster-death scene."

Travelgate Documents Withheld

BY CHRISTOPHER RUDDY
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". . . inventories provided by the White House of files in Foster's office list no files relating to the White House Travel Office.

Because Foster was heavily involved in the Travel Office brouhaha—even mentioning it in his alleged suicide note—congressional investigators believe the omission of such files strongly indicates that the documents had been 'sanitized' before the official inventories were compiled."

Police Failed to Find Keys to Foster's Car at Park

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—If Vincent Foster drove his car to Fort Marcy Park to take his own life, why didn't police find Foster's car keys in his pockets at the park?

Questions about the late deputy White House counsel's unusual and sudden death continue to nag Washington's political establishment.

Both House speaker Newt Gingrich and powerful Banking Committee chairman Sen. Al D'Amato have suggested serious, unanswered questions remain as to whether Foster died in the suburban roadside park where his body was found.

Reports in the Tribune-Review, as well as a report by two former New York City homicide investigators, have suggested Foster may have died elsewhere and his body moved to the park.

Among the questions are the following:

- Why was no soil found on his shoes or clothing, even though Foster was alleged to have walked more than 700 feet through the park from the parking lot to the spot he was found?
- Why did the FBI omit any mention of grass stains that should have been apparent on his shoes?
- How did multi-colored carpet fibers come to be found on almost every article of clothing, including his underwear?
- Why did no one see him alive or hear the fatal shot in the park?
- After such a violent death, how did his body compose itself into such a neat arrangement?
- Why was the fired bullet never found?

KEYS NOT FOUND

To all of this add one more: the unusual circumstances of discovery of the keys to Foster's Honda.

According to official accounts, the car keys, as well as other personal keys, were found in Foster's pockets at the morgue, but only after White House officials arrived to identify the body and well after his pockets had already been searched fruitlessly at Fort Marcy Park by a park police investigator.

The report of former Special Counsel Robert Fiske, issued June 30, 1994,—which concluded Foster died of a suicide at the park—states innocuously and without detail: "The keys to the car were found in Foster's pocket."

Typical of the Fiske report, it incorrectly implies the keys were found during the investigation at the park while failing to describe the strange circumstances of their discovery.

Senior police investigator Cheryl Braun told the FBI that while at Fort Marcy "she observed Officer (John) Rolla check the pants pockets, both sides and rear, in an effort to find identification or a possible suicide note."

Police officer Christina Hodakievic also told the FBI she saw Rolla check all of Foster's pockets.

Rolla, the lead investigator, described the results of his search of the pockets at Fort Marcy in a Senate Banking Committee deposition: "I searched his pants pockets. I couldn't find a wallet or nothing in his pants pocket."

Foster's wallet and other personal effects were found in his Honda but no keys were found.

The police then allowed Foster's body to be placed in a body bag and moved shortly after 8 p.m. by ambulance to Fairfax County Hospital morgue.

MORGUE SEARCH

The park police said they became puzzled about the absence of keys and decided to go to Fairfax Hospital to re-check the pockets. Around the same time, Associate White House Counsel William Kennedy and White House aide Craig Livingstone had gone to the hospital's morgue to identify the body.

Braun said when she re-checked Foster's right front pants pocket she found car keys.

Records show Braun found two sets of keys in a pocket that had already been searched by Rolla at the park—one ring containing the car keys and the other containing four door and cabinet keys.

"It sounds fishy," former New York City Police homicide expert Vincent Scalice said. He added that if police had theorized Foster had driven to the park to shoot himself but didn't find the key to the Honda "it should have immediately aroused suspicion at the scene."

Scalice has 35 years homicide experience, specializ-

ing in examination and reconstruction of scenes where suspicious deaths have occurred.

Park police indicated they believed they had overlooked the keys and went to the hospital to re-check the pockets.

Scalice said that doesn't add up. "You would want to re-search the death scene first, to see if they were thrown or dropped somewhere," he said, especially "since Foster's eyeglasses were found 19 feet from where his head lay."

Fiske said the eyeglasses "bounced" through thick foliage. But Scalice and two other experts determined it was physically impossible for the glasses to have been thrown that far after the shot was fired.

Records show the police did not search for the keys at the park again but instead went directly to the hospital.

"Without putting your hand in the front pocket, two sets of rings should have been bulging from the pocket," he said.

He also said the pants should have been stretched as his body bloated in the summer heat, making the metal keys more apparent.

Just a freak occurrence?

A "Citizen's Independent Report" compiled by Hugh Sprunt, a Texas-based accountant who began investigating the death as an avocation on internet bulletin boards, details dozens and dozens of discrepancies, including the one involving the keys, apparent in official documents.

"The sheer number of unusual circumstances and freak occurrences defy mathematical probability," Sprunt said, adding that the official suicide story "doesn't add up."

Sprunt's report is offered as a public service at cost from Bell-Jean Printing in Maryland at 301-864-6882.

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A Special Report on the Vincent Foster Case

Reprinted from Pittsburgh's *Tribune-Review*

Saturday, August 19, 1995

D'Amato Admits Questions Remain about Death of Vincent Foster

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

In an apparent about-face, Sen. Alfonse D'Amato, R-N.Y., chairman of the Senate's Special Whitewater Committee, now says "there are some open questions" relating to the death of Vincent Foster that will eventually be reviewed by his committee.

Foster, then deputy White House Counsel, died just over two years ago of a gunshot wound to the head, according to the U.S. Park Police.

"There is no doubt the initial investigation was botched," D'Amato told Charlie Rose, criticizing the park police's handling of the case on Rose's national television program earlier this week.

"His clothing was contaminated. The question as to, Where did he die? Did he have various stains on his clothes that would indicate that maybe the body was moved?" D'Amato said.

D'Amato's comments directly challenge the report of Special Counsel Robert Fiske, who concluded Foster committed suicide in Fort Marcy Park. D'Amato had previously accepted the Fiske report without criticism, and endorsed its conclusions after Senate hearings last summer.

D'Amato told Rose that his "strong feeling" was that Foster killed himself, but he had reservations about where and when Foster died.

"There seem to be a number of questions that have been raised by some people, some who have expertise, that have not been answered," D'Amato said.

Earlier this week, D'Amato was also on WABC's Bob Grant talk radio program promoting his new book *Power, Pasta, and Politics*, and reiterated his concerns, adding that "it is my intent to raise the various questions that experts and others have raised" on the case.

D'Amato cited for Grant's listeners some of his questions:

- "Did (Foster) die in that position? Was he dragged there? Was he carried there?"
- "What about grass stains and other kinds of evidence that might be found on his clothing or on his shoes?"
- "More particularly, what about powder burns? What about the gun? And the manner in which the gun was held? And the manner in which the gun was found?"

Most recently, Foster's death has been under review by Independent Counsel Kenneth Starr. D'Amato said he will await Starr's report and "then we will review and raise these questions."

D'Amato's comments further undermine Fiske's report that has been challenged by two top New York City homicide investigators who reviewed the case for the Western Journalism Center, a nonprofit organization that supports investigative reporting. The investigators found "overwhelming evidence" that Foster's body had been transported to Fort Marcy Park, and that a 1913 Colt revolver had likely been placed in his hand.

D'Amato's questions about the case come on the heels of similar comments made by House Speaker Newt Gingrich, who last month said he was not convinced Foster committed suicide.

Both Republicans share wide public support for their views. According to a recent Time/CNN poll, 65 percent of the country has not accepted the government's ruling of suicide (20 percent of Americans believe Foster was murdered, 45 percent are not sure. 45 percent believe the administration engaged in a cover-up of the death.)

"... Question after question after question about Foster, and what happened there (at Fort Marcy Park) have not been fully answered," Gingrich said on Grant's New York talk radio program.

Gingrich later told a meeting of Washington reporters that "there is plausible reason to question whether or not it was suicide."

According to a member of Gingrich's staff who asked not to be identified, Gingrich is seriously pur-

suing the matter and has passed on a list of issues to the Government Reform and Oversight committee, headed by Rep. William Clinger, R-Pa.

Gingrich requested that Clinger locate a member of the committee with experience as a prosecutor to determine if hearings are warranted.

According to the staff member, Rep. Steven Schiff, R-N.M., was selected for the task just before Congress went on recess and has not begun a review of the case.

Schiff, vice-chairman of the Government Reform Committee, is a veteran prosecutor, having served eight years as a district attorney in Albuquerque.

Schiff, through his spokesman, said he couldn't comment on the matter.

Clinger has been a staunch supported of the Fiske report. Last year, when Rep. Dan Burton took the House floor to criticize the Fiske report on Foster's death, Clinger's office hastily issued its own report in support of Fiske.

Recently, Clinger has become a vocal critic of those who have raised questions about the case, and last month appeared on ABC's Nightline to debunk issues raised by critics.

For example, Clinger said multi-colored fibers found all over Foster's clothing, including his underwear, were simply the result of Foster's clothing having been mixed together in the same evidence bag.

The FBI lab report contradicts Clinger, indicating the FBI received the evidence in separate bags grouped as follows: pants and belt; shoes and socks; jacket and tie. The underwear and dress shirt were not identified.

08/18/95 20:51:09 VIA FAX 581 221 8787 DEBBIE GERSHMAN -> Page 001
08/18/95 19:31 FAX 002

CHARLIE ROSE: What have you learned about Vince Foster's suicide that is instructive to you about what happened?

Sen. ALFONSE D'AMATO: I have to tell you at this point I am waiting for the special prosecutor to conclude his review. There's no doubt—

CHARLIE ROSE: This is Ken Starr.

Sen. ALFONSE D'AMATO: Yes, Ken Starr. There is no doubt that the initial investigation was botched. The autopsy was handled poorly. His clothing was contaminated. The question as to where did he die, did he have various stains on his clothes that would indicate that maybe the body was moved, et cetera. That's unfortunate. It's unfortunate that we didn't have the best forensic people in there immediately. And I've come to a conclusion that no matter what determination is made, as a result of the initial bungling by the Washington, D.C. Coroner's Office in terms of not bringing in the best, the FBI— initially to work with the Park Police, that you're always going to have people raising questions. But we're going to wait for Ken Starr, the special prosecutor, to give us his review before, before we begin to—

CHARLIE ROSE: But you two are cooperating.

Sen. ALFONSE D'AMATO: We're cooperating in this manner: We have agreed not to just go plunging in until he has an opportunity to examine all the witnesses he wants first. And at this point now, we're going to begin to pick up the pace because we owe it to the American people, and we owe it to the Clintons to do this job expeditiously — thoroughly, but expeditiously.

CHARLIE ROSE: All right. Let me stay with, with the Whitewater and this point, too. Have you— you have said on the record that there's no question in your mind that it was a suicide.

Sen. ALFONSE D'AMATO: The facts indicate that, notwithstanding that there was a, a botched thing in there. The facts from some of the people I've spoken to. But we're going to look at this not in a public way, but in terms of meeting with the experts, looking at them, reviewing the evidence. And at this point, my, my strong feeling is that, that it was a suicide.

CHARLIE ROSE: Any question in your mind as to where it took place and when?

Sen. ALFONSE D'AMATO: There seem to be a number of questions that have been raised by some people, some who have expertise, that have not been answered. And I'm going to look to see— I think that while I— and people have indicated to me, experts, that, that the suicide was committed at the place indicated, there are a number of questions that I think we should resolve to try to—

CHARLIE ROSE: Like what?

Sen. ALFONSE D'AMATO: —minimize the doubts.

CHARLIE ROSE: Like what?

Sen. ALFONSE D'AMATO: Well, for example, the lack of, of grass stains or, or materials that you would find under his shoes that indicated that he would have walked to this place. There is a question of, of the, the position that the gun was found in and whether or not it would have been found in, in the manner indicated. There's a question of, of some other kinds of forensic evidence, and I don't want to get into graphic detail — powder burns, et cetera. And so I think that certainly we owe it to make a review, but not in a ghoulish manner. I don't even think we have to use a public forum to try to satisfy as many of these questions as possible.

CHARLIE ROSE: Any question, though, that a reasonable person— do any of the thi— questions you have heard, would they lead a reasonable person to question where this suicide took place?

Sen. ALFONSE D'AMATO: Charlie, because of the initial failure of the coroner's office to conduct this investigation in the manner that it should have, there are some open questions.

08/20/95 11:20 8501 221 8707 INDEP COUNSEL +++ OIC DC 002/008

Sen. D'Amato's Comments Re; Vincent Foster on WABC's Bob Grant Program, August 15, 1995

P.01

CALLER: HELLO BOB AND SENATOR D'AMATO - IT'S AN HONOR. SENATOR, TWO QUICK QUESTIONS IF I COULD. LAST FRIDAY'S WALL ST. JOURNAL EDITORIAL PAGE STATED THAT ALL PHONE CALLS TO AND FROM THE PRESIDENTIAL JETS, LIKE THE ONE HILLARY CLINTON WAS ON THE AFTERNOON VINCE FOSTER DIED - REPORTEDLY THOSE CALLS ARE LOGGED AND TAPE RECORDED. FIRST, IS THAT TRUE, SENATOR?

D'AMATO: WE'RE LOOKING INTO THAT RIGHT NOW TO SEE WHETHER OR NOT THOSE CALLS ARE LOGGED AND TAPE RECORDED - THAT'S NUMBER ONE. SECOND, THERE SEEMS TO BE A VERY REAL ISSUE AS IT RELATES TO WHETHER OR NOT MRS. CLINTON WAS ON AN AIRPLANE WHEN THE FIRST CALL WAS MADE. MAGGIE WILLIAMS TESTIFIED THAT THE FIRST LADY CALLED HER WHEN SHE WAS ON THE AIRPLANE. HOWEVER, THAT PLANE TOUCHED DOWN AT 8:40 AND THE PERSON WHO FIRST INFORMED HER ABOUT VINCENT FOSTER'S DEATH CALLED HER AT ABOUT 9 O'CLOCK, WHEN SHE WAS IN LITTLE ROCK AT THE TIME. AND THAT WAS MACK MCLARTY, THE CHEIF OF STAFF. SO THERE'S AN INCONSISTENCY AND THAT'S ONE OF THE REASONS WE'VE ASKED FOR THE PHONE LOGS OF THE RODHAM HOUSE - HILLARY CLINTON'S MOTHER'S HOME, THE PHONE LOGS FROM MAGGIE WILLIAMS - HER CHEIF OF STAFF, AND THEN ALSO SUSAN THOMASES - HER FRIEND AND LAWYER WHO SHE SPOKE TO THAT NIGHT AND THEN WHO BARRAGED THE WHITE HOUSE WITH ABOUT 14 OR 15 CALLS OVER THE NEXT DAY AND A HALF.

CALLER: WELL, I HOPE YOU DO GET THOSE LOGS. I THINK IT WOULD BE INTERESTING. SECONDLY SENATOR, ACCORDING TO A RECENT TIME/CNN POLL 65% OF THE AMERICAN PEOPLE ARE NOT CONVINCED THAT VINCENT FOSTER COMMITTED SUICIDE.

D'AMATO: NO, IT'S 20%.

CALLER: NO, THAT - 20% BELIEVE IT WAS MURDER.

D'AMATO: OH, O K.

CALLER: AND ANOTHER - I BELIEVE IT WAS 45% AREN'T SURE. ARE YOU CONTENT TO LEAVE THIS KIND OF QUESTION MARK HANGING OVER THIS CASE? YOU HAVE IT IN YOUR POWER TO OPEN IT UP AND ANSWER ALL THESE QUESTIONS - WHY NOT DO THAT?

D'AMATO: WELL, LET ME TELL YOU WHAT WE'RE DOING RIGHT NOW - AND I MENTIONED IT ON THE CHARLIE ROSE SHOW LAST NIGHT. WE ARE WAITING FOR THE SPECIAL COUNSEL TO COMPLETE HIS REVIEW OF THE DEATH OF VINCENT FOSTER. AND THEN, IT IS MY INTENT TO RAISE THE VARIOUS QUESTIONS THAT EXPERTS AND OTHERS HAVE RAISED. BECAUSE THERE'S NO DOUBT THAT THE INITIAL INVESTIGATION WAS TERRIBLY BOTCHED. THE CORONOR'S OFFICE IN D.C. CONTAMINATED FOSTER'S CLOTHING. THEY WERE NEVER ABLE TO MAKE - AND GET THE KIND OF SAMPLES NECESSARY AS IT RELATED TO - YOU KNOW - DID HE DIE IN THAT POSITION? WAS HE DRAGGED THERE? WAS HE CARRIED THERE? WHAT ABOUT GRASS STAINS AND OTHER KINDS OF EVIDENCE THAT MIGHT BE FOUND ON HIS CLOTHING OR ON HIS SHOES? MORE PARTICULARLY, WHAT ABOUT POWDER BURNS? WHAT ABOUT THE GUN? AND THE MANNER IN WHICH THE GUN WAS HELD? AND THE MANNER IN WHICH THE GUN WAS FOUND? SO THOSE QUESTIONS - AS A RESULT OF NOT HAVING THE KIND OF FORENSIC EXPERTS THERE - IN DOING THIS, UNDERTAKING THIS INVESTIGATION - REALLY ARE UP IN THE AIR AND PROBABLY WILL NEVER BE SATISFACTORILY ANSWERED TO MANY. BECAUSE ONCE YOU GOOF UP THE INITIAL INVESTIGATION, THERE'S NO WAY TO RECONSTITUTE IT. BUT WE'LL TRY TO DO THE BEST WE CAN AND WE ARE GOING TO RAISE THOSE QUESTIONS. I DON'T BELIEVE THAT AT THIS POINT WE SHOULD DO IT PUBLICLY - BECAUSE I'M GONNA TAKE THE SPECIAL COUNSEL'S REPORTS AND THEN WE WILL REVIEW AND RAISE THESE QUESTIONS. AND THEN MAKE A REPORT ON IT.

END OF CALL

TOTAL P.01

08/17/95 11:37 TX/RX NO.1691 P.001

**********FAX TRANSMITTAL SHEET**********

OFFICE OF THE INDEPENDENT COUNSEL
TWO FINANCIAL CENTRE, SUITE 134
10825 FINANCIAL CENTRE PARKWAY
LITTLE ROCK, ARKANSAS 72211

MAIN NUMBER: (501) 221-8700 FAX NUMBER: (501) 221-8707

TO: Mark / John DATE: 8/20/95

FAX NUMBER: TEL:

FROM: Debbie NO. OF PAGES: (Including Cover Page)

TEL: (501) 221-

REMARKS: From Chris Ruddy.

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08/20/95 11:20 ☎501 221 8707 INDEP COUNSEL →→ OIC DC 001/006

Once Again, Chris Ruddy Was Right and First

Today, Independent Counsel Kenneth Starr indicted Jim and Susan McDougal. Here's Ruddy's report of August 3 from the Pittsburgh *Tribune-Review* breaking the news that the McDougals would be indicted this month and giving specific details of the indictment—all of which turned out to be highly accurate.

FOIA # none (URTS 16306) DocId: 70105096 Page 136

A Special Report from the Pittsburgh-Tribune Review

Thursday, August 3, 1995

Indictments Against Former Clinton Partners in Offing

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

LITTLE ROCK—Indictments against Jim and Susan McDougal, former Whitewater partners of President and Mrs. Clinton, are imminent, according to a source close to the investigation.

Barring any last-minute plea agreement, Independent Counsel Kenneth Starr plans to hand up indictment papers before his Little Rock grand jury, which the source said "could be in days, but certainly this month."

The McDougals will be indicted for financial dealings related to David Hale. Hale's Little Rock finance company, Capital Management Services, defrauded the Small Business Administration by improperly giving loans allocated for disadvantaged and minority-owned businesses to friends and business partners.

Hale entered into a plea arrangement with the original Whitewater prosecutor Special Counsel Robert Fiske, last year. Sources in both Fiske's and Starr's investigation say Hale has been a credible, cooperating figure in the probe.

The main indictment against McDougal is very tenuously linked with Whitewater, the 50-50 partnership to develop 230 acres of land in Northern Arkansas that the Clintons and McDougals began in 1978.

The indictment against McDougal will center around his ownership of Madison Guaranty Savings and Loan Association which failed in 1989, costing taxpayers more than $60 million.

The indictment will allege that McDougal provided a loan to Hale's business partner as a front man for the benefit of Hale's company and McDougal's bank.

According to the source, Hale told federal investigators that the Madison loan was part of a scheme to defraud the SBA by artificially inflating his company's assets to give loans to friends and associates, as well as cover bad loans made by Madison Guaranty.

One beneficiary of Capital Management's loans was Susan McDougal, whose Little Rock advertising firm, Master Marketing, received a $300,000 loan. The loan was never paid back and published reports indicate some of the money made its way into Whitewater accounts.

The source said a report in the Arkansas Democrat Gazette on Aug. 28, 1994, detailing McDougal's transactions with Capital Management, closely mirrors the scheme to be presented in the indictment papers.

The August Democrat Gazette article elaborated on a series of transactions in 1986 among Hale, one of his business partners, McDougal and others.

According to the newspaper, Hale and his partner bought and sold a restaurant they jointly owned in Sherwood, Ark., increasing the property's value artificially. Using improper and favorable appraisals, McDougal's Madison Guaranty loaned Hale's business partner $825,000 to buy the restaurant from Hale.

Hale then took a significant portion of the proceeds from the sale and put them into his company to be used to qualify for matching SBA funds of $500,000 or more.

Hale used this new supply of capital, and SBA matching funds, to cover bad loans made by Madison Guaranty before bank examiners conducted an audit.

Though Starr is said to favor a plea agreement, sources close to the probe doubt that a plea agreement will be struck since the McDougals are demanding full immunity.

FOIA # none (URTS 16306) DocId: 70105096 Page 137

A Special Report from the Pittsburgh *Tribune-Review*

Sunday, August 6, 1995

Clinton Indictments Unlikely

By Christopher Ruddy
FOR THE TRIBUNE REVIEW

LITTLE ROCK, Ark.—Chances are slim that Independent Counsel Kenneth Starr will indict Bill or Hillary Clinton as a result of the Whitewater probe, sources close to the inquiry have told the Tribune-Review.

Starr, passing the first anniversary of his appointment this week, has found little substantive evidence linking the Clintons to wrongdoing relating to their Whitewater partnership, dealings with Madison Guaranty, or possible obstruction issues in Washington.

"At this time, it would take someone like (Jim Guy) Tucker or the McDougals to turn, and testify, against the Clintons," one source said, which would then allow prosecutors to "move up the food chain."

Clinton's main accuser has been David Hale, who maintains that Bill Clinton pressured him into making a fraudulent $300,000 Small Business Administration-backed loan to Susan McDougal.

While acknowledging Hale has been a credible witness, a member of Starr's team said "Hale versus the president is not going to fly," indicating more substantive evidence would have to be forthcoming to present to a grand jury.

But sources, critical of Starr's handling of the investigation, suggest the long delays in Starr's staff getting up to speed where the Robert Fiske investigation left off, the mishandling of Webster Hubbell's plea agreement and the problems in the Washington end of the investigation—highlighted by a major resignation—have all impeded a swift resolution of the case.

Starr's indictment of Arkansas Gov. Jim Guy Tucker and associates in June were more than six months behind the schedule set by Special Counsel Fiske's staff, which had planned a series of indictments for the fall of 1994.

Contrary to some expectations, Tucker has not sought a plea agreement behind the scenes as he awaits a decision on his motion to have the indictments thrown out, claiming Starr had no jurisdiction to indict him. Starr's staff is confident they will win the motion. Prosecutors also doubt Tucker would be cooperative under any circumstances.

The McDougals have demanded full immunity for a plea agreement, which is unacceptable to Starr.

Even if the McDougals were to testify against the Clintons, sources say, their credibility as witnesses would be seriously challenged.

Sources also suggest that getting individuals to cooperate in the future may be less than fruitful because of the mishandling of Hubbell's plea and the troubled investigation in Washington.

FIRST RESIGNATION

The first major policy dispute in Starr's staff led to the resignation of his chief trial counsel, Russell C. Hardin, last September, according to several Whitewater prosecutors.

Hardin, a seasoned former Houston assistant district attorney who was named Texas State Prosecutor of the Year in 1989, was hired by Fiske as his lead trial prosecutor.

Hardin was to have tried Hale for using his company, Capital Management Services, to defraud the SBA.

But Hale entered into a plea agreement with Fiske early last year. Hardin remained on the staff to try the next major case.

With Fiske's ouster in August 1994, Hardin was one of two prosecutors to continue with Starr's inquiry, and had agreed to try the probe's next major target, former Associate Attorney General Hubbell.

"Rusty (Hardin) wanted to go in with big guns against Hubbell, to nail him since the case was airtight and show others we weren't fooling around," one prosecutor familiar with the events in Starr's staff last year said.

Starr's staff had prepared a 38-count indictment against Hubbell, according to one source. Hubbell entered into a plea agreement in December, sparing himself "an extremely embarrassing trial," a prosecutor said.

As part of the agreement, Hubbell was charged on two counts of mail fraud and tax evasion, that entailed a 21-27 month term in federal

prison, which could be reduced if he cooperated with the independent counsel (under sentencing guidelines, Hubbell's prison term would be the same for two counts or 38).

STARR OVER ANXIOUS

Hardin had argued for Starr to play "hard to get" with Hubbell, who was seen as the first major target of the investigation, and one that could link the Clintons to wrong-doing in both Washington and Arkansas, sources said.

Hardin had successfully handled the plea agreement with Hale, when prosecutors went down to the wire to begin trial proceedings before a plea agreement was struck. The agreement was struck only after Hale had been debriefed for two weeks by investigators "as to what he knew and what he could give prosecutors," a prosecutor familiar with Fiske's probe said.

Instead, Starr, who had no experience as a prosecutor, and who served as federal judge and a well-regarded Justice Department official, was over-anxious to get Hubbell's plea and did not rigorously debrief him before entering into the agreement, two prosecutors familiar with Starr's probe told the Tribune-Review.

The process of agreeing to a plea "should be structured so the defendant has an overwhelming need to tell what he knows," one prosecutor said, lamenting that that had not been the case with Hubbell.

"If Hardin had argued for this, he'd be exactly right," Thomas Scorza, a former federal prosecutor and lecturer of legal ethics at the University of Chicago, said.

"Typically a prosecutor wants to flip the smallest fish, the people at the bottom like an office secretary, to get higher ups," Scorza explained, "But Hubbell was a big fish, so a prosecutor figures he's going to be disinclined to give information. It's really important to hammer him at the early stage when the person is most vulnerable."

Scorza said that Starr could have, for example, tried to find additional charges, such as perjury, to increase sentence time, and use this as an additional lever.

Going easy on Hubbell though he failed to cooperate "is a sign to others not yet charged that the prosecutor is going to roll over, that you don't have to cooperate," Scorza said.

Another source in the Starr probe has disputed that Hardin left over a disagreement about dealing with Hubbell, and suggested he resigned solely because he was not allowed to choose the prosecutors handling the day-to-day case before the grand jury.

Hardin, in private practice in Houston, declined to comment on the matter, but did say he resigned several months earlier than planned.

At Hubbell's sentencing in June, Starr sought no reduction in sentencing, which was an indication of Hubbell's lack of cooperation. According to several sources, Hubbell provided no information that will lead to additional indictments.

One prosecutor pointed out that Starr's handling of the Washington side of the investigation may also have been a roadblock to cooperation from Hubbell and other witnesses.

Last March, Associate Independent Counsel Miquel Rodriguez resigned after he was apparently stymied in conducting what he felt was a full probe into Vincent Foster's death.

"Hubbell's probably a lot more worried about what happened with Foster than serving in prison," one prosecutor suggested.

After a year of investigation, Starr's office had come up with no indictment on the Washington end of his probe, and has shown no interest in "flipping" lower-level officials over apparent problems in testimony and evidence.

In other developments related to Starr's investigation:

- Forensic scientist Henry C. Lee is currently on hiatus from investigating aspects of Foster's death as he consults for the O.J. Simpson defense team. Lee, who heads the Connecticut state crime lab, has recently visited Fort Marcy Park in a suburb just outside Washington, the site where Foster's body was found.
- Starr's staff plans to have the FBI conduct another search for a bullet at Fort Marcy. Two previous searches, first by the Park Police and then by the FBI under Fiske, didn't find the fired projectile—one of many nagging inconsistencies with the Foster-death scene.
- Starr's Washington deputy, Mark H. Tuohey, plans to resign in September for a new position, as the Washington phase of the investigation winds down.
- Starr has resisted efforts by the White House to issue a report on Foster's death, as Fiske did in June 1994. He will wait until the end of his Whitewater probe, a source said.

FOIA # none (URTS 16306) DocId: 70105096 Page 139

A Special Report from the Pittsburgh *Tribune-Review*

Tuesday, January 9, 1996

Did Clinton Counsel Take Part in Clean-up of Foster's Files?

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON — Independent Counsel Kenneth Starr's grand jury heard testimony earlier last year suggesting that former White House lawyer William Kennedy took part in a clean-up operation of Vincent Foster's Whitewater-related files at the Rose law firm.

The testimony has taken on increased credibility in light of the release last month of Kennedy's notes of a Washington meeting in the fall of 1993 that some have interpreted as suggesting a need to "vacuum" or clean-up such files.

Kennedy's ex-wife, Gail, told Starr's Washington grand jurors in early 1995 that during the time when Whitewater first became prominent in the news, her husband, then associate White House counsel, had taken an unusual trip home from Washington to Little Rock, according to a source familiar with Starr's probe.

At the time Kennedy made the trip, Mrs. Kennedy had not yet separated from her husband. The couple divorced in August 1994.

Kennedy, according to testimony, told his wife that he was taking a break to go hunting in Arkansas, the source said. At the time, Mrs. Kennedy found that hard to believe, considering her husband's pressing duties at the White House.

Under grand jury questioning she said she had other reasons to doubt the hunting story, including knowing that during part of the trip he was at the Rose firm.

At about the time her husband was on his "hunting trip," Mrs. Kennedy told the grand jury, she spoke with a senior White House aide, also from Arkansas. The woman told Mrs. Kennedy in blunt terms that her husband had not gone to Little Rock for hunting, but instead was at Rose cleaning up Whitewater-related matters.

Mrs. Kennedy refused to reveal the aide's identity under questioning from Brett M. Kavanaugh, a junior prosecutor for Starr, who, like Starr is, handling a prosecution for the first time.

After completing her grand jury appearance, Mrs. Kennedy returned to Arkansas, but was again pressed, this time by Starr's then-deputy, Mark H. Tuohey III, to reveal the name of the White House aide. She ultimately did so reluctantly, the source said.

Kennedy resigned from the White House inner circle Nov. 18, 1994. His notes from a meeting dealing with Whitewater-related matters a year earlier became the focus of an intense confrontation recently between the White House and Senate Banking Committee, which is probing

the Clintons' dealings. Committee members sought the notes over claims of attorney-client privilege.

The November 1993 meeting took place with several White House officials and the president's private lawyer, David Kendall. Committee investigators were concerned the participants may have discussed administration plans to interfere with two federal inquiries into Whitewater-related matters after Foster's death.

The notes released by the White House last month show Kennedy wrote:

Vacuum Rose Law files WWDC (Whitewater Development Corporation) Docs—
subpoena
Documents—never go out
Quietly?

Republicans interpreted the notes to mean that participants at the meeting wanted to sanitize or remove any incriminating files relating to Whitewater stored at Rose.

In a statement released by the White House, Kennedy said that the use of the term "vacuum" in the notes referred to an "information vacuum" that had stymied Clinton aides in assembling data relating to the Whitewater partnership.

If prosecutors can prove that files were destroyed or concealed from investigators as a criminal probe was about to begin, those who participated could be charged with obstruction of justice.

Starr has brought no indictments on the basis of Mrs. Kennedy's testimony, or on any such information relating to the possible destruction of Foster's files from the time it became apparent that a special counsel was to be appointed in early 1994.

Recently, the Tribune-Review reported that Starr was aware of the existence of Kennedy's notes, but did not pursue basic prosecutorial tactics by challenging Kennedy's claims of privilege to have the notes released to his investigators.

Meanwhile, two Rose law firm couriers, Jeremy Hedges and Clayton Lindsey, testified before the grand jury in Little Rock in 1994. The couriers have stated publicly that they shredded a box of documents on Feb. 3—just after Robert Fiske's appointment as special counsel—marked with the initials "VWF," for the late Vincent W. Foster. Foster, at the Rose firm, and later the White House, worked on Whitewater matters for the Clintons.

Foster, like Kennedy, Webster Hubbell, and Hillary Rodham Clinton, were all senior members of the Rose firm—and all took senior positions in Washington with the new administration in 1993.

Kennedy left the White House under a cloud, himself the focus of intense press scrutiny for, among other things, his involvement in the so-called Travelgate affair. Early in the administration, Clinton functionaries sacked the long-time staff of the travel office, putting Clinton friends in charge. The White House claimed the regular travel staff was guilty of mismanagement and possible fraud.

Kennedy received a large part of blame for the fiasco, especially after he was fingered for summoning FBI agents to the White House to open an investigation into the Travel office without proper authorization from the Justice Department or FBI officials.

Kennedy said at the time of his resignation that he was leaving to be closer to his children in Little Rock.

Within months he also rejoined the Rose firm.

FORM 10-3638 (9/91)

NATIONAL PARK SERVICE

CRIMINAL INCIDENT RECORD

1 JUVENILE

3 ORGANIZATION CODE [redacted] 5 SYSTEM AREA Mall Area West

6 LOCATION OF INCIDENT 2100 Block Constitution Ave NW

7 BEAT 112

8 WHEN DID IT OCCUR? [redacted]

9 HOUR TIME

11 WHEN RECEIVED: DATE 5/10/94 TIME 2243

12 OFFENSE CODE [redacted] 13 NATURE OF INCIDENT Vandalism

14 CASE/INCIDENT NUMBER [redacted]

15 CLEARED BY ARREST No Arrest

COMPLAINANT / WITNESS / VICTIM

16 LAST Knowton FIRST Patrick MI

17 ADDRESS NUMBER STREET CITY STATE ZIP

2424 Penn Ave #810 NW Washington DC 20037

18 SEX M 19 DATE OF BIRTH [redacted]

20 PHONE BUSINESS 703 923

21 PHONE RESIDENCE 202 236-

22 LAST Peckham FIRST Rufus MI (retired MPD Capt.)

23 ADDRESS NUMBER STREET CITY STATE ZIP

1243 First St SE Washington DC

24 SEX M 25 DATE OF BIRTH [redacted]

26 PHONE BUSINESS 202 554-

27 PHONE RESIDENCE

ARRESTED SUSPECT / OTHER

28 LAST Unknown FIRST MIDDLE

29 ADDRESS NUMBER STREET CITY STATE ZIP

30 RACE W 31 SEX M 32 AGE 20's 33 HGT 6 34 WGT 2 200 35 EYES 36 HAIR Black 37 HAIR LENGTH 38 HAIR STYLE 39 FACIAL HAIR 40 MARKS/SCARS 41 ARMED WITH

42 HAT 43 COAT/JACKET 44 SHIRT 45 TROUSERS/SKIRT 46 SHOES 47 SOCIAL SECURITY NUMBER 48 DATE OF BIRTH [redacted] 49 PHONE BUSINESS

50 LAST FIRST MIDDLE 51 PHONE REST

52 ADDRESS NUMBER STREET CITY STATE ZIP

53 RACE 54 SEX 55 AGE 56 HGT 57 WGT 58 EYES 59 HAIR 60 HAIR LENGTH 61 HAIR STYLE 62 FACIAL HAIR 63 MARKS/SCARS 64 ARMED WITH

65 HAT 66 COAT/JACKET 67 SHIRT 68 TROUSERS/SKIRT 69 SHOES 70 SOCIAL SECURITY NUMBER 71 DATE OF BIRTH 72 PHONE BUSINESS

VEHICLE

73 INVOLVED IN CRIME KNOWN TO OPERATE

74 YEAR 1988 75 MAKE Olds 76 MODEL 77 BODY STYLE 4 dr 78 COLOR light 79 TAG NUMBER [redacted] 80 STATE IL 81 IDENTIFYING FEATURES/NOTES

82 IMPOUNDED STOLEN RECOVERED SEIZED

83 REMOVED TO 84 REMOVED BY Interview #2 7th WHITE Bureau

85 TELETYPE RADIO LOOK

86 ARRESTED DATE 87 TIME 88 CHARGE(S) THIS TOOK PLACE the NIGHT BEFORE Knowlton FBI

89 COURT DATE 90 VALUE STOLEN [redacted] 91 VALUE RECOVERED [redacted]

92 ITEM NARRATIVE: (1) CONTINUATION OF ABOVE ITEMS, INDICATE ITEM NUMBER AT LEFT. INCLUDE ADDITIONAL WITNESSES AND SUSPECTS. (2) INDICATE HOW NOTIFIED OF INCIDENT. DESCRIBE DETAILS OF INCIDENT. (3) DESCRIBE PROPERTY AND ITS VALUE.

93 ST. 94 REC. 95 PROP

On 5/10/94, at 22:43 hours, officers Hammond and McIntyre responded to the 2100 Block of Constitution Ave for a vandalism report. I was met by Peckham, who was a retired MPD Captain, who witnessed the vandalism. It was also witnessed by C. N. White of Classic Limos, PO Box 2568 Landover Hills MD 20784 (301 916-5696). Both witnesses drive Limos. White had already left the area when I arrived. While I was talking to Peckham, the owner of the Peugot, Blue VA tags, PX1586, which was vandalized

[redacted]

96 INVESTIGATOR NOTES LeBRUN

97 STATUS: OPEN SUSPENDED 98 CLEARED BY: ARREST EXCEPTION UNFOUNDED 99 DISPOSITION: [redacted]

100 REPORTING OFFICER Sandra Hammond [redacted] 5/10/94 101 DATE 102 ASSISTING OFFICER 103 BADGE/ID 104 SUPERVISOR McIntyre 105 BADGE/ID

FOIA # none (URTS 16306) DocId: 70105096 Page 142

UNITED STATES DEPARTMENT OF THE INTERIOR
NATIONAL PARK SERVICE

SUPPLEMENTAL CRIMINAL INCIDENT RECORD

2 SYSTEM AREA: Mall Area West	3 WHEN DID IT OCCUR?	MO. 0 5	DAY 1 0	YR. 9 5	4 YEAR 9 4	CASE/INCIDENT NUMBER 0 2 1 3
5 PATTERN OF INCIDENT: Vandalism	6 RECLASSIFICATION OF INCIDENT: No Arrest					

OFFENDER / SUSPECT / OTHER

7 LAST | FIRST | MIDDLE | 8 DATE OF BIRTH | 9 PHONE NUMBER

10 ADDRESS NUMBER | STREET | CITY | STATE | ZIP | 11 PHONE RESIDENCE

12 RACE | 13 SEX | 14 AGE | 15 HGT | 16 WGT | 17 EYES | 18 HAIR | 19 HAIR LENGTH | 20 HAIR STYLE | 21 FACIAL HAIR | 22 MARKS/SCARS | 23 ARMED WITH

24 HAT | 25 COAT/JACKET | 26 SHIRT | 27 TROUSERS/SKIRT | 28 SHOES | 29 SOCIAL SECURITY NUMBER | 30 DOB

ITEM | 31 RESULTS OF INVESTIGATION

returned to his car. When he was parking, in the bus zone on the south
of the street, a car, light in color, with IL tags ZPN778, pulled in be
Knowton's car, while he was backing into a parking space. Knowton said
the owner of the Illinois car was upset at Knowton and said a few words
him and walked off with three other white males to the Vietnam Veterans
Memorial at about 22:15 hours. At about 2230 to 2240, the occupants of
the Illinois car returned. Peckham observed the driver take a tire ira
and break the tail light covers and three of the four headlights on Kno
Peuogot. The car left the area and Peckham called in the incident. Th
tags return to a 1988 Olds 4door registered to Ronald Houston, 1110 Nee
Naperville, IL 60561. I called 708 information and there was no listi
under that name and no Houston listed at that address.
Knowton estimated the damage at $100.00 for each headlight and $70.00 f
each tail light for a total of $440.00. Cleared at 2330 hours.

32 EVIDENCE: ☐ YES ☐ NO | 33 ☐ LATENTS ☐ PHOTOS | 34 TO WHOM NOTIFIED | 35 INVESTIGATION NOTIFIED: LE BRUN. | 36 PAGE 2 OF

37 STATUS: ☐ OPEN ☐ SUSPENDED | CLOSED BY: ☐ ARREST ☐ EXCEPTION ☐ UNFOUNDED

38 INVESTIGATOR: Sandra Hammond | BADGE/ID: 524 | DATE: 5/10/96

39 SUPERVISOR: | BADGE/ID: 933 | DATE:

Please
make
copies
for Jim,
Coy +
me

CompuPros Unlimited
3040 Pattiz Avenue, Long Beach CA, 90808
(310) 421-9437

To: Kenneth Starr	For Information Call: (310) 421-9437
From : Kurt E. Johnson	At: CompuPros Unlimited
Pages: 1	Fax Number :

Dear Mr. Starr,

I have followed the on-going investigation into Mr. Vincent Foster's death for quite some time. It is my understanding that the FBI is still searching for the bullet and has yet to find it. I think it is safe to assume by now that they will not.

My question to you is: When are you going to FINALLY examine the only remaining piece of physical evidence left,being the body of Mr. Foster. What does a forensic pathologist (Mr. Henry Lee) do w/o a body to examine? As I recall from the Senate hearings, the head was not even x-rayed due to faulty equipment that just happened to be new.

PLEASE DO THE RIGHT THING MR. STARR!!!!!!

Kurt E. Johnson, Concerned American Citizen

WJC Western Journalism Center

FOR RELEASE: 9 A.M. THURSDAY, NOVEMBER 30, 1995

FOR MORE INFORMATION:
JOSEPH FARAH, EXECUTIVE DIRECTOR
(916) 852-6300

Reporter Files Suit Against Independent Counsel Starr

WASHINGTON -- Reporter Christopher Ruddy and the Western Journalism Center filed suit today in federal court against Independent Counsel Kenneth Starr.

The plaintiffs, Christopher Ruddy of the Pittsburgh Tribune-Review and the Western Journalism Center, a California-based non-profit organization supporting investigative reporting, have sought relief after being denied repeated requests by the independent counsel's office for Freedom of Information Act requests.

Ruddy and the WJC are seeking documents primarily relating to two closed federal inquiries into the death of the Deputy White House Counsel Vincent Foster. The U.S. Park Police closed their case Aug. 5, 1993, and Special Counsel Fiske offered his conclusions June 30, 1994.

The independent counsel's office denied Ruddy's request for 14 categories of documents he is seeking released under the Freedom of Information Act. Among the documents sought are all handwritten notes made by interviewing FBI agents for Special Counsel Fiske's investigation. Such notes were used to create official witness statements that have since been publicly released.

Serious questions have arisen about the accuracy and legitimacy of official witness statements after their release earlier this year. The first witness who discovered Foster's body, the confidential witness, says the FBI badgered him into altering his statement. Recently, London's Telegraph reported that another witness, Patrick Knowlton, said FBI agents had "lied" in completing his statement. His statement says he could not further identify a Hispanic-looking man sitting next to Foster's car. He says he can, and recently assisted a police artist in drawing a composite sketch.

The independent counsel has also refused to release FBI lab reports on the analysis of Foster's blood. Fiske reported that the FBI found trace amounts of an anti-depressant and valium in Foster's blood, while an earlier analysis conducted for the Park Police said no such drugs were detected. The first report was released by Fiske, but the FBI lab report has been omitted. Homicide experts also have said that it would be important to evaluate all

FOIA # none (URTS 16306) DocId: 70105096 Page 146

screens used by the FBI lab to rule out death by any exotic poisons. The first blood analysis for the Park Police failed to do this.

"We have requested just simple documents that relate to closed investigations, and documents that have already been released," Ruddy explained. "Since the Foster story began, authorities -- the Park Police, Fiske and Starr have denied the public its right to know by refusing to release documents in a full and expeditious manner."

Joseph Farah, executive director of the WJC, said the suit "was a reasonable action. It serves the public interest to get as much information to the press and public." Farah said he was baffled by Starr's refusal to release documents, such as FBI notes that should only parallel already released official witness statements. "It gives the appearance that there is an effort to conceal and hide information that may be potentially embarrassing."

Farah noted Starr's lackluster performance in prosecuting the case makes independent press inquiries more imperative. "It took nine months before someone decided it would be good to send the FBI to interview the people who live around Fort Marcy. It took a year before they realized the missing bullet was a problem and a new search was needed. It took more than a year for his staff to subpoena key crime scene witnesses. Who's kidding who?"

Farah said the organization plans to take the matter to the Supreme Court if necessary.

(Copies of the complaint and FOIA correspondence are available upon request)

FOIA # none (URTS 16306) DocId: 70105096 Page 147

002/002 OIC DC -> INDEP COUNSEL 501 221 8707 11:09 11/30/95

From the Pittsburgh *Tribune-Review*

Wednesday, October 25, 1995

Experts Say Foster 'Suicide' Note Forged

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON — At a press conference in Washington today, an international panel of forensic handwriting experts — including one from Oxford University — will announce it's findings that a torn note, said to have been Vincent W. Foster Jr.'s "suicide" note, is a forgery.

Strategic Investment, a Baltimore-based financial newsletter, and its editor, James Dale Davidson, have called the conference to issue the written findings of three experts that analyzed a copy of the note.

Twenty-seven pieces (the 28th piece was missing) of the note were claimed to have been found in the late deputy White House Counsel's briefcase almost a week after his sudden death on July 20, 1993.

If the forensic panel's assertions are true, it would indicate that someone engaged in a major cover-up of Foster's death and obstructed justice by hindering the investigation of the matter.

The U.S. Park Police originally determined that the note was written by Foster, and ruled his death a suicide. At the request of former special counsel Robert Fiske, the FBI lab examined the note and concluded it was authentic.

The methodology used by both the FBI and the Park Police to certify the note, however, has been challenged.

Fiske relied on the note to help make his case that Foster was depressed in the last days of his life, particularly over apparent improprieties in the White House Travel Office.

The note begins, "I made mistakes from ignorance, inexperience and overwork", and from there rambles on about legal, personal, and office concerns on a single sheet of 8 and 1/2 by 11 legal paper.

Foster's wife, Lisa, told the FBI that she believed her husband had written the note in the weeks before his death after she had advised him to document "everything 'they' did wrong." She told the FBI that she "did not view or read the note" until it was pieced together and shown to her.

The three forensic reports obtained by the Tribune-Review indicate that the experts came to independent conclusions that Foster did not write this note.

Reginald E. Alton indicated that, based on his comparison of a photocopy of the note with a dozen photocopied documents known to have been written by Foster, the torn note "is a forgery."

Alton has for thirty years lectured on handwriting, manuscript authentication, and forgery detection at England's Oxford University. In recent years he led a panel of experts that ruled on the challenged diaries of noted English author C. S. Lewis.

Alton's opinion has been sought by British police agencies and, according to his biography, he has testified in British courts as an expert witness relating to questioned documents.

Alton is currently Dean of Degrees at Oxford's St. Edmund Hall, its oldest undergraduate institution. Alton's findings will be particularly bitter for the President, since Mr. Clinton attended Oxford as a Rhodes Scholar, and has used the university's prestigious name as a significant part of his own credentials.

In his report Alton noted eight major discrepancies between the torn note and Foster's known handwriting. He described Foster's natural writing as "firm, open, rounded, with a consistent slight backward slope and an easy currency that joins letters with scarcely an interruption . . ."

The torn note, he said, is written in a less open style with an inconsistent slope, and with letters drawn in a characteristic arched style.

Coming to a similar conclusion, Vincent Scalice notes that the "execution, form and style of the writing . . . is not consistent with (Foster's) writings . . ."

Scalice, a former homicide and identification expert with the New York City Police Department has twenty-two years experience han-

'SUICIDE' NOTE FORGED, page 2

dling questioned documents and is a certified document examiner with the American Board of Forensic Examiners.

He has testified in numerous court cases relating to documents and has consulted with major firms and banks, including Citibank and Chemical Bank, as a document examiner.

"Look at the note, and just compare it with the flow of the letter the Park Police used to authenticate," Scalice said in an interview. "Even a lay person can see it's not a match."

Scalice added that he also analyzed the challenged document for specific letter characteristics and other patterns that indicate the note to be a forgery.

Offering a third opinion of forgery, Ronald Rice heads New England Investigation of Boston and has eighteen years experience examining documents and is board certified.

A consultant to the criminal unit of the Massachusetts Attorney General's office, Rice has worked on a number of celebrated cases, and was recently asked by CNN to examine notes written by O. J. Simpson.

Rice told the Tribune-Review that the note is an "artistic forgery." The forger, Rice suggests, took known writings of Foster and "either drew them, used a cut-and-paste method, or used a highly sophisticated computer scanning method."

Alton and Scalice also agreed that the forger created the torn note from known writings.

"A good forger always wants to mimic the real thing, rather than create a word," Scalice explained. "This is probably why the note never makes a reference to suicide. Foster likely had never written any such words."

"The flimsy investigation into the note parallels still the flimsy investigation of the death," Davidson said.

Davidson and his newsletter have criticized the handling of the Foster case by federal authorities.

Given the political overtones of the Foster matter, Davidson noted he strongly supported President Clinton in the past. Having donated the maximum amount allowable to his 1992 presidential campaign, and has attended "renaissance weekends" and inaugural balls for then-Gov. Clinton.

He said he hired the experts after he received information that the FBI and Park Police did not adequately review the note.

In his report, homicide expert Scalice said the torn note is "not consistent" with a suicide note, since it makes no mention of intentional harm, suicide, death, farewell, or expression of departure.

Scalice, also an expert in the identification of latent fingerprint impressions, said if the note was torn into 28 pieces without leaving any fingerprints, this "would be consistent with someone having worn gloves."

"Otherwise there should have been numerous latent impressions," he said.

Scalice and Alton both said finding of the note "torn" should have been a red flag for investigators that a forger may have been attempting to make a comparison of the document more difficult.

"Anytime a document is torn, mutilated, something spilled on it, suspicion should be aroused," Scalice said.

The White House says that the note was found in Foster's briefcase as it was being packed almost a week after his death. Then-White House Counsel Bernard Nussbaum admitted he searched the briefcase two days after Foster's death and that he did not detect the torn pieces.

The Park Police in both private and public interviews have claimed that the briefcase was searched properly, and that the torn note was not in it during the official search conducted by Nussbaum.

Earlier this year Park Police detective Pete Markland told the Washington Post that Nussbaum searched the briefcase twice, declaring, "it's empty."

Markland told the New York Post in April that he became suspicious when the note was later found in the same briefcase.

"Nobody could have missed that note in there," Markland told the Post. Markland never testified at Senate hearings this past summer.

Police, Fiske Examination

Despite apparent suspicions about the note, police apparently took a rather casual approach to its examination.

On July 29, 1993 the Park Police had Sgt. Larry Lockhart, an expert in handwriting for the U.S. Capitol Police, examine the note. Lockhart concluded that Foster wrote it.

Lockhart told the Tribune-Review that he has no certification as a handwriting examiner, but has developed a skill over a fifteen year period.

He admitted that he used only

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a single document of Foster's known handwriting — a curt letter that Foster had written shortly before his death — to make the comparison.

"According to the federal rules of evidence you need at least four known writings to compare questioned documents, but usually an examiner wants as many as he can get," explained Ron Rice, who wrote the course on handwriting examination for the American Board of Forensic Examiners.

Scalice noted that in a homicide investigation police "would not normally accept a single document (for comparison purposes) from a family member. You'd want documents from several sources to make sure the police aren't given a forged document to compare another forged document."

Asked how many known writings he typically wants to make a comparison, Lockhart said his rule is "the more the better."

He said he made his opinion based on one document in this case because that "was all the police gave me."

Lockhart said when he examined the torn note he did notice a wavering in the writing "which could have been a tremble." He said that although he noted it to himself, "I didn't say anything at the time to investigators. There was something in the writing that indicated the individual could have been a manic depressant."

He said he later read in the paper that Foster was on medication and saw that as a possible reason for the "tremble." He was unaware that Foster is said to have gone on medication for insomnia the night before he died, and that the note was said to have been written days or weeks earlier.

Other experts say that a "tremble" could be a sign of hesitation — a forged document lacks the free-flowing style of the actual writer.

Fiske, FBI

The Park Police say that they did not use the FBI lab to examine the document because Foster had criticized the FBI by stating in the torn note: "The FBI lied in their report to the AG."

According to the report of former special counsel Robert Fiske, the FBI lab subsequently was brought in and "determined that the torn note was written by Foster."

Fiske used, like the Park Police, a single paged document offered by the family adding only two checks written by Foster for handwriting comparison purposes.

But a source close to the Starr probe said Fiske was imprecise in his report: the FBI lab found the two checks to be an "inconclusive match" to the torn note.

The FBI lab matched the note to the single paged document. The lab's reliance on so few documents in the case contradicts normal FBI procedures.

"The general guidelines is to have more 'known handwritings' rather than less," explained John Hicks, recently retired FBI assistant director and head of the FBI Crime Lab, which oversaw the Document Unit.

"If I had to come up with a minimum number of (known writings) I'd want, I'd say ten," James Lyle said. Lyle, a former FBI special agent and unit chief for the Question Document Section who retired in 1993, said there "is no rule of thumb" except that analysts "usually want as many as you can get."

Kenneth Starr, the Pontius Pilate of the Potomac

"... no one with the resources or integrity of the current special prosecutor, Kenneth W. Starr, has yet taken a close look at the sinister activities that flourished in Clinton's Arkansas."

—Strategic Investment, September 21, 1994

Sometimes, we get it wrong. As when we told you a year and a half ago that Kenneth W. Starr was a man of so much integrity that he was bound to seek out the truth. Unhappily, Kenneth Starr may talk like Jesus Christ, but he acts like Robert Fiske. Charged by a 3-judge panel with investigating a variety of possible crimes including the death and probable murder of Vincent Foster, Starr has instead conducted a mock investigation that continues Fiske's cover-up.

In numerous crucial areas, *Strategic Investment* has learned that Independent counsel Starr has actively thwarted efforts to undertake an honest inquiry. In others, he either failed to follow-up obvious leads, or took cosmetic actions designed to create an appearance of investigating without really doing so. Consider:

Starr assigns agents to investigate themselves

• An early tip-off that Starr never intended to undertake a serious investigation of Foster's death is the fact that he employed the same FBI agents who had previously been assigned to the case to investigate their own work. If the previous investigations were cover ups, as we believe, persons who participated would be unlikely to reveal the cover-ups and possibly expose themselves to jail terms.

No follow-up

• Starr has done little or nothing to follow-up on witness statements ignored or misrepresented by Fiske that raise serious questions of tampering with physical evidence. Among the more important are: 1) Whether Foster's briefcase was found in car (several witnesses say it was) and 2) whether Foster's car keys were found at Ft. Marcy Park with his body (the record says they were not).

Keys miraculously appear

• Foster's car keys re-appeared in his pockets that had been searched and found empty by the lead Park Police investigator. This miraculous reappearance is closely related to an official timeline that apparently was stretched to facilitate a cover-up. More than two hours passed between the discovery of Foster's body at about 6:15 p.m. and the official notification of the White House of Foster's death around 8:30.

Later that evening, well after Foster had been identified, White House officials rushed to the morgue, allegedly to identify Foster's body. Still later, the Park Police returned to the morgue to once again search Foster's previously empty pockets. This time, they found not one, but two sets of keys. Sources close to Starr's investigation suggest that the independent counsel has done nothing to determine who retrieved the missing keys and where they were actually found.

Starr ignores Patsy Thomasson's secret meeting

• Secret Service logs obtained by the *Sunday Telegraph* indicate that Patsy Thomasson, Special Assistant to the President for Administration and former top aide to convicted cocaine trafficker, Dan Lasater, met a team of "MIG Group" operatives in the West Wing of the White House at 7:10 pm on July 20, 1994. Intelligence sources indicate that "MIG Group" stands for "military intelligence group." This highly classified unit would normally handle counter-espionage activities.

The *Sunday Telegraph* reports that the counter-espionage staff at the White House is controlled and operated by the Federal Emergency Management Agency (FEMA). FEMA is run by Clinton cronies brought to Washington from various Arkansas police agencies.

It is particularly interesting that Ms. Thomasson would be directing a top-secret MIG Group, because it was reported at the time that she lacked even a simple security clearance. Nonetheless, she was in charge of numerous sensitive security functions, including control of White House safes and the issuance of passes. Her meeting with the MIG Group, which ended at 7:44, has not been explained. If any group within the government had the capacity to surreptiously open Foster's encrypted safe, or remove bugs that may have been placed in Foster's office, it would be the MIG Group.

Webster Hubbell recently testified that one reason Vincent Foster was "depressed" is that he thought his phones were bugged. Yet there is no indication that independent counsel Starr has identified or questioned any member of the MIG Group to determine what they were doing at the White House that evening. Nor has any attempt been made to determine whether the MIG Group has tapes or transcripts of conversations in Foster's office in the days leading up to his death.

Starr nudges troopers to change testimony

• Another strong indication that the White House knew of Foster's death well before it was officially notified has been provided in sworn testimony by Arkansas State troopers, Roger Perry and Larry Patterson. They claim that Perry, who was then working in the Governor's mansion in Little Rock, re-

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ceived a telephone call around 5:00 p.m. Central Time from Helen Dickey, Chelsea Clinton's nanny in the White House, informing Gov. Jim Guy Tucker of Foster's death. Upon putting through Dickey's call, Perry then called Patterson, and Lynn Davis, a former director of the Arkansas State Police.

All three claim that the Dickey call was placed 15 minutes before the Park Police allegedly found Foster's body. Patterson, a 29-year police veteran told the *Pittsburgh Tribune-Review* that former FBI agent Coy Copeland, and two other investigators working for Starr, spent 45 minutes "trying to trip me up" or somehow convince him to change his story. Perry also states that Copeland tried to get him to change his account.

Starr ignores disappearing briefcase

• Thanks to the Senate Whitewater Committee, chaired by Senator Alfonse D'Amato, it is more apparent than ever that frantic efforts were made by a number of White House staffers to remove papers and perhaps other evidence from Vincent Foster's office after his death. This makes it all the more important to know what was in Foster's briefcase when he died. If he was killed to shut him up, the motivation for the killing may have been revealed in material on his person. It is also possible that persons he met with on the afternoon he died could have been identified from papers or notes in his possession.

Yet when former associate independent counsel, Miguel Rodriguez, attempted to question Park Police officers before the grand jury about issues relating to the disappearing briefcase, someone on Starr's staff leaked Rodriguez's line of questions to the *Associated Press*. This tipped off witnesses, allowing them to confer on their stories.

Starr later formalized the tip-off procedure by insisting that government witnesses before the grand jury be notified in advance of what issues they were to be asked about. This effectively limited the usefulness of the grand jury questioning since any cover-up of Foster's murder must have been orchestrated by government officials.

Starr ignores Castleton's statements

• Kenneth Starr withdrew support from Rodriguez, blocking further inquiry on what became of Foster's briefcase. Starr also studiously ignored a sworn statement by Thomas Castleton, a White House aide, who claimed that he had seen Foster leaving the White House with a briefcase on the day he died.

And Knowlton's, too

• Patrick Knowlton, one of several witnesses who stated that they saw a briefcase in Foster's car at Ft. Marcy Park was never questioned by Starr until the London's *Sunday Telegraph* printed an interview with Knowlton showing that the FBI lied about his witness statements. He saw a threatening man in the parking lot at Ft. Marcy Park on the afternoon Foster died. Yet when Knowlton came forward with his information, he was followed and intimidated by dozens of individuals, some of whom were driving cars traced to the U.S. government.

There is no evidence that Starr has sought out or interviewed other witnesses who were in Ft. Marcy Park the afternoon Foster died.

Starr stymies private lab work

• Among the tasks that associate counsel Rodriguez took upon himself was to try to determine why so many of the official photographs taken at the scene of Foster's death disappeared or were ruined in development. After being stymied by the FBI, Rodriquez went to a private lab which enhanced negatives and some polaroid photos that the FBI claimed could not be developed. Rodriquez was therefore able to show the first grand jury now photographic evidence suggesting that there were other wounds on Foster's neck. Yet when Rodriquez sought to take additional laboratory work outside of the FBI, and he used expert witnesses not connected to the FBI, Starr reportedly denied him permission to do so.

Starr fails to pursue forgery leads

• On October 20, of last year, *Strategic Investment* held a press conference in Washington to release the findings of three of the world's foremost document examiners who studied the so-called Foster "suicide note." You will remember that this note mysteriously turned up in Foster's briefcase several days after he died, and well after his briefcase had been searched and allegedly found empty.

The experts are Vincent Scalise, current chairman of the Executive Board of Scientific and Technical Advisors for the American Board of Forensic Examiners; Ronald H. Rice, a Board Certified Handwriting Examiner and Board Certified Forensic Examiner with the American Board of Forensic Examiners, under contract with the criminal division of the Massachusetts Attorney General's office; and Professor Reginald E. Alton of Oxford University, one of the world's leading experts on document authentification.

Working independently, they unanimously declared the so-called Foster note to be a weak forgery. Yet Starr's office has never been in touch with these experts. Nor is there any hint that Starr has attempted to determine who forged the note. Sources close to the investigation also say Starr has also failed to examine the authenticity of the "list of psychiatrists" allegedly penned by Foster which mysteriously turned up among Foster's effects at the same time as the "suicide note." This was true even though we have learned the forgery is so sloppy that un-

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trained persons on Starr's staff could recognize that numerals in the phone numbers did not match those written by Foster in his personal checks.

Although we have been unable to solicit expert opinion on the authenticity of this note because not even a copy has been made public, there is reason to believe that it is also a forgery. Experts claim that when two documents appear simultaneously under under fishy circumstances and one is a forgery, it is likely that both are.

It worked for O.J.

Facing controversy over forensic evidence that strongly suggests that Foster did not die in Ft. Marcy Park, independent counsel Starr hired O.J. Simpson's forensic expert, Dr. Henry Lee. Lee is the notorious hired gun whose testimony was cited as crucial by members of the jury in gaining acquital for O.J. Simpson in the face of 400 million-to-one DNA odds linking him to the murder of Nicole Simpson and Ronald Goldman. Lee is a creative and intelligent man who is a great public showman. He is well-known for finding that forensic evidence supports whatever conclusions his employers want him to find.

30 Seconds to Eternity

Another sinister hint of murder which Starr has yet to act upon is contained in a strange telephone record that Fiske cited in support of the conclusion that Foster took his own life. On the Friday before he died, Foster allegedly dialed two local calls to psychiatrists in the Washington area. This is known only because records of the two 30-second local calls were billed to Foster's private telephone credit card number.

The names of the psychiatrists whom Foster allegedly called have been redacted from the public record, so independent investigators have no way of confirming obvious suspicions that those calls were placed by someone other than Foster. In *SI*'s opinon, it is likely that someone in the White House slipped into Foster's office at lunch hour, and dialed the calls for the express purpose of creating a documentary trail to support the contention that Foster was suicidally depressed.

Sources close to Starr indicate that his staff were aware months ago of the possibility that Foster was not in his office at the time the calls were placed. Nonetheless, no further action has been taken to determine who actually placed the calls.

Rodriquez told to find Foster a "suicide"

• Former assistant independent counsel Miquel Rodriquez was told directly to forget about the evidence and conclude that Foster had committed suicide. Rodriquez resigned rather than be party to Starr's cover-up.

Starr replaces the grand jury

• Starr not only forced Rodriquez out, he then allowed the original grand jury to dissolve even though he could have extended it. Testimony to the first grand jury included statements from numerous witnesses indicating that their depositions to the FBI had been falsely summarized or completely altered in the Fiske report.

For example, emergency medical service worker, Todd Hall's FBI statement was summarized by Fiske as indicating that Hall "saw something red moving in the woods" which Hall believed could have been "vehicular traffic." In fact, Hall told the FBI that he saw someone running away from Foster's body. Starr also ignored grand jury evidence of obstruction of justice and perjury. Several witnesses brought before the grand jury by Rodriquez testified that Park Police Special Forces and a Secret Service liaison officer, not identified in the official reports, were present at Ft. Marcy Park contrary to sworn testimony.

In theory, members of a grand jury can issue their own findings of a crime even without the urging of prosecutors. But new grand juries often do not even have the opportunity to read, let alone hear evidence that was presented to a previous grand jury. By closing down the first grand jury that had actually been exposed to informative testimony, Starr reduced the chance that the embarrassing revelations would turn into indictments.

Starr caves on Hubbell plea bargain

• When Starr inherited the independent counsel's role from Robert Fiske, a strong case had already been developed against the one-time ethics officer of the Rose Law firm, former deputy Attorney General, Webster Hubbell. Rather than use the leverage of charges against Hubbell to extract new information, Starr signed a plea bargain agreement without even cross-examining Hubbell. Former trial counsel Russell Hardin was reportedly so disgusted with Starr's performance that he resigned abruptly.

Starr caves on White House privilege claims

• At practically every point where Starr might have really investigated how Foster died and why, he has opted instead to merely go through the motions. Unlike the special Senate committee investigating Whitewater, Starr accepted without question all claims of privilege by White House witnesses and even some witnesses outside the government. He accepted these claims even though by doing so he gave up access to possibly crucial testimony and documents sought under subpoena. Standard procedure for every prosecutor is to challenge each and every claim for privilege.

Then-associate independent counsel Miquel Rorigues sent Starr a memo strongly urging that the claims be challenged. Starr refused to do so. As The

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mas Scorza, professor of legal ethics at the University of Chicago said of Starr's behavior, "If the prosecutor just rolls over on every claim of privilege, an investigation can be totally and completely thwarted."

Starr seeks to discredit witness

• *Strategic Investment* has previously reported how Starr's prosecutor, Brett Kavanaugh, treated businessman Patrick Knowlton as if he were a trouble-maker and not a vital witness coming forward with evidence of a probable murder and obstruction of justice. When Starr was forced to call Knowlton to testify because of widespread coverage of Knowlton's charges of a cover-up in the *Sunday Telegraph*, sources close to the second grand jury report that Knowlton was treated as though he were on trial.

According to informed sources, Kavanaugh asked Knowlton a series of graphic questions suggesting that the witness did not stop at Ft. Marcy park to relieve himself, but was a gay cruiser. Jury experts say that such questions would have tended to discredit Knowlton's testimony that FBI agents had lied in summarizing his interview statements for the Fiske report. Knowlton also remembered seeing a briefcase in Foster's car.

Perhaps most significant of all, Knowlton noticed that the driver's seat of Foster's Honda was moved up in a forward position, strongly suggesting that someone other than the 6'4" Foster drove his car to the park that afternoon.

Rather than explore this crucial evidence, however, Starr's FBI agents staged two elaborate ruses in the weeks following Knowlton's grand jury appearance in an attempt to impeach his testimony. In one instance, Knowlton was asked to accompany FBI agents to Ft. Marcy Park, where they "accidently" bumped into Robert Reeves, a retired Army veteran who visits Ft. Marcy Park frequently.

Reeves uses the park to exercise and volunteers to help keep the park clean. He told the *Pittsburgh Tribune-Review* that he was called by FBI agents and asked to come to the park "to help identify if someone was a regular visitor at the park." In fact, Knowlton was not. Reeves had never seen him before.

Starr's investigation was ready to make use of Reeves in hope of discrediting Knowlton. That clearly shows that Reeves was known to have information about the comings and goings at Ft. Marcy Park. Yet Reeves has never been asked what he might have known that was relavent to the case. This use of Reeves to investigate a witness but not the criminals is completely in character with the way Starr has conducted his tenure as independent counsel.

Jerris Leonard, former assistant attorney general during the Nixon administration, is highly critical of Starr's investigation. "Obviously, they think Knowlton's testimony is pretty important. But why continue to question his credibility? Why not check out the leads he has given? Why not go after the officers at the crime scene challenging them on the briefcase?"

No answers

These are good questions. The thinking person who looks closely at Starr's behavior as independent counsel will wonder how he developed a reputation for integrity.

We wondered, because we were hoaxed ourselves. Everyone with whom we spoke after Starr was appointed to replace Robert Fiske said that Starr was an honest man and would conduct a real, not a mock investigation. What did we miss? We decided to look more closely.

It turns out that perhaps the main source for the rumor that Starr is a man of great honesty and integrity are his own statements to that effect. Starr is always telling everyone how pious and honest he is. Advertising works.

The son of a Texas preacher, Starr makes much of his "altar boy" credentials and having been a Bible salesman for the Southwestern Co. in Nashville, Tennessee. He talks of his deliberations about entering the ministry. (He became a million-dollar a year corporate lawyer instead). He is a Sunday School teacher. He says he is devout. He quotes scripture.

It is not possible to know another person's soul, so I could hardly to pretend to know whether Starr believes himself to be sincere, but I know Washington well enough to say that no one ever became a top level political operative here by teaching Sunday School.

No time for Foster

By way of explanation about why his investigation of Foster has moved so slowly, Starr's staff has claimed to the press that he has not had time to focus his personal attention on it because he was too busy in Little Rock. A close look at his financial disclosures show a different picture. Starr is not working full-time as the independent counsel. In fact, in the first year after his appointment, Starr made a salary of $125,000 working for the government, and $1,141,578 from his private law practice with the highly political law firm, Kirkland and Ellis.

Five and a half days a week, 52 weeks a year

To bill $1,141,578 at even $500 per hour would require that you work eight hours a day, five days a week, plus a half-day on Saturdays, all 52 weeks a year. Of course, Starr is really compensated more as a rainmaker than on his hourly billings, but to make that much money in a profession based on time charges is necessarily time-consuming.

No time for trials?

This suggests a charitable explanation for why Starr's investigation has been so temporizing and in-

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competent. He simply cannot afford the time it takes to do a good job. This would also go some way towards explaining his reluctance to press charges against small fry or even large fry like Webster Hubbell. Doing so might demand a trial. Starr is paid almost ten times as much to do private legal work. A trial is harder to fudge than an investigation.

But I doubt that the reason Starr is tiptoeing around the Foster murder can be entirely laid off to the great differential between what he makes in the private sector and his government pay. Afterall, Starr could have presided over an effective investigation of the Foster murder simply by allowing associate independent counsel Miquel Rodriguez to do his job.

Where Starr's interests lie

If one were cynical, he might suspect that Starr's temporizing has more to do with the fortunes of his law firm and his own fortune than with the limits on his time. Kirkland & Ellis is not only a highly political firm, whose client list is literally a "Who's Who" of the Fortune 500, Kirkland & Ellis is also a highly partisan firm with a large investment in the Democratic Party.

The Leadership Institute, has just provided a significant measure of the partisan bent at Kirkland & Ellis by publishing an analysis of the partisan ranking of 864 political action committees or PACS. The Leadership Institute measured the percentage of contributions that each PAC had given in the most recent 93-94 congressional elections to Republican and Democratic candidates. The Kirkland & Ellis PAC gave 86% of its contributions to Democratic candidates, only 14% to Republicans.

Only 28 other political action committees in America were more lopsided in their support for Democrats. But 836 of 864 PACs, or almost 97% of other PACs supported Republicans more often than the Kirkland & Ellis PAC. The political contributions of leading law firms are not made randomly. The partners know where their interests lie.

Starr's firm has a big investment

There is, afterall, a fine line between practicing law and influence peddling. Every sixth person in Washington is a lawyer. But few make a million dollars a year. The legal precedents lawyers cite in their arguments are not secret. They are known to every other lawyer with access to a library and a computer system.

The fact that Starr himself is a Republican is all but incidental to the fact that his law firm, in which he has a large investment, is closely identified with the Democratic Party. If the Democrats were to retake Congress and the White House, the already considerable fortunes of Kirkland and Ellis would presumably improve further.

No doubt Starr would continue to do well if the Democrats falter modestly. But what would happen if the truth about Foster's murder became a public issue in an election year? The Christian Democratic Party in Italy was destroyed by revelations of corruption tying seven-time Prime Minister Andreotti to the Mafia. And that was in Italy. Suppose trusting Americans learned that "Murder in the White House" was not just a bad Margaret Truman novel.

The reaction could be far-reaching. Among those who might not like it are the directors and managers of the *Fortune* 500 clients who pay Starr so much money each year. Indeed, Starr might not like the consequences himself. If people understood how corrupt the system really is, Steve Forbes would be elected and the flat tax would deflate a lot of payments to political rainmakers in prominent law firms.

The truth might also deflate some stock prices. Disclosure records indicate that Starr and his wife have stock market investments that rival those of Steve Forbes. A stock market crash of the same magnitude that attended the Watergate Scandal could nip more than a million dollars from Starr's net worth.

Sources close to Starr's first grand jury report that the grand jury members were aware that they were "sitting on a bombshell." Several jurors reportedly stated that the stock market might plunge when the truth came out. Starr is raising short-term earnings for every brokerage firm, including his client Dean Witter, by keeping the lid on the Foster murder investigation. The truth would knock the market for a loop.

Don't get me wrong. I am not hoping that the market crashes. Far from it. I have a lot of money invested myself. The point is that I don't believe one should wink at murder just because the truth would rattle the stock market. If justice is no more than a cost-benefit calculation for $500-an hour lawyers, there is no hope for it.

Pontius Pilate of the Potomac

The problem with morality from the point of view of opportunitists is that it doesn't always pay. If it did, there would be no difference between morality and opportunism. Everyone would always do what was in his short-term interest, and that would be moral.

Clearly, that is not the case. Morality is still a matter of character. Which brings us back to Kenneth W. Starr, Pontius Pilate of the Potomac, who seeks to wash his hands of the responsibility for the extra-judicial execution of an innocent man. We shall presently see whether Mr. Starr has enough integrity to actually "do our duty to the best of our ability," and not just talk about it.

Sincerely,

James Davidson

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OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 12/7/94

LESLIE GAIL KENNEDY was interviewed in a conference room in the offices of the Federal Bureau of Investigation, 10825 Financial Centre Parkway, Suite 200, Little Rock, Arkansas. Participating in the interview was BRETT M. KAVANAUGH, an Assistant Counsel with the Office of the Independent Counsel (OIC) in Washington, D.C. After being advised of the official identities of the interviewers and the nature of the interview, KENNEDY provided the following information:

KENNEDY knew former Deputy White House Counsel VINCENT W. FOSTER, Jr. from when they both resided in Little Rock prior to the election of President BILL CLINTON. KENNEDY's former husband, WILLIAM H. KENNEDY III, worked with FOSTER at the Rose Law Firm in Little Rock, and he later went to Washington, D.C. to work in the White House Counsel's Office at FOSTER's behest. KENNEDY and her children arrived in Washington in April 1993, which was subsequent to BILL KENNEDY's move there. KENNEDY, recalls that FOSTER's wife LISA arrived in Washington in early June 1993.

There were a number of other Arkansans known to KENNEDY who also moved to Washington to work in the CLINTON administration, among whom were PEGGY RICHARDSON, the Commissioner of the Internal Revenue Service, and MARSHA SCOTT. SCOTT lived with RICHARDSON for a time after she arrived in Washington. WEBB and SUSIE HUBBELL were also part of this group, which occasionally gathered for dinner or to socialize. Some of the members of this group met for a pool party approximately a week after FOSTER's death.

GAIL and BILL KENNEDY rarely saw President CLINTON and First Lady HILLARY RODHAM CLINTON socially even before they all moved to Washington. While they were still in Arkansas, the KENNEDYs only saw the CLINTONs at official functions where then Governor CLINTON was in attendance or where the occasions related to a Rose Law Firm function. The KENNEDYs saw FOSTER approximately once a week while they were still living in Arkansas.

Investigation on 12/1/94 at Little Rock, Arkansas File # 29D-LR-35063

by SAs DANA M. GILLIS and RUSSELL T. BRANSFORD RTB:rtb Date dictated 12/7/94

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On July 20, 1993, the KENNEDYs learned of FOSTER's death when BILL KENNEDY received a telephone call at their residence from CRAIG LIVINGSTONE. KENNEDY is not certain when this call was received, possibly between 7:00 and 8:00 p.m., but it is more likely to have been close to 8:00 p.m. KENNEDY recalls that the call was received at night time because her children, who were two years old and ten months old at that time, were already in bed. LIVINGSTONE related to BILL KENNEDY that police in Virginia had found a body believed to be that of FOSTER as well as a piece of White House identification. BILL KENNEDY told LIVINGSTONE that it sounded like a hoax and instructed him to check out the matter. Possibly fifteen minutes later, LIVINGSTONE called BILL KENNEDY back and said that FOSTER's death was genuine. KENNEDY believes that LIVINGSTONE was placing these calls from his residence. After LIVINGSTONE advised that it had been confirmed that the White House identification was that of FOSTER, BILL KENNEDY left home to meet LIVINGSTONE at Fairfax Hospital to positively identify FOSTER's body.

KENNEDY remained with her children at their residence and waited for BILL KENNEDY to call her with confirmation of FOSTER's death. KENNEDY watched the "Larry King Live" television program in which President CLINTON was interviewed live, but no mention of FOSTER's death was made on the program. After BILL KENNEDY called her and confirmed that FOSTER had died, KENNEDY called her sister to tell her the news.

After the identification process was complete at Fairfax Hospital, BILL KENNEDY left his vehicle there and drove back to the KENNEDY residence with LIVINGSTONE in LIVINGSTONE's vehicle, arriving there at approximately 11:00 p.m. BILL KENNEDY, LIVINGSTONE and GAIL KENNEDY drove in KENNEDY's vehicle to the FOSTER house. Neither BILL KENNEDY nor LIVINGSTONE could recall how to get to FOSTER's house so LIVINGSTONE called the Metropolitan Police Department (MPD) in Washington, D.C. using the mobile phone in KENNEDY's vehicle. LIVINGSTONE explained to MPD that there had been a death and there was a possibility of a media presence at the home of the decedent's family. LIVINGSTONE asked for MPD assistance at the FOSTER residence and he also received directions from MPD to the FOSTER residence in Georgetown. During the drive to the FOSTER home, both BILL KENNEDY and LIVINGSTONE were talking about their concerns about the presence of media at the FOSTER house, i.e., they were concerned that members of the press would intrude on LISA FOSTER and her children by attempting to interview them during their

period of grieving.

Once the KENNEDYs and LIVINGSTONE arrived at the FOSTER residence, KENNEDY observed that a limousine which she believed to be used by President CLINTON was parked near the FOSTER home. The limousine was backed in and parked in a subtle manner so that it would not attract undue attention. KENNEDY only observed two United States Secret Service agents, one of whom answered the door to the FOSTER house. Once inside the home, KENNEDY observed that President CLINTON, THOMAS F. "MACK" McLARTY, DAVID WATKINS and MARSHA SCOTT were already there. KENNEDY is not certain whether SUSIE HUBBELL was present then or may have arrived later. MICKEY and HEIDI KANTOR and Senator DAVID PRYOR arrived at the residence later that night. The FOSTER children were sitting on a couch while the males in the house all seemed to be using their mobile telephones. President CLINTON remained at the house for approximately thirty minutes after KENNEDY had arrived and then left after grieving with the FOSTER family and expressing his condolences. KENNEDY spoke very briefly with the president prior to his departure that evening.

McLARTY was not at the FOSTER residence very long that night and he left when President CLINTON left.

LIVINGSTONE and WEBB HUBBELL used the mobile telephone in KENNEDY's vehicle for what seemed like hours. KENNEDY does not recall the telephone number for her mobile telephone, but BILL KENNEDY has records which would reflect the number.

KENNEDY spoke with the FOSTER children and with EILEEN WATKINS, the wife of DAVID WATKINS. KENNEDY cannot recall seeing PATSY THOMASSON at the FOSTER house that night. KENNEDY believes DONNA KAY McLARTY came to the FOSTER home the following day.

KENNEDY recalls hearing discussions that night about looking for a note and about going to FOSTER's office in the White House to look for a note. People were curious about whether FOSTER had left a note and how FOSTER had obtained the gun used to kill himself.

At a number of times during the night, LISA FOSTER went upstairs in her home and hid just to be away from the guests downstairs. KENNEDY did not engage in any conversations about a note with either LISA FOSTER or the FOSTER children.

KENNEDY recalls that there was some discussion about sealing FOSTER's office.

Someone, whose identity KENNEDY cannot recall, suggested that someone should go into FOSTER's office at the White House and go through FOSTER's files. There was a consensus in the room that someone needed to go to FOSTER's White House office to remove anything there that might hurt the CLINTONs. WEBB HUBBELL, DAVID WATKINS, MARSHA SCOTT and BILL KENNEDY were among the people reaching this consensus. Neither LISA FOSTER nor McLARTY was involved in the discussions which led to this consensus. There was a sense in the room where the guests were gathered that WEBB HUBBELL was in control. KENNEDY did not have a feeling that there was anything specific in FOSTER's office which would be embarrassing or damaging, just that there was a general possibility of the existence of such material. At that point in the evening, LISA FOSTER was mostly listening only to WEBB HUBBELL.

BERNARD NUSSBAUM was not at the FOSTER house, and KENNEDY does not know where he was that night. KENNEDY does not recall anyone else at the FOSTER house that night whom LISA FOSTER would have trusted.

While WEBB HUBBELL and LIVINGSTONE continued to use KENNEDY's car phone, BILL KENNEDY was often outside the FOSTER house as well.

KENNEDY believes that DAVID WATKINS would have done whatever WEBB HUBBELL told him to do. WATKINS could have very easily called PATSY THOMASSON at the White House and told her to go up to FOSTER's office to search for a note.

KENNEDY does not recall with precision when she left the FOSTER residence with BILL KENNEDY and LIVINGSTONE. KENNEDY does not recall any of the conversation in the vehicle on the way from the FOSTER house back to the KENNEDY residence because it was very late. KENNEDY recalls that both BILL KENNEDY and LIVINGSTONE were still very concerned about media intruding on the FOSTER family. KENNEDY was dropped off at her residence and, at approximately 2:00 or 3:00 a.m., LIVINGSTONE drove BILL KENNEDY back to Fairfax Hospital to retrieve BILL KENNEDY's vehicle.

KENNEDY does not recall observing any media personnel

outside the FOSTER house the night of July 20, 1993. She does not recall either BILL KENNEDY or LIVINGSTONE expressing a concern that night about the media being at the FOSTER house the following day. KENNEDY did not converse with LISA FOSTER just prior to departing the FOSTER house.

KENNEDY never saw MAGGIE WILLIAMS the night of July 20, 1993. KENNEDY has since read in the press that someone did enter FOSTER's office that night. KENNEDY does not know what was found in FOSTER's office or whether anything was actually removed.

LIVINGSTONE looked up to BILL KENNEDY and referred to him as his boss. KENNEDY believes LIVINGSTONE would run through a brick wall if BILL KENNEDY asked him to do so.

On July 21, 1993, BILL KENNEDY left home and went to work at the White House. KENNEDY picked up her teenager at Girls' Nation, and the two of them drove to the FOSTER residence, arriving at approximately 8:00 a.m. KENNEDY brought her teenager along because her child was a friend of FOSTER's son BRUGH. EILEEN WATKINS and SUSIE HUBBELL were already at the FOSTER house when KENNEDY arrived there. DONNA KAY McLARTY arrived a short time later. KENNEDY did not see CRAIG LIVINGSTONE or any media representatives outside the FOSTER house. KENNEDY believes she would have noticed LIVINGSTONE if he had been outside the FOSTER house because it would have been strange for him to be there. At approximately noon, several more people, including Senator DAVID PRYOR, arrived at the house. KENNEDY does not recall hearing any further discussion about a note that day.

In KENNEDY's opinion, BILL KENNEDY would have done whatever he was told to do but would not have initiated anything in regard to a search of FOSTER's office. BILL KENNEDY's office was in the Old Executive Office Building while BERNARD NUSSBAUM's office was located in the West Wing suite of the White House Counsel's Office where FOSTER's office was located. KENNEDY believes that the proximity of NUSSBAUM's office would have made NUSSBAUM the more logical person to become involved in the issues surrounding the search.

BILL KENNEDY was not involved in the search of FOSTER's office because he had been so close to FOSTER. STEVE NEUWIRTH was given the job of coordinating the search. BILL KENNEDY said that FOSTER was billing the personal attorney for First Lady HILLARY RODHAM CLINTON so there were CLINTON papers in FOSTER's

office. KENNEDY does not recall any mention of either Whitewater or Madison Guaranty Savings and Loan around that time.

On at least one occasion, BILL KENNEDY remarked to KENNEDY that he could not believe that NEUWIRTH had turned in the torn note, believed to have been written by FOSTER, which NEUWIRTH found in FOSTER's briefcase. BILL KENNEDY said that he would have eaten the note if he had been the person who found it.

Sometime between July 20, 1993 and November 1993, WEBB HUBBELL called BILL KENNEDY and asked for his advice on what to do with his Whitewater files. On further reflection, KENNEDY advised the interviewers that this call may have been made in January 1994. KENNEDY believes this call was in reference to Whitewater files possibly kept at HUBBELL's residence. Each of the attorneys who had left the Rose Law Firm to join the CLINTON administration brought with him or her a number of files which were assembled and packed at the Rose Law Firm offices. These boxes of files were then shipped to the residences of the members of the new administration in the Washington area. KENNEDY believes that these boxes of files were generally stored at the residences because they did not relate directly to government matters. HUBBELL's call to BILL KENNEDY was triggered by the fact that someone else's files had just been subpoenaed.

KENNEDY does not know what happened to the Whitewater files stored by BILL KENNEDY in the basement of their Washington residence. She can only speculate that BILL KENNEDY would have destroyed his files, but she did not observe him doing so and has no knowledge that he did so.

KENNEDY has not had any contact with LIVINGSTONE since she left Washington, D.C.

Prior to the instant interview, KENNEDY told her daughter that she was going to be interviewed by OIC investigators and she left a message to that effect for her personal attorney. She has not told anyone else about the instant interview.

KENNEDY recalls that there were television cameras set up across the street from the FOSTER residence at some point during the day on July 21, 1993. She does not recall the station or network affiliation of these cameras. KENNEDY recalls that there was a glass front door on the FOSTER house, and the camera

operators were shooting pictures of the people entering the house. KENNEDY does not recall the time of day when she first noticed the cameras, but she is certain that the cameras were not there when she initially arrived at the house that morning. When KENNEDY first arrived that morning, EILEEN WATKINS was already there and SUSIE HUBBELL may have been coming back to the house at that time. KENNEDY does not recall anyone from the White House being at the FOSTER house when she arrived there that day.

Later that day, KENNEDY drove to the White House and picked up BILL KENNEDY when he was unable to focus on his work. KENNEDY then drove BILL KENNEDY and herself back to the FOSTER house. KENNEDY's teenager went out to lunch with the FOSTER children.

Based on observation and interview, KENNEDY is described as follows:

Name:	LESLIE GAIL KENNEDY
Sex:	Female
Race:	White
Date of Birth:	[redacted] FOIA(b)(6)
Place of Birth:	
Social Security Account Number:	[redacted] FOIA(b)(7) - (C)
Residence:	800 Gillette Drive Little Rock, Arkansas
Home Telephone:	(501) 227-7460
Occupation:	Employed at her residence as coordinator of the National Town Meeting program.

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 2/1/95

LESLIE GAIL KENNEDY was interviewed in the offices of the Office of the Independent Counsel (OIC), 1001 Pennsylvania Avenue, N.W., Suite 490 North, Washington, D.C. (WDC). Participating in the entire interview was OIC Associate Counsel BRETT M. KAVANAUGH. OIC Deputy Counsel MARK H. TUOHEY III participated in a portion of the interview. KENNEDY was familiar with the official identities of the interviewers from a previous interview. After being advised of the nature of the interview, KENNEDY provided the following information:

KENNEDY is a native of Arkansas and grew up in Little Rock, Arkansas. KENNEDY attended Hendrix College in Conway, Arkansas, for two years and then married her first husband. KENNEDY's first daughter was born in 1976. KENNEDY subsequently completed her degree at the University of Arkansas at Little Rock. KENNEDY's first marriage ended in divorce in 1987.

KENNEDY was formerly employed in the Department of Arkansas Heritage, which operates such sites as the Old Statehouse Museum. During part of KENNEDY's tenure, the department was run by KAY ARNOLD, who is the wife of Judge RICHARD ARNOLD. KENNEDY also chaired Riverfest for two years.

After KENNEDY was married to WILLIAM H. KENNEDY III, they adopted a daughter in 1991. In March 1993, they adopted a second daughter. KENNEDY's oldest daughter, i.e., her daughter from her first marriage, is currently attending the University of Virginia in Charlottesville, Virginia.

KENNEDY met BILL CLINTON when he was serving as governor of Arkansas. KENNEDY's position with the Department of Arkansas Heritage led her, on occasion, to use the governor's office for press conferences.

KENNEDY knew WEBB HUBBELL and his wife when they all lived in Little Rock prior to the election in 1992. The KENNEDYs would see the HUBBELLs at office parties for the Rose Law Firm (RLF) and at other social functions. The HUBBELLs gave several

parties which were attended by the KENNEDYs including one party which was given in honor of the KENNEDYs' engagement. The KENNEDYs did not socialize often with Governor CLINTON and his wife HILLARY RODHAM CLINTON. The CLINTONs attended functions which were oriented more to politicians than to the legal community. Further, Mrs. CLINTON worked with HUBBELL and VINCENT W. FOSTER, Jr. in the litigation section of RLF while BILL KENNEDY worked in the security section of the firm. Members of sections such as the litigation section tended to socialize more with other members of the same section within RLF.

BILL KENNEDY initiated better security procedures around RLF following the announcement that Governor CLINTON was going to campaign for the presidency. RLF partners were concerned that members of the press were going through the RLF trash. BILL KENNEDY purchased large capacity shredders for RLF purportedly to protect the confidentiality of RLF clients. The purchase of these shredders became publicly known once rumors began to circulate about large-scale shredding being conducted at RLF.

Approximately one week before the stories about shredding appeared in the press, BILL KENNEDY returned to Little Rock from WDC, where KENNEDY had since moved. When BILL KENNEDY left to go to Little Rock, he told KENNEDY that he was going home to see his mother. BILL KENNEDY called KENNEDY once from RLF while he was on this trip but said he could not discuss on the telephone what he was doing at that time. While on the same trip, BILL KENNEDY again called KENNEDY but, on that occasion, BILL KENNEDY said he was calling from the office of attorney STEVE ENGSTROM.

At one point, KENNEDY was asked by someone known to KENNEDY if BILL KENNEDY had told KENNEDY yet that the actual reason for his trip to Little Rock pertained to Whitewater.

When he was managing partner at RLF, BILL KENNEDY undertook the archiving of all RLF files, which was a process new to the firm. BILL KENNEDY knew where all the files were located, including FOSTER's files.

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FOIA(b)(7) - (C)

BETSEY WRIGHT maintained a number of files which were referred to as her so-called people base. These files contained information she had been able to gather on a number of people. KENNEDY has no knowledge about whether WRIGHT maintained a specific set of files in order to respond to allegations about President CLINTON. WRIGHT was very loyal to President CLINTON, but she was known to have a strong temper.

KENNEDY recalls an occasion when HUBBELL called BILL KENNEDY to ask what HUBBELL should do with the Whitewater files kept in HUBBELL's basement. BILL KENNEDY said later to KENNEDY that he might have some files in the basement. KENNEDY knows that there were files kept in the basement of their home in Virginia but she does not know the contents of these files. KENNEDY is certain that BILL KENNEDY would have removed these files when he moved out of the house. KENNEDY does not believe the files kept in the KENNEDYs' basement in Virginia would have been delicate or sensitive.

BILL KENNEDY did not do much legal work for the CLINTONs. BILL KENNEDY may have done some legal research pertaining to the CLINTONs if FOSTER had asked him to do so.

At about the time that HUBBELL left Little Rock to join the CLINTON administration in WDC, BILL KENNEDY remarked to KENNEDY that HUBBELL was in trouble. The RLF partners were angry at HUBBELL about a contingency fee case HUBBELL had taken which involved HUBBELL's father-in-law. BILL KENNEDY spoke with the RLF partners about HUBBELL's situation, and BILL KENNEDY was able to get HUBBELL removed from the firm and moved to WDC. RON CLARK, the managing partner at RLF, spoke to BILL KENNEDY several times about HUBBELL. Because CLARK had replaced BILL KENNEDY as RLF managing partner, some of these contacts may have been about RLF matters unrelated to HUBBELL.

KENNEDY does not communicate often with BILL KENNEDY because their divorce was rather unpleasant. KENNEDY does not know the exact reasons why BILL KENNEDY has now moved back to Little Rock from WDC, but she believes BILL KENNEDY found it too expensive to live in WDC and he wanted to be closer to his

daughters, who live in Little Rock with KENNEDY. KENNEDY does not know where BILL KENNEDY is looking for employment, but she does not believe he will return to RLF. RLF has been under siege because of the problems associated with the former RLF partners who took posts in the CLINTON administration. PAUL GREENBERG, a Pulitzer prize-winning writer for the Little Rock newspaper, wrote a scathing editorial about BILL KENNEDY at about the time he left the administration.

BILL KENNEDY's employment options will be limited because of his involvement in the "nanny" problems which developed regarding several CLINTON nominees whom BILL KENNEDY had supposedly vetted thoroughly. BILL KENNEDY is also hampered by the reprimand he received for his actions in the White House Travel Office matter and by his role in the issuance of White House passes to people who had not yet been granted clearances.

KENNEDY believes BILL KENNEDY may have been kept on the White House staff after he had outlived his usefulness there. KENNEDY believes First Lady CLINTON may have kept BILL KENNEDY on the White House staff because he was experiencing a number of personal problems such as his pending divorce.

KENNEDY has no sense that any other partners at RLF had legal problems, e.g., false billing of clients, similar to those of HUBBELL.

KENNEDY has known BRUCE LINDSEY for years, and she is a friend of LINDSEY's wife. BRUCE LINDSEY and BILL KENNEDY are not friends, possibly because they worked for different law firms while they were in Little Rock. KENNEDY and the LINDSEYs have children about the same age. KENNEDY frequently saw BRUCE LINDSEY at social functions in Washington, D.C.

BILL KENNEDY worked with PATSY THOMASSON often during their time together in the CLINTON administration. KENNEDY did not know THOMASSON well when they all lived in Arkansas. KENNEDY does not know the role played by THOMASSON's office in the White House Travel Office matter. Approximately a day after the Travel Office firings, BILL KENNEDY and THOMASSON spent several hours drafting a document. KENNEDY does not know if THOMASSON is part of the inner circle of the White House staff.

BILL KENNEDY admired former White House Counsel BERNARD NUSSBAUM very much and went to dinner with him several times.

BILL KENNEDY and NUSSBAUM felt a mutual respect for each other. The KENNEDYs went to NUSSBAUM's house for one party. KENNEDY does not know if NUSSBAUM felt or expressed any degree of guilt over FOSTER's death.

After KENNEDY returned permanently to Little Rock in January 1994, MARSHA SCOTT allowed KENNEDY's oldest daughter to live with SCOTT in WDC until the daughter finished high school. SCOTT is very close to both President CLINTON and HUBBELL, and she has been friends with both of them for approximately twenty-five years. SCOTT formerly served as head of the White House correspondence office, but she is currently working mostly on campaign matters. SCOTT was not close to the FOSTERs. SCOTT lived in California for a number of years before she joined the CLINTON administration. SCOTT worked on the CLINTON campaign in California prior to the election in 1992.

KENNEDY first met DAVID and EILEEN WATKINS in WDC after they all had moved there. KENNEDY only knew EILEEN WATKINS well. The only information KENNEDY knows about DAVID WATKINS is that he received a reprimand for his role in the White House Travel Office matter.

HUBBELL introduced interior designer KAKI HOCKERSMITH to the CLINTONS. KENNEDY has known HOCKERSMITH for a long time, and HOCKERSMITH is well known as a successful interior designer in Little Rock.

KENNEDY knows THOMAS F. "MACK" McLARTY and DONNA McLARTY through the church they attended in Little Rock. KENNEDY served on the church board with MACK McLARTY for three years. KENNEDY did not socialize with the McLARTYs much in Little Rock because McLARTY was a businessman, not an attorney. Accordingly, McLARTY was invited to state dinners and other events which were mostly attended by politicians.

FOSTER was a very quiet person, even while still living in Little Rock. KENNEDY sensed in WDC that FOSTER was working too hard and seemed troubled. Early in the administration, when FOSTER was living in WDC with only his daughter because LISA FOSTER had not yet moved to WDC, the KENNEDYs would go to dinner with FOSTER and his daughter approximately once a week. KENNEDY did not know that FOSTER was depressed prior to his death. FOSTER did not reduce his long work hours even after the rest of his family joined him in WDC. In contrast, BILL KENNEDY cut back

on his work hours after KENNEDY and their daughter arrived in WDC. FOSTER kept up his long hours from January 1993 through June 1993.

FOSTER had asked BILL KENNEDY to join the White House Counsel's Office because the lawyers already in the office were overwhelmed by the workload. KENNEDY did not have any sense that FOSTER was troubled by the content or nature of the work he was performing. FOSTER seemed to take the fallout from the White House Travel Office matter harder than BILL KENNEDY had taken it.

KENNEDY was previously skeptical that any of the RLF partners who joined the CLINTON administration had been involved in or had knowledge of wrongdoing. However, now that HUBBELL has pled guilty to criminal charges unrelated to Whitewater, KENNEDY believes that there is more to FOSTER's death than is currently known. KENNEDY is certain that FOSTER knew about HUBBELL's problems with his former partners at RLF. If BILL KENNEDY knew about HUBBELL's problems, KENNEDY is confident that FOSTER and First Lady CLINTON knew about HUBBELL's problems as well. BILL KENNEDY would not make a move without checking first with FOSTER.

The RLF partners who joined the administration, i.e., BILL KENNEDY, HUBBELL and FOSTER, had to put out fires before Governor CLINTON could even announce that he was running for president. For example, BETSEY WRIGHT was responsible for dealing with the so-called bimbo eruptions. KENNEDY does not know if there were also money-related problems which had to be addressed. KENNEDY has a vague recollection that HUBBELL, FOSTER and BILL KENNEDY had to deal with some sort of problem. KENNEDY believes this problem may have been something related to BILL KENNEDY's role in tightening security measures at RLF.

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FOIA(b)(7) - (C)

KENNEDY has seen LISA FOSTER once since KENNEDY returned permanently to Little Rock. KENNEDY has no knowledge of any financial difficulties FOSTER may have been experiencing. KENNEDY doubts that the FOSTERs had money problems because they were conservative people unlike the HUBBELLs, who were rather extravagant. KENNEDY has no knowledge of anything which may have been bothering FOSTER prior to his death. KENNEDY recalls FOSTER

as not at all high-strung, very calm and very stoic.

KENNEDY does not believe BILL KENNEDY knew of any Travel Office-related problems which involved FOSTER prior to FOSTER's death. That is, BILL KENNEDY never mentioned to KENNEDY that he had seen any indications of Travel Office problems relating to FOSTER.

BILL KENNEDY brought home a photocopy of the note which had been written by FOSTER but which was not found until several days after FOSTER's death. It was an actual copy of the original note and not a transcript of the content. KENNEDY does not know why BILL KENNEDY had such a lapse since he was always very careful about not bringing documents home from work. BILL KENNEDY expressed the opinion that the press should not have been involved in the investigation of FOSTER's death because there was nothing newsworthy there, and it was nobody's business if there was something unusual about FOSTER's death. KENNEDY does not recall BILL KENNEDY's reaction to the specific assertions made by FOSTER in the note.

KENNEDY read the note and felt that it looked like a list which FOSTER had prepared in case he was going to have to defend either himself or someone else. KENNEDY believes such a list would have been consistent with FOSTER's character because he would have felt protective and would have taken responsibility even for someone else's mistake.

KENNEDY sensed that FOSTER was not happy in WDC and was working too hard. KENNEDY also felt that LISA FOSTER was unhappy prior to FOSTER's death. The FOSTERs' son BRUGH hated WDC and frequently slept until noon. FOSTER felt responsible for BRUGH's unhappiness because FOSTER's acceptance of a position at the White House caused the entire family to have to move to WDC. Perhaps one to one-and-a-half months before FOSTER's death, his unhappiness was the subject of a conversation involving several Arkansans. Among the participants in this discussion were the HUBBELLs, MARSHA SCOTT, NANCY HERNREICH, and DEB COYLE. KENNEDY does not recall any specific details of this discussion.

KENNEDY does not believe resignation was an option for FOSTER. KENNEDY does not know if LISA FOSTER was pushing FOSTER to resign but it is possible. Before LISA FOSTER moved from Little Rock to WDC, LISA FOSTER told KENNEDY that she was not happy about leaving Little Rock but, if LISA FOSTER refused to

move to WDC, FOSTER would never forgive her. LISA FOSTER may have said that she was concerned her marriage would not last. KENNEDY had no sense that LISA FOSTER expressed such concerns to FOSTER himself.

During the weekend after FOSTER's funeral, HUBBELL and BILL KENNEDY went to the home of HILLARY RODHAM CLINTON's mother in Little Rock to meet with First Lady CLINTON. BILL KENNEDY asked First Lady CLINTON to go with him into another room where they could speak privately. BILL KENNEDY said to First Lady CLINTON that she would need someone she could trust to replace FOSTER as Deputy White House Counsel, and he offered to be that person. BILL KENNEDY asked to do some of the CLINTONs' legal work, and First Lady CLINTON said that she might send some of their legal work to BILL KENNEDY. There was a sense that FOSTER had performed personal legal work for the CLINTONs while FOSTER was working at the White House.

KENNEDY knows the name of BOB BARNETT but not in any specific context. She does not recognize the name of JIM LYONS.

Following FOSTER's death, NUSSBAUM promised BILL KENNEDY that he would be a Deputy White House Counsel. KENNEDY believes that BILL KENNEDY may have been given the title of Deputy White House Counsel along with a pay raise later, but BILL KENNEDY was not the sole deputy. There were a couple occasions when BILL KENNEDY told KENNEDY that First Lady CLINTON had given him something, which KENNEDY understood to mean legal work, that day.

It is possible FOSTER had Travel Office documents in his office at the time of his death but KENNEDY has no knowledge that was the case.

OFFICE OF THE INDEPENDENT COUNSEL

Date of transcription 2/1/95

LESLIE GAIL KENNEDY was contacted telephonically in response to a telephone call she had placed to Associate Counsel BRETT M. KAVANAUGH of the Office of the Independent Counsel (OIC), Washington, D.C. (WDC). KENNEDY was called from the OIC offices at 1001 Pennsylvania Avenue, N.W., Suite 490 North, WDC, and she was contacted at telephone number (501) 227-7460 in Little Rock, Arkansas. After being advised of the identities of the interviewing agents, KENNEDY provided the following information:

KENNEDY's former husband, WILLIAM H. KENNEDY III, hereinafter referred to as BILL KENNEDY, travelled to Little Rock, Arkansas, on or about Wednesday, January 5, 1994. Before he left to go on the trip, BILL KENNEDY told KENNEDY that the purpose of the trip was for him to visit his mother and to go hunting. After BILL KENNEDY arrived in Little Rock, he called KENNEDY from the offices of the Rose Law Firm (RLF). BILL KENNEDY had gone hunting that morning, and he told KENNEDY he could not discuss on the telephone why he was calling from the RLF offices. BILL KENNEDY called KENNEDY again later that day but again said he could not tell her what he was doing. This second call was placed from the office of attorney STEVE ENGSTROM, who is with the law firm WILSON, ENGSTROM, CORUM & COULTER in Little Rock. ENGSTROM has served as an attorney for President BILL CLINTON, and he also represented BILL KENNEDY in his divorce from KENNEDY. KENNEDY believes BILL KENNEDY was talking to ENGSTROM about Democratic Party matters on that occasion.

KENNEDY believes BILL KENNEDY flew from WDC to Little Rock on or about January 5, 1994. The calls from BILL KENNEDY in Little Rock to KENNEDY in WDC were made on either January 6 or January 7, 1994. BILL KENNEDY attended the funeral for President CLINTON's mother on Saturday, January 8, 1994, and BILL KENNEDY flew back to WDC on Sunday, January 9, 1994.

While BILL KENNEDY was still in Little Rock on this trip, KENNEDY had a telephone conversation with SUSIE HUBBELL,

who is the wife of WEBSTER HUBBELL. KENNEDY was upset at BILL KENNEDY for leaving her in WDC because KENNEDY was ill yet still had to care for their children while BILL KENNEDY was hunting in Arkansas. During the course of the conversation with KENNEDY, SUSIE HUBBELL related a conversation in which MARSHA SCOTT had asked HUBBELL if KENNEDY knew the real reason BILL KENNEDY had gone to Little Rock, which was to work on something related to Whitewater. HUBBELL and SCOTT already knew BILL KENNEDY was in Little Rock without KENNEDY having mentioned it to either of them.

After BILL KENNEDY returned to WDC from his trip to Little Rock, the KENNEDYs' marriage began to dissolve and divorce proceedings began shortly thereafter. After his return from the trip to Little Rock, BILL KENNEDY never told KENNEDY why he had gone there or what he had done while there.

BETSEY WRIGHT maintained a database known as the people base, which contained the names of people who were regarded as friends or foes of BILL CLINTON when he served as governor of Arkansas. This database could be used, for example, to identify people who had contributed to past CLINTON election campaigns.

FOIA(b)(6)
FOIA(b)(7) - (C)

When KENNEDY moved from WDC back to Little Rock in 1994, BILL KENNEDY still had a number of files stored in the basement of the KENNEDYs' house in Virginia. KENNEDY has no knowledge what BILL KENNEDY may have done with these files or what their contents were. KENNEDY presumes BILL KENNEDY may have brought the files with him when he moved back to Arkansas.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription [redacted]

[redacted]

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

Investigation on [redacted] at Little Rock, Arkansas File # 29D-LR-35063 Sub 17

by FOIA(b)(7) - (C) Date dictated [redacted]

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

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FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

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FOIA(b)(3) - Fed. R. Crim. Pro. 6(e) - Grand Jury

A Special Report from the Pittsburgh *Tribune-Review*

Wednesday, February 14, 1996

Contact: (603) 887-2445

Make-up Artist Links Clinton to Possible Cover-up

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—It is said to be one of the closely guarded secrets involving the federal probes into the death of Vincent Foster.

And for good reason: it indicates to some investigators not only that a cover-up was under way early on the night of Foster's death, but also that President Clinton may have been linked to those activities.

The secret: a make-up artist for CNN's Larry King Live program has told federal investigators that she overheard a conversation indicating Clinton was aware of Foster's death before he appeared on the King show live from the White House library.

According to a source, the make-up artist came forward in 1994 to tell her story during the latter part of Special Counsel Robert Fiske's investigation into Foster's death.

The woman told investigators that as she was applying make-up to Clinton's face at the White House—shortly before the program's 9 p.m. air time—an unidentified male presumed to be an aide notified Clinton that a note had been found in Foster's office.

The president and White House officials say that he was not notified of the death until 10 p.m., over an hour later, by Chief of Staff Mack McLarty.

White House officials also say that no officials entered Foster's office until about 10 p.m. and that no notes or documents relating to the attorney's death were found or removed from the office that evening.

The young female make-up artist has told investigators that McLarty was present when the president was informed about activities in Foster's office. She was unable to identify the man who spoke with the president.

Her account was taken seriously enough that investigators had her review photos of White House staffers. She was still unable to identify the person, the source said.

The make-up artist, who has left CNN to work in CNBC's Washington Bureau, told the Tribune-Review she could not comment on the matter.

"I usually don't discuss my clients and what goes on. It's not a good practice," she said.

Fiske issued his Foster report on June 30, 1994, concluding that there was no evidence of foul play or a cover-up of the death. The make-up artist's account was not mentioned.

A month later, two of Fiske's FBI investigators stated those conclusions for a Senate Banking Committee hearing. In neither instance did the make-up artist's account surface.

Sources close to the Senate committee probe of the death said they were not informed of the woman's claims by Fiske, or provided with her FBI statement.

Fiske released dozens of FBI statements to the committee, which have since been made public. The make-up artist's statement was not included in those released.

Her statement was considered credible by investigators because of other evidence that the White House knew earlier about the death than it claimed. Her comments are also consis-

FOIA #none (URTS 16306) Docld: 70105096 Page 183

tent with information gathered by investigators that an intruder alarm went off in the White House counsel's office, which includes Foster's, just after 7 p.m. on the night of his death—but well before the time the White House claimed it was notified by Park Police that Foster was dead. An alarm again went off after 10 p.m., but officials claim to have been notified by then.

OFFICIAL VERSION

During a press conference the day after Foster's death, conducted by Communications Director Mark Gearan and McLarty, Gearan laid out the official White House chronology of events.

During that time, Gearan had a testy exchange with reporters, who were incredulous about the statement that it took nearly four hours to confirm Foster was dead. Foster's body was found by Park Police just after 6 p.m. Police say a single gunshot wound to the head was self-inflicted.

Gearan said that White House security aide Craig Livingstone, a political appointee of the Clintons, was notified at about 8:30 p.m. of the Foster matter, and that the White House's chief administrative officer, David Watkins, was notified about 9 p.m.

Gearan told the press: "Soon after the (Larry King) show began, we were pulled from the staff room where . . . McLarty was informed of this—that it was an unconfirmed report. In the intervening 50 or so minutes, efforts were made to both confirm and to make preliminary calls . . ."

Confirmation, Gearan said, came at 9:55 p.m., and only then was Clinton told.

The president was finishing his first hour with King when McLarty informed him of a problem, and Clinton had to renege on his offer to King to continue for an additional half-hour.

According to Newsweek, Clinton asked McLarty, "What is it? It's not Hillary or Chelsea." The two went up to the residence quarters of the White House where Clinton was told of Foster's death. "Oh no," the president reportedly cried out.

Calls to the White House and Fiske for comment on this story went unreturned.

The Tribune-Review has reported that investigators for Kenneth Starr, Fiske's successor, have said that at one point they were examining the possibility that White House officials knew about the death much earlier. Some investigators believed that the time of the official notification to the White House may have been extended to allow for unnamed officials to engage in an examination of Foster's office and possibly the crime scene before any law enforcement authorities, such as the FBI, could assert jurisdiction and secure the scene and premises.

Several points of evidence and testimony suggest that the long delay in notification of the death doesn't jibe with the facts. These include:

- Grand jury evidence turned up last year that members of the Special Forces, an elite unit of the Park Police closely associated with the White House security, were at Fort Marcy Park—where Foster's body was found—by 7 p.m. on the night of the death.
- Several accounts by police and emergency workers that demonstrate officials knew Foster was a White House official by 7 p.m. after searching his car early in the evening and finding his White House identification card.

  These accounts directly contradict the testimony of other Park Police that they stumbled upon the ID after entering the car much later, at about 8:30 p.m.
- The sworn statements of two Arkansas State troopers that Chelsea Clinton's nanny, Helen Dickey, called the Arkansas governor's mansion earlier on the evening of the 20th—as early as 6 p.m Washington time—to notify Gov. Jim Guy Tucker of the death. Officials say that Foster's body was not even found until after 6 p.m.

Additionally, London's Sunday Telegraph reported a Secret Service log shows that just after 7 p.m., security officials cleared a "MIG" Group—a military intelligence group—into the White House West Wing. They met with presidential assistant Patsy Thomasson. Thomasson admitted to entering Foster's office later that night. The Secret Service told the Telegraph the MIG groups activities are classified.

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A Special Report from the Pittsburgh *Tribune-Review*

Sunday, February 11, 1996

Foster Case: Starr Investigator Sought Testimony Changes

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

LITTLE ROCK, Ark.—Two state troopers here claim an investigator for Independent Counsel Kenneth Starr tried to have them change their testimony relating to a critical aspect of the death investigation of Vincent W. Foster.

Trooper Larry Patterson said he met with three investigators from Starr's office shortly before Christmas. According to Patterson, the primary investigator, Coy Copeland, a retired FBI agent, spent 45 minutes "trying to trip me up, to find a problem in my story."

Patterson, a 29-year veteran of the Arkansas state police, found Copeland's questioning tactics unusual for a police investigation. "Usually the witness offers his statement of their account and then the investigator asks several clarifying questions." But Patterson says that was not the case here, where he believed Copeland was attempting to have his statement leave open the possibility that he was in error.

Patterson's recollection of the time he was notified of Vince Foster's death is a critical one. If true, it could indicate a cover-up of the late deputy White House Counsel's death was under way even before Park Police found Foster's body.

According to Patterson, on the day of Foster's death, July 20, 1993, he left work at his normal time, 4:30 in the afternoon. He said it takes no more than 20 minutes to commute home.

He vividly remembers entering his Little Rock apartment and "not changing from my uniform, not having a Coke or anything to drink and the phone rang."

"It was Roger (Perry)," Patterson said. "He told he had just received a call from Helen Dickey that Vince Foster had blown his brains out in the parking lot of the White House." Dickey was then working as a staff assistant at the White House. Her duties included being a nanny for Chelsea Clinton.

Patterson placed Perry's call—which Perry said he made to Patterson moments after receiving Dickey's—definitely at no later than 5 p.m. Arkansas time "at the latest."

If that is true, that means Dickey knew about Foster's death about 15 minutes before Park Police even found—about 6:15 Washington time—the body at Fort Marcy Park in suburban Washington. It also means that the official account, that the White House was informed sometime around 8:30 p.m. or after, is not true.

DICKEY CALL

Dickey, who has since left the White House, signed a document that was released last year to the Senate Banking Committee indicating that she called Perry on the night of Foster's death, but sometime after 10 p.m., after President Clinton ended an appearance on the Larry King Live Show. Dickey's statement appears to be sworn and notarized.

Trooper Perry, who was on guard duty at the Governor's mansion in Arkansas on the day of Foster's death, said he received the call from Dickey early on the evening of the 20th—contradicting her statement.

"Helen called crying, and she said 'Vince got off work, went out to the parking lot and shot himself in the head,'" Perry quoted Dickey.

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Foster was found dead that evening, not in his car, but on the side of a slope in a wooded park hundreds of yards from his car.

The Tribune-Review has reported that investigators for Starr have said that at one point they were examining the possibility that officials knew about the death much earlier, and the time of the official notification of the death by the Park Police to the Secret Service—about 8:30 p.m.—may have been extended to allow for unnamed individuals to engage in a cleanup operation of Foster's office and possibly the crime scene before any law enforcement authorities, such as the FBI, could assert jurisdiction and secure the premises.

Patterson's account apparently supports Perry's account. Perry said he also called a former Arkansas State Police director, Lynn Davis, after receiving Dickey's call. Davis has also sworn he received Perry's call early on the evening of July 20—at about rush hour time which is between 4 and 6 p.m. Arkansas time.

Investigators for Starr have apparently taken some interest in the matter.

During his questioning, Patterson said, he reviewed his simple story many times and Copeland proposed numerous "could of" or alternative scenarios to explain away the discrepancy, such as "Could you have stopped at the bank?"

According to Patterson, Copeland said, "I'm not trying to get you to change your story but . . ."

At which point Patterson said he interjected in frustration, "You damn well won't."

PERRY CHARGES

Similarly Perry, who also said he was interviewed by Copeland for over 1-1/2 hours, said the purpose of the interview was clear. "Copeland acted like he wanted me to change my story," Perry said.

Starr's investigators "wanted me to say it was possible Dickey called me at 9:15 or 9:30 Washington time, which would have been 8:30 Arkansas time. This was not possible," Perry said. He also said Copeland offered other possible scenarios as to what happened and seemed intent on having Perry admit he could have been mistaken.

Both Patterson and Perry suggested that Starr get phone records from the White House and the governor's mansion, since Tucker made several calls immediately after Dickey's call as well. According to the troopers, Copeland said the White House does not keep itemized phone records and that Tucker's records could not be subpoenaed because he was "under indictment."

The troopers' statements appeared to fit a pattern of controversy relating to the treatment of witness statements begun under the first Whitewater prosecutor.

A so-called confidential witness, the person who found Foster's body, has charged that FBI agents for Robert Fiske badgered him to alter his testimony—asking him as many as 25 times if a gun "could have" been in Foster's hand.

Another witness, Patrick Knowlton, says FBI agents "lied" in his witness statement, and asked him dozens of times about matters relating to Foster's Honda where his account contradicted official's claims.

Commenting on the confidential witness charge of badgering, former FBI Special Agent William F. Roemer said that repeatedly asking a witness the same questions or proposing alternative scenarios to a witness is inappropriate.

Roemer, the most decorated former FBI agent alive, said basically the interviewing agent asks the witness for their statement, then may ask some follow-up questions for clarification purposes.

According to a source, grand jury proceedings last year turned up numerous examples of witnesses indicating their statements to the FBI had been altered or mitigated.

For example, Fairfax EMS worker Todd Hall's FBI statement for the Fiske investigation stated upon finding Foster's body he "saw something red moving in the woods" and later: "Hall believes it is possible that he could have seen vehicular traffic" from a nearby road.

In fact, Hall said he testified that he told the FBI he saw a person running from the body and that FBI agents suggested the possibility that the person he saw was actually a car.

Copeland, reached at Starr's office in Washington, said he could neither "confirm nor deny" or make any comment on the matter.

Starr's spokeswoman, Debbie Gershman, offered no comment saying the investigation was active.

Perry and Patterson said they have not been called before a grand jury to testify on the matter.

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A Special Report from the Pittsburgh *Tribune-Review*

Sunday, February 4, 1996 http://www.tribune-review.com/trib/

Aide Saw Foster Leave with Briefcase: Contradicts Official Claims

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON—A White House staffer, among the last people to see Vincent Foster alive, has told federal investigators that Foster was carrying a briefcase when he left his office on the day of his death.

The account directly contradicts two federal investigations that have painted a scenario of Foster leaving his office without his briefcase.

In 1994, Thomas Castleton, a young staffer in the White House Counsel's Office—where Foster was a deputy—told investigators for Special Counsel Robert Fiske that when he saw Foster leave his West Wing office, Foster was holding a briefcase case, according to a source familiar with Fiske's probe.

Several witnesses who say they saw Foster's car in Fort Marcy Park on July 20, 1993—before and after the police arrived to investigate the discovery of Foster's body—also have apparently told Fiske's investigators they saw what appeared to be a briefcase or attaché case on the seat of Foster's Honda.

Castleton's testimony adds further weight to their observations. It also further fuels speculation that—as some investigators believe—a cover-up of the death may have been under way early on the night of the death and that the removal of the briefcase from the crime scene at Fort Marcy may have been part of the effort.

Official Park Police investigative and evidence reports make no mention of a briefcase, and several policemen have testified pointedly under oath that there was no briefcase at the scene, according to sources.

Castleton, since promoted to the Department of Justice's Office of Legislative Affairs, declined to comment on the matter for the Tribune-Review.

Despite the possible implications of Castleton's account, Fiske, in his June 1994 report on Foster's death, made no mention of Castleton's recollection of seeing Foster leave with the briefcase. Instead, he offered another account.

The Senate Banking Committee signed off on Fiske's report after a single day of hearings in July 1994. The committee also released more than 2,500 pages of documents and FBI interview statements given to it for review by Fiske's staff.

Castleton's interview statement was not included in those documents which have been made public.

Castleton's interview statement, however, was included in material Fiske turned over to his successor. Fiske, the original Whitewater special prosecutor, was later replaced by Kenneth Starr.

FISKE VERSION

According to the Fiske report, Foster left work on the day of his death at about 1 p.m. after eating lunch in his office. Soon after that, he drove to suburban Washington's Fort Marcy Park, where he shot himself in the head with a 1913 Colt revolver.

The report addresses the issue of a briefcase. On page 26 is the following: "At about 1 p.m., (Foster) came out of his office holding his suit jacket, without

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a briefcase. He told (Linda) Tripp (the top assistant) that there were still some M&M's on the tray if she wanted them. He said 'I'll be back' and then left."

Foster never did return, leaving major questions in his wake for investigators: Where was Foster going? Why did it take so long for his body to be found (nearly five hours)? Why didn't anyone see him in the interim?

Two prosecutors told the Tribune-Review that if Castleton's statement about the briefcase had been accepted by Fiske's investigators, it would have raised the possibility of a cover-up (the improper removal of the briefcase from the crime scene) and of foul play in the death (where was Foster before he was found in the park?).

The only statement by Castleton in the material given to the Senate Banking panel is a brief one found in the Park Police report compiled shortly after Foster's death. Castleton told the Park Police that he "was present when Mr. Foster left the office after eating lunch and said 'So long.' Mr. Foster did not respond and seemed to Mr. Castleton to be 'In his own world,' focused and disturbed."

The written account of the Park Police interview with Castleton on July 22, 1993, makes no mention of any briefcase.

Yet the briefcase becomes an issue in the police interview that immediately followed Castleton's, the interview of Linda Tripp, executive assistant to White House Counsel Bernard Nussbaum. The police account of Tripp's interview has her "absolutely certain that Mr. Foster did not carry anything in the way of a briefcase, bag, umbrella, etc. . . out of the office."

LIAISON OFFICER

The issue of the briefcase cropped up early last year during grand jury proceedings in Washington led by Associate Independent Counsel Miquel Rodriguez.

Rodriguez eventually resigned from Starr's staff to return to his post as an assistant U.S. attorney in Sacramento, Calif. The Tribune-Review has reported that Rodriguez's superiors thwarted his efforts to conduct a full probe. The stunted grand jury proceedings brought no indictments.

But two sources close to Starr's probe confirmed for the Tribune-Review that at one point their investigation had focused on the possibility that someone had returned the briefcase to the White House. The matter was not pursued after Rodriguez left.

During grand jury testimony, a ranking Park Police officer said that a "liaison officer" with the U.S. Secret Service was present at Fort Marcy on the night of the death. The presence of an additional law enforcement agent contradicts official records, the sworn testimony of some officers, and claims that the death investigation was solely handled by the Park Police.

During grand jury proceedings last year, at least four park policemen testified there was no briefcase at the scene.

However, Rodriguez had turned up photographic evidence of a black briefcase lying in the vicinity of Foster's car. The police said it was a carrying case for crime scene equipment, but during proceedings admitted that their cases are tan or silver, not black like the one depicted in an enhanced photograph.

Testimony also demonstrated that the briefcase found at Fort Marcy was not the leather satchel case found in Foster's office after his death, and one in which a torn note surfaced almost a week later. Foster was said to rarely, if ever, have carried that case.

Patrick Knowlton, the first witness to have spotted Foster's Honda in Fort Marcy's lot, told Fiske's FBI agents that he "observed in this Honda a leather briefcase or leather folder on the passenger side seat."

Similarly, at least two emergency workers told Fiske's investigators and Starr's grand jury they saw a briefcase after the police arrived. Paramedic Sgt. George Gonzalez told the FBI, "The Honda contained a necktie, suit coat, and a black briefcase/attaché case."

Shortly after Rodriguez's departure, Starr effectively closed down the investigation into Foster's death, and no indictments have been handed up.

Vincent Foster: The Ruddy Investigation is available by calling (800) 711-1968

Chris Ruddy is available for interviews by calling (603) 887-2445

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October 25, 1995
For Immediate Release

For more info: Anne Dunne
410-576-0900

Press Conference Today:

OXFORD EXPERT DECLARES FOSTER NOTE A "FORGERY"

At a press conference today, a world renowned forensic handwriting expert from Britain's Oxford University, along with two American forensic experts, will give the results of their examination of a copy of a torn note. The torn note was found in the briefcase of former Deputy White House Counsel Vincent W. Foster, Jr. shortly after his death.

Leading the panel of forensic experts, a prominent British authority, who has lectured on handwriting, manuscripts, and forgery detection at Oxford University for over thirty years, will offer his findings: the torn note is a forgery. The Oxford expert has ruled on a number of celebrated cases, and has flown into Washington for the press conference today.

Two other prominent forensic document examiners will offer their findings, illustrations, and detail the improper handling and investigation of the note by federal authorities.

James Dale Davidson, Editor of Strategic Investment, a prestigious financial newsletter, organized today's conference. Mr. Davidson will open the conference with a statement.

WHEN: Wednesday, October 25, 1995
TIME: 10AM Sharp
PLACE: WILLARD HOTEL(Crystal Room)
14th Street and Pennsylvania Ave
(across from Press Building)

Written reports will also be available to the press. A question and answer session will follow the panel's presentations.

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From: Western Journalism Center / Joseph Farah / (916) 852-6300

Associated Press national wire story on Foster case follows. Pittsburgh Tribune-Review reporter Christopher Ruddy broke the story.

Friday, October 20, 1995 — Associated Press

WASHINGTON (AP) — Whitewater prosecutors have hired the chief medical examiner of San Diego to review findings in the death of deputy White House counsel Vincent Foster.

Dr. Brian Blackbourne said Friday he would be meeting with Whitewater prosecutors in Washington and that he is weeks away from reaching any conclusions about the Foster matter.

Blackbourne joins Dr. Henry Lee, a forensic scientist who testified at the O.J. Simpson trial. Lee was hired by Whitewater prosecutors in May to examine the physical evidence and photos taken in the Foster death.

Two earlier investigations concluded that Foster died of a self-inflicted gunshot wound to the head. His body was found July 20, 1993 in a Virginia park outside Washington.

Blackbourne's hiring was first reported in Friday editions of the Pittsburgh, Pa., Tribune-Review.

Breaking the News Again

Friday, October 20, 1995 — Pittsburgh Tribune-Review

New Face Emerges in Probe of Vincent Foster's Death

By Christopher Ruddy
FOR THE TRIBUNE-REVIEW

WASHINGTON — Whitewater Independent Counsel Kenneth Starr has hired San Diego Chief Medical Examiner Dr. Brian Blackbourne to re-examine the death . . .

The WASHINGTON POST the following day

Saturday, October 21, 1995 — Washington Post

Medical Expert Hired in Foster Probe

Associated Press

Whitewater prosecutors have hired the chief medical examiner of San Diego to review findings in the death . . .

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Wednesday On The Web (http://www.pacg.com/pvbr/).

WEDNESDAY ON the WEB

A DIFFERENT KIND OF WEEKLY NEWS AND VIEWS CYBERMAGAZINE

EDITORIALS

THERE THEY GO AGAIN! -- 60 MINUTES: A TRIUMPH OF BIAS OVER TRUTH

It's an old trick every journalist knows-- when you want to slant a story to come out the way you want it to, find sources known to be friendly to your viewpoint who'll say what you want them to say, and stay away from people who insist on revealing things that contradict your slant.

If you're a TV journalist, you can go even further; you can interview unfriendly sources and edit the tapes, leaving out whatever contradicts your bias. Or you can leave the entire interview on the cutting room floor.

Nobody is better at this than the people at 60 Minutes. They proved it with their totally misleading broadcast dealing with Alar -- a chemical used at the time by apple growers. Challenged by apple growers and others who pointed out some very inconvenient facts, they went back and did a second piece, even more misleading than the first.

They did it again in a totally misleading piece that besmirched the reputation of General William Westmoreland -- a piece castigated by CBS itself after an internal investigation turned up hanky panky in the production.

More recently, they got in a lot of trouble with American Catholics when they aired the petulant gripes of a small group of dissidents from Catholic teaching and presented them as typical of the views of the laity in America, which demonstrably they are not.

Well, they're at it again. Obviously smitten with William Jefferson Blythe Clinton, the ultra-liberal 60 Minutes bunch set out to whitewash the blatantly obvious cover-up in the matter of the death of Vincent Foster, Bill C's good buddy and White House counsel, and Mrs. William Clinton's former good and dear friend and law partner.

The Foster case is potential dynamite. The official investigation was a farce, as anyone looking at the results of both the Government probe and the almost laughable conclusions of former independent counsel Fiske quickly learns.

Last week, in discussing the Foster case, we noted that Big Media's attitude was either one of hands-off the case or of categorizing anyone who questions the official line as an incorrigible kook.

After all, if the whole truth about the mysterious death of Vincent Foster was to become known it could easily spell the end of the Clinton Administration and sound the death knell of the loony liberalism to which most Big Media is committed. This, of course, must be avoided at all costs, even if the media has to aid and abet a cover up.

Five days later, Mike Wallace and his cronies weighed in on the skeptic-bashing side. The 60 minutes crew pulled out all the stops, editing interviews, ignoring facts that contradicted their you're a-wacko-conspiracy-theorist-if-you-question-the-official-findings line.

In our Media Monitor section, with the help of two well informed critics of the official probe, we take a close look at the way 60 Minutes manhandled what could be the defining episode in the dreary presidential saga of William Jefferson Blythe Clinton.

TAX CUTS --WHO GETS WHAT?

The rich, it is said, get richer, while the poor have more children. This old saw comes to mind everytime we hear some dazed Democrat screech about Republicans wanting to give tax cuts to the rich.

Given the fact that by far the largest chunk of the $284 billion tax break the GOP is planning is the $500 per child tax break for parents, and if indeed the poor have more children, shouldn't this be called a tax cut for the *poor*?

After all, the more kids you have the more money you'll get back from Uncle Sam.

This latest excursion into class warfare borders on the criminal. The Democrats and their allies in big labor know darned well that linking Medicare and Medicaid and welfare reform to tax reform is about as sleazy a tactic as their charges that the GOP wants to cast the elderly, the sick and disabled and the disadvantaged young into the outer darkness where there is weeping and wailing and gnashing of teeth for the lowly, and unrestrained glee from all those GOP fat cats watching their plight from their mansions.

And the media doesn't help matters when they chatter about "cuts" in Medicare when they know that it is NOT being cut -- that only the *increase* in Medicare is being reduced by a few percentage points.

The Republicans are doing exactly what they said they'd do if given control of Congress. The public believed them, gave them control, and you can bet the American people are pleased with how the GOP are keeping their promise to reduce big government, stop wasteful spending and give the people back some of the money Uncle Sam has been taking from them thanks to a thoroughly corrupt and now discredited Democratic Party-controlled Congress.

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Class warfare just plain doesn't work anymore, and the scoundrels engaging in it are going to discover that fact a year from next month.

MEDIA MONITOR

In a blistering assault on the 60 Minutes broadcast they called "Mike Wallace's Fake Foster Probe," media Critics Reed Irvine and Joseph Goulden exposed Wallace's assertion that he had "dealt with," the most important questions about the case as nothing but a sham.

Here are key excerpts from the column which Accuracy In Media's Reed Irvine graciously supplied to Wednesday On The Web:

"On October 8, as the FBI was heading into its fifth week of an exhaustive search for the bullet that killed former White House deputy counsel Vince Foster, "60 Minutes" aired a vicious attack on Christopher Ruddy, the reporter who forced the reopening of the Foster investigation in January, 1994, six months after the White House thought it was buried for good.

"Ignoring the fact that FBI agents were literally making a shambles of Fort Marcy Park in their inch-by-inch search for the missing bullet, Mike Wallace claimed that there are no valid grounds for questioning the theory that Foster Committed suicide in the park."

Noting that Wallace ended the Foster segment of the program by declaring the evidence supported only one conclusion: that Foster killed himself in the park, Irvine and Goulden charged that Wallace's claim he had dealt with the most important questions about the case was "false."

"There are a number of questions for which there are no answers that are consistent with the suicide in the park theory. Wallace ignored all of them," they wrote.

"The only question Wallace addressed that is relevant to the ongoing debate over Foster's death is the claim that the small amount of blood observed at the scene is one of several indicators that he did not die in the park. The fact that there was little blood was noted by the medical technicians who found the body. One of them, Sgt. George Gonzalez, told the FBI that 'there was not much blood at the scene for the manner in which the victim died.' Corey Ashford, who lifted the body by the shoulders, cradling the head, said he 'did not recall seeing any blood and did not recall getting any on his uniform or his disposable glove.'

"'60 Minutes' ignored them, focusing on Dr. Donald Haut, the part-time county medical examiner who approved the removal of the body. Chris Ruddy has Haut on tape saying 'There was not a hell of a lot of blood on the ground.' Wallace asked Haut if he told Ruddy 'there was an unusual lack of blood at the scene.' He said 'No,' saying that there was 'plenty of blood' for Foster to have died there, creating an illusion that Ruddy had misquoted him."

But, the columnists noted, Haut also told the FBI that the amount of blood was small, and that he didn't recall seeing blood on Foster's shirt or face or any blood on the vegetation around the body.

"Dr. Haut concluded from this that a low velocity bullet had been used, but the spent cartridge case in the gun in Foster's hand was stamped 'HV,' meaning high velocity.

FOIA # none (URTS 16306) DocId: 70105096 Page 192

Mike Wallace didn't mention all this because the small amount of blood, together with an absence of skull fragments, brain tissue and blood spatter and the fatal bullet, means there is no forensic evidence to prove that Foster shot himself in the park. That is why the FBI has spent a month looking for the missing bullet."

We are also indebted to Joseph Farah, founder and director of the Western Journalism Center which has both supported Ruddy's investigative reporting and retained veteran homicide experts to examine the evidence.

Farah shared his outraged reaction to the scandalous 60 Minutes whitewash with Wednesday On The Web.

60 Minutes, Farah said, made an attempt to close the case on the controversy of Vincent Foster's death.

"They failed," he said.

"Anyone with half a brain could see they didn't do what Ruddy has done -- compare the known facts to expert forensic opinion. Instead they had to manipulate and edit Ruddy's lengthy interview and distort the case.

"They didn't even mention that Independent Counsel Starr says the investigation is on-going and has forensic scientist Henry Lee looking into the case."

Among Farah's criticisms of the 60 Minutes broadcast:

- Wallace said that Foster, who is right handed, was left handed.

"Wallace never mentioned that it was the Boston Globe which first reported Foster was left-handed. Ruddy, in fact, is the first to have reported that Foster was right handed.

- 60 Minutes took Dr. Haut's testimony that contracted Ruddy's assertion that Haut had seen little blood at the alleged death scene under Foster's body.

"In a tape recorded interview with Haut, Haut told Ruddy "*There was not a hell of a lot of blood on the ground.* Most of it had congealed on the back of his head.' Ruddy told Wallace during his interview that he had the interview on tape.

"Was Wallace interested in the tape, or confronting Haut with it to ask him why he changed his story? Apparently not. Wallace didn't even confront Haut with his statement to the FBI which is not consistent with the story is now giving 60 minutes.

"The bottom line is this: '60 Minutes and Mike Wallace didn't want to find the truth, it just wanted to use Haut to rebut Ruddy and cast doubt on his reporting.'

- Farah added that the amount of blood wouldn't be a point of controversy had not the photographs of the scene mysteriously disappeared along with a 35mm film, another set of polaroids and autopsy X-rays.

"60 Minutes could have asked what happened to this critical evidence, but they didn't," Farah said.

- Wallace claimed that carpet fibers found on Foster's body could have come from walking across carpets and that Foster's house had just been carpeted.

"Nice try," Farah said. "Carpet fibers of seven different colors were found on almost every piece of clothing, including Foster's underwear. They didn't get swept up from walking across carpets as Wallace asserted. If this important evidence could be from Foster's home, why weren't they matched to it by the FBI? If the fibers could be from anywhere, as Wallace asserted, why conduct the test in the first place?

- "The really crucial aspects of Ruddy's investigation were omitted by 60 Minutes: seven leading forensic experts say the powder burns on Foster's hand are inconsistent with suicide; the gun in Foster's hand was never positively indentified as being his; Foster's eyeglasses were found 19 feet from his head; two witnesses said they saw two men (not Foster) in and around Foster's car -- one with the hood up, just before police arrived; Foster's car keys were not found on his body in the park. The Park Police never handled the case properly, and the record shows Fiske accepted the police investigation at face value.

"These are just a few of the items Ruddy has detailed in almost two years on this case, asking the type of questions Mike Wallace and 60 Minutes can't or are afraid to. Even ABC's Nightline had to admit Ruddy has raised legitimate questions about the case.

- '60 Minutes also omitted the very serious statement former FBI Director William Sessions made last year, stating that the investigation into Foster's death was 'compromised' from the beginning. Wallace couldn't even mention this because if the original investigation was 'compromised' then the center piece of Wallace's argument -- that the case is closed because the official investigations says it is, falls," Farah said.
- "Also shocking was the fact that Wallace withheld key evidence that Foster's body was moved: the FBI found no trace of soil on Foster's shoes, despite a 700 foot trek through the park. Wallace had good reason not to mention this. Wallace admitted to Ruddy during their off-air interview he had found soil on his own shoes he tested after taking the same walk while at Fort Marcy Park.

"'No evidence,' Mike, or just no evidence you think the American people should know about?" Farah asked.

Reed Irvine asked Wallace in a phone call to cite just one piece of forensic evidence that supported the suicide in the park theory.

"He ducked and he dodged," Irvine reported. "After we asked the question literally ten times, he said 'I'll tell you what I'll do. I'll put it in writing." When we reminded him of that promise the next day, he asked "What do you mean by forensic evidence?'

"This is one of the country's best known investigative reporters? As mike himself might say, 'Give us a break!'"

**********FAX TRANSMITTAL SHEET**********

OFFICE OF THE INDEPENDENT COUNSEL
TWO FINANCIAL CENTRE, SUITE 134
10825 FINANCIAL CENTRE PARKWAY
LITTLE ROCK, ARKANSAS 72211

MAIN NUMBER: (501) 221-8700 FAX NUMBER: (501) 221-8707

TO: DC DATE: 10/25/95

TEL: FAX NUMBER:

FROM: Deb NO. OF PAGES:
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